

MARSHALL COUNTY HEALTH ORDINANCE ONSITE WASTEWATER TREATMENT

ARTICLE I. GENERAL

SECTION A **Enabling Statutes:**

225 ILCS 225 Private Sewage Disposal Licensing Act
55 ILCS 5/25 County and Multi-County Health Departments

SECTION B **INTENT:**

This Ordinance is enacted in order to manage the risk of disease transmission as well as reduction of adverse environmental conditions created by the improper treatment of domestic sewage, through the proper design, installation, operation, and maintenance of onsite wastewater treatment systems within the boundaries of Marshall County.

SECTION C **Scope:**

An Ordinance regulating the construction or repair of onsite wastewater treatment systems and the servicing of such systems within the boundaries of Marshall County.

SECTION D **Adoption by Reference:**

In addition to those provisions set forth herein, this Ordinance hereby adopts by reference and incorporates the current edition and subsequent revisions of, and shall be interpreted and enforced in accordance with the provisions set forth in the following:

State of Illinois, Private Sewage Disposal Code 77 ILL ADM. Code Part 905

SECTION E **Definitions:**

1. **Authorized representative:** Those persons designated by the Board of Health or Health Department Administrator to enforce the provisions of this Ordinance.
2. **Board:** The Marshall County Board of Health.
3. **Effluent:** Wastewater outflow treated or untreated from a septic tank or other component of an onsite wastewater treatment system.
4. **Health authority:** The Administrator of the Health Department or his/her Authorized Representative.

5. **Health Department:** The Marshall County Health Department; an agency of the Marshall County Board of Health.
6. **Onsite wastewater treatment system:** See "Private Sewage Disposal System" in the Private Sewage Disposal Licensing Act 225 ILCS 225
7. **Permit:** The document issued by the Health Authority that authorizes a person to construct, repair, or alter an onsite wastewater treatment system under this Ordinance.
8. **Property:** All or part of a tract of land for which legal title has been recorded.
9. **Public health hazard:** For purposes of this Ordinance shall mean; dangerous or prejudicial to public health resulting from exposure to raw, untreated, or improperly treated wastewater or effluent.
10. **Repair:** The replacement of an onsite wastewater treatment system component, such as but not limited to the septic tank or, the treatment system, is a repair. However, the replacement of sub-components, such as baffles, switches, pipes, pumps, valves, and filter replacements as well as the servicing of the system, tank pumping, maintenance, and adjustments are not considered a repair.
11. **Sanitary sewer:** An Illinois Environmental Protection Agency permitted community or public sewer system.

ARTICLE II ADMINISTRATION

DIVISION 1: GENERAL

SECTION: F Use of Proper Onsite Wastewater Treatment System Required:

No person shall discharge or cause to be discharged untreated wastewater or the effluent from any onsite wastewater treatment system, directly or indirectly, to any stream, ditch, lake, pond, bathing area, ground surface or abandoned well, or maintain or operate an onsite wastewater treatment system in such a manner that it becomes offensive, dangerous or prejudicial to public health. Repeated pumping of a septic tank to prevent such public nuisance or hazard because of system failure is not an acceptable remedy.

SECTION: G Application of Ordinance to existing onsite wastewater treatment systems

- A. An onsite wastewater treatment system that existed prior to the effective date of this Ordinance is subject to the regulations that were in existence at the time of issuance of the installation permit or if no permit was issued, at the time the system was first used.

- B. When a component of an existing onsite wastewater treatment system must be repaired or replaced, it shall be the property owner's responsibility to provide evidence that the existing system does not create a public health hazard.

DIVISION 2: PERMITS

SECTION: H Permitting:

In accordance with the State of Illinois Private Sewage Disposal Code 77 Ill Adm. Code Part 905, it shall be unlawful for any person to construct or repair an onsite wastewater treatment system within Marshall County, unless said person holds a valid permit issued by the Health Authority or its authorized representative.

The construction or repair of an onsite wastewater treatment system shall not commence until a permit is first obtained from the Health Department. A permit for construction, repair or alteration of an onsite wastewater treatment system will be valid for a period of 12 months from the date of issuance. If construction is not started within this time period, the permit will become void.

