



COUNTY OF KENDALL, ILLINOIS
Health & Environment Committee
County Office Building
County Board Rooms 210

Monday, January 9, 2017 - 3:00p.m.
MEETING AGENDA

- 1. Call to Order**
- 2. Roll Call:** Judy Gilmour (Chair), Elizabeth Flowers (Vice Chair), Tony Giles, Matthew Prochaska, and John Purcell
- 3. Approval of Agenda**
- 4. Approval of Minutes from October 17, 2016**
- 5. Status Reports**
 - Health Department
 - Soil & Water
 - Water Related Groups
 - Other Reports
- 6. Old Business**
- 7. New Business**
 - *2017 Committee Meeting Dates*
 - *Approval of the Water Supply Ordinance*
 - *Approval of the Onsite Wastewater Treatment System Ordinance*
 - *Approval of the Food Protection Ordinance*
- 8. Chairman's Report**
- 9. Public Comment**
- 10. Questions from the Media**
- 11. Action Items for the County Board**
- 12. Executive Session**
- 13. Adjournment**

COUNTY OF KENDALL, ILLINOIS
Health & Environment Committee
Monday, October 17, 2016
Meeting Minutes

CALL TO ORDER

The meeting was called to order by Chair Judy Gilmour at 9:00a.m.

ROLL CALL

Committee Members Present: Matthew Prochaska – here, John Purcell – present, Judy Gilmour – here

Committee Members Absent: Elizabeth Flowers, Dan Koukol

Others Present: Diane Alford, KC Health Department, Megan Andrews, KC Soil & Water District, Steve Curatti, KC Health Department, Dr. Amaal Tokars, KC Health Department

APPROVAL OF AGENDA – Member Prochaska made a motion to approve the agenda, second by Member Purcell. With three members present in agreement, the motion carried.

Member Prochaska amended his motion of the minutes listed on the agenda as August 15, 2016 corrected to the September 19, 2016 Minutes, second by Member Purcell. With three members voting aye to approve the amended agenda, the motion carried.

APPROVAL OF MEETING MINUTES – Member Prochaska made a motion to approve the meeting minutes from September 19, 2016, second by Member Purcell. With three members present voting aye, the motion carried.

STATUS REPORTS

- **Health Department** – Diane Alford, Community Services Director, informed the committee of the various programs that are available to citizens through the Community Services Block Grant and Poverty Programs including Information, Referral, Outreach, Education Scholarships, Drive to Success Program (provides reliable vehicle if possible), Emergency Services, Employment Support, Helping Hands for School (provides one pair of glasses to children in need), IL Weatherization Assistance (designed to help low income residents save fuel and money while increasing the energy efficiency of their homes), and the Low Income Energy Assistance Program (designed to help low-income households pay for energy services). Ms. Alford explained that there are so many other ways that the community can be supported by the Health Department.

- **Kendall County Soil and Water District** – Megan Andrews reviewed the U.S. Drought Monitor report, and the Web Soil Survey, which has been updated, and shows that Kendall County Soils have recently been remapped and are now available online.

➤ **Water Related Groups – No report**

OLD BUSINESS – Member Prochaska asked for an update on the three ordinances that were sent to the State. Dr. Tokars reported that he was notified that she will have an answer soon.

NEW BUSINESS - None

CHAIRMAN'S REPORT – None

PUBLIC COMMENT – None

ITEMS FOR THE COMMITTEE OF THE WHOLE - None

COUNTY BOARD ACTION ITEMS - None

EXECUTIVE SESSION – None Needed

ADJOURNMENT – Member Prochaska made a motion to adjourn the meeting, second by Member Purcell. **The meeting was adjourned at 9:37a.m.**

Respectfully Submitted,

Valarie McClain
Administrative Assistant/Recording Secretary



CLASSROOM CONNECTION

Spring 2017 Newsletter

INSIDE THIS ISSUE:

<i>Celebrate Agriculture</i>	1
<i>Spring Poster Contest</i>	1
<i>Summer Ag Institute</i>	2.
<i>Teacher Workshop</i>	2
<i>Fall Poster Contest Results</i>	2
<i>Teachers Receive Grants</i>	2
<i>Farm Safety Camp</i>	2

Important Dates:

- March 9
RSVP for Teacher Workshop
- March 16
Teacher Workshop
- March 21
National Ag Day
- April 1-30
National Gardening Month
- April 10
Poster Contest Entries Due
- April 22
Earth/Arbor Day
- May 4, 10 & 11
Natural Resource Tour



CELEBRATE AGRICULTURE

Looking for a reason to teach about agriculture in your classroom? Here you go! March 21st marks National Ag Day, a day set up to recognize and celebrate all that the agriculture industry provides us with. This year's theme is "Agriculture: Food for Life." So far this year, 2nd graders around the county have been learning how the agriculture industry provides our food. They have learned about the crops and animals produced on local farms as well as all of the products made from these crops and animals. If you would like some resources for teaching your students about the agriculture industry, check out the Illinois Agriculture in the Classroom website at www.agintheclassroom.org or the National Agriculture in the Classroom website at www.agclassroom.org. Both have lessons, activities, and resources that can be printed and utilized right away in your classroom. Hope you find a way to celebrate National Ag Day!



Upcoming Poster Contest



Soil is such an important natural resource to teach your students about. Get them thinking about it this spring by having them participate in our spring poster contest: Healthy Soils Are Full Of Life. This contest is being held by the National Association of Soil and Water Conservation Districts as well as by the Association of Illinois Soil and Water Conservation Districts. Locally, it's being sponsored by the Kendall County Soil and Water Conservation District. To participate, have students design a poster to show the life that lives inside of and as a result of soil. Think bugs, worms, plants, animals, and much more! Introduce the idea of soil with a simple KWL on a flip board or white board or get the conversation started by bringing in a small pot of soil from outside and have students dig through it with tweezers to see what it's made of. After students have a good feel for what soil is and what life lives in it and because of it, have them design their posters on 8.5 x 11 inch paper with markers, colored pencils, or crayons. Make sure to have them include the title, Healthy Soils Are Full of Life, on their poster as well as fill out the contest entry form (Included with this newsletter). Send poster to Jenny Wold, 7775A Route 47, Yorkville, IL 60560, by April 10th. Winners will be announced by Earth Day. The contest is open to k-12th grade and all winning entries will move on to the state level for judging. Prizes include gift cards, books, art supplies, pencils, etc. Contact kcagintheclasse@gmail.com with questions.

SUMMER AG INSTITUTE PART 2



Looking for a great graduate class, sign up for our Summer Agriculture Institute, Part 2! This class is a great chance to see the science (and people) behind the food and drinks we enjoy. We will spend the majority of our course touring an array of factories, farms, distilleries, and other food related businesses. This course provides 2 graduate credits through Aurora University or can also be taken for PDH's. It will take place on July 11-14th. To learn more, contact Jenny Wold at kcaintheclass@gmail.com.

TEACHER WORKSHOP OPPORTUNITY

Have you attended a Kendall Education Connection Workshop yet? If not, sign up for this one! The Kendall Education Connection is made up of educators from the Forest Preserve, Outdoor Education Center, University of Illinois Extension, Ag in the Classroom program, and Health Department. These groups work together to provide educational materials, trainings, presentations, and a variety of other resources to teachers, students, and schools. As part of this, they offer a free teacher workshop each spring. This year's workshop will focus on food science and nutrition. It will take place on March 16th, 4:30-6:30pm. Location TBA. The workshop will provide 2 PDHs and is free. Contact Jenny Wold at kcagintheclass@gmail.com for more information or to RSVP.

FALL POSTER CONTEST RESULTS

There were so many entries for our fall poster contest! The following students were selected as outstanding entries for their grade levels:

- 1st Grade: Annalise from Cross Lutheran
- 2nd Grade: Frances Eclavea from Fox Chase
- 3rd Grade: Haven Nguyen from Lakewood Creek
- 4th Grade: Lilia Paetzold from Cross Lutheran

Congrats to all who entered! Posters were great!



LOCAL TEACHERS RECIEVE GRANTS

Several teachers from Kendall County received classroom grants from Illinois Agriculture in the Classroom this fall! These teachers were Kristine Wille from Yorkville Middle School, Kelli Springsteen from Thompson Jr. High in SD 308, and Amanda Zielske, Stacy Rehberg, Kristine DeGraaf, and Kelly Dorn from Lisbon Grade School. These teachers will be able to buy books and other classroom resources to expand learning in plants, animals, food, natural resources, and much more! The Illinois Agriculture in the Classroom program offers grants each year for teachers. To learn more about them, visit www.agintheclassroom.org or contact Jenny Wold at kcagintheclass@gmail.com.

Congratulations to all teachers selected for this year's grants!

Help us spread the word!

The 5th annual Kendall County Farm and Safety Camp will take place on Tuesday, June 13th at Kellogg Farms in Yorkville, IL. It is open to students 7-11 years of age. For more information, follow Kendall County Ag in the Classroom on Facebook or contact Jenny Wold at kendallagintheclass@gmail.com.

Great YouTube Picks for Your Classroom

Groundwater Animation by Ranamm

This is a great animated video that teaches your students about groundwater. Check it out!

What's the Dirt on...Dirt by SciShow Kids

Watch this video and have kids do the spring poster contest!

I'm Farming and I Grow It by the Peterson Farm Bros

Just a great way to introduce farming and food production to kids.

How Chocolate Is Made by SNA Kids

Watch this video around Valentine's Day to help students see how chocolate is made starting with a pod on a Cacao Tree!



Student drawing of me!



Fall Teacher Workshop I

FOOD SCIENCE FOR THE CLASSROOM

TEACHER WORKSHOP
MARCH 16TH, 4:30-6:30PM

The Workshop...

Looking for a great professional development event to attend? Plan to attend a teacher workshop being provided by the Kendall Education Connection. The Kendall Education Connection is made up of educators from the Kendall County Forest Preserve, Kendall County Outdoor Education Center, University of Illinois Extension, Kendall County Ag in the Classroom, and Kendall County Health Department.

At this workshop, teachers will learn about lessons, labs, activities, and resources that they can utilize to teach about food science and nutrition in their classrooms. All materials are geared towards the elementary school, kindergarten through 5th grade level, but can be tailored up or down easily. Lessons are also aligned to Next Gen Science Standards as well as Common Core.

The workshop will be provided free of charge on Thursday, March 16th, 4:30-6:30pm at MeadowHawk Lodge in the Hoover Forest Preserve just off Fox Street in Yorkville. It will provide participants with two professional development hours. All are welcome to attend.



To learn more or to register...

To learn more, contact Jenny Wold at kcagintheclass@gmail.com or by phone at 630-553-5821, ext. 3. To register, email the above email address by March 2nd.

