

**COUNTY OF KENDALL, ILLINOIS**  
**Health & Environment Committee**  
**County Office Building**  
**County Board Rooms 209-210**

**Monday, August 15, 2016 - 9:00a.m.**  
**MEETING AGENDA**

- 1. Call to Order**
- 2. Roll Call:** Judy Gilmour, Dan Koukol, Elizabeth Flowers, Matthew Prochaska, and John Purcell
- 3. Approval of Agenda**
- 4. Approval of Minutes from June 20, 2016**
- 5. Status Reports**
  - Health Department
    - *Green Organics Update – Marlin Hartman*
  - Soil & Water
  - Water Related Groups
  - Other Reports
- 6. Old Business**
  - *Review of Onsite Wastewater Treatment System Ordinance*
  - *Review of Water Supplies Ordinance*
  - *Recommend Revisions to the Home Kitchen Operation Ordinance*
- 7. New Business**
- 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, July 18, 2016**  
**Meeting Minutes**

**CALL TO ORDER**

The meeting was called to order by Chair Judy Gilmour at 9:01 a.m.

**ROLL CALL**

Committee Members Present: Judy Gilmour – here, Elizabeth Flowers – present, Matthew Prochaska – here

*Dan Koukol arrived at 9:03a.m.*

*John Purcell arrived at 9:07a.m.*

*Elizabeth Flowers left the meeting at 10:39a.m.*

Others Present: Megan Andrews, Aaron Rybski, Dr. Amaal Tokars and Jeff Wilkins

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

**APPROVAL OF MEETING MINUTES** – Member Prochaska made a motion to approve the meeting minutes from June 20, 2016, second by Member Flowers. **With all members present voting aye, the motion carried.**

**STATUS REPORTS**

- **Health Department** – No report
- **Kendall County Soil and Water District** – Megan Andrews provided a resource packet including the U.S. Drought Monitor and Water Conservation measures. Ms. Andrews also briefly informed the committee about:

Farm Camp was held in June, and was very successful. They have received requests to expand the camp for additional days, and they are currently in discussions about expansion of the camp next year.

Summer Ag Institute – Jenny Wold is with a group of other teachers for Summer Ag Institute. Today is Kendall County Day with a tour of the Fox Valley Winery vineyard looking at local Agriculture, Food to Table, Aqua-Culture and locally sourced products and items. The day will end with dinner at the Fox Valley Winery.

Ms. Andrews reported that they are busy with Kendall County Fair preparations for next month's fair. They will be at the fair Thursday through Sunday August 4-7), doing activities focusing on soil and water theme, with ag trivia.

Ms. Andrews has busy doing inter-governmental agreements with IL EPA, Federal Partners, USDA addressing some of their farm bill workload.

KCSW wrapped up their fiscal year in June, and are currently preparing the 2017 budget amendments.

Oil Recycling event in June, where they picked up over 1200 gallons of used oil, and two hundred gallons of anti-freeze and a large recycle bin full of used oil filters as well.

- **Water Related Groups** – Jeff Wilkins reported that Michael Gohrs (PBZ intern) attended the Technical meeting of the NWP. Mr. Wilkins reported that Gohrs has some experience in the water area and did a college project in Mexico studying ceramic water filters in the recent past.

Mr. Wilkins stated that the City of Aurora experienced additional bacteria in the river forcing them to use more well, and giving notice to the other communities. Mr. Wilkins stated that it was a natural occurring bacteria, that could not be filtrated and has to be diluted.

Ms. Andrews reported that a Fox River Study Group has recently set-up a new monitoring location further upstream and is doing daily monitoring. Ms. Andrews will research the group's activities and frequency of river testing and provide additional information to the committee.

## **OLD BUSINESS**

- *Review of Food Protection Ordinance* – Dr. Tokars said that the original request to review the ordinances came as a result of the Admin HR Committee's desire for the County Board to have final authority of the approval of all fees. Dr. Tokars said that in order to proceed with the approval process the State's Attorney's Office advised the Health Department to review the ordinances. Aaron Rybski and his staff reviewed the three ordinances for accuracy and updated them for compliance with state code, modern and regional practices, and current business appropriateness.

A work group Dr. Tokars, Judy Gilmour, Scott Gryder, Aaron Rybski, Steve Curatti, Brian Holdiman, Jeff Wilkins and Becki Rudolph then met to ensure that we were concurring with the elements of the three ordinances before review by the State's Attorney's Office, Planning, Building and Zoning Committee, Health & Environment Committee, State Health Department, and to the County Board for approval.

Aaron Rybski explained that the black print in the draft ordinances is existing language, the red is stricken and the blue are the additions.

Discussion on the dates of April 1 through March 31 for the permits/renewal. Aaron Rybski stated that this is a good time of the year for Facilities and the Health Department to send renewal notices in February, and then to apply for the annual renewal of permits by April 1<sup>st</sup>. Discussion on the administration of permit renewals and the pro-ration of the renewal fee. Mr. Rybski said that the pro-ration information is spelled out in the fee schedule documentation.

Member Prochaska asked why the menu is needed from the restaurants being inspected. Mr. Rybski explained that the menu plays into the amount of the complexity of the process. They use the menu to determine how food is prepared, if it's cooled, reheated, etc. and that puts it into different risk categories, and helps to determine if there is adequate and proper equipment being used and that then ensures the facility is in compliance with state code on food preparation and safety.

Member Prochaska asked about Inspection Frequency, what are the IDPH grant rules, how often do they change and why the rules aren't spelled out in the ordinance regarding inspection frequency.

Mr. Rybski explained that the grant rules don't change often regarding inspection frequency, and is very much industry standards. Dr. Tokars stated that they could have a reference to the section in the ordinance that points to the requirements of the Health Department as to the inspection frequency.

Member Purcell emphasized his concerns and said that we have a responsibility to make this process user-friendly for our citizens and that we need to remember that not everyone used or wants to use technology when completing applications, etc. Mr. Purcell said that these ordinances should reflect as much information as possible to make it as simple as possible for the applicant without all of the references and need to go to different links.

Member Purcell asked why the Illinois Food Service Sanitation Code is not clearly included with the ordinance for easier reference by the applicant, that isn't using technology to complete the application. Mr. Purcell stated that there are many who will want hard paper copies versus an online copy. Mr. Rybski said that the process is a very active process where his staff works directly with the applicants, and are involved in plan reviews and everything to help them get started and operational. Mr. Rybski said that the State Code is the document that is a very accessible document that the applicants are actively working

with routinely. Dr. Tokars stated that the link is reference throughout the document, and that the Health Department has a live hyperlink to the code.

Member Purcell asked about temporary food event vendors and the process for their temporary permits. Mr. Rybski stated that the temporary food permit process is much simpler, and that his staff works diligently with each vendor in ensuring the ease of the application process and compliance when selling their food.

Discussion on types of violations, the distinction between minor violations that are tertiary to food-borne illness, and the critical violations that directly influence food-borne illness, and unclean and overflowing dumpsters.

Dr. Tokars reminded the committee that the county ordinance is secondary to the state code, and that a copy of the state code is provided to each applicant.

After the committee reviewed the ordinance, they suggested the following additions/corrections:

- a. In the title of the Ordinance the word "*Food*" is misspelled
- b. Section 1, "*therefore be it resolved*" should read, *therefore be it ordained*", and that this verbiage should be changed in all three ordinances
- c. Section 4 A – Member Purcell stated there was a problem with the sentence "*Approval granted to operated contingent on other relevant required local approvals*" that needs to be corrected or removed
- d. Include verbiage for different distinctions of charging for food, potlucks, open public program with refreshments, and when you are subject to the state code
- e. Section 6, C – Leave in the phrase "for cause" in the sentence "A food handling permit may be suspended *for cause* pending revocation
- f. Section 5, B – Identify the number of inspections of each risk category/violation in the ordinance (list as see attachment A), provide a hard-copy of the chart with each paper copy of the application, and a hyperlink to the chart on the online version of the application
- g. Section 8, Fees – Fee schedule not included in ordinance because it is subject to change

Member Koukol requested that a final draft of all three ordinances come back to the Health & Environment committee after they have been reviewed by the State's Attorney's office. Member Gilmour stated that following complete of the SAO review, the ordinances will be reviewed by the PBZ Committee, State Health Department and then to the County Board for approval.

- *Review of Onsite Wastewater Treatment System Ordinance* – Item tabled until the August 15, 2016 meeting
- *Review of Water Supplies Ordinance* – Item tabled until the August 15, 2016 meeting

**NEW BUSINESS** - None

**CHAIRMAN'S REPORT** – No report

**PUBLIC COMMENT** – None

**ACTION ITEMS** – None

**EXECUTIVE SESSION** – None Needed

**ADJOURNMENT** - Member Purcell made a motion to adjourn the meeting, second by Member Prochaska. **The meeting was adjourned at 10:49a.m.**

Respectfully Submitted,

Valarie McClain  
Administrative Assistant/Recording Secretary

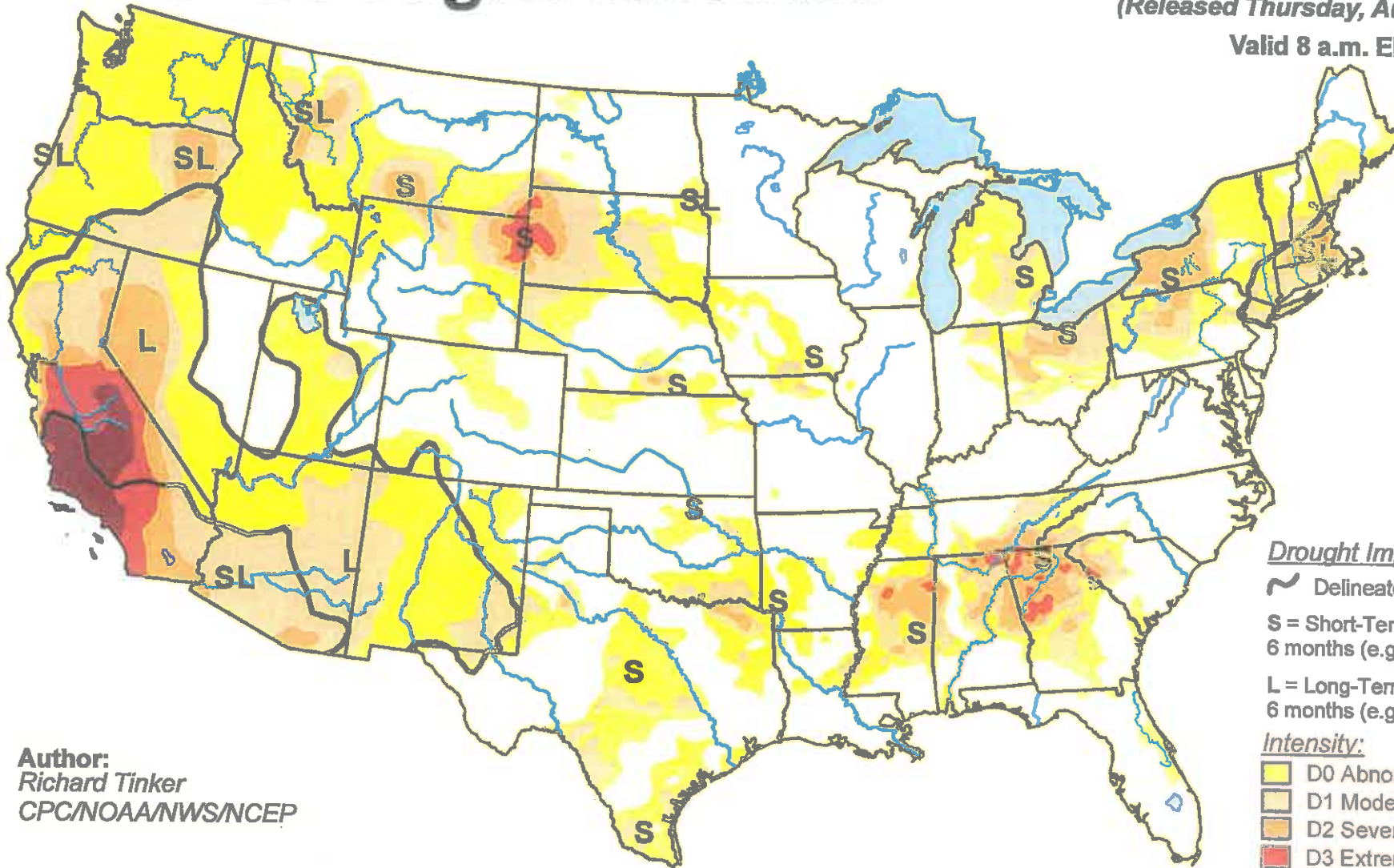


# U.S. Drought Monitor

August 9, 2016

(Released Thursday, Aug. 11, 2016)

