

**BUREAU COUNTY HEALTH ORDINANCE
CHAPTER 2
PRIVATE SEWAGE DISPOSAL 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 Bureau County, Illinois.

Pursuant to the powers granted to the Bureau 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 Bureau County, Illinois that the following rules and regulations are hereby made and adopted on this 14th day of September, 1992.

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 Bureau 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 Bureau County Board of Health or its Authorized Representative(s).

DOMESTIC SEWAGE shall mean wastewater derived principally from dwelling, 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 Bureau County Health Department, and agency of the Bureau County Board of Health.

HOMEOWNER shall mean a person or persons who holds, owns or controls any legal or equitable title or interest to a residential structure, which is to be used for his personal, single-family residence.

HOMEOWNER INSTALLED SYSTEM shall mean a private sewage disposal system installed by a homeowner for his owner-occupied single-family residence.

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

NON-RESIDENTIAL PRIVATE SEWAGE DISPOSAL SYSTEM shall mean a private sewage disposal system that provides treatment for wastewater derived principally from a business or office buildings, institutions, food service establishments, and similar facilities other than a dwelling housing less than 15 people or population equivalent.

ORDINANCE shall mean the Bureau County Private Sewage Disposal Ordinance.

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.

POPULATION EQUIVALENT shall mean an average waste loading, equivalent to the amount of waste produced by one person which is defined as 100 gallons per day or the amount of waste containing 0.17 pounds of BODs.

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.

PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION CONTRACTOR shall mean any person excavating, constructing, repairing, installing, modifying, or maintaining private sewage systems.

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

RESIDENTIAL CONTRACTOR-INSTALLED SUBSURFACE SYSTEM shall mean a private sewage disposal system having no discharge to the ground surface installed by a registered private sewage disposal installation contractor for a single family residence or a dwelling housing less than 15 people or population equivalent.

RESIDENTIAL CONTRACTOR-INSTALLED SURFACE DISCHARGING

SYSTEM shall mean a private sewage disposal system having a discharge to the ground surface installed by a registered private sewage disposal installation contractor for a single family residence or a dwelling housing less than 15 people or population equivalent.

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 individual sewage disposal systems within Bureau County unless he holds a valid permit issued by the Health Department stating the name of such person for which the specific correction, 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 Board of Health or it's duly Authorized Representative. Sufficient data shall be included to allow review and to determine whether the proposed application for permit meets the requirements of this Ordinance.
- 2.3 A permit shall only be issued to a homeowner and/or an Illinois Licensed Private Sewage Disposal System Installation Contractor installing a sewage disposal system.
- 2.4 Permit application forms provided by the Health Department shall be completed and signed by each applicant and shall include the following:
- (1) Name and address of the applicant and location of the proposed site of construction, alteration, or extension, as proposed.
 - (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) Such other information as may be required by the Health Authority to substantiate that the proposed construction, alteration, or extension comply with minimum standards of this Ordinance.

- 2.5 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 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 a public sewer to which a connection is practical and is permitted by the controlling authority for the sewer. A public sewer is available for connection when it is within 200 feet of the property unless a physical barrier exists or a municipal ordinance that regulates public sewer hookups. In the event of a conflict between the County ordinance and the municipal ordinance, the more restrictive ordinance provisions shall apply.
- 2.6 The Board of Health or its authorized representative shall act upon all applications promptly and always within 15 days or receipt thereof.
- 2.7 Said permit to construct is valid for a period of one year from date of issuance. If construction has not started within this period, the permit is void.
- 2.8 The following permit fee shall accompany each application to construct or reconstruct a private sewage disposal system.
- (1) Residential contractor-installed subsurface system \$125.00.
 - (2) Residential contractor-installed surface discharging system \$175.00.
 - (3) Residential homeowner-installed system \$200.00.
 - (4) Non-residential system \$200.00.
- 2.9 Whenever the Health Department is requested to make an evaluation of a private sewage disposal system and/or water supply as part of a sale or transfer of property, the evaluation shall be completed within fifteen (15) business days of receipt of the request. These evaluations are a service to the community. The health department reserves the right to refuse to accept an evaluation request due to staffing and / or time constraints. The following fees shall be charged for such evaluation:
- (1) Private sewage disposal system & water supply \$200.00.
 - (2) Private sewage disposal system only \$150.00.
 - (3) Water supply only \$75.00.
 - (4) Each additional visit to the property will be charged at a rate of \$30.00 plus mileage.
 - (5) Feasibility to connect to public sewer / water letter \$25.00.