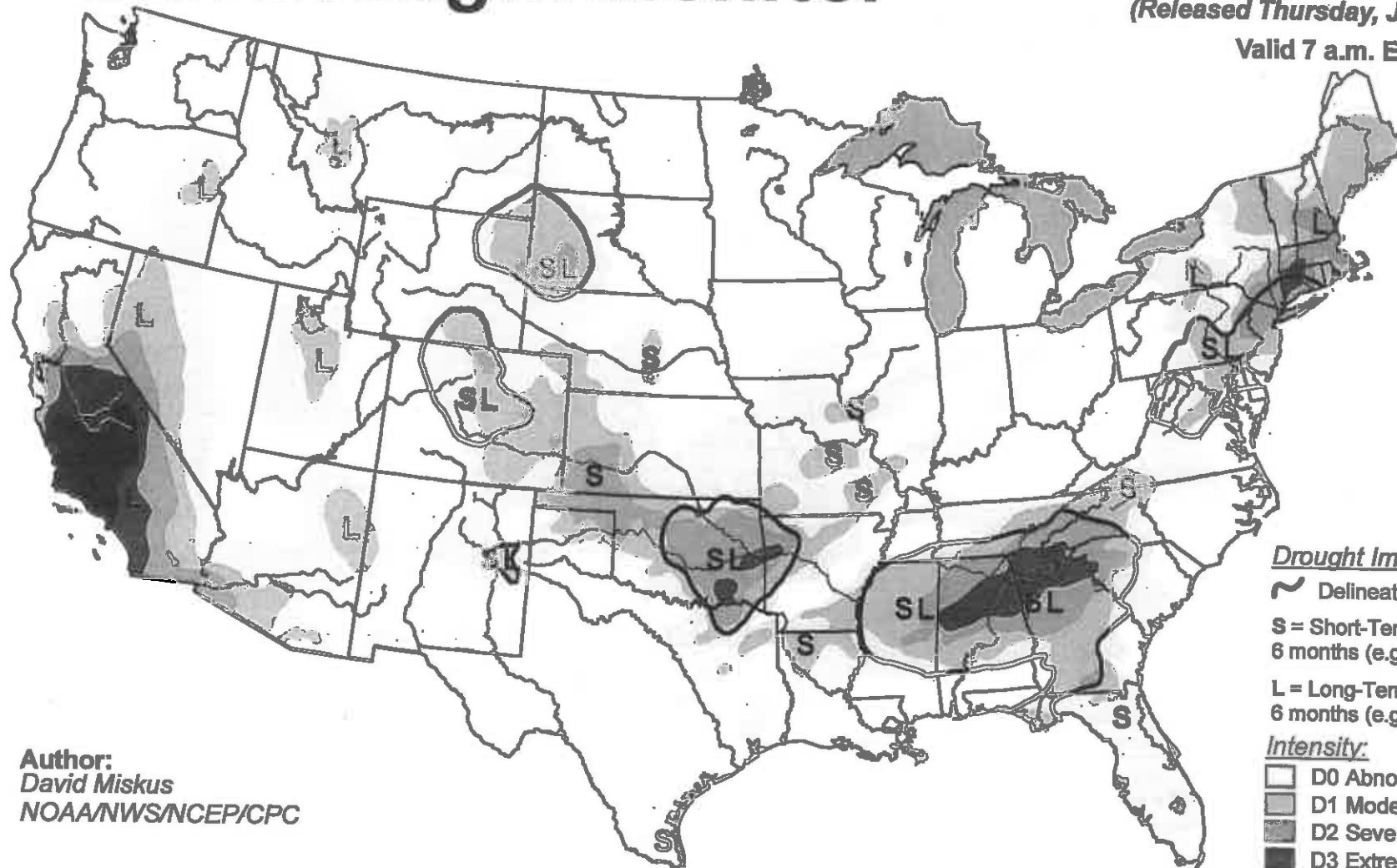
Quick Details...

- What:** Food Science in Your Classroom, Teacher Workshop
- Who:** Elementary School Teachers, k-5th Grade
- When:** March 16th, 2017, 4:30-6:30pm
- Where:** MeadowHawk Lodge, Hoover Forest Preserve, Yorkville, IL
- How:** Contact Jenny Wold at kcagintheclass@gmail.com or by phone at 630-553-5821, ext. 3 by March 2nd.

U.S. Drought Monitor

January 3, 2017
 (Released Thursday, Jan. 5, 2017)

Valid 7 a.m. EST



Author:
 David Miskus
 NOAA/NWS/NCEP/CPC

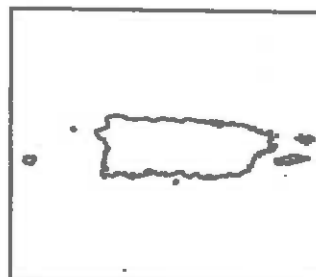
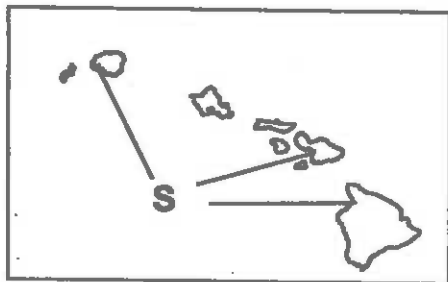
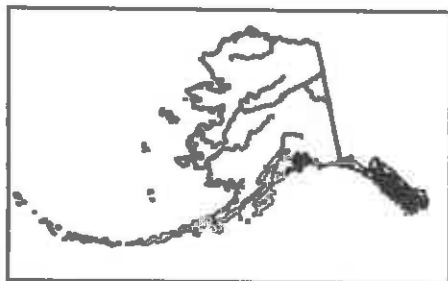
Drought Impact Types:

- ~ Delineates dominant impacts
- S = Short-Term, typically less than 6 months (e.g. agriculture, grasslands)
- L = Long-Term, typically greater than 6 months (e.g. hydrology, ecology)

Intensity:

- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

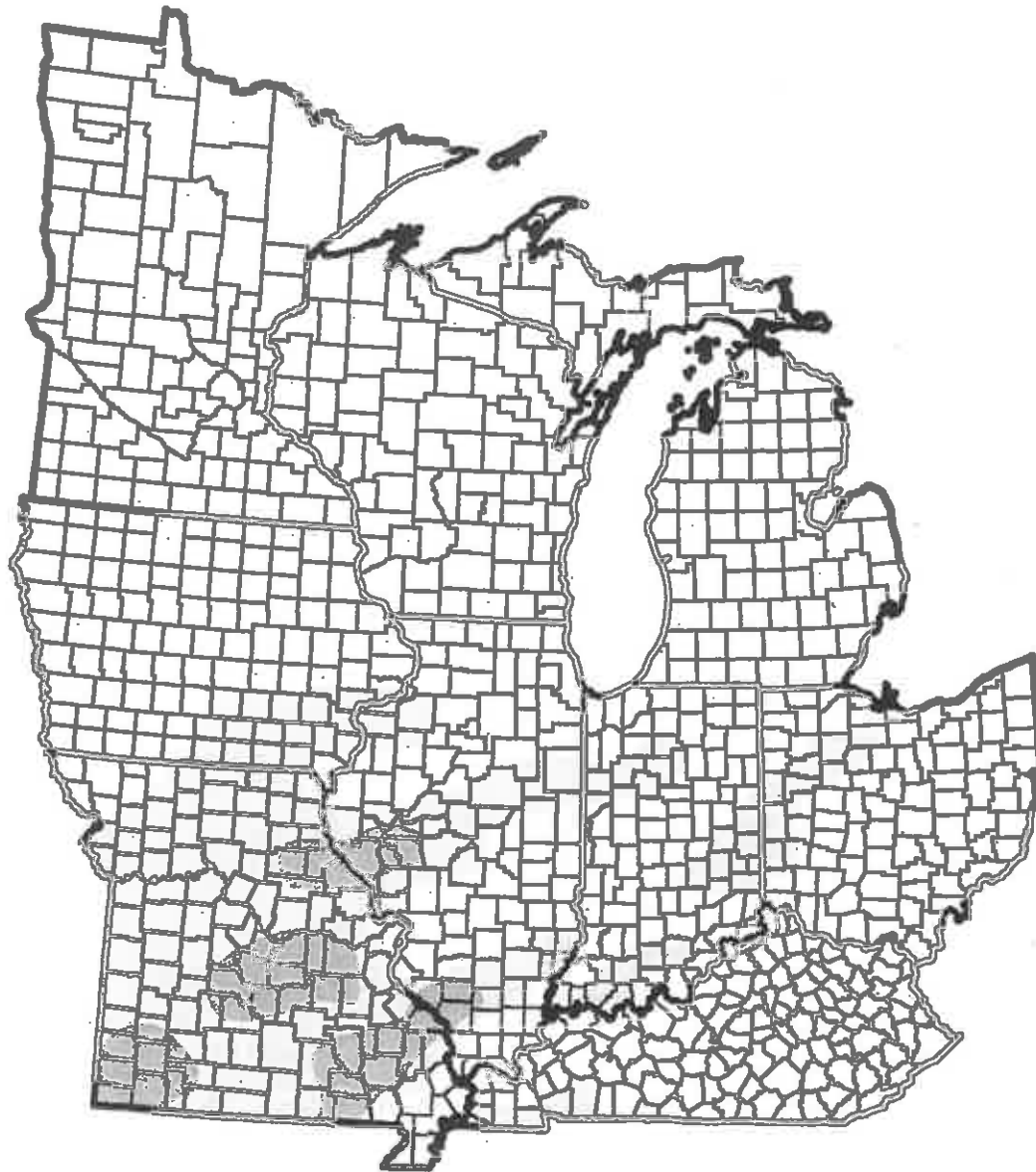
The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements.



<http://droughtmonitor.unl.edu/>

U.S. Drought Monitor Midwest

January 3, 2017
(Released Thursday, Jan. 5, 2017)
Valid 7 a.m. EST



Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	78.75	21.25	4.45	0.00	0.00	0.00
Last Week 12/27/2016	72.98	27.02	1.20	0.00	0.00	0.00
3 Months Ago 10/4/2016	95.47	4.53	0.00	0.00	0.00	0.00
Start of Calendar Year 1/3/2017	78.75	21.25	4.45	0.00	0.00	0.00
Start of Water Year 9/27/2016	89.04	10.96	0.70	0.00	0.00	0.00
One Year Ago 1/5/2016	94.77	5.23	0.00	0.00	0.00	0.00

Intensity:

- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements.

Author:
David Miskus
NOAA/NWS/NCEP/CPC



<http://droughtmonitor.unl.edu/>



**Kendall County Soil & Water
Conservation District**

7775A Route 47, Yorkville, Illinois 60560 • (630)553-5821 extension 3



www.kendallswcd.org

A SNAPSHOT OF THE KENDALL COUNTY SOIL & WATER CONSERVATION DISTRICT...

KCSWCD Activities Overview:

- **Over 10,000 students** learned about conservation and agriculture through **369 classroom presentations, special events, and a natural resources tour.**
- **375 Educators** learned about agriculture, natural resources, and how these topics can be incorporated into their classroom through classroom presentations, teacher workshops/in-services, a summer graduate course and mailings.
- Local school districts participated in our annual **Natural Resources Tour** held at Hoover Forest Preserve District. While at the tour, approximately **650 4th & 5th grade students** visited **8 unique stations** learning about soil science, groundwater, animal habitats, recycling, insects, trees, sustainability and much more.
- The Kendall County SWCD was directly involved in implementing local, state & federal programs that totaled **over \$400,000 this past fiscal year within Kendall County alone.**
- Provide education and technical services to residents of our local communities within Kendall County. During the past year, services were provided to **over 10,000 individuals.**

KCSWCD Program & Project Spotlights:

❖ **Modular Concrete Block Structure**

The Kendall County SWCD and USDA-NRCS partnered together to provide cost-share and technical assistance to a local landowner with an erosion concern. Water draining from cropland and pasture upstream was undermining a livestock stream crossing. In order to stabilize the crossing and provide a stable outlet for the water, a grade stabilization structure was needed. The type of structure, a modular concrete block chute, was determined to be the best fit to address the onsite resource concerns. This structure is the first of this type to be installed in Kendall County.



❖ **Natural Resources Tour**

Our Education Program hosted the Natural Resource Tour for 4th & 5th graders representing all school districts within Kendall County. This tour was held at a local forest preserve and included 7-9 learning stations where students could explore soil, water, native plants, animals, Native American life, composting, and conservation. Over 800 students were impacted over the four-day event.



❖ **Summer Agri-science Teacher Institute**

The Kendall County SWCD Education Program and Ag in the Classroom program, in cooperation with the local partners, hosted an Agri-science Teacher Institute this past July. Fifteen teachers from the three counties participated in the course and were able to learn about food science, production, processing, and marketing through visiting

farms and agri-businesses around the area. This Institute was available for professional development units for teachers as well as graduate credits through Aurora University.

❖ **Rain Garden**

Recently, staff installed our own green infrastructure best management practice: a rain garden. A rain garden is a shallow depression, planted with native plants, that absorbs rain water (runoff) from impervious surfaces, mainly from the roof of a building. As land begins to develop, there is a dramatic increase in impervious surfaces which increases the amount of stormwater runoff. A rain garden is a helpful stewardship tool that can significantly reduce flooding, absorb pollutants, recharge aquifers and sustain wildlife by providing habitat. Rain gardens improve water quality as well as address water quantity concerns.



