

Chapter 335

CARROLL COUNTY
PRIVATE SEWAGE DISPOSAL ORDINANCE

Carroll County Health Department
822 S. Mill St.
Mt. Carroll, IL 61053

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SECTION 1
PREAMBLE

The Carroll County Board, in order to protect the health and safety of the people of Carroll County and of the general public, is authorized and directed to promulgate rules and regulations establishing minimum standards governing the design, construction, installation, and operation of private sewage disposal systems. Such regulations shall establish such minimum standards as, in the judgment of the Carroll County Board, will insure that the wastes discharged to the various private sewage disposal systems:

- a. Do not contaminate any drinking water supply.
- b. Are not accessible to insects, rodents, or other possible carriers of disease.
- c. Do not pollute or contaminate the waters of any bathing beach, lake, river, creek, pond, stream or other body of water.
- d. Do not give rise to a nuisance due to odor or unsightly appearance.
- e. Are not a health hazard by being readily accessible to children or animals because of a lack of adequate fencing or for other reasons.
- f. Will not violate any other laws or regulations governing control of water pollution or sewage disposal.

The Carroll County Board is authorized to promulgate such additional regulations as are necessary in its judgment to carry out the provisions of this Ordinance.

SECTION 2
DEFINITIONS

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

1. **ADMINISTRATOR** shall mean the person who has been designated by the Board of Health to administer the affairs of the Health Department.
2. **APPLICANT** shall mean any person who has properly and completely filled out an application for permit form requesting authorization to construct, alter, or extend a private sewage disposal system in Carroll County, Illinois.

3. **AUTHORIZED REPRESENTATIVE** shall mean the legally designated Administrator or the Acting Administrator of the Carroll County Health Department and shall include those persons designated by the Administrator or Acting Administrator to enforce the provisions of this Ordinance.
4. **BOARD OF HEALTH** shall mean the Carroll County Board of Health or its Authorized Representative(s).
5. **BOD5** shall mean the five day Biochemical Oxidation Demand—A standard test used in assessing the strength of Domestic Sewage as described in "Standard Methods for the Examination of Water and Wastewater," 14th edition, American Public Health Association, American Water Works Association, American Water Pollution Control Federation, Washington, D.C., 1975.
6. **DOMESTIC SEWAGE** shall mean wastewater derived principally from dwellings, business or office buildings, institutions, food-service establishments, chemical toilets, and similar facilities.
7. **HEALTH AUTHORITY** shall mean that person or persons who have been designated by the Board of Health to administer the affairs of the Carroll County Health Department.
8. **HEALTH DEPARTMENT** shall mean the Carroll County Health Department, including its duly authorized representatives.
9. **HOME OWNER** shall mean 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.
10. **HOME OWNER INSTALLED SYSTEM** shall mean a private sewage disposal system installed by a home owner for his/her personal single family residence.
11. **HUMAN WASTE** shall mean undigested food and by-products of metabolism which are passed out of the human body.
12. **MODIFY** shall mean any change in the design or components of a private sewage disposal system requiring a permit herein defined.
13. **PERMIT** shall mean a written permit issued by the Board of Health or its authorized representative permitting the construction or operation of an individual sewage disposal system under this Ordinance.
14. **PERSON** shall mean any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, the State of Illinois or and Department thereof, or any other entity.