Valid 8 a.m. EDT



Author:  
Richard Tinker  
CPC/NOAA/NWS/NCEP

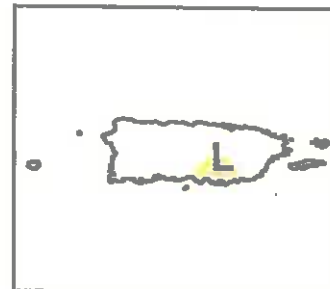
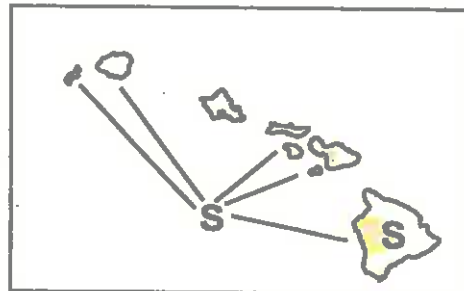
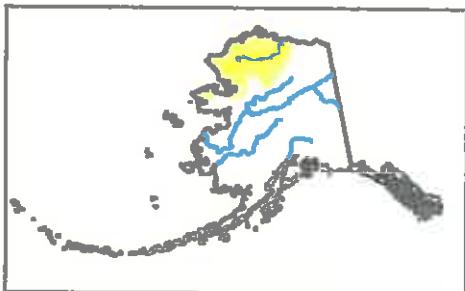
### Drought Impact Types:

- 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

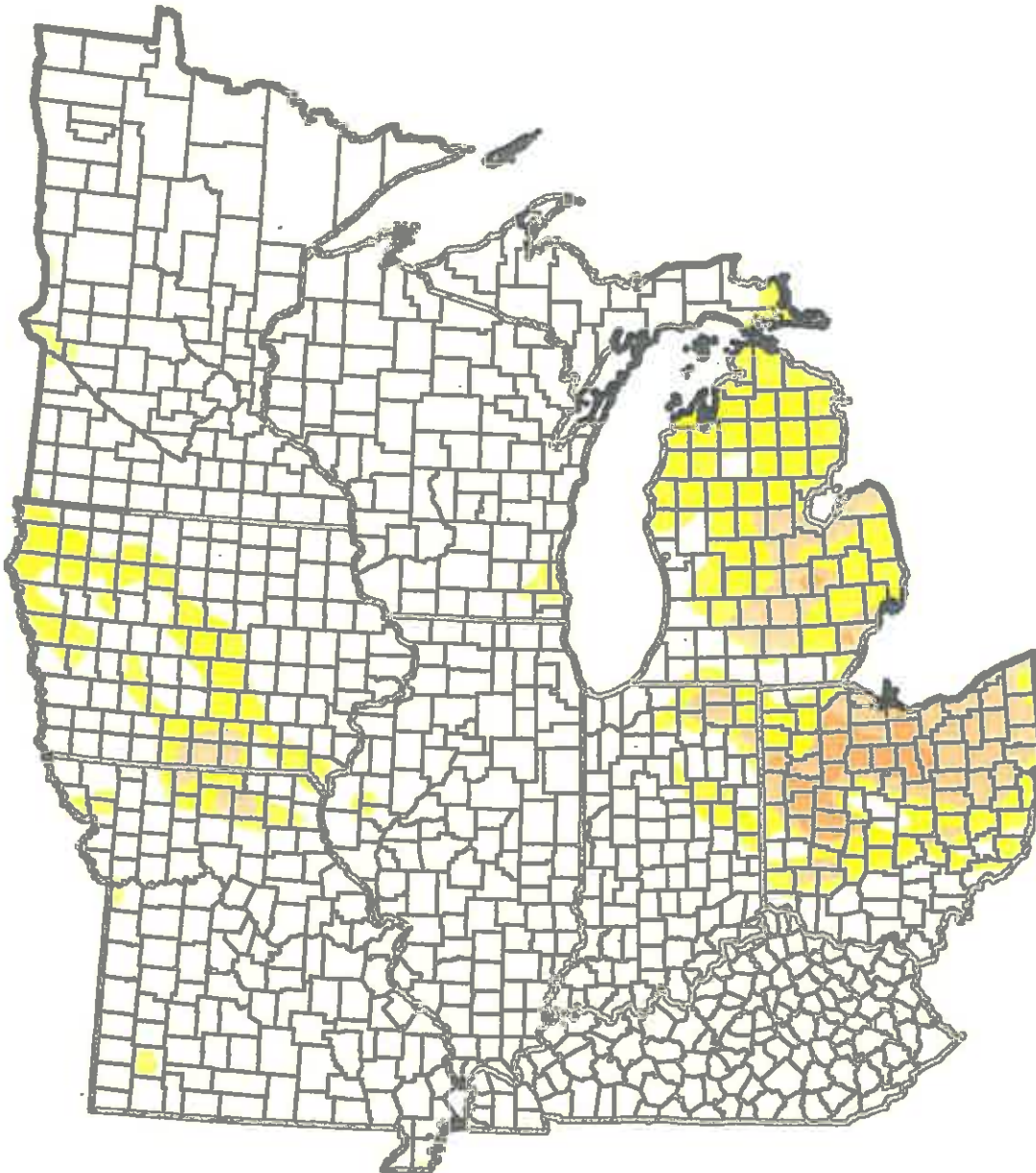
The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements.



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

Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
<b>Current</b>	80.70	19.30	6.08	1.26	0.00	0.00
<b>Last Week</b> <i>8/2/2016</i>	80.64	19.36	5.86	0.00	0.00	0.00
<b>3 Months Ago</b> <i>5/10/2016</i>	89.24	10.76	1.15	0.00	0.00	0.00
<b>Start of Calendar Year</b> <i>12/29/2015</i>	88.07	11.93	2.35	0.00	0.00	0.00
<b>Start of Water Year</b> <i>9/29/2015</i>	79.46	20.54	1.04	0.00	0.00	0.00
<b>One Year Ago</b> <i>8/11/2015</i>	93.15	6.85	0.73	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:**

Richard Tinker

CPC/NOAA/NWS/NCEP





# CONSERVATION CONNECTION



**Kendall County Soil & Water  
Conservation District**

Fall 2016

## Farm and Safety Camp Held



The Kendall County Agriculture in the Classroom program, in collaboration with the Kendall County Farm Bureau Young Leaders and Kellogg Farms, hosted its 4<sup>th</sup> annual Farm and Safety Camp on June 21<sup>st</sup>. While at the camp, thirty-five area youth had the opportunity to tour Kellogg Farms, learn about farm machinery, farm animals, and crops grown in Illinois. While at camp, campers also participated in several

activities and competition events including ice-cream making, an agricultural obstacle course, farm and safety trivia, and much more. Additionally, campers had the chance to learn about mosquito and tick safety from Lauren Bellville, Kendall County Environmental Health, as well as meet Conservation Police Officer William Bergland. At the end of the camp day, the Farm Bureau Young Leaders served a pork burger dinner and families were welcome to fish at the Kellogg Farm pond. It was a great day and experience for all involved. This year's camp was funded partially through a grant received from the Illinois Farm Bureau and Country Financial. Next year's camp will be held on June 20<sup>th</sup>. For information, contact Jenny Wold at [kcagintheclub@gmail.com](mailto:kcagintheclub@gmail.com).



### SWCD Board of Directors:

**Matt Kellogg**  
Chair

**Deanna Bazan**  
Vice-Chair

**Scott Brummel**  
Secretary/Treasurer

**Anna Sutton**  
Associate Director

### SWCD Staff:

**Jenny Wold**  
Education Coordinator

**Megan Andrews**  
Resource Conservationist

### USDA-NRCS Staff:

**Mark Baron**  
District Conservationist

**Jen Hamer**  
Soil Conservationist

### County Board Liaisons:

**John Shaw**

**Dan Koukol**

## Family Fun at the Fair



The office hosted several activities in the Family Fun tent at the Kendall County Fair again this year. These activities included a soil scavenger hunt, agriculture trivia game, and photo booth. Many families came into the tent and were able to learn about agriculture and much more.

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**KCSWCD**  
Est. 1947

## INFORMATION, UPDATES, & MORE

### Nutrient Loss Reduction Strategy (NLRS)

Efforts continue on implementation of Illinois Nutrient Loss Reduction Strategy (NLRS). The Illinois strategy was together by a policy work group with representatives from local, state and federal agencies, the agricultural industry, and nonprofit organizations as well as scientists, academics, and wastewater treatment professionals. Additionally, a science assessment was conducted by the University of Illinois which served to identify sources of nutrients, both from point and non-point sources in Illinois contributing to the Gulf of Mexico hypoxic zone for the work group to consider and address. This was done in response to the U.S. Environmental Protection Agency (USEPA) Gulf Hypoxia Action Plan which called for the 12 states in the Mississippi River basin produce a plan to reduce the amount of nitrogen and phosphorous being carried by rivers to the Gulf of Mexico. The reason? The nutrients nitrogen and phosphorous have been determined to be contributing to the hypoxia zone (or "dead zone") in the Gulf of Mexico.

The strategy put forth by the group looks at target reductions of nutrients over a period of time. Phase I looks to target the reduction of total nitrogen by 15% and total phosphorous by 25% by the year 2025. Currently, all efforts related to these target reductions are voluntary by both point and non-point source contributors.

The following resources are helpful to learn the current updates, information and resources available:

- Visit [www.epa.illinois.gov/topics/water-quality/watershed-management/excess-nutrients/index](http://www.epa.illinois.gov/topics/water-quality/watershed-management/excess-nutrients/index) to hear the most up to date news from the work groups.
- Check out Illinois Council on Best Management Practices to learn about water testing opportunities, local conservation stories, best management practices and more at: <http://illinoiscbmp.org>.

### Vegetative Filter Strip Tax Break

Do you have a filter strip (an area of permanent vegetation located between cropland or grazing land and an environmentally sensitive area)? If so, would you like to reduce your taxes on your filter strip? For more information, contact our office at (630)553-5821 x3.



### Water Conservation Tips

Water conservation is important all year, especially during the warm summer months. Since, less than 1% of the water on Earth is readily available for our use and many communities are looking to the future of local water supplies, consider trying a few of these water saving measures:

#### Inside Your Home -

- ◆ Turn off the water while brushing your teeth to save approximately 25 gallons a month.
- ◆ Shorten your shower by 1-2 minutes and save up to 150 gallons a month.
- ◆ If you accidentally drop ice cubes when filling up your glass from the freezer, don't throw them in the sink, drop them into a house plant.

