

WATER SUPPLIES ORDINANCE
KENDALL COUNTY, ILLINOIS

SECTION 1: SCOPE

This ordinance is enacted to establish and provide for the enforcement of minimum standards to assure that water wells are properly designed, constructed, operated, maintained and serviced and all other matters relating to private water wells, semi-private water wells, non-community water supplies and closed loop wells, to protect the health, safety and general welfare of the public.

The statutes of the State of Illinois grant to the Kendall County Board the power to enact such ordinances that protect the health of the citizens of Kendall County.

After the effective date of adoption of this ordinance, all private water supply systems as described herein shall only be constructed or modified in accordance with this ordinance.

Therefore, be it ordained by the County Board of Kendall County, Illinois, that the following rules and regulations are hereby made and adopted.

SECTION 2: ADOPTION BY REFERENCE

In addition to those provisions set forth, this Ordinance shall be interpreted and enforced in accordance with provisions set forth in the following statutes, rules, and regulations of the State of Illinois, Department of Public Health and any subsequent amendments or revisions thereto, which publications are incorporated herein and adopted by reference as part of this Ordinance:

1. "Illinois Water Well Construction Code." (77 Ill. Adm. Code 920)
2. "Illinois Water Well Pump Installation Code." (77 Ill. Adm. Code 925)
3. "Public Area Sanitary Practice Code." (77 Ill. Adm. Code 895)
4. "Drinking Water Systems Code." (77 Ill. Adm. Code 900)
5. "Surface Source Water Treatment Code." (77 Ill. Adm. Code 930)

SECTION 3: DEFINITIONS

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

“APPLICANT” means the property owner as defined herein who has applied for a permit or his or her authorized agent.

“APPROVED” or **“APPROVAL”** as it pertains to this ordinance, means constructed and installed in compliance with technical standards and requirements of this ordinance. Approved does not imply or ensure that a system will perform satisfactorily.

“ABANDONED WELL” means a water well or monitoring well which is no longer used to supply water, or which 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.

“DIRECTOR” means the Director of Environmental Health Services.

“HEALTH DEPARTMENT” means the Kendall County Health Department, including its duly authorized representatives.

“MODIFICATION” means the alteration of the structure of an existing water well, including, but not limited to, deepening, elimination of a buried suction line, installation of a liner, replacing, repairing or extending casing, or replacement of a well screen. Pertaining to closed loop wells, "modification" also means any alteration to the construction of the borehole of an existing closed loop well, including, but not limited to, regrouting and installation of additional boreholes.

“POTABLE WATER” means water that is suitable for human consumption and which meets public health standards for drinking water.

“INSPECTION FEE” means a fee for inspection to be conducted in the fulfillment of a water well construction permit and is assessed at the time of the permit issuance by the Kendall County Health Department

“PERMIT FEE” means a fee assessed for the issuance of a permit by the Kendall County Health Department

“PROPERTY” means any parcel or combination of contiguous parcels, under ownership or control for which legal title has been recorded and which is designated by its owner as a tract of land to be used, developed, or built upon as a unit.

“PROPERTY OWNER” means the person in whose name legal title to property is recorded.

“REVOCATION” means nullification.

“SHALL” means that the stated provision is mandatory.

“WATER WELL” means an excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial recharge, or acquisition of ground water, but such term does not include an excavation made for the purposes of obtaining or prospecting for oil, natural gas, minerals, or products of mining or quarrying or for inserting media to repressure an oil or natural gas bearing formation or for storing petroleum, natural gas, or other products or for observation or any other purpose in connection with the development or operation of a gas storage project.

“WELL” means a bored, drilled or driven shaft, or dug hole, the depth of which is greater than the largest surface dimension.

SECTION 4: NEW CONSTRUCTION

Water well and well permit plans shall be approved for new construction prior to the issuance of the building permit.

