

COPY

PRIVATE SEWAGE DISPOSAL ORDINANCE OF PUTNAM COUNTY

WHEREAS, the County of Putnam considers it in the best interest to provide reasonable protection to residents of the County from illness due to improper sewage disposal; and

WHEREAS, it is also considered in the best interest to provide consumer protection to County residents investing in the construction of private sewage disposal systems; and

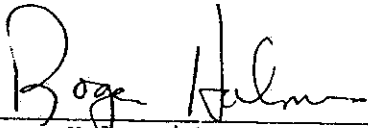
WHEREAS, it is also considered in the best interest of conscientious sewage disposal system contractors; and

WHEREAS, pursuant to the powers granted to the Putnam County Board by the Statutes of the State of Illinois in such case made and provided there-fore; and

WHEREAS, the improper disposal of sewage is a menace to the public health,

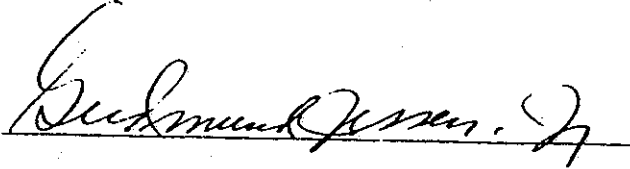
NOW THEREFORE BE IT RESOLVED AND THE SAME IS ORDAINED the ordinance entitled "Private Sewage Disposal" is hereby adopted and shall be known as the Private Sewage Disposal Ordinance of Putnam County.

Passed and adopted this 9th day of May, 19 88.



Roger Holmes/Chairman
Putnam County Board

ATTEST:



Putnam County Board *CLERK*

ORDINANCE NO.

PRIVATE SEWAGE DISPOSAL ORDINANCE OF PUTNAM COUNTY

Sec. I - General.

An ordinance regulating private sewage disposal systems, the construction and/or reconstruction of such systems, the servicing of such systems and requiring an annual registration certificate for private sewage disposal system installation contractors and private sewage disposal system pumping contractors in Putnam County and the unincorporated areas of Putnam County, Illinois.

Sec. II - Definitions.

As used in this section, the following terms shall mean as indicated below:

Approved or approval: Accepted or acceptable by the health department in accordance with applicable specifications stated herein.

Authorized representative: The legally designated administrator or the acting administrator of the county health department and those persons designated by the administrator or acting administrator to enforce the provisions of this section.

Board of health: The county board of health or its authorized representative.

Buried sand filter: A bed of sand with distribution piping and containing an underdrain system, all located beneath the surface of the ground but arranged to discharge to the surface either by gravity or pumpage.

Domestic sewage: Waste water derived principally from dwellings, business or office buildings, institutions, food service establishments and similar facilities.

Effective size: The size of screen opening where ninety (90) percent by weight of a sample of sand is retained on the screen and ten (10) percent passes through the screen. This size is usually expressed in millimeters.

Effluent: The outflow from a septic tank or other treatment unit.

Health department: The county health department, an agency of the county board of health.

Homeowner: A person who holds legal title to a residential structure which is to be used or is used for his personal, single-family residence.

Homeowner installed system: A private sewage disposal system installed by a homeowner for his personal single-family residence.

Licensed contractor: A contractor holding a valid license issued by the Illinois Department of Public Health.

Liquid capacity: The internal volume of a septic tank below the invert of the outlet line.

Sludge: The accumulated solids settled from sewage.

Subsurface seepage field: An open-jointed or perforated system of pipes surrounded by gravel to which the effluent from a treatment unit is discharged for direct seepage into the soil.

Uniformity coefficient: A coefficient obtained by dividing that size of sand in millimeters of which sixty (60) percent by weight is smaller by that size of sand in millimeters of which ten (10) percent by weight is smaller.

Waste: Domestic sewage.

Water table: That soil layer below which all void spaces in the soil are completely filled with water.

Sec. III - Adoption by reference.

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

2) Use of proper disposal system required.

No person shall discharge or cause to be discharged untreated sewage or the effluent from any private sewage disposal system, directly or indirectly to any stream, ditch, ground surface or abandoned well or maintain or operate a private sewage disposal system in such a manner that it becomes offensive, dangerous or prejudicial to the public health.

3) Preexisting systems.

Private sewage disposal systems constructed prior to January 11, 1977, shall be exempt from the provisions of this section provided such systems continue to function in a proper manner. In circumstances where existing systems necessitate repair or replacement due to malfunction, such repair or replacement shall be in conformance with this section to the extent which lot size, soil conditions, topography and other unalterable constraints will allow. The exemption for existing systems shall not apply in circumstances involving alterations which substantially increase the volume of sewage to be treated.

