Chapter 39 – WATER WELLS

Sec. 39-1 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 DeKalb County Board the power to enact such Ordinances that protect the health of the citizens of DeKalb 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 DeKalb County, Illinois, that the following rules and regulations are hereby made and adopted.

Sec. 39-2 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, 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)
6. "Safe Drinking Water Act" (Public Law 104-182)

Sec. 39-3 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.

“Cistern: means a waterproof container, often a large tank, used for collecting and storing liquids, typically rain water.

"Health Department" means the DeKalb County Health Department, including its duly authorized representatives.

*“Health Officer” t*he administrator of the County Health Department or their duly authorized representative.

"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, installing a new pitless adaptor 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.

“Non-Community Public Water System:’ means facilities, such as schools, factories, restaurants, resorts, and churches, served by their own water supply, such as a well.

"Potable Water" means water that is suitable for human consumption and which meets public health standards for drinking water.

"Permit Fee" means a fee assessed for the issuance of a permit by the DeKalb County Health Department which includes an inspection and water sample to be conducted in the fulfillment of a water well construction permit.

"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.

"Transient Non-Community Water System” means a non-community public water system that serves different individuals each day, such as a restaurant, campground, or highway rest area.

"Transient Non-Community Water System Permit" means an annual permit issued by the DeKalb County Health Department to the owner or operator of a non-community water system.

“ Valve Cavern/Vault” means an underground enclosure for water valves and pressure tanks.

"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.

Sec. 39-4 Potable Water Supply Required

1. 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.

    A. 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.

    B. 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.

2. 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).

Sec. 39-5 Well pits.

New wells shall not be constructed in pits. It is highly recommended to eliminate existing well pits when a property is sold or ownership is transferred by installing a pitless adaptor and bringing the well above grade (8") and breaking one side of the pit wall so that it does not retain water, unless the pit will continue to be used as a valve cavern. Ideally the pit will be completely eliminated.
(77 Ill. Adm. Code Sec 920.110)

Sec. 39-6 Transient Non-Community Water System Permit Requirements

1. No person shall operate a transient non-community water system without a valid permit issued by the Health Department. The permit shall be renewed annually and shall be available at the well site.
2. The Health Department shall inspect all transient non-community water systems to determine compliance with this ordinance and applicable state codes.
3. The Health Department may collect water samples from a transient non-community water system in order to determine compliance with applicable state codes.

Sec. 39-7 Revocation or Suspension of Permit

1. The DeKalb County Health Department shall have the authority to revoke or suspend water well permits, closed loop well permits or transient non-community water system 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.
2. The DeKalb County Health Department shall also retain the right to refer the matter to the State's Attorney to seek any and all legal remedies available to address such misrepresentations and actions taken inconsistent with this Code.
3. The reason for the suspension or revocation of a permit shall be e-mailed, or mailed to the applicant at the address provided on the permit application, by certified mail, return receipt requested.

Sec. 39-8 Community Development Recommendation

It is recommended that the property owner, water well contractor or closed loop contractor contact the subdivision developer and DeKalb County Community Development 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.

Sec. 39-9 Right of Inspection

The health officer or authorized representative, after proper identification, shall be permitted to enter, the property at any reasonable time after a permit application has been filed in order to determine satisfactory compliance with the provisions set forth in this article. Access shall be deemed essential, but not limited, to the following:

1. Any stage of construction or modification of a system.
2. Final inspection
3. Sampling of private water supply system.

Sec. 39-10 Notification

The owner or contractor shall give 48 hours advance notice, exclusive of weekends and/or state holidays, to the department before beginning the construction of a new well, modification or the capping or sealing of an existing well except in emergencies, for which the contractor must provide notification by the next business day. Emergencies are defined as instances wherein total or unexpected loss of water is experienced for any reason other than the work itself being started. In a non-emergency situation, no work on the water well shall be done until the notification has been given.
(77 Ill. Adm. Code Sec 920.130)

Sec. 39-11 Well Construction Log

All persons digging, boring, drilling or driving wells for human consumption shall be responsible for obtaining a safe and potable supply of water with approved construction materials. They shall maintain a log of the construction submitting a copy to the division of environmental health.

Sec. 39-12 Permit Fee

Permit fees as required under this article shall be set by the Board of Health and approved by the County Board. A fee schedule shall be maintained in the office of the County clerk and the County Health Department. The fee schedule shall be available for review and copying by the public. A permit will be required for each well installed, modified, or sealed. The permit required in this section shall expire one year after its issuance.

Sec. 39-13 Enforcement

Enforcement of this ordinance shall by performed by the DeKalb County Health Department. The DeKalb County State's Attorney's Office is hereby authorized to bring any necessary actions and prosecute any violations of this ordinance in the Circuit Court, whether that be in the form of criminal, civil, injunctive or any other relief authorized by law.

Sec. 39-14 Penalty

1. The DeKalb County Health Department shall determine the amount of the fine based upon the seriousness of the violation. The seriousness of the violation will be determined as follows:

    - Type A – violations considered the most grievous, which shall be grounds to assess a larger fine, shall be activities that create a health hazard, unlicensed activities and repeat violations. Examples of these activities include violations of not maintaining setbacks (77 Ill. Adm. Code 920.Table C), falsifying information on permits or reports, and the use of prohibited materials. The amount of the fine shall be $1,000 for each violation in addition to $100 per day for each day the violation continues

    - Type B – violations relating to improper construction practices, the misuse of materials and/or deviation of manufacture design install instructions, failure to install a water well according to the approved plan. The amount of the fine shall be $1,000 for each violation in addition to $100 per day for each day the violation continues.

    - Type C – administrative violations involving paperwork, such as failure to obtain a permit, failure to notify this department 48 hours prior of the start of construction of a new well, modification or the capping or sealing of an existing well shall be considered the least serious. The amount of the fine shall be $500 for each violation in addition to $100 per day for each day the violation continues

2. Revocation of a permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced. The levy and/or payment of any penalty or fine provided in this article shall not be deemed a waiver of the authority of the health officer or authorized representative to suspend, revoke or refuse to renew any license or permit for cause.

Sec. 39-15 Severability

All provisions, paragraphs, sections, divisions, subdivisions and any portions thereof of this chapter are separate and distinct. If any one or more provisions, paragraphs, sections, divisions, subdivisions or portions thereof, are found to be void, invalid or otherwise unenforceable, the validity of the remaining provisions, paragraphs, sections, divisions, subdivisions or portions that can be given effect without such void provisions shall not be affected.

(Ord. No. 2014-02, 2-19-14; Ord. No. 2015-12, 11-18-2015; Ord. No. 2016-19, 11-16-2016; Ord. No. 2019-48, 11-20-2019; Ord. No. 2015-14, 10-15-2025)