#### Outside in Your Yard -

- ◆ Plant native vegetation such as grasses, forbs (flowering plants) or sedges in your yard. Native plants are well suited to local conditions including dry weather. Plus, their long roots allow them to access water supplies other plants can't reach. You can even try planting a rain garden which is a shallow depression planted with native plants near a downspout that allows water to infiltrate into the ground versus running off your property. Interested in planting a rain garden? We can help your design and plan your garden – contact our office for details!
- ◆ Place a rain barrel under your downspout to catch and store rainwater from your roof. Use the water to water your plants or lawn.
- ◆ Add compost to your soil when planting to add nutrient rich organic matter to the soil and increase the ability of the soil to hold moisture. Go a step further; add mulch to your planting beds to help retain moisture.

## INFORMATION, UPDATES, & MORE

### Illinois Urban Manual: What's New?

The Illinois Urban Manual (IUM) continues to be updated with new standards and information. The IUM is considered to be an ecosystem protection manual that includes not only soil erosion and sediment control practices but also practices related to green infrastructure, stormwater management and special area protection. New and updated standards are currently being finalized to be added to the manual and include:

- Rolled Perimeter Control
- Temporary Sediment Trap
- Tree Protection in Open Space Areas, Moderately Urban Areas & Highly Urban Areas
- Tree Protection – Augering
- Tree Protection - Fencing
- Tree & Ecosystem Protection
- Excavated/Back cut Curb
- Soil Stockpile Stabilization
- Inlet Protection – Impervious Surface Areas
- Inlet Protection – Pervious Surface Areas

Once finalized, they will be added to the existing Illinois Urban Manual. To view the Illinois Urban Manual along with associated Standards and Specifications, visit: [www.aiswcd.org/illinois-urban-manual/](http://www.aiswcd.org/illinois-urban-manual/)

Additionally, the *IUM Field Manual for Inspection of Erosion & Sediment Control Best Management Practices* is still available and more hard copies are being printed. It is a great resource and is intended for use as a technical reference by developers, contractors, planners, engineers, consultants, government officials and others involved in inspection of soil erosion and sediment control best management practices on construction sites in Illinois. Practices found within the field manual are taken directly from the Illinois Urban Manual (IUM). Hard copies are available at our office as well as at SWCD offices across Illinois. Additionally, the Field Manual is available electronically. To view or download your copy visit: [www.aiswcd.org/illinois-urban-manual/field-manual/](http://www.aiswcd.org/illinois-urban-manual/field-manual/) and click on "IUM Field Manual" under "Access the online Field Manual (PDF)" to access your copy.



### SWCD Funding Update: We Need your Help!

We learned this week that the State of Illinois through the Governor's Office of Management and Budget (GOMB) that only a fraction of SWCDs, approximately 1/3, will be funded this year. Thanks to so many of you who spoke on our behalf to our legislators, funds were allocated in the State's Stop Gap Budget for SWCDs. However, now we learn that the State will not be providing this funding to all of Illinois' 97 SWCDs like our own Kendall County SWCD. Illinois SWCDs have worked hard to streamline and cut expenses; we don't have any overhead office expenses. We reduced our staff from over 200 statewide to 100 employees providing a 50% reduction in staffing.

We need your help! Please contact our local legislators to ask that the full fund allocated in the stop-gap budget agreed to, be released for operations so that all of our 97 SWCDs can continue to fulfill the responsibilities given to us by the State of Illinois to provide conservation of soil, soil resources, water, water resources, prevent/control soil erosion and provide important education on natural resources and agriculture. For contact information for our local legislators, please visit: [www.ilga.gov](http://www.ilga.gov).

Thank you for your support!



## EDUCATION PROGRAM

### Coordinator Corner

Have I ever mentioned that I stumbled into this job? I hadn't actually meant to apply for it. I was teaching horticulture in Oswego and advising an FFA Chapter, so I figured I was set for a while. I had seen the posting, considered it and disregarded it. Then a family friend handed me a newspaper clipping containing the posting and told me he thought I should apply, so I did. This job was a tremendous blessing. It encompasses all of my passions and allows me to interact daily with people who motivate and inspire me. I am able to teach thousands of students each year about where their food comes from and the people who produce it. I am able to help connect teachers with resources to teach about agriculture in their curriculum. I am able to work closely with Kendall County's amazing farmers and agri-business people. I am also able to teach about earth's natural resources and their conservation. This job is amazing and I feel honored that I was selected to do it. Many thanks to all of you who make what I do possible through donations to the program, volunteering your time, and much more. There would be no Kendall County Agriculture in the Classroom without you and I am grateful every day for the support.

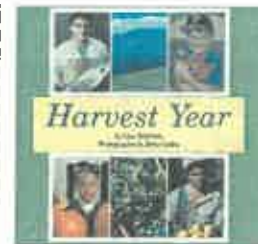
Sincerely,  
Jenny Wold



### Money, Money, Money (for the Classroom)

Are you a teacher? If so, find a computer right now to check out the Illinois Agriculture in the Classroom website. At this site, you can find lots of great resources for your classroom including several easy to apply for grants! There are grants for new teachers and current teachers to purchase resource materials for their classrooms as well as special book grants.

This year, the book grant themes are Seasons, Pollinators, Soil and Water Stewardship, Reading by Design, Hungry Planet, and Literature Circles. These grants allow teachers to select from several book titles related to these themes, spending up to \$250. To find these grants, go to [www.agintheclassroom.org](http://www.agintheclassroom.org) and click on "Teacher Resources" and then on "Grants." If you need any help finding the grants or applying, contact Jenny Wold at [kcagintheclass@gmail.com](mailto:kcagintheclass@gmail.com).



### Book Spotlight *Harvest Year* by Cris Peterson

This book is a great way for students to see agriculture throughout the seasons and around our country. They will see pineapple fields in Hawaii, potato harvest in Idaho, cranberry bogs in Wisconsin, and much more.

The book is set up to show crops that are grown and harvested each month of the year. Reading it could serve as a great way to start talking about plants, food, farms, and much more. It would also be a great book to read prior to having students complete the fall poster contest!



### Planting in the Classroom

This spring, nearly every second grader in the county planted something. This sentence alone is an exciting one for the Agriculture in the Classroom program. For the fourth and final in-classroom presentation of the year, classes in 23 elementary schools read the book *First Peas to the Table* by Susan Grigsby. In this book, a class has a contest in which students are given pea seeds and a small garden spot for planting them. Students then participate in a contest to see who can be the first to fill a bowl with shelled peas. To celebrate this book and this contest, the Kendall County Ag in the Classroom program helped second graders plant their own pea plants make them into sprout necklaces. Students were then encouraged to observe as the seeds as they sprouted over the course of a week.

## EDUCATION PROGRAM

### Students Explore Soil, Worms, Bugs and More

Recently, 4<sup>th</sup> and 5<sup>th</sup> grade students from 3 different schools in the county participated in the 9<sup>th</sup> annual Kendall County Natural Resource Tour. This tour is a free learning event that several entities within the county work collaboratively to hold for students. While at this tour, students discovered the minerals in soil through feeling different samples, learned about trees while in the forest, played Environmental Jeopardy, learned mosquito and tick safety, discovered what household items could be recycled through a sorting activity, visited with the a Conservation Police Officer, learned about streambank erosion, acted like birds to learn about problems they encounter during migration, and hiked through Hoover Forest Preserve. Students definitely got their hands dirty while at this tour as well as gained valuable knowledge of natural resources and the environment. Special thanks to the Kendall County Forest Foundation for supporting this year's tour!



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### Get a Grant Workshop

Looking for new books or resource materials for your classroom? Plan on attending the next Ag in the Classroom Teacher Workshop. Illinois Ag in the Classroom will be presenting and will be helping teachers apply for their grants as well as providing excellent resources and classroom ideas to get you set for the new school year! Contact Jenny Wold at [kcaintheclass@gmail.com](mailto:kcaintheclass@gmail.com) by Sept. 8th to RSVP. The workshop is free to attend and provides 2 professional development hours. It will be held on September 15th, 4:30-6:30pm at the KC SWCD Office in Yorkville.



### Seasons on the Farm Fall Poster Contest

The fall is the perfect time to get students thinking about agriculture in their community and throughout the state of Illinois. An easy way to facilitate this would be to have students participate in the annual Ag in the Classroom Fall Poster Contest. This year, the theme of the contest is "Seasons on the Farm." It is open to students in grades 1st-4th throughout Kendall County. Posters should be drawn on 8.5 x 11 sheets of paper and should portray the contest title, i.e. the four seasons on a farm. Researching this topic might include talking to an adult or a local farmer, conducting supervised online research, reading a book, etc. All 2nd grade class teams will be receiving the book *Harvest Year* by Cris Peterson that would be a perfect read prior to having students draw their posters. Posters are due by November 4th to 7775A Route 47, Yorkville, 60560. All participants will be recognized and winners will be announced for each grade level. For more information on this contest, check out the contest flyer accompanying this mailing or contact Jenny Wold at [kcagintheclass@gmail.com](mailto:kcagintheclass@gmail.com) or 630-553-5821, x 3.

### Tree-themed Poster Contest Winners

The Kendall County Agriculture in the Classroom program recently held a poster contest entitled "We All Need Trees." This contest was part of the National Association of Soil and Water Conservation District's annual stewardship week. Both winning entries for this year's contest came from Cross Lutheran School in Yorkville. The 1<sup>st</sup> grade winning artist was Lexi from Mrs. Bocek's class. The 2<sup>nd</sup> grade winning artist was Addison from Mrs. Bocek's class. Both artists were presented with certificates of accomplishment, a book about trees, and a \$25 gift card.





## RESOURCE SPOTLIGHT

### Conservation Client Gateway Offers New Way to Interact with NRCS

Save time with fewer administrative trips to the NRCS Field Office! Conservation Client Gateway is a secure NRCS website that enables landowners and land users to request conservation technical and financial assistance online.

Through Conservation Client Gateway, you will be able to:

- Request a conservation plan;
- Request conservation assistance for your property;
- Apply for financial assistance;
- Review and digitally sign your conservation plan and other key documents;
- Report completed conservation practices and contract items;
- Request and track payments;
- Request updates (e.g. address, e-mail, phone number) to your customer profile information.

The sign-up process for Conservation Client Gateway may be completed online or in person at the NRCS Field Office. The process involves:

Creating a USDA eAuthentication account to access Client Gateway, and validating your identity.

This secure, two-part process is necessary to ensure that you, and only you, can access your account information through Conservation Client Gateway.

If you are interested in signing up for Conservation Client Gateway, visit this website <http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/cgate/> or contact Jen Hamer, NRCS Soil Conservationist, at [jen.hamer@il.usda.gov](mailto:jen.hamer@il.usda.gov).

### **Thank you to the 2016 Conservation Connection Sponsors!**

*Please note that the KCSWCD does not recommend or endorse any persons, organizations, products or services listed. We present them only as sponsors to our newsletter.*



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**Mike Graves**

email: [mike@groundeffectsinc.com](mailto:mike@groundeffectsinc.com)

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Yorkville, IL 60560



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We will be posting information about sales, events, and much more! Come "see" us today!

## UPCOMING EVENTS

### 2016 Fall Fish Sale

Order forms with a list of available species are now available and included this edition of our newsletter.

**Tripliod Grass Carp Orders Due:** Tuesday, October 4th  
**All Remaining Orders Due:** Wednesday, October 12th  
**Fish Pick Up (at our office):** Monday, October 24th @ 10:00am



### 2016 Fall Tree Sale

Order forms with a list of available species are now available and are also included this edition of our newsletter.