SECTION: I Permit Requirement:

- A. It is the responsibility of the property owner to obtain a permit before any construction or repair of an onsite wastewater treatment system is initiated. Failure by the property owner to obtain a permit before construction or repair of an onsite wastewater treatment system begins shall be considered a violation of this Ordinance.
- B. If applicable, the proposed construction or repair must also meet all appropriate regulatory requirements, such as National Pollutant Discharge Elimination System (NPDES) General Permit for surface discharging onsite wastewater treatment systems.
- C. It shall be the responsibility of the Illinois Licensed Private Sewage Disposal System Installation Contractor to ensure that a permit has been issued for said construction or repair; and to follow conditions of said permit.
- D. Any person desiring a permit to construct or repair an onsite wastewater treatment system within the scope of this Ordinance shall make written application to the Health Authority, on an application form provided by the Health Authority, which shall at minimum include:
 - 1. Name and address of the property owner, location of the proposed site of construction or repair including 911 address and parcel identification number.
 - 2. Complete description of the proposed onsite wastewater treatment system attesting to its compliance with the minimum standards of this Ordinance.
 - 3. An accurate drawing containing the following information:
 - a) location of all surrounding buildings;

- b) property lines;
 - c) contours/elevations
 - d) measurements for all mandated Code setbacks, including but not limited to all possible routes of groundwater contamination (i.e. wells, ponds, cisterns, water lines, etc.);
 - e) proposed location of onsite wastewater treatment system; and
 - f) location of soil analysis test holes, if applicable.
4. The results of a soil analysis must be submitted prior to the issuance of a permit. Soil analysis shall be performed according to the provisions of the Illinois Department of Public Health, Private Sewage Disposal Licensing Act and Code, if applicable.
 5. Signature of the property owner and Licensed Private Sewage Disposal Installation Contractor if used, affirming the information submitted is correct to the best of their knowledge.
 6. The Permit application fee.

Applications will not be considered for approval if any part is incomplete including appropriate signatures. Notice of an incomplete application will be provided to the home owner and Licensed Private Sewage Disposal Installation Contractor by Marshall County Health Department.

SECTION: J Fees:

- A. **Authority to Establish Fees:** Pursuant to the Counties Code, 55 ILCS 5/5-25013 (B: 6), the Marshall County Board of Health shall establish fees that are reasonable and necessary to provide the services and required activities.
- B. **Permit Application Fee:** Once a permit has been issued by the Health Department, the fee is not refundable.
- C. **Variance Application Fee:** The fee for the review of a variance application is not refundable.
- D. **Subdivision Application Fee:** The fee for the review of a proposed subdivision development is not refundable.
- E. **Contractor Registration Fee:** The fee for the registration of Private Sewage Disposal Installation and Pumping Contractor is not refundable.

SECTION: K Permit Action:

- A. The Health Authority shall take action and reply to the applicant on all complete applications within ten (10) business days of receipt of application.

- B. An additional fifteen (15) business days may be required to take action on applications submitted with a variance request.
- C. In situations where a potential public health hazard exists, the time frames for permit issuance may be reduced.

SECTION: L Revocation or Suspension of Permit:

The Health Department shall have the authority to revoke and/or suspend a permit when it has been issued in error or when the provisions of this Ordinance are violated including the submission of incorrect information or when site disturbance, including soil filling, cutting, or compaction has occurred. The reason for the revocation or suspension of said permit shall be sent to the applicant at the address provided on the permit application and the Private Sewage Disposal Installation Contractor. Revocation will only be used when all other remedies have been exhausted.

SECTION: M Variances:

If circumstances exist which make compliance with the requirements of this Ordinance impractical or impossible, a person may request the Health Authority to review a proposal for modification of the requirements.

Such requests shall be made by submitting the following:

1. A written request describing why the variance from Ordinance requirements is necessary.
2. A plan drawn to scale.
3. Pertinent data to support the request.
4. A written plan describing how deviations from Ordinance requirements will still maintain adequate protection against potential public health hazards.
5. The property owner's and Private Sewage Disposal Installation Contractor's signatures on the Variance Request Application.
6. The Variance Application fee.

