

PRIVATE SEWAGE DISPOSAL SYSTEM ORDINANCE

An ordinance regulating private sewage disposal systems, the construction and/or reconstruction of such systems and the pumping or cleaning of wastes from private sewage disposal systems, and requiring an annual registration certificate for private sewage disposal system installation and private sewage disposal pumping contractors in Macon County and the incorporated areas of Macon County, Illinois.

Pursuant to the powers granted to the Macon County Board by the Statutes of the State of Illinois in such case made and provided therefor, and WHEREAS the improper disposal of sewage is a menace to the public health.

Now, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF MACON COUNTY, ILLINOIS, that the following ordinance establishing rules and regulations for private sewage disposal systems in Macon County, Illinois, be, and the same is, hereby adopted; and further that all existing ordinances in conflict with this ordinance, be and the same are, hereby repealed.

SECTION I

DEFINITIONS

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

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

BEDROOM shall mean any room 70 square feet in area or larger excluding living, kitchen, dining, bath or utility. Rooms such as, but not limited to, studies, libraries, offices, sitting rooms, play rooms, sewing rooms or dens having closets shall be considered bedrooms for the purpose of septic system design.

BOARD OF HEALTH shall mean the Macon 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 Macon County Board of Health or an authorized representative thereof.

HEALTH DEPARTMENT shall mean the Macon County Health Department, an agency of the Macon County Board of Health, acting through its administrator or other authorized representative.

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

HOME OWNER INSTALLED SYSTEM means a private sewage disposal system installed by a home owner for his or her personal single family residence.

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

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 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 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 SYSTEM 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 Health Department to all Private Sewage Disposal Installation Contractors or Private Sewage Disposal System Pumping Contractors who construct, install, repair, modify, or maintain private sewage disposal systems, or clean or pump wastes from a private sewage disposal system within the limits of Macon 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 name the legal title to the real estate is recorded.

SEPTAGE shall mean the solid and liquid waste removed from a private sewage disposal system.

SOIL CLASSIFIER shall mean one of the following:

- (1) A certified Soil Classifier of the Illinois Soil Classifiers Association (ISCA) or a certified Soil Classifier with the American Registry of Certified Professionals in Agronomy, Crops and Soils (ARCPACS).
- (2) A person who is a full member or associate member of the Illinois Soil Classifiers Association (ISCA), Provided that direct supervision is provided to this person by an ISCA or ARCPACS certified Soil Classifier who accompanies the person on at least 25% of the soil investigations and reviews and signs all of that person's soil investigation reports.

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

SECTION II

REQUIREMENTS FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEMS

- 2.1 This Ordinance shall establish minimum standards designed to insure that the wastes discharged to various individual sewage disposal systems:
- (1) Do not contaminate any drinking water supply.
 - (2) Are not accessible to insects, rodents, or other possible carriers of diseases which may come into contact with food or drinking water.
 - (3) Do not pollute or contaminate the waters of any bathing beach, fish breeding grounds, or stream used for public or domestic water supply purposes or for recreational purposes.
 - (4) Are not a health hazard by being accessible to children.
 - (5) Do not give rise to a nuisance due to odor or unsightly appearance.
 - (6) Will not violate any other laws or regulations governing water pollution or sewage disposal.

SECTION III

PERMITS

- 3.1 It shall be unlawful for any person to construct, alter or extend individual sewage disposal systems within Macon County unless he or 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. Said permit shall indicate a maximum permissible waste loading.
- 3.2 All applications for permits granted under the provision of this Ordinance shall be made to the Health Department.
- 3.3 A permit shall only be issued to an Illinois licensed private sewage disposal system installation contractor or a home owner installing his or her own residential sewage disposal system.
- 3.4 Applications for permits shall be in writing, shall be signed by the applicant, and shall include the following:
- 3.4.1 Name and address of the applicant and location of the proposed construction, repair, alteration, or extension .
 - 3.4.2 Complete plan of the proposed private sewage disposal system with substantiating data, if necessary, attesting to its compliance with the minimum standards stated hereunder in this ordinance.
- 3.5 A complete plan for the purpose of obtaining a permit to be issued by the Health Department shall include:

