

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 within the limits of Coles County, Illinois.

Pursuant to the powers granted to the Coles County Board by the Statues of the State of Illinois in such case made and provided therefore, and WHEREAS the improper disposal of sewage is a menace to the public health; Therefore, be it resolved by the County Board of Coles County, Illinois, that the following rules and regulations are hereby made and adopted.

September 9, 1986

ADOPTED

September 9, 1986

EFFECTIVE

January 12, 1999

AMENDED

January 18, 2011

AMENDED

John Hurst

APPROVED

Chairman-Coles County Board

SECTION I

DEFINITIONS

DOMESTIC SEWAGE shall mean waste water derived principally from dwellings, business or office building, institutions, food service establishments, and similar facilities.

HEALTH AUTHORITY shall mean the Coles County Health Department or an authorized representative thereof.

HOME OWNER shall mean a person who holds legal title to a residential structure which is to be used or is used for his personal, single family residence.

HUMAN WASTES shall mean undigested food and by-products of metabolism which are passed out of the human body.

PERSON shall mean 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.

PERMIT shall mean a written permit issued by the Health Authority permitting the construction, alteration, or extension, of an individual disposal system under this Ordinance.

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 (Biochemical Oxygen Demand 5- day test).

“PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION CONTRACTOR” means any person constructing, installing, repairing, modifying, or maintaining private sewage disposal systems.

“PRIVATE SEWAGE DISPOSAL PUMPING CONTRACTOR” means any person who cleans or pumps waste from a sewage disposal system or hauls or disposes of waste therefrom.

“PRIVATE SEWAGE DISPOSAL SYSTEM CONTRACTOR’S REGISTRATION” shall mean an annual Registration Certificate issued by the Coles County Health Department to all Private Sewage Disposal Installation Contractors or Private Sewage Disposal System Pumping Contractors engaged in the installation and/or servicing of private sewage disposal systems within the limits of Coles County.

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.

PROPERTY OWNER shall mean the person in whose legal title to the real estate is recorded.

WASTE shall mean either human waste or domestic sewage or both.

SECTION II

PERMITS

- 2.1 It shall be unlawful for any person to construct, alter or extend private sewage disposal systems within Coles County unless he holds a valid permit issued by the Health Authority stating the name of such person for which the specific construction, alteration, or extension, is proposed. Said permit shall indicate a maximum permissible waste loading.
- 2.2 All applications for permits granted under the provision of this Ordinance shall be made to the Health Authority.
- 2.3 A permit shall only be issued to a homeowner and/or an Illinois Licensed Private Sewage Disposal System Installation Contractor registered in Coles County installing a sewage disposal system.
- 2.4 Permit application forms provided by the Health Authority shall be completed and signed by each applicant and shall include the following:
 - 2.4.1 Name and address of the applicant and lot and block number or legal description of the proposed site of construction, alteration, or extension.
 - 2.4.2 Complete plan of the proposed private sewage disposal system with substantiating data, if necessary, attesting to its compliance with the minimum standards so stated hereunder in this Ordinance.
- 2.5 The Health Authority may refuse to grant a permit for the construction 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 be served is located within a reasonable distance of 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 not greater than 300 feet for a single family residence and not greater than 1,000 feet for a commercial establishment or multifamily dwelling.
- 2.6 A fee may be charged for the initial construction permit, alteration, or extension of an individual sewage system. Said fee shall be \$100.00 for a single family dwelling without a surface discharge system, \$200.00 for a single family dwelling with a surface discharging system, \$200.00 per permit for all other without a surface discharging sewage systems, and \$300.00 per permit for all other with surface discharging sewage systems. Permit applications shall be submitted a minimum 7 days prior to construction or a \$25.00 late fee shall apply. Emergency repairs to existing private sewage systems are exempt from the late fee. This fee shall be collected by the Coles County Health Department at the time the application for permit is submitted and shall be deposited into the Health Department Fund. Permit fees are non-refundable.

- 2.7 Said permit to construct is valid for a period of six months from date of issuance. If construction had not started within this period, the permit is void.