15. **PERSONAL SINGLE FAMILY RESIDENCE** shall mean any single family dwelling unit which is to be used or is being used by a home owner/applicant as his or her principal residence.
16. **PERMIT** shall mean a written permit issued by the Board of Health or its Authorized Representative permitting the construction, alteration or extension of a private sewage disposal system in accordance with the provisions of this Ordinance.
17. **POPULATION EQUIVALENT** shall mean an average waste loading, equivalent to that amount of waste produced by one person which is defined as 100 gallons per day or that amount of waste containing 0.17 pounds BOD5.
18. **PRIMARY SEWAGE TREATMENT DEVICE** shall mean any component part of a private sewage disposal system that results in the removal of a substantial amount of the organic and inorganic settleable solids through the physical process of sedimentation only. A septic tank, primary sedimentation tank, settling chamber, or any similar treatment process or device shall for the purposes of this definition be deemed a primary sewage treatment device.
19. **PRIVATE SEWAGE DISPOSAL SYSTEM** shall mean 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.
20. **PRIVATE SEWAGE DISPOSAL SYSTEM CONTRACTOR REGISTRATION** shall mean an annual Registration Certificate issued by the Health Department to all private sewage disposal system installation contractors and pumpers engaged in the construction, installation, repairing, modifying or maintaining of private sewage disposal systems and pumping, hauling and disposal of sewage within the limits of Carroll County.
21. **PRIVATE SEWAGE DISPOSAL SYSTEM CONTRACTOR** shall mean any person constructing, installing, repairing, modifying, or maintaining private sewage disposal systems.
22. **PRIVATE SEWAGE DISPOSAL SYSTEM PUMPING CONTRACTOR** shall mean any person who cleans or pumps wastes from a private sewage disposal system or hauls or disposes of waste removed therefrom.
23. **PRIVATE SEWAGE DISPOSAL SYSTEM LICENSE** shall mean an annual license issued by the Illinois Department of Public Health to all private sewage disposal system installers and pumpers engaged in the installation or servicing of private sewage disposal systems within the State of Illinois.

- 24. PROPERTY shall mean all or part of a tract of land for which legal title has been recorded.
- 25. PROPERTY OWNER shall mean the person in whose name legal title to the real estate is recorded.
- 26. SEPTIC TANK MANUFACTURERS AND/OR AEROBIC TREATMENT UNIT DEALERS shall mean any person who manufactures, sells, offer for sale, or delivers septic tanks or aerobic treatment units in or into Carroll County.
- 27. SEPTIC TANK MANUFACTURERS AND/OR AEROBIC TREATMENT UNIT DEALERS REGISTRATION shall mean an annual Registration Certificate issued by the Health Department to all septic tank manufacturers and /or aerobic treatment unit dealers engaged in the manufacture, sale, offer for sale, and delivery of septic tanks and /or aerobic treatment units.
- 28. WASTE shall mean either human waste or domestic sewage, or both.
- 29. WASTE LOADING shall mean the BOD5 content, usually expressed in pounds per person or population equivalent.

SECTION 3
ADOPTION BY REFERENCE

In addition to those provisions set forth, this Ordinance shall be interpreted and enforced in accordance with provisions set forth in the following statutes, rules, and regulations of the State of Illinois, Department of Public Health and any subsequent amendments or revisions thereto, which publications are incorporated herein and adopted by reference as part of this Ordinance. One copy of which shall be on file in the office of the Carroll County Clerk.

- 1. "Private Sewage Disposal Licensing Act" (225 ICS 225)
- 2. "Private Sewage Disposal Code" (77 Ill. Adm. Code 905)

SECTION 4
PERMITS

- A. Valid Permit: It shall be unlawful for any person to construct, alter or extend a private sewage disposal system within Carroll 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. A permit shall only be issued to a private disposal system contractor who holds a valid private sewage installation contractor's registration certificate or a home owner

installing a private sewage disposal system to serve his/her own personal single family residence.

B. Permit Application: All applications for permits granted under the provisions of this ordinance shall be made to the Health Department on forms approved by the Health Department. ~~Sufficient data~~ The required data as defined in this section shall be included to allow review and to determine whether the proposed application for permit meets the requirements of this Ordinance. Permit Application forms provided by the Health Department shall be completed and signed by the homeowner and shall include the following:

1. Name, address and telephone number of the applicant, the signature of the private sewage disposal contractor when applicable and the location and legal description of the proposed site of construction, alteration, or extension.
2. Complete plan of the proposed disposal facility, with substantiating data, attesting to its compliance with the minimum standards of this Ordinance. An accurate drawing including:
 - a. Property lines, acreage of parcel and surface drainage on the parcel.
 - b. Topography of the site.
 - c. Existing and proposed water wells, water lines, and surface water on the parcel.
 - d. The proposed dwelling and other improvements on the parcel.
 - e. Existing wells, sewage disposal systems, structures and surface water on immediately adjoining parcels, if within 100' of the adjacent property line.
 - f. Location of soil borings holes and proposed private sewage disposal system components.
 - g. Depth below grade of the building sewer line and elevation change from building sewer level to private sewage disposal system.
 - h. Location of any abandoned wells, cisterns or mine shafts on the property.
 - i. Area for future drainfield expansion at least equal to proposed initial drainfield area.

j. Drainfield area shall be sized according to the square footage area per bedroom assigned to the different soil types in the soil-grouping list.

