ORDINANCE NO. 89-0-3

(WATER SUPPLY ORDINANCE OF PUTNAM COUNTY)

Sec. 101 - Purpose.

This ordinance is established to reduce disease transmission and chemical poisons through provision of a safe, potable, adequate supply of water for drinking, culinary and sanitary purposes for every individual within the County of Putnam.

Sec. 101-2 - Definitions.

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

Authorized representative: The designated administrator or the acting administrator of the county health department and those persons designated by the administrator or acting administrator to enforce the provisions of this chapter.

Board of Health: The County Board of Health or its authorized representative.

Dwelling: Any enclosed space which is wholly or partly used or intended for use for living or sleeping by human occupants.

Health Authority: The person or persons who have been designated by the Board of Health to administer the affairs of the health department.

Health Department: means the Putnam County Health Department.

Homeowner: means 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.

Licensed Contractor: A contractor to whom a current license has been issued under the "Water Well and Pump Installation Contractor's Licensing Act" (Ill. Rev. Stat., Ch. 111, Para. 7101 et seq.)

Permit: A written permit issued by the Board of Health or its authorized representative permitting the construction of a private water system under this chapter.

Private Water System: means a water supply which serves an owner-occupied single family residence or dwelling.

Property: All or part of a tract of land for which legal title has been recorded.

Property Owner: The person in whose name legal title to the real estate is recorded.

Public Water System: A system for the provision to the public of piped water for human consumption, if the system has at least fifteen service connections. or regularly serves an average of at least 25 individuals daily at least sixty days per year. The term Public Water System includes any collection, treatment, storage and districution facilities under control of the operator of such system and used primarily in connection with such system and any collection or pre-treatment storage facilities not under such control which are used primarily in connection with such systems.

Community Water System: means a public water system which serves at least 15 service connections used by residents or regularly serves at least 25 residents at least 60 days a year.

Non-Community Water System : Means a public water system that is not a community water system that has at least 15 service connections used by non-residents, or regularly serves 25 or more non-resident individuals for at least 60 days a year.

Semi-Private Water System: A water supply which is not a public water system, yet which serves a segment of the public other than an owner-occupied single family dwelling.

Water Well: Any excavation that is drilled, cored, bored, washed, driven, dug jetted, or otherwise constructed for the diversion, artificial recharge or acquisition of ground water, but does not include wells for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining or quarry or for inserting media to repressure oil or natural gas bearing formations or for storing petroleum products, or monitoring wells.

Sec. 101-3 - 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.

WATER SUPPLY LOCATION, CONSTRUCTION AND REPAIR

Sec. 201 - Water Wells.

Except as otherwise herein provided, the location, construction, repair and disinfection of water wells, and the installation of water well pumps, shall be in accordance with the requirements set forth by the Illinois Department of Public Health Illinois Water Well Construction Code (77 Ill. Adm. Code 920) and Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925), which are hereby made part of this ordinance by reference. Copies of said regulations shall be maintained on file and available for inspection in the office of the County Clerk. Wells that are abandoned shall be sealed in a manner prescribed by the Illinois Water Well Construction Code.

Sec. 202 - Surface Water Supplies.

All 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 Illinois Department of Public Health Surface Source Water Treatment Code (77 Ill. Adm. Code 930).

Sec. 203 - Cisterns.

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

Sec. 204 - Disinfections and Analysis.

Owners of newly constructed wells or other types of water supplies which supply a semi-private water system shall have the water from their semi-private water supply analyzed and approved by either the laboratory of the Illinois Department of Public Health or a laboratory approved by the Illinois Department of Public Health before the well or other water supply is placed into service. A copy of the analysis shall be filed with the County Health Department. The water obtained from a surface supply shall meet the nitrate, turbidity and bacteriological requirements contained in Sections 900.50, 900.60 and 900.70 of the Illinois Department of Public Health Drinking Water System Code (77 Ill. Adm. Code 900), and the water obtained from a well shall meet the nitrate and bacteriological requirements of Section 900.50 and 900.70 of the Drinking Water Systems Code.

Sec. 205 - Exemptions.

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

Sec. 206 - Storage and Water Pressure.

