

**POSTED:** 3/12/2012

## **LISTING OF APPROVED CITY AND COUNTY PRIVATE WELL ORDINANCES**

The following is a list of city and county ordinances which have generally been submitted for review or approved for use as an institutional control to restrict the installation of drinking and non-drinking water wells. For those that have been approved, the GWP would not have to submit copies of the ordinance but would still have to submit the other supporting documentation such as the letter certifying the local permitting authority has been provided all necessary receptor ID maps and the model letters from the local and county permitting authorities certifying that no drinking or non-drinking water wells would likely be permitted in the area of concern.

The Tier 1 and Tier 2 guidance provides a model certification letter that was intended to be signed either by the local or county authority which had private well restriction and permitting authority. There was also a requirement that the local authority establish an agreement with the County Department Health which in most cases has private well permitting authority under a delegation agreement from the Department. The purpose of this agreement was to resolve any potential conflicts in private well regulation between these governmental bodies. The Department has adopted a simpler, less burdensome way of coordinating and resolving any potential jurisdictional conflicts between the County Department of Health and the local authority.

Instead of a formal agreement, the Department is requiring written acknowledgement from the County Department of Health (usually referred to as the County Sanitarian) that they have been provided a copy of the local ordinance, the local authority's certification letter and applicable receptor ID maps depicting the area of concern. The County then is asked to sign a certification letter that states (1) they would require any applicant for a county permit to obtain all local approvals; and (2) based on the supporting documents provided, they would not likely permit a well within the area of concern.

Therefore, when relying on a local ordinance, the Department now requires the model certification letter from the local permitting authority and a new certification letter from the County Department of Health if they have delegated permitting authority from the Department. We have developed a second model certification letter to be prepared by the County Department of Health (usually referred to as the County Sanitarian) which should be submitted with the local authority certification letter. This new [county certification letter](#) is to be used along with the model letter to be used by [local authorities](#). Please take the time to read and revise it to fit your particular circumstances. Please print these letters on official letterhead.

If you are relying on a local ordinance within a County which does not have delegated permitting authority from the Department, you only need to document in a letter that you have sent the local certification letter with all supporting documentation to the Department's water supply office in Des Moines, Iowa.

Questions concerning this posting should be directed to Aaron Brees at (515)281-5965 or [aaron.brees@dnr.iowa.gov](mailto:aaron.brees@dnr.iowa.gov)

CITY OR COUNTY	ORDINANCE NO.	STATUS	AUTHORITY	COMMENTS
Algona,	No. 859	Acceptable	Algona Municipal Utility	Prohibition, unless special exception permit
Anamosa	No. 727	Acceptable		Prohibits drinking and non-drinking water wells within city limits.
Armstrong	Title II, Ch. 6, Article 12, Ordinance NO. 2001-01	Acceptable	Superintendent of Public Works	Effective July 2, 2001
Arnolds Park	No. 90.20	Acceptable	City Administrator	Prohibition unless determined by CA to be "reasonably accessible"
Blairstown	Ord. No. 176	Acceptable	City Council	Permit denied if well within 200 ft of public water.
Blencoe	Ordinance No. 2011-01	Acceptable	City Council	Mandatory connection to public water; no wells allowed except by City Council variance and permit from county or state
Burlington	Ordinance No. 3151	Conditional	Burlington Municipal Waterworks	Restriction only applies to drinking water wells and allows non-drinking water wells.
Black Hawk County	Health Dept Regulation 1-99	Acceptable	County Health Department	Mandatory connection to public water; permit required
Britt	Chapter 90	Unacceptable		Mandatory connection to public water but no restriction on private well installation, no permitting process,
Carroll	Ord. No. 0308, Ch. 94.01-04	Acceptable	City Manager	Permit required, prohibits permit if public water is within 200 feet of property.
Cascade	Ch. 90	Unacceptable		Mandatory connection to public water but no restriction on private well installation, no permitting process.
Charles City	Ord. No. 1000 Amended 90.03	Acceptable	?	Not clear who makes the determination of availability.
Center Point	Ord No. 90.03 and Ord. No. 147.04	Acceptable	"City"	Need to determine who represents the "City" when submitting certification letter.