❖ **Streambank Stabilization: Stone Toe Protection & Rock Riffle**

Streambank erosion is a natural process that occurs in all streams as water wears away the soil and rock that form their banks. This erosion, accelerated by land altering activities, has become a serious threat to the land, water, plant and animal resources along many streams in our state. When left unchecked, streambank erosion can be responsible for the loss or damage to valuable farmland, wildlife habitat, buildings, roads, bridges and other public or private structures and property. This type of erosion is a major source of sediments deposited in Illinois rivers



and streams thereby reducing stream channel capacity, navigation as well as degrading habitat and water quality. The Kendall County SWCD provides cost-share, technical assistance and education information to landowners with severely eroding streambank sites where effective low-cost streambank stabilization techniques can be established.

❖ **Summer Camp**



The Kendall County Agriculture In the Classroom program along with the Kendall Co. Farm Bureau Young Leaders and Kellogg Farms hosted a Farm and Safety Camp for youth in the county in June. While at the camp, youth had the opportunity to learn about farm safety, electricity safety, livestock safety, and food safety. They also had the opportunity to learn about agriculture in general and meet farmers from around the area. The event was capped off with a meal for campers and families as well as fishing. The meal was provided through the Kendall-Grundy County Pork Producers.

❖ **KCSWCD Snapshots:**



Classroom Presentations – Illinois Crops



Workshop: Pond Seminar



Field Trip to the Farm

HEALTH & ENVIRONMENT COMMITTEE 2017 Meeting Dates

**Committee meets the 3rd Monday of each month at 3:00 PM
in the County Board Room**

Jan. 9 Meeting the 2nd Monday, due to the MLK Day holiday (County closed)

Feb.20 No meeting, due to the President's Day holiday (County closed)

Mar. 20

April 17

May 15

June 19

July 17

Aug. 21

Sep. 18

Oct. 16

Nov. 20

Dec. 18

SECTION 3: DEFINITIONS

"INSPECTION FEE" means a fee for inspection to be conducted in the fulfillment of a water well construction permit and is assessed at the time of the inspection scheduling by the Kendall County Health Department

SECTION 8: PERMIT REQUIREMENTS

- A. An application for a permit to install or modify a private water well, semi-private water well, non-community water supply, closed loop well or dewatering well shall be submitted, in writing, on forms provided by the Kendall County Health Department.
- B. The applicable permit fee will be paid at the time of permit application.
- C. The applicable inspection fee will be paid at the time of inspection scheduling.
- D. If the Health Department finds that a permit application meets the requirements of the Illinois Department of Public Health Water Well Construction Code (77 Ill. Adm. Code 920) and all requirements of this Ordinance, a permit shall be issued to the applicant.
- E. Three copies of the water well plan or closed loop plan shall accompany the permit application.
- F. The following specification shall be included on, or with, a water well or closed loop well permit application:
 1. A drawing indicating lot size, direction of slope, location of property lines, and distances from proposed well construction to septic tanks, abandoned wells, property lines, seepage fields, sewers, and all other sources of contamination, and an indication of the type of contamination source;
 2. Water well drillers license number and name;
 3. Estimated daily pumping capacity if greater than 100,000 gallons per day;
 4. The location of the water well, including county, city, street address, or lot number, township, range, directions to the site and section;
 5. Name and address of the owner of the well;
 6. Type of well to be constructed (bored, dug, driven or drilled);
 7. An estimate of the depth of the well;
 8. Type of well (i.e., non-potable use well, such as an irrigation, livestock or industrial water well, private water well, semi-private water well or non-community public water well);
 9. Proposed aquifer.
- G. No water well or closed loop well shall be installed, modified or sealed until a permit has been issued by the Health Department. Failure to obtain a permit prior to beginning any such water well or closed loop well work shall constitute a violation of this ordinance.

WATER SUPPLIES ORDINANCE
KENDALL COUNTY, ILLINOIS

SECTION 1: SCOPE

This ordinance is enacted to establish and provide for the enforcement of minimum standards to assure that water wells are properly designed, constructed, operated, maintained and serviced and all other matters relating to private water wells, semi-private water wells, non-community water supplies and closed loop wells, to protect the health, safety and general welfare of the public.

The statutes of the State of Illinois grant to the Kendall County Board the power to enact such ordinances that protect the health of the citizens of Kendall County.

After the effective date of adoption of this ordinance, all private water supply systems as described herein shall only be constructed or modified in accordance with this ordinance.

Therefore, be it ordained by the County Board of Kendall County, Illinois, that the following rules and regulations are hereby made and adopted.

SECTION 2: ADOPTION BY REFERENCE

In addition to those provisions set forth, this Ordinance shall be interpreted and enforced in accordance with provisions set forth in the following statutes, rules, and regulations of the State of Illinois, Department of Public Health and any subsequent amendments or revisions thereto, which publications are incorporated herein and adopted by reference as part of this Ordinance:

1. "Illinois Water Well Construction Code." (77 Ill. Adm. Code 920)
2. "Illinois Water Well Pump Installation Code." (77 Ill. Adm. Code 925)
3. "Public Area Sanitary Practice Code." (77 Ill. Adm. Code 895)
4. "Drinking Water Systems Code." (77 Ill. Adm. Code 900)
5. "Surface Source Water Treatment Code." (77 Ill. Adm. Code 930)

SECTION 3: DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

"APPLICANT" means the property owner as defined herein who has applied for a permit or his or her authorized agent.

"APPROVED" or **"APPROVAL"** as it pertains to this ordinance, means constructed and installed in compliance with technical standards and requirements of this ordinance. Approved does not imply or ensure that a system will perform satisfactorily.

"ABANDONED WELL" means a water well or monitoring well which is no longer used to supply water, or which is in such a state of disrepair that the well or boring has the potential for transmitting contamination into an aquifer or otherwise threatens the public health or safety.

"DIRECTOR" means the Director of Environmental Health Services.

"HEALTH DEPARTMENT" means the Kendall County Health Department, including its duly authorized representatives.

“MODIFICATION” means the alteration of the structure of an existing water well, including, but not limited to, deepening, elimination of a buried suction line, installation of a liner, replacing, repairing or extending casing, or replacement of a well screen. Pertaining to closed loop wells, "modification" also means any alteration to the construction of the borehole of an existing closed loop well, including, but not limited to, regrouting and installation of additional boreholes.

“POTABLE WATER” means water that is suitable for human consumption and which meets public health standards for drinking water.

“INSPECTION FEE” means a fee for inspection to be conducted in the fulfillment of a water well construction permit and is assessed at the time of the permit issuance by the Kendall County Health Department

“PERMIT FEE” means a fee assessed for the issuance of a permit by the Kendall County Health Department

“PROPERTY” means any parcel or combination of contiguous parcels, under ownership or control for which legal title has been recorded and which is designated by its owner as a tract of land to be used, developed, or built upon as a unit.

“PROPERTY OWNER” means the person in whose name legal title to property is recorded.

“REVOCATION” means nullification.

“SHALL” means that the stated provision is mandatory.

“WATER WELL” means an excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial recharge, or acquisition of ground water, but such term does not include an excavation made for the purposes of obtaining or prospecting for oil, natural gas, minerals, or products of mining or quarrying or for inserting media to repressure an oil or natural gas bearing formation or for storing petroleum, natural gas, or other products or for observation or any other purpose in connection with the development or operation of a gas storage project.

“WELL” means a bored, drilled or driven shaft, or dug hole, the depth of which is greater than the largest surface dimension.

SECTION 4: NEW CONSTRUCTION

Water well and well permit plans shall be approved for new construction prior to the issuance of the building permit.

SECTION 5: POTABLE WATER SUPPLY REQUIRED

A. All premises intended for human habitation shall be provided with a potable water supply. Each potable water supply shall provide quantities of water that are sufficient for the dwelling or structure served.

1. Surface water supplies

Water systems which receive their source of water from ponds, lakes, streams, rivers, or other surface collectors of water shall be designed, constructed, and operated in accordance with the Surface Source Water Treatment Code (77 Ill. Adm. Code 930). No surface water shall be utilized as a potable water supply unless the Health Department has reviewed and approved the supply and its components.

2. Cisterns

Cisterns shall not be used as a potable water supply except where adequate groundwater resources are not available. Cistern water shall receive treatment in accordance with the Surface Source Water Treatment Code (77 Ill. Adm. Code 930). No surface water shall be utilized as a potable water supply unless the Health Department has reviewed and approved the supply and its components.

- B. The potable water supply shall not be connected to non-potable water and shall be protected against backflow and backsiphonage in accordance with the requirements of the Illinois Plumbing Code (77 Ill. Adm. Code 890).

SECTION 6: POWERS AND DUTIES OF THE HEALTH DEPARTMENT

- A. The Health Department shall be responsible for regulating the design, construction, operation, maintenance and service of private water wells, semi-private water wells, non-community water supplies, closed loop wells or dewatering wells.
- B. The Health Department shall be empowered to issue permits authorizing the installation and modification of private water wells, semi-private water wells, non-community water supplies, closed loop wells or dewatering wells within their jurisdiction.
- C. The Health Department shall be empowered to withhold issuance of a permit for a private water well, semi-private water well, non-community water supply, closed loop wells or dewatering well if the permit application is incomplete, the permit application and resulting well fail to conform to this ordinance or state law, or if site conditions are inconsistent with those provided within the submitted permit application.
- D. The Health Department shall make all necessary sanitary and health investigations and inspections to ensure compliance with the appropriate administrative codes, statutes and ordinances as is necessary to protect and improve the public health.
- E. The Health Department shall either institute, or cause to be instituted, legal proceedings in the Circuit Court of Kendall County in cooperation with the Kendall County State's Attorney's Office where a violation of this ordinance occurs or a condition presents a substantial hazard to public health.

SECTION 7: RIGHT OF ENTRY AND INSPECTION

- A. Pursuant to 55 ILCS 5/5-25013(A)(8), and the above cited administrative codes, the Health Department shall conduct inspections, investigations and site evaluations of properties, public and private, to determine compliance with the provisions of this ordinance. The Health Department shall perform all inspections, investigations and site evaluations at a reasonable time.
- B. It shall be the duty of all property owners or occupants to allow the Health Department personnel free access to the subject property at reasonable times to conduct inspections, investigations and site evaluations. Persons who deny Health Department personnel the ability to discharge the above described duties shall be in violation of this ordinance. In the event that Health Department personnel are refused permission to inspect any property at a reasonable time; he or she shall have the authority to seek an injunction and/or administrative investigative warrant from the Kendall County Circuit Court, as well as any other relief the Court may deem appropriate.

SECTION 8: PERMIT REQUIREMENTS

- A. An application for a permit to install or modify a private water well, semi-private water well, non-community water supply, closed loop well or dewatering well shall be submitted, in writing, on forms provided by the Kendall County Health Department.
- B. The applicable permit fee and any related inspection fee shall be paid at the time of permit application.
- C. If the Health Department finds that a permit application meets the requirements of the Illinois Department of Public Health Water Well Construction Code (77 Ill. Adm. Code 920) and all requirements of this Ordinance, a permit shall be issued to the applicant.
- D. Three copies of the water well plan or closed loop plan shall accompany the permit application.
- E. The following specification shall be included on, or with, a water well or closed loop well permit application:
 1. A drawing indicating lot size, direction of slope, location of property lines, and distances from proposed well construction to septic tanks, abandoned wells, property lines, seepage fields, sewers, and all other sources of contamination, and an indication of the type of contamination source;
 2. Water well drillers license number and name;
 3. Estimated daily pumping capacity if greater than 100,000 gallons per day;
 4. The location of the water well, including county, city, street address, or lot number, township, range, directions to the site and section;
 5. Name and address of the owner of the well;
 6. Type of well to be constructed (bored, dug, driven or drilled);
 7. An estimate of the depth of the well;
 8. Type of well (i.e., non-potable use well, such as an irrigation, livestock or industrial water well, private water well, semi-private water well or non-community public water well);
 9. Proposed aquifer.
- F. No water well or closed loop well shall be installed, modified or sealed until a permit has been issued by the Health Department. Failure to obtain a permit prior to beginning any such water well or closed loop well work shall constitute a violation of this ordinance.