Sec. IV - Permits.

4.1 Minimum lot size for a home requiring a private sewage disposal system shall be twenty-thousand (20,000) square feet excluding easements. Lots platted and on record before the effective date of this ordinance that are smaller than required will be given special consideration when applying for a permit.

4.2 It shall be unlawful for any person to construct, alter or extend individual sewage disposal systems within Putnam County unless he 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.

Malfunction: Any private sewage disposal system discharging raw or untreated sewage to the ground surface, ditch, stream, lake, pond or other surface waters, abandoned well, basement, crawl space or any other area which discharge constitutes a nuisance to others or a health hazard.

Percolation test: A subsurface soil test at a depth of a proposed seepage system or similar component of a private sewage disposal system to determine the water absorption capability of the soil.

Permit: A written permit issued by the board of health or its authorized representative permitting the construction of a private sewage disposal system under this section.

Population equivalent: An average waste loading, equivalent to that amount of waste produced by one person which is defined as one hundred (100) gallons a day.

Private sewage disposal system: 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 installation contractor: Any person constructing, installing, repairing, modifying or maintaining private sewage disposal systems.

Private sewage disposal system pumping contractor: Any person who cleans or pumps waste from a private sewage disposal system or hauls or disposes of wastes removed therefrom.

Private sewage disposal system contractor's license: An annual license issued by the Illinois Department of Public Health to all private sewage disposal contractors engaged in the installation or servicing of private sewage disposal systems.

Property: All or part of a tract of land for which legal title has been recorded.

Property owner: The person in whose name legal title to the real estate is recorded.

Scum: The mass of sewage solids floating at the surface or sewage.

Seepage bed: A shallow covered pit with level bottom containing gravel and distribution piping designed to allow septic tank effluent to seep into the ground. It shall be finished at the same depth as recommended for seepage fields and used where insufficient area is available for seepage fields.

Septic tank: A watertight, accessible covered receptacle designed and constructed to receive sewage from a building sewer, to settle solids from the liquid, to retain floating scum accumulations, to digest organic matter and store digested solids through a period of retention and allow the clarified liquids to discharge to other treatment units for final disposal.

- 4.3 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 requirements of this Ordinance.
- 4.4 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.
- 4.5 Permit application forms provided by the Health Department shall be completed and signed by each applicant and shall include the following:
- 4.5.1 Name and address of the applicant and location of the proposed site of construction, alteration, or extension as proposed.
- 4.5.2 Complete plan of the proposed disposal facility, with substantiating data, if necessary, attesting to its compliance with the minimum standards of this Ordinance.
- 4.5.3 Such other information as may be required by the Health Authority to substantiate that the proposed construction, alteration, or extension complies with minimum standards of this Ordinance.
- 4.6 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 reasonable distance for the purpose of this provision shall be deemed to be not greater than 200 feet for a commercial establishment, subdivision or multi-family dwelling.
- 4.7 The Board of Health or its authorized Representative shall act upon all applications within 15 days of receipt thereof.
- 4.8 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.
- 4.9 Percolation tests, shall be performed according to the provisions of the Illinois Private Sewage Disposal Code adopted hereinafter be reference. Percolation tests may be performed by a private sewage disposal system installation contractor holding a valid Putnam County Registration Certificate, a person(s) given written permission by the Health Department, or an 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.

4.10 "Prior to the Health Department issuing its approval for a subdivision to be developed utilizing other than public sewer for sewage disposal as required under Chapter 109, Section 2 of the Illinois Revised Statutes, the following information must be submitted to the Health Department:

1. Preliminary plat of survey showing the proposed lots with dimensions. Contour lines at an interval which would reflect the terrain, slope, and drainage of the proposed subdivision, showing both existing and proposed final grade. The lots must have a minimum lot area of 20,000 square feet with a minimum width of 100 ft. measured at the front set back line.
2. Satisfactory percolation test results on each proposed lot. These tests to be conducted in the area reasonably expected to be utilized for an absorption field. The location of the test holes shall be shown on the preliminary plat.
3. Additional soil information to show the depth of bedrock or the soil composition if bedrock is greater than 25 ft. and the minimum depth to water table.

If the information provided in items 2) and/or 3) above show conditions which could, in the opinion of the Health Department, adversely affect the installation and/or operation of the sewage disposal system, acceptable methods of rectifying the condition must also be presented.