**Tree Orders Due:** Friday, September 23rd  
**Tree Pick Up (at our office):** Friday, September 30th, 12:00noon to 4:00pm

## 2016 Conservation Connection SPONSORS

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Conservation District**

7775A Route 47  
Yorkville, IL 60560

[www.kendallswcd.org](http://www.kendallswcd.org)

Phone: (630)553-5821 x3

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## *Try This: Pumpkin Patch Pie Pudding*

Do you have kiddos who love to help in the kitchen? This is the perfect recipe for them and you, especially as we transition into the fall season. Try it out and Enjoy!

### **Ingredients:**

2 small package vanilla instant pudding  
2 2/3 cups milk  
1 can solid pack pumpkin  
18-oz container frozen whipped topping  
Graham cracker crumbs  
Cinnamon  
Whipped cream  
Gallon zip top freezer bag or large bowl

1. Combine the vanilla instant pudding and milk in a bowl or zip top freezer bag.
2. Mix (or squeeze the bag) until thoroughly combined and slightly thickened.
3. Add the can of pumpkin and mix (squeeze) again.
4. Place graham cracker crumbs to bottom of individual serving dishes.
6. Fill the dishes with the pumpkin pudding mixture.
7. Top with whipped cream and a sprinkle of cinnamon. Serve immediately.

*Recipe from Illinois Ag in the Classroom.*



**Kendall County Soil & Water Conservation District**

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

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Large Potted: trees are 48" tall				Grasses: 1 gallon containers			
	Price	Quantity	Cost		Price	Quantity	Cost
1	Birch, River (multi stem)	\$39		27	Malden Grass Purple	\$12	
2	Birch, Whitespire (single stem)	\$35		28	Hamelin Dwarf Fountain Grass	\$12	
3	Maple, Autumn Blaze	\$45		29	Karl Foerster, Feather Reed Grass	\$12	
4	Maple, Crimson King	\$35		<b>Perennials: sold in 1 gal containers</b>			
5	Oak, Bur	\$39		30	Astilbe (pink)	\$9	
6	Oak, Red	\$39		31	Coreopsis, Zagreb	\$9	
7	Oak, Swamp White	\$39		32	Daylily, Red	\$9	
8	Oak, White	\$39		33	Daylily, Stella D'Oro	\$9	
<b>Small Potted: trees range from 12"-24"</b>				34	Daylily, Happy Returns	\$9	
9	Maple, Fall Red	\$7		35	Echinacea, Purple Coneflower	\$9	
10	Maple, Norway	\$7		36	Hosta, Green & White Variegated	\$9	
11	Maple, Sugar	\$7		37	Rudbeckia, Black-eyed Susan	\$9	
12	Oak, Bur	\$7		38	Salvia, Purple	\$9	
13	Oak, Red	\$7		39	Sedum, Autumn Joy	\$9	
14	Oak, Swamp White	\$7		40	Shasta Daisy	\$9	
15	Redbud, Eastern	\$7		41	Veronica, Blue	\$9	
16	Walnut, Black	\$7		<b>Groundcovers: sold in trays of 24 plants</b>			
<b>Potted Evergreens: trees range from 8"-18" tall</b>				42	Sedum, Dragon's Blood	\$30	
17	Fir, Concolor	\$7		43	Sedum, Bailey's Gold	\$30	
18	Pine, Eastern White	\$7		<b>TOTALS</b> <span style="border: 1px solid black; display: inline-block; width: 100px; height: 30px; vertical-align: middle;"></span>			
19	Spruce, Black Hills	\$7					
20	Spruce, Colorado	\$7					
21	Spruce, Norway	\$7					
<b>Shrubs: shrubs range from 12"-30" tall</b>							
22	Black, Chokeberry	\$7		<div style="border: 2px solid red; padding: 5px; margin-bottom: 10px;"> <b>Orders Due: Monday, Sept. 19th</b>  <b>Pick-Up: Friday, Sept. 30th 12pm - 4pm</b> </div> <p style="color: red; margin: 0;">We kindly request payment accompany order; we accept cash or check. Please make checks payable to: <b>Kendall Co. SWCD</b></p>			
23	Dogwood, Bailey's Red Twig	\$7					
24	Lilac, Common Purple	\$7					
25	Viburnum, Arrowwood	\$7					
26	Viburnum, Nannyberry	\$7					

Name: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Email: \_\_\_\_\_

Please remind me prior to the pick up by:  
 (choose method)  Phone  
 Email

Please Note:

- \* These plants are for conservation purposes only and shall not be used as ornamentals or for landscaping.
- \*\* We are not responsible for trees that are not retrieved on the pick up date above.

FOR OFFICE USE:

Date Paid: \_\_\_\_\_ Amount: \_\_\_\_\_ Payment Method: Cash / Check No. \_\_\_\_\_



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Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Email: *(print clearly)* \_\_\_\_\_

**Tripliod Orders Due: Tuesday, October 4th**  
**Remaining Orders Due: Wednesday, October 12th**  
**Fish Pick Up: Monday, October 24th at 10:00am**

Please remind me prior to the pick up by:

- (choose method)  Phone  
 Email

**We kindly request payment accompany order;  
 we accept cash or check.  
 Please make checks payable to:  
 Kendall Co. SWCD**

Species	Size (inches)	Unit	Growth Rates	Stocking Rates (per acre)		Price	Qty	Subtotal
				Feeding	Not Feeding			
Channel Catfish	4-6"	each	up to 1 pound per year if commercially fed	300	150	\$0.80		
	6"-8"	each				\$1.00		
	8-10"	each				\$1.20		
*Large channel catfish cannot be bagged. Please bring a clean container of your pond water for transportation.								
Albino Catfish	4"-6"	each				\$1.35		
Hybrid Sunfish (250 fish per bag)	1"-2"	bag	1/4 - 1/2 pound per year	500	250	\$75.00		
	3"-5"	each				\$0.90		
	5"-7"	each				\$1.40		
Largemouth Bass	2 - 3"	each	1/2 - 3/4 pound per year	50	50	\$1.00		
	5"-8"	each		100	50	\$3.15		
Black Crapple (100 fish per bag)	2"-3"	bag	1 1/2 - 3 ounces per year	100		\$60.00		
Bluegill (250 fish per bag)	1"-2"	bag	1 - 2 ounces per year	500-1000		\$75.00		
	3"-5"	each		500-1000		\$1.00		
Redear (250 fish per bag)	1"-2"	bag	2 - 3 ounces per year	500-1000 stock 1/2 if bluegill exist		\$75.00		
Fathead Minnows (150 per pound)	sold per pound	pound	Up to 3 inches/lifespan of 14 mos.	5	5	\$13.00		
Tripliod Grass Carp* (see below)	8"-11"	each	2 lbs per mo in warm months	3-5 (if severe weed problem exists)		\$13.00		

**Total**

\*Tripliod Grass Carp customers: Complete the necessary permit information below.

County:	Township:	Range:	Section:	Pond Acres:	Pond Name:	# of Fish
Example: Kendall	T36N	R7E	9	1	SWCD Pond	2

For Office Use: Date paid: \_\_\_\_\_ Amount: \_\_\_\_\_ Cash / Check No: \_\_\_\_\_



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## Live Healthy [Name] County

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- Good at over 68,000 retail pharmacies nationwide
- Discounts are for county residents and their pets

Sign up today. Go to [www.nacorx.org](http://www.nacorx.org). Or call toll-free at 1-877-321-2652.

### Low-fee Dental Discounts

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- Low-fee program provides discounts on check-ups, cleanings, fillings, crowns, x-rays, root canals and more

### Low-fee Health Discounts

- Save 15% to 75% at a national network of providers
- Low-fee program provides discounts on vision services, hearing aids and screenings, diabetes supplies, prepaid lab work and more

See brochure for details.

For Dental and Health discounts information and to enroll go to [www.nacohealth.org](http://www.nacohealth.org) or call toll-free at 1-877-573-2395.

COUNTY SEAL



The Live Healthy discount program is NOT insurance.

\*Savings may vary by drug and by pharmacy. The Prescription Discount Card is operated by CVS/caremark®. This is NOT insurance. Discounts are only available at participating pharmacies. The Discount Medical Organization for NACo Health and Dental Discounts is Alliance HealthCard of Florida, Inc. All rights reserved. ©2015 CVS/caremark 106-9003NC98 032415



		Network Name
		GEO Level
		IL
Procdr Cd	Procdr Description	Avg PPO
D0120	PERIODIC EXAM	\$33
D1110	ADULT CLEANING	\$64
D0274	4 BITEWING X-RAYS	\$39
D0220	FIRST PERIAPICAL X-RAY	\$17
D0230	ADDITIONAL PERIAPICAL X-RAY	\$13
D1120	CHILD CLEANING	\$47
D0150	COMPREHENSIVE EXAM	\$51
D2392	COMPOSITE FILLING	\$139
D2391	COMPOSITE FILLING	\$107
D0140	LIMITED ORAL EXAM	\$52
D0272	2 BITEWING X-RAYS	\$26
D1208	TOPICAL APPLICATION - FLUORIDE	\$24
D1351	SEALANT-PER TOOTH	\$36
D0330	PANORAMIC X-RAY	\$75
D4341	PERIO SCALING	\$156
D0210	COMPLETE SERIES OF X-RAYS	\$87
D4910	PERIO CLEANING	\$99
D7140	TOOTH EXTRACTION	\$107
D1206	FLUORIDE VARNISH	\$25
D2393	COMPOSITE FILLING	\$167
D2950	CORE BUILD-UP	\$160
D7210	SURG EXTRACTION	\$190
D2750	PORCELAIN CROWN	\$787

D2740	PORCELAIN CROWN	\$869
D2330	RESIN FILLING	\$95

# 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 properly designed, constructed, operated, maintained and serviced in such a way as to protect the health 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.

Therefore, be it resolved 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 & Code are adopted 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.

~~**“CURTAIN DRAIN”** is a one to three sided groundwater and surface water management device installed for the purpose of diverting groundwater and/or surface water away from an onsite wastewater treatment system.~~

**“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 wastewater treatment system that is installed on the site at which the wastewater is produced, and disperses treated wastewater into soil, discharges treated wastewater to a discharge point open to the environment when the projected daily flow is less than 1500 gallons per day, or contains wastewater in a tank or tanks for removal and disposal at a remote site. For the purposes of this ordinance, an onsite wastewater treatment system may also be referred to as a system.~~ 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.

**“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.

**“PERIMETER DRAIN”** ~~is a four sided groundwater and surface water management device installed around the soil treatment area for the purpose of diverting groundwater and/or surface water away from an onsite wastewater treatment system.~~ Is a perforated drain tile that encircles the soil treatment area and outlets down slope through a non- perforated tile.

**“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.

**“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.

~~**“SUSPENSION”** means a temporary hold on a permit or a registration.~~

#### **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.
- B. The health department shall be empowered to issue permits authorizing the installation, repair or renovation of onsite wastewater treatment systems within their jurisdiction.
- C. The health department shall be empowered to withhold issuance of 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.



## **SECTION 5: RIGHT OF ENTRY AND INSPECTION**

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.

## **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 may be subject to routine or periodic wastewater sampling which may be requested by the Kendall County Health Department.

