

**MARSHALL COUNTY HEALTH ORDINANCE  
POTABLE WATER SUPPLIES, WATER WELLS,  
AND CLOSED LOOP WELLS**

**ARTICLE I. GENERAL**

**SECTION A           Enabling Statutes**

**55 ILCS 5/25 County and Multi-County Health Departments**  
**225 ILCS 345 Water Well and Pump Installation Contractor's Act**  
**415 ILCS 30 Water Well Construction Code**  
**415 ILCS 35 Illinois Water Well Pump Installation Code**

**SECTION B           Intent**

This Chapter is established to provide consumer protection, reduce the risk of communicable disease transmission, and other health threats through provision of a safe and potable supply of water for drinking, culinary and sanitary purposes for every individual, as well as to protect the groundwater within Marshall County.

**SECTION C           Scope**

An Ordinance regulating the construction, modification, or sealing of water wells, geothermal wells, and abandoned wells within the boundaries of Marshall County.

**SECTION D           Adopted by Reference**

In addition to those provisions set forth herein, this Ordinance hereby adopts by reference and incorporates the current edition and subsequent revisions of, and shall be interpreted and enforced in accordance with the provisions set forth in the following:

- "State of Illinois, Public Area Sanitary Practice Code 77 ILL ADM. Code Part 895"
- "State of Illinois, Drinking Water Systems Code 77 ILL ADM. Code Part 900"
- "State of Illinois, Water Well Construction Code 77 ILL ADM. Code Part 920"
- "State of Illinois, Water Well Pump Installation Code 77 ILL ADM. Code Part 925"
- "State of Illinois, Surface Water Treatment Code 77 ILL ADM. Code 930"

**SECTION E           Definitions**

As used in this Ordinance, the following terms shall mean as indicated below:

1. **Authorized Representative:** Those persons designated by the Board or Health Department Administrator to enforce the provisions of this Ordinance.
2. **Board:** The Marshall County Board of Health.

3. **Dwelling:** Any enclosed space which is wholly or partly used or intended for use for living or sleeping by human occupants.
4. **Health Authority:** The Administrator of the Health Department or his/her Authorized Representative.
5. **Health Department:** The Marshall County Health Department, an agency of the Marshall County Board of Health.
6. **Homeowner:** A person who leases, or a person in whose name fee title in the subject property is recorded, and such property is used for that person's own personal single-family residence. The term "homeowner" shall also include a person purchasing real property under a contract-for-deed, provided the property is used for that person's personal single-family residence. The term "homeowner" also includes a person who holds legal title to a residential structure which is used for that person's personal single-family residence.
7. **Permit:** The document issued by the Health Authority that authorizes a person to construct, modify, or seal a water well or closed loop well system, under this Ordinance.
8. **Potable Water:** Shall mean water that is suitable for human consumption and which meets public health standards for drinking water.
9. **Property:** All or part of a tract of land for which legal title has been recorded.
10. **Property owner:** The person in whose name the legal title to the real estate is recorded.

**SECTION F            Use of public water supply required.**

In those locations where a public water supply is reasonably available, that supply shall be the sole source of water for drinking and culinary purposes. For purposes of this Ordinance "reasonably available" means a distance of not greater than three hundred (300) feet for a single-family residence and not greater than one thousand (1,000) feet for a commercial establishment or multifamily dwelling.

**SECTION G            Potable Water Supply Required:**

All premises intended 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 supply/source and shall be protected against backflow and backsiphonage in accordance with the

requirements of the "Illinois Plumbing Code". Each potable water supply shall provide quantities of water that are sufficient for the drinking, culinary, and sanitary needs of the dwelling or premises served.

**SECTION F Cisterns.**

Cisterns shall not be used for a potable water supply source. Where adequate groundwater resources are not available, approved water storage tanks may be utilized for potable water.

**SECTION G. Abandoned wells**

Wells that are abandoned shall be sealed in a manner prescribed by the Health Authority and the "Illinois Water Well Construction Code". The Health Authority shall inspect abandoned wells which have been sealed, to determine compliance with this Ordinance. The Health Authority shall be notified at least 48 hours prior to sealing of an abandoned well at which time a date for inspection may be arranged.

**SECTION H. Exemptions.**

The requirements for permit in this Ordinance shall not be applicable to wells intended to serve a community public water supply system, or to monitoring wells.

**ARTICLE II. Permits**

**SECTION I Permitting**

- A. In accordance with the State of Illinois Water Well Construction Code 77 Ill Adm. Code Part 920, it shall be unlawful for any person to construct or modify a water well, closed loop well, or closed loop well system or seal a well within Marshall County, unless said person holds a valid permit issued by the Health Authority or its authorized representative.
- B. The construction or modification of a water well, closed loop well, or closed loop well system, or well sealing shall not commence until a permit is first obtained from the Health Authority. A permit for construction or modification of a water well, closed loop well, or closed loop well system, or well sealing shall be valid for a period of 12 months from the date of issuance. If construction is not started within this time period, the permit will become void.
- C. A non-community public water supply shall not be operated without first obtaining a permit from the Health Authority. A permit must also be obtained from the Illinois Department of Public Health prior to operating a non-community water supply.

