

Ordinance No. 2014 -

**AN ORDINANCE GOVERNING PRIVATE SEWAGE DISPOSAL SYSTEM OF
IROQUOIS COUNTY, ILLINOIS**

An ordinance regulating private sewage disposal systems, the construction and/or reconstruction of such systems, and the servicing of such systems in Iroquois County and incorporated areas of Iroquois County, Illinois.

Pursuant to the powers granted to the Iroquois County Board by the statutes of the State of Illinois, and WHEREAS, the improper disposal of sewage is a menace to the public health: THEREFORE, BE IT RESOLVED by the County Board of Iroquois County, Illinois, that the following rules and regulations are hereby made and adopted.

SECTION 1. DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance.

- 1.1 Administrator shall mean the duly appointed executive of the Iroquois County Public Health Department and shall include the Acting Administrator or anyone to whom administrative responsibilities have been delegated.
- 1.2 Board of Health shall mean the Iroquois County Board of Health or its Authorized Representative(s).
- 1.3 Domestic Sewage means waste water derived principally from dwellings, business or office buildings, institutions, food service establishments, and similar facilities.
- 1.4 Health Authority shall mean the person or persons who have been designated by the Board of Health to administer the affairs of the Health Department.
- 1.5 Public Health Department shall mean the Iroquois County Public Health Department, an agency of the Iroquois County Board of Health.
- 1.6 Homeowner means a person who holds legal title to a residential structure, which is to be used or is used for this personal single family residence.
- 1.7 Homeowner Installed System means a private sewage disposal system installed by a homeowner as a personal single family residence.
- 1.8 Human Waste means undigested food and by-products of metabolism which are passed out of the human body.
- 1.9 Person means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, the State of Illinois or any department thereof, or any other entity.
- 1.10 Permit shall mean a written permit, issued by the Board of Health or its authorized representative, permitting the construction of an individual sewage disposal system under this Ordinance.
- 1.11 Population Equivalent means an average waste loading equivalent to that amount of waste produced by one person defined as 100 gallons per day or that amount of waste containing 0.17 pounds of biochemical oxygen demand. (CBODs).

- 1.12 Private Sewage Disposal System Installation Contractor means any person constructing, installing, repairing, modifying or maintaining private sewage disposal systems.
- 1.13 Private Sewage Disposal System Pumping Contractor means any person who cleans or pumps waste from a private sewage disposal system or hauls or disposes of waste removed therefrom.
- 1.14 Private Sewage Disposal Systems means any sewage handling or treatment facility receiving domestic sewage from less than 15 people or population equivalent and having a ground surface discharge or any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge.
- 1.15 Property Owner means the person in whose name legal title to the real estate is recorded.
- 1.16 Waste means either human waste, domestic sewage, or both.

SECTION 2. ADOPTION BY REFERENCE

This Ordinance shall be interpreted and enforced in accordance with provisions set forth in the unabridged form of the current Private Sewage Disposal Licensing Act and Code, and any subsequent amendments or revisions thereto, three copies of which shall be on file in the office of the Iroquois County Clerk which publication is incorporated herein and adopted by reference as part of the Ordinance.

SECTION 3. PERMITS

- 3.1 Minimum lot size for a home requiring a private sewage disposal system shall be twenty thousand (20,000) square feet excluding easements. Lots plotted and on record before the effective date of this ordinance that are smaller than required will be given special consideration when applying for a permit.
- 3.2 It shall be unlawful for any person to construct, alter or extend individual sewage disposal systems within Iroquois County unless he holds a valid permit issued by the Public Health Department stating the name of such person for which the specific construction, alteration, or extension is proposed. The said permit shall indicate a maximum permissible waste loading.
- 3.3 All applications for permits granted under the provision of this Ordinance shall be made to the Public Health Department or its duly authorized representative. Sufficient data shall be included to allow review and to determine whether the proposed application for permit meets the requirements of this Ordinance.
- 3.4 A permit shall only be issued to a property owner.
- 3.5 Permit application forms provided by the Public Health Department shall be completed, signed by each applicant, and include the following:
 - 3.5.1 Name and address of the applicant and location of the proposed site of construction, alteration, or extension as proposed.
 - 3.5.2 Complete plan of the proposed disposal facility, with substantiating data, if necessary, attesting to its compliance with the minimum standards of this Ordinance.
 - 3.5.3 Such other information as may be required by the Health Authority or substantiate that the proposed construction, alteration, or extension complies with minimum standards of this Ordinance.

