

## FULTON COUNTY HEALTH ORDINANCE PART IV

### WATER SUPPLY ORDINANCE

#### SECTION A, SCOPE:

An Ordinance regulating individual, semi-private, and non-community water supply systems, and the construction, modification, deepening, monitoring, surveying, sampling, inspection, and abandonment of those water supply systems within the boundaries of Fulton County, Illinois.

Pursuant to the powers granted to the Fulton County Board by the Illinois Compiled Statutes Chapter 55, Act 5, Section 1113 in such case made and provided therefore, and Whereas, the improper construction, modification, deepening, sampling and abandonment of individual and semi-private water supply systems is an endangerment to public health; THEREFORE, BE IT RESOLVED, by the Fulton County Board of Fulton County, Illinois that the following Ordinance is hereby adopted.

#### SECTION B, ADOPTION BY REFERENCE:

In addition to those provisions set forth, this Ordinance hereby adopts, by reference, the provisions set forth in the ***Illinois Water Well Construction Code; Illinois Water Well Pump Installation Code; Illinois Surface Water Treatment Code; Illinois Drinking Water System Code; Illinois Public Area Sanitary Practice Code; Illinois Groundwater Protection Act*** and any subsequent amendments and revisions thereto.

#### SECTIONS C, PERMITS:

- 1.) It shall be unlawful for any person to construct, modify, or deepen any individual or semi-private water supply within the boundaries of Fulton County, Illinois unless he holds a valid permit issued by the Health Officer. Only a person who complies with the requirements of this Ordinance and the Rules and Regulations adopted by the Fulton County Board of Health shall be entitled to receive such a permit. Permits shall not be transferable from one person to another; nor shall said permit be applicable to any locations, buildings or places other than that for which it was issued.
- 2.) Any person desiring a permit as required herein must make application on forms provided by the Fulton County Health Department. The application form must be complete and must be signed and dated by the applicant.

- 3) It shall be the responsibility of the property owner to obtain a Private Water Supply System permit before construction, modification or deepening is initiated. Failure of the property owner to obtain said permit before construction, modification, or deepening is initiated constitutes a violation of this Ordinance and is subject to any and all penalties and enforcement action set forth in the Fulton County Health Ordinances.
- 4) It shall be the responsibility of the Illinois Licensed Water Well Contractor or Licensed Pump Installer to insure that a Private Water Supply System Permit has been issued and to follow the conditions of said permit.
- 5) A permit is valid for one calendar year from the date of issue.

#### **SECTION D, ENFORCEMENT PROVISIONS:**

- 1) **Issuance of Permit:**
  - a. Upon receipt of the application for construction, modification, or deepening of a well , the Health Officer shall make an inspection of the proposed water well site to determine compliance with the provisions of this Ordinance and the Rules and Regulations adopted by the Board of Health. When the inspection reveals that all applicable requirements of the Ordinance and Rules and Regulations have been met, the Health Officer shall issue a permit to the applicant.
  - b. The Health Officer may deny a permit to construct, modify, or deepen if the application is incomplete, the water well would be located where it is subject to contamination or the property is not acceptable for the construction, modification, or deepening of the water well.
- 2) **Suspension of Permit:**

Permits may be suspended temporarily by the Health Officer for the failure of the holder of the permit or his representative(s) to comply with the requirements of this Ordinance. Whenever a permit holder or his representative(s) has failed to comply with any notice issued under the provisions of this Ordinance, the permit holder shall be notified in writing that the permit is, upon service of the notice, immediately suspended. The permit holder will also be informed of his right to a hearing and the process that must be followed.

3) Reinstatement of Suspended Permit:

Any person whose permit has been suspended may, at any time, submit to the Health Officer in writing a request to have the permit reinstated.

Within ten (10) days following receipt of a written request, including a statement signed and dated by the applicant that in the applicant's opinion the condition causing suspension of the permit have been corrected, the Health Officer shall make a reinspection. If the applicant is complying with the requirements of this Ordinance, the permit will be reinstated.

4) Inspections:

- a) The Health Officer is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance.
- b) The owner or occupant of a property shall give the Health Officer access to the property for the purpose of making such inspections as are necessary to determine compliance with the provisions of this Ordinance, the Water Well Construction Code, Water Well Pump Installation Code, and the Rules and Regulations as established by the Fulton County Board of Health.
- c) Final approval of the construction, modification, or deepening of a water well required herein will be given only if, after visual inspection, the water well is found to comply with applicable provisions of this Ordinance, the Water Well Construction Code, the Water Well Pump Installation Code, and the Rules and Regulations as established by the Board of Health. Any well that has been constructed, modified, or deepened must also have a water sample collected indicating the coliform, E. coli, nitrate and nitrite concentrations are at acceptable levels prior to final approval.
- d) The Licensed Water Well Driller, and the Licensed Pump Installer, must notify the Health Officer at least 48 hours prior to the initial construction, modification or deepening of the well and before the installation of the pump.
- e) The Licensed Water Well Driller, the Licensed Pump Installer, nor the homeowner is to interfere with the Health Officer in the performance of the Health Officers duties.