**SECTION J            Surface water supplies.**

All water systems which receive their source of potable water from ponds, lakes, streams, rivers or other surface collectors of water shall be designed, constructed and operated in accordance with the Illinois Department of Public Health Surface Source Water Treatment Code (77 Illinois Administrative Code 930). In addition any non-community water supply must also meet the Illinois Pollution Control Board Regulations (35 Illinois Administrative Code 611).

**SECTION K            Permit requirements**

- A. It is the responsibility of the property owner to obtain a permit before any construction, modification, or sealing of a water well, closed loop well, or closed loop well system. Failure by the property owner to obtain a permit before construction, modification or sealing of a water well, closed loop well, closed loop well system, or abandoned well begins shall be considered a violation of this Ordinance.
  
- B. It shall be the responsibility of the Illinois Licensed Water Well Contractor and/or Registered Closed Loop Well Contractor to ensure that a permit has been issued for said construction, modification, or sealing; and to follow conditions of said permit.
  
- C. Any person desiring a permit to construct, modify, or seal a water well, closed loop well, or closed loop well system within the scope of this Ordinance shall make written application to the Health Authority on an application form provided by the Health Authority, which shall at minimum include:
  - 1. Name and address of the property owner, location of the proposed site of construction, repair, or sealing including 911 address and parcel identification number.
  - 2. Complete description of the proposed system attesting to its compliance with the minimum standards of this Ordinance.
  - 3. Name, mailing address, phone number, and License or Registration number of the Licensed Water Well Contractor and Licensed Pump installation Contractor or the Registered Closed loop Well Contractor.
  - 4. An accurate drawing containing the following information:
    - (1) Location of all surrounding buildings.
    - (2) Property lines.
    - (3) Measurements for all mandated Code setbacks, including but not limited to all possible routes of groundwater contamination (i.e.: onsite wastewater treatment systems, ponds, cisterns, water lines, etc.).
    - (4) Proposed location of water well, closed loop well, or closed loop well system.

5. Signature of the property owner and Licensed Water Well Contractor and Licensed Water Well Pump Installation Contractor or the Registered Closed Loop Well Contractor, if used, affirming the information submitted is correct to the best of their knowledge.

#### **SECTION L Fees**

- A. **Authority to Establish Fees:** Pursuant to the Counties Code, 55 ILCS 5/5-25013, the Marshall County Board of Health shall establish fees that are reasonable and necessary to provide the services and required activities. A fee schedule shall be maintained in the office of the Health Department. The fee schedule shall be available for review and copy by the public and is incorporated herein by reference.
- B. **Water Well Permit Application Fee:** Once a permit has been issued by the Health Department, the fee is not refundable.
- C. **Closed Loop Well System Permit Application Fee:** Once a permit has been issued by the Health Department, the fee is not refundable.
- D. **Closed Loop Well System Additional Boreholes Fee:** Once a permit has been issued by the Health Department, the fee is not refundable.
- E. **Well Sealing Permit Application Fee:** Once a permit has been issued by the Health Department, the fee is not refundable.
- F. **Variance Application Fee:** The fee for the review of a variance application is not refundable.

#### **SECTION M Permit action**

- A. The Health Authority shall take action and reply to the applicant on all complete applications within ten (10) business days of receipt of application.
- B. An additional fifteen (15) business days may be required to take action on applications submitted with a variance request.
- C. In situations when a potential public health hazard exists, the time frames for permitting may be reduced.

#### **SECTION N Revocation or suspension of permit**

The Health Authority shall have the authority to revoke and/or suspend a permit when it has been issued in error or when the provisions of this Ordinance are violated. The reason for the revocation or suspension of said permit shall be sent to the applicant at the address provided on the permit application and the Licensed Water Well Contractor or Registered Closed Loop Well Contractor. Revocation will only be used when all other remedies have been exhausted.

**SECTION O            Variances**

If circumstances exist, which make compliance with the requirements of this Ordinance impractical or impossible, a person may request the Health Authority review a proposal for modification of the requirements.

Such requests shall be made by submitting the following:

- (1) A written request describing why the variance from Ordinance requirements is necessary.
- (2) A plan drawn to scale.
- (3) Pertinent data to support the request.
- (4) A written plan describing how deviations from Ordinance requirements will still maintain adequate protection against potential public health hazards.
- (5) The property owner's and Licensed Water Well Contractor's or Registered Closed Loop Well Contractor's signatures on the Variance Request Application.
- (6) The Variance Application fee.

**ARTICLE III. ENFORCEMENT**

**SECTION P            Operation prior to approval.**

No potable water supply system which has been installed shall be placed in operation unless and until the installation has been inspected and approved in writing by the Health Authority.