DIVISION 3: DESIGN AND INSTALLATION

SECTION: N Installation Inspection:

The Licensed Private Sewage Disposal Installation Contractor or property owner who was approved to complete the work for the installation or repair of the onsite wastewater treatment system shall be present at the time of the installation inspection conducted by the Health Authority.

ARTICLE III INSTALLER AND PUMPER REGISTRATION

SECTION: O Registration of Contractors

- A. All onsite wastewater treatment systems within the limits of Marshall County shall be constructed or repaired, or serviced by a Licensed Private Sewage Disposal System Installation Contractor. All such systems shall be pumped, cleaned and the contents hauled and disposed only by a Licensed Private Sewage Disposal System Pumping Contractor. However, a homeowner may install and/or service a treatment system which services the homeowner's personal single-family residence.

- B. A Private Sewage Disposal System Installation Contractor or Private Sewage Disposal System Pumping Contractor shall not operate in Marshall County until such Contractor has a valid license issued by the Illinois Department of Public Health and has registered with the Health Department. All such registrations shall expire on December 31 of each year. Any Private Sewage Disposal System Installation or Pumping Contractor constructing, repairing, inspecting, or servicing an onsite wastewater treatment system or pumping, hauling, or disposing of domestic sewage in the County of Marshall must have a valid Registration.

- C. The Health Department shall maintain a roster of all Private Sewage Disposal Installation and/or Pumping Contractors registered in Marshall County.

- D. For serious or repeated violations of any of the requirements of this Ordinance, or for interference with the Health Authority in the performance of its duties, a Private Sewage Disposal Installation Contractor or a Private Sewage Disposal System Pumping Contractor may have his/her registration 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 is subject to revocation and advising that the registration shall be revoked at the end of five (5) business days following service of such notice, unless a request for a Hearing is filed with the Health Authority, by the holder, within said five-day period. A registration may be suspended for cause pending its revocation or a Hearing relative thereto if, in the opinion of the Health Authority, such action is reasonably necessary to protect the health, safety and welfare of the public.

SECTION: P Lot Size

- A. All lots not served by sanitary sewer must have an area available which will provide sufficient space to install, maintain and repair an onsite wastewater treatment system. Subdivisions not served by sanitary sewer platted twelve (12) months or more after the adoption of this Ordinance shall provide: a designated full size onsite wastewater treatment system area and one (1) full onsite wastewater treatment system replacement area in suitable soils as confirmed by onsite soils evaluation on each lot. Designated area shall be preserved for its original intent.

- B. There shall be a sufficient number of soil borings throughout the proposed development for platting so as to allow intensive mapping of soil characteristics and limiting factors related to suitability for onsite wastewater treatment systems. The location of all borings shall be shown on the soil map overlay. Soil borings shall be conducted as outlined in the Illinois Department of Public Health Private Sewage Disposal Licensing Act and Code Section 905.55 part a) soil investigations.

ARTICLE VI. ENFORCEMENT

SECTION: Q Right of Entry for Inspections

- A. As a condition of applying for an installation permit, or if a potential public health hazard exists, the Health Authority or its authorized representative shall have the authority to enter any property at any reasonable time to inspect for health and sanitation purposes to determine compliance with provisions of this Ordinance.
- B. It shall be the duty of the owner or occupant of the property to give the Health Authority or its authorized representative free access to the property. The right to enter does not include the right to enter an occupied private residence or associated structure absent permission or an inspection warrant. The owner or agents shall produce permit documents and required records at the request of the Health Authority.

SECTION: R Final Approval

Final approval of any construction or repair required herein shall be given only if, after a visual inspection, the onsite wastewater treatment system is found to comply with the applicable provisions of this Ordinance. Copies of all final inspection documentation shall be provided to the property owner and installation contractor.

