

PRIVATE SEWAGE DISPOSAL SYSTEM ORDINANCE

An ordinance regulating private sewage disposal systems, the construction and/or reconstruction of such systems, and requiring an annual registration certificate for private sewage disposal system contractors in Bond County, Illinois.

Pursuant to the powers granted to the Bond County Board by the Statutes of the State of Illinois in such case made and provided therefor, and WHEREAS, the improper disposal of Sewage is a menace to the public health: THEREFORE, BE IT RESOLVED by the County Board of Bond County, Illinois that the following rules and regulations are hereby made and adopted.

ARTICLE I

DEFINITIONS

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

- 1-1. **AUTHORIZED REPRESENTATIVE** shall mean the legally designated Administrator or the Acting Administrator of the Bond County Health Department.
- 1-2. **BOARD OF HEALTH** shall mean the Bond County Board of Health or its Authorized Representative(s).
- 1-3. **HEALTH AUTHORITY** shall mean the person or persons who have been designated by the Board of Health to administer the affairs of this ordinance.
- 1-4. **DOMESTIC SEWAGE** means waste water derived principally from dwellings, business or office buildings, institutions, food service establishments, and similar facilities.
- 1-5. **HEALTH DEPARTMENT** shall mean the Bond County Public Health Department, an agency of the Bond County Board of Health
- 1-6. **HOME OWNER** means a contract-for-deed buyer or a person who holds legal title to a residential structure that is to be used or is used for his personal, single family residence.
- 1-7. **HOMEOWNER INSTALLED SYSTEM** means a private sewage disposal system installed by a homeowner for his personal single family residence.
- 1-8. **MODIFY** shall mean any change in the design or components of a private sewage disposal system requiring a permit herein defined.

- 1-9. PERMIT shall mean a written permit issued by the Health Authority permitting the construction of an individual sewage disposal system under this Ordinance.
- 1-10. PRIVATE SEWAGE DISPOSAL SYSTEM 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.
- 1-11. PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION CONTRACTOR means any person excavating, constructing, repairing, installing, modifying, maintaining, or servicing a private sewage disposal system.
- 1-12. PRIVATE SEWAGE DISPOSAL SYSTEM PUMPING CONTRACTOR means any person who cleans or pumps waste from a private sewage disposal system or hauls or disposes wastes removed therefrom.
- 1-13. PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION CONTRACTORS REGISTRATION shall mean an annual Registration Certificate issued by the Health Authority to all private sewage disposal contractors engaged in the installation and/or servicing of private sewage disposal systems within the limits of Bond County.
- 1-14. PRIVATE SEWAGE DISPOSAL SYSTEM PUMPING CONTRACTOR'S REGISTRATION shall mean an annual registration certificate issued by the Health Authority to all private sewage disposal system pumping contractors engaged in the pumping, hauling, and disposal of sewage within the limits of Bond County.
- 1-15. SEPTIC TANK MANUFACTURES AND/OR AERATION UNIT DEALERS mean any person who manufactures, sells, offer for sale, or delivers septic tanks or aeration units in or into Bond County.
- 1-16. SEPTIC TANK MANUFACTURES AND/OR AERATION UNIT DEALERS REGISTRATION shall mean an annual registration certificate issued by the Health Authority to all septic tank manufactures and/or aeration unit dealers engaged in the manufacture, sale, offer for sale, and delivery of septic tanks and/or aeration units in or into Bond County.

ARTICLE II

ADOPTION BY REFERENCE

- 2-1. This ordinance shall adopt by reference and shall be interpreted and enforced in accordance with provisions set forth in the current, unabridged form of the State of Illinois, Department of Public Health, Private Sewage Disposal Licensing Act and Code and any subsequent amendments or revisions thereto, three certified copies of which shall be on file in the office of the Bond County Clerk.