A minimum storage capacity excluding the water heater of fifty (50) gallons for each residence served, maintained at a minimum pressure of twenty (20) pounds per square inch, shall be provided.

Sec. 207 - Permit Required.

No water well shall be constructed or deepened in Putnam County, except in accordance with these regulations and it shall be unlawful to proceed with the construction of a potable water well without first obtaining a permit from the County Health Department. All wells and pumps shall be maintained in a safe condition by the owner. A non-community public water supply shall not be operated without first obtaining a permit from the County Health Department. A permit must also be obtained from the Illinois Department of Public Health prior to operating a non-community water supply.

Sec. 208 - Application for Permit.

Applications for permits shall be in writing and in such form that shall be prescribed by the County Health Department. This form shall include the following:

1. The name and address of the applicant and legal description of the porposed site of construction, alteration or repair as proposed.

2. Such other information as may be required by the health authority to substantiate that the proposed construction, alteration or repair complies with minimum standards of this Chapter.

3. A permit fee of $75.00 shall be submitted with each application. This permit fee shall be non-refundable except on those cases as determined by the County Health Department.

ADMINISTRATION AND ENFORCEMENT

Sec. 301 - Operation prior to Approval.

No private 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 Department.

Sec. 302 - Property Owners to Allow Inspections.

The owner or occupant of a properqy shall give the Board of Health or its authorized representative free accesj to the property at reasonable times for the purpose of making such inspections as are necessary to determine compliance with the requirements of this Chapter.

Sec. 303 - Inspections Generally.

The Board of Health or its representatives is authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Chapter.

Sec. 304 - Notice.

Whenever the Health Department determines that a violation of any provision of this Chapter has occurred, the Health Department shall give notice to the persons 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 Department 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 last known address as furnished to the Health Department or when he has been served with such notice by any other method authorized by laws of this state.

Sec. 305 - Hearings Before Health Authority.

a. Any private water supply constractor or homeowner affected by any order or notice issued by the Health Authority in connection with the enforcement of this Chapter may file in the office of the Health Department 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 within thirty (30) days from the date on which the written request was filed. The petitioner for the hearing shall be notifed 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.

c. If, as a result of the hearing, the Health Authority finds that strict compliance with the order, or 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 Chapter for the purpose of properly protecting the public health.

d. The Health Authority shall render a written decision within ten (10) days after the date of the hearing and place same on file in the office of the Health Department as a matter of public record.

e. Any person aggrieved bythe deyision of the Health Authority may appeal the decision to the Board of Health.

Sec. 306 - Hearing Before Board of Health.

a. Any private water supply contractor or homeowner may appeal the decision of the Health Authority by filing said appeal within thirty (30) days with the Secretary of the Board of Health.

b. The petitioner 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.

c. If the Board of Health 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 administrator or acting administrator, 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 this Chapter for the purpose of properly protecting the public health.

d. The Board of Health 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.

Sec. 307 - Variances.

If compliance with the requirements of this Chapter creates undue hardship, a person may request the Health Authority to review a proposal for modification of the requirements. Such requests shall be made in writing and be accompanied by a plan drawn to scale and shall include pertinent data to support the request. Such variance may be granted when in the opinion of the Health Department compliance will create undue hardship for the homeowner and the proposed modification will properly protect the public health.

Sec. 308 - Violations.

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.

Sec. 309 - Licensing of Well Drillers and Pump Installers.

All individuals who construct water wells and install well pumps shall be licensed by the Illinois Department of Public Health in accordance with the Water Well and Pump Installation Contractor's License Act, Chapter 111, Paragraph 7101, et seq. latest edition.

Sec. 310 - Repeal and Date of Effect.

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and these rules and regulations shall be in full force and effect immediately upon its adoption and publication as provided by law. Ordinance 86-0-4 is hereby specifically repealed.

Sec. 311 - Unconstitutionality Clause.

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of his ordinance shall not be affected hereby.

Sec. 312 - Effective Date.

This ordinance shall become effective on September 1, 1989.

PASSED, APPROVED and ADOPTED this 10 day of October, 1989.

Warren R. Calbow

Warren Calbow, Chairman
Putnam County Board

ATTEST:

Gudmund Jessen, Jr. By Deputy

Gudmund Jessen, Jr./Clerk
Putnam County Board