SECTION: S Covering Installation Prior to Approval

An inspection shall be made by the Health Authority or authorized representative to determine if full compliance of the Ordinance has been met before any back filling of the onsite wastewater treatment system is started. If it is found that the permit holder or installer has violated any provisions hereof, the Health Authority or its authorized representative may require uncovering of any covered portion, and all costs incurred by such an action shall be the responsibility of the violator deemed in violation of this requirement. The Health Authority or its authorized representative shall be permitted to inspect the installation of an onsite wastewater treatment system at any stage of construction. If, after fifteen (15) business days' written notice, a person has not uncovered an onsite wastewater treatment system, the permit is automatically invalidated. The Health Authority may elect to have the system uncovered at the expense of the property owner or licensed contractor. The failure of the property owner or licensed contractor to pay such costs within thirty (30) days shall result in execution of a lien against the property.

SECTION: T Violations

It shall be unlawful for any person to fail to correct any conditions described in a notice issued pursuant to this Ordinance within the time limit specified in such notice and in the manner specified in such notice.

SECTION: U Notice

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:

1. Be in writing.
2. Include a statement of the reasons for issuance of the notice.
3. Allow reasonable time as determined by the Health Authority for performance of any required action.
4. Be served upon the person responsible for the violation. Notice shall have been properly served upon the person responsible for the violation when a copy thereof has been sent by certified mail to his/her last known address as furnished to the Health Authority or when he/she has been served with such notice by any other method authorized by laws of this state. The property owner shall be copied on all correspondence.
5. Contain an outline of remedial action, which is required to effect compliance with the rules and regulations adopted as a part of this Code.

SECTION: V Hearings before Health Authority

A property owner in conjunction with the Private Sewage Disposal Installation Contractor affected by any order or notice issued by the Health Authority in connection with the enforcement of this Ordinance may file in the office of the Health Authority a written request for a Hearing before the Health Authority within ten (10) business days of the service of the order or notice.

The Health Authority shall hold a Hearing at a time and place designated by him/her within thirty (30) business 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) business 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 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, and as a condition for such action may, where deemed necessary, make requirements which are additional to those prescribed in this Ordinance for the purpose of properly protecting public health.

The Health Authority shall render a written decision within ten (10) business days after the date of the Hearing, and place it 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.

SECTION: W Appeals

The property owner in conjunction with the Private Sewage Disposal Installation Contractor may appeal the decision of the Health Authority by filing said appeal within thirty (30) business days with the Health Department.

The petitioner shall be notified of the time and place of the Hearing not less than five (5) business days prior to the date on which the Hearing is to be held.

If 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 and as a condition for such variance may, where it deems necessary, make requirements which are additional to those prescribed by this Ordinance for the purpose of properly protecting public health.

The Board of Health shall render a written decision within ten (10) business days after the date of the Appeal Hearing and place same on file in the office of the Health Department. A copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail.

SECTION: X Conflict of Ordinance

In any case where a provision of this Ordinance is found to be in conflict with a provision of any Code of Marshall County existing on the effective date of this Ordinance, the provision which, in the judgment of the Health Authority or its authorized representative, establishes that 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 Marshall County existing on the effective date of the 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.

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance should be declared invalid by a court of competent jurisdiction 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.

SECTION: Y Penalty

Once notified of a violation if no reasonable progress is made toward remediation and all appeals have been exhausted, the Health Authority shall seek penalties against the responsible party.

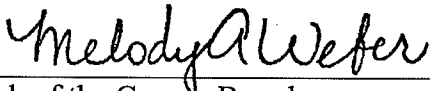
Any person who violates any provision of this Ordinance shall be guilty of a Class A Misdemeanor and shall be fined a minimum of one hundred (100) dollars.

Each day a violation remains uncorrected shall constitute a separate offense. The State's Attorney of Marshall County shall bring such actions in the name of the People of 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.

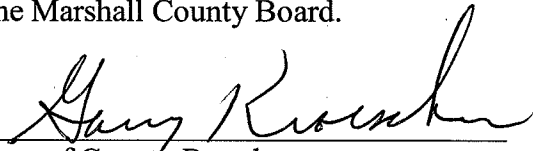
SECTION: Z EFFECTIVE DATE

Upon adoption, this Article shall be in full force and effective as provided by law on January 1, 2015.

Passed and adopted this 11th day of September, 2014, by the Marshall County Board.



Clerk of the County Board
County of Marshall, Illinois



Chairman of County Board
County of Marshall, Illinois