ARTICLE III

GENERAL SUBSTANTIVE REGULATIONS

- 3-1. It shall be unlawful for any person to construct, alter or extend individual private sewage disposal systems within Bond County unless the person holds a valid permit issued by the Health Authority stating the name of such persons for which the specific construction, alteration, or extension is proposed. This permit shall be valid for a period of twelve (12) months from the date it is issued. If construction has not started within this period, the permit is void. A new permit will be required if installation is contemplated after said permit is voided.
- 3-2. All applications for permits granted under the provision of this Ordinance shall be made to the Health Authority.
- 3-3. A permit shall only be issued to a licensed private sewage disposal system installation contractor, holding a valid Bond County Registration Certificate, or a homeowner installing a private sewage disposal system for their own residence.
- 3-4. Before an application for permit is reviewed by the Bond County Health Department an evaluation of the soil conditions must be made and submitted with the application. The absorption of the soil shall be determined in accordance with the applicable Sections of the Illinois Private Sewage Disposal Licensing Act and Code, current edition, as amended or revised.
- 3-5. Lots which cannot reasonably be served by a public sanitary sewer system shall have a minimum width of one hundred (100) feet, measured at the building line, and a minimum area of twenty thousand (20,000) square feet. Where topography, timber, buried objects or other obstructions interfere with the installation of the private sewage disposal system,

additional lot size will be required. The Health Authority may refuse to issue a permit where lot size has not been increased to accommodate said system.

- 3-6. The Health Authority may refuse to grant a permit for the construction of a private sewage disposal system where sanitary sewage systems area available. A sewer shall be deemed available when a sanitary sewer 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 be served 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 no greater than two hundred (200) feet for a single-family residence and not greater than one thousand (1,000) feet for a commercial establishment, subdivision, or multi-family dwelling.
- 3-7. Permit application forms provided by the Health Department shall be completed and signed by each applicant and shall include the following:
 - 3-7.1. Name and Address of the applicant and location of the proposed sight of construction, alteration, or extension as proposed.
 - 3-7.2. Complete plan of the proposed sewage disposal system, with substantiating data, attesting to its compliance with the minimum standards of this Ordinance.
- 3-8. The Health Authority shall act upon all applications within fifteen (15) days of receipt thereof.
- 3-9. The Health Authority shall be notified at least 48 hours in advance of any construction, modification, change or repair to any private sewage disposal system by either a home owner or a private sewage disposal system installation contractor.
- 3-10. Routine cleaning of disposal system components, replacing septic tank cover, or rodding out inlet and outlets, does not require a construction permit as defined under Section 3 of this Ordinance.
- 3-11. There may be a fee charged for the initial construction permit, alteration or extension of an individual sewage system and for a requested inspection of an existing Private Sewage Disposal System to determine the individual system is properly functioning. The fee shall be collected by the Health Authority at the time an application for a permit, or an inspection request is submitted, and shall be deposited into the Health Department fund. The fee schedule shall be as approved by the Board of Health.

ARTICLE IV

SUPPLEMENTARY REGULATIONS

- 4-1. The Health Authority shall require sub-dividers to furnish information concerning soil absorption capacities, or require changes in a proposed subdivision plat, in accordance with the Bond County Subdivision Ordinance, as amended or revised, to reasonably ascertain that each lot of said proposed subdivision 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, current edition, and any subsequent amendments or revision.
- 4-2. All private sewage disposal systems installed in any platted subdivision must comply with all applicable provisions in the Bond County Subdivision Ordinance, as amended or revised.
- 4-3. All private sewage disposal systems within 1000 feet of the shoreline of Governor Bond Lake shall comply with the applicable provisions of the City of Greenville, Ordinance #2736, as amended or revised.

ARTICLE V

REGISTRATIONS

- 5-1. An annual contractor's registration shall be required by all private sewage disposal system installation contractors and all private sewage disposal pumping contractors operating within the limits of Bond County. The Health Authority shall issue a private sewage disposal system installation contractor Registration Certificate to persons applying for such certificate who pass the written examination given by the State for such certificate and who are licensed by the State of Illinois as a private sewage disposal system installation contractor. The Health Authority shall issue a private sewage disposal system pumper contractor Registration Certificate to persons applying for such certificate who pass the written examination given by the State for such certificate and who are licensed by the State of Illinois as a private sewage disposal system pumper contractor.
- 5-2. An annual Septic Tank Manufacturer and/or Aerobic Unit Dealer Registration Certificate shall be obtained by all persons who manufacture, sell, offer for sale, or deliver septic

tanks or aerobic units in or into Bond County. The Health Authority shall issue a Septic Tank Manufacturer and/or Aerobic Unit Dealer Registration Certificate to a person who apply for such certificate and who have approval to manufacture and sell septic tanks and/or aerobic units from the Illinois Department of Public Health.