4. The final plat shall contain a certificate for approval by the Health Department as follows:"

PUTNAM COUNTY HEALTH CERTIFICATE

"We the undersigned representatives of the Putnam County Health Department do hereby certify that the above plat has been inspected by said Health Department and information has been provided to the Health Department consistent with the Putnam County Private Sewage Disposal Ordinance and Illinois Revised Statutes Ch. 109 Paragraph 2 and upon examination thereof said subdivision plat has been approved by the Putnam County Health Department."

4.11 The Health Department shall be notified of any modification, change or repair to any private sewage disposal system by either a home owner or contractor to determine whether that modification, change, or repair requires a permit as set forth in paragraph 4.2 of this Section. The routine cleaning of disposal system components, replacing tank cover, or rodding out inlet and outlets, does not require a construction permit is defined under Section 4 of this ordinance.

4.12 There shall be a fee of \$ 50.00 charged for the initial construction permit, alteration or extension of any individual sewage system. The fee shall be collected by the County Clerk at the Putnam County Courthouse, Hennepin, Illinois and said fee shall be non-refundable.

Sec. V - Sludge Disposal.

5.1 All sludge disposal sites within Putnam 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.

5.2 A private sewage disposal system pumping contractor or home owner servicing his personal residence system shall supply a list of all sludge disposal sites utilized by either the contractor or home owner to the Health Department.

Sec. VI - Contractor's Registraton.

An annual contractor's registration fee of \$10.00 dollars shall be required for all Private Sewage Disposal System Installation Contractors, and an annual contractors registration fee of \$10.00 dollars shall be required for all Private Sewage Disposal System Pumping Contractors, which operate within the limits of Putnam County. The Health Department shall issue a Private Sewage Disposal System Installation Contractors Registration Certificate to persons applying for said certificate provided they posses a valid State of Illinois Private Sewage Disposal System Installation Contractor's License and pay the required annual registration fee. The Health Department shall issue a Private Sewage Disposal System Pumping Contractors Registration Certificate to persons applying for said certificate provided they possess a valid State of Illinois Private Sewage Disposal System Pumping Contractor's License and pay the required annual registration fee. All registration fees so collected by the Health Department shall be deposited in the Putnam County Health Dept. Fund. All registration certificates for Private Sewage Disposal System Installation Contractors and Private Sewage Disposal System Pumping Contractors shall expire one year from the date of their issuance.

Sec. VII - Compliance and Performance.

7.1 All private sewage disposal systems within the limits of Putnam County shall be installed and/or maintained by Illinois Licensed Private Sewage Disposal System Installation Contractors; provided, however, that a home owner 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.

7.2 The Private Sewage Disposal System Installation Contractor, the Private Sewage Disposal System Pumping Contractor and the home owner 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.

Sec. VIII - Enforcement.

- 8.1 Private sewage disposal systems constructed prior to the effective date of this ordinance shall comply with any provision of this ordinance deemed necessary by the Health Authority.
- 8.2 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.
- 8.3 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.
- 8.4 An individual sewage disposal system which has been installed by a home owner for his personal residence 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.
- 8.5 The Authorized Representative may make inspections during the course of the construction of any individual sewage disposal system, to insure compliance with this Ordinance.
- 8.6 If any home owner who installs his own private sewage disposal system 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 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 provision of the Ordinance, to uncover such backfilled or covered portions of the said system.
- 8.7 If, at the end of such fifteen (15) days, the home owner 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 home owner. Failure of the home owner to pay such costs within thirty (30) days shall result in execution of a lien against the property.

Sec. 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. This 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 required.
 - 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 last known address as furnished to the Health Department or when he has been served with such notice by any other method authorized by laws of this State, and,

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

9.2 It shall not be a prerequisite to enforcement of the penalty provisions of this Ordinance that the Health Department first resort to the notice procedure set forth in Section 9.1 of this Section.

Sec. 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 him 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 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 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 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 division 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 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 certified mail.

Sec. XI - Penalty.

11.1 Any person who violates any provision of this ordinance shall be guilty of a petty offense and shall be fined a sum not more than \$500.00.

11.2 Each day's violation constitutes a separate offense. The State's Attorney of Putnam 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. All monies collected from fines under this Ordinance shall be deposited to the Putnam County Health Department Fund.

Sec. XII - Conflict of Ordinance, Effect on Partial Invalidity.

12.1 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 Putnam 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 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 Putnam 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, and 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.

12.2 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.

Sec. XIII - Effective Date.

This Ordinance shall become effective after _____