

ORDINANCE NO. 2000-2

**WELL LOCATION ORDINANCE**

An ordinance pertaining to and regulating the location of water wells within Huntington County, Indiana, providing for issuance of permits therefor, and providing penalties for the violation thereof.

Be it ordained by the Board of Commissioners of Huntington County, Indiana, that this ordinance is adopted as follows:

Section 1. TITLE. This ordinance, and all ordinances supplemental or amendatory hereto, shall be known as the Well Location Ordinance of Huntington County, Indiana, and may be cited as such and will be referred to herein as "this ordinance".

Section 2. PURPOSE. The purpose of this ordinance is to provide for regulations for the location and the abandonment of water wells and to otherwise promote public health, safety, and general welfare.

Section 3. AUTHORITY. The Health Officer of Huntington County, as hereinafter defined, and the Health Officer's agents and representatives are hereby authorized to issue permits, collect permit and incidental fees, perform inspections, order or otherwise compel correction of violations of this ordinance, and are otherwise authorized to perform all actions necessary for the administration and enforcement of this ordinance.

Section 4. ADOPTION OF REGULATIONS BY REFERENCE. The regulations of the Indiana Department of Natural Resources as found in 312 IAC 13 et seq. and Indiana State Department of Health Bulletin S.E. 13 and Indiana Department of Environmental Management rule 327 IAC 8 et seq, are hereby incorporated by reference in this ordinance and shall include any later amendments. Copies of these regulations shall be on file with the Huntington County Health Department.

Section 5. DEFINITIONS.

ABANDON: Means to terminate operations of a well for water supply, monitoring, dewatering, or geothermal purposes and to restore the site of the well in a manner that will protect ground water resources from contamination.

ABANDONED WELL: Means a well, [1] whose original purpose and use have been discontinued for more than three (3) years, or [2] that is in such a state of disrepair that using it to obtain ground water is impractical or a health hazard.

AGRICULTURAL DISTRICT: Means an Agricultural District as defined by the applicable city, town, or county Zoning Ordinance within Huntington County, Indiana.

BOARD OF COMMISSIONERS: Means the Board of Commissioners of Huntington County, Indiana

COUNTY: Huntington County, Indiana

GROUND WATER: Means any water in a natural state below the surface of the earth that supplies wells and springs.

HEALTH DEPARTMENT: Means the Health Department of Huntington County, Indiana.

HEALTH OFFICER: Means the Health Officer of Huntington County, Indiana, or a designated representative.

LOT: Means a tract, parcel, plot, or portion of a subdivision or any other parcel of land intended as a unit for the purpose of transfer of ownership or of building development.

PERSON: Means an individual, firm, corporation, partnership, or association.

WELL: Means any excavation, whether drilled, bored, driven, jetted, or dug for the purpose of obtaining ground water, returning water to the ground, or for the purpose of testing the quality or quantity of such water.

WELL DRILLER: Means any individual, partnership, firm, or corporation that produces, or contracts, to construct a well.

#### Section 6. PERMITS AND INSPECTION.

- A. Before commencement of construction of a well, the owner or agent shall obtain a written permit signed by the Health Officer. A person shall not perform any work on the project until the permit is obtained. The application for the permit shall be made on a form provided by the Health Officer. The application shall contain any plans, specifications, and other information as deemed necessary by the Health Officer.
- B. Permits shall be valid for one (1) year after the date of issue.
- C. In emergency situations, the applicant for the well permit shall notify the Health Department of the pending installation and obtain a permit within the next scheduled workday.
- D. A permit fee of Ten dollars (\$10.00) shall be paid to the Health Department when the permit is issued.
- E. The Health Officer shall be permitted to enter upon all properties at proper times to inspect, observe, measure, and test to carry out the provisions of this ordinance.

Section 7. CONSTRUCTION OF WELLS. The construction of water wells must be performed in accordance with: the Indiana Department of Natural Resources rule 312 IAC 13 et seq.; the Indiana State Department of Health Bulletin S.E. 13 for commercial wells; and the Indiana Department of Environmental Management rule 327 IAC 8 et seq. for public supply wells.

Section 8. LOCATION.

