

**PUBLIC HEALTH ORDINANCE FOR  
McHENRY COUNTY ILLINOIS**

**McHENRY COUNTY DEPARTMENT OF HEALTH**

**ARTICLE V  
PRIVATE, SEMI-PRIVATE, CLOSED LOOP, AND NON-COMMUNITY  
WATER SUPPLIES**

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**§ 8.04.740 General Provisions**

- A. Title.** This Ordinance shall be known and cited as “The McHenry County Private, Semi-Private, Closed Loop and Non-Community Water Supplies Ordinance” (hereinafter the “Ordinance”).
- B. Purpose.** It is hereby declared that there exists within McHenry County, Illinois, the need for a system of controls over the site review, design, construction, materials, installation, operation and maintenance of County Private, Semi-Private, Closed Loop and Non-Community Water Supplies. Therefore, the purpose of this Ordinance is to protect, promote and preserve the public health, safety, and general welfare by providing those controls.
- C. General Rule.** Construction of a potable water well shall not be permitted on property where a community public water supply is reasonably available. If a community public water supply is not reasonably available, then every residence, business, building, or enterprise shall be provided with a water supply in conformance with the provisions set forth in this Ordinance.
- D. Closed Loop or Irrigation Well.** A permit may be issued for a closed loop or irrigation well, when a community public water supply is reasonably available, provided that the owner/operator of the community public water supply provides written confirmation of no objection.

**§ 8.04.750 Definitions**

**“Applicant”** means the owner as defined herein or their authorized agent.

**“Cesspool”** means a lined and covered excavation in the ground, which receives the discharge of untreated domestic sewage so designed as to retain the solids, but permitting the liquids to seep through the bottom and sides.

**“Critical Variance”** means a variance which is granted for the separation distance between a new, replacement or modified water well to the components of an onsite wastewater treatment system or public sewer system or Class V injection well.

**“Department”** means the McHenry County Department of Health.

**“Health Authority”** means the Administrator of the McHenry County Department of Health or their designated agent.

**“Leaching Pit”** means a pit or receptacle having porous walls which permit the contents to seep into the ground and which only receives effluent from a septic tank or other pre-treatment device.

**“Qualified Designer”** means a Licensed Water Well Installation Contractor, Registered Professional Engineer (as that term is defined in 225 ILCS 325) or Licensed Private Sewage Disposal Installation Contractor or a Licensed Environmental Health Practitioner (as defined in 225 ILCS 37/10).

**“Owner”** means legal owner, or the person or persons in whose name(s) legal title to the real estate in question is vested as evidenced by the records contained in the McHenry County Recorder’s office.

**“Person”** means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, political subdivision, state agency, or any other legal entity, or its legal representative, agent or assigns.

**“Potable”** means generally fit for human consumption in accordance with accepted water supply principles and practices.

**“Reasonably Available”** means that the Illinois Environmental Protection Agency approved public water supply shall be reasonably available for connection if

1. there are no local ordinances or restrictions preventing a property owner from connection, and
2. the public water supply is located in a public right-of-way or easement contiguous to the property and further provided that the water main can be reached without tunneling or boring under a roadway, building, or flowing stream for a distance no farther than 300 feet from the lot line of a residential building or 1000 feet to the lot line of a commercial/industrial building. It is not the intent for an individual to subsidize the extension costs of a public water system; therefore, only an individual connection with an individual line will be required.

#### **§ 8.04.760 Incorporated Materials**

This Ordinance adopts by reference the Illinois Water Well Construction Code effective March 2, 2015 and as amended from time to time, and the Illinois Water Well Pump Installation Code effective April 1, 1998 and as amended from time to time.

#### **§ 8.04.770 General Requirements**

- A. Owners Responsibility.** The owner of each building in which people live, work, or assemble shall provide a potable water supply sufficient in quantity and pressure to adequately serve all plumbing fixtures therein.
- B. Building Occupancy.** No person shall occupy or permit occupancy of any building not in compliance with Subsection A above.

#### **§ 8.04.780 Finishing and Testing**

- A. Water Samples.** A water sample shall be taken to the Department or other laboratory approved by the Illinois Department of Public Health and analyzed. Laboratory analysis shall include at least a test for Total Coliform bacteria *E. coli* bacteria, Nitrates (quantified if over 1.0 mg/l), arsenic, and total

chlorine (quantified). A copy of all laboratory analyses performed shall be provided to the Department and is required prior to the final approval of the well. The sample analysis form shall include sample location and the name of the person taking the sample.

- B. The Department reserves the right to require additional parameters be tested if groundwater contamination is suspected. The Department also reserves the right to take water samples from any or all locations for which water well permit applications have been submitted.
- C. After a well has been drilled for which a variance has been issued, two water samples shall be submitted to the Department or other laboratory approved by the Illinois Department of Public Health and analyzed for the parameters listed in Paragraph A above. The first sample shall be submitted within 30 days after the pump is installed and operated; the second sample shall be submitted within 60 days after start-up of the pump, but not less than 30 days after collection of the first sample. An arsenic analysis is not required for the second sample.
- D. A water sample is not required after the installation of a non-potable water well.

