

HENDRICKS COUNTY
GROUND WATER WELL ORDINANCE

ORDINANCE NO. 2016 - 37

An Ordinance pertaining to private groundwater well drilling, maintenance, abandonment and other items requiring permits and permit fees for drilling wells, regulating the inspection of such wells, providing for enforcement of this Ordinance, providing for the fixing of penalties for violations of said Ordinance, and providing for incorporation by reference selected portions of the following Indiana Codes: IC 4-21.5-3, IC 14-25, IC 25-39, and Indiana Administrative Codes , 312 IAC 12, and 312 IAC 13, or as amended and the Indiana Department of Environmental Management Rule 327 IAC 8.

Be it ordained by the Board of Commissioners of Hendricks County, State of Indiana, that the provisions of this Ordinance are effective within Hendricks County and that the Hendricks County Board of Health is hereby empowered to enforce the provisions of this Ordinance.

SECTION I DEFINITIONS

The definitions in this Ordinance are in addition to those contained in IC 25-39-2, 312 IAC 12-1, and 312 IAC 13-1, 327 IAC 8 and apply throughout this Ordinance. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

Dewatering Well: a temporary water well that: (1) is used as part of a construction project to remove water from a surface or subsurface area; and (2) ceases to be used upon completion of the construction project or shortly after completion of the project. Dewatering wells are not subject to this ordinance.

Ground Water as defined in IC25-39-2 Definitions: means water occurring beneath the surface of the ground regardless of location or form.

Health Officer: the Health Officer of Hendricks County in Indiana, or the authorized representative thereof, and shall have the same meaning as local health officer in Indiana Code IC 16-18-2-212 and IC 16-20.

Person: shall mean any individual, firm, corporation or partnership.

Potable Water: water suitable for human consumption.

Private Water Supply: one or more sources of ground water, including facilities for conveyance thereof, such as wells, springs, and pumps, other than those serving a municipality or those operating as a public utility under the rules of the Indiana Public Service Commission or those defined as a public water supply well.

Public Water Supply Well as defined in 327 IAC 13-1-20: a well that provides a source of water to a public water system as defined in 327 IAC 8-2-1 that serves either of the following:

- (1) At least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five year-round residents.
- (2) At least fifteen (15) service connections used by nonresidents or regularly serves twenty-five (25) or more nonresident individuals daily for at least sixty (60) days per year.

Public water supply wells are not subject to this ordinance.

Pump Installer: is any individual, partnership, firm or corporation that installs a pump in a well or opens the well to service a pump and is licensed by Indiana Department of Natural Resources under 312 IAC 13-2-1.

Residential Well: any well drilled for the use of one or two dwelling units.

Well as defined in IC 25-39-2 a hole drilled or driven to:

- (1) obtain geologic information on aquifers;
- (2) monitor the quality or quantity of ground water;
- (3) obtain ground water; or
- (4) utilize the geothermal properties of earth formations.

Well Driller: is any individual, partnership, firm or corporation that produces, or contracts to construct a well and is licensed by Indiana Department of Natural Resources under 312 IAC 13-2.

Well Owner: is the legal owner of the real estate containing the well site.

Well Repair: any work on a well, well pump, or accessory lines thereto when the pitless adaptor is removed or separated from a well that is not a public water supply well.

SECTION II EXCEPTIONS

This ordinance shall not apply Public Water Supply Wells as defined by IC 13-1-20.

SECTION III PERMITS

Before commencement of construction of a well or geothermal heat pump system utilizing a well, a well repair or a pump installation, the owner or agent shall obtain a written permit signed by the Health Officer. No person shall perform any work on such project until such permit is obtained. The application for such permit shall be made on a form provided by the Health Officer of Hendricks County, Indiana, which applicant shall supplement by any plans, specifications and other information as deemed necessary by the Health Officer. Such permit shall be void if the installation is not completed in one year.

In emergency situations, the applicant for the well permit shall notify the Health Department of the pending well installation prior to such installation. The well permit application shall be submitted with signatures within 24 hours of the first regular scheduled workday after the start of the emergency installation and the application shall provide details regarding the specific situation that mandated the emergency well installation.

It shall be unlawful for any person to install a well or well pump, or to perform a well repair in Hendricks County, who does not possess a valid permit from the Health Officer. Only persons who comply with the applicable requirements of this Ordinance will be entitled to receive and retain such a permit.