SECTION 9: REVOCATION OR SUSPENSION OF PERMIT

- A. The Health Department shall have the authority to revoke or suspend water well or closed loop well permits when information serving as the basis for approval is found to be false or erroneous, or when provisions of this ordinance, applicable state statute or administrative code are violated.
- B. The reason for the suspension or revocation of a permit shall be posted in writing at the site, or mailed to the applicant at the address provided on the permit application, by certified mail, return receipt requested.

SECTION 10: PERMIT VALIDITY

A Health Department issued permit for the installation or modification of a private water well, semi-private water well, non-community water supply well, closed loop well or dewatering well is valid for a period of 12 months from the date of permit issuance. If construction has not started within that 12-month period, the permit is void. Written request for extension may be submitted prior to remaining 30 days of 12 month period.

SECTION 11: FEES

PRIVATE WATER SUPPLY FEES	
Water well construction permit	\$100
Water well inspection	\$150
Water well sealing permit	\$100
Water well capping permit	\$100
Closed loop well system permit – up to first 10 boreholes	\$100
Closed loop well system permit - after 10 boreholes	\$10 (each additional)
Closed loop well system inspection	\$100
Water well sample collection/analysis	\$70
Change of contractor	\$25
Public water supply feasibility letter	\$25
Variance request review	\$50
Non-community water supply bi-annual sanitary survey	\$50
Water well final construction re-inspection	\$50
Site evaluation	\$50
Non-compliance fee (work performed without a permit)	Permit fee x 2
Property transaction inspection fee - well & septic site evaluation and report	\$200
<p>•Fee exemptions will be granted to those organizations that are classified as official units of Kendall County Government.</p> <p>•An applicant that can prove 501(c)(3) status will be granted a fee reduction of 50 percent of the regular fee as listed on this schedule.</p>	

SECTION 12: EXCEPTIONS

A permit for installation or modification of a water well shall not be required by the Health Department when the water well does, or will, serve a community public water system or function as a monitoring well.

SECTION 13: WATER WELL or WELL INSTALLATION

All wells shall be constructed by contractors meeting any and all applicable licensing and or certification requirements within the State of Illinois.

A. Installer responsibilities

1. No water well or closed loop well shall be installed or modified except in accordance with the provisions of this Ordinance.
2. It is the responsibility of the licensed water well contractor or licensed closed loop well contractor to install the water well or closed loop wells per the approved design. Failure to install a water well or closed loop well per the approved permit application is a violation of this ordinance which may result in a suspension or revocation of permit, delay of system approval and/or occupancy.
3. It is the responsibility of the licensed water well contractor or licensed closed loop contractor to notify the Health Department of any intended change(s) to the approved permit application. Notification of these intended changes shall be provided, in writing, to the Health Department prior to changes being implemented. Failure to provide the department with written notice of changes is a violation of this ordinance which may result in a suspension or revocation of permit, delay of system approval and/or occupancy.
4. The installation contractor shall be present during the system inspection. If the licensed or certified contractor is not present, his or her representative shall be present during the system inspection.

B. Notification

The property owner or licensed contractor shall provide a minimum 24 hours advance notification to the Health Department before beginning installation, modification or sealing of a water well or closed loop well for which a permit has been issued.

C. Site access

1. In order to determine compliance with this ordinance, site access for system inspection shall be deemed essential for, but not limited to, the following:
 - i. On-Site system layout review or site evaluations.
 - ii. At any stage of well construction, modification or sealing.
 - iii. Final inspection, following completion of the system installation.
 - iv. As may otherwise be necessary in compliance with Section 7 of this Ordinance.

SECTION 14: EMERGENCY REPAIRS/MODIFICATION

In the case of emergency repairs or modifications which require a permit, the emergency repair or modification shall be performed only after written notice has been provided to the Health Department outlining the necessary repair or modification. This section only applies to those emergency repairs and modifications which, if not promptly addressed, may present an immediate public health threat.

SECTION 15: ABANDONED WELLS

Wells that are abandoned shall be sealed in a manner prescribed by the Illinois Water Well Construction Code (*See* 77 Ill. Adm. Code 920.120). The Health Department may inspect abandoned wells to determine compliance with the code.

SECTION 16: BUILDING & ZONING RECOMMENDATION

It is recommended that the property owner, water well contractor or closed loop contractor contact the subdivision developer and Kendall County Planning Building & Zoning Department to review the previously accepted engineering plans for the subdivision to determine locations of required setbacks, drainage requirements, easements, floodplains, surface drain system, detention/retention ponds and other features. Nothing contained herein shall absolve the applicant from the necessity of following all applicable plats, PUD's , covenants, etc. that are in effect regarding applicant's property.

SECTION 17: CLOSED LOOP WELLS

- A. All closed loop wells shall be constructed by contractors meeting applicable licensing and or certification requirements within the State of Illinois.
- B. Application for permit of a closed loop well shall be made, in writing, and submitted on forms provided by the Kendall County Health Department. The closed loop well contractor and property owner shall sign the permit application.
- C. Applications for permit shall be accompanied by payment that is in accordance with the Health Department fee schedule.
- D. The application for permit shall also be accompanied with a plan listing the type of facility to be served (e.g., single family residence, apartment building, business, factory, school), the number and depth of the closed loop boreholes and showing the location of the closed loop well system, geographic location of the site using global positioning equipment and a description including county, city, street address, subdivision lot number, township, range, section and directions to the site. The plan shall also show all existing dwellings, seepage fields, sewers accessory structures, wells, septic system components, bodies of water or other property information requested by the Health Department to aid in the permitting of the closed loop well system. Changes in location of the closed loop well system shall be approved by the Health Department prior to installation.

- E. All closed loop-well setback distances described in the latest edition of the Illinois Water Well Construction Code (77 Ill. Adm. Code 920) shall be maintained.

Construction reports for each closed loop well shall be provided to the Health Department within 30 days of completion of drilling.

SECTION 18: VARIATIONS

The Health Department shall be empowered to grant variations to the requirements of these regulations in situations when the strict application of such requirements would create a unique hardship or unfair burden upon those affected. A variation shall be authorized only when it can be reasonably demonstrated that a public health hazard will not result. Variation requests shall be submitted in writing, on forms provided by the Kendall County Health Department. The Health Department shall notify the applicant in writing of its decision to either grant or deny the variation. The approved variation documents shall be recorded on the property deed and filed with the Kendall County Recorder of Deeds.

SECTION 19: DISINFECTION AND ANALYSIS

- A. All components of a newly constructed or modified water well used for drinking, culinary and sanitary purposes shall be thoroughly disinfected with a strong chlorine solution which will yield a dosage of at least 100 part per million to the water in the well and piping system.
- B. Water samples shall be collected by the water well contractor or property owner within 30 days of water well completion. A certified laboratory shall analyze all samples for newly constructed water wells. A copy of the analysis shall be filed with the Health Department.

SECTION 20: VIOLATIONS

- A. Whenever the Health Department determines that there is a violation of any provisions of this ordinance or applicable State code, the Health Department shall give notice of such alleged violation to the property owner, who shall then remedy the violation within the time allotted.
- B. The notice of violation shall:
 - 1. Be in writing.
 - 2. Include a statement of the reasons for the issuance of the notice.
 - 3. Contain details of the remedial action to be taken.
 - 4. Allow reasonable time to take remedial action and to otherwise comply with this ordinance.
 - 5. Be served upon the property owner, or resident, via personal delivery or sent via registered or certified mail.
- C. In addition to the revocation or suspension of any permit issued, if such violation continues, the matter will be referred to the Kendall County State's Attorney's Office to prosecute violations of the ordinance and to initiate any necessary action in the Circuit Court, in order to abate such violating condition as enumerated in this Ordinance or the associated State law, including, but not limited to seeking injunctive relief.

SECTION 21: HEARINGS AND APPEALS

Any person may appeal a permitting decision to the Health Department by written request that shall be filed with the Department within ten (10) business days after receipt of the subject notice to revoke, suspend or deny the permit at issue.

A hearing for such appeal shall be scheduled to take place as soon as reasonably possible, but no later than fifteen (15) business days from the date of filing such request, unless a later date is agreed upon. The Health Officer conducting the hearing shall give notice by phone and regular mail of the date, time and location of such hearing. Written notice of the hearing to a party may be waived by that party.

The hearing shall be conducted by a Health Officer at the place and time designated by him/her. All hearings shall be conducted so as to provide the parties adequate time to prepare, the right to present evidence in support of their position, the right to cross-examine, and the right to legal counsel at their own expense. The formal rules of evidence shall not apply. The Health Officer may ask questions of any witness to assist in reaching a decision. The Health Officer shall make a record of the proceedings. Should a party desire a verbatim transcript of such hearings, they may obtain a court reporter at their own expense.

Based upon the record of such hearing, the Health Department shall make a finding and a written decision shall be prepared. Such decision shall be considered final and shall be provided to the permit holder by the Health Department within fifteen (15) days and a record of the same shall be maintained.

.SECTION 22: PARTIAL INVALIDITY

If any section, subsection, paragraph, sentence, clause, or phrase of this article shall be declared invalid for any reason whatsoever, such invalidation shall not affect the remaining portions of this article which shall remain in full force and effect.

SECTION 23: PENALTY

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 business offense and be fined not less than \$100.00 and no more than \$1,000 for each offense. Each day upon which such violation continues shall constitute a separate offense. Further penalties shall be assessed as outlined in the latest edition of the Illinois Department of Public Health Water Well Construction Code (77 Ill. Adm. Code 920), Water well Pump Installation Code (77 Ill. Adm. Code 925), Public Area Sanitary Practice Code (77 Ill. Adm. Code 895), Drinking Water Systems Code (77 Ill. Adm. Code 900) or Surface Source Water Treatment Code (77 Ill. Adm. Code 930).

SECTION 24: MAINTENANCE OF RECORDS

The Health Department shall maintain a record of construction applications and permits, notices of subsequent lowerings, records of hearings and the information contained in those documents, which shall be available for public inspection.

SECTION 25: ENFORCEMENT:

Enforcement of this ordinance shall be performed by the Kendall County Health Department. The Kendall County State's Attorney's Office shall be authorized to bring any necessary actions and prosecute any violations of this ordinance in the Circuit Court.

SECTION 26: EFFECTIVE DATE

This ordinance and the regulations contained therein shall be in full force and effect on and after the date signed below.

APPROVED BY THE KENDALL COUNTY BOARD THIS DAY _____ 20 _____

Chair, Kendall County Board

Ayes _____

Nays _____

Attest _____
Kendall County Clerk

**ONSITE WASTEWATER TREATMENT SYSTEM ORDINANCE
KENDALL COUNTY, ILLINOIS**

SECTION 1: SCOPE

This ordinance is enacted to establish and provide for the enforcement of minimum standards to assure that onsite wastewater treatment systems are designed and constructed to ensure properly operating wastewater treatment systems through the construction phase in such a way as to protect the health of the public and natural resources within the county from impairment, pollution, or destruction. The maintenance and servicing of these systems are also inspected through regular food establishment inspections, complaint driven events, or homeowner requests to meet the requirements of applicable state code.

The statutes of the State of Illinois, including 225 ILCS 225/1 *et seq.*, grant to the Kendall County Board the power to enact such ordinances that protect the health of the citizens of Kendall County.

Therefore, be it ordained by the County Board of Kendall County, Illinois, that the following rules and regulations are hereby made and adopted.