SECTION III

CONTRACTOR'S REGISTRATION

- 3.1 An annual contractor's registration shall be required for all Private Sewage Disposal Installation Contractors, and an annual contractors registration shall be required for all Private Sewage Disposal System Pumping Contractors each of which operate within the limits of Coles County. The Health Department shall issue a Private Sewage Disposal Installation and/or Pumping Contractors Registration Certificate to persons applying for such certificates who have a valid license issued by the State for either or both licenses. All such registration certificates shall expire one year from date of issuance.

SECTION IV

COMPLIANCE AND PERFORMANCE

- 4.1 All private sewage disposal systems within the limits of Coles County shall be installed and/or maintained by Illinois Licensed Private Sewage Disposal System Installation Contractors registered in Coles County; provided however, that a homeowner may install and/or service 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 Illinois Licensed Private Sewage Disposal System Pumping Contractor.
- 4.2 Percolation tests, when required, shall be performed according to the provisions of the Illinois Private Sewage Disposal Licensing Act and Code adopted hereinafter by reference. Percolation tests may be performed by Private Sewage Disposal System Installation Contractor holding a valid Coles County Registration Certificate, an Illinois Registered Sanitarian, an Illinois Registered Engineer or Architect, Soil Scientist, homeowner, or person given written permission by the Health Department, or the authorized representative of the Health Department. The Health Department reserves the right to determine the validity of any test and in cases where more than one set of tests have been 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.
- 4.3 All sludge disposal sites within Coles County shall be inspected by the Health Department to determine compliance with the provisions of this Ordinance. If the disposal sites are determined to be unacceptable, the 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.

- 4.4 A Private Sewage Disposal System Pumping Contractor or homeowner servicing his personal residence system shall supply a list of all sludge sites utilized by either the contractor or homeowner to the Health Department.
- 4.5 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.

SECTION V

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 Table IV of the Private Sewage Disposal Licensing Act and Code and any subsequent amendments or revisions thereto. A minimum of 200 square feet of seepage area shall be provided and unless serial trenches are used, a minimum of two individual seepage lines are required.

SECTION VI

BY REFERENCE ADOPTION

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 (3) copies of which shall be on file in the office of the Coles County Clerk, which publication is incorporated herein and adopted by reference as part of this Ordinance.

Private Sewage Disposal Code are hereby referred to, adopted and made a part thereof, as if fully set out in this Ordinance, with insertions, deletions, and changes prescribed in Section VII of this Ordinance.

SECTION VII

INSERTIONS, DELETIONS, AND CHANGES

The following section of the Private Sewage Disposal Code is hereby revised as follows:

Section 905.20 (e) page 4, delete “within 200 feet of a building and is available for connection” and insert in its place, “as prescribed in Section II, Subsection 2.5 of this Ordinance”.

SECTION VIII

ENFORCEMENT

- 8.1 All private sewage disposal systems constructed prior to the effective date of this Ordinance found to endanger public health, shall be made to comply with any provision of this Ordinance deemed necessary by the Health Authority.
- 8.2 The Health Authority is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance.
- 8.3 It shall be the duty of the owner or occupant of a property to give the Health Authority free access to the property at a reasonable time for the purpose of making such inspections as are necessary to determine compliance with the requirements of this Ordinance.
- 8.4 No private sewage disposal system shall 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. Said inspection shall be made within 18 hours during the normal working week after notification of the Health Authority by the homeowner or a duly authorized agent.
- 8.5 Any person who shall backfill any portion of a private sewage disposal system or cover the same with earth, cinders, gravel, shale, or any other material, which will prevent the same from being readily reviewed to determine if the said systems meets all requirements of this Ordinance before receipt of written approval by the Health Authority or the lapse of time specified in Section 8.4 shall be in violation of this Ordinance and subject to any and all fines and penalties contained herein and shall further be responsible for the cost of uncovering said system whether uncovered by himself or by the Health Authority.

