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KENDALL COUNTY PRIVATE SEWAGE DISPOSAL
AND WATER WELL ORDINANCE

An ordinance regulating water well systems and private sewage disposal systems; the construction, alterations, or repairs of such systems; and requiring an annual registration certificate for private sewage disposal installers and pumpers operating within the boundaries of Kendall County, Illinois.

Pursuant to the powers granted to the Kendall County Board by the Statutes of the State of Illinois in such case made and provided for, and WHEREAS, the improper disposal of sewage and the improper construction of water wells is a menace to the public health:

THEREFORE, BE IT RESOLVED by the County Board of Kendall County, Illinois, that the following rules and regulation are hereby made and adopted.

5-301

ARTICLE I - ADOPTION BY REFERENCE

Be it ordained by the Kendall County Board as follows;

Section 1: With regard to the rules and regulations to provide minimum standards for location, construction, modification of water wells which are used to supply water for human consumption, installation of water well pumps or equipment employed in withdrawing or obtaining water from a well and includes such seals and safeguards as may be necessary to protect from contamination the water in the well and water being pumped from the well, the 1973 Edition of the ILLINOIS DEPARTMENT OF PUBLIC HEALTH WATER WELL CONSTRUCTION CODE & WATER WELL UPMP INSTALLATION CODE and any subsequent revision, is hereby adopted by reference, providing that all wells constructed in Kendall County shall be provided with an approved vent.

Section 2: With regard to the rules and regulations to provide a minimum code of standards for the design, construction, materials, operation, and maintenance of private sewage disposal systems; for the transportation and disposal of waste therefrom and for private sewage disposal system servicing equipment, the 1982 Edition of the ILLINOIS DEPARTMENT OF PUBLIC HEALTH PRIVATE SEWAGE DISPOSAL LICENSING ACT AND CODE and any subsequent revisions, is hereby adopted by reference, providing that Rule 6.01, Article VI of said Act and Code shall be amended to read as follows: At least six (6) separate percolation test holes shall be tested at the site of each proposed seepage area for new construction, and that the results shall be reported on forms provided by the Kendall County Health Department.

ARTICLE II - DEFINITIONS

THE FOLLOWING ARE IN ADDITION TO THE DEFINITIONS FOUND IN THE 1982 EDITION OF THE "ILLINOIS DEPARTMENT OF PUBLIC HEALTH PRIVATE SEWAGE DISPOSAL LICENSING ACT AND CODE"

ABSORPTION SYSTEM shall mean any private sewage disposal system that utilized soil for the treatment of the effluent

ALTERATION shall mean the repair, replacement or enlargement of any existing soil absorption system

AUTHORIZED REPRESENTATIVE shall mean the legally designated Administrator or the Acting Administrator of the Kendall 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 Kendall County Board of Health or its Authorized Representative (s)

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 Kendall County Health Department, an agency of the Kendall County Board of Health

DOMESTIC SEWAGE means waste water derived principally from dwellings, business or office buildings, institutions, food service establishments, and similar facilities

EFFLUENT shall mean the outflow from a septic tank or other treatment unit

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

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

HOME OWNER INSTALLED SYSTEM means a private sewage disposal system installed by a homeowner for his personal single family residence

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 entity

POPULATION EQUIVALENT means 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

PERMIT shall mean a written permit issued by the Board of Health or its Authorized Representative permitting the construction, alteration, or repair of an individual sewage disposal system or water well under this Ordinance

PRIVATE SEWAGE DISPOSAL means any sewage handling or treatment facility receiving domestic sewage from less than 15 people, or the 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 CONTRACTOR means any person engaged in the business of constructing, installing, maintaining, servicing or cleaning private sewage disposal systems or the hauling or disposal of wastes removed therefrom

PRIVATE SEWAGE DISPOSAL SYSTEM CONTRACTORS REGISTRATION shall mean an Annual Registration Certificate issued by the Kendall 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 Kendall County

ARTICLE III - GENERAL PROVISIONS

Section 1: No person shall occupy, lease, or permit the occupancy of any building or structure which does not comply with the provisions of this ordinance.

Section 2: Every building occupied as a dwelling shall have a safe, uncontaminated water supply sufficient for the drinking, bathing, washing, and proper sanitation of all occupants; and shall also have a sewage disposal system as provided herein, approved by the Kendall County Health Department.

Section 3: Every building where people are employed shall have access to both a safe, uncontaminated water supply sufficient for drinking for all employees and a sewage disposal system as provided herein, approved by the Kendall County Health Department.

Section 4: All sewage disposal systems shall be maintained so as to function properly. An Action for violation for this Section may be brought against the owner, leasee, or a manager of the property wherein the violation occurs.

Section 5: No water well, private water supply, or private sewage disposal system shall be constructed or altered unless a permit shall first have been obtained from the Kendall County Health Department. Permit applications shall contain plans, specifications, lot

lay-out and such further information or documents as the Kendall County Health Department or other lawful authority may require to insure compliance with the requirements set forth herein. False information shall be deemed a violation of this ordinance. Permits for construction or alteration of private sewage systems or water wells shall be valid for a period of twelve (12) months from the date of issuance. If construction has not taken place within that time, a new permit must be obtained.

Section 6: No more than four (4) single family residences constructed after the adoption of this ordinance may be served by a single well, unless served by a public water supply as defined by Chapter 111½, Section 121-a, Illinois Revised Statutes, 1977.