**SECTION Q            Right of entry for inspections**

- A. As a condition of applying for a permit, or when a potential public health hazard exists, the Health Authority or its authorized representative shall have the authority to enter any property at any reasonable time to inspect to determine compliance with provisions of this Ordinance.
  
- B. It shall be the duty of the owner or occupant of the property to give the Health Authority or its authorized representative free access to the property. The right to enter does not include the right to enter an occupied private residence or associated structure absent permission or an inspection warrant. The owner or agents shall produce permit documents and required records at the request of the Health Authority.

**SECTION R            Inspections.**

The Health Authority or its representative is authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance.

The Health Authority shall be notified at least 48 hours prior to commencing the construction or deepening of a water well or closed loop well for which a permit has been issued.

Upon inspection by the Health Authority, if it is found that any provisions of this Ordinance or any permit specifications for a stated property have not been met, the Health Authority shall notify the Licensed Water Well Contractor or Registered Closed Loop Well Contractor to make such specified changes in the work to ensure compliance with the provisions of this Ordinance and the permit. If such changes are not made within the time specified by the Health Authority, said permit shall be suspended and it shall be unlawful to place the water well or closed loop well into operation.

**SECTION S            Notice.**

Whenever the Health Authority determines that a violation of any provision of this Ordinance has occurred, the Health Authority shall give notice to the person responsible for such violation. The notice shall:

- (1) Be in writing.
- (2) Include a statement for the reasons for issuance of the notice.
- (3) Allow reasonable time as determined by the Health for performance of any action required.
- (4) Be served upon the person responsible for the violation. Notice shall have been properly served upon the person responsible for the violation when a copy thereof has been sent by registered or certified mail to his/her last known address as furnished to the Health Authority or when he has been served with such notice by any other method authorized by laws of this State.

**SECTION T            Hearing before Health Authority.**

- A.** A property owner in conjunction with the Licensed Water Well Driller or Registered Closed Loop Well Contractor affected by any order or notice issued by the Health Authority, in connection with the enforcement of this Ordinance may file in the office of the Health Authority a written request for a hearing before the Health Authority.
- B.** The Health Authority shall hold a hearing at a time and place designated by him/her within thirty (30) days from the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held.
  1. If, as a result of the hearing, the Health Authority finds that strict compliance with the order of notice would cause undue hardship on the petitioner, and that the public health would be adequately protected and substantial compliance done by

varying or withdrawing the order or notice, the Health Authority may modify or withdraw the order or notice and as a condition for such action may, where deemed necessary, make requirements which are additional to those prescribed in this Ordinance for the purpose of properly protecting the public health.

2. The Health Authority shall render a written decision within ten (10) days after the date of the hearing and place a copy on file in the office of the Health Department as a matter of public record.
3. Any person aggrieved by the decision of the Health Authority may appeal the decision to the Board.

**SECTION U Appeals**

- A. The property owner in conjunction with the Licensed Water Well or Registered Closed Loop Well Contractor may appeal the decision of the Health Authority by filing said appeal within thirty (30) days with the Board.
- B. The petitioner shall be notified of the time and place of the appeal hearing not less than five (5) days prior to the date on which the hearing is to be held.
- C. If the Board finds that strict compliance with the decision of the Health Authority would cause undue hardship on the petitioner, and that the public health would be adequately protected and substantial compliance achieved by granting a variance from the decision of the Health Authority, the Board of Health may grant a variance and as a condition for such variance may, where it deems necessary, make requirements which are additional to those prescribed by the Ordinance for the purpose of properly protecting the public health.
- D. The Board shall render a written decision within ten (10) days after the date of the Hearing and place the same on file in the office of the Health Department. A copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail.

**SECTION V Penalty**

Any person violating any provision of this Ordinance, upon conviction, shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00). Each day the violation continues shall constitute a distinct and separate offense.




**SECTION W Conflicts of Ordinance**

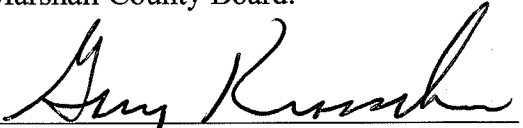
- A. In any case where a provision of this Ordinance is found to be in conflict with a provision of any Code of Peoria County existing on the effective date of this Ordinance, the provision which, in the judgment of the Health Authority or its authorized representative, establishes that the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other Ordinance or Code of Peoria County existing on the effective date of the Ordinance which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Ordinance shall be deemed to prevail.
  
- B. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance should be declared invalid by a court of competent jurisdiction for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and, to this end, the provisions of this Ordinance are hereby declared to be severable.

**SECTION X Effective date.**

Upon adoption, this Article shall be in full force and effective as provided by law on January 1, 2015.

Passed and adopted this 9<sup>th</sup> day of October, 2014, by the Marshall County Board.

  
\_\_\_\_\_  
Clerk of the County Board  
County of Marshall, Illinois

  
\_\_\_\_\_  
Chairman of County Board  
County of Marshall, Illinois