- 3.5.1 The number, location, and size of all private sewage disposal systems to be constructed, altered, or extended.
 - 3.5.2 The location of water supplies, water supply piping, existing private sewage disposal systems, if any, building and/or dwelling and adjacent lot lines.
 - 3.5.3 Plans of the proposed private sewage disposal systems to be constructed, altered, or extended. Upon completion of such installation, as-constructed plans shall be provided for the owner, and a copy shall be filed with the Health Department.
- 3.6 The Health Department or its Authorized Representative may refuse to grant a permit for the construction of a private sewage disposal system where sanitary or community sewage 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 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 or a non-residential property with a sewage flow less than 1500 gallons per day, or within 1000 feet of a multi-family dwelling or a non-residential property with a sewage flow greater than or equal to 1500 gallons per day .
- 3.7 The Board of Health or its Authorized Representative shall act upon all applications within 15 days of receipt thereof.
- 3.8 There shall be a fee charged for the initial construction permit, alteration or extension of an individual sewage system. If a permit is denied, the fee is non-refundable. The fee shall be established by the Health Department and may be increased whenever deemed necessary. The current fee schedule will be available from the Health Department upon request
- 3.9 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.

SECTION IV

CONTRACTOR'S REGISTRATION

- 4.1 All private sewage disposal system installation and/or pumping contractors operating within Macon County shall be licensed by the State of Illinois and registered annually with the Health Department. All such registrations shall expire at the end of each calendar year.
- 4.2 A private sewage disposal system installation and/or pumping contractor desiring to be registered within Macon County shall apply to the Health Department upon an application form supplied by the Health Department. This form shall be completed and signed by each applicant.

SECTION V

COMPLIANCE AND PERFORMANCE

- 5.1 All private sewage disposal systems within the limits of Macon County shall be installed, modified or serviced by an Illinois licensed private sewage disposal system installation contractor; and all such systems shall be pumped, cleaned and the contents hauled and disposed of by an Illinois licensed private sewage disposal system pumping contractor; provided however, that a homeowner not so licensed may install and/or service (with the exception of Section 5.5) a private sewage disposal system which serves only his or her 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 Contractors.
- 5.2 Soil investigations shall be the sole method for determining the absorption capacity of the soil. Percolation test results will no longer be accepted. Soil investigations shall be conducted in the following manner:
 - 5.2.1 Determination of soil characteristics on sites proposed for development with private sewage disposal systems shall be based on soil boring data collected by a Soil Classifier or an Illinois licensed professional engineer.
 - 5.2.2 There shall be a minimum of 3 borings per soil absorption system site. The soil borings shall be at least 50 feet apart, and the proposed subsurface seepage system shall be located within the area where the soil borings were located. More soil borings may be necessary for accurate and appropriate evaluation of a site where there is some concern about the consistency of the soil materials. One of the borings shall be made at the lowest elevation of the proposed absorption field area. Borings shall extend a minimum of 60 inches below the natural ground surface. An observation pit shall be used in gravelly materials.
 - 5.2.3 Observation and determination of soil characteristics also may be determined from a pit dug by a backhoe or other excavating equipment. The Health Department may require soil pits (backhoe excavation) in cases where there has been previous or current fill material, cutting of soils, or where gravelly soils are encountered. Such soil pits shall be prepared at the perimeter of the expected soil absorption area to minimize damage to natural soil structure. Soil pits shall extend a minimum of 60 inches below the natural ground surface.
 - 5.2.4 Site characteristics to be described include zones of seasonal and permanent water saturation, U.S.D.A. Soil textural changes, U.S.D.A. soil structural features, slope, compaction and depth, soil coloration, depth of limiting layer, depth of soil mottling (depth to low chroma equal to or less than 2 and a value of 4 or more – Munsell Color System), internal drainage classification, and permeability range, and other limiting soil characteristics that may reduce permeability.

- 5.3 Private sewage disposal systems (buried sand filters, re-circulating sand filters, waste stabilization ponds, and class I aerobic treatment plants) with effluent that discharges to the ground surface and also leaves the property, will not be permitted unless it can be shown through soil investigations that the lot does not have an area suitable for the installation of a subsurface seepage field. One may forego the performance of soil investigations if it can be demonstrated to an Authorized Representative of the Health Department that there is no area acceptable for the installation of a subsurface seepage system due to site restrictions such as lack of space, unsuitable topography, or in areas where surface water will accumulate.
- 5.4 Effluent reduction trenches shall be required for all systems designed to have a surface discharge of treated effluent. The effluent reduction trenches shall be sized according to the following tables:

Residential Surface Discharging Systems Sizing Requirements

Bedrooms	Square Feet of Effluent Receiving Trench
1 & 2	300
3 & 4	600
5 & 6	800
7 & 8	1,000
9 & 10	1,200