Section 7: An annual Contractors registration shall be required for all Private Sewage Disposal System Contractors operating within the limits of Kendall County. The Health Department shall issue a Private Sewage Disposal Contractor's Registration Certificate to persons applying for such certificate who comply with the minimum performance standards and who hold a valid Private Sewage Disposal Contractors License as issued by the State of Illinois. All such registration certificates shall expire one year from the date of issuance. Any person installing or repairing a private sewage disposal system in the County of Kendall must have a valid Private Sewage Disposal Contractors Registration as issued by the Kendall County Health Department. This provision excludes a property owner who is installing a private sewage disposal system on his own property and for his own use.

ARTICLE IV - INSPECTIONS, REVOCATIONS; OR SUSPENSIONS OF PERMITS AND CONTRACTORS REGISTRATION; HEARINGS; PENALTIES

Section 1: Inspections

a. The owner or contractor shall give twenty-four (24) hours notice to the Kendall County Health Department before any backfilling of trenches after the septic tank and seepage system has been installed. The same notice shall also apply before final inspection of any well or private water supply. The trench leading from the pitless adapter to the pressure tank shall be left open until approved.

The contractor or his representative shall be present during the time of inspection if requested to do so by the representative of the Health Department.

b. After proper identification, 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.

c. It shall be a violation of this ordinance for any person except a representative of the Kendall County Health Department to remove or allow to be removed any Notice of Violation posted on any property for a violation of this Ordinance.

d. Any person who shall backfill any portion of a private sewage disposal system or water well supply line trench 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 systems meet all the requirements of this Ordinance before receipt of written approval by the Health Department, shall be in violation of this Ordinance and be subject to any and all fines and penalties contained herein and shall further be responsible for the cost of uncovering said system or water supply line, whether uncovered by himself or by the Health Authority. Failure to pay such costs within thirty (30) days shall result in execution of a lien against the property.

Section 2: Revocation or Suspension of Permit

The Kendall County Health Department shall have the authority to revoke and suspend permits when they were issued in error, or where the provisions of this ordinance are violated. The reason for the revocation or suspension of a permit shall be posted in writing at the site or mailed to the applicant at the address provided in the permit application.

Section 3: Revocation of Contractor's Registration Certificate and Hearings

a. For serious or repeated violations of any of the requirements of this ordinance, or for interference with the Health Department in the performance of its duties, the Private Sewage Disposal System Contractor's Kendall County Registration Certificate may be revoked after an opportunity for a hearing has been provided by the Health Department. Prior to such action, the Health Department shall notify the contractor in writing, stating the reasons for which his 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 written request for a hearing is filed with the Health Department 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.

b. Hearings before the Health Administrator. Any private Sewage Disposal System Contractor or 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 a written request for a hearing before the Administrator in the office of the Health Department. The Administrator 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 Administrator 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 Administrator 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 Administrator 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 Administrator may seek relief therefrom through a hearing before the Board of Health.

c. Hearings before the Board of Health. Any Private Sewage Disposal System Contractor or person aggrieved by the decision of the Administrator 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 before the Board of Health 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. For the purposes of this section the Board of Health shall mean a simple majority of the Kendall County Board of Health. 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 Administrator 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 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 offices 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 4: Penalties.

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or refuses to remedy a violation of the provisions of this ordinance, shall be guilty of a Class "B" misdemeanor and be fined not less than \$100.00 for each offense. Each day upon which such violation continues shall constitute a separate offence.

ARTICLE V - FEES

The fee for a well permit shall be \$15.00 and the fee shall accompany the application for permit. The fee for a private sewage disposal system permit shall be \$30.00 and the fee shall accompany the application for permit. There shall be no fee for the repair or alteration of an existing well or private sewage disposal system. The fee for a survey of a private well and/or sewage disposal system shall be \$27.50 and the fee shall accompany the request for the survey.

ARTICLE VI - PARTIAL INVALIDITY AND EFFECTIVE DATE

A. Partial Invalidity

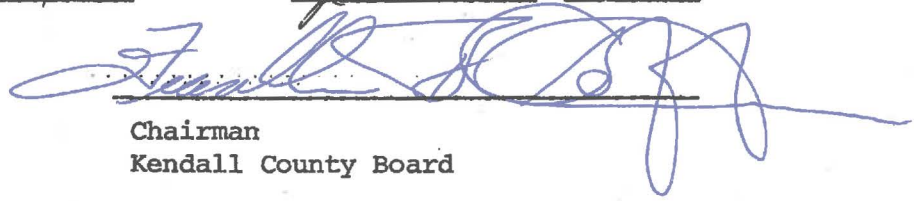
Should a court of competent jurisdiction hold that a part of this ordinance is invalid, such holding shall not invalidate the remainder.

B. Effective Date

This ordinance shall be in full force thirty (30) days from the date of publication. It is the express intention of the Kendall County

Board that all parts of existing ordinances in conflict with this ordinance are hereby repealed and all parts thereof, not in conflict, are hereby ratified and approved. BE IT FURTHER RESOLVED that this Kendall County Health Ordinance be printed in book or pamphlet form and published by the authority of the Kendall County Board.

ADOPTED AND APPROVED THIS 12 th DAY OF June 1984


Chairman
Kendall County Board

Ayes: 8

Absent 1

Nays: 1

ATTEST: Jean P. Brady
Kendall County Clerk