SECTION 5: POTABLE WATER SUPPLY REQUIRED

A. All premises intended for human habitation shall be provided with a potable water supply. Each potable water supply shall provide quantities of water that are sufficient for the dwelling or structure served.

1. Surface water supplies

Water systems which receive their source of water from ponds, lakes, streams, rivers, or other surface collectors of water shall be designed, constructed, and operated in accordance with the Surface Source Water Treatment Code (77 Ill. Adm. Code 930). No surface water shall be utilized as a potable water supply unless the Health Department has reviewed and approved the supply and its components.

2. Cisterns

Cisterns shall not be used as a potable water supply except where adequate groundwater resources are not available. Cistern water shall receive treatment in accordance with the Surface Source Water Treatment Code (77 Ill. Adm. Code 930). No surface water shall be utilized as a potable water supply unless the Health Department has reviewed and approved the supply and its components.

- B. The potable water supply shall not be connected to non-potable water and shall be protected against backflow and backsiphonage in accordance with the requirements of the Illinois Plumbing Code (77 Ill. Adm. Code 890).

SECTION 6: POWERS AND DUTIES OF THE HEALTH DEPARTMENT

- A. The Health Department shall be responsible for regulating the design, construction, operation, maintenance and service of private water wells, semi-private water wells, non-community water supplies, closed loop wells or dewatering wells.
- B. The Health Department shall be empowered to issue permits authorizing the installation and modification of private water wells, semi-private water wells, non-community water supplies, closed loop wells or dewatering wells within their jurisdiction.
- C. The Health Department shall be empowered to withhold issuance of a permit for a private water well, semi-private water well, non-community water supply, closed loop wells or dewatering well if the permit application is incomplete, the permit application and resulting well fail to conform to this ordinance or state law, or if site conditions are inconsistent with those provided within the submitted permit application.
- D. The Health Department shall make all necessary sanitary and health investigations and inspections to ensure compliance with the appropriate administrative codes, statutes and ordinances as is necessary to protect and improve the public health.
- E. The Health Department shall either institute, or cause to be instituted, legal proceedings in the Circuit Court of Kendall County in cooperation with the Kendall County State's Attorney's Office where a violation of this ordinance occurs or a condition presents a substantial hazard to public health.

SECTION 7: RIGHT OF ENTRY AND INSPECTION

- A. Pursuant to 55 ILCS 5/5-25013(A)(8), and the above cited administrative codes, the Health Department shall conduct inspections, investigations and site evaluations of properties, public and private, to determine compliance with the provisions of this ordinance. The Health Department shall perform all inspections, investigations and site evaluations at a reasonable time.
- B. It shall be the duty of all property owners or occupants to allow the Health Department personnel free access to the subject property at reasonable times to conduct inspections, investigations and site evaluations. Persons who deny Health Department personnel the ability to discharge the above described duties shall be in violation of this ordinance. In the event that Health Department personnel are refused permission to inspect any property at a reasonable time; he or she shall have the authority to seek an injunction and/or administrative investigative warrant from the Kendall County Circuit Court, as well as any other relief the Court may deem appropriate.

