
TITLE V PUBLIC ORDER, SAFETY, AND HEALTH

CHAPTER 1 PRIVATE WATER WELLS: PERMITTING & CONSTRUCTION

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5-1-1 **DEFINITIONS.** For the purpose of this ordinance, the words below shall be defined as follows:

1. "Construction" means the physical act or process of making a water well including, but not limited to, siting, excavation, construction and installation of equipment and materials necessary to maintain and operate the well.
2. "Contractor" means a person engaged in the business of well construction or reconstruction. The term may include a corporation, partnership, sole proprietorship, association or any other business entity, as well as any employee or officer of such an entity.
3. "Health Officer". The Sac County Sanitarian or *his/her* authorized representative.
4. "Landowner" means an individual, trust, partnership, corporation, government or governmental subdivision or agency, association or other legal entity that has legal or equitable title to a piece of land.
5. "Landowner's Agent" means a person who acts for or in place of the landowner by authority from the landowner.
6. "Permit" means a formal written approval to construct a private water well.
7. "Private water well" means a well that does not supply a public water supply system.
8. "Public water supply system" means a system for the provision to the public of piped water for human consumption, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year.
9. "Water well" means an excavation that is drilled, cored, bored, augured, washed, driven, dug, jetted otherwise constructed for accessing groundwater. Water well does not include an open ditch or drain tiles.

5-1-2 REGISTRATION AND PERMIT REQUIREMENT. No person, including landowners, landowner's agents, or contractors, shall construct a private water well within the boundaries of Sac County, Iowa unless that person is registered with the Iowa Department of Natural Resources as a water well contractor and a permit has been issued to the landowner by the Health Officer.

5-1-3 APPLICATION FOR PERMIT.

1. Any landowner or landowner's agent desiring a permit to construct a private water well must file with the Health Officer an application supplying information as may be required to identify and describe the proposed project, along with the required fee.

2. Upon receipt of the application and the required fee, the Health officer shall review the application. If the proposed project, as described in the application, will conform with the provisions of this ordinance, the Health Officer shall approve the application and issue a permit. If the application does not indicate conformance, the permit shall be denied and the applicant shall be promptly notified in writing of the reason for denial. When permits have been denied, the applicant may submit an amended application with no additional payment of fees.

3. Permits shall expire one (1) year following the date of issuance. If the proposed project has not been completed by the expiration date, a new permit must be applied for and granted before work begins.

5-1-4 FEES. The fee for a permit for the construction of a non-public water well shall be set by rule of the Sac County Board of Health.

5-1-5 STANDARDS FOR PRIVATE WATER WELLS. Standards for siting, procedures, materials and equipment used in the construction of private water wells shall be as set forth in Iowa Administrative Code 567-49, which is hereby adopted as a part of this Ordinance by reference (Ordinance No. 1A, passed by the Sac County Board of Supervisors June 16, 1998). Failure to conform to these or other applicable rules of the State of Iowa shall be deemed a violation of this ordinance.

****NOTE:** Chapter 567-49 of the Iowa Administrative Code can be found in the addendums section of this document.

5-1-6 NOTICE OF CONSTRUCTION. To allow proper inspection, the Health Officer must be notified in advance by the contractor of intention to begin construction of a private water well. An estimated time and date for project completion must also be stated at that time.

5-1-7 CONTRACTOR'S REPORT REQUIRED. Any contractor, who has constructed a private water well in Sac County, must supply to the Health Officer within thirty (30) days of completion, a copy of the driller's log which is required by Iowa Administrative Code 567-37 to be submitted to the Iowa Department of Natural Resources.

5-1-8 ENFORCEMENT. It shall be the duty of the Health Officer to enforce the provisions of this ordinance.

5-1-9 VARIANCES. Variances to these rules may be granted by the Sac County Board of Health upon written request. A variance may be justified where substantially equal protection of health shall be afforded by alternate means, or where the degree of variance from the rule is so small that no significant risk is incurred and the rule involved places a substantial and unreasonable burden on the applicant.

5-1-10 PENALTY. Anyone violating this chapter shall be subject to the provisions of Section 1-1-2 of the Sac County Code of Ordinances.