- 3.6 The Public Health Department or its authorized representative may refuse to grant a permit for the construction or renovation of a private sewage disposal system where public or community sewage systems are available. A sewer shall be deemed available when a public sewer line is in place within any street, alley, right of way, or easement that adjoins or abuts the premises for which the permit is requested, or when the improvement to the service is located within a reasonable distance of a public sewer to which a connection is practical and is permitted by the controlling authority for the sewer. A reasonable distance for the purpose of this provision shall be deemed to be not greater than 300 feet for a single family residence and not greater than 1,000 feet for a commercial establishment, subdivision, or multi-family dwelling.
- 3.7 The Public Health Department or its authorized representative shall act upon all applications within 15 days of receipt thereof.
- 3.8 The said permit to construct is valid for a period of six months from date of issuance. If construction has not started within this period, the permit is void.
- 3.9 The Public Health Department shall require subdividers to furnish information concerning soil absorption capacities, or require changes in proposed subdivision that will be able to support the installation and subsequent use of an approved private sewage disposal system as defined in the Illinois Private Sewage Disposal Licensing Act and Code, adopted hereinafter by reference.
- 3.10 The Public Health Department shall certify, based upon information furnished by the subdivider that each lot of a proposed subdivision can support the construction and use of an approved private sewage disposal system. Such certification shall:
 - 3.10.1 Be in writing
 - 3.10.2 Include a statement as to any restrictions relating to the type or size system that can be installed
 - 3.10.3 Be on file at the Public Health Department and be available for review to all interested persons
 - 3.10.4 Be supplied by the subdivider, developer, or their agents upon request to a prospective purchaser of a lot in that proposed subdivision
- 3.11 The Public Health Department shall be notified of any modification, change, or repair to any private sewage disposal system by either a homeowner or contractor to determine whether that modification, change, or repair requires a permit as set forth in paragraph 3.2 of this section. The routine cleaning of disposal system components, replacing septic tank covers, or rodding out inlets and outlets, does not require a construction permit as defined under Section 3 of this Ordinance.
- 3.12 A permit application fee, set by the Board of Health and approved by the County Board, shall be paid to the Public Health Department. An inspection fee, set by the Board of Health and approved by the County Board, shall be paid to the Public Health Department. An environmental survey fee, set by the Board of Health and approved by the County Board, shall be paid to the Public Health Department.

SECTION 4. SLUDGE DISPOSAL

- 4.1 All sludge disposal sites within Iroquois County shall be inspected by the Public Health Department to determine compliance with the provisions of this Ordinance. If the disposal sites are determined to be unacceptable, the Public Health Department shall issue written notices to the users and owners of that site informing them that the site shall not be used for disposal of sludge.

- 4.2 A private sewage disposal system pumping contractor or homeowner servicing his personal residence system shall supply a list of all sludge disposal sites utilized by either the contractor or home owner to the Public Health Department.

SECTION 5. REGISTRATION OF CONTRACTORS

The Public Health Department shall issue a private sewage disposal installation and/or pumping contractor's registration certificate to persons applying for such certificates, on applications supplied by the Public Health Department, who hold a valid license issued by the State of Illinois for either or both licenses. All registration certificates shall expire on the 31st day of December. The Public Health Department shall charge such fee as may be set by the Board of Health and County Board. All fees collected shall be deposited in the Public Health Department Fund. An installation and/or pumping contractor's registration certificate may be revoked by the Health Authority and/or Administrator for violation of the Iroquois County Sewage Disposal Ordinance.

SECTION 6. SUBSURFACE SEEPAGE FIELDS

Where a subsurface seepage field is installed as a component part of a private sewage disposal system, the seepage area provided shall be in accordance with the Private Sewage Disposal Licensing Act and Code. A minimum of 200 square feet of seepage area shall be provided and unless serial trenches are used, a minimum of two (2) individual seepage lines are required.

SECTION 7. COMPLIANCE AND PERFORMANCE

- 7.1 All private sewage disposal systems within the limits of Iroquois County shall be installed and/or maintained by Illinois licensed private sewage disposal system installation contractors who hold a valid registration issued by the Public Health Department, provided, however, that a homeowner may install and/or maintain a private sewage disposal system which serves his own personal residence including cleaning, pumping, hauling, and disposal of waste removed therefrom. Otherwise, said cleaning, pumping, hauling, and disposal shall be done by a contractor who holds a valid registration issued by the Public Health Department.
- 7.2 The private sewage disposal system installation contractor, the private sewage disposal system pumping contractor, and the homeowner, who installs or pumps a private sewage disposal system for his personal residence, shall perform the work in accordance with the standards promulgated under authority granted in the current Illinois Private Sewage Disposal Licensing Act and Code or Amendments.

SECTION 8. ENFORCEMENT

- 8.1 Private sewage disposal systems constructed prior to the effective date of this Ordinance, shall comply with any provision of this Ordinance deemed necessary by the Health Authority.

