

**ADAMS COUNTY  
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 Adams County, Illinois.

Pursuant to the powers granted to the Adams County Board by the Statutes 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 Adams 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:

AEROBIC TREATMENT PLANT means equipment or devices for the treatment of sewage by the forced addition of air or oxygen.

AUTHORIZED REPRESENTATIVE shall mean the legally designated Administrator or the Acting Administrator of the Adams County Health Department and shall include those persons designated by the Administrator or Acting Administrator to enforce the provisions of this Ordinance.

BOARD OF HEALTH shall mean the Adams County Board of Health or its Authorized Representative (s).

DOMESTIC SEWAGE means wastewater derived principally from dwellings, business or office buildings, institutions, food service establishments and similar facilities.

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.

HEALTH DEPARTMENT shall mean the Adams County Health Department, an agency of the Adams County Board of Health.

HOWEOWNER 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.

HOMEOWNER INSTALLED SYSTEM means a private sewage disposal system installed by a homeowner for his/her personal, single-family residence.

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

ILCS means Illinois Compiled Statutes.

MODIFY shall mean any change in the design or components of a private sewage disposal system requiring a permit herein defined.

NSF STANDARD 40 WASTEWATER TREATMENT SYSTEM means any system that has been certified by the ANSI/NSF Standard Number 40, Residential Wastewater Treatment System Standards.

PERCOLATION TESTS shall mean a soil sub-surface test at a depth of a proposed private sewage disposal system to determine water absorption capability of the soil.

PERSON means 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 legal entity.

PERMIT shall mean a written permit issued by the Board of Health or its authorized representative permitting the construction of an individual sewage disposal system under this Ordinance.

POPULATION EQUIVALENT means an average waste loading, equivalent to that amount of waste produced by one person, which is defined as one hundred (100) gallons per day or that amount of waste containing 0.17 pounds BOD<sub>5</sub>.

PRIVATE SEWAGE DISPOSAL SYSTEM means any sewage handling or treatment facility receiving domestic sewage from less than fifteen (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.

PRIVATE SEWAGE DISPOSAL SYSTEM CONTRACTOR'S REGISTRATION shall mean an annual Registration Certificate issued by the Adams County Health Department to all licensed private sewage disposal contractors engaged in the installation and/or servicing of private sewage disposal systems within the limits of Adams County.

PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION CONTRACTOR means any person excavating, constructing, repairing, installing, modifying, maintaining or servicing a private sewage disposal system.

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 waste removed therefrom.

SURFACE DISCHARGING SYSTEM means any private sewage disposal system having an approved discharge to the ground surface.

## SECTION II

### ADOPTION BY REFERENCE

In addition to those provisions set forth in Section I through XIV, this Ordinance shall be interpreted and enforced in accordance with provisions set forth in the current, unabridged form of the State of Illinois, Illinois Department of Public Health, "Private Sewage Disposal Licensing Act and Code" (225 ILCS 225/1et.al.) and any subsequent amendments or revisions thereto; three certified copies of which shall be on file in the office of the Adams County Clerk.

## SECTION III

### PERMITS

- 3.1 It shall be unlawful for any person to construct, alter or extend individual sewage disposal systems within Adams County, unless he holds a valid permit issued by the Health Department stating the name of such person for which the specified construction, alteration or extension is proposed.
- 3.2 All applications for permits granted under the provision of this Ordinance shall be made to the Board of Health or its duly Authorized Representative. Sufficient data shall be included to allow review and to determine whether the proposed application for permit meets the requirement of this Ordinance.
- 3.3 A permit shall only be issued to a homeowner and/or an Illinois licensed private sewage disposal system installation contractor constructing, altering or extending a sewage disposal system.
- 3.4 Permit application forms provided by the Health Department shall be completed and signed by each applicant and shall include the following:
  - 3.4.1 Name and address of the applicant and the location of the proposed site of construction, alteration or extension as proposed.
  - 3.4.2 Complete plan of the proposed disposal facility, with substantiating data, if necessary, attesting to its compliance with the minimum standards of this Ordinance.
  - 3.4.3 Such other information as may be required by the Health Authority to substantiate that the proposed construction, alteration or extension complies with the minimum standards of this Ordinance.
- 3.5 The Board of Health or its Authorized Representative may refuse to grant a permit for the construction of a private sewage disposal system where public or

community sewerage systems are available. A sewer shall be deemed available when a public 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 improvements to be served is located within a reasonable distance of a public sewer to which a connection is practical and is permitted by controlling authority for the sewer. A reasonable distance for the purpose of this provision shall be deemed to be not 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.

- 3.6 The Board of Health or its Authorized Representative shall act upon all applications within fifteen (15) days of receipt thereof.
- 3.7 Said permit to construct is valid for a period of one (1) year from date of issuance. If construction has not started within this period, the permit is void.
- 3.8 Land Area. No permit for the construction or installation of a septic tank or disposal system shall be granted for any lot hereinafter subdivided and platted, which has an area of less than twenty thousand (20,000) square feet of land,

Exception: Whereas a sewerage system and sewage treatment plant are provided and the facilities receive an approval from the State of Illinois, Environmental Protection Agency and the Adams County Health Department, the lot size may be reduced to a minimum of ten thousand (10,000) square feet.

- 3.8.1 "Where lots have been platted prior to March 10, 2007, or if conditions exist at a proposed installation which make impractical or impossible compliance with the requirements of this section, a variance may be requested by submitting to the Illinois Department of Public Health, Division of Environmental Health, or appropriate local authority a written proposal that is to be used in lieu of compliance with this section. 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 section will be basis for approval or denial of the variances. The Department of local authority 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."

