

STEUBEN COUNTY ORDINANCE 1039

WATER WELL ORDINANCE

WHEREAS, Steuben County residents/visitors deserve safe potable water and,

WHEREAS, drinking water is one of man's most precious natural resources; and

WHEREAS, safe potable groundwater can be contaminated and made useless for drinking by improper well drilling and pump installation practices; and

WHEREAS, the Board of Commissioners of Steuben County desire to establish guidelines and standards for the safe construction and drilling of residential water wells as well as the safe installation of pumps and all accompanying parts thereto; and

WHEREAS, the Steuben County Commissioners desire to establish clear standards for the proper installation of private water wells to protect the health, safety, and welfare of the citizens of Steuben County hereby adopt an ordinance.

NOW THEREFORE BE IT RESOLVED THAT THE FOLLOWING ORDINANCE SHALL BE ADOPTED AND MADE A PART OF THE PERMANENT RECORDS OF STEUBEN COUNTY, INDIANA that:

**Section 1. Definitions.**

- A. **Authorized Agent-** Someone who has the power to act on behalf of the property owner
- B. **Aquifer-** A body of permeable rock that can contain or transmit groundwater.
- C. **Commercial Well-** all sources of water and all equipment necessary for the proper conduction, collection, and storage of water other than one- or two-family dwellings. Including within, but not limited to apartment buildings, campgrounds, churches, commercial establishments, condominiums, medical facilities, mobile home parks, motels, office buildings, restaurants, health clubs, and schools.
- D. **Flushing-** means the act of causing a rapid flow of water from a well by pumping, bailing, or similar operation.
- E. **Groundwater-** is any water in its natural state below the surface of the ground.
- F. **Health Officer-** means the duly appointed Health Officer for Steuben County, Indiana, or a person designated by the Health Officer to act in or on their behalf. The term shall also mean Steuben County Health Department.
- G. **Pollution-** means such contamination or other alteration of the physical, chemical, or biological properties of water as to render such water harmful or detrimental or injurious to public health and safety.
- H. **Public Water System-** a system that provides water for human consumption to at least 15 service connections used by year-round residents. Or on that regularly serves at least 25 year-round residents.
- I. **Private Well-** means a water well that serves a family or business for their water needs. This shall not apply to any well used solely to monitor the quality or quantity of groundwater.
- J. **Work on any Private Well-** means the installation of any new or replacement water well and/or pump to bring water from below the surface of the ground to be used by

the owner for their water needs. This term also includes the breaking of any sanitary seal of a private water well.

- K. **Installer-** means any person, firm, or entity that performs maintenance, replaces or installs private water wells for any person or business whether for a fee or without a fee. This term also includes well installers and any person who performs any service to abandon a private well for another person.
- L. **Person-** means any person, firm, or entity without respect to any particular gender or type. This shall also include the homeowner and/or maintenance for their own property or residence.
- M. **Maintenance-** means the repair or replacement of any pump, pressure tank, piping, well, or well casing wherein the well seal is broken, compromised, or removed by an installer or any other person.
- N. **Yield-** means the quantity of water per unit of time, which may flow or be pumped from a well, when the water level remains stabilized for one hour or longer.
- O. **All other words or phrases shall have their usual and customary meaning.**

## Section 2. Location

- A. A private well shall be located in keeping with the following principles:
  - a. To use every natural protection to promote the maintenance of the well and its surroundings, and to protect the quantity and quality of groundwater encountered during the construction of the well.
  - b. As far as practicable from any:
    - a) high capacity well; and/or
    - b) known contamination source.
  - c. To protect the well against surface water ponding, drainage, or flooding. Earthen materials shall be placed around the pitless unit or finished well casing in a manner to drain surface water away from the well. The finished well casing or pitless unit shall extend at least one (1) foot above the ground level and, if located in a designated flood hazard area, must:
    - a) be at least two (2) feet above the elevation of the regulatory flood elevation; or
    - b) be equipped with a watertight pitless unit cap or well seal and vented to an elevation at least two (2) feet above the elevation of the regulatory flood.
- B. Private well serving a residence consisting of not more than two (2) dwellings shall maintain the following minimum separation distances from a source of contamination:
  - a. Independent clear water drains; septic system perimeter drain; rainwater downspout; cistern; hydrant drain; or building foundation drain..... 10 feet
  - b. Property Line.....5 feet
  - c. Stream; lake or pond shoreline; below-ground swimming pool; open ditch or other water-way; sanitary or storm sewer constructed of water works grade ductile iron, cast iron, or PVC pipe with mechanical or push-on joints.....20 feet