5) Variances:

If circumstances exist that makes compliance with the requirements impractical or impossible, a person may request the Health Officer to review a proposal for modification of the requirements. Such request shall be made in writing on forms provided by the Fulton County Health Department and be accompanied by a plan that shall include pertinent data to support the request.

6) Appeals:

A person whose permit has been suspended may make a written request within five (5) days of notification of such suspension to the Health Officer for a hearing before the Board of Health to contest the conditions of the suspension of the permit. Failure to request such hearing within five (5) days of the aforementioned notification shall constitute a waiver of the permit holder's right to a hearing to contest such suspension. Any water well construction, modification, deepening, repairs, pump installation and/or replacement activities must remain inactive when an appeal and/or hearing is being sought or under consideration by the Board of Health, except for activities approved by the Health Officer.

All hearings shall be conducted so as to provide the parties with written notice of the hearings, written notice of the conditions which have led to the suspension, adequate time to prepare, the right to make opening statement, the right to present evidence in support of their position including the right to present witnesses, the right to cross-examine any witness called to testify, the right to legal counsel at their expense, and the right to make closing statement. All hearings shall be conducted in an informal manner, with consideration to be provided to all parties. All hearings shall be tape-recorded.

The formal rules of evidence shall not apply, however, all witnesses called to testify shall do so under oath or affirmation administered by the Chair of the Board of Health. The hearing body may exclude irrelevant or immaterial evidence. The Hearing body, Board of Health, may question any witness called to testify to clarify any point or to otherwise assist the body in reaching a decision. Written notice of a hearing may be waived by the party.

The health officer shall be designated as "petitioner", and the permit holder shall be designated as "respondent" in hearings before the Board of Health. The petitioner bears a civil burden of proof, preponderance of the evidence, to have a suspension of a permit affirmed by the Board of Health. A majority decision of the Board of Health of the members present at the hearing shall be required to affirm a suspension of a permit. The decision of the appeal body, the Board of Health, shall be a final decision.

7) Plat Review and Subdivision Plan Review:

- a. All lots to be served by an individual, semi-private, or non-community public water supply must have an area available that will provide sufficient space to maintain all distance and construction requirements.
- b. The minimum allowable lot size in the proposed subdivision where individual, semi-private, or non-community public water supplies are the source of water and private sewage disposal systems are the method of human and domestic sewage disposal will be based on this Ordinance and all applicable codes regarding water supplies and private sewage disposal systems.
- c. Subdivision plans shall be approved provided that all the requirements of this Ordinance are met and that the plans include a completed application requesting review of the proposed subdivision site on forms provided by the Health Officer for that purpose, a preliminary plan is submitted through the county plat officer, or if the proposed subdivision is located in an area not subject to plat officer, the plat along with the information required for review shall be submitted directly to the Health Officer.
- d. A fee for the review of the proposed subdivision plat will be set by the Board of Health.
- e. The final plat must be signed by the Health Officer to state that all provisions of this Ordinance, and all related Codes and Rules and Regulations as established by the Board of Health have been met.

8) Sales Transactions:

Fulton County recommends that a buyer and/or seller obtain an inspection for all private water supplies.

9) Well Sealing:

Any homeowner that is to seal a well must complete the form provided by the Health Officer and submit them to the Health Officer at least thirty (30) days prior to when the well sealing is to take place. Any licensed water well driller must complete the form provided by the Health Officer at least seventy-two (72) hours prior to when the well sealing is to take place.

The Health Officer shall inspect the well sealing activities that are conducted by the homeowner, and inspect all licensed water well drillers that seal wells at the frequency established by the Illinois Department of Public Health.

Any time a well is sealed the homeowner or the licensed water well driller must complete a well sealing form provided by the Health Officer, and to obtain the approval of the Health Officer prior to sealing the well.

10) Non-Community Public Water Supplies:

The Health Officer is to perform the duties and responsibilities of the Non-Community Public Water Supply Program as required by the Illinois Department of Public Health.

Fees may be established by the Board of Health for collection and postage of any and all water samples collected from a non-community public water supply

11) Emergencies:

Whenever an emergency exists which requires immediate action to protect the public safety or health, the Health Officer may, without administrative procedure and without notice or hearing, seek an injunction to require that such action be taken as the court may deem necessary to meet the emergency. Notwithstanding any other provision of this Ordinance, such order shall be effective immediately.