## **~~SECTION 7: CONTRACTOR REGISTRATION~~**

- ~~A. A person designing, constructing, operating, maintaining or servicing an onsite wastewater treatment system shall be knowledgeable of the rules and regulations of the State of Illinois and Kendall County.~~
- ~~B. The Kendall County Health Department shall provide an annual registration for all state licensed onsite wastewater treatment system installation contractors and state licensed onsite wastewater treatment system pumping contractors performing work in Kendall County. This annual registration period shall run from January 1st through December 31st. This registration shall serve as a means for exchanging helpful information between health department and contractor. Contractors shall supply the health department with their business contact information. The health department shall maintain, and make accessible to the public, a list of Kendall County registered contractors. A contractor may only remain on this list while holding a current and valid state license in good standing, as determined by the Illinois Department of Public Health.~~
- ~~C. A person who owns and occupies a single family dwelling and who designs, constructs, operates, maintains or services the onsite wastewater treatment system which serves his/her single family dwelling shall not be required to be a licensed installation contractor or required to hold a registration outlined in this section. However, such person shall comply with all provisions of the Illinois Private Sewage Disposal Licensing Act and Code and all other provisions of this Onsite Wastewater Treatment System Ordinance.~~

## **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.

## **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 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;
  5. Location of any lake, stream, wetland or body of water, flood plains, detention or retention areas;
  6. Identification of any agricultural land which is used for farming purposes;
  7. Existing roadways and other areas where existing soil may be disturbed;
  8. 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;
  9. 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.
  10. Existing and proposed topography in two foot contours;
  11. 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;
  12. 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 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 prior to remaining 30 days of 12 month period.](#)

### **SECTION 13: FEES**

~~The fees for onsite wastewater treatment systems are set forth in the Kendall County Health Department fee schedule, as approved by the Kendall County Board of Health. Fees are not refundable.~~

[Fees are set forth in the Kendall County Health Department fee schedule as approved by the Kendall County Board of Health and Kendall County Board.](#)

### **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.
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.
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.

**D. Agricultural land**

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

**E. 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.

**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.

**G. Tree removal**

Any removal of trees from the proposed onsite wastewater treatment system area which have a trunk diameter measuring greater than ~~six~~ twelve inches shall be removed by cutting near the surface. Stumps shall be removed by grinding or cutting ~~Stumps shall not be uprooted~~ 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.

**H. 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.

**I. 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.
- ~~3. if all the following conditions are met:~~
- ~~1. Access shall be provided and maintained at each access point for maintenance and repair. For decks greater than or equal to five feet above the ground surface, the space below the deck shall be considered the access.~~
- ~~2. Deck installation shall not compromise the integrity of the septic tank, aeration device or lift station.~~
- ~~3. Deck construction shall maintain a five foot horizontal separation to any subsurface soil treatment component.~~



#### ~~J. Patios and slabs~~

~~Patios and slabs may be allowed over a septic tank, aeration device, and lift station if all the following conditions are met:~~

- ~~1. Access shall be provided and maintained to each access point for maintenance and repair.~~
- ~~2. Patio or slab installation shall not compromise the integrity of the septic tank, aeration device or lift station.~~
- ~~3. The patio or slab shall maintain a five foot horizontal separation distance to any subsurface soil treatment component.~~

#### **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.

#### **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.
- D.

#### **SECTION 18: BUILDING & ZONING RECOMMENDATION**

It is recommended that the designer of the system contact the subdivision developer and 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.

#### **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.

#### **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.

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.
4. Allow reasonable time to comply with this ordinance.
5. Be served to the property owner, or resident, via personal deliver or sent via mail.

**SECTION 22: RIGHT TO APPEAL**

Any person may appeal a permitting decision to the Health Department by written request, in cases in which the complexity of the project may require further consideration in order to clarify conformance with local ordinance or related state code. The discussion will be facilitated by the Health Department with persons of appropriate professional background including outside consultants with respective expertise providing insight.

**SECTION 23: PARTIAL INVALIDITY**

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

**SECTION 24: PENALTY**

Penalties shall be assessed as outlined in the latest edition of the Illinois Department of Public Health Private Sewage Disposal Code.

APPROVED BY THE KENDALL COUNTY BOARD THIS DAY \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
Chair, Kendall County Board

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Attest \_\_\_\_\_  
Kendall County Clerk

WATER SUPPLIES ORDINANCE  
KENDALL COUNTY, ILLINOIS

~~Section-1:~~ **SECTION 1: SCOPE**

~~An ordinance regulating water supplies—the construction and modification of water wells, construction of closed loop geothermal wells, the sealing of abandoned wells, and the inspection of water supplies and their components within Kendall County, Illinois.~~

~~Whereas, the Kendall County Board of Health has deemed it necessary and desirable to regulate water supplies for health purposes, and ground water protection, and accordingly has recommended adoption of the following Ordinance:~~

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 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.

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

~~Section-3:~~ **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 ~~III.~~ IL Adm. Code 920)
2. "Illinois Water Well Pump Installation Code." (77 ~~III.~~ IL Adm. Code 925)
3. "Public Area Sanitary Practice Code." (77 ~~III.~~ IL Adm. Code 895)
4. "Drinking Water Systems Code." (77 ~~III.~~ IL Adm. Code 900)
5. "Surface Source Water Treatment Code." (77 ~~III.~~ IL Adm. Code 930)

~~Section-2:~~ **SECTION 3: DEFINITIONS**

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

“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.

~~1. 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.~~

~~2. CLOSED LOOP GEOTHERMAL WELL means a sealed, watertight loop of pipe buried outside of a building foundation which is intended to re-circulate an approved coolant through a heat exchanger. This includes but is not limited to vertical loop, horizontal loop and body of water loop systems.~~

~~3. COMMUNITY WATER SYSTEM means a public water system which serves at least 15 service connections used by residents, or regularly serves 25 or more residents for at least 60 days per year.~~

4. **DIRECTOR** means the Director of Environmental Health Services of the Kendall County Health Department or his/her agent.

~~5. HEALTH AUTHORITY means that person or persons designated by the Kendall County Board of Health to enforce this Ordinance.~~

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

~~7. HEALTH DEPARTMENT ADMINISTRATOR means the individual selected by the Kendall County Board of Health to administer and enforce the policies, ordinances, resolutions, and laws of said Board.~~

~~8. NON-COMMUNITY WATER SYSTEM means a public water system which is not a community water system, and has at least 15 service connections used by nonresidents, or regularly serves 25 or more nonresident individuals daily for at least 60 days per year.~~

~~9. POTABLE WATER means water that is suitable for human consumption and which meets public health standards for drinking water.~~

~~10. PRIVATE WATER SYSTEM means any supply which provides water for drinking, culinary, and sanitary purposes and serves an owner occupied single family dwelling.~~

“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.

“REVOCAATION” means nullification.

“SHALL” means that the stated provision is mandatory.

~~11. SEMI-PRIVATE WATER SYSTEM means a water supply which is not a public water system, yet which serves a segment of the public other than an owner-occupied single-family dwelling.~~

~~12. WATER WELL means an excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use is for the location, diversion, artificial recharge, or acquisition of groundwater, except monitoring wells.~~

"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 3: 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 4: NEW CONSTRUCTION

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

### ~~Section 4: PUBLIC WATER USE~~

~~In those locations where a public water supply is reasonably available, that supply shall be the sole source of water for drinking and culinary purposes. A public water supply shall be deemed reasonably available when the subject property is located within 200 feet of the public water supply to which connection is practical and is permitted by the controlling authority for said water supply.~~

### ~~SECTION 5: POTABLE WATER SUPPLY REQUIRED~~

~~All premises intended for human habitation or occupancy shall be provided with a potable water supply. 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." Each potable water supply shall provide quantities of water that are sufficient for drinking, culinary, and sanitary needs of the dwelling or premises served. The water distribution lines of each potable water system shall be designed to maintain a minimum positive pressure of 20 p.s.i. in all parts of the system at all times~~



## **SECTION 6 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. 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. 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.

## **SECTION 7 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, repair or renovation 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 or if site conditions are inconsistent with those provided within the submitted permit application.

### **~~Section 5.1: SURFACE WATER SUPPLIES~~**

~~All 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." No surface water shall be utilized as a potable water supply unless the Health Authority has reviewed and approved the supply and its components.~~

### **~~Section 5.2: 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." No surface water shall be utilized as a potable water supply unless the Health Authority has reviewed and approved the supply and its components.~~

## **SECTION 8 7: RIGHT OF ENTRY AND INSPECTION**

A. 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.

- B. No person shall refuse to permit the health department to inspect any property at reasonable times, nor shall any person resist health department personnel in the discharge of his or her duty. 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 apply for an administrative investigative warrant, pursuant to the provisions of LEGAL REVIEW & ILCS REFERENCE

#### SECTION 8: PERMIT REQUIREMENTS

- A. An application for a permit to install, repair or renovate 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 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;
  7. An estimate of the depth of the well;
  8. Type of well;
  9. Proposed aquifer.
- F. No water well or closed loop well shall be installed, repaired, renovated or sealed until a permit has been issued by the health department.

#### SECTION 9: REVOCATION OF PERMIT

- A. The health department shall have the authority to revoke 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 are violated.
- B. 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 10: PERMIT VALIDITY

A health department issued permit for the installation, repair or renovation 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 8.7: PERMIT FEE~~

~~The fees for permits and inspections for water supply system installations, closed loop geothermal wells, repairs, replacement and alterations and for surveys of private water supplies for real estate transactions are available in the Kendall County Health Department Fee Schedule as authorized and approved by the Kendall County Board of Health.~~

SECTION 11: FEES

The fees for water wells and wells are set forth in the Kendall County Health Department fee schedule, as approved by the Kendall County Board of Health. Fees are set forth in the Kendall County Health Department fee schedule as approved by the Kendall County Board of Health and Kendall County Board.

~~Section 8.8: EXCEPTIONS~~

~~A permit to construct or deepen a water well shall not be required by the Health Authority when such water well does or will serve a community public water system or function as a monitoring well.~~

SECTION 12: EXCEPTIONS

A permit for installation, repair or renovation 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

A. Installer responsibilities

1. No water well or closed loop well shall be installed, repaired or renovated 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 well per the approved design. Failure to install the water well or closed loop well per the approved permit application is a violation of this ordinance which may result in a 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 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

1. The property owner or licensed contractor shall provide a minimum 24 hours advance notification to the health department before beginning installation, repair, renovation, or sealing of a water well or 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.

SECTION 14: 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 present an immediate public health threat.

### ~~Section 6: ABANDONED WELLS~~

~~Wells that are abandoned shall be sealed in a manner prescribed by the "Illinois Water Well Construction Code." The Health Authority shall inspect abandoned wells which have been sealed to determine compliance with the Ordinance. In questionable cases, the Health Authority shall make the determination as to whether a water well is considered abandoned, based upon the definition of an "abandoned well" and the facts in each particular case.~~

### SECTION 15: ABANDONED WELLS

Wells that are abandoned shall be sealed in a manner prescribed by the Illinois Water Well Construction Code. 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 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.

### ~~Section 7: CLOSED LOOP GEOTHERMAL WELLS:~~

- ~~A) All closed loop geothermal wells shall be constructed by contractors meeting any and all applicable licensing and or certification requirements within the State of Illinois:~~
- ~~B) Application for inspection of a geothermal system shall be made in writing and submitted on forms provided by the Health Department. The geothermal system contractor and property owner shall sign the inspection application:
  - ~~(1) Applications for inspection shall be accompanied by payment that is in accordance with the Health Department fee schedule. The fee schedule is approved by the Kendall County Board of Health and is available on a separate sheet as an addendum to this ordinance.~~
  - ~~(2) The application shall also be accompanied by a scaled drawing showing the location of all existing structures, wells, septic tanks, secondary sewage treatment units, cesspools, privies, sewers, lakes, ponds, or streams on the applicant's property and on neighboring properties.~~
  - ~~(3) Prior to the approval of the inspection application, the Health Department, at its discretion, may require additional information, and/or inspect the property and neighboring properties.~~~~
- ~~C) All closed loop geothermal well setback distances described in the most current edition of the Water Well Construction Code shall be maintained and contained in their entirety within the boundaries of the property on which the system is to be installed.~~
- ~~D) Construction reports for each closed loop geothermal well shall be provided to the Health Department within 30 days of completion of drilling.~~
- ~~E) The Kendall County Health Department shall be notified by telephone or in writing at least two (2) business days before the coolant is installed. Coolant installation shall be witnessed by a representative of this Department. All coolant containers shall be labeled with the coolant type and concentration. Material Safety Data Sheets (MSDS) shall be made available upon request.~~

## **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 an Engineer's scale plan (1" = 10', 20', 30', 40', 50' or 60') 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. Show all existing dwellings, 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 shall be maintained.
- F. Construction reports for each closed loop well shall be provided to the health department within 30 days of completion of drilling.

