

HENRY COUNTY PRIVATE SEWAGE DISPOSAL ORDINANCE

The sanitary and safe disposal of human sewage wastes is fundamental to individual, public and community health. Public sewage facilities installed and operated in a proper manner are necessary for safeguarding public health in urban situations. Inherent operational limitations of individual and private sewage disposal systems demand their use only under rural and isolated conditions insofar as possible to prevent the creating of nuisance conditions, sources of filth and potential health hazards.

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 installers and servicers) within the limits of Henry County, Illinois, is adopted.

The rules and regulations hereby prescribed provide for minimum standards for the location and construction of individual sewage disposal systems which will serve any building, structure, area or premise maintained for human occupancy, use or assembly. No individual sewage disposal system as defined in this ordinance shall be constructed contrary to the provisions of these rules and regulations after the effective date of the adoption of these rules and regulations.

Pursuant to the powers granted to the Henry County Board by the statutes of the State of Illinois and Chapter 111½, Section 20C-13, Illinois Revised Statutes of 1967 by the State of Illinois, this ordinance is hereby established.

SECTION 1. SANITARY DISPOSAL REQUIRED

- 1.1 No building, structure, area or premise shall be constructed or maintained for human occupancy, use or assembly, without adequate facilities for the sanitary and safe disposal of human excreta together with all liquid and solid wastes that could hazard the public health or create objectionable nuisance conditions.
- 1.2 Where a publicly operated system for collection and disposal of sanitary wastes is available within two-hundred (200) feet of the property line, the utilization of such public sewage systems shall be considered the only safe and sanitary means of sewage and excreta disposal. No privy, septic tank or private means of sewage disposal shall be maintained on property having a sanitary sewage system available; provided, however, that all connections and discharges into a public system shall be in accordance with the rules and regulations of this ordinance and of the municipality operating and maintaining such sewage disposal systems.
- 1.3 *Minimum lot sizes for new rural subdivisions*

1.3 - 1 Rural subdivisions or other rural parcels utilizing both private sewage disposal systems and private water supplies shall be zoned (R-1); 1 acre minimum lot size.

1.3 - 2 R-1 lots shall designate 6,000 square feet of usable area for private sewage disposal systems. A 3,000 square foot area for the original subsurface seepage system while maintaining an additional 3,000 square feet for an equally sized replacement system.

1.3 - 3 Properties utilizing public water supplies or semi-private water supplies shall be zoned R-2; 15,000 square foot minimum lot size. R-2 lots shall also designate 6,000 square feet of usable area for the original and replacement subsurface seepage systems.

1.3 - 4 The original and replacement subsurface seepage systems shall be designed to become alternating systems thus providing long term treatment and disposal of domestic waste water for each lot.

1.3 - 5 Surface discharging systems shall be installed on existing lots only when lack of usable space, poor soils, or an imminent health hazard exists.

1.4 All facilities for the human wastes, excreta and liquid sewage shall be so constructed, maintained and operated that there is:

1.4 - 1 No possible access to this system by causes of sickness or sources of disease (ie. flies, rodents, vectors of disease, persons, domestic pets, etc.)

1.4 - 2 No unlawful pollution of any stream or any body of water or drainage way.

1.4 - 3 Adequate isolation to protect wells or other sources of water supply from possible contamination.

1.4 - 4 Freedom from odor nuisances.

SECTION 2. PERMITS

2.1 It shall be unlawful for any person to construct, alter, extend or enlarge the capacity of any private sewage disposal system within Henry County, Illinois, unless he holds a valid permit issued by the Henry County Health Department stating the name of the person for which the construction, alteration, extension or enlargement of the capacity is proposed. Said permit shall indicate a maximum permissible waste loading.

2.2 All applications for permits granted under the provisions of this ordinance shall be made to the Henry County Board of Health or its Authorized Representative. Sufficient data shall be

- included to allow for 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 an Illinois licensed private sewage disposal system installer or servicer or a homeowner installing his own residential private sewage disposal system.
- 2.4 Permit application forms provided by the Henry County Health Department shall be completed and signed by each applicant and shall include the following:
- 2.4 - 1 Name and address of the applicant and location of the proposed site of construction, extension, alteration, or enlargement.
- 2.4 - 2 Complete plan of the sewage disposal system, with substantiating data, if necessary, attesting to the compliance of this proposal with the minimum standards of this ordinance.
- 2.4 - 3 Such other information as required by the Henry County Health Department to substantiate that the proposed system complies with the minimum standards of the Henry County Private Sewage Disposal Ordinance.
- 2.5 The Henry County Board of Health or its Authorized Representative may refuse to grant a permit for the construction, alteration, extension or enlargement of a private sewage disposal system where a public or community sewage disposal system is available. A sewer shall be deemed available when a public sewer line is in place with 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.
- 2.6 The Henry County Board of Health or its Authorized Representative shall act upon all applications within fifteen (15) days of receipt thereof.
- 2.7 If a fee is required for the initial construction, alteration, extension or enlargement of capacity of a private sewage disposal system, the fee shall be collected by the Henry County Health Department at the time an application for permit is submitted, and deposited into the Health Department Fund. If a permit is denied, the fee shall be returned to the applicant.
- 2.8 Said permit to construct is valid for a period of six (6) months from the date of issuance. If construction has not started within this stated time limit, the permit is void.

