

Douglas County
“Amended Ordinance”
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 the private sewage disposal systems contractors within the limits of Douglas County, Illinois.

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

Section 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 Douglas County Health Department and shall include those persons designated by the Administrator or Acting Administrator to enforce the provision of this Ordinance.
- 1.2 BOARD OF HEALTH shall mean the Douglas County Board of Health of its Authorized Representative(s).
- 1.3 DOMESTIC SEWAGE means waste water derived principally from dwellings, businesses or office buildings, institutions, food service establishments, and similar facilities.
- 1.4 HEATH 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 HEALTH DEPARTMENT shall mean the Douglas County Health Department, an agency of the Douglas County Board of Health.
- 1.6 HOME OWNER means a person who holds legal title to a residential structure, which is to be used for his personal, single family residence.

SECTION IV

- 4.3 A permit (shall) **must** be issued to a homeowner or a Douglas County licensed private sewage disposal system installation contractor installing a sewage disposal system
- 4.4 Permit application forms provided by the Health Department shall be completed and signed by each applicant and shall include the following:
- 4.4.1 Name and address of the applicant and location of the proposed site of construction, alteration, or extension.
- 4.4.2 Complete plan of the proposed facility attesting to its compliance with the minimum standards of this ordinance.
- 4.4.3 **A soil investigation to determine absorption capacity must be conducted pursuant to Title 77, Section 905.55 of the Illinois Administrative Code (Subsurface Seepage System Design Requirements). A copy of the results of said investigation must be attached to the permit application.**
- 4.5 The Board of Health or its Authorized Representative may refuse to grant a permit for the construction of a private sewage disposal system where sanitary sewerage systems are available. A sewer shall be deemed available when a sanitary sewer line is in place within any street, alley, right-of-way, or easement that adjoins or abuts the premises for which the permit was 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 not greater than 300 feet for a single family residence and not greater than 1,000 feet for a commercial establishment of multi-family dwelling.
- 4.6 The Board of Health or its Authorized Representative shall act upon all applications within 15 days of receipt thereof.
- 4.7 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.
- 4.8 The Health Department shall be notified of any modification, change, or repair to any private sewage disposal system by either a home owner or contractor to determine whether modification, change, or repair requires a permit as set forth in paragraph 4.1 of this section.
- 4.9 There shall be a fee charged for the initial construction permit, alteration, or extension of a private sewage system. The fee shall be collected by the Health Department at the time an application for permit is submitted, and shall be deposited into the Health Department Fund. The permit fee charged shall be in accordance with the fee schedule approved by the Board of Health.

SECTION V
SUBSURFACE SEEPAGE FIELDS

- 5.1 Where a subsurface seepage field is installed as a component part of a private sewage disposal system, the seepage area required 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.

SECTION VI
COMPLIANCE AND PERFORMANCE

- 6.1 All private sewage disposal systems within the limits of Douglas County shall be constructed, installed, maintained or serviced by an individual with a valid private sewage system installation contractors' license; and all such systems shall be pumped, cleaned, and the contents disposed of by individuals with a valid private sewage disposal pumping contractors' license; provided, however, that a homeowner may install and/or service a private sewage disposal system which serves his own personal, single family residence.
- 6.2 The Private Sewage Disposal System Installation Contractor, the Private Sewage Disposal System Pumping Contractor, and the homeowner which installs or pumps a private sewage disposal system for his personal residence shall perform the work in accordance with the minimum performance standards promulgated under authority granted in the current Illinois Private Sewage Disposal Licensing Act and Code.

SECTION VII
ENFORCEMENT

- 7.1 Private Sewage Systems constructed prior to the effective date of this Ordinance shall be updated to comply with the requirements of this Ordinance when they require a permit to repair or replace that system or if there is a violation of this Ordinance.
- 7.2 The Board of Health or its Authorized Representative is, hereby, authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance.