- 2.10 Whenever the Health Department is requested to make an evaluation of a property for zoning purposes, a fee of \$50.00 shall be charged to the owner of said property.

SECTION 3: CONTRACTOR 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 limits of Bureau 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 pass the written examination given by the state for the certificate desired. An annual registration fee of \$50.00 shall be required for each certificate issued. All registration certificates shall expire on December 31 of the year of issuance. All private sewage disposal system contractors that land-apply septage shall receive an annual inspection of the land-application site. A fee of \$25.00 will be required for each land-application site.

SECTION 4: COMPLIANCE AND PERFORMANCE

- 4.1 No building, structure, area or premises shall be constructed or maintained for human occupancy, use, or assembly without adequate facilities for the sanitary and safe disposal of all waste, which could endanger the public health or create objectionable nuisance conditions. Failure to provide such sanitary facilities would qualify the premises as being considered unsafe for occupancy and may be so tagged by the Health Authority. All facilities for the disposal of human wastes and liquid sewage shall be so constructed, maintained and operated that there is:
- a. No possible access to this system by sources of sickness or of disease (i.e. flies, rodents, vectors of disease, persons, domestic pets, etc.).
 - b. No unlawful pollution of any stream or any body of water or drainage way.
 - c. Adequate isolation to protect wells or other sources of water from possible contamination.
 - d. Freedom from odor nuisances.
 - e. No unlawful discharge of liquid or solid waste to the ground surface.

- 4.2 All private sewage disposal systems within the limits of Bureau County shall be installed, modified, or serviced by an individual with a valid Illinois Private Sewage Disposal System Installation Contractor's license; and all such systems shall be pumped, cleaned, and the contents disposed of by individuals with a valid Illinois Private Sewage Disposal System Pumping Contractor's license; provided, however, that a home owner may install and/or service a private sewage disposal system which serves his own personal single family residence.
- 4.3 Percolation tests as required by this Ordinance shall be conducted by either an Illinois Registered Engineer or Architect, an Illinois Registered Sanitarian, an Illinois Registered Private Sewage Disposal System Installation Contractor, a home owner, a soil scientist, an Authorized Representative of the Health Department or other persons acceptable to the Health Agency.

SECTION V: ADOPTION BY REFERENCE

- 5.1 In addition to those provisions set forth in Section I through XII, this Ordinance shall be interpreted and enforced in accordance with provisions set forth in the unabridged form of the "Illinois Private Sewage Disposal Code, 77 IL Admin Code 905, and Private Sewage Disposal Licensing Act, 225 ILCS 225/1-24" any subsequent amendments or revisions thereto, three certified copies of which shall be on file in the office of the Bureau County Clerk.
- 5.2 All private sewage disposal systems shall be constructed, installed, repaired, modified, serviced, maintained, pumped and the contents hauled and disposed of in accordance with the Illinois Private Sewage Disposal Code, 77 IL Admin Code 905 and Illinois Private Sewage Disposal Licensing Act 225 ILCS 225/1-24, and any subsequent amendments.

SECTION VI: ENFORCEMENT

- 6.1 When private sewage disposal systems constructed prior to the effective date of this Ordinance are reconstructed, altered, or extended, they shall comply with the provisions of this Ordinance.
- 6.2 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.