Cherokee	Ch. 147.06	Acceptable	City Engineer DNR is permitting authority	Ordinance prohibits "non-public water wells". No city permitting process. Cherokee County is not a delegated authority. Certification letter needs to clarify drinking and non-drinking water interpretation.
Cherokee County	County Resolution #96-3	Pending		Require investigation and submission of local ordinances as well.
Clarinda	No. 784	Acceptable		
Clarke County	Ch. 04	Acceptable	County Sanitarian	Permit required; permit may be denied if granting it could threaten public health or the environment
Clinton	No. 152  No. 2300 (8/23/05)  No. 2324 (5/23/06)	No. 152 Acceptable for defined Liberty Square Area  No. 2300 Acceptable for a large area of Clinton  No. 2324 Applies to same area defined in No. 2300		No. 152: Restrictions only apply to Liberty Square area. Ordinance does not expressly restrict wells, just requires permit but City interprets it to deny private wells.  No. 2300. Applies to a larger defined area.  No. 2324. Applies to same area defined in 2300; some changes made to language of No. 2300 ordinance.
Colfax	Ordinance No.573 Chapter 90.04	Acceptable		Certification letter needs to clarify drinking and non-drinking water interpretation.
Coralville	Ordinance No. 90.07	Acceptable	??	Prohibits any type of well supplying potable water if public water is available at an abutting street, alley or right of way. (may not apply to non-drinking, but city has signed certification letter saying will interpret it for both drinking & non-drinking)
Council Bluffs	Ch. 4.33	Acceptable	Dept of Health	
Dallas County	Health Regulation Title IV, Ch. 32A  Health Ordinance C 32	Acceptable	County Sanitarian	Prohibits "non-public water wells" if public water is available "unless approved by the County Sanitarian".

Dallas Center	Ch. 90	Unacceptable		Mandatory connection to public water, restriction on installation of private wells, no permitting process.
Decorah	Ord No. 13.36	Acceptable		No new private wells at all – existing wells ok; city wells if needed for public water purposes; geothermal loops ok
Denison	Ord. No. 1217	Acceptable	Building Commissioner	
Des Moines	Polk County Ord. C IV and Des Moines 28E. Ordinance No. 49.3(11)	Acceptable		
DeWitt	Chp. 90	Acceptable	Director of Public Works	No new wells within 300 feet of public water
Dubuque	Ch. 42	Unacceptable pending revisions	City Administrator	City wide prohibition unless public water is not within 100 ft.
Eagle Grove	Ch. 94	Acceptable	Water Superintendent and Water Board	City wide prohibition if within 200 ft of water main subject to exception for "hardship" and "special circumstances".
Early	Title III, ch. 90 Ch. 128 Ordinance 269	May be acceptable on a case by case basis	City of Early	Ordinance requires all residences and business establishments within City limits using water for human habitation or occupancy to connect to the public water system. Private well installation shall be prohibited where public water is available.
Eldora	Ord. No. 767	Acceptable	City of Eldora	All residences and businesses within city limits shall connect to public water system. New wells may be drilled only upon property which does not have access to city water within 350' of property, permit and registration of well required.
Elkador	No. 2003-10	Acceptable		

Estherville	Ord No. 702	Acceptable		Mandatory connection to PWS if within 200 feet; permit approval through Emmet Co. Environmental Health Specialist
Gilman	No. 137	Unacceptable		Mandatory connection to public water, no restriction on private well installation, no permitting process.
Glenwood	Ordinance No 733	Acceptable	Glenwood Water Board	
Grundy Center	Ordinance No. 459	Acceptable	Public Works Director	
Guthrie Center	Ordinance No. 2000-02	Acceptable	City Clerk	
Hamburg	Ch. 93	Acceptable		City Council is permitting authority.
Hampton	Ch. 93	Acceptable	Water Superintendent	
Hiawatha	??	Acceptable		City Ordinance generally prohibits private wells and requires applicant to obtain County permit.
Hinton	Ord. No. 247	Acceptable	No Local Permit system	Blanket prohibition on private wells, need County certification
Iowa Falls	Ord. No. 93	Acceptable	Permit Application to City Clerk	Prohibition on "private wells" if public water within 200 feet.
Independence	Ch. 90.03	Acceptable	? Water Superintendent	Private well not defined to include non-drinking water well.
Iowa City	Ordinance No. 14-3C-10	Acceptable	Public Works Director	Private well not defined to include non-drinking water well.
Kalona	2006-283	Acceptable	??	Prohibits new private wells within 300 feet of public line
Keokuk	Ordinance 1865	Acceptable	Public works department	Prohibits private wells within 300 feet of public line unless undue hardship.
Keosauqua	No. 96	Potential Acceptance	Water Super certifie public water availability.	Prohibits private wells, within "area of concern" no definitions, also regulates based on availability of public water.
Kingsley	Ordinance No. 143	Acceptable		