SECTION 2: ADOPTION BY REFERENCE

The rules and regulations in the latest edition of the Illinois Department of Public Health Private Sewage Disposal Licensing Act (225 ILCS 225/1 *et seq.*) & Code (77 Ill. Adm. Code 905), and any subsequent amendments or revisions thereto, are adopted and incorporated as part of this ordinance.

SECTION 3: DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this ordinance:

“ACCESSORY STRUCTURE” means any structure with a roof that is not attached to the dwelling.

“AGRICULTURAL LAND” means land on which a food crop, feed crop, or fiber crop is grown such as range land, pasture land or farms.

“APPLICANT” means the property owner as defined herein or his or her authorized agent.

“APPROVED” or **“APPROVAL”** as it pertains to this ordinance, means constructed and installed in compliance with technical standards and requirements of this ordinance. Approved does not imply or ensure that a system will perform satisfactorily.

“DIRECTOR” means the Director of Environmental Health Services.

“HEALTH DEPARTMENT” means Kendall County Health Department and its authorized representatives.

“DOMESTIC SEWAGE or SEWAGE” as it pertains to this ordinance, means human wastewater derived principally from plumbing fixture drains in dwellings, business or office buildings, institutions, food service establishments, and similar facilities. It shall not include animal waste, industrial waste or commercial processing waste.

“INSPECTION FEE” as it pertains to this ordinance, means a fee assessed for the inspection of work performed which relates to an onsite wastewater treatment system.

“INTERCEPTOR DRAIN” is a drain tile located upslope from the soil treatment area and consists of a perforated tile extending beyond the septic field width and then outlets through a non-perforated tile that runs down slope on one side of the onsite wastewater treatment system.

“ONSITE WASTEWATER TREATMENT SYSTEM (OWTS)” means a an absorption system relying on natural processes and/or mechanical components that is used to collect, store, treat, neutralize, stabilize, or dispose sewage which is not a part of or connected to a sewage treatment works. An OWTS is commonly referred to as a “septic system”. *Also see* 225 ILCS 225/3(7) “Private Sewage Disposal System”.

“ONSITE WASTEWATER TREATMENT SYSTEM COMPONENT” means a component of an onsite wastewater treatment system that is installed on the site at which the wastewater is produced, including, but not limited to, a septic tank, lift station, a secondary pretreatment unit, or soil treatment area. For the purposes of this ordinance, an onsite wastewater treatment system component may also be referred to as a system component.

“NON-RESIDENTIAL PROPERTY” means any property that is not used for a single family home.

“PERIMETER DRAIN is a perforated drain tile that encircles the soil treatment area and outlets down slope through a non- perforated tile.

“PERMIT” means the document that is issued by the Health Department upon proper application, which authorizes the construction, repair or alteration of an onsite wastewater treatment system under this Ordinance.

“PERMIT FEE” means a fee assessed for the issuance of a permit by the Kendall County Health Department.

“PROPERTY” means any parcel or combination of contiguous parcels, under ownership or control for which legal title has been recorded and which is designated by its owner as a tract of land to be used, developed, or built upon as a unit.

“PROPERTY OWNER” means the person in whose name legal title to property is recorded.

“REVOCAION” means nullification.

“SEGMENT DRAIN” is an extension of an interceptor or perimeter drain that extends between sections of a split soil treatment field. Segment drains supplement drainage efficiency in large soil treatment fields or where soil permeability is moderately slow as in Soil Design Groups IX, X, and XI.

“SHALL” means that the stated provision is mandatory.

“SHOULD” means the stated provision is recommended, but not required.

SECTION 4: POWERS AND DUTIES OF THE HEALTH DEPARTMENT

- A. The Health Department shall be responsible for regulating the design, construction, operation, maintenance and service of onsite wastewater treatment systems and their compliance with this Ordinance, the Illinois Department of Public Health Private Sewage Disposal Licensing Act (225 ILCS 225/1 *et seq.*) & the Private Sewage Disposal Code (77 Ill. Adm. Code 905).
- B. The Health Department shall be empowered to issue permits authorizing the installation, repair, alteration or renovation of onsite wastewater treatment systems within their jurisdiction.
- C. The Health Department shall be empowered to withhold issuance of or revoke an onsite wastewater treatment system permit if the permit application is incomplete or if site conditions are inconsistent with those provided within the submitted permit application.
- D. The Health Department shall make all necessary sanitary and health investigations and inspections to ensure compliance with the appropriate administrative codes, statutes and ordinances as is necessary to protect and improve the public health.
- E. The Health Department shall either institute, or cause to be instituted, legal proceedings in the Circuit Court of Kendall County in cooperation with the Kendall County State’s Attorney’s Office where a violation of this ordinance occurs or a condition presents a substantial hazard to public health.

SECTION 5: RIGHT OF ENTRY AND INSPECTION

Pursuant to 55 ILCS 5/5-25013(A)(8), the health department shall be empowered to conduct inspections, investigations and site evaluations of properties, public and private, to determine compliance with the provisions of this ordinance. The health department shall perform all inspections, investigations and site evaluations at a reasonable time.

It shall be the duty of all property owners or occupants to allow the Health Department personnel free access to the subject property at reasonable times to conduct inspections, investigations and site evaluations. Persons who deny Health Department personnel the ability to discharge the above described duties shall be in violation of this Ordinance. In the event that Health Department personnel are refused permission to inspect any property at a reasonable time; he or she shall have the authority to seek an injunction and/or administrative investigative warrant from the Kendall County Circuit Court, as well as any other relief the Court may deem appropriate.

SECTION 6: NON-RESIDENTIAL ONSITE WASTEWATER TREATMENT SYSTEMS

- A. The health department shall review any proposal for an onsite wastewater treatment system to service a non-residential property via an informal meeting with the designer prior to its submittal for approval. The review shall consider those elements of the proposal which may impact the functioning and longevity of the onsite wastewater treatment system including, but not limited to, waste strength, peak flows, removal of non-domestic wastewater, seasonal flow variations, soil or site limitations, adequate future replacement area and elements of the proposal which may require special arrangements for access and maintenance.
- B. In all cases where non-residential properties are proposed for development, an area for a full-size replacement system shall be provided. The area shall be suitable for an onsite wastewater treatment system as confirmed by onsite soil investigation and designated for future onsite wastewater treatment system replacement. The replacement area shall be kept free of development, traffic or soil modification on all properties.
- C. An aeration treatment plant servicing a non-residential system shall meet the requirements of 77 Ill. Adm. Code 905.100J and may be subject to routine or periodic wastewater sampling which may be requested by the Kendall County Health Department at their discretion.

SECTION 8: SOIL INVESTIGATIONS

Soil investigations shall be conducted as outlined in the latest edition of the Illinois Department of Public Health Private Sewage Disposal Code (77 Ill. Adm. Code 905).

SECTION 9: INTERCEPTOR DRAIN & PERIMETER DRAIN INSTALLATIONS TO AFFECT A SEASONAL HIGH WATER TABLE WITH A SUBSURFACE SEEPAGE SYSTEM

- A. General requirements
 1. The minimum size and grade of drain tile shall be 4-inch single-wall corrugated, perforated HDPE pipe conforming to ASTM F405. Non-perforated tile conforming to ASTM F405 shall be the minimum used for outlet tiles.
 2. Well-graded pit run gravel with less than 5 percent fines passing the #200 sieve and no aggregate more than 1.5 inches in diameter shall be used for gravel backfill around the drainage tile. Ideal material will contain a mixture of medium and coarse sand with fine and medium gravel.
 3. Other department approved synthetic media may be used in lieu of gravel and tile provided their drainage capability equals or exceeds that of gravel.
 4. Drain tile installed in sandy soil, as indicated on the soil evaluation report, shall be wrapped in geotextile fabric with an effective opening size between 0.2 and 0.85 millimeters.
 5. The drain tile outlet shall be metal or PVC a minimum of 2 feet in length that is equipped with a rodent guard.
 6. Gravity discharge from the outlet is strongly preferred, and the outlet pipe shall be placed to encourage free flow of water in all seasons.

7. If a gravity-flow outlet cannot be achieved, the drain shall flow into a vault of sufficient size to maximize the life of the sump pump.
 8. Any existing drainage tiles encountered in the proposed soil treatment area during construction shall be rerouted.
 9. A cross-section of the curtain drain shall be provided on the onsite wastewater treatment system plan. All construction details of the curtain drain shall be provided on the cross-section.
 10. Discharge to roadside drainage ditches is not permitted without written permission from the responsible highway authority, responsible township authority or other entity responsible for the roadside drainage ditch.
- B. Placement requirements
1. The minimum trench width shall be eight inches.
 2. A minimum of 3 inches of gravel, or approved synthetic aggregate, shall be placed in the trench bottom prior to installation of drainage tile.
 3. Outlet tiles do not require gravel, or approved synthetic aggregate, and should be backfilled with native material.
 4. Drainage tile shall be placed so that no sags occur that may impede drainage. Minimum slope on drain tile is 0.2 foot per 100 feet of run (0.2%).
 5. Buried open ends of drainage tile shall be capped to prevent siltation within the tile.
 6. The center of all tiles in drainage systems shall be placed a minimum of ten feet from the center of any septic field lines.
 7. If the shallowest depth to restrictive permeability is 36–42 inches below the surface, the drain tile trench bottom should extend 6 inches into the restricted permeability zone. In these instances, septic lines must lie at-grade or within 12 inches of the surface.
 8. If the shallowest depth to restrictive permeability is 42 inches or more, the drain tile trench bottom should extend 6 inches into the restricted permeability zone or lie 3 feet below the bottom of the deepest septic field trench, whichever is shallower.
 9. Drain tiles installed parallel to effluent lines shall not lie more than 50 feet apart in soils with design loading rates in Design Groups IX or X, 30 feet apart in Design Group XI. Segment drains shall be used to achieve proper intervals. Drain tile intervals shall not exceed 65 feet for soils in Design Groups II-VIII.
- C. Perimeter segment drain requirements
1. Drain tile trench should be backfilled with gravel, or approved synthetic aggregate, to a depth of 6 inches above the shallowest seasonal high water table depth shown by the soil evaluation report. The remainder of the trench may be backfilled with native material. Backfilling with gravel or approved synthetic aggregate, to within 6 inches of the soil surface and capping with topsoil to final grade is recommended for soils in Design Groups IX, X, and XI.
 2. Segment drains may be used in conjunction with both perimeter and interceptor drains. Ten-foot setbacks to septic field lines must be maintained with segment drains.
- D. Interceptor drain requirements
1. The center of the drain tile shall lay a minimum of 10 and a maximum of 15 feet upslope from the center of the nearest effluent line.
 2. The drain tile trench shall be backfilled with gravel, or approved synthetic aggregate, to within 6 inches of the surface and capped with topsoil to final grade.

SECTION 10: PERMIT REQUIREMENTS

- A. An application for a permit to install, repair or renovate an onsite wastewater treatment system shall be submitted, in writing, on forms provided by the Kendall County Health Department.
- B. The applicable permit fee and any related inspection fee shall be paid at the time of permit application.