SECTION 8: PERMIT REQUIREMENTS

- A. An application for a permit to install or modify a private water well, semi-private water well, non-community water supply, closed loop well or dewatering well shall be submitted, in writing, on forms provided by the Kendall County Health Department.
- B. The applicable permit fee and any related inspection fee shall be paid at the time of permit application.
- C. If the Health Department finds that a permit application meets the requirements of the Illinois Department of Public Health Water Well Construction Code (77 Ill. Adm. Code 920) and all requirements of this Ordinance, a permit shall be issued to the applicant.
- D. Three copies of the water well plan or closed loop plan shall accompany the permit application.
- E. The following specification shall be included on, or with, a water well or closed loop well permit application:
 1. A drawing indicating lot size, direction of slope, location of property lines, and distances from proposed well construction to septic tanks, abandoned wells, property lines, seepage fields, sewers, and all other sources of contamination, and an indication of the type of contamination source;
 2. Water well drillers license number and name;
 3. Estimated daily pumping capacity if greater than 100,000 gallons per day;
 4. The location of the water well, including county, city, street address, or lot number, township, range, directions to the site and section;
 5. Name and address of the owner of the well;
 6. Type of well to be constructed (bored, dug, driven or drilled);
 7. An estimate of the depth of the well;
 8. Type of well (i.e., non-potable use well, such as an irrigation, livestock or industrial water well, private water well, semi-private water well or non-community public water well);
 9. Proposed aquifer.
- F. No water well or closed loop well shall be installed, modified or sealed until a permit has been issued by the Health Department. Failure to obtain a permit prior to beginning any such water well or closed loop well work shall constitute a violation of this ordinance.

SECTION 9: REVOCATION OR SUSPENSION OF PERMIT

- A. The Health Department shall have the authority to revoke or suspend water well or closed loop well permits when information serving as the basis for approval is found to be false or erroneous, or when provisions of this ordinance, applicable state statute or administrative code are violated.
- B. The reason for the suspension or revocation of a permit shall be posted in writing at the site, or mailed to the applicant at the address provided on the permit application, by certified mail, return receipt requested.

SECTION 10: PERMIT VALIDITY

A Health Department issued permit for the installation or modification of a private water well, semi-private water well, non-community water supply well, closed loop well or dewatering well is valid for a period of 12 months from the date of permit issuance. If construction has not started within that 12-month period, the permit is void. Written request for extension may be submitted prior to remaining 30 days of 12 month period.

SECTION 11: FEES

PRIVATE WATER SUPPLY FEES	
Water well construction permit	\$100
Water well inspection	\$150
Water well sealing permit	\$100
Water well capping permit	\$100
Closed loop well system permit – up to first 10 boreholes	\$100
Closed loop well system permit - after 10 boreholes	\$10 (each additional)
Closed loop well system inspection	\$100
Water well sample collection/analysis	\$70
Change of contractor	\$25
Public water supply feasibility letter	\$25
Variance request review	\$50
Non-community water supply bi-annual sanitary survey	\$50
Water well final construction re-inspection	\$50
Site evaluation	\$50
Non-compliance fee (work performed without a permit)	Permit fee x 2
Property transaction inspection fee - well & septic site evaluation and report	\$200
<ul style="list-style-type: none"> ● Fee exemptions will be granted to those organizations that are classified as official units of Kendall County Government. ● An applicant that can prove 501(c)(3) status will be granted a fee reduction of 50 percent of the regular fee as listed on this schedule. 	

SECTION 12: EXCEPTIONS

A permit for installation or modification of a water well shall not be required by the Health Department when the water well does, or will, serve a community public water system or function as a monitoring well.

SECTION 13: WATER WELL or WELL INSTALLATION

All wells shall be constructed by contractors meeting any and all applicable licensing and or certification requirements within the State of Illinois.

A. Installer responsibilities

1. No water well or closed loop well shall be installed or modified except in accordance with the provisions of this Ordinance.
2. It is the responsibility of the licensed water well contractor or licensed closed loop well contractor to install the water well or closed loop wells per the approved design. Failure to install a water well or closed loop well per the approved permit application is a violation of this ordinance which may result in a suspension or revocation of permit, delay of system approval and/or occupancy.
3. It is the responsibility of the licensed water well contractor or licensed closed loop contractor to notify the Health Department of any intended change(s) to the approved permit application. Notification of these intended changes shall be provided, in writing, to the Health Department prior to changes being implemented. Failure to provide the department with written notice of changes is a violation of this ordinance which may result in a suspension or revocation of permit, delay of system approval and/or occupancy.
4. The installation contractor shall be present during the system inspection. If the licensed or certified contractor is not present, his or her representative shall be present during the system inspection.