Lake View	Ordinance No. 442	Acceptable	City Council	Prohibits all private wells within city limits unless public water not available within 200 feet.
Lansing	Ordinance No. 163	Acceptable	Permit from City Clerk	Prohibits all private wells within city limits unless public water not available within 100 feet.
La Motte	Ordinance No. 104-02	Acceptable	City Permit	Prohibits private wells within 300' of public water and within an "area of concern" approved by DNR. Only approve as to the 300' restriction.
LeClaire	Ordinance No. 622	Acceptable	City	Prohibits all drinking water wells within 200' of public water supply; discretionary authority to issue permits for non-potable wells for irrigation, livestock, and closed-loop systems....
Lee County		Potential	County Bd. of Health	Require investigation and submission of local ordinances and dual certification of county and city.
LeMars	Ordinance No. 807	Acceptable		
Lester	Ordinance No. 3-2004	Acceptable	City Council	Prohibition if public water accessible, unless "clear and convincing" evidence that public water is not sufficient.
Little Rock	Ordinance No. 09-03-2002	Acceptable, Site by Site review necessary	City of Little Rock	Restricts drinking and non-drinking water wells within a defined area of the City
Linn County	Board of Health Housing Resolution 3-68	Under consideration		Regulation requires connection to public water applicable to habitable buildings. Uncertain as to non-drinking water and applicability in towns larger than 25,000 with local Dept. of Health.
Lowden	Ord. No. 761	Acceptable		No definition of private wells, certification letter must specify drinking and non-drinking wells.

Manchester	Ch. 94	Acceptable	Building Inspector	Prohibits private wells, not defined, subject to hardship standards, permit system and annual sampling.
Mapleton	Ordinance No. 407 (amending Ord. 13-04-020)	Acceptable	Permit through City Clerk	No new wells within 500 feet of public water
Marion	Ordinance No. 11-03	Acceptable	City Council w/ determination of Board of Trustees and County	Prohibits private wells except with a finding of extraordinary circumstances by Board of Trustees
Marshalltown	Resolution No. 3 Resolution #?? adopted 10/28/08	Acceptable, conditioned upon the Water Author confirming that drinking and non-drinking water wells would not likely be permitted.	Uncertain but probably CEO	Resolution #341 prohibits private wells within city limits and the resolution passed on 3/17/03, applies to non-drinking water wells and requires oversight and permitting. This ordinance along with certification letter from Marshall County Sanitarian recognizing local restrictions should be acceptable.  2 <sup>nd</sup> Resolution requires permit for non-drinking water wells, including geothermal and closed systems.
Marquette	No. 332	Acceptable	Permit from Sewer & Waste Superintendent	No wells in defined area if access to public water within 300 feet
Mason City	Ordinance 09-06	Acceptable	Permit From Engineering Dept.	Prohibition if public water is available within 200 feet
Minden	Ordinance No. Ch. 93	Acceptable	Permit through City Council	Prohibition if public water is available within 200 feet
Monticello	Ch. 93	Acceptable	Water Superintendent	
Montrose	Ordinance No. 181 and 187	Case by case		A number of issues re: restrictions within a defined area and based on a case by case determination of an "area of concern".
Moville	Ordinance No. 2002-9	Acceptable	Zoning Administrator	
Nashua	Ch. 90.03	Unacceptable		Mandatory connect only; no restriction of well installation

