

**EFFINGHAM COUNTY
PRIVATE SEWAGE DISPOSAL SYSTEM ORDINANCE**

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

Pursuant to the powers granted to the Effingham County Board by the Statutes of the State of Illinois in such case made and provided therefor, and WHEREAS, the improper treatment and disposal of sewage is a menace to the public health: THEREFORE, BE IT RESOLVED by the County Board of Effingham 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 Effingham 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 Effingham 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 **EFFLUENT RECEIVING TRENCH:** A subsurface seepage field, seepage bed or graveless seepage system used to reduce the amount of treated effluent discharged to the ground surface from an approved private sewage disposal system.
- 1.5 **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.
- 1.6 **HEALTH DEPARTMENT** shall mean the Effingham County Health Department, including its duly authorized representative(s).
- 1.7 **HOME OWNER** means a contract-for-deed buyer or a person who holds legal title to a residential structure which is to be used or is used for his/her personal, single family residence.

- 1.8 **HOME OWNER INSTALLED SYSTEM** means a private sewage disposal system installed by a home owner for his/her personal single family residence.
- 1.9 **MODIFY** shall mean any change in the design or components of a private sewage disposal system requiring a permit herein defined.
- 1.10 **OPERATIONAL INSPECTION** means an inspection of the private sewage disposal system to determine compliance with this Ordinance by the Health Department.
- 1.11 **"PERMIT"** shall mean a written permit issued by the Health Department permitting the construction of a private sewage disposal system under this Ordinance.
- 1.12 **PRIVATE SEWAGE DISPOSAL SYSTEM** means any sewage handling or treatment facility receiving domestic sewage at a volume less than 1500 gallons per day and having a ground surface discharge or any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge.
- 1.13 **PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION CONTRACTOR** means any person excavating, constructing, installing, repairing, modifying, or maintaining private sewage disposal systems.
- 1.14 **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 wastes removed therefrom.

SECTION 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, which is incorporated herein and adopted by reference as part of this ordinance, three certified copies of which shall be on file in the office of the Effingham County Clerk.

SECTION III: REQUIRED AREA

- 3.1 **LOT SIZE** - Minimum lot size for a residential structure requiring a private sewage disposal system, shall be one (1) acre in size or as established by the Effingham County Subdivision Ordinance whichever is greater. A larger area may be required for such lots if, in the opinion of the Health Department, there are other factors of drainage, soil conditions, or other conditions which may cause potential health problems. Lots platted and on record before the effective date of this Ordinance, for which sewage plans were approved, will receive a variance from this section. A smaller lot may be requested if a soil investigation or percolation tests performed according to the Private Sewage Disposal Licensing Act and Code determine the soil is suitable for a subsurface seepage field, or if a community sewage collection system is proposed. If soils are suitable for a subsurface seepage field, a surface discharging system may be installed providing it is immediately followed by a seepage field designed and constructed to be at least two-third the size determined necessary by Section 905.60 of the Private Sewage Code. A variance may be granted if, in the opinion of the Health Department, it is impractical or impossible to comply with the code and an approved system can be installed and no potential health hazards will exist. However, the area shall be large enough to provide for a second private sewage disposal system of a size and type equivalent to the minimum system approved for the lot.
- 3.2 **SUBDIVISIONS** - The Health Department shall require persons who subdivide property to furnish information concerning soil absorption capacities, or require changes in a proposed subdivision plat, 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 State of Illinois, Department of Public Health, "Private Sewage Disposal Licensing Act and Code".

SECTION IV: PERMIT REQUIREMENTS

- 4.1 It shall be unlawful for any person to construct, alter or extend individual domestic sewage disposal systems within Effingham County unless he/she holds a valid permit issued by the Health Department stating the name of such person for which the specific construction, alteration, or extension is proposed.
- 4.2 All applications for permits granted under the provision of this Ordinance shall be made to the Health Department.
- 4.3 A permit shall only be issued to a homeowner and/or a 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:
 - a) Name and address of the applicant and location of the proposed site of construction, alteration, or extension as proposed.
 - b) Complete plan of the proposed disposal facility, with substantiating data, if necessary, attesting to its compliance with the minimum standards of this Ordinance.
- 4.5 The Health Department may refuse to grant a permit for the construction of a private sewage disposal system where a sanitary sewage system is 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 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 not greater than 200 feet for a single-family residence and not greater than 1,000 feet for a commercial establishment, subdivision, or multi-family dwelling.
- 4.6 The Health Department shall act upon all applications within fifteen (15) days of receipt thereof.
- 4.7 Said permit to construct is valid for a period of six (6) months from date of issuance. If construction has not started within this period, the permit is void.
- 4.8 Soil evaluations, as required by this Ordinance, shall be performed according to the provisions of the Illinois Private Sewage Licensing Act and Code. Percolation tests may be performed by private sewage disposal system installation contractors holding a valid Private

Sewage Disposal System Installation Contractor License or the homeowner. The Health Department reserves the right to determine the validity of any test and in cases where more than one set of tests are performed the Health Department shall determine which test results shall prevail. The Health Department shall be notified at least one day prior to the performance of all tests and may supervise any test.