Any permits issued by the Health Officer shall contain the name of the property owner, site address, the parcel ID for the property on which the well will be drilled, and other pertinent information required by the Health Officer.

SECTION IV PERMIT FEES

A permit fee of the amount specified in the Hendricks County Board of Health Ordinance for Collection of Fees, shall be paid to the Hendricks County Health Department at such time as an owner or their agent makes application for a well or pump permit.

SECTION V MINIMUM REQUIREMENTS

Water Well Drillers and Pump Installers

All water well drillers and pump installers operating in Hendricks County shall comply with the terms and provisions of this chapter and the incorporated articles. All water well drillers and pump installers operating in Hendricks County shall comply with the licensing requirements of Indiana Code 25-39-3.

Except as otherwise provided in this Ordinance, any new groundwater well located in Hendricks County shall be operated in compliance with technical criteria and regulatory compliance set out in 312 IAC 12 and 13, and IC 14-25 and IC 25-39. Two copies of each are kept on file in the Hendricks County Health Department, Danville, Indiana, for public inspection.

It shall be the responsibility of the property owner and the well driller to submit to the Hendricks County Health Department the following reports, within thirty (30) days of well drilling:

1. well drilling logs,
2. bacteriological water sample results,
3. water pump technical specifications; and
4. other reports requested by the Hendricks County Health Department or any other county, state, or federal department or agency.

Well Repairs

Any time a repair is made to an existing well, the well must be fitted with a pitless adaptor and the well casing extended to one (1) foot above ground level, and if located in a designated flood hazard area, must be at least (2) feet above the elevation of the regulatory flood or the well must be fitted with a well seal.

Well Location And Separation Distances

Private water supply wells and open loop geothermal heat pump systems serving a residence(s) and wells used for irrigation or livestock shall be located to protect against surface drainage and flooding and shall maintain the following minimum separation distances from sources of contamination:

Gravity sewers outside of building foundations but within 18 inches vertical distance or with 10 feet horizontal distance of potable water lines.

Sewer Pipe PVC ASTM-D 3034 SDR 26 or ASTM-D 2241 SDR 13.5,

17, 21, or 26 with gasket compression-type joints.	10 feet
Sewer Pipes	30 feet
Privies	50 feet
Septic tanks and absorption fields	50 feet
Sewage pits and dry wells	100 feet
Stables, livestock runs, manure piles, etc	50 feet
Streams, lakes, ponds	25 feet
Property lines	5 feet
Buildings and building overhangs	5 feet

Private water supply wells, open loop geothermal heat pump systems serving other than a residence consisting of not more than two dwelling units shall maintain the following minimum separation distances from sources of contamination.

Gravity sewers outside of building foundations but within 18 inches vertical distance or within 10 feet horizontal distance of potable water lines.

Sewer Pipe PVC ASTM-D 3034 SDR 26 or ASTM-D 2241 SDR 13.5, 17, 21 or 26 with gasket compression type joints.	30 feet
Sewer Pipe	30 feet
Sewers and Drains	100 feet
Septic tanks, absorption fields, filters	100 feet
Privies	100 feet
Streams, lakes, ponds-	50 feet
Property lines	5 feet
Buildings and building overhangs	5 feet

The Health Officer or the Hendricks County Health Board may waive by written documentation the requirements set forth above when it is not considered to endanger public health and if it is not in conflict with any other state requirements.

Well heads and well casing openings shall not be located in any pit, room or space extending below the established ground surface, except when permitted by the Health Officer and under such conditions and construction requirements as is prescribed by the Hendricks County Board of Health.

Well Abandonment

Groundwater wells must be properly abandoned in accordance with 312 IAC 13.

Any groundwater well connected to an existing structure that is scheduled for demolition must be either:

- a. Properly abandoned in accordance with 312 IAC 13 or other applicable regulations, with written verification submitted to the Local Health Officer prior to initiating demolition of the structure, or
- b. Located by global positioning system for later abandonment, with written notification and well location submitted to the Local Health Officer prior to initiating demolition of the structure.

SECTION VI COMPLIANCE AND INSPECTION

Inspection

It shall be the duty of the well driller and the owner of the property on which the well is drilled to notify the Hendricks County Health Department when the well and appurtenances are available for inspection. The Health Officer must be permitted to inspect the well and appurtenances at any reasonable time.

