

**AN ORDINANCE REGULATING WATER SUPPLIES, CONSTRUCTION AND
MODIFICATION OF WELLS, SEALING OF ABANDONED WELLS AND THE INSPECTION
OF WATER SUPPLIES AND THEIR COMPONENTS IN JACKSON COUNTY, ILLINOIS**

This Ordinance shall commonly be referred to as the Jackson County Well Ordinance.

SECTION 1 - DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

1. ABANDONED WELL shall mean a well that is no longer used to supply or monitor water, or to exchange heat, or is in such a state of disrepair that the well or boring has the potential for transmitting contamination into an aquifer or otherwise threatens the public health or safety.

2. CLOSED-LOOP WELL shall mean a sealed, watertight loop of pipe buried outside of a building foundation intended to re-circulate a liquid solution through a heat exchanger but is limited to the construction of the borehole and the grouting of the borehole and does not include the piping and appurtenances used in any other capacity. "Closed loop well" does not include any horizontal closed loop well systems where grouting is not necessary by law or standard industry practice.

3. COMMUNITY PUBLIC WATER SYSTEM shall mean a public water system that serves 15 service connections used by residents, or regularly serves 25 or more residents for at least 60 days each year.

4. HEALTH AUTHORITY shall mean that person or persons designated by the Jackson County Health Department to enforce this Ordinance.

5. HEALTH DEPARTMENT shall mean the Jackson County Health Department, including its duly authorized representative.

6. HEALTH DEPARTMENT ADMINISTRATOR shall mean the individual selected by the Jackson County Board of Health to administer, enforce the policies, Ordinances, Resolutions and laws of the Board.

7. NON-COMMUNITY PUBLIC WATER SYSTEM shall mean a public water system that is not a community water system, and has at least 15 service connections used by nonresidents, or regularly serves 25 or more nonresident individuals daily for at least 60 days each year.

8. POTABLE WATER shall mean water that is suitable for human consumption

and that meets the Health Department's standards for drinking water.

9. PRIVATE WATER SYSTEM shall mean any supply that provides water for drinking, culinary and sanitary purposes and serves an owner-occupied single family dwelling.

10. SEMI-PRIVATE WATER SYSTEM shall mean a water supply that is not a public water system, yet the semi-private system serves a segment of the public other than an owner-occupied single family dwelling.

11. WATER WELL shall mean an excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use is for the location, diversion, artificial recharge or acquisition of ground water.

12. WELL shall mean a bored, drilled, or driven shaft, or dug hole, the depth of which is greater than the largest surface dimension. For purposes of this Ordinance, means either a water well or closed-loop well.

SECTION 2 - ADOPTION BY REFERENCE

In addition to those provisions set forth in this present Ordinance, the following provisions, including any future revisions or amendments, are hereby incorporated herein by reference as if part of the Ordinance:

1. Water Well Construction Code, 77 Ill. Adm. Code 920.
2. Illinois Water Well Pump Installation Code, 77 Ill. Adm. Code 925.
3. Drinking Water Systems Code, 77 Ill. Adm. Code 900.

SECTION 3 - PUBLIC WATER SUPPLY USE

In those locations where a public water supply is reasonably available, it will be required that the sole source of water be supplied by the public water line. A public water supply is deemed reasonably available when the subject property is located within 200 feet of the public water supply to which connection is practical and is permitted by the controlling authority for the public water supply.

SECTION 4 - POTABLE WATER SUPPLY REQUIRED

All premises for human habitation or occupancy shall be provided with a potable water supply. The potable water supply shall not be connected to non-potable water and

shall be protected against back flow and back siphonage in accordance with the requirements of the Illinois Plumbing Code. Each potable water supply shall provide quantities of water that are sufficient for drinking, culinary and sanitary needs of the dwelling or premises served. A minimum system pressure, as specified in the Illinois Plumbing Code, shall be maintained throughout each potable water supply.

SECTION 5 - ABANDONED WELLS

Wells that are abandoned shall be sealed in a manner prescribed by the Health Authority and the Water Well Construction Code.

SECTION 6 - PERMIT REQUIRED

No well shall be constructed, modified, or abandoned except in accordance with this Ordinance. It shall be unlawful to construct, modify, or abandon well unless a permit has first been obtained from the Health Department. A non-community public water supply shall not be constructed without first obtaining a permit from the Illinois Department of Public Health.

SECTION 7 - WELL AND/OR PUMP INSTALLATION/LICENSED CONTRACTOR

It shall be the responsibility of the licensed contractor to insure that a permit has been issued before any construction, modification, or abandonment of a well is begun and to follow the conditions of the permit. Failure of the contractor to insure a permit has been issued or to violate the conditions of the permit shall constitute a violation of this Ordinance. All wells shall be constructed in accordance with the Water Well Construction Code. All individuals who construct wells and install pumps shall be licensed by the Illinois Department of Public Health in accordance with the Water Well and Pump Installation Contractors License Act, 225 ILCS 345/1 et. seq.

SECTION 8 - APPLICATION FOR PERMIT/PROPERTY OWNER'S RESPONSIBILITY

A. It shall be the property owner's responsibility to obtain a permit before any construction, modification, or abandonment of a well is begun. Failure of the property owner to obtain a permit before any construction of a well is begun shall constitute a violation of this Ordinance.