- C. If the health department finds that a permit application meets the requirements of the Illinois Department of Public Health Private Sewage Disposal Code (77 Ill. Adm. Code 905) and all requirements of this ordinance a permit shall be issued to the applicant.
- D. Three copies of the onsite wastewater treatment system plan shall accompany the permit application. Plans shall be drawn with an Engineer's scale (1 inch equals 10', 20', 30', 40', 50' or 60').
- E. The following specifications shall be included on, or with, the onsite wastewater treatment system permit application:
 - 1. Location of all existing and proposed buildings, accessory structures, driveways, roads, parking areas, sidewalks, patios, decks, swimming pools and any other improvements that may affect the location of onsite systems;
 - 2. Location and dimensions of all lot boundaries and easements on the property;
 - 3. Location of all existing water wells and onsite wastewater treatment system components whether existing or proposed on the subject and adjacent properties;
 - 4. Location of all proposed storm water systems including, but not limited to, storm sewers, detention basins, retention basins or drainage tiles on the subject and adjacent properties;
 - 5. Location of any lake, stream, wetland or body of water, flood plains, detention or retention areas on the subject property;
 - 6. Identification of any agricultural land which is used for farming purposes (on the subject property);
 - 6. Existing roadways and other areas where existing soil may be disturbed;
 - 7. Description and location of all existing and proposed components of the onsite wastewater treatment system. The description shall include manufacturer name and size of each component of the system. The location of all components of the onsite wastewater treatment system shall be provided on the design plan. This includes tanks, lift stations, distribution piping (material and size), distribution boxes, drop boxes, soil treatment components, gravel application beds in mound systems and any area where fill is to be applied;
 - 8. A copy of the soil investigation report, including the location of all soil evaluation points. All soil borings locations shall be transposed onto the permit design plans.
 - 9. Existing and proposed topography in two foot contours;
 - 10. A cross-section view of the subsurface seepage system including the total amount of soil cover, in inches, over the system. For subsurface seepage systems, the minimum and maximum cover shall be provided, in inches, on the plan. If a curtain drain is utilized, include a cross-section of the curtain drain, including construction details and depth, in inches, of the curtain drain;
 - 11. Elevations necessary to describe the sewage flow to, and through, the onsite wastewater treatment system. These elevations include, but are not limited to, the following: top of foundation or another suitable benchmark, plumbing stub-out, inlet and outlet of any tank(s), inlet of distribution box(es), top or bottom elevations of seepage lines or other subsurface seepage components.
- F. No onsite wastewater treatment system shall be installed, repaired or renovated until a permit has been issued by the department.

SECTION 11: REVOCATION OF PERMIT

- A. The health department shall have the authority to revoke onsite wastewater treatment system permits when information serving as the basis for approval is found to be false or erroneous, or when provisions of this ordinance or the Illinois Department of Public Health Private Sewage Disposal Code (77 Ill. Adm. Code 905) are violated.
- B. The health department shall have the authority to revoke onsite wastewater treatment system permits if the area designed for the soil treatment is disturbed by major filling, compaction, excavation, paving or other disturbances that adversely impact the permeability of the soil.
- C. The reason for the revocation of a permit shall be posted in writing at the site, or mailed to the applicant at the address provided on the permit application, by certified mail, return receipt requested.

SECTION 12: PERMIT VALIDITY

A health department issued permit for the installation, repair or renovation of an onsite wastewater treatment system is valid for a period of 12 months from the date of permit issuance. If construction has not started within that 12-month period, the permit is void. Written request for extension may be submitted to the Environmental Health Department prior to remaining 30 days of 12 month period.

SECTION 13: FEES

ONSITE WASTEWATER TREATMENT SYSTEM (OWTS) FEES	
OWTS permit (new construction or replacing existing tank & field)	\$340
OWTS septic tank replacement permit	\$100
OWTS soil absorption system repair permit	\$200
OWTS re-inspection	\$50
OWTS permit (new construction - community/cluster)	\$500
OWTS permit plan revision	\$50
Permanent holding tank	\$150
Septic tank abandonment	\$50
Variance request	\$70
Change of contractor	\$25
Annual domestic sewage land applicator	\$100
Soil evaluation consultation and report	\$50
Subdivision plat review (per lot)	\$50
Public sewer feasibility letter	\$25
Site evaluation	\$50
Community system administrative and inspection fee	\$400
Non-compliance fee (work performed without a permit)	Permit fee x 2
Property transaction inspection fee - well & septic site evaluation and report	\$200
<ul style="list-style-type: none"> • Fee exemptions will be granted to those organizations that are classified as official units of Kendall County Government. • An applicant that can prove 501(c)(3) status will be granted a fee reduction of 50 percent of the regular fee as listed on this schedule. 	

SECTION 14: ONSITE WASTEWATER TREATMENT SYSTEM INSTALLATION

A. Installer responsibilities

1. No onsite wastewater treatment system shall be installed, repaired or renovated except in accordance with the provisions of this ordinance.
2. It is the responsibility of the licensed private sewage disposal installation contractor to install the onsite wastewater treatment system per the approved permit application. Failure to install the onsite wastewater treatment system per the approved permit application is a violation of this ordinance which may result in a delay of system approval and/or occupancy and/or the revocation of any permit granted for the same.
3. It is the responsibility of the licensed private sewage disposal contractor to notify the health department of any change(s) to the approved permit application. Notification of any changes shall be provided, in writing, to the Health Department. Failure to provide the department with written notice of changes is a violation of this ordinance which may result in a delay of system approval and/or occupancy and/or the revocation of any permit granted for the same.
4. The system installer shall be present during a system inspection. If the system installer is unable to be present, his or her representative shall be present.

B. Protection of the onsite wastewater treatment system

The area of an onsite wastewater treatment system shall be selected and maintained so that it is free from soil compaction or soil disturbance caused by, but not limited to the following: driveways, decks, patios, slabs, accessory structures, swimming pools, parking areas, buried lawn sprinkling systems, underground utility services, and addition to the original structure. Access to all onsite wastewater treatment system components shall be provided at all times for maintenance and servicing.

C. Construction traffic

On properties where installation equipment will have limited access to the proposed onsite wastewater treatment system area, the health department may request that the location for material storage and the designated path for construction traffic be specified on, or with, the system plan.

Agricultural land

Onsite wastewater treatment systems and onsite wastewater treatment system components shall not be installed on agricultural land which is routinely farmed.

D. Notification

The property owner or licensed contractor shall provide a minimum 24 hours advance notification to the health department before beginning installation, repair or renovation of any component or components of the onsite wastewater treatment system for which a permit has been issued.

E. F. Site access

In order to determine compliance with this ordinance, site access for system inspection shall be deemed essential for, but not limited to, the following:

1. On-site system layout review or site evaluations.
2. Observing soil investigations and soil borings.
3. At any stage of installation of the system.
4. Final inspection, following completion of the system installation, prior to covering.
5. As may otherwise be necessary in compliance with Section 5 of this Ordinance.

F. Tree removal

Any removal of trees from the proposed onsite wastewater treatment system area which have a trunk diameter measuring greater than twelve inches shall be removed by cutting near the surface. Stumps shall be removed by grinding or cutting. On wooded lots, it is strongly recommended that property owners and/or private sewage disposal system installation contractors contact KCHD prior to any tree or soil disturbance.

G. Patios, concrete slabs and decks

1. New construction of patios and slabs shall maintain a five foot horizontal separation distance to a septic tank, aeration device, lift station, holding tank or any other component of the septic system.
2. New decks shall be built so as to accommodate the integrity, functionality, or servicing of any component of septic system; allowing for a five foot horizontal separation from the septic tank.
3. Existing decks, patios and slabs located over septic system components shall be modified to allow access for maintenance of the onsite wastewater treatment system.

H. Access to onsite wastewater treatment system components

1. All onsite wastewater treatment system tanks, lift stations, aeration devices and any other treatment components installed after the effective date of this ordinance shall be provided with risers that terminate a minimum of three inches above finished grade in order to allow access for pumping and maintenance.

SECTION 15: EMERGENCY REPAIRS

In the case of emergency repairs which require a permit, the emergency repair shall be performed only after written notice has been provided to the health department outlining the necessary repair. This section only applies to those emergency repairs which, if not promptly addressed, may endanger the public or present an immediate threat to public health.

SECTION 16: ORDER TO UNCOVER

If any person backfills, or covers, any portion of the system with earth, or other material which prevents the Health Department from properly inspecting the system to determine compliance with this ordinance, the system installer shall uncover the portions of the system deemed necessary by the Health Department to allow for system inspection. (See 77 Ill. Adm. Code 905.190)

SECTION 17: PROTECTION OF THE ONSITE WASTEWATER TREATMENT SYSTEM

- A. The onsite wastewater treatment system area shall be protected by fencing, or other department approved measures, prior to applying for a permit. The system shall remain protected throughout the duration of any construction to eliminate compaction of the soil or damage to the soil or the onsite wastewater treatment system.
- B. It shall be the responsibility of the property owner to protect the area(s) of the onsite wastewater treatment system and all system components.
- C. It shall be the responsibility of the property owner to reserve any area(s) designated for future installation of an onsite wastewater treatment system.

SECTION 18: BUILDING & ZONING RECOMMENDATION

It is recommended that the designer of the system contact the subdivision developer and Kendall County Planning Building & Zoning Department to review the accepted engineering plans for the subdivision to determine locations of required setbacks, drainage requirements, easements, floodplains, surface drain system, detention/retention ponds and other features. Nothing contained herein shall absolve the applicant from the necessity of following all applicable plats, PUD's, covenants, etc. that are in effect regarding applicant's property.

SECTION 19: BUILDING CONSTRUCTION PROJECTS & PERMITTING

All onsite wastewater treatment systems shall either be in compliance with the Illinois Private Sewage Disposal Code and this ordinance or new onsite wastewater treatment system plans shall be submitted to the health department and approved by this health department prior to the issuance of the building permit by the building authority.

SECTION 20: VARIATIONS

The Health Department may grant a variation by modifying or waiving specific requirements of this ordinance if, in the opinion of the Health Department a public health hazard will not result from the issuance of the variation. Variation requests shall be submitted in writing, on forms provided by the Kendall County Health Department. The Health Department shall notify the applicant in writing of its decision to either grant or deny the variation. The approved variation documents shall be recorded on the property deed and filed with the Kendall County Recorder of Deeds.

SECTION 21: VIOLATIONS

- A. Whenever the health department determines that there is a violation of any provision of this ordinance, the health department shall give notice of such alleged violation to the property owner, who shall then remedy the violation within the time allotted.
- B. The notice of violation shall:
 1. Be in writing.
 2. Include a statement of the reasons for the issuance of the notice.
 3. Contain details of the remedial action to be taken.
 4. Allow reasonable time to take remedial action and to otherwise comply with this ordinance.
 5. Be served to the property owner, or resident, via personal deliver or sent via registered or certified mail.
- C. In addition to the revocation or suspension of any permit issued, if such violation continues, the matter will be referred to the Kendall County State's Attorney's Office to prosecute violations of the ordinance and to initiate any necessary action in the Circuit Court, in order to abate such violating condition as enumerated in this Ordinance or the associated State law, including, but not limited to seeking injunctive relief.

SECTION 22: HEARINGS AND APPEALS

Any person may appeal a permitting decision to the Health Department by written request that shall be filed with the Department within ten (10) business days after receipt of the subject notice to revoke or deny the permit at issue.

A hearing for such appeal shall be scheduled to take place as soon as reasonably possible, but no later than fifteen (15) business days from the date of filing such request, unless a later date is agreed upon. The Health Officer conducting the hearing shall give notice by phone and regular mail of the date, time and location of such hearing. Written notice of the hearing to a party may be waived by that party.

The hearing shall be conducted by a Health Officer at the place and time designated by him/her. All hearings shall be conducted so as to provide the parties adequate time to prepare, the right to present evidence in support of their position, the right to cross-examine, and the right to legal counsel at the party's own expense. The formal rules of evidence shall not apply. The Health Officer may ask questions of any witness to assist in reaching a decision. The Health Officer shall make a record of the proceedings. Should a party desire a verbatim transcript of such hearings, they may obtain a court reporter at their own expense.

Based upon the record of such hearing, the Health Department shall make a finding and a written decision shall be prepared. Such decision shall be considered final and shall be provided to the permit holder by the Health Department within fifteen (15) days and a record of the same shall be maintained.

SECTION 23: PARTIAL INVALIDITY

If any section, subsection, paragraph, sentence, clause, or phrase of this article shall be declared invalid for any reason whatsoever, such invalidation shall not affect the remaining portions of this article which shall remain in full force and effect.

SECTION 24: PENALTY

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 business offense and be fined not less than \$100.00 and no more than \$1,000 for each offense. Each day upon which such violation continues shall constitute a separate offense. Further penalties shall be assessed as outlined in the latest edition of the Illinois Department of Public Health Private Sewage Disposal Code (*See* 77 Ill. Adm. Code 905.205).