- 7.3 It shall be the duty of the owner or occupant of the property to give the Board of Health or its Authorized Representative 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 this Ordinance.
- 7.4 An individual sewage disposal system which had been installed by a homeowner for his personal residence shall not be covered or placed into operation until the said installation shall have been inspected and written approval of the said system shall have been issued by the Health Department.
- 7.5 The Authorized Representative may make inspections during the course of the construction of any individual sewage disposal system, to insure compliance with this Ordinance.
- 7.6 If any homeowner who installs a private sewage disposal system shall backfill any portion of the said system and/or cover the same with earth, cinders, gravel, shale, or any other material which will prevent the same from being readily viewed to determine if the said system meets all requirements of the Ordinance before receipt of written approval by the Health Department, the Health Department may give a fifteen (15) day notice in writing to such homeowner so violating the provision of the Ordinance, to uncover such backfilled or covered portions of the system.
- 7.7 If, at the end of such fifteen (15) days, the homeowner 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 VIII ISSUANCE OF NOTICE

- 8.1 Whenever the Health Department determines that a violation of any provision of this Ordinance has occurred, the Health Department shall give notice to the person responsible for such violation. This notice shall:
 - 8.1.1 be on writing;
 - 8.1.2 include a statement of the reasons for issuance of the notice;
 - 8.1.3 allow reasonable time as determined by the Health Department for performance of any act it required;
 - 8.1.4 be served upon the person responsible for the violation(s); provided that such notice shall have 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 by the Health Department or when he has been served with such notice by any other method authorized by law of this State, and;

- 8.1.5 contain an outline of remedial action with is required to effect compliance with this Ordinance.
- 8.2 It shall not be a prerequisite to enforcement for the penalty provisions of this Ordinance that the Health Department first resort to the notice procedure set forth in paragraph 801 if this section

SECTION IX REVOCATION FO CONTRACTOR’S REGISTRATION

- 9.1 For serious or repeated violations of any of the requirements of this Ordinance, the Private Sewage Disposal System Installation Contractors’ Registration Certificate and the Private Sewage Disposal System Pumper Contractors’ Registration Certification 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 5 days following service of such notice, unless a request for a hearing is filed with the Health Authority, by the holder, within such 5 day period. 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.

SECTION X HEARINGS

- 10.1 Hearings before the Health Authority
Any person affected by an order or notice issued by the Health Department in connection with the enforcement of any section of this Ordinance, may file in the office of the Health Department a written request for a hearing before the Health Authority. The Health Authority shall hold a hearing at a time and place designated by the Health Department 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 Health Authority 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 Health Authority may modify or withdraw the order or notice. The Health Authority 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 Health Department as a matter of public record. Any person aggrieved by the decision of the Health Authority may seek relief therefore through a hearing before the Board of Health.

10.2 Hearing before the Board of Health

Any person aggrieved by the decision of the Health Authority rendered as a result of a hearing held in accordance with this section may file in the office of the 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 held. If, as a result of facts elicited as a result of the Board of Health hearing, the Board of Health finds that strict compliance with the decision would cause undo 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 Health Authority, the Board of Health may grant a variance. The Board of Health will render a decision within ten (10) days after the date of hearing which shall be reduced to writing and placed on file in the office of the Health Department and a copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail.

SECTION XI
PENALTY

- 11.1 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 than \$100 nor more than \$500.
- 11.2 Each day's violation constitutes a separate offense. The State's Attorney of Douglas County shall bring such actions in the name of the People of the State of Illinois or may bring action from an injunction to restrain such violation or to enjoin the operation of any establishment causing such violation.

SECTION XII
CONFLICE OF ORDINANCE, EFFECT ON PARTIAL INVALIDITY

- 12.1 In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of Douglas County existing on the effective date of this Ordinance, the provision which, in the judgment of the Health Authority, established 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 any other Ordinance or code in Douglas 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, and provisions of this Ordinance shall be deemed to prevail, and such other ordinances 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 XIII
EFFECTIVE DATE

This Ordinance shall be in full force and effect from the date of its adoption as provided by law. The above and foregoing Ordinance was Adopted on the _____ day of _____, 2001.

Chairman of the County Board of the
County of Douglas, Illinois

Attest:

Clerk of the County of Douglas, Illinois