

**KNOX COUNTY HEALTH ORDINANCE
ARTICLE III
POTABLE WATER WELLS AND
CLOSED LOOP WELLS**

DIVISION I GENERAL

SECTION A, Enabling Statutes

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

SECTION B, Intent

To provide for consumer protection, to reduce the risk of transmission of communicable disease, and other health threats by providing for a safe and potable supply of water for drinking, culinary, and sanitary purposes for every individual as well as to protect groundwater within Knox County.

SECTION C, Scope

An Ordinance regulating the construction, modification, and/or sealing of water wells, closed loop wells, and abandoned wells within the boundaries of Knox County.

SECTION D, Adopted 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 regulation of the State of Illinois, Department of Public Health and any subsequent amendments or revisions thereto:

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." (ILL Adm. Code 930)
6. "Illinois Plumbing Code," (77 ILL. Adm. Code 890)
7. "Illinois Groundwater Protection Act." (415 ILCS 55)

SECTION E, DEFINITIONS

1. **Board** shall mean the Knox County Board of Health
2. **Dwelling** shall mean any enclosed space which is wholly or partly used or intended for use for living or sleeping by human occupants.
3. **Health Officer** shall mean the Administrator of the Health Department or his/her Authorized Representative.
4. **Health Department** shall mean the Knox County Health Department, an agency of the Knox County Board of Health.
5. **Permit** shall mean the document issued by the Health Officer that authorizes a person to construct, modify, or seal a water well or closed loop well system, under this Ordinance.
6. **Potable Water** shall mean water that is suitable for human consumption, and which meets public health standards for drinking water.
7. **Property** shall mean all or part of a tract of land for which legal title has been recorded.
8. **Property Owner** shall mean person in whose name the legal title to the real estate is recorded.

SECTION F, 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 and shall be protected against backflow 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 the drinking, culinary, and sanitary needs of the dwelling or premises served.

SECTION G, 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 H, 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 I, 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 Officer shall inspect abandoned wells which have been sealed, to determine compliance with this Ordinance. The Health Officer shall be notified at least 48 hours prior to the sealing of an abandoned well at which time a date for inspection may be arranged.

DIVISION II PERMITS

SECTION J, PERMITTING TO CONSTRUCT:

1. 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 sealing a well within Knox County, unless said person holds a valid permit issued by the Health Officer or its authorized representative.
2. 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 Officer. 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.
3. A non-community public water supply shall not be operated without first obtaining a permit from the Health Officer. A permit must also be obtained from the Illinois Department of Public Health prior to operating a non-community water supply.
4. A non-community public water supply shall not be operated without first obtaining a permit from the Health Officer. A permit must also be obtained from the Illinois Department of Public Health prior to operating a non-community water supply. It shall be the responsibility of the property owner to obtain a permit before any construction or deepening of a water well or closed loop well is initiated. Failure of the property owner to obtain a permit before any construction or deepening of a water well or closed loop well is initiated shall constitute a violation of this Ordinance.

SECTION K, APPLICATION FOR PERMIT:

1. 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 Chapter.
2. 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.
3. All applications for permits granted under the provision of this Ordinance shall be in writing on forms provided by the Knox County Health Department and submitted to the Health Officer, which at minimum shall include:
 - a. Name and address of the property owner, location of the proposed site of construction, repair, or sealing including 911 address and parcel identification number.
 - b. Complete description of the proposed system attesting to its compliance with the minimum standards of this Ordinance.
 - c. 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.
 - d. 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, waterlines, etc.).
 - (4) Proposed location of water well, closed loop well, or closed loop well system.
4. Signature of the property owner and Licensed Water Well Contractor and the Licensed Water Well Pump contractor and the Registered Closed Loop Well Contractor, if used, affirming the information submitted is correct to the best of their knowledge.

SECTION L, FEES

1. Authority to Establish Fees: Pursuant to the Counties Code, 55 ILCS 5/5-25013, the Knox County Board 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 County Clerk and the Health Department. The fee schedule shall be available for review and copy by the public and is incorporated herein by reference.

2. Water Well Permit Application Fee: The fee for the review of an application is non-refundable.
3. Closed Loop Well System Permit Application Fee: The fee for the review of an application is non-refundable.
4. Closed Loop Well System Additional Boreholes Fee: The fee for the review of an application is non-refundable.
5. Well Sealing Permit Application Fee: The fee for the review of an application is non-refundable.
6. Variance Application Fee: The fee for the review of a variance application is non-refundable.