- 3.9 Small Tracts. Where there are existing lots with less area than stipulated in 3.8 and additional land cannot be reasonably obtained, special consideration shall be given to problems of sewage disposal. 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 lots.

#### SECTION IV

##### CONTRACTOR'S REGISTRATION

An annual contractor's registration shall be required of all private sewage disposal system installation contractors and all private sewage disposal system pumping contractors operating within the limits of Adams County. The Health Department shall issue a private sewage disposal system installation contractor registration certificate or a private sewage disposal system pumping contractor registration certificate to persons applying for such certificate who hold a State of Illinois license as a Private Sewage Disposal System Installation Contractor or Private Sewage Disposal System Pumping Contractor. An annual registration fee of five (5) dollars shall be required for each certificate issued. All registration certificates shall expire each year from the date of issuance.

SECTION V  
COMPLIANCE AND PERFORMANCE

- 5.1 All private sewage disposal systems within the limits of Adams County shall be installed, modified or serviced by an individual with a valid private sewage disposal system installation contractor's license and certificate, 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 and certificate; 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 Percolation tests, as required by this Ordinance, shall be conducted by either a Licensed Private Sewage Disposal System Installation Contractor, an Illinois Registered Engineer or Architect, an Illinois Licensed Environmental Health Practitioner, a soil scientist or certified soil classifier, an Authorized Representative of the Adams County Health Department or other professional persons acceptable to the Health Department. Soil science data from a certified soil classifier may be submitted in lieu of percolation tests.
- 5.3 All private sewage disposal systems shall be constructed, installed, modified repaired, serviced, pumped and contents disposed of in accordance with the State of Illinois Private Sewage Disposal Code 77 Ill Adm. Part 905, and any subsequent amendments.
- 5.4 In order to reduce the volume of wastewater effluent discharge to the ground surface from a NSF Standard 40 Wastewater Treatment System, a minimum of



one hundred (100) square feet of subsurface seepage system per bedroom shall be installed before the chlorination unit.

- 5.5 Effluent discharges shall comply with Section 905.110 a) 3) of the Illinois Department of Public Health, "Private Sewage Disposal Licensing Act and Code."

## SECTION VI SUBSURFACE SEEPAGE FIELDS

Where a subsurface seepage system is installed as a component of a private sewage disposal system, the seepage area provided shall be in accordance with the State of Illinois Private Sewage Disposal Licensing Act and Code.

## SECTION VII ENFORCEMENT

- 7.1 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, septic tank or seepage pit to emit offensive odors to become objectionable, dangerous or prejudicial to the public's health.
- 7.2 Private sewage disposal systems constructed prior to the effective date of this Ordinance shall comply with the requirements of this Ordinance, when they require a permit to repair or replace that system.
- 7.3 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.

- 7.4 It shall be the duty of the owner or occupant of a 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.
- 7.5 An individual disposal system, which has been installed by a homeowner for his/her personal residence, shall not be covered or placed in operation until the said installation has been inspected and written approval of said system has been issued by the Health Department.
- 7.6 The Authorized Representative may make inspections during the course of the construction of any individual sewage disposal system, to ensure compliance with this Ordinance.
- 7.7 If any person who installs a private sewage disposal system shall backfill any portion of the said system and/or cover the same with the 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 fifteen (15) days notice in writing to such home owner so violating the provisions of the Ordinance, to uncover such backfilled or covered portion of the said system.
- 7.8 If, at the end of fifteen (15) days, the homeowner shall not have uncovered the individual sewage disposal system, the permit is automatically invalidated and penal 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 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 the violation. The notice shall:
- 8.1.1 be in 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 this act.
  - 8.1.4 be served upon the person responsible for the violation(s); provided that such notice has been properly served upon the person responsible for the violation(s) when a copy thereof has been sent by registered or certified mail to his/her last know address as furnished to the Health Department or its Authorized Representative or when he/she has been served with such notice by any other method authorized by laws of this State, and,
  - 8.1.5 contain an outline of remedial action, which is required to affect compliance with this Ordinance.

SECTION IX  
REVOCATION OF CONTRACTOR'S REGISTRATION

- 9.1 For serious or repeated violation of any of the requirements of this Ordinance, the private sewage disposal contractor's 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 reason 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 hearing is filed with the Health Authority, 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 Authority.

## SECTION X HEARINGS

### 10.1 Hearings Before the Health Authority

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 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 time and place of the hearing, not less than five (5) days prior to the date of which the hearing is to be held. If, as a result of the hearing, the Health Authority finds that strict compliance with the order of 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 of notice, the Health Authority may modify or withdraw the order or notice, and as a condition for such action may, where they deem it necessary, make requirements which are additional to those prescribed in this Ordinance for the purpose of properly protecting the public health. 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.

### 10.2 Hearings 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 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 from the hearing, the Board of Health 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 and substantial justice done by granting a variance from the decision of the Health Authority, 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 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 registered or 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 not less than \$100.00
- 11.2 Each day's violation constitutes a separate offense. The State's Attorney of Adams 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 enjoin the operation of any such establishment causing such violation.

SECTION XII

INVALIDITY

12.1 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 servable.

SECTION XIII

FEES

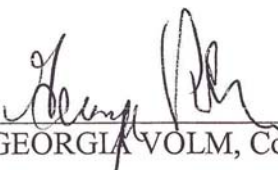
The Adams County Board of Health may establish and collect fees to cover the usual and customary expenses associated with administering this Ordinance.


SECTION XIV

EFFECTIVE DATE

This Ordinance shall become effective from and after the date of its passage and publication as provided by law. Date this ordinance goes into effect is March 10, 2007.

ATTEST:

  
GEORGIA VOLM, County Clerk

  
MIKE MCLAUGHLIN, Chairman