SECTION 25: MAINTENANCE OF RECORDS

The Health Department shall maintain a record of applications and permits, notices of subsequent enforcement, records of hearings and the information contained in those documents, which shall be available for public inspection.

SECTION 26: ENFORCEMENT

Enforcement of this ordinance shall be performed by the Kendall County Health Department. The Kendall County State's Attorney's Office shall be authorized to bring any necessary actions and prosecute any violations of this ordinance in the Circuit Court.

SECTION 27: EFFECTIVE DATE

This ordinance and the regulations contained therein shall be in full force and effect on and after the date signed below.

APPROVED BY THE KENDALL COUNTY BOARD THIS DAY _____ 20 _____

Chair, Kendall County Board

Ayes _____

Nays _____

Attest _____
Kendall County Clerk

**FOOD PROTECTION ORDINANCE
KENDALL COUNTY, ILLINOIS**

SECTION 1: SCOPE

This Ordinance is enacted to establish and provide for the minimum standards to protect the health of the public through the permitting and regulation of food service establishments within Kendall County.

The statutes of the State of Illinois grant to the Kendall County Board the power to enact such ordinances that protect the health of the citizens of Kendall County.

Therefore, be it ordained by the County Board of Kendall County, Illinois, that the following rules and regulations are hereby made and adopted.

SECTION 2: ADOPTION BY REFERENCE

The rules and regulations set forth in the Illinois Food Service Sanitation Code (77 Ill. Adm. Code 750), Sanitary Food Preparation Act (410 ILCS 650) and Food Handling Regulation Enforcement Act (410 ILCS 625) as now enacted or hereafter amended are adopted by reference and fully incorporated herein.

SECTION 3: DEFINITIONS

“APPLICANT” means the business or property owner or his/her authorized agent.

“COMMISSARY” means a food service establishment, restaurant, or any other permitted/licensed place in which food, containers, or supplies are kept, handled, prepared, packaged, cleaned, or stored.

“DIRECTOR” means the Director of Environmental Health Services.

“EMBARGO” to detain or place a hold on food or equipment.

“ESTABLISHMENT RATING” inspection score or grade as outlined by the Illinois Food Service Sanitation Code.

“FOOD SERVICE ESTABLISHMENT” means a food service establishment, food establishment, or a restaurant location as defined in the Illinois Food Service Sanitation Code; including but not limited to an operation conducted in mobile, stationary, temporary, or permanent facility or location.

“HEALTH DEPARTMENT” means the Kendall County Health Department and its authorized representatives.

“MOBILE FOOD SERVICE ESTABLISHMENT” means a vehicle, trailer, or cart mounted food service establishment designed to be readily movable. Regulations found in Food Service Sanitation State Code.

“PERMIT HOLDER” means any business or property owner or his/her agent holding a permit issued by the Health Department.

“PERSON” includes any individual, organization, partnership, corporation, association, or legal entity.

“POT LUCK EVENT” is defined pursuant to 410 ILCS 625/3.1 as an event that meets all of the following conditions:

1. People are gathered to share food at the event;
2. There is no compensation provided to people for bringing food to the event;
3. There is no charge for any food or beverage provided at the event;
4. The event is not conducted for commercial purposes, and;

5. It is generally understood by the participants at the event that neither the food nor the facilities have been inspected by the State or a local certified public health department.

“REVOCATION” means the nullification of a permit, or approval.

“SEASONAL FOOD SERVICE ESTABLISHMENT” means any food service establishment which routinely operates at an approved, fixed location and for a temporary period of time not exceeding eight (8) consecutive months within a permit year, excluding temporary food service establishments.

“SHALL” means that the stated provision is mandatory.

“SHOULD” means the stated provision is recommendation, but not required.

“SUSPENSION” means a temporary hold on a permit.

“TEMPORARY FOOD SERVICE ESTABLISHMENT” means a food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days of a single event or celebration.

SECTION 4: FOOD HANDLING PERMITS

A. PERMITS IN GENERAL

Any person seeking to operate a food establishment within Kendall County’s jurisdiction shall possess a valid permit issued by the Kendall County Health Department. Only a person, who meets and complies with the requirements of this Ordinance, referenced state law and codes, and any applicable variance, shall be entitled to receive or retain such a permit. It shall be unlawful for any person to operate a food establishment outside of defined parameters as set forth in this ordinance and related state code.

The food handling permit is not transferable to another person, nor is it useable by the same permit holder at another location or outside of the originally permitted establishment.

A valid food handling permit shall be posted for public display at every food service establishment.

Annual food handling permits shall be issued for a period of one (1) year, April 1 – March 31, unless subject to suspension or revocation.

Approval granted to operated contingent on other relevant required local approvals

B. PERMIT APPLICATION

Any person desiring to operate a food service establishment shall make a written application for a food handling permit on forms provided by the Health Department. Applications shall include, but not be limited to, the following:

- a. Applicant’s full name, post office address and telephone number,
- b. Whether said applicant is an individual, firm, corporation, partnership, or other legal entity,
- c. The name, location, and type of proposed establishment
- d. Proof of access to commissary, if applicable,
- e. The signature of applicant.

Upon receipt of such application, the Health Department shall make an inspection of the food service establishment to determine compliance with the provisions of this Ordinance. If the inspection reveals that the applicable requirements have been met, a permit shall be issued by the Health Department.

C. PERMIT RENEWAL

A renewal application must be completed prior to the expiration date of the annual food handling permit. Whenever an inspection, or the record, reveal(s) a serious or repeated violation of this Ordinance, the annual food handling permit may not be renewed and the Health Department shall notify the applicant in writing that the annual food handling permit will not be renewed and that an opportunity for a hearing at a reasonable time and place will be provided if a written request for such hearing is filed within ten (10) business days from receipt of the notice with the Health Department by the renewal applicant. Such hearings, and the notice for them, shall be as directed in Section 6(D).

D. CONDITIONAL FOOD HANDLING PERMIT:

When conditions exist that prevent an annual food handling permit from being issued, a conditional food handling permit may be issued. A conditional food handling permit shall be issued for a period of no more than ninety (90) days. The issuance of an annual food handling permit shall be contingent upon completion of items requiring correction during the conditional food handling permit period.

No more than two (2) consecutive conditional food handling permits may be issued.

E. TEMPORARY FOOD SERVICE ESTABLISHMENT PERMITS

Food establishments including food stands that operate at a fixed location for a period of time not to exceed fourteen (14) consecutive days must obtain a Temporary Food Permit from the Health Authority prior to commencing with food operations.

Applications shall include, but not be limited to, the following:

- a. Applicant's full name, post office address and telephone number,
- b. The name and dates of the event,
- c. The location of the temporary establishment,
- d. The menu to be served,
- e. Proof of access to commissary, if applicable, and
- f. The signature of the applicant.

Temporary food handling permit applications submitted less than 48 hours (2 days) in advance of the start of the event shall be assessed a late fee, as designated in the fee schedule, in addition to the permit fee.

No more than two (2) consecutive temporary food handling permits shall be issued.

F. POT LUCK EVENTS

Notwithstanding any other provision of law, the Kendall County Health Department shall not regulate the serving of food that is brought to a potluck event sponsored by a group of individuals or a religious, charitable, or nonprofit organization by individuals attending the potluck event for consumption at the potluck event.

Individuals who are not members of a group or organization sponsoring a potluck event may attend the potluck event and consume the food at the event.

Pursuant to the Food Handling Regulation Enforcement Act (410 ILCS 625/3.1), no fee may be charged for admission to a potluck event that is exempt from regulation under this Section, nor may food be sold at a potluck event that is exempt from regulation under said Act. A business establishment dealing in the sale of food items may not sponsor a potluck event. Potluck event food may not be brought into the kitchen of a business establishment dealing in the sale of food items.

SECTION 5: INSPECTIONS

The Health Authority shall inspect each food service establishments, food stores and seasonal operations within Kendall County as is described in this Ordinance and the applicable state code.

A. ACCESS TO ESTABLISHMENTS

The Health Department, after proper identification, shall be permitted to enter, at any reasonable time, any food service establishment within Kendall County, Illinois, for the purpose of conducting inspections or investigations to determine compliance with this Ordinance. Refusal to permit access after proper identification may be cause for immediate suspension or revocation of the permit.

The Health Department shall be permitted to examine the records of any food service establishment to obtain information pertinent to food safety; including but not limited to, food and supplies purchased, food received or sold, services acquired, and persons employed.

B. INSPECTION FREQUENCY

The frequency of routine inspections of permitted food service establishments by the Health Department shall be as outlined below, or as required by Illinois Department of Public Health Local Protection Grant Rules if they are more restrictive (*See 77 Ill. Adm. Code 615.310*):

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER 1: LOCAL HEALTH DEPARTMENTS
PART 615 LOCAL HEALTH PROTECTION GRANT CODE
SECTION 615.310 FOOD PROTECTION

- 4) The local health department shall inspect facilities at least as often as prescribed by the following schedule.
 - A) Category I facilities shall receive three inspections per year, or two inspections per year if one of the following conditions is met:
 - i) A certified food service manager is present at all times that the facility is in operation; or
 - ii) Employees involved in food operations receive a Hazard Analysis Critical Control Point (HACCP) training exercise or in-service training in another food service sanitation area, or attend an educational conference on food safety or sanitation.
 - B) Category II facilities shall receive one inspection per year.
 - C) Category III facilities shall receive one inspection every two years.

The Health Department shall make as many additional inspections as necessary for the enforcement of this Ordinance.

C. INSPECTION RECORDS

Upon inspection of a food service establishment by the Health Department, the inspection findings shall be recorded on an inspection report provided for this purpose and a copy shall be provided to the permit holder.

D. INSPECTION REPORTS

When the Health Department makes an inspection of a food service establishment and discovers that any of the requirements of this Ordinance have been violated, it shall notify the permit holder in writing. Written notification shall include:

- a. The specific violation(s) found;
- b. A reasonable time frame for correction of said violation(s);
- c. A statement that failure to comply with any time limits for correction may result in immediate suspension and/or revocation of the subject permit and/or further legal action, and;
- d. When applicable, the establishment rating.

SECTION 6: ADMINISTRATIVE

A. SUSPENSION OF PERMITS

Permits may be suspended by the Health Department for failure of the permit holder to comply with the requirements of this Ordinance. Whenever a permit holder has failed to comply with a notice issued under provisions of this Ordinance, requiring mitigation of conditions capable of compromising the health and safety of the public, the permit holder shall pursuant to Section E below be notified in writing that the food handling permit is immediately suspended. An opportunity for a hearing will be provided if a written request for such a hearing is filed, within ten (10) calendar days from receipt of the notice at the Health Department by the permit holder.

If the Health Department finds unsanitary or other conditions in the operations of a food service establishment that constitute a substantial health risk to the public, or in the event that there is reasonable cause to suspect the possibility of disease transmission from any food service establishment or any employee, the Health Department may issue a notice of suspension of the food handling permit requiring the permit holder to immediately suspend all food service operations. At that time the permit shall be removed from the establishment by the Health Department. An opportunity for a hearing will be provided if a written request for such a hearing is filed, within ten (10) calendar days from suspension, at the Health Department by the permit holder.

B. REINSTATEMENT OF PERMIT

A permit holder whose permit has been suspended may make a written request for a re-inspection of the food service establishment for the purpose of reinstatement of the food handling permit. If the permit holder is determined to be in substantial compliance with the requirements of this Ordinance, and any applicable agreements from administrative actions, the food handling permit may be reinstated.

C. REVOCATION OF PERMITS

For serious or repeated violations of any of the requirements of this Ordinance, for failure to correct permit suspension violations, or for the interference with the Health Department in the performance of its duties, the Health Department may revoke any food handling permit.

Prior to such action, the Health Department shall notify the permit holder in writing of the reasons for which the food handling permit is subject to revocation and advising the permit holder that the food handling permit shall be revoked after ten (10) calendar days following service of the notice unless a written request for a hearing is filed with the Health Department by the permit holder within ten (10) calendar days of receiving such notice. A food handling permit may be suspended for cause-pending revocation. Following revocation, the Health Department shall obtain the permit from the establishment.