New Hampton	53.3	Case by case	No Permitting	Prohibits installation of private wells if public water is available, but there is not a permitting process; also not clear if it applies to non-drinking water wells.
Osage	Chp. 93	Acceptable	Director of Public Works	No wells within city limits but exceptions can be granted in "director of public works" sole discretion. Will make GWP certify that connection to public water is available when granting exception.
Oskaloosa	No. 13.04.420	Acceptable	"the City"	Prohibits installation of private wells if public water is available; permit required; no wells in "contaminated areas"
Ottumwa	No. 2890-2000	Acceptable	Health Dept	
Oxford Junction	Title V, Ch. 12	Acceptable	Public Works Dept.	
Pacific Junction	Ch. 9, section 6.9.1-9	Acceptable	"the City"	Prohibits private well but does allow sandpoint wells for irrigation unless within an area of contamination. City must acknowledge they would not permit a sandpoint well.
Persia		Not Acceptable		Standard ordinance only requiring connection
Polk County	County Ordinance Ch. IV	Case by case	Dept of Health	Require investigation and submission of city ordinance and dual certification if possible.
Preston	Title VI, Ch. 14	Acceptable		City Council makes determination on well prohibition within 300 feet of public water main.
Princeton	Ordinance No. 206	Acceptable case by case		No definition of "private well"
Red Oak	No. 479	Acceptable	Superintendent	Permit required, no private wells within 200 ft
Reinbeck	No. 06-10-01	Acceptable		Permit required, no private within 200 ft of public water
Rock Rapids	Ordinance No. 613	Acceptable		

Roland	No. 90.03 as amended, No. 34	Acceptable with special certification letter.		Mandatory connection within city limits, City will acknowledge interpretation that prohibits private well installation as well.
Sac City	Title VI, Ch. 1, Art 2. Ord. No. 2005-171	Acceptable		Mandatory connection, prohibition if public water within 200 feet.
Sergeant Bluff	Ordinance No. 501	Acceptable	Superintendent	Superintendent determines if water is "adequate" and reasonably available.
Sheldon	Ch. 90, amended by Ordinance No. 002-3130	Acceptable Case by case		Uncertain as to "non-drinking" water wells.
Shenandoah	Ch. 90.20	Acceptable	City Council approve any permit	Ordinance actually requires city engineer to make determination of availability of public water. City Administrator has signed the certification letter in some cases.
Sibley	Ord. No. 575-02, Chapter 7A	Acceptable	Licensed Engineer determines availability	DNR has permitting authority.
Sioux City	No. 99-07725	Acceptable	Environmental Services	
Solon	Ch. 93	Acceptable	Permit required from Clerk.	Restricts "private wells", clarify that inclusion of non-drinking water wells.
St. Marys	Ord. No. 63	Acceptable		No private wells within city limits
Storm Lake	Ord. 12-O	Acceptable	Permit required from BV County Sanitaria for non-drinking	No drinking wells; non-drinking wells require permit
Story City	Ch. 90	Unacceptable		Mandatory connection to public water, no restriction on private wells.
Story County	Ordinance No. 110	Acceptable	Story County Board of Health	Requires permit; adopts by reference 567 IAC 38-40
Swea City	Ordinance No. 589 and Resolution 8-2002	Acceptable		Prohibits private wells within city limits unless public water is not within 500 feet of property or "undue hardship".
Tabor	Ordinance No. 168	Acceptable	Mayor to make certification determination	

Tama	Ord. No. 519 Title 1, ch. 1, Art 1, section 6- 1.0103	Acceptable		
Traer	Resolution 11-07-01-1	Acceptable case by case	City Utility	Private well definition,
Traynor	Ord. No. 125 Title VI, Ch. 1, Art 6-1.0230 & 0231	Acceptable	"City"	Prohibition of non-public and private wells if public water is "reasonably accessible" unless approved by the City.
Vinton	Ch. 93	Acceptable case by case		
Waverly		Not Acceptable		No prohibition against drinking AND non-drinking wells.
Webster City	No. 1672	Acceptable		No private wells within 300 feet of public water
Wellsburg	Ch. 93, amended 11-2008	Acceptable	City Clerk, Council vote	No private wells within 300 feet of public water
Welton	Ordinance No. 6-3-2A.	Acceptable		Amendment dated June 5, 2009 prohibits all private wells within the corporate limits.
Wheatland	141-09, amended	Acceptable – pending certification letter		No private wells in contaminated area.
Whiting	Proposed			
Woodward	Ordinance No. 06-318	Acceptable	Water Superintendent	No private wells within 500 feet of public water.
Wyoming	Ordinance No. 90.03	Not Acceptable	Superintendent	Does not prohibit installation of private drinking or non- drinking wells.