- 8.2 The Public Health Department or its authorized representative is, hereby, authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance. The Public Health Department shall be notified by telephone or in writing at least 24 hours prior to the commencement of any work. It shall be the duty of the owner or occupant of a property to give the Health Authority, or its authorized representative, free access to the property at personable times for the purpose of making such inspections as are necessary to determine compliance with the requirements of this Ordinance.
- 8.3 The authorized representative may make inspections during the course of the construction of any individual sewage disposal system to insure compliance with this Ordinance.
- 8.4 All private sewage disposal systems shall not be covered or placed in operation until said system has been inspected and written approval of said system has been issued by the Public Health Department. No homeowner who installs his own private sewage disposal system shall back fill any portion of said system which will prevent the same from being readily viewed to determine if said system meets all requirements of the Ordinance, before receipt of written approval by the Public Health Department. The Public Health Department may give fifteen (15) days notice in writing to such permit holder violating this provision of the Ordinance to uncover such backfilled or covered portions of said system.
- 8.5 If at the end of such fifteen (15) days, the permit holder shall not have uncovered the individual sewage disposal system, the permit is automatically invalidated and penalty action may be taken. The Health Authority may elect to have the system uncovered at the expense of the homeowner. Failure of the homeowner to pay such costs within thirty (30) days shall result in execution of a lien against the property.

SECTION 9. ISSUANCE OF NOTICE

- 9.1 Whenever the Public Health Department determines that a violation of any provision of this Ordinance has occurred, the Public Health Department shall give notice to the person responsible for such violation. This notice shall:
 - 9.1.1 Be in writing
 - 9.1.2 Include a statement of the reasons for issuance of the notice
 - 9.1.3 Allow reasonable time, as determined by the Public Health Department, for performance of any act it required
 - 9.1.4 Be served upon the person responsible for the violation(s); provided that such notice has been properly served upon the person responsible for the violations when a copy thereof has been sent by registered or certified mail to his last known address, as furnished to the Public Health Department, or when he has been served with such notice by any other method authorized by laws of this State
 - 9.1.5 Contain an outline of remedial action which is required to effect compliance with this Ordinance
- 9.2 It shall not be a prerequisite to enforcement of the penalty provisions of this Ordinance that the Public Health Department first resort to the notice procedure set forth in Section 8.1 of this Section.

SECTION 10. HEARINGS

10.1 Hearings Before the Health Authority

Any person affected by any order or notices issued by the Public Health Department in connection with the enforcement of any Section of this Ordinance may file in the office of the Public Health Department a written request for a hearing before the Administrator. The Administrator shall hold a hearing at a time and place designated by him/her within thirty (30) days from the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held. If, as a result of the hearing, the Administrator finds that strict compliance with the order or notice would cause undue hardship on the petitioner and that the public health would be adequately protected and substantial justice done by varying or withdrawing the order or notice, the Administrator may modify or withdraw the order of notice for the purpose of properly protecting the public health. The Administrator shall render a decision within ten (10) days after the date of the hearing which shall be reduced to writing and placed on file in the office of the Public Health Department as a matter of public record. Any person aggrieved by the decision of the Administrator may seek relief therefrom through a hearing before the Board of Health.

10.2 Hearing Before The Board of Health

Any person aggrieved by the decision of the Administrator rendered as the result of a hearing held in accordance with this Section may file in the office of the Public Health Department a written request for a hearing at a time and place designated by the secretary of the Board of Health within thirty (30) days of the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held. If, as a result of facts elicited as a result of the hearing, the Board of Health finds that strict compliance with the decision of the Administrator would cause undue hardship on the petitioner and that the public health would be adequately protected and substantial justice done by granting a variance from the decision of the Administrator, the Board of Health may grant a variance, and as a condition for such variance, may where it deems necessary, make requirements which are additional to those prescribed by this Ordinance, all for the purpose of properly protecting the public health. The Board of Health shall render a decision within ten (10) days after the date of the hearing which shall be reduced to writing and placed on file in the office of the Public Health Department and a copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail.

SECTION 11. PENALTIES

A violation of any of the provisions of this Ordinance, excluding sections where penalties are otherwise provided by law, is punishable by a fine not less than \$100.00. Each day's violation constitutes a separate offense. The State's Attorney of Iroquois County shall bring such actions in the name of the People of the County of Iroquois or may bring action for an injunction to restrain such violation or to enjoin the operation of any such establishment causing such violation. All monies collected from fines under this Ordinance shall be deposited to the Public Health Department Fund.

SECTION 12. CONFLICT OF ORDINANCE; EFFECT ON PARTIAL INVALIDITY

- 12.1 In any case where a provision of this Ordinance is found to be in conflict with provision of any zoning, building, fire, safety, or health ordinance, or code of Iroquois County existing on the effective date of this Ordinance, the provision which, in the judgment of the Health Authority 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 this Ordinance is found to be in conflict with a provision of the other ordinance or code of Iroquois County 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, provisions of this Ordinance shall be deemed to prevail. Any such other ordinance or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.
- 12.2 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 this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 13. CITATION AND EFFECTIVE DATE

13.1 Citation

This Ordinance shall be known and may be cited as “Private Sewage Disposal Ordinance of Iroquois County, Illinois.”

13.2 Effective Date

This Ordinance shall be in full force and effect on July 1, 2014.

The following Ordinance was adopted on a motion made by _____ and seconded by _____.

Adopted by the County Board this _____ day of _____, 20__.

Chairman, Iroquois County Board

/s/ _____
County Clerk, Iroquois County