D. HEARINGS

Any person may appeal a permitting decision to the Health Department by written request that shall be filed with the Department within ten (10) business days after receipt of the subject notice to revoke, suspend or deny the permit at issue.

A hearing for such appeal shall be scheduled to take place as soon as reasonably possible, but no later than fifteen (15) business days from the date of filing such request, unless a later date is agreed upon. The Health Officer conducting the hearing shall give notice by phone and regular mail of the date, time and location of such hearing. Written notice of the hearing to a party may be waived by that party.

The hearing shall be conducted by a Health Officer at the place and time designated by him/her. All hearings shall be conducted so as to provide the parties adequate time to prepare, the right to present evidence in support of their position, the right to cross-examine, and the right to legal counsel at their own expense. The formal rules of evidence shall not apply. The Health Officer may ask questions of any witness to assist in reaching a decision. The Health Officer shall make a record of the proceedings. Should a party desire a verbatim transcript of such hearings, they may obtain a court reporter at their own expense.

Based upon the record of such hearing, the Health Department shall make a finding and a written decision shall be prepared. Such decision shall be considered final and shall be provided to the permit holder by the Health Department within fifteen (15) days and a record of the same shall be maintained.

E. SERVICE OF NOTICES

Notices shall be considered properly served when a copy of the inspection report or other notice has been delivered to the permit holder or applicant, or mailed to the permit holder or applicant at the address provided on the permit application, by certified mail, return receipt requested. A copy of the Notice shall be kept on file by the Health Department.

SECTION 7: PLAN REVIEW FOR NEW OR REMODELED FACILITIES

When a food service establishment is to be constructed or remodeled, and when an existing structure is converted for such use, properly prepared plans and specifications shall be submitted to the Health Department for review and approval prior to the commencement of construction or remodeling. The plans and specifications shall be approved by the Health Department, in writing, only if they meet the requirements of this Ordinance.

The plans and specifications to be submitted shall include, but not be limited to, the following:

- A. A copy of the proposed menu;
- B. A completed Plan Review application;
- C. The proposed layout/arrangement of the of equipment;
- D. Mechanical and plumbing schematics;
- E. Proposed equipment types and models, and;
- F. Proposed construction materials and finish schedules.

SECTION 8: FEES

FOOD SERVICE SANITATION FEES	
Food Service Establishment/Retail Food Store Annual Permit:	
Risk Type 1 (Low)	\$190
Risk Type 2 (Medium)	\$350
Risk Type 3 (High)	\$500
Retail Grocery w/ Food Prep (per check-out lane, in addition to risk based permit fee)	\$20
New food establishment permit fees for applications received after October 1 st but prior to April 1 st will be prorated.	
Mobile Food Vendor Permit:	
Risk Type 1	\$175
Risk Type 2	\$225
Risk Type 3	\$275
Temporary /Special Event Charitable:	
Risk Type 1 and Charitable Organization	\$30
Risk Type 2	\$50
Risk Type 3	\$70
Temporary event permit late fees	\$10
Construction Plan Reviews:	
Risk Type 1	
Up to 1500 Sq.Ft.	\$300
1501-3000 Sq.Ft.	\$350
3001-5000 Sq.Ft.	\$450
Over 5001 Sq.Ft.	\$550
Risk Type 2	
Up to 1500 Sq.Ft.	\$400
1501-3000 Sq.Ft.	\$450
3001-5000 Sq.Ft.	\$550
Over 5001 Sq.Ft.	\$650
Risk Type 3	
Up to 1500 Sq.Ft.	\$450
1501-3000 Sq.Ft.	\$500
3001-5000 Sq.Ft.	\$550
Over 5001 Sq.Ft.	\$650
Conditional permit	Permit Fee x 50%
Re-inspection /non-compliance fee	\$100
Late payment fee	25% of fee
Outdoor grilling plan review	\$100
Pre-operational re-inspection	\$50
Application to perform reduced oxygen packaging	\$125
Change of ownership inspection	\$100
Cottage food operation one time registration	\$15
Permit reinstatement fee	\$75
<ul style="list-style-type: none"> ● Fee exemptions will be granted to those organizations that are classified as official units of Kendall County Government. ● An applicant that can prove 501(c)(3) status will be granted a fee reduction of 50 percent of the regular fee as listed on this schedule. ● Issuance of a food service establishment, retail food store or mobile food vendor permit is contingent upon Health Department receipt of payment for any and all past due fees owed by said businesses to the Health Department. 	

SECTION 9: EXAMINATION AND CONDEMNATION

Food may be examined, sampled, or collected by the Health Department as often as necessary to determine freedom from adulteration, misbranding, or bacteriological contamination for the enforcement of this Ordinance.

The Health Department may, upon written notice to the permit holder, specifying the particular reasons, place an embargo on any food which it believes creates a potential health hazard. The Health Department shall tag, label, or otherwise identify any food subject to the embargo. No food subject to an embargo shall be used, served, altered, or moved from the food service establishment until written permission is obtained from the Health Department. The Health Department shall permit storage of the food under conditions specified in the embargo, unless storage is not possible without risk to the health of the public; in which case, immediate destruction shall be ordered and observed by the Health Department.

The permit holder may make a written request for a hearing to seek the lifting of an embargo or order for destruction of materials in accordance with Section 6(D). Such request must be submitted to the Health Department within ten (10) business days after receipt of the subject notice.

Where equipment used in the preparation of food is found to be in a state of disrepair, unsafe, unsanitary, or unsuitable for use, such equipment shall be taken out of service and an embargo may be placed on said equipment by the Health Department. Such equipment that has been embargoed shall not be returned to service, altered, disposed of, or destroyed until written permission is obtained from the Health Department, or otherwise by order of a Court of competent jurisdiction.

SECTION 10: IMMINENT HEALTH HAZARD

A permit holder shall immediately discontinue operations and must notify the Health Department if an imminent health hazard may exist because of an emergency including, but not limited to, fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent food borne or waterborne illness outbreak, gross unsanitary occurrence or condition, or other circumstances that may endanger public health. The Health Department upon receiving this notice shall take actions necessary to protect the health of the public.

SECTION 11: FOOD PREPARED OUTSIDE OF KENDALL COUNTY

Food prepared for human consumption outside of Kendall County and transported into Kendall County shall conform to the standards and provisions of this Ordinance. To determine the extent of compliance with such provisions, the Health Department may accept reports from the regulating agency where such originating establishments are located.

SECTION 12: VARIATIONS:

The Health Department may grant a variation by modifying or waiving specific requirements of this Ordinance if, in the opinion of the Health Department, a public health hazard or nuisance will not result from the issuance of the variation. If a variation is granted, the Health Department shall retain all pertinent information in its records.

Variation requests must be submitted in writing by the permit holder and shall include the following:

- A. An explanation of how the potential public health hazards shall be addressed,
- B. The relevant code sections that apply,
- C. A Hazard Analysis Critical Control Point plan, if required.

A variation shall not be granted for more than one specific dimension per application. A copy of an approved variation must be kept on-site at the food service establishment. The permit holder must comply with the plans and procedures that are approved by the Health Department. Failure to comply with the conditions of the variation as approved shall result in the revocation of variation approval.

All approvals, denials, and revocations shall be provided by the Health Department, in writing, to the permit holder.

SECTION 13: DIRECT SALES OF BAKED GOODS FROM HOME KITCHEN OPERATIONS

Pursuant to authority granted by 410 ILCS 625/3.6(c) of the Food Handling Regulation Enforcement Act as amended by Public Act 99-0191, which went into effect on January 1, 2016, the Kendall County Board allows for the direct sale of baked goods from home kitchen operations as set forth below.

A. Definitions:

1. "BAKED GOODS" as defined pursuant to 410 ILCS 625/4(b)(1)(C) are those such as, but not limited to, breads, cookies, cakes, pies, and pastries are allowed. Only high-acid fruit pies that use the following fruits are allowed: apple, apricot, grape, peach, plum, quince, orange, nectarine, tangerine, blackberry, raspberry, blueberry, boysenberry, cherry, cranberry, strawberry, red currants or a combination of these fruits. Fruit pies not listed may be produced by a cottage food operation provided their recipe has been tested and documented by a commercial laboratory, at the expense of the cottage food operation, as being not potentially hazardous, containing a pH equilibrium of less than 4.6 or has been specified and adopted as allowed in administrative rules by the Department of Public Health pursuant to 410 ILCS 625/4(e).
2. "HOME KITCHEN OPERATION" is defined pursuant to 410 ILCS 625/3.6(a) as a person who produces or packages non-potentially hazardous baked goods in a kitchen of that person's primary domestic residence for direct sale by the owner or a family member.

A home kitchen operation does not include a person who produces or packages non-potentially hazardous baked goods for sale by a religious, charitable, or nonprofit organization for fundraising purposes; the production or packaging of non-potentially hazardous baked goods for these purposes is exempt from the requirements of this Act.

3. "POTENTIALLY HAZARDOUS FOOD" is defined pursuant to 410 ILCS 625/4(a) and 410 ILCS 625/4(b)(1)(C) as food that is potentially hazardous according to the Department of Public Health administrative rules, generally meaning food that requires time and temperature control for safety to limit pathogenic microorganism growth or toxin formation. The following are potentially hazardous and prohibited from production and direct sale by a home kitchen operation: pumpkin pie, sweet potato pie, cheesecake, custard pie, crème pie, and pastries with potentially hazardous filling or toppings.

B. HOME KITCHEN DIRECT SALES CONDITIONS:

The direct sale of baked goods from home kitchen operations is allowed in the County of Kendall pursuant to 410 ILCS 625/3.6 and is subject to the following conditions:

1. Monthly gross sales do not exceed one thousand dollars (\$1,000).
2. The food is a non-potentially hazardous baked good, as described in 410 ILCS 625/4.
3. A notice is provided to the purchaser that the product was produced in a home kitchen.
4. The food package is affixed with a label or other written notice is provided to the purchaser that includes:
 - (i) the common or usual name of the food product; and
 - (ii) allergen labeling as specified in federal labeling requirements by the United States Food and Drug Administration.
5. The food is sold directly to the consumer.
6. The food is stored in the residence where it is produced or packaged.

C. HOME KITCHEN INSPECTIONS:

Home kitchen operations may be inspected by the Department of Public Health or the Kendall County Health Department in the event of a complaint or disease outbreak. (*Kendall County Ordinance No. 16-06*)

SECTION 14: PARTIAL INVALIDITY

If any section, subsection, paragraph, sentence, clause, or phrase of this article shall be declared invalid for any reason whatsoever, such invalidation shall not affect the remaining portions of this article which shall remain in full force and effect.

SECTION 15: PENALTIES OTHER THAN SUSPENSION AND REVOCATION:

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 \$500.00 for each offense pursuant to 55 ILCS 5/5-20003. Each day upon which such violation continues shall constitute a separate offense.

In addition, the Health Department may refer the matter to the Kendall County State’s Attorney’s Office to initiate any necessary action to obtain injunctive relief in the Circuit Court, in order to abate any such violating condition as enumerated in this Ordinance or the associated State law.

SECTION 16: ENFORCEMENT:

Enforcement of this ordinance shall be performed by the Kendall County Health Department. The Kendall County State’s Attorney’s Office shall be authorized to bring any necessary actions and prosecute any violations of this ordinance in the Circuit Court.

SECTION 17: REPEAL AND DATE OF EFFECT

This ordinance shall be in effect upon its adoption by the Kendall County Board and, at that time, all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

BE IT FURTHER RESOLVED that the Kendall County Food Protection Ordinance shall be available in print at the Kendall County Health Department.

APPROVED BY THE KENDALL COUNTY BOARD THIS DAY _____ 20 _____

Chair, Kendall County Board

Ayes _____

Nays _____

Attest _____
Kendall County Clerk