3. Such other information as may be required by the Health Department to substantiate that the proposed construction, alteration, or extension complies with minimum standards of this Ordinance.

C. Variance: If conditions exist at a proposed installation which make it impractical or impossible to comply with the requirements of this Ordinance, a variance may be requested by submitting to the Health Department, a written proposal which is to be used in lieu of compliance with this Ordinance. Such written request shall include pertinent data such as soil conditions, water table elevations, drainage patterns and distances to water supplies in order to support the request. The capability of the system to comply with the intent of this Ordinance will be the basis for approval or denial of the variances. The Health Department will notify the applicant in writing of its decision to either grant or deny the variance. A variance shall be requested and approved before construction begins.

D. Public Sewer: The Health Department shall refuse to grant a permit for the construction of a private sewage disposal system where public sewers are available. Such public 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 be served is located within a reasonable distance of a public sewer to which a connection is practicable and is permitted by the controlling authority for the sewer. A reasonable distance for the purpose of the 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. A connection is practicable when it can be completed using customary sewer lines.

E. Receipt of Application: The Health Department shall act upon all applications within fifteen (15) days of receipt thereof.

F. Permit Expiration: All permits to construct, alter, or extend a private sewage disposal system shall be valid for a period of one (1) year from date of issuance. If construction is not completed within this period, the permit is void. The administrator shall have the authority to extend the applicability of a permit for just cause.

G. Permit Fee: There shall be a permit fee charged for the issuance of a permit authorizing the construction, alteration or extension of any private sewage disposal system. The fee shall be collected by the Health Department at the time an application for permit is submitted, and shall be deposited in the Health Department fund. The fee schedule shall be set and approved by the Carroll County Board upon the recommendations of the Carroll county Board of Health.

SECTION 5
REGISTRATION

- A. Annual Contractor Registration shall be required for all private sewage disposal system installation contractors and all private sewage disposal pumping contractors operating within the limits of Carroll County. Annual Registration Certificates shall be issued by the Health Department only to those individuals possessing a valid Illinois Department of Public Health Private Sewage Disposal System Installation and/or Pumping Contractor's License. All Registration Certificates shall expire December 31st of the year in which they were issued, except those issued in December will expire December 31st of the following year. Any home owner, who chooses to construct, install repair, modify or maintain the system serving his own personal single family residence, is exempt from this registration.
- B. Annual Septic Tank Manufacturer and/or Aerobic Treatment Unit Dealer Registration Certificate shall be obtained by all persons who wish to manufacture, sell, offers for sale, deliver or provide maintenance service for septic tanks or aerobic treatments unit in or into Carroll County. The Health Department shall issue this Registration Certificate only to applicants who have approval to manufacture and sell septic tanks and/or aerobic units from the Illinois Department of Public Health. All Registration Certificates shall expire December 31st of the year in which they were issued, except those issued in December will expire December 31st of the following year.
- C. Information Request: All persons who hold a Septic Tank Manufacturer and/or Aerobic Treatment Unit Registration Certificate shall be required, if requested, to notify the Health Department, in writing, the date of delivery or sale of a septic tank or aerobic treatment 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 make and model of aerobic treatment unit

SECTION 6
COMPLIANCE AND PERFORMANCE

- A. All private sewage disposal systems within the limits of Carroll County shall be constructed, installed, modified, maintained and serviced by persons with a valid private sewage disposal system installation contractor's Registration Certificate. All such systems shall be pumped, cleaned, and the contents hauled and disposed of by persons with a valid private sewage disposal system pumping contractor's registration certificate; provided, however, that a home owner may install or service a private sewage disposal system which serves his/her own personal single family residence.
- B. All septic tanks and/or aerobic treatment units manufactured, sold, offered for sale, or delivered in Carroll County shall comply with provisions in this Ordinance.
- C. Unlawful Discharge: It shall be unlawful to discharge untreated sewage or improperly treated effluent from any septic tank and/or aerobic treatment unit directly or indirectly to any stream, ditch, ground surface, sink hole or abandoned well, or to allow the contents of any privy vault, septic tank, aerobic treatment unit or any component(s) of any private sewage disposal system to emit offensive odors, or become objectionable, dangerous or prejudicial to the public health.
- D. Repair or Replacement: In circumstances where existing systems necessitate repair or replacement due to malfunction, such repair or replacement shall be in conformance with this Ordinance to the extent which lot size, soil conditions, topography and other unalterable constraints will allow.
- E. Inspections: The Health Department is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance.
- F. Right of Entry: The Health Department shall have the authority, subject to constitutional limitations, by its representatives after identification, to enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the administration and enforcement of this Ordinance and the Private Sewage Disposal Code.
- G. Notification for Inspection: The home owner or private sewage disposal system contractor responsible for the installation, construction, alteration or extension of any private sewage disposal system shall notify the Health Department no later than the day before the date the actual installation, construction, alteration, or extension work is scheduled to begin.