SECTION M, PERMIT ACTION

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

SECTION N, VARIANCES

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

Such requests shall be made by submitting the following:

- a. A written request describing why the variance from Ordinance requirements is necessary.
- b. A plan drawn to scale.
- c. Pertinent data to support the request.
- d. A written plan describing how deviations from Chapter requirements will still maintain adequate protection against potential public health hazards.
- e. The property owner's and Licensed Water Well Contractor's or Registered Closed Loop Well Contractor's signatures on the Variance Request Application.
- f. The Variance Application fee.

DIVISION III ENFORCEMENT

SECTION O, INSPECTIONS

1. The Health Officer or its authorized representative is authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance.
2. The Health Authority shall be notified at least 48 hours prior to commencing the construction, modification, or abandonment of a water well or closed loop well for which a permit has been issued.
3. A water well or closed loop well shall not be placed into operation until the installation of the water well or closed loop well and its components has been inspected to verify compliance with applicable provisions of this Ordinance and written approval issued by the Knox County Health Department. To the degree practical and permitted by the Health Officer, the completed installation shall remain uncovered and/or accessible for inspection purposes until approval by the Health Officer. If the Health Officer, upon inspection of the specified installation or component thereof, finds that such work meets the provisions of this Ordinance, approval shall be given and authorization to operate the water well or closed loop well granted.
4. Upon inspection by the Health Officer, if it is found that any provisions of this Ordinance or any permit specifications for a stated property have not been met, the Knox County Health Department shall notify the water well contractor or closed loop well system 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 Officer, said permit shall be suspended, and it shall be unlawful to place the water well or closed loop well into operation.

SECTION P, REVOCATION OR SUSPENSION OF PERMIT

The Health Officer 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 in writing 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 Q, 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 R, RIGHT OF ENTRY FOR INSPECTIONS

1. 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 Chapter.
2. 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.
3. 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 S, NOTICE

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

- a. Be in writing.
- b. Include a statement for the reasons for issuance of the notice.
- c. Allow reasonable time as determined by the Health Officer for performance of any action required.
- d. 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 Officer or when he has been served with such notice by any other method authorized by laws of this State.

SECTION T, HEARING

1. 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 Officer, in connection with the enforcement of this Ordinance may file in the office of the Health Officer a written request for a hearing before the Health Officer.

2. The Health Officer 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.
3. If, as a result of the hearing, the Health Officer 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 Officer 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.
4. The Health Officer 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.
5. Any person aggrieved by the decision of the Health Officer may appeal the decision to the Board.

SECTION U, APPEALS

1. The property owner in conjunction with the Licensed Water Well or Registered Closed Loop Well Contractor may appeal the decision of the Health Officer by filing said appeal within thirty (30) days with the Board.
2. 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.
3. If the Board finds that strict compliance with the decision of the Health Officer 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 Officer, the Board 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.
4. 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, PENALTIES

Any person who violates any provision of this Ordinance, which violation constitutes a violation of any rule, regulation, order or determination of the Department of Public Health of the State of Illinois, adopted or made by said Department pursuant to said Act, shall be guilty of a Class A misdemeanor and fined not less than \$100.00 or more than one thousand dollars (\$1,000.00). Each day the violation continues shall constitute a distinct and separate offense.

SECTION W, CONFLICTS

1. In any case where a provision of this Ordinance is found to be in conflict with a provision of any Ordinance of Knox County existing on the effective date of this Ordinance, the provision which, in the judgment of the Health Officer or its authorized representative, establishes that the higher standard for the promotion and protection of the health and safety of the people shall prevail.
2. 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.

Upon adoption, this Ordinance shall be in full force and effective as provided by law on January 1, 2023.

The above and foregoing Ordinance was adopted on the 22nd day of August, 2022.

**KNOX COUNTY ENVIRONMENTAL HEALTH FEES
POTABLEWATER SUPPLIES, WATER WELLS,
AND CLOSED LOOP WELLS**

Water Well Permit Application Fee:	Set by State Statute
Closed Loop Well System Permit Application Fee:	\$100.00 (up to 10 boreholes)
Closed Loop Well System Additional Boreholes Fee:	\$10.00 (per borehole)
Variance Application Fee:	\$75.00