SECTION IX

APPEAL FOR VARIANCE

- 9.1 If circumstances exist where compliance with the provisions of this Ordinance would create undue hardship, anyone may request the Health Authority to review a proposal for modification of the requirements. Such requests shall be made in writing and be accompanied by a plan drawn to scale, and shall include pertinent data to support the request.
- 9.2 The Health Authority shall review all requests for variances and shall approve or deny said variances within ten days of receipt of request.
- 9.3 Any person aggrieved by the decision of the Health Authority may seek relief therefrom through a hearing before the Coles County Public Health Board. A written request for a hearing must be filed in the office of the Health Authority within ten (10) days after the variance was denied by said Health Authority.

The Public Health Board shall meet for the purpose of conducting the hearing within thirty (30) days of receipt of the request. If, as a result of facts elicited as a result of the hearing, the Public Health Board finds that strict compliance with the decision of the Health Authority would cause undue hardship on the petitioner, and that the public health would be adequately protected by altering the decision of the Health Authority, the Public Health Board may grant a variance and as a condition for such variance, may, where it deems necessary, make requirements which are properly protecting the public health.

- 9.4 Furthermore, any person aggrieved by the decision of the Public Health Board may seek relief therefrom through a hearing before the Health and Safety Committee of the Coles County Board. A written request for a hearing must be filed in the office of the Health Authority within (10) days after the variance was denied by the Public Health Board. The Health and Safety Committee shall meet for the purpose of conducting the hearing within thirty (30) days of the receipt of the request. If, as a result of facts elicited as a result of the hearing, the Health and Safety Committee finds that strict compliance with the decision of the Public Health Board would cause undue hardship on the petitioner, and that the public health would be adequately protected by altering the decision of the Public Health Board, the Health and Safety Committee 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.

SECTION X

ISSUANCE OF NOTICE

- 10.1 Whenever the Health Authority determines that a violation of any provision of this Ordinance has occurred, the Health Authority shall give notice to the person responsible for such violation. The notice shall:
- 10.1.1 be in writing
 - 10.1.2 include a statement of the reasons for issuance of notice
 - 10.1.3 allow reasonable time as determined by the Health Authority to correct the violation(s)
 - 10.1.4 be served upon the person responsible for the violation(s) when a copy thereof has been sent by registered or certified mail to his last known address as furnished to the Health Authority or when he has been served with such notice by any other method authorized by laws of this State.
 - 10.1.5 contain an outline of remedial action which is required to effect compliance with this Ordinance.

SECTION XI

CITATION NOTICE

- 11.1 When anyone fails or refuses to correct any violation of this Ordinance after due notice and time specified in Section X, the Health Authority shall issue a citation notice to the person responsible for the violation. The citation notice shall state the date, time, and place the person responsible for the violation is to appear in the county court.
- 11.2 Any person who violates any provision of this Ordinance shall be guilty of a Petty Offense and shall be fined a sum not less than \$100.00, nor more than \$500.00.
- 11.3 Each day's violation constitutes a separate offense. The States Attorney of Coles County shall bring such actions in the name of the People of the State of Illinois, or may bring action for an injunction to restrain such violation or to enjoin the operation of any such establishment causing such violation.

SECTION XII

REVOCAION OF CONTRACTOR'S REGISTRATION

- 12.1 For serious or repeated violation of any of the requirements of this Ordinance, or for interference with the Health Authority in the performance of his duties, the private sewage disposal contractor's 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 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.
- 12.2 The hearing provided for in this section shall be conducted by the Public Health Board at a time and place designated by them within 30 days from the date on which the written request was filed. Based upon the record of such hearing, the Public Health Board shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing.
- 12.3 Any private sewage disposal contractor affected by the decisions of the Public Health Board may have the decisions of said Public Health Board reviewed in the Circuit Court of Coles County. The provisions of the "Administrative Review Act" of the State of Illinois, approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto shall apply to and govern all proceedings for the judicial review of final administrative decisions of the said Health Authority.

SECTION XIII

CONFLICT OF ORDINANCE, EFFECT ON PARTIAL INVALIDITY

- 13.1 If 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 Coles 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 Coles 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, and such other ordinance or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.
- 13.2 If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not effect 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.