### **Section 8-3: VARIANCES**

~~When circumstances exist which make impractical full compliance with the requirements of this Ordinance, an applicant may request that the Director grant a variance. Such requests shall be made in writing and shall accompany the system plans and any other pertinent data which might support the request or which the Director may require. The Director may grant the variance provided it does not conflict with the stated purpose of this Ordinance. The Health Department will notify the applicant in writing of its decision to either grant or deny the variance. The owner of the property for which a variance has been granted shall have the approved Variance Request Application filed on the property's deed by the Kendall County Recorder of Deeds. A copy of the recorded approved Variance Request Application must be returned to the Department prior to permit issuance. With the exception of closed loop geothermal wells, no variance shall be granted for new construction.~~

### **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 file with the Kendall County Recorder of Deeds.

### **Section 10: DISINFECTION AND ANALYSIS**

~~All components of a newly constructed or modified water well 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. After purging the water system of any chlorine residual, a water sample shall be taken and analyzed by a certified laboratory and satisfactory results obtained prior to utilizing the water system for drinking and culinary purposes. A copy of the analysis shall be filed with the Health Department. The water obtained from a semi-private water supply shall meet the nitrate/nitrite, chemical and bacteriological requirements of the Primary Drinking Water Standards (35 Ill. Adm. Code 611), and the water obtained from a private well shall meet the bacteriological and nitrate requirements of the Primary Drinking Water Standards (35 Ill. Adm. Code 611). The water from a private water system, having surface water as its source, shall meet the nitrate/nitrite, bacteriological and turbidity requirements of the Primary Drinking Water Standards (35 Ill. Adm. Code 611).~~



## **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 Kendall County Health Department.

## **SECTION 20: VIOLATIONS**

Whenever the Health Department determines that there is a violation of any provisions of this ordinance, the Health Department shall give notice of such alleged violation to the property owner.

The notice of violation shall:

- A. Be in writing.
- B. Include a statement of the reasons for the issuance of the notice.
- C. Contain details of the remedial action.
- D. Allow reasonable time to comply with this ordinance.
- E. Be served upon the property owner, or resident, via personal delivery or sent via mail.

## **SECTION 21: RIGHT TO APPEAL**

Any person may appeal a permitting decision to the Health Department by written request, in cases in which the complexity of the project may require further consideration in order to clarify conformance with local ordinance or related state code. The discussion will be facilitated by the Health Department with persons of appropriate professional background including outside consultants with respective expertise providing insight.

## **SECTION 22: PARTIAL INVALIDITY**

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

## **~~Section 11- PENALTIES~~**

~~Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or refuses to remedy a violation of the provisions of this Ordinance shall be guilty of a business offense and be fined not less than \$100.00 and no more than \$750.00 for each offense. Each day upon which such violation continues shall constitute a separate offense.~~

## **SECTION 23: PENALTY**

Penalties shall be assessed as outlined in the latest edition of the Illinois Department of Public Health Water Well Construction Code, Water well Pump Installation Code, Public Area Sanitary Practice Code, Drinking Water Systems Code or Surface Source Water Treatment Code.

## **~~Section 8- PERMIT REQUIRED~~**

~~No water well shall be constructed or deepened except in accordance with this Ordinance, and it shall be unlawful to proceed with such work unless a permit has first been obtained from the Health Authority. A non-community public water supply shall not be operated without first obtaining a permit from the Illinois Department of Public Health.~~

#### ~~Section 8.1: APPLICATION FOR PERMIT~~

~~All applications for permits under the provision of this Ordinance will be made in writing and in such form as prescribed by the Illinois Department of Public Health or the Health Authority. The application will include specifications specific to each proposed water well, and will include a statement as to any restrictions relating to the location, materials, components, or type of water well to be constructed. The application will also include the location of the proposed well, estimated total depth of the well, the proposed aquifer into which the well is to be drilled, a closed loop geothermal system if applicable (with specific type of coolant identified), location of private sewage disposal systems and water wells, both private and public, on adjacent properties. It will be the responsibility of the applicant to obtain all necessary data and to design a system which will meet the requirements of this Ordinance.~~

#### ~~Section 8.2: ISSUANCE OF PERMIT~~

~~Upon submission of the application for permit, including the plans and specifications of the proposed water well or component thereof, the Health Authority will review said application prior to issuance of a permit. If the Department, upon review of said application, finds that such application meets the requirements of this Ordinance, and upon payment of the required fee, a permit will be issued to the applicant.~~

#### ~~Section 8.4: PROPERTY OWNER'S RESPONSIBILITY~~

~~It shall be the responsibility of the property owner to obtain a permit before any construction or deepening of a water well is begun. Failure of the property owner to obtain a permit before any construction or deepening of a water well is begun shall constitute a violation of this Ordinance.~~

#### ~~Section 8.5: WATER WELL AND/OR PUMP INSTALLATION CONTRACTOR'S RESPONSIBILITY~~

~~It shall be the responsibility of the Water Well Contractor to insure that a permit has been issued before any construction, deepening or sealing of a water well is begun and to follow the conditions of said permit. Failure of the Water Well Contractor to insure said permit has been issued or to violate the conditions of said permit shall constitute a violation of this Ordinance. All water wells shall be constructed, deepened or sealed in accordance with the "Illinois Water Well Construction Code." All individuals who construct, repair and seal water wells and install well pumps, shall be licensed by the Illinois Department of Public Health in accordance with the "Water Well and Pump Installation Contractor's License Act" (225 ILCS 345/1).~~

#### ~~Section 9.0: INSPECTIONS~~

~~The Health Authority shall have the authority to enter any property at any reasonable time for inspection purposes to determine compliance with the provisions of this Ordinance. It shall be the duty of the owner or occupant of a property to allow the Health Authority free access to the property for the inspection purposes to determine compliance with the provisions of this Ordinance.~~

#### ~~Section 9.1: INSPECTION OF COMPLETED WORK~~

~~A water well shall not be placed into operation until the installation of the water well and its components have been inspected to verify compliance with the applicable provisions of this Ordinance and written approval issued by the Health Authority. To the degree practical and permitted by the Health Authority, the completed installation shall remain uncovered and/or accessible for inspection purposes until approved by the Health Authority. If the Health Authority, upon inspection of the specified installation or component thereof, finds that such work meets the provisions of this Ordinance, the Health Authority shall approve such work and authorize operation of the water well. However, compliance with Section 10 shall be obtained prior to utilizing the water system for drinking and culinary purposes.~~

#### ~~Section 9.2: NOTIFICATION FOR INSPECTION~~

~~It shall be the responsibility of the Water Well Contractor to notify a representative of the Kendall County Health Department in writing or by phone as required at least two (2) business days prior to:~~

- ~~A) The construction or deepening of a water well for which a permit has been issued. The Health Authority shall also be notified on the day of the well grouting process with an approximate time as to when this process will commence.~~
- ~~B) The sealing of an abandoned water well at which time a date for inspection will be arranged.~~
- ~~C) Drilling a vertical geothermal system or excavating a horizontal geothermal system. The Health Authority shall be notified on the day of the well grouting process with an approximate time as to when this process will commence.~~

**Section 9.3: SUSPENSION OF PERMIT**

~~Upon inspection, if it is found that any provisions of this Ordinance or any permit specifications for a stated property have been violated, the Health Authority shall notify the installer to make such specified changes in the work to allow compliance with the provisions of this Ordinance and the permit. If such changes are not made within a period of time specified by the Health Authority, said permit shall be suspended, and it shall be unlawful to place the water well into operation.~~

~~Closed loop geothermal wells are exempt from chlorination and sampling.~~

**Section 10.1: CONTINUING ANALYSIS**

~~It shall be the duty of every owner of every water well serving a semi-private water system for more than one residence to have the water therein bacteriologically analyzed by a certified laboratory as required by the Health Authority for the protection of public health. Such water shall also be bacteriologically analyzed whenever the water lines are opened up for repair, replacement, or extension of the water distribution system. The water from a semi-private water system shall meet the nitrate, chemical and bacteriological requirements contained in the "Drinking Water Systems Code."~~

APPROVED BY THE KENDALL COUNTY BOARD THIS DAY \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
Chair, Kendall County Board

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Attest \_\_\_\_\_  
Kendall County Clerk

Ordinance No. 116-06

**Kendall County Direct Sales of Baked Goods from Home Kitchen Operations Ordinance  
County of Kendall, Illinois**

WHEREAS, the Kendall County Board and Kendall County Board of Health have previously enacted the Kendall County Food Establishment Sanitation Ordinance on August 18, 1998; and

WHEREAS, the statutes of the State of Illinois grant to the Kendall County Board, the power to enact such ordinances to promote and protect the public health of the Citizens of Kendall County; and

WHEREAS, 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 has the authority to allow Home Kitchen Operations to participate in the direct sales of baked goods; and

WHEREAS, the Kendall County Board has determined that the authorization of a Direct Sales of Baked Goods from Home Kitchen Operations Ordinance to permit the direct sale of baked goods as described within 410 ILCS 625/3.6 and 410 ILCS 625/4 to be in the public interest; and

NOW, THEREFORE, be it ordained by a majority vote of the Kendall County Board, that the Kendall County Food Establishment Sanitation Ordinance is hereby amended by the addition of the following Section allowing for the direct sale of baked goods from home kitchen operations as set forth below.

**SECTION XI. Direct Sales of Baked Goods from Home Kitchen Operations**

**A. Definitions:**

- 1. BAKED GOODS:** 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:** 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:** 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. 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. 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.

**D. Incorporation:**

This Ordinance is hereby incorporated into the Kendall County Food Establishment Sanitation Ordinance.



**E. Severability:**

If any provision of this Direct Sales of Baked Goods from Home Kitchen Operation Ordinance is or becomes illegal, invalid or unenforceable in any jurisdiction, that shall not affect the validity or enforceability in that jurisdiction of any other provision of this Ordinance.

This Ordinance shall be in full force and effective immediately upon its adoption as provided by law.

APPROVED AND ADOPTED BY THE KENDALL COUNTY BOARD THIS 5 DAY OF April, 2016.