- 6.3 An individual sewage disposal system which has been installed by a home owner for his personal residence or a licensed contractor shall not 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.
- 6.4 If any homeowner who installs his own private sewage disposal system or licensed contractor who installs a private sewage disposal system for the homeowner shall backfill any portion of the said system and/or cover the same with 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 written receipt of written approval by the Health Department, the Health Department may give fifteen (15) days notice in writing to such homeowner and licensed contractor so violating the provision of the Ordinance, to uncover such back-filled or covered portions of the said system.
- 6.5 If, at the end of such fifteen (15) days, the homeowner and licensed contractor shall not have uncovered the individual sewage disposal system, the permit is automatically invalidated and penalty 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 a lien against the property.

SECTION VII: ISSUANCE OF NOTICE

- 7.1 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:
- a. Be in writing.
 - b. Include a statement of the reasons for issuance of the notice.
 - c. Allow reasonable time as determined by the Health Department for performance of any act that is required.
 - d. Be served upon the person responsible for the violation(s); provided that such notice shall have been properly served upon the person responsible for the violations when a copy thereof has been sent by registered or certified mail to his last known address as furnished to the Health Department or when he has been served with such notice by another method authorized by laws of this State, and
 - e. Contain an outline of remedial action which is required to effect compliance with this Ordinance.

SECTION VIII: REVOCATION OF CONTRACTOR'S REGISTRATION

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 Registration Certificate may be refused or 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 a cause pending its revocation or a hearing related thereto.

SECTION IX: HEARINGS

9.1 HEARINGS BEFORE THE HEALTH AUTHORITY

Any person affected by any order or notices 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 him/her within thirty (30) days from the date of 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 a 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 of notice, and as a condition for such action may, where he deems 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 there from through a hearing before the Board of Health.

9.2 HEARING BEFORE THE BOARD OF HEALTH

Any person aggrieved by the decision of the Health Authority rendered as a result of a hearing held in accordance with this Section may file in the office of the Health Department 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 as a result of 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 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 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 certified mail.

SECTION X: PENALTIES

- 10.1 Any person who violates any provision of this Ordinance shall be guilty of an offense and, upon conviction thereof, shall be fined a minimum of \$100.00, but not to exceed a maximum of \$500.00. Each day's violation constitutes a separate offense.
- 10.2 The State's Attorney of Bureau County shall bring such actions in the name of the people of the State of Illinois or may bring action or to enjoin the operation of any such establishment causing such violation. All monies collected from fines under this Ordinance shall be deposited to the Bureau County Health Department Fund.

SECTION XI: CONFLICT OF ORDINANCE, EFFECT ON PARTIAL INVALIDITY

- 11.1 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 Bureau County existing on the effective date of this Ordinance, the provision which, in the judgment of the Health Authority establishes the higher 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.

11.2 If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force an effect and, to this end, the provisions of this Ordinance are hereby declared to be severable.

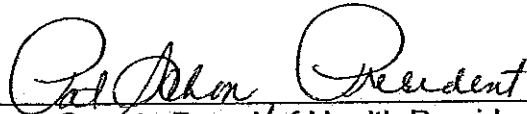
SECTION XII: EFFECTIVE DATE

This Ordinance shall be in full force and effective immediately upon its passage and provided by law. THE BUREAU COUNTY HEALTH ORDINANCE, CHAPTER 2, PRIVATE SEWAGE DISPOSAL ORDINANCE passed, approved, and adopted on June 10, 1997 is hereby repealed.

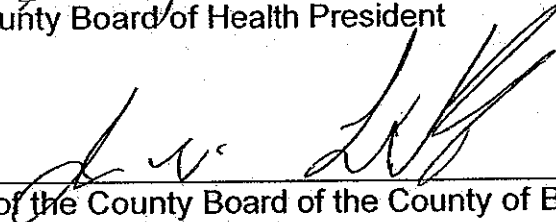
PASSED, APPROVED AND ADOPTED THIS 14th day of February, 2006.



Bureau County Health Department Administrator



Bureau County Board of Health President



Chairman of the County Board of the County of Bureau, Illinois