- H. Inspection: If any private sewage disposal system contractor or home owner who installs a private sewage disposal system shall backfill any portion of the said system and/or cover the same with earth, cinders, gravel, sand or any other material which will prevent the same from being readily viewed to determine if the system meets all requirements of the Ordinance before receipt of approval by the Health Department, the Health Department may give fifteen (15) days notice in writing to such private sewage disposal system contractor or home owner of violating the provision of the Ordinance, to uncover such backfilled or covered portions of the system. At the end of such fifteen (15) days, if no approval for an extension has been granted, and if the private sewage disposal system contractor or home owner shall not have uncovered the private sewage disposal system, the permit is automatically invalidated and penalty action may be taken. The Health Department may elect to have the system uncovered at the expense of the private sewage disposal system contractor or homeowner. Failure of the home owner to pay such costs within 30 days shall result in execution of a lien against the property.

SECTION 7 ISSUANCE OF NOTICE

- A. 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 be in writing and include a statement of the reasons for issuance of the notice. The notice will allow reasonable time as determined by the Health Department for performance of any act required. The notice to be served upon the person responsible for the violation(s) will contain an outline of remedial action which is required to effect compliance with this Ordinance.
- B. 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 this section if it is deemed a public health threat.

SECTION 8 REVOCAION OF REGISTRATION

For serious or repeated violation of any of the requirements of this Ordinance, the private sewage disposal installation and/or pumping contractor registration certificate may be revoked after an opportunity for a hearing has been provided by the Health Department. Prior to such action, the Health Department 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 (5) days following

service of such notice, unless a request for a hearing is filed with the Health Department, by the holder, within such five (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 Department.

SECTION 9 HEARINGS

- A. Hearing with Administrator: Any person affected by any 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 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 or notice and as a condition for such action may, where he/she deems it necessary, make requirements which are additional to those prescribed in this Ordinance 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 Health Department as a matter of public record, and a copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail. Any person aggrieved by the decision of the Administrator may seek relief therefrom through a hearing before the Board of Health.
- B. Hearing with 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 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. For the purpose of this section the Board of Health shall mean a simple majority of the Carroll County Board of Health. 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 or Acting 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 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 10
PENALTY

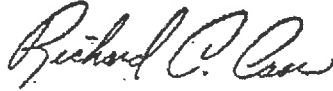
- A. Any person found guilty of violating any provision of this Ordinance shall be guilty of a Class B A misdemeanor. Each day a person violates this Ordinance shall constitute a separate offense. All monies collected from fines imposed upon violations of this Ordinance shall be deposited in the Carroll county Health Department Fund.
- B. The State's Attorney of Carroll County may bring suit seeking to permanently enjoin any ongoing violation of this Ordinance or to enjoin the operation of any establishment causing a violation of this Ordinance.

SECTION 11
CONFLICT OF ORDINANCE
EFFECT OF PARTIAL INVALIDITY

- A. Conflict of Ordinance: In any case where a provision of this Ordinance is found to be in conflict with a provision of another Ordinance of the County of Carroll, the more specific provision of either shall apply over the more general.
- B. Severability: Should any provision, section, subsection, paragraph, sentence, clause or phrase of this Ordinance be found invalid for any reason or should any provision of this Ordinance be stricken by an act of the County Board, the remainder of this Ordinance shall remain in full force and effect as if the subject provision had never been included in this Ordinance.

SECTION 12
EFFECTIVE DATE

This Ordinance shall be in full force and effective immediately upon its adoption by the Carroll County Board.
The above and foregoing Ordinance was adopted on this 21st Day of October



Chairperson
Carroll County Board



County Clerk
Carroll County