- 5-3. All persons who hold a Septic Tank Manufactures and/or Aerobic Unit Dealer Registration Certificate shall be required to notify the Health Authority in writing within thirty (30) days of the date of delivery or sale of septic tank or aerobic unit of the following information:

1. Name of purchaser
2. Location of delivery
3. Date of sale and delivery
4. Size of septic tank or model of aerobic unit

This information shall be provided on forms provided by the Bond County Health Department. Forms will be provided to Septic Tank Manufacturers and/or Aerobic Unit Dealer Registrants upon request of the Septic Tank Manufacturer and/or Aerobic Unit dealers.

- 5.4 There may be a fee charged for each certificate issued, which shall be collected by the Health Authority at the time an application for registration is submitted, and shall be deposited into the Health Department fund. The fee schedule shall be as approved by the Board of Health. All Registration Certificates shall expire December 31st of the year in which they were issued, except those issued in December, which will expire December 31st of the following year.

ARTICLE VI

COMPLIANCE AND PERFORMANCE

- 6-1. All private sewage disposal systems within the limits of Bond County shall be constructed, installed, modified, maintained, or serviced by an individual with a valid private sewage disposal system installation contractor's certificate; and all such systems shall be pumped, cleaned, and the contents hauled and disposed of by individuals with a valid private sewage disposal system pumping contractor's certificate; provided, however, that a homeowner may install and/or service a private sewage disposal system which serves their own personal single family residence.
- 6-2. All septic tanks and/or aerobic units manufactured, sold, offered for sale, or delivered in Bond County shall comply with provisions in this ordinance.
- 6-3. It shall be unlawful to discharge untreated sewage or the effluent from any septic tank directly or indirectly to any stream, ditch, ground surface, sinkhole or abandoned well, or

to allow the contents of an privy vault, septic tank or seepage pit to emit offensive odors, to become objectionable, dangerous, or detrimental to the public health.

- 6-4. Surface discharging systems may be used when subsurface disposal systems are not feasible for the site. Subsurface feasibility is determined from the soil investigation, site topography, and limiting layer set forth in the Illinois Private Sewage Disposal Licensing Act and Code, current edition, as amended or revised. Surface discharging systems may require supplemental treatment to be determined by the Health Authority according to the site characteristics, surrounding environment, surrounding population, and other pertinent factors. Private sewage disposal systems designed to be compliant with the Illinois Private Sewage Disposal Act and Code Section 905.110 (d) when discharged to a subsurface seepage field, evaporation trench or other approved sewage disposal treatment techniques shall be sized to be at least two thirds (2/3) the size of that required according to the Illinois Private Sewage Disposal Licensing Act and Code Section 905.60.
- 6-5. A surface-discharging system installed after January 1, 2014 shall not discharge to a roadside ditch as stipulated in the Illinois Highway Code [605 ILCS 5/9-123].

ARTICLE VII

ADMINISTRATION AND ENFORCEMENT

- 7-1. Private sewage disposal systems constructed prior to the effective date of this Ordinance shall comply with all provisions of this Ordinance if a permit is required to repair or replace the system.
- 7-2. The Health Authority is, hereby, authorized and directed to make such inspections as is necessary to determine satisfactory compliance with this Ordinance.
- 7-3. It shall be the duty of the owner or occupant of a property to give the Health Authority free access to the property at reasonable times for the purpose of making such inspections as are necessary to determine compliance with the requirements of the Ordinance.
- 7-4. A private sewage disposal system shall not be covered or placed in operation until the said installation shall have been inspected and written approval of the said system shall have been issued by the Health Authority.
- 7-5. Any person who installs a private sewage disposal system shall not backfill any portion of the system before written approval by the Health Authority. The Health Authority may give fifteen (15) days' notice in writing to such homeowner so violating this provision of the Ordinance, to uncover such backfill or covered portions of the system.

- 7-6. Failure to uncover such backfill or covered portions of the individual sewage disposal system by the homeowner by the end of such fifteen (15) days will render the permit invalid 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.
- 7-7. Any person who violates any provision of this Ordinance shall be guilty of a Class A misdemeanor and shall be fined a sum of not less \$100, with each day the violation remains uncorrected constituting a separate offense.
- 7-8. Nothing contained in this section shall prevent the County from taking any other lawful action that may be necessary to secure compliance with this Ordinance.
- 7-9. Whenever any violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint to the Health Authority. The Health Authority shall record such complaints, promptly investigate, and if necessary, institute appropriate corrective action.