Non-residential Surface Discharging Systems Sizing Requirements

Gallons Per Day	Square Feet of Effluent Receiving Trench
Less than 500	400
500 to 700	600
701 to 1,000	800
1,001 to 1,250	1,000
1,251 to 1,500	1,200

- 5.5 All owners of aerobic treatment plants must purchase a continuing service policy with terms equal to the initial 2-year service policy for as long as they have ownership. Owners will not be allowed to service their own aerobic treatment plants. Proof of servicing shall be required upon request.
- 5.6 Soil investigations shall be conducted for all proposed subdivisions in Macon County. A minimum of one soil boring will be required for each of the proposed lots in the subdivision. A copy of the soil investigations report must be submitted to the Health Department for review and approval before approval of the final subdivision plat.
- 5.7 The developer/engineer of any proposed subdivision shall provide a written private sewage disposal plan (that will become part of the subdivision construction plat) that describes how the integrity of the reserve areas for primary and secondary subsurface seepage systems are to be protected during the property development. The plan shall specify how the original

native soils intended for private sewage disposal are to be protected from the following activities: vehicular compaction, site grading, site excavation, soil staging, site leveling, filling, and coring. The plan shall also state that the reserved areas will be marked or flagged off in order to prevent the above activities from disturbing the original native soil conditions.

- 5.8 All septage disposal sites within Macon 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 septage.
- 5.9 A Private Sewage Disposal System Pumping Contractor or homeowner servicing his or her personal residence system shall supply a list of all septage disposal sites utilized by either the contractor or homeowner to the Health Department.
- 5.10 The Private Sewage Disposal System Installation Contractor, the Private Sewage System Pumping Contractor and the homeowner who constructs, installs, repairs, modifies, or maintains (with the exception of Section 5.5) private sewage disposal systems, or cleans or pumps wastes from private sewage disposal systems shall perform the work in accordance with the standards promulgated under authority granted in the Illinois Private Sewage Disposal Licensing Act and Code as from time to time amended.

SECTION VI

SUBSURFACE SEEPAGE FIELDS

- 6.1 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 Appendix A, Illustration H, Exhibits A and B of the Private Sewage Disposal Licensing Act and Code as from time to time amended. 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 VII

ADOPTION BY REFERENCE

- 7.1 This Ordinance shall be interpreted and enforced in accordance with provisions set forth in the unabridged form of the Private Sewage Disposal Licensing Act and Code as from time to time amended, three (3) copies of which shall be on file in the office of the Macon County Clerk, which publication is incorporated herein and adopted by reference as part of this Ordinance.

SECTION VIII

ENFORCEMENT

- 8.1 All private sewage disposal systems in use or under construction on the effective date of this ordinance shall comply with all provisions of this ordinance unless a variance to this ordinance, in writing, shall be applied for and received from the Health Department.
- 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 reasonable times 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 Department.
- 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 system meets all requirements of this ordinance before receipt of written approval by the Health Department, 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

ISSUANCE OF NOTICE

- 9.1 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. The notice shall:
 - 9.1.1 be in writing,
 - 9.1.2 include a statement of the reasons for issuance of the notice,
 - 9.1.3 allow reasonable time as determined by the Health Department for performance of any act it requires.
 - 9.1.4 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 or her last known

address as furnished to the Health Department or when he or she has been served with such notice by other methods such as posting, publishing, faxing or electronic mail.

- 9.1.5 contain an outline of remedial action which is required to effect compliance with this Ordinance.

SECTION X

REVOCACTION OF CONTRACTOR'S REGISTRATION

- 10.1 For serious or repeated violations 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 Macon County 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 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.

SECTION XI

HEARINGS

- 11.1 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 establish the time and place for conducting a hearing 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 therefrom through a hearing before the Board of Health.

11.2 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 at a time and place to be established by the President 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 at 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 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 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 certified mail.

SECTION XII

PENALTY

- 12.1 Any person who violates any provision of the Ordinance shall be guilty of a misdemeanor and shall be subject to a fine of not less than \$100.00, nor more than \$500.00.
- 12.2 Each day's violation constitutes a separate offense. The State's Attorney of Macon 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 XIII

CONFLICT OF ORDINANCE, EFFECT ON PARTIAL INVALIDITY

- 13.1 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 Macon 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 Macon 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, the 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 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.