- d. Watertight grease basins; septic tank; septage holding tank; absorption field; constructed wetland; sewage lift station; or sanitary vault privy (a privy that utilizes a solid wall watertight holding tank) .....50 feet
  - e. Animal stable, barn or feeding pen; milk house; livestock run; or silo.....50 feet
  - f. Sanitary or storm sewer not constructed of water works grade ductile iron, cast iron, or PVC pipe with mechanical or push-on joints.....50 feet
  - g. Pit privy (a privy that has brick-, block-, or stone walls); manure pile; manure holding tank; or silage pit.....100 feet
  - h. Surface or subsurface stored chemicals such as gasoline, diesel fuel, external home heating oil tank, fertilizer or pesticides, etc.....100 feet
  - i. 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
  - j. Uncovered salt storage.....1500 feet
- C. The Health Officer may waive the minimum separation distances when he considers that it will not endanger public health or safety.
- a. If the Health Officer waives the separation distances a water quality test for E. coli /coliform must be completed within 72 hours of the well installation.
    - i. Documentation of the water test must be returned to the Steuben County Health Department before a final inspection will be completed on the well.
    - ii. Before any human consumption.
- D. Well heads shall not be located in a pit extending below the ground surface, except when permitted by the Indiana Department of Natural Resources and the Health Officer.

### Section 3. Permits for New Wells and Replacement Well

- A. Prior to the commencement of any work to install a new private well, the Owner or authorized agent shall obtain a permit from the Health Officer.
- B. The Owner or authorized agent shall submit a permit application provided by the Health Officer for a permit to install a new private water well. This application shall be returned to the Health Department.
- C. A detailed drawing showing the proposed location of the private well.
  - a. This shall show all relevant features i.e. Septic, buildings existing and proposed, and any other unique feature.
  - b. This shall have measurements from all of these items.
- D. A sign-off form will be provided by the Health Officer and signed by the homeowner or authorized agent and the well driller.
- E. If serviced by a sewer district or conservancy district, the applicant must obtain a letter of nonobjection from them.
- F. Any other information that the Health Officer shall deem necessary to issue a private well permit.
- G. The permit shall be obtained no later than two (2) business days prior to the commencement of any work on the private well. Under exigent circumstances, a

water well permit may be issued the same day with Health Officer approval. This does not waive any other permit requirements for issuance.

- H. The Health Officer shall charge a fee as listed in Ordinance #929, an Ordinance to Establish a Fee Schedule, and Ordinance #994 an Ordinance amending Ordinance #929 for all permits of a new private well. The fee shall be submitted at the same time as the application is submitted. This permit shall apply to new home construction, replacement wells, commercial wells, and inspection wells and shall include both the well and the pump installation.
- I. Prior to the use of the private water well for human consumption, the Health Officer shall inspect the well for compliance with all state and federal regulations.
- J. The installer shall not commence work on the private well until the Owner has provided a copy of the permit to the installer.

#### **Section 4. Process for the Installation of a New Well and/or Replacement of a Commercial or Residential Well**

- A. The Health Officer shall be permitted to verify a private water well installation location at any stage of construction.
- B. The installer or property owner shall within 60 days of completion of installation provide a copy of the well record to the property owner, the Health Officer, and the Indiana Department of Natural Resources.

#### **Section 5. Commercial Well**

- A. All commercial wells shall meet or exceed the minimum requirements set in Indiana 327 IAC 8 and any and all subsequent amendments or modifications thereto.
- B. All Commercial wells require a permit issued by the Steuben County Health Officer.
- C. An approval letter from the Indiana Department of Natural Resources, if applicable.
- D. The owner shall submit an application for a permit provided by the Health Officer for a permit to install a new / replacement commercial water well. This application shall be returned to the Health Department.
- E. A detailed drawing showing the proposed location of the commercial well.
  - c. This shall show all relevant features i.e. Septic, buildings existing and proposed, and any other unique feature.
  - d. This shall have measurements from all of these items.
- F. A sign-off form will be provided by the Health Officer and signed by the homeowner or authorized agent and the well driller.
- G. If serviced by a sewer district or conservancy district the applicant must obtain a letter of nonobjection from them.
- H. Any other information that the Health Officer shall deem necessary to issue a private well permit.
- I. The permit shall be obtained no later than two (2) business days prior to the commencement of any work on the private well. Under exigent circumstances, a water well permit may be issued the same day with Health Officer approval. This does not waive any other permit requirements for issuance.

- J. The Health Officer shall charge a fee listed in Ordinance #929, an Ordinance to Establish a Fee Schedule, and Ordinance #994 an Ordinance amending Ordinance #929 for all permits of a commercial well. The fee shall be submitted at the same time as the application is submitted. This permit shall apply to new home construction, replacement wells, commercial wells, and inspection wells and shall include both the well and the pump installation.
- K. Prior to the use of the commercial water well for human consumption, the Health Officer shall inspect the well for compliance with all local, and state regulations.
- L. The installer shall not commence work on the commercial well until the Owner has provided a copy of the permit to the installer.