ARTICLE VIII

CORRECTIVE ACTION ORDERS

- 8-1. Whenever the Health Authority determines that a violation of any provision of this Ordinance has occurred, the Health Authority shall notify the responsible party, and shall order appropriate corrective action.

The order to take corrective action shall be in writing and shall:

- 8-1.1. Include a statement of the reasons for issuance of the notice.
- 8-1.2. Allow reasonable time as determined by the Health Department for performance of any act it required.
- 8-1.3. Contain an outline of remedial action which is required to effect compliance with this Ordinance.
- 8-1.4. Service of Order

A corrective action order shall be deemed properly served upon the person responsible for the violation if it is:

- (a) served personally;
- (b) by certified mail with return receipt to the last known address; or
- (c) posted in a conspicuous place on or about the system in violation.

ARTICLE IX

REVOCATION OF REGISTRATIONS

- 9-1. For serious or repeated violation of any of the requirements of this Ordinance, the private sewage disposal contractor's Registration Certificate and/or Septic Tank Manufacturer Registration Certificate and/or Aerobic Unit Dealer Registration Certificate may be revoked after an opportunity for a hearing has been provided by the Health Authority, Prior to such action, the Health Authority shall notify the contractor in writing, stating the reasons for which the Registration Certificate is subject to revocation and advising that the Certificate shall be revoked at the end of five days following service of such notice, unless prior to the expiration of said period the Certificate holder files a request for hearing with the Health Authority. Notice shall be served upon Certificate holder personally, or deposited in United States Mail, certified, return receipt required to address of record on certificate, or posted in conspicuous place on or about the project in process. A Registration Certificate may be suspended for cause pending its revocation or a hearing relative thereto where a clear and present danger to the public health is preliminarily found to exist by the Health Authority.

ARTICLE X

EMERGENCY MEASURES

- 10-1. Notwithstanding any other provisions of this Ordinance, whenever the Health Authority determines that any violation of this Ordinance poses an imminent peril to life or property, the Health Authority shall institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

ARTICLE XI

APPEALS FOR HEARING

- 11.1. Hearings before the Authorized Representative:
- 11-1.1. Any person aggrieved by any decision or order issued by the Health Authority in any matter related to the interpretation or enforcement of any provision of this Ordinance may appeal to the Authorized Representative for a hearing. Every

such appeal for hearing shall be made and treated in accordance with Illinois law and the provisions of this section.

- 11-1.2. Every appeal for hearing shall be made in writing and filed in the office of the Health Department. The Authorized Representative shall hold a hearing at a time and place designated by the Authorized Representative within thirty (30) days from the date on which the 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.
- 11-1.3. The Authorized Representative may modify or withdraw the order for the purpose of property protecting the public health, if, as a result of the hearing, the Authorized Representative finds the strict compliance with the order would cause undue hardship on the petitioner and that the public health would be adequately protected and substantial justice done by modifying or withdrawing the order.
- 11-1.4. The Authorized Representative shall render a decision on the appeal within a reasonable time after the date of the hearing which shall be reduced to writing and placed on file in the office of the Health Department as a matter of public record. The individual must be informed of their right to appeal the Authorized Representative's decision to the Board of Health for final say. The same process will be utilized in paragraphs 11-1.2 – 11.1.4.

ARTICLE XII

INTERPRETATION

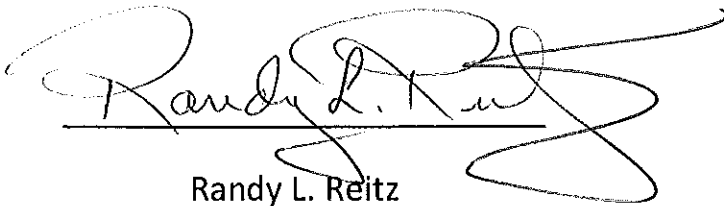
- 12-1. In any case where a provision of the Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of Bond County existing on the effective date of the Ordinance, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
- 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 the Ordinance which shall remain in full force and effect and, to this end, the provisions of this Ordinance are hereby declared to be served.

ARTICLE XIII
EFFECTIVE DATE

This Ordinance shall become effective after June 19, 2015.

Passed this 19th day of May 2015 by the Bond County Board.

Bond County Clerk & Recorder


Randy L. Reitz