B. All applications for a permit under the provisions of this Ordinance shall be made in writing and in such form as prescribed by the Health Department. Sufficient data shall be included to determine whether the proposed applications for permit meets the requirements of this Ordinance.

SECTION 9 - ISSUANCE OF PERMIT

Upon submission of the application for permit, including the plans and specifications of the proposed well or component thereof, the Health Authority shall review the application prior to issuance of a permit. The Health Authority may require additional information, which may include the location of private sewage disposal systems and/or wells on adjacent properties. It shall be the responsibility of the applicant or an authorized agent of the applicant to obtain all necessary data and to design a system which shall meet the requirements of the Ordinance. If the Health Authority, upon review of the application, finds that the application meets the requirements of this Ordinance, and upon payment of the required fee, a permit shall be issued to the applicant. The permit shall include a statement as to any restrictions relating to the location, materials, components or type of well to be constructed, modified or abandoned.

SECTION 10 - PERMIT VALIDITY

A permit to construct, modify, or abandon well is valid for a period of twelve (12) months from the date of issuance. If construction has not started within this period, the permit is void.

SECTION 11 - PERMIT FEE

The permit application fee shall be same fee as what is charged, from time to time, by the Illinois Department of Public Health.

SECTION 12 - EXCEPTIONS

A permit to construct, modify, or abandon well shall not be required when such well does or will serve a community public water system or function as a monitoring well.

SECTION 13 - INSPECTIONS

The Health Authority shall have the authority to enter any property at any reasonable time and inspect any facility for health and sanitary purposes and for compliance with the provisions of this ordinance. The Health Authority may also conduct any necessary tests or obtain samples for laboratory analysis to determine compliance with this ordinance. Except in emergency health and safety situations, a property owner or authorized occupant of the property has the right to refuse the Health Authority access to their property to conduct inspections. Upon such refusal, the Health Authority may apply for and obtain an administrative search warrant, based upon a reasonable suspicion, or other standard consistent with existing constitutional limitations, that a violation of this ordinance is occurring or has occurred.

SECTION 14 - INSPECTIONS OF COMPLETED WORK

A well shall not be placed into operation until the installation of the well and its components have been inspected to verify compliance with applicable provisions of this Ordinance, and written approval has been obtained from the Health Authority. To the degree practical and permitted by the Health Authority, the completed installation shall remain uncovered and/or accessible for inspection purposes until approved by the Health Authority.

SECTION 15 - NOTIFICATION OF INSPECTION

The Health Authority shall be notified by the permit holder or licensed contractor at least two (2) days prior to commencing construction or modification of a well for which a permit has been issued. Also, the Health Authority shall be notified at least two (2) days prior to sealing of an abandoned well by the licensed contractor or the individual authorized by the Health Authority to seal the abandoned well.

SECTION 16 - SUSPENSION OF PERMIT

A. Upon inspection by the Health Authority, if it is found that any provision of this ordinance or any permit specifications for a stated property have been violated, the Health Authority shall notify the installer to make specified changes in the work to allow compliance with the provisions of this Ordinance and the permit. If such changes are not made within a period of time specified by the Health Authority, the permit shall be suspended, and it shall be unlawful to place the well into operation.

B. In addition to sub-section A., a permit may be suspended, and no longer be considered valid, if the Health Authority is denied access to the permitted system for the purpose of conducting inspections for checking compliance with this Ordinance.

SECTION 17 - DISINFECTION AND ANALYSIS

All components of a new water well construction and/or modification shall be thoroughly disinfected with a strong chlorine solution which will yield a dosage of at least 100 parts per million to the water in the well. After purging the system of any chlorine residual, a water sample shall be taken and satisfactory bacteriological results, as confirmed by a certified laboratory, shall be obtained prior to utilizing the water system for drinking or culinary purposes. A certified laboratory shall mean a laboratory given certification approval by the aforementioned agency for analyzing samples of water for potable uses.

SECTION 18 - CONTINUING ANALYSIS

It shall be the duty of every owner of every water well serving a semi-private water system to have the water therein bacteriologically analyzed by a certified laboratory as required by the Health Authority. Such water shall also be bacteriologically analyzed whenever the water lines are opened up for repair, replacement or extension of the water distribution system. The water from a semi-private water system shall meet the nitrate, chemical and bacteriological requirements contained in the Drinking Water Systems Code.

SECTION 19 - PENALTIES

Any person who violates any provision of this Ordinance, or any rule, regulation or statute of the Illinois Department of Public Health, shall be guilty of a petty offense and fined not more than \$500.00 nor less than \$100.00. Each day's violation shall constitute a separate offense.

SECTION 20 - ENFORCEMENT

Any violation of this ordinance shall be prosecuted by the Jackson County State's Attorney's office. Any violation may be commenced by a citation to appear on a date certain, or by complaint.

SECTION 21 - SEVERABILITY

If any provision of this Ordinance is held to be invalid such invalidity does not affect other provisions or applications of the Ordinance that can be given effect without the invalid application or provision; and to this end the provisions of this Ordinance are severable.

SECTION 22 - EFFECTIVE DATE

This Ordinance shall be effective fifteen days after its adoption by the Jackson County Board.

Adopted: 6/14/95
Effective: 6/29/95

Amended
Adopted: 7/10/96
Effective: 8/1/96

Amended
Adopted: 12/16/14
Effective: 1/1/15