B. Notification

The property owner or licensed contractor shall provide a minimum 24 hours advance notification to the Health Department before beginning installation, modification or sealing of a water well or closed loop well for which a permit has been issued.

C. Site access

1. In order to determine compliance with this ordinance, site access for system inspection shall be deemed essential for, but not limited to, the following:
 - i. On-Site system layout review or site evaluations.
 - ii. At any stage of well construction, modification or sealing.
 - iii. Final inspection, following completion of the system installation.
 - iv. As may otherwise be necessary in compliance with Section 7 of this Ordinance.

SECTION 14: EMERGENCY REPAIRS/MODIFICATION

In the case of emergency repairs or modifications which require a permit, the emergency repair or modification shall be performed only after written notice has been provided to the Health Department outlining the necessary repair or modification. This section only applies to those emergency repairs and modifications which, if not promptly addressed, may present an immediate public health threat.

SECTION 15: ABANDONED WELLS

Wells that are abandoned shall be sealed in a manner prescribed by the Illinois Water Well Construction Code (*See* 77 Ill. Adm. Code 920.120). The Health Department may inspect abandoned wells to determine compliance with the code.

SECTION 16: BUILDING & ZONING RECOMMENDATION

It is recommended that the property owner, water well contractor or closed loop contractor contact the subdivision developer and Kendall County Planning Building & Zoning Department to review the previously accepted engineering plans for the subdivision to determine locations of required setbacks, drainage requirements, easements, floodplains, surface drain system, detention/retention ponds and other features. Nothing contained herein shall absolve the applicant from the necessity of following all applicable plats, PUD's , covenants, etc. that are in effect regarding applicant's property.

SECTION 17: CLOSED LOOP WELLS

- A. All closed loop wells shall be constructed by contractors meeting applicable licensing and or certification requirements within the State of Illinois.
- B. Application for permit of a closed loop well shall be made, in writing, and submitted on forms provided by the Kendall County Health Department. The closed loop well contractor and property owner shall sign the permit application.
- C. Applications for permit shall be accompanied by payment that is in accordance with the Health Department fee schedule.
- D. The application for permit shall also be accompanied with a plan listing the type of facility to be served (e.g., single family residence, apartment building, business, factory, school), the number and depth of the closed loop boreholes and showing the location of the closed loop well system, geographic location of the site using global positioning equipment and a description including county, city, street address, subdivision lot number, township, range, section and directions to the site. The plan shall also show all existing dwellings, seepage fields, sewers accessory structures, wells, septic system components, bodies of water or other property information requested by the Health Department to aid in the permitting of the closed loop well system. Changes in location of the closed loop well system shall be approved by the Health Department prior to installation.

- E. All closed loop-well setback distances described in the latest edition of the Illinois Water Well Construction Code (77 Ill. Adm. Code 920) shall be maintained.

Construction reports for each closed loop well shall be provided to the Health Department within 30 days of completion of drilling.

SECTION 18: VARIATIONS

The Health Department shall be empowered to grant variations to the requirements of these regulations in situations when the strict application of such requirements would create a unique hardship or unfair burden upon those affected. A variation shall be authorized only when it can be reasonably demonstrated that a public health hazard will not result. Variation requests shall be submitted in writing, on forms provided by the Kendall County Health Department. The Health Department shall notify the applicant in writing of its decision to either grant or deny the variation. The approved variation documents shall be recorded on the property deed and filed with the Kendall County Recorder of Deeds.

SECTION 19: DISINFECTION AND ANALYSIS

- A. All components of a newly constructed or modified water well used for drinking, culinary and sanitary purposes shall be thoroughly disinfected with a strong chlorine solution which will yield a dosage of at least 100 part per million to the water in the well and piping system.
- B. Water samples shall be collected by the water well contractor or property owner within 30 days of water well completion. A certified laboratory shall analyze all samples for newly constructed water wells. A copy of the analysis shall be filed with the Health Department.