A. In addition to separation distances provided for in other state and local codes, this ordinance shall require all wells to be located in accordance with the following distances:

Dwelling or other access inhibiting structures.	10 feet
Side, rear, or front lot lines (including any public right-of-way) either:	
1. All lots located within or adjacent to an agricultural district.	70 feet
2. Or, all other lots utilizing a well.	50 feet

B. The provisions of this ordinance relating to well location will not apply where it is necessary to replace an existing well. Such replacements shall be located in accordance with the best judgment of the Health Officer.

Section 9. WELL RECORD. The well driller shall supply the Health Officer, within thirty (30) days after drilling the well, with an accurate copy of the water well record (state form 35680) and such other information that may be requested. The original well record shall be forwarded to the Indiana Department of Natural Resources.

Section 10. ABANDONMENT OF WELLS. All abandoned water wells shall be plugged using the procedures outlined in 312 IAC 13-10-2(e) et seq. by a well driller licensed in Indiana. A copy of the record of abandonment (state form 35680) must be submitted to the Health Department for recording purposes. The original record of abandonment shall be forwarded to the Indiana Department of Natural Resources.

Section 11. ENFORCEMENT.

A. Whenever the Health Officer determines that there are reasonable grounds to believe that there has been a violation of any provision(s) of this ordinance, the Health Officer shall give notice of the alleged violation(s) to the person or persons responsible therefor, or to any known agent of such person, as hereinafter provided. Such notice shall:

1. Be in writing.

2. Include a statement of the reasons why the notice is being issued.
3. Allow a reasonable time for any remedial actions, which, if taken, will effect compliance with this ordinance.
4. Be served upon the owner, or the owner's agent, or the occupant, as the case may require. This notice is considered properly served if a copy thereof is served upon the owner personally, or is sent by certified mail to his last known address, or if a copy is posted in a conspicuous place on or about property affected by the notice, or served by any other method authorized or required under the laws of this state.

B. Any person affected by any such notice may request and shall be granted a hearing on the matter before the Board of Commissioners provided that such person shall file in the office of the Health Officer within ten (10) days after service of the notice, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. Upon receipt of such petition the Health Officer shall arrange a time and place for such hearing and shall give the petitioner written notice thereof. Such hearing shall be held as soon as practicable after receipt of the request. At such hearing the petitioner shall be given an opportunity to be heard. After such hearing, the Board of Commissioners may sustain, modify, or withdraw the notice, depending upon the findings as to whether the provisions of this ordinance have been complied with.

#### Section 12. PENALTIES.

A. Any person who violates any provisions of this ordinance will be deemed to have committed an ordinance violation and upon conviction shall be fined not more Five Hundred dollars (\$500.00) for the first violation and not more than One Thousand dollars (\$1,000.00) for the second and each subsequent violation. Each day a violation continues after the expiration of the time set forth in any notice issued under this ordinance constitutes a separate violation.

B. Any person violating any provision of this ordinance will be liable for all court costs, including attorney fees, and the cost of enforcement incurred by the County due to the violation.


C. In addition to any fine and other costs, the Health Officer may enforce this ordinance by injunction. The violating party shall be responsible for all costs including reasonable attorney fees incurred by the County in the enforcement of this ordinance.

Section 13. SEVERABILITY. Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected thereby and shall remain in full force and effect.

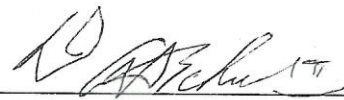
Section 14. EFFECTIVE DATE. This ordinance shall apply to all of Huntington County, Indiana and shall become effective on May 1, 2000.

Adopted by the Board of Commissioners this 17<sup>th</sup> day of April, 2000.

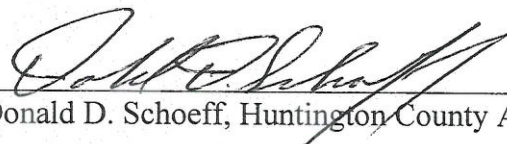
THE BOARD OF COMMISSIONERS OF  
HUNTINGTON COUNTY, INDIANA

  
Richard Brubaker

  
Vince Hoover

  
Dr. G.A. Schul II

ATTEST:

  
Donald D. Schoeff, Huntington County Auditor