#### **§ 8.04.790 Permit Requirements**

- A. No person shall construct, deepen, modify, cap, or seal a water well until a permit has been issued by the Department. Applications for permits shall be in writing on forms provided by the Department and shall be signed by the applicant.
- B. **Permit fee.** No permit shall be issued until the appropriate permit fee, as set forth in the Public Health Fee Ordinance, has been paid.
- C. Application for permit to construct, modify or seal a well shall be accompanied by a plan, prepared by a qualified designer, and drawn to scale and fully dimensioned with specifications as necessary to fully describe the system. The plan shall show the locations of the following (whether existing or proposed) and all other sources of contamination and an indication of the type of contamination source:
  - 1. Existing and/or proposed well;
  - 2. Lot boundaries;
  - 3. Direction of slope;
  - 4. Underground utilities;
  - 5. Overhead utilities that may impact well placement;
  - 6. Trees that may impact well placement;
  - 7. Abandoned wells;
  - 8. Storm water structures;
  - 9. Private sewage disposal system components;
  - 10. Sanitary and storm sewer line(s);
  - 11. Buildings;
  - 12. Driveways;
  - 13. Sidewalks and patios; and,
  - 14. Location and type of private sewage disposal system components within 200 feet of the proposed water well and sewer lines within 50 feet of the proposed water well.
  - 15. Plat of Survey

**D. High Capacity Water Wells:** When a high capacity water well is proposed, a hydrological assessment shall be provided by a Licensed Professional Geologist or Licensed Professional Engineer to confirm that the proposed water well complies with Section 920.40 d of the Illinois Water Well Construction Code. The assessment shall include the following information at a minimum:

1. Availability of sufficient water quantity.
2. Estimated potential area of influence at a maximum sustained draw from the proposed well.
3. Any potential negative influences from the proposed well on surrounding water wells in the estimated area of influence with regards to water quantity or quality. Potential negative influences for consideration shall include but not be limited to insufficient water quantity and documented ground water contamination sites and remediation efforts within the influenced area.
4. The potential impact to any water fed sensitive receiving environments (i.e. wetlands, fens, etc.) within the estimated area of influence.
5. Recommendations for the construction and location of the proposed well to safely and responsibly furnish the desired water quantity.

**E. Water well plan or blueprint:** When a well plan or blueprint is submitted for review, four copies are required.

**F. Extension of Permit:** A six-month extension may be granted, prior to expiration of the permit, upon written request from the permit applicant.

**G. Permit Approval:** The Department shall grant permit requests which meet the requirements of the Act and this Part.

**H. Critical Variances:** When a critical variance (as defined) is granted for a new, replacement or modified water well, the critical variance(s) must be recorded as covenant(s) running with the land with the McHenry County Recorder of Deeds.

**I. Inspections.** Department personnel shall have access to the property any time after a permit application has been filed in order to determine satisfactory compliance with the provisions set forth in this Ordinance. Access shall be deemed essential for, but not limited to, the following:

1. On-site layout review
2. Any stage of construction or modification of a system; and
3. Final inspection.

**J. Comprehensive Inspections of Water Well Installations:** To facilitate the comprehensive inspection of at least one water well installation for each licensed water well installation contractor who installs 3 or more water wells within a calendar year, the licensed water well installation contractor shall provide two days notice to the Department prior to setting the casing and prior to grouting one water well per year. This is in addition to the notification required in Section 920.130 g of the Illinois Water Well Construction Code.

**K. Water Well Sealings by Homeowners and Environmental Consultants:** Department staff shall be present when a water well is sealed by a homeowner or environmental consultant.

### **§ 804.795 Non-Potable Water Wells**

The owner of every non-potable water well shall maintain a registration of that well on forms provided by the Department. The Department may, upon notification, periodically inspect the non-potable water well for compliance with Ordinance requirements.

### **§ 8.04.800 Administration**

#### **A. Powers and duties of the Department.**

1. To make such inspections as are necessary to determine satisfactory compliance with this Ordinance.
2. To cause investigations to be made when a violation of any provision of this Ordinance is reported to the Department.
3. To enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the administration and enforcement of this Ordinance.
4. To institute or cause to be instituted emergency legal proceedings in the Circuit Court of McHenry County in cooperation with the State's Attorney's Office where a condition presents a substantial hazard to the public health. Upon a showing of good cause, the court shall grant such relief as is necessary under the circumstances to abate the hazard.

#### **B. Violations.**

1. Whenever the Health Authority determines, through inspections or other means, that there is a violation of any provision of this Ordinance, the Health Authority shall give notice of such alleged violations. Such notice shall:
  - a. Be in writing; and
  - b. Include a statement of the reasons forming the basis for the issuance of the notice; and
  - c. Contain an outline of remedial action and allow a reasonable time to effect compliance with this Ordinance; and
  - d. Be served upon the owner, operator, or resident as the case may require, provided that such notice shall be deemed to have been properly served when the notice has been personally delivered or sent by registered or certified mail.
2. A "Health Violation" notice may be posted on the property indicating the following:
  - a. Date and time of inspection; and
  - b. Description of violation; and
  - c. Inspector's name and telephone number.

**C. Revocation or Suspension of Permit.** The Department shall have the authority to revoke or suspend a permit when it is issued in error or where any provision of this Ordinance is violated. The reason for the revocation or suspension of a permit shall be posted in writing at the site or mailed to the applicant at the address provided in the permit application.

- D. Penalty.** Any person who violates this Ordinance or who violates any determination or order of the Health Authority under this Ordinance shall be guilty of a Class B misdemeanor punishable by incarceration in a penal institution other than the penitentiary, not to exceed six (6) months, and/or a fine not less than \$100 nor more than \$1000.
- E.** Each day's violation constitutes a separate offense. The McHenry County State's Attorney shall bring such action as they deem appropriate in the name of the Department.
- F. Invalidity.** Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.
- G. Conflicting Ordinances.** In any case where a provision of this Ordinance is found to be in any conflict with a provision of any zoning, building, safety or health Ordinance or Code in force or adopted subsequent to the effective date of this Ordinance, the more stringent provision, as determined by a court of competent jurisdiction, shall prevail.
- H. Effective Date.** This Ordinance shall be in full force and effect from the date of its adoption.

#### **§ 8.04.810 Fee Structure**

The fee structure is set forth in the Public Health Fee Ordinance. All permit fees double if work is started without a permit.