SECTION 20: VIOLATIONS

- A. Whenever the Health Department determines that there is a violation of any provisions of this ordinance or applicable State code, the Health Department shall give notice of such alleged violation to the property owner, who shall then remedy the violation within the time allotted.
- B. The notice of violation shall:
 - 1. Be in writing.
 - 2. Include a statement of the reasons for the issuance of the notice.
 - 3. Contain details of the remedial action to be taken.
 - 4. Allow reasonable time to take remedial action and to otherwise comply with this ordinance.
 - 5. Be served upon the property owner, or resident, via personal delivery or sent via registered or certified mail.
- C. In addition to the revocation or suspension of any permit issued, if such violation continues, the matter will be referred to the Kendall County State's Attorney's Office to prosecute violations of the ordinance and to initiate any necessary action in the Circuit Court, in order to abate such violating condition as enumerated in this Ordinance or the associated State law, including, but not limited to seeking injunctive relief.

SECTION 21: HEARINGS AND APPEALS

Any person may appeal a permitting decision to the Health Department by written request that shall be filed with the Department within ten (10) business days after receipt of the subject notice to revoke, suspend or deny the permit at issue.

A hearing for such appeal shall be scheduled to take place as soon as reasonably possible, but no later than fifteen (15) business days from the date of filing such request, unless a later date is agreed upon. The Health Officer conducting the hearing shall give notice by phone and regular mail of the date, time and location of such hearing. Written notice of the hearing to a party may be waived by that party.

The hearing shall be conducted by a Health Officer at the place and time designated by him/her. All hearings shall be conducted so as to provide the parties adequate time to prepare, the right to present evidence in support of their position, the right to cross-examine, and the right to legal counsel at their own expense. The formal rules of evidence shall not apply. The Health Officer may ask questions of any witness to assist in reaching a decision. The Health Officer shall make a record of the proceedings. Should a party desire a verbatim transcript of such hearings, they may obtain a court reporter at their own expense.

Based upon the record of such hearing, the Health Department shall make a finding and a written decision shall be prepared. Such decision shall be considered final and shall be provided to the permit holder by the Health Department within fifteen (15) days and a record of the same shall be maintained.

SECTION 22: PARTIAL INVALIDITY

If any section, subsection, paragraph, sentence, clause, or phrase of this article shall be declared invalid for any reason whatsoever, such invalidation shall not affect the remaining portions of this article which shall remain in full force and effect.

SECTION 23: PENALTY

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or refuses to remedy a violation of the provisions of this Ordinance shall be guilty of a business offense and be fined not less than \$100.00 and no more than \$1,000 for each offense. Each day upon which such violation continues shall constitute a separate offense. Further penalties shall be assessed as outlined in the latest edition of the Illinois Department of Public Health Water Well Construction Code (77 Ill. Adm. Code 920), Water well Pump Installation Code (77 Ill. Adm. Code 925), Public Area Sanitary Practice Code (77 Ill. Adm. Code 895), Drinking Water Systems Code (77 Ill. Adm. Code 900) or Surface Source Water Treatment Code (77 Ill. Adm. Code 930).

SECTION 24: MAINTENANCE OF RECORDS

The Health Department shall maintain a record of construction applications and permits, notices of subsequent lowerings, records of hearings and the information contained in those documents, which shall be available for public inspection.

SECTION 25: ENFORCEMENT:

Enforcement of this ordinance shall be performed by the Kendall County Health Department. The Kendall County State's Attorney's Office shall be authorized to bring any necessary actions and prosecute any violations of this ordinance in the Circuit Court.

SECTION 26: EFFECTIVE DATE

This ordinance and the regulations contained therein shall be in full force and effect on and after the date signed below.

APPROVED BY THE KENDALL COUNTY BOARD THIS DAY 9/20 20 16



Chair, Kendall County Board

Ayes _____
Nays _____

Attest 

Kendall County Clerk