SECTION 3. REGISTRATION

All septic tank installers and servicers shall be licensed by the State of Illinois, and they shall meet the requirements for registration including application, vehicle inspection and fee, if applicable.

SECTION 4. COMPLIANCE AND PERFORMANCE

- 4.1 All private sewage disposal systems within the limits of Henry County, Illinois, shall be installed and/or serviced by Illinois private sewage disposal system installers and/or servicers; provided, however, that a home owner may install and/or service a private sewage disposal system which serves his own personal residence.
- 4.2 Percolation tests as required by this ordinance shall be conducted by either an Illinois licensed private sewage disposal installer and/or servicer, an Illinois registered engineer, an architect, and Illinois registered sanitarian, a soil scientist or the authorized representative of the Henry County Health Department or other professional persons acceptable to the Health Authority.
- 4.3 The minimum performance standards for private sewage disposal system installers and/or servicers and for a home owner who installs a private sewage disposal system for his personal residence shall be the same as the minimum performance standards promulgated under authority granted in the current Illinois Private Sewage Disposal Licensing Act and Code.

SECTION 5. SUBSURFACE SEEPAGE FIELDS

Where a subsurface seepage field is installed as a component of the private sewage disposal system, the seepage area that is provided shall be in accordance with the Private Sewage Disposal Licensing Act and Code. A minimum of two hundred (200) square feet of seepage area shall be provided. A minimum of two (2) individual seepage lines shall be required.

SECTION 6. ADOPTION BY REFERENCE

In addition to those provisions set forth in Section 1 through 12, this ordinance shall be interpreted and enforced in accordance with provisions set forth in the State of Illinois, Department of Public Health, circular 4.005 entitled, "Private Sewage Disposal Licensing Act and Code" and any subsequent amendments or revisions thereto, three certified copies of which shall be on file in the office of the Henry County Clerk.

SECTION 7. ENFORCEMENT

- 7.1 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.

- 7.2 The Henry County Board of Health or its authorized representative is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this ordinance.
- 7.3 It shall be the duty of the owner or occupant of a property to give the Henry County Board of Health or its authorized representative free access to the property at reasonable times for purpose of making such inspections as are necessary to determine compliance with the requirements of this ordinance.
- 7.4 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 Henry County Health Department.
- 7.5 The Authorized Representative may make inspections during the course of the construction of any individual sewage disposal system, to insure compliance with this ordinance.
- 7.6 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 Henry County Health Department, the Henry County 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.
- 7.7 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.

SECTION 8. ISSUANCE OF NOTICE

- 8.1 Whenever the Henry County Health Department determines that a violation of any provision of this ordinance has occurred, the Henry County Health Department shall give notice to the person responsible for such violation.

The notice shall:

- 8.1 - 1 Be in writing.

- 8.1 - 2 Include a statement of the reasons for issuance of the notice.
- 8.1 - 3 Allow reasonable time as determined by the Henry County Health Department for performance of any act it required.
- 8.1 - 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 violation(s) when a copy thereof has been sent by registered or certified mail to his last known address as furnished to the Henry County Health Department or when he has been served with such notice by any other method authorized by laws of this State.
- 8.1 - 5 Contain an outline or remedial action which is required to effect compliance with this ordinance.

SECTION 9. REVOCATION OF REGISTRATION CERTIFICATE

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 installers and servicers; 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 installers or servicers 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 five (5) days following service of such notice, unless a request for a hearing is filed with the Health Authority, by the holder, within such five (5) day period. A Registration Certificate may be suspended for a cause pending its revocation or a hearing relative thereto.

SECTION 10. HEARINGS

10.1 Hearings Before the Health Authority

Any person affected by order or notice issued by the Henry County Health Department in connection with the enforcement of any section of this ordinance, may file in the office of the Henry County 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 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 Henry County 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 Henry County Board of Health.

10.2 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 Henry County 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 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 Henry County 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 Henry County 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 Henry County 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 Henry County Health Department and a copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail.

SECTION 11. PENALTY

- 11.1 Any person who violated any provision of this ordinance shall be fined a sum not less than one-hundred dollars (\$100.00) nor more than five-hundred dollars (\$500.00).
- 11.2 Each day's violation constitutes a separate offense. The State's Attorney of Henry 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 12. CONFLICT OF ORDINANCE, EFFECT OF 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 Henry 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 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 Henry County existing on the effective date of this ordinance shall be deemed to prevail, and such other ordinances 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.

PASSED AND APPROVED BY THE COUNTY BOARD OF HENRY COUNTY, ILLINOIS AT THEIR REGULAR MEETING HELD ON 8/12/75

APPROVED BY THE STATE OF ILLINOIS, JUNE 1976

REVISED AND APPROVED BY THE COUNTY BOARD ON JULY 10, 1984.

REVISED AND APPROVED BY THE COUNTY BOARD ON OCTOBER 12, 2004.