

**PUBLIC HEALTH ORDINANCE FOR  
McHENRY COUNTY ILLINOIS**

**McHENRY COUNTY DEPARTMENT OF HEALTH**

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

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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 Well Ordinance” (hereinafter the “Ordinance”).
- B. 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, habitable building, or enterprise shall be provided with a water well in conformance with the provisions set forth in this Ordinance.
- C. 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.

**Definitions:** See § 8.04.010 of Article I.

**§ 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.
- C. Authorized Constructor Responsibilities:** It is the responsibility of the Authorized Constructor to install the well per the approved design, and to notify the Health Authority of any discrepancies between the installation site and the approved design. Failure to install the well per the approved design or to notify the Health Authority of such discrepancies constitutes a violation of this Ordinance by the Authorized Constructor.

- D. Off-Site Water Wells:** A potable private, semi-private or non-community well or a closed loop well located on a separate property from the structure or structures to be served, must meet one of the following conditions:
- a. The well is located on common property under joint ownership of the users and a deed restriction has been recorded with the McHenry County Recorder of Deeds ensuring the property will remain under common ownership; or
  - b. A well easement has been established granting access to all users for installation, operation, repair, sampling, disinfection, and maintenance of the water well. The easement must be recorded at the McHenry County Recorder of Deeds.
- E. Shared Wells:** In addition to meeting the requirements of § 8.04.770 ¶ D above, a shared well shall meet the following conditions;
- a. Separate pumps, pitless adaptors, electrical services and water service lines shall be installed for each of the properties to be served by the water well.
  - b. Confirmation must be provided from the licensed water well installation contractor or a licensed geologist that the estimated yield of the water well will be sufficient to serve each of the structures utilizing the water well.
  - c. All shared water well users shall be notified prior to disinfection of the shared water well.
- F. New Construction:** Water wells to serve new construction, as defined, shall be in compliance with the requirements of Article V or new well plans approved for the new construction prior to the issuance of the building permit or modification of the water well.
- G. Exemptions:**
1. **Structure Destroyed or Unsound:** In the event a structure is destroyed by 50% or more of the existing habitable square footage by fire, wind, or water; or 50% or more of the existing habitable square footage is determined by a Licensed Architect or Structural Engineer to be unsound; it shall be eligible for a replacement structure if the property cannot support a water well meeting Article V new construction requirements. A replacement residential structure must be of the same number of bedrooms and can be up to 50% larger in habitable square footage than the original structure. A Licensed Architect or Structural Engineer shall issue a certificate as to the condition of the structure to the Health Authority.
  2. **Additions Greater Than 50% or Replacement Structures:**
    - a. Construction of an addition greater than 50% of the habitable square footage of the existing structure, or a replacement structure with no additional bedrooms, requires the water well serving the structure to be in acceptable condition, as defined, as confirmed by an evaluation provided by a Licensed Water Well Installation Contractor, Licensed Professional Engineer or Licensed Environmental Health Practitioner; or
    - b. New well plans must have been approved by the Department for the structure.
- H. Construction Impact Reviews:** A construction impact review (health review) must be completed when historical permit documentation is not available to confirm that the proposed

construction of an addition, remodel, accessory structure, etc., will comply with Ordinance requirements related to private, semi-private, non-community and non-potable water wells. An application, on forms provided by the Department, must be submitted with a site plan detailing the work to be done and setback distances to water wells and private sewage disposal components. A health review fee, as outlined in the Public Health Fee Ordinance, is required.

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

- A. Water Samples.** After a well has been constructed, modified or repaired, the property owner shall be responsible to ensure a water sample is submitted to the Department or other laboratory approved by the Illinois Department of Public Health and analyzed within 30 days after the pump is installed. Laboratory analysis shall include at least a test for Total Coliform bacteria, *E. coli* bacteria, Nitrates (quantified if over 10 mg/l), arsenic, and total chlorine (quantified). A copy of all laboratory analyses performed shall be provided to the Department 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. Prior to final approval of the well installation, modification or repair, an *E. coli* negative water sample is required. The Department will provide the property owner with information and recommendations for nitrate levels above 10 parts per million; arsenic levels above 10 parts per billion; and the presence of total coliform bacteria.
- 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, the property owner shall be responsible to ensure two water samples are 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; 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 and property owner if different from the applicant.
- B. Permit fee.** No permit shall be issued until the appropriate permit and inspection fees, as set forth in the Public Health Fee Ordinance, have been paid.
- C. Application Requirements:** Application for permit to construct, modify or seal a well shall be accompanied by a plan, prepared by a qualified designer, as defined, and drawn to scale and fully dimensioned with specifications as necessary to fully describe the system. The plan shall bear the signature, license number and license expiration date of the qualified designer. The qualified designer shall be responsible for the accuracy of all of the information provided on the plan. 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. Vehicular barriers, if required;
  14. Sidewalks and patios;
  15. 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; and
  16. Plat of Survey (not required for well sealing only permit applications).
- D.** Evidence to demonstrate that a community water supply is not reasonably available to the property.
- E. Pending Permit Applications:** Permit applications that are pending approval due to insufficient information or require revision due to non-compliance with Ordinance requirements, are subject to cancellation, after notification to the applicant, if the permit application is inactive for six (6) months.
- F. Vehicular Barriers:** Water wells (excluding closed loop wells) located within five (5) feet of a parking area of driveway shall be protected by a permanent barrier to prevent vehicle traffic from damaging the well.
- G. 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.

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

**I. Completion of Work:** Once initiated, all work proposed under an approved permit application shall be completed within 12 months unless an extension has been granted by the Department.

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

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

**L. 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.

**M. 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.

**N. 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.

**O. Notification.** Any person who constructs, deepens, modifies, or seals a water well, for which a permit has been issued under this Ordinance, shall notify the Department by telephone or in writing at least two days prior to commencement of the work.

## **§ 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.  
To institute or cause to be instituted legal proceedings in the Circuit Court of McHenry County, in cooperation with the State's Attorney's Office, where a condition presents a hazard to the public health or represents a violation of this Ordinance.

**B. Violations:** Notices of Violation shall be issued per §8.04.030 ¶ E of Article I.

**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 provide 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 subject to the penalties per §8.04.050 of Article I.

**E. 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.

**F. 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, or safety 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.

**G. 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.