  
\_\_\_\_\_  
John A. Shaw  
Chairman, Kendall County Board

Ayes- 10  
Nays- 0  
Abstain- 0

Attest :

  
\_\_\_\_\_  
Debbie Gillette  
Kendall County Clerk

**Ordinance No. \_\_\_\_\_**  
**Kendall County Direct Sales of Baked Goods from Home Kitchen Operations Ordinance**  
**Kendall County, Illinois**

WHEREAS, the Kendall County Board and Kendall County Board of Health have previously enacted the Kendall County Food Establishment Sanitation Ordinance on August 18, 1998; and

WHEREAS, the statutes of the State of Illinois grant to the Kendall County Board, the power to enact such ordinances to promote and protect the public health of the Citizens of Kendall County; and

WHEREAS, 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 has the authority to allow Home Kitchen Operations to participate in the direct sales of baked goods; and

WHEREAS, the Kendall County Board has determined that the authorization of a Direct Sales of Baked Goods from Home Kitchen Operations Ordinance to permit the direct sale of baked goods as described within 410 ILCS 625/3.6 and 410 ILCS 625/4 to be in the public interest; and

NOW, THEREFORE, be it ordained by a majority vote of the Kendall County Board, that the Kendall County Food Establishment Sanitation Ordinance is hereby amended by the addition of the following Section allowing for the direct sale of baked goods from home kitchen operations as set forth below.

**SECTION XI. Direct Sales of Baked Goods from Home Kitchen Operations**

**A. Definitions:**

- 1. BAKED GOODS:** 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:** 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:** 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. 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. 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.

~~**D. Incorporation:**~~

~~This Ordinance is hereby incorporated into the Kendall County Food Establishment Sanitation Ordinance.~~

**E-D. Severability:**

**If any provision of this Direct Sales of Baked Goods from Home Kitchen Operation Ordinance is or becomes illegal, invalid or unenforceable in any jurisdiction, that shall not affect the validity or enforceability in that jurisdiction of any other provision of this Ordinance.**

**This Ordinance shall be in full force and effective immediately upon its adoption as provided by law.**

**APPROVED AND ADOPTED BY THE KENDALL COUNTY BOARD THIS \_\_\_\_ DAY OF**

\_\_\_\_\_.

\_\_\_\_\_  
**Chairman, Kendall County Board**

**Ayes-\_\_**

**Nays-\_\_**

**Abstain-\_\_**

**Attest :**

\_\_\_\_\_  
**Kendall County Clerk**



**~~FOOD~~ ESTABLISHMENT SANITATION PROTECTION ORDINANCE  
KENDALL COUNTY, ILLINOIS**

**SECTION 1: PURPOSE/SCOPE**~~The purpose of this ordinance is to protect the health, safety and general welfare of the residents of Kendall County by establishing sanitation requirements for food sold in retail stores, food equipment and utensils, food service personnel, food protection and food service establishments by regulating the inspection of food operations and providing for the enforcement of this ordinance.~~

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 resolved~~ordained~~ by the County Board of Kendall County, Illinois, that the following rules and regulations are hereby made and adopted.

**SECTION 1.2: ADOPTION BY REFERENCE**

~~In addition to these provisions set forth herein, this ordinance adopts by reference the provisions set forth in the~~The rules and regulations set forth in the Illinois Department of Public Health 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) 1996, ~~the Illinois Department of Public Health Retail Food Store Sanitation Code 1992 and the Bed and Breakfast Act as now enacted or hereafter amended~~ are adopted by reference and fully incorporated herein.

Commented [d1]: I know that the admin code adopted those (and others) as well, but it may be a good idea to reassert these in the ordinance as well.

**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 ~~in conjunction with~~ 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. ~~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. operate a food service establishment, retail food store, temporary food stand or bed and breakfast operation within the County of Kendall who does not possess a valid permit issued by the Health Authority hereafter referred to as the Kendall County Department of Health and Human Services. Only those 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 and or retain a food 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 ~~s shall~~ is not transferable from one person to another person, ~~nor shall the permit be applicable to another location other than that for which it was issued~~ is it useable by the same permit holder at another location or outside of the originally permitted establishment. ~~, fixed facility.~~

A valid food handling permit shall be ~~displayed per requirements in section VII~~ 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.

Commented [d2]: Not entirely sure what this seeks to convey.

## **D.B. PERMIT APPLICATION**

Any person desiring to operate a food service establishment, ~~food store, temporary food establishment, seasonal establishment or bed and breakfast operation~~ shall make a written application for a food handling permit on forms provided by the Health Authority Department. ~~Such a~~ Applications shall include, but not be limited to, the following:

- 1a. Applicant's full name, and post office address, and telephone number,
- 2b. Telephone number Whether said applicant is an individual, firm, corporation, partnership, or other legal entity,
- 3c. Whether said applicant is an individual, firm, corporation, or partnership. The names and addresses of the partners shall be included. The name, location, and type of proposed establishment
- d. Location of the establishment. Proof of access to commissary, if applicable, and 5. Type of establishment
- 6e. The signature of applicant.
7. ~~Any other information deemed necessary to process the application.~~

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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**

~~Every operating permit shall be issued for a period of one year, April 1 - March 30, except seasonal or temporary permits, unless sooner due to revocation or suspension. A person, firm or corporation who begins a food operation after October 1 shall be required to pay only one-half (1/2) the annual permit fee for the balance of that permit year. Any operating permit not renewed by March 30th shall be considered delinquent. A late charge specified in the permit fee schedule will be assessed to all permit renewal applications received after March 30th. 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 five (5) 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).~~

### **B. — CONDITIONS FOR PERMIT:**

~~The Health Authority is hereby authorized upon application to issue new operating permits and renewals in the names of the applicant, owners or operators of food stores, food service establishments, temporary food establishments and seasonal establishments. No permit shall be issued unless said establishment is found upon inspection to meet all the requirements of this ordinance. When conditions exist that a regular permit cannot be issued a conditional permit may be issued.~~

## **G.D. CONDITIONAL FOOD HANDLING PERMITS:**

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, at which time either a regular permit is issued or another conditional permit is issued if conditions creating the conditional permit are not corrected.** ~~The cost of the conditional permit is due at the Health Authority before issuance of the permit.~~ 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. Temporary applications submitted less than 2 business days in advance of said event shall pay a late fee of \$10.00 to be added to the permit fee. Temporary food events may be inspected as deemed necessary by the Health Authority. A permanent or fixed food service establishment or food store may operate one temporary food stand per calendar year free of charge if said applicant has a valid food permit issued from the Health Authority of Kendall County. Food service establishments operated within a school shall send a list of the organizations using the school facility and the dates of the events to the Health Authority.~~

~~Organizations associated with the school, i.e. sports booster clubs, may operate a concession stand or prepare food at the licensed facility under the direct supervision of the certified food handler for the school facility. The licensed food establishment shall be responsible for all food handling requirements of this ordinance.~~

~~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 V.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. Illinois as follows:

High Risk Facilities: ~~Three (3) times annually~~

~~Medium Risk Facilities: Two (2) times annually~~

~~Low Risk Facilities: One (1) time annually~~

~~The following substitute activities may be used in place of one (1) annual inspection at high-risk facilities:~~

- ~~1. A H.A.G.C.P. INSPECTION — HAZARDOUS ANALYSIS CRITICAL CONTROL POINT INSPECTION.~~
- ~~2. EDUCATIONAL CONFERENCE — Must have prior Health Authority approval.~~
- ~~3. IN SERVICE TRAINING — Conducted by the Kendall County Health Department, Environmental Health Unit.~~

~~The Health Authority shall make as many additional inspections as are necessary for the enforcement of this Ordinance. The Health Authority reserves the right to change the risk classification of food establishments (i.e. poor sanitation) and thus increase the risk classification for low and medium risk operations to a higher category.~~

~~For every food service establishment, food store and seasonal operation in Kendall County, a risk classification shall be established by the Health Authority based upon I.D.P.H. risk definitions as follows:~~

- ~~1. High Risk Facility means a food establishment that presents a high relative risk of causing food borne illness based on the large number of food handling operations typically implicated in food borne outbreaks and/or the type of population served by the facility. High risk facilities include those where the following operations occur:~~
  - ~~a. Cooking of potentially hazardous foods as part of the food handling operation facility.~~
  - ~~b. Potentially hazardous foods are prepared hot or cold and held hot or cold for twelve (12) hours before serving.~~
  - ~~c. Potentially hazardous cooked foods must be reheated.~~
  - ~~d. Potentially hazardous foods are prepared for off-premises service for which time-temperature requirements during transportation, holding and service are relevant.~~
  - ~~e. Complex preparation of foods or extensive handling of raw ingredients with hand contact for ready-to-eat foods as part of the food handling operations.~~
  - ~~f. Vacuum packaging and/or other forms of reduced oxygen packaging are performed at the retail level.~~
  - ~~g. Immuno-compromised individuals such as the elderly, young children under age 4 and pregnant women are served where these individuals comprise the majority of the consuming population.~~
- ~~2. Medium Risk Facility means a food establishment that presents a medium relative risk of causing food borne illness based upon food handling operations typically implicated in food borne illness outbreaks. Medium risk facilities include those where the following operations occur:~~
  - ~~a. Hot or cold foods are held at required temperatures for no more than twelve (12) hours and are restricted to same day use.~~
  - ~~b. Foods prepared from raw ingredients use only minimal assembly.~~
  - ~~c. Foods that require complex preparation (whether canned, frozen, or fresh prepared) are obtained from approved food processing plants, high-risk food service establishments or retail food stores.~~
- ~~3. Low Risk Facilities means a food establishment that presents a low relative risk of causing food borne illness based upon few food handling operations typically implicated in food borne illness outbreaks. Low risk facilities include those where the following operations occur:~~
  - ~~a. Only pre-packaged foods are available or served in the facility, and any potentially hazardous foods available are commercially pre-packaged in an approved processing plant.~~
  - ~~b. Only limited preparation of non-hazardous foods and beverages, such as snack foods and carbonated beverages, occurs at the facility.~~
  - ~~c. Only beverages (alcoholic or non-alcoholic) are served at the facility.~~



## A. ACCESS TO ESTABLISHMENTS

The Health ~~Authority~~ Department, after proper identification, shall be permitted to enter, at any reasonable time, any food service establishment, ~~food store or seasonal operation~~, within Kendall County, Illinois, for the purpose of ~~inspect~~ 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 ~~Authority~~ Department shall be permitted to examine the records of any ~~the~~ food service establishment to obtain ~~pertinent~~ information ~~pertaining~~ 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 in attachment A, 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). The Health Department shall inspect each permitted food service establishment in accordance with the IDPH Local Health Protection Grant rules, and~~

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

## B-C. INSPECTION PROCEDURES, RECORDS

~~Whenever the Health Authority makes an~~ Upon inspection of a food service establishment ~~inspection of a food service establishment, food store or seasonal operation, the inspector will record the findings on an inspection form provided for this purpose~~ by the Health Department, the inspection findings shall be recorded on an inspection report provided for this purpose and shall furnish a copy of the inspection report to the permit holder, operator or his agent and a copy shall be provided to the permit holder.

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## 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);
- ~~b-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; and
- ~~e-d.~~ When applicable, the establishment rating.

~~The inspection report shall include a rating score of the establishment which shall be a total of the weighted point values for all violations subtracted from one hundred (100). Inspection reports shall state the violation and the correction to be made. The inspection shall also provide for a reasonable time for correction of the violations. If any four (4) or five (5) point violations are found, they shall be corrected immediately if possible or within ten (10) working days and a re-inspection will be performed within ten (10) working days for any four or five point violations not immediately corrected. When the rating score is between 60 and 70, a conditional permit will be issued and a fee charged as specified in fee schedule. If the establishment rating score is below sixty (60) the permit will be immediately suspended. Upon reinstatement of the permit, a conditional permit will be issued. Whenever more inspections are performed in a calendar year than allowed by the establishment permit, a penalty fee will be charged as specified in the fee schedule. If the permit to operate is suspended or revoked, a permit reinstatement fee shall be charged~~

as specified in the fee schedule.

Notices under this section shall be deemed to have been properly served when a copy of the inspection report form or other notice has been delivered to the permit holder or licensee or person in charge, or when such notice has been posted to the front door of the permit holder's establishment, or by leaving such notice at his residence with some person of the family of age ten (10) or older.