- 4.9 The 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 this Ordinance. The routine cleaning of disposal system components, replacing septic tank covers, or rodding out inlet and outlets, does not require a construction permit as defined in this Ordinance.
- 4.10 There shall be a \$50.00 fee charged for the initial construction permit, alteration or extension of an individual sewage system as approved by the Health Department. The fee shall be collected by the Health Department at the time an application for permit is submitted.

SECTION V: COMPLIANCE AND PERFORMANCE

- 5.1 All private sewage disposal systems within the limits of Effingham County shall be installed, modified or serviced by an individual with a valid Private Sewage Disposal System Installation Contractor license; and all such systems shall be pumped, cleaned, and the contents disposed of by individuals with a valid Private Sewage Disposal System Pumping Contractor's license; provided, however, that a homeowner may install and/or service a private sewage disposal system which serves his/her own personal single family residence.
- 5.2 All septic tank and/or aerobic units manufactured, sold, offered for sale, or delivered in Effingham County shall comply with provisions in this Ordinance.
- 5.3 Any private sewage disposal system designed to surface discharge permitted on or after the effective date of this Ordinance shall not discharge any effluent directly into any body of water where full body contact activities are allowed. A discharge within 75 feet of the above shall be considered a direct discharge to the receiving body of water.
- 5.4 When the discharge from any private sewage disposal system designed to surface discharge may leave the homeowner's property, that discharge shall first enter an effluent receiving trench of no less than 100 square feet per bedroom. The effluent receiving trench shall be installed so when full the effluent discharge will bypass the trench. The final discharge to the surface shall be chlorinated. The final discharge from a private sewage disposal system

shall remain on the property of the homeowner.

- 5.5 It shall be unlawful to discharge untreated sewage or the effluent from any septic tank directly or indirectly to any stream, ditch, ground surface, sink hole or abandoned well, or to allow the contents of any privy vault, or septic tank or to emit offensive odors, to become objectionable, dangerous, or prejudicial to the public health.
- 5.6 Private sewage disposal 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.
- 5.7 It shall be the duty of the owner or occupant of a property to give the Health Department free access at reasonable times to any property that has a private sewage disposal system on it for the purpose of making such inspections as are necessary to determine compliance with the requirements of this Ordinance. If the Health Department is denied access to the property, it may, to the extent provided by law, obtain an administrative search warrant with the assistance of the State's Attorney Office for the purposes of this Ordinances' enforcement (225ILCS 225/8(3)).

SECTION VI: ISSUANCE OF NOTICE

- 6.1 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:
 - 6.1.1 be in writing.
 - 6.1.2 include a statement of the reasons for issuance of the notice.
 - 6.1.3 allow reasonable time as determined by the Health Department for performance of any act it required.
 - 6.1.4 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 to the Health Department or when he has been served with such notice by any other method authorized by laws of this State, and,

- 6.1.5 contain an outline of remedial action which is required to effect compliance with this Ordinance.
- 6.2 It shall not be a prerequisite to enforcement of the penalty provisions of this Ordinance that the Health Department first resort to the notice procedure set forth in Section 8.1 of this Section.

SECTION VII: HEARINGS

7.1 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 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 therefrom through a hearing before the Board of Health.

7.2 Hearing before the Board of Health.

Any person aggrieved by the decision of the Health Authority rendered as the 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 before the Board of Health 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 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 the 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 VIII: PENALTY

- 8.1 Any person who violates any provision of this Ordinance may be fined a sum of up to \$500.00 for each offense. Each day of the violation shall constitute a separate offense.
- 8.2 The State's Attorney of Effingham County may bring such actions in the name of the People of the State of Illinois or may bring action for injunctive relief to restrain such violation. Additionally, any person who violates any provision of this Ordinance may be penalized in accordance with the State of Illinois, Department of Public Health, "Private Sewage Disposal Licensing Act and Code", Section 19 (225 ILCS 225/19).
- 8.3 All monies collected from fines under this Ordinance shall be deposited to the Effingham County Health Department Fund.

SECTION IX: CONFLICT OF ORDINANCE, EFFECT ON PARTIAL INVALIDITY

- 9.1 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 Effingham County existing on the effective date of this Ordinance, the provision which, in the judgement 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 any other ordinance or code of Effingham 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.

9.2 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 provision of this Ordinance are hereby declared to be severable.

SECTION X: EFFECTIVE DATE

This Ordinance shall be in full force and effect from the date of its adoption.

Passed and adopted this _____ day of _____, 19 _____ by the Effingham County Board.

PRESENTED, APPROVED AND RESOLVED, by the County Board of Effingham County, Illinois at the March 21, 2005, meeting,

DATED, this 21st day of March, 2005, A.D.

AYE _____ NAY _____ ABSENT _____ NO ROLL CALL VOTE TAKEN ON AMMENDED ORDINANCE

Carolyn Stillenburg
Chairman Effingham County Board

ATTEST:

Kearney Hirtzel
Clerk of the Effingham County Board

Cowley Behrens AD
President, Effingham County Board of Health

Chuck Joell
Chairman, Health Committee

Resolution Number 04-106