#### **Section 6. Contaminated Private Well**

- A. If the Health Officer determines that water from a private well used by humans for drinking, food preparation, washing, or other direct human contact presents a chemical, biological, or radiological threat for the persons served by the private well, then the Health Officer shall order the owner of said well to cease and desist from its continued use.
  - a. If suspicions of impaired water, due to contamination a water quality test for E. coli / coliform shall be performed.
- B. In the event that public water source becomes available within 100 feet of the property line of the residence or business property served by a private well, the owner of the property shall establish a direct connection for the property to the public water source as soon as reasonable.
- C. After connection to the public water source the owner of the property shall abandon the private well pursuant 312 IAC 13 *et seq.* and report the abandonment of the private well to the Health Officer within two (2) business days.

#### **Section 7. Abandoning Wells**

- A. A private well to be temporarily abandoned, but which the owner intends to equip and use at a future time shall be temporarily sealed at the surface by a welded or threaded cap.
- B. A private well that is to be abandoned permanently shall abandon the private well pursuant to 312 IAC13 *et seq.* and report the abandonment of the private well to the Health Officer within two (2) business days.

#### **Section 8. Powers for Inspection – Enforcement- Service of Notice and Orders – Hearings**

- A. The Health Officer, bearing proper credentials and identification, shall be permitted to enter upon all properties at proper times for the purpose of inspection/verification, observation, and measurement necessary to carry out the provision of this ordinance.
- B. Whenever the Health Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, he/she shall give notice of such alleged violation to the person or persons responsible therefore, and to any known agent of such person, as hereinafter provided.
  - a. Such notice shall
    - i. Be put in writing;
    - ii. Include a statement of the reason why it is being issued;
    - iii. Allow a reasonable time for the performance of any act it requires;

- iv. Be served upon the owner of his agent, or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally, or if a copy thereof is sent by certified mail to his/her last known address, or if he is served with such notice by any other method authorized or required under laws of this state.
    - v. Such notice must contain an outline and timeframe of remedial action which if taken, will affect compliance with the provision of this ordinance.
- C. Any person affected by any such notice issued by the Health Officer may request and shall be granted a hearing on the matter before the Board of Health,
  - a. Provided that such person shall file in the office of the Health Officer, within ten (10) business days
    - i. After service if the notice a written petition requesting such hearing and setting forth
    - ii. A brief statement of the grounds therefor.
  - b. Upon receipt of such petition the Health Officer shall arrange a time and place for such hearing and shall give the petitioner written notice therefore.
    - i. Such hearing shall be held as soon as practicable after the receipt of the request.
    - ii. At such hearing the petitioner shall be allowed to be heard and show cause why such notice should not be complied with.
  - c. After such hearing the Health Officer shall sustain, modify, or withdraw the notice depending on the findings of the Board of Health.
  - d. Any notice served in according with Section 8. Subsection B. of this ordinance shall automatically become an order if a written petition for a hearing is not filled in the office of the Health Officer within ten (10) days after notice has been served.

## **Section 9: Penalties**

- A. Any person, firm or entity found to be in violation of any provision of this Ordinance and/or rule shall be fined not more than one thousand dollars (\$1,000). Each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions as ordered by the Steuben County Health Department shall constitute a distinct and separate offense.
- B. The Steuben County HD shall also be entitled to seek any other legal remedy available against any person who shall violate any provision of this ordinance and/or rule.
- C. The Steuben County HD shall be entitled to seek all legal fees incurred during enforcement of this ordinance and/or rule.
- D. The penalties provided in this section shall be cumulative, and not exclusive, and shall be in addition to any other remedy provided by law.

**Section 10: Conflict of Ordinance and Severability**

- A. In any case, where a provision of this ordinance is found to be in conflict with a provision of any code of Steuben County, Indiana, existing on the effective date of this ordinance, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of any other code of Steuben County, Indiana, existing on the effective date of this ordinance which establishes a lower standard for the promotion and protection of the health and safety of the people, are hereby declared to be repealed to the extent that they may be found in conflict with this ordinance.
- B. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect, and to the end the provisions of this ordinance are hereby declared to be severable.

**Section 11: Date of Effect**

Passed and adopted by the Commissioners of Steuben County, State of Indiana, on this 7<sup>th</sup> day of April, 2025.

1<sup>st</sup> Reading: 3-3-25

2<sup>nd</sup> Reading: 3-17-25

3<sup>rd</sup> Reading: 4-7-25

  
Commissioner  
  
Commissioner  
  
Commissioner

Attest:

  
Auditor, Steuben County

Board of Commissioners of  
Steuben County, Indiana