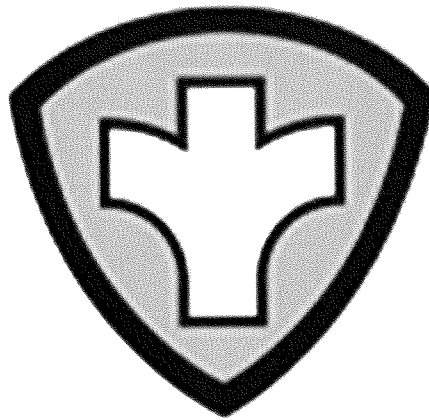


ORDINANCE NO 2024-03
AN ORDINANCE REGULATING
CONSTRUCTION, INSPECTION AND
REGULATION OF WELLS



Public Health
Prevent. Promote. Protect.

Huntington County Health Department
1330 S Jefferson St
Huntington, In 46750

Adopted April 2024

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WHEREAS, the Commissioners of Huntington County, Indiana, recognize the need for an ordinance regulating the inspection care, and maintenance of public and semi-public swimming pools.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Board of Commissioners of Huntington County, Indiana, as follows:

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:

1 TITLE

- A. 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”.

2 PURPOSE

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

3 AUTHORITY

- A. 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.

4 ADOPTION OF REGULATIONS

- A. 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.

5 DEFINITIONS

- A. ABANDON:
 - a. 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 groundwater resources from contamination.

- B. ABANDONED WELL:
 - a. 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 groundwater is impractical or a health hazard

- C. AGRICULTURAL DISTRICT:

- a. Means an Agricultural District as defined by the applicable city, town, or county Zoning Ordinance within Huntington County, Indiana.
- D. BOARD OF COMMISSIONERS:**
 - a. Means the Board of Commissioners of Huntington County, Indiana
- E. COUNTY:**
 - a. Huntington County, Indiana
- F. GROUNDWATER:**
 - a. Means any water in a natural state below the surface of the earth that supplies wells and springs.
- G. HEALTH DEPARTMENT:**
 - a. Means the Health Department of Huntington County, Indiana.
- H. HEALTH OFFICER:**
 - a. Means the Health Officer of Huntington County, Indiana, or a designated representative.
- I. LOT:**
 - a. Means a tract, parcel, plot, or portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or building development.
- J. PERSON:**
 - a. Means an individual, firm, corporation, partnership, or association.
- K. WELL:**
 - a. Means any excavation, whether drilled, bored, driven, jetted, or dug to obtain groundwater, returning water to the ground, or to test the quality or quantity of such water.
- L. WELL DRILLER:**
 - a. Means any individual, partnership, firm, or corporation that produces, or contracts, to construct a well.

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 emergencies, 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 Fifteen dollars (\$15.00) shall be paid to the Health Department when the permit is issued.
- E.** 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

7 CONSTRUCTION OF WELL

- A. 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.

8 LOCATION OF WELL

- 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:

Independent clear water drains; septic system perimeter drain; rainwater downspout; cistern; hydrant drain; or building foundation drain	10 Feet
Property lines	15 Feet
Stream; lake or pond shoreline; below-ground swimming pool; open ditch or other waterway; sanitary or storm sewer constructed of waterworks grade ductile iron, cast iron, or PVC pipe with mechanical or push-on joints	20 Feet
Watertight grease basin; septic tank; wastewater holding tank; absorption field; constructed wetland; sewage lift station; or sanitary vault privy (a privy that utilizes a solid wall wastewater holding tank)	50 Feet
Stable; animal barn or feeding pen; milk house; livestock run; or silo	50 Feet
Sanitary or storm sewer not constructed of waterworks grade ductile iron, cast iron, or PVC pipe with mechanical or push-on joints	50 Feet
Pit privy (a privy that has brick-, block-, or stone-lined pit walls); manure pile; manure holding tank; silage pit; dry well; seepage pit or trench; or cesspool	100 Feet
Surface or subsurface stored chemicals such as gasoline, diesel fuel, home heating oil, fertilizer, pesticides, etc.	100 Feet
Septage or treated sludge disposal area; wastewater absorption; storage, retention, or treatment pond; ridge and furrow waste disposal site; or spray irrigation waste disposal site	500 Feet
Uncovered salt storage	1500 Feet

- B. The provisions of this ordinance relating to the 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.

9 WELL RECORD

- A. 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 and such other information that may be requested. The original well record shall be forwarded to the Indiana Department of Natural Resources.

10 ABANDONMENT OF WELL

- A. 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.

11 WATER TESTING

- A. The water from a private water well that is constructed, installed, or located on a property that is in the process of transfer after the effective date of this Ordinance shall not be used for human consumption until the Health Officer has approved the well and found the water analysis to be acceptable.
- B. The Health Officer shall grant final approval of a potable private water well only if the Owner submits to the Health Officer a satisfactory report of analysis (or satisfactory reports of analyses) of a water sample (or water samples) taken from the well made by a water laboratory (or water laboratories) certified by the Indiana Department of Health.
- C. The water laboratory (or water laboratories) shall test for, and report on, the presence or absence of
 - a. total coliform bacteria;
 - b. E. coli;
 - c. nitrate concentrations measured as nitrogen;
 - d. arsenic
 - e. chlorine residual.
 - f. If the private water well is located in the vicinity of known areas of concern or contamination, the Health Officer may require testing for, and a report concerning, additional testing parameters.
- D. If the laboratory report or reports indicate the presence of:
 - a. chlorine, total coliform bacteria, or E. coli, at any level, or
 - b. a nitrate level of 10 milligrams per liter (parts per million (ppm)) or greater, or
 - c. an arsenic level of 10 micrograms per liter (parts per billion (ppb)) or greater, the Health Officer shall not approve the use of the potable private water well until a satisfactory report or report is obtained and submitted to the Health Officer.
- E. It shall be the responsibility of the property owner to provide for the collection and testing of all the water well samples. The owner of the private water well or the owner's designee may collect the sample or samples to be analyzed. The sample or samples shall be collected from a permanent fixture inside the building or dwelling or a sampling tap installed near the pressure tank, but only after it appears that all chlorine residual has dissipated from the water supply.
- F. All water analysis sample results shall be provided to the Health Officer within ten days of the completion of the analysis

12 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:
- a. Be in writing.
 - b. Include a statement of the reasons why the notice is being issued.
 - c. Allow a reasonable time for any remedial actions, which, if taken, will affect compliance with this ordinance.
 - d. 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 a hearing, the petitioner shall be allowed 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.

13 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 than 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 outlined 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.

14 SEVERABILITY

- A. 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.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Dated this 8 day of April, 2024

THE BOARD OF
COMMISSIONERS OF
HUNTINGTON COUNTY OF
INDIANA



Tom Wall



Terry Stoffel



Rob Miller

ATTEST:



Jill Landrum, Auditor of Huntington County