Procedure to Follow When Any Violation is Noted

It shall be the duty of the Hendricks County Health Officer to enforce this Ordinance. The Health Officer is authorized by the permittee to perform any activities that, in the Health Officer's opinion, are required to enforce this Ordinance. These activities may include, but are not limited to: inspections, copying and reviewing documentation, obtaining samples, obtaining ground water samples, obtaining surface water samples, monitoring activities, and other duties.

If during an inspection of any water well located in Hendricks County, the Health Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, he shall issue a written order listing such violation to the property owner, and setting a date by which the violation shall be abated. A copy of the written order shall be filed in the Hendricks County Health Department.

Violators of the Ordinance shall be served a written initial notice of violation, whether in person or by any other manner reasonably decided to result in actual notice, including certified mail. Such order shall state the violation, order the abatement of the violation, and provide a reasonable time for abatement or notify the violator of their right for a hearing before the Hendricks County Board of Health.

If the violation is not satisfactorily abated within the specified time, a second notice of violation shall be served, in the same manner as specified for initial notices and containing the same information as specified for initial notice of violation. If the conditions continue following the specified period of time, the matter shall be referred to the attorney for the Hendricks County Health Department or the county prosecutor for appropriate legal action and possible revocation or modification of permit, as specified in this Ordinance.

Any permit granted by the Hendricks County Health Department may be revoked or modified by the Health Department for any of the following causes:

- A. Violation of any condition of the permit;
- B. Failure to disclose all of the relevant facts, or
- C. Any misrepresentation made in obtaining the permit;
- D. Any change, situation, or activity relating to the use of the permit, which in the opinion of the Health Officer is not consistent with the purpose of this Ordinance.

Revocation of Permit

The Health Officer may revoke the permit and promptly give written notice of the action to the permittee. The Health Officer shall maintain a permanent record of proceedings, filed in the office of the Hendricks County Health Department.

Any person aggrieved by the revocation or modification of a permit may appeal the revocation or modification to the Hendricks County Board of Health as the appropriate board for an administrative review under IC 4-21.5-3, which Administrative Adjudication Act is hereby adopted by reference.

Pending the decision resulting from the hearing under IC 4-21.5-3 concerning the permit revocation or modification, the permit shall remain in force. However the Hendricks County Health Department may seek such injunctive relief in regard to the activity described in the permit while the decision resulting from the hearing is pending.

SECTION VII AUTHORITY TO INSPECT AND TO COPY RECORDS

The Health Officer may inspect and investigate complaints pursuant to IC 16-20-1-23 to determine compliance with this Ordinance. The property owner shall permit the Health Officer to collect evidence and/or exhibits, and to routinely inspect, investigate complaints, and copy any or all records relative to the enforcement of this Ordinance.

SECTION VIII PENALTIES

Any person or persons who shall continue to violate any section of this Ordinance, IC 14-25, IC 25-39, 312 IAC 12, or 312 IAC 13 beyond the time limit provided in the order, shall be cited for said violation in a court having jurisdiction. Upon conviction, by a court of competent jurisdiction, the violator or violators shall be punished by a fine of no more than two thousand five hundred dollars (\$2,500.00), plus attorney's fees and court costs imposed. Each individual day that a violation is in existence may be deemed a separate offense. In addition to the foregoing, civil penalties, which may include injunctive relief, may be imposed under Indiana law on any person who violates any provision of this Ordinance.

SECTION IX UNCONSTITUTIONALITY CLAUSE

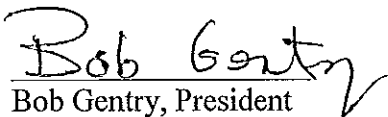
Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and the finding or holding of any section, subsection, sentence, clause, and phrase to be unconstitutional, invalid, void, or ineffective for any cause shall not affect another section, subsection, sentence, clause, and phrase or part thereof. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional, or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

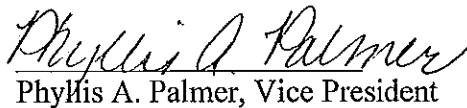
SECTION X REPEAL AND DATE OF EFFECT

This Ordinance shall apply to the entirety of Hendricks County. All Ordinances and all portions of ordinances in conflict herewith are repealed or superseded. This Ordinance shall be in full force and effective immediately upon and after its adoption and publication as required by law.

Passed and adopted by the Board of Commissioners of Hendricks County, State of Indiana, on this 27th day of December, 2016.

BOARD OF COMMISSIONERS:


Bob Gentry, President


Phyllis A. Palmer, Vice President


Matthew D. Whetstone, Member

ATTEST:


Cinda Kattau
Hendricks County Auditor