## SECTION 4H.6: ADMINISTRATIVE ACTION:

### 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 or operator has failed to comply with a notice issued under provisions of Section H or Section K 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 ~~five (5)~~ seven-five (75) calendar days from receipt of the notice ~~to~~ at the Health Authority Department by the permit holder.

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If the Health Authority Department finds unsanitary or other conditions in the operations of a food service establishment ~~and as his judgment~~ 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 Authority 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 five (5) calendar days from suspension, at the Health Authority Department by the permit holder. ~~The permit holder may submit, in writing, a request for a hearing to the Health Authority within five (5) working days from the issuance of the suspension notice and a hearing will be scheduled within seven (7) working days from the date of receipt of the hearing request.~~

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### 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. ~~At the time of this request a seventy-five (75) dollar reinstatement fee shall be paid. Within ten (10) days from receipt of the written request, the Health Authority shall make a re-inspection. If the applicant 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, ~~or~~ for failure to correct permit suspension violations, or for the interference with the Health Authority Department in the performance of its duties, the permit may be revoked after an opportunity for a hearing has been provided by the Health Authority. Health Department may revoke any food handling permit.

Prior to such action, the Health Authority 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 ~~permanent~~ revoked after five (5) 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 the five (5) calendar days ~~notice period of receiving such notice~~. A food handling permit may be suspended ~~for cause~~ pending revocation, ~~or a hearing relative thereto~~ following revocation, the Health Department shall obtain the permit from the establishment.

#### **G.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. Hearings provided for in Section VII shall be conducted by the Health Authority Department or legal representative at a time and place designated by the Director. Based upon the record of such hearing, the regulatory Authority Health Department shall make a finding and shall sustain, modify or rescind any official notice or notice considered in the hearing such decisions shall be considered final. A written report of the hearing shall be furnished provided to the permit holder by the Health Authority Department and placed in the establishment's files record shall be maintained.

#### **E. SERVICE OF NOTICES (needs SA review)**

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 IV: 7: PLAN REVIEW FOR NEW OR REMODELED FACILITIES**

Whenever a food service establishment ~~or retail food store is hereafter~~ is to be constructed or remodeled, ~~or and~~ when ~~an~~ an existing structure is converted for such ~~use as a food service establishment or food store~~, properly prepared plans and specifications ~~for construction or remodeling~~ shall be submitted to the Health Authority 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.

~~The plans and specifications shall include the proposed layout, arrangement, mechanical plans and construction materials of work areas; and the model of proposed fixed equipment and facilities. The plans and specifications shall be approved by the Health Authority only if they meet the requirements of this Ordinance or adopted food codes.~~

~~No food service establishment or food store shall be constructed, remodeled or converted except in accordance with plans and specifications approved by the Health Authority. The Health Authority shall provide plan review guidelines and forms for new construction, remodeling or conversion of existing structures for use as a food service establishment or food store.~~

~~The Health Authority shall perform a pre-opening inspection for new food establishments, food stores or seasonal establishments within ten (10) days prior to opening or when such establishments have been closed for more than thirty (30) consecutive days. An opening inspection shall be performed one (1) day prior to the opening of the establishment. A rating score of ninety five (95) or above and no critical item violation must be obtained before the Health Authority will allow the establishment to open.~~

~~SECTION 8: FEES- PERMIT FEE:~~

~~No operating permit shall be issued or renewed unless the completed application form is accompanied by a payment in accordance with the fee schedule. The fee schedule is approved by the Kendall County Board of Health and is available on separate sheet as an addendum to this ordinance. ~~The fee schedule for a permit provided to a food handling permit issued by the Health Department shall be determined by the current fee schedule as approved by the Board of Health. All applicable fees shall be paid prior to the issuance or reinstatement of a food handling permit. Fees shall be non-refundable and non-transferable.~~~~

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All applicable fees are set forth in the Kendall County Health Department fee schedule as approved by the Kendall County Board of Health and Kendall County Board.

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~~C.~~SECTION 9: EXAMINATION AND CONDEMNATION OF FOOD

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

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The Health Department may, upon written notice to the owner or person in charge permit holder, specifying the particular reasons, place an embargo on any food which heit determines, or has probable cause to believe to be unwholesome or otherwise adulterated, or misbranded 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. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order notice, or tag placed on food by the Health Authority and neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of, or destroyed without permission from the Health Authority, except on order by a court of competent jurisdiction.

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 five (5) business days after receipt of the subject notice

The Health Authority may vacate the hold order, or may by written order direct the owner or person in charge of the food which was placed under the hold order to denature or destroy such food or to bring it into compliance with the provisions of this Ordinance. Provided that such order of the Health Authority to denature or destroy such food or bring it into compliance with the provisions of this Ordinance shall be stayed if the order is appealed to a court of competent jurisdiction within three (3) days of the issuance of such order. Samples for the determination of adulteration and misbranding shall be taken and examined in accordance with the methods prescribed by the Association of Official Analytical Chemists, The Food And Drug Administration, or by other standard methods.

When cases of food borne illness are reported, an immediate epidemiological and laboratory investigation shall be made by the Kendall County Department of Health and Human Services in an effort to determine the vehicle and the source, so as to prevent a recurrence. Any food suspected of being a vehicle in a food borne disease outbreak shall be placed under a hold order pending laboratory examination.

Where equipment used in the preparation of food products is found to be in a state of disrepair, unsafe, unsanitary, or unsuitable for use in the preparation, display, or service of food, such equipment shall be taken out of service and a hold order an embargo may be placed on said equipment by the Health Authority Department. It shall be unlawful for any person to remove or alter a hold order, notice, or tag placed on the equipment by the Health Authority. Such equipment that has been embargoed will shall not be returned to service, altered, disposed of, or destroyed without until written permission of the Health Authority except on an order of a court of competent jurisdiction is obtained from the Health Department, or otherwise by order of a Court of competent jurisdiction.

#### SECTION 10: IMMINENT HEALTH HAZARD

In an event of fire, flood including sewage backup, power outage or similar event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures, the permit holder or person in charge shall contact the Health Authority. 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 Authority Department upon receiving this notice shall take actions necessary to protect the public's health, health of the public.



**SECTION VI. PERSONNEL:**

No person, while affected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such a disease or while afflicted with a boil, or infected wound, or an acute respiratory infection, shall work in a food establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons. When the Health Authority has reasonable cause to suspect possible disease transmission by an employee of a food establishment it may make any investigation or take any appropriate action deemed necessary to protect the public. Any or all of the following measures may be necessary:

1. The immediate exclusion of the employee from employment in the food establishment.
2. The immediate closing of the food establishment concerned until, in the opinion of the Health Authority, no further danger of disease outbreak exists.
3. Restriction of employees services to some area of the food establishment where there is no danger of transmitting disease.
4. Adequate medical and laboratory examination of the employee and of other employees.

Disease transmitted through food frequently originates from an infected food service employee even if the employee shows little outward appearance of being ill. A whole range of communicable diseases and infections may be transmitted by infected food establishment personnel to other employees and to the consumer through contamination of food or food utensils, and through careless food handling practices. It is the responsibility of both management and staff to see that no person who is affected with any disease that can be transmitted by food works in any area of a food establishment where there is a possibility of disease transmission.

Employees shall wash their hands and exposed portions of their arms with soap and warm water before starting work, during work as often as necessary to keep them clean, and after smoking, eating, drinking, or using the washroom. The hands are a particularly important as a potential vehicle of contamination of food and food-contact surfaces.

**SECTION VIII. PERMIT AND CERTIFICATE DISPLAY:**

Each food establishment in Kendall County shall conspicuously display the Kendall County Permit and the Food Managers Sanitation Certificate so as to be visible to the general 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.

**G. SECTION 12: VARIATIONS:**

~~When circumstances exist which make impractical full compliance with the requirements of this Ordinance, as listed in this paragraph, an applicant may request that the Public Health Administrator grant a variance. Such request shall be made in writing and shall accompany any other pertinent data which might support the request or which the Public Health Administrator may require. The Public Health Administrator may grant the request for variance provided the variance does not conflict with the stated purpose of this ordinance. Variations will be considered for low-risk fixed food establishments or retail food stores. Variations will be considered for medium and high risk facilities for items in the ordinance that do not compromise the storage, handling or service of potentially hazardous foods.~~

The Health Department may grant a ~~variance~~ 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 ~~variance~~ variation. If a variation is granted, the Health Department shall retain all pertinent information in its records.

~~Variations~~ 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 ~~variance~~ variation shall not be granted for more than one specific dimension per application. A copy of an approved ~~variance~~ 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 ~~variance~~ variation as ~~approved~~ approved shall result in the revocation of ~~variance~~ 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)

**RIGHT TO APPEAL**

Any person may appeal a permitting decision to the Health Department by written request, in cases in which the complexity of the project may require further consideration in order to clarify conformance with local ordinance or related state code. The discussion will be facilitated by the Health Department with persons of appropriate professional background including outside consultants with respective expertise providing insight.

**SECTION X.14: UNCONSTITUTIONALITY CLAUSE 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.

Should any section, paragraph, sentence or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby. Should a court of competent jurisdiction hold that a part of this ordinance is invalid, such holding shall not invalidate the remainder.

**SECTION 15: PENALTIES OTHER THAN SUSPENSION AND REVOCATION:**

Any person, or permit holder, who violates any provision of this Ordinance, shall be guilty of a Class B misdemeanor which is punishable with a fine of \$500.00 per offense or incarceration in county jail. Each day of the violation constitutes a separate offense. 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~~ 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 ~~Retail and Food~~ 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



WATER SUPPLIES ORDINANCE  
KENDALL COUNTY, ILLINOIS

~~Section 1:~~ **SECTION 1: SCOPE**

~~An ordinance regulating water supplies—the construction and modification of water wells, construction of closed loop geothermal wells, the sealing of abandoned wells, and the inspection of water supplies and their components within Kendall County, Illinois.~~

~~Whereas, the Kendall County Board of Health has deemed it necessary and desirable to regulate water supplies for health purposes, and ground water protection, and accordingly has recommended adoption of the following Ordinance:~~

~~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.~~

~~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 resolved by the County Board of Kendall County, Illinois, that the following rules and regulations are hereby made and adopted.~~

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

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~~Section 2:~~ **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.

~~1. 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.

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~~2. CLOSED LOOP GEOTHERMAL WELL~~ means a sealed, watertight loop of pipe buried outside of a building foundation which is intended to re-circulate an approved coolant through a heat exchanger. This includes but is not limited to vertical loop, horizontal loop and body of water loop systems.

~~3. COMMUNITY WATER SYSTEM~~ means a public water system which serves at least 15 service connections used by residents, or regularly serves 25 or more residents for at least 60 days per year.

~~4. DIRECTOR~~ means the Director of Environmental Health Services of the Kendall County Health Department or his/her agent.

~~5. HEALTH AUTHORITY~~ means that person or persons designated by the Kendall County Board of Health to enforce this Ordinance.

~~6. HEALTH DEPARTMENT~~ means the Kendall County Health Department, including its duly authorized representatives.

~~7. HEALTH DEPARTMENT ADMINISTRATOR~~ means the individual selected by the Kendall County Board of Health to administer and enforce the policies, ordinances, resolutions, and laws of said Board.

~~8. NON COMMUNITY WATER SYSTEM~~ means a public water system which is not a community water system, and has at least 15 service connections used by nonresidents, or regularly serves 25 or more nonresident individuals daily for at least 60 days per year.

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.

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~~9. POTABLE WATER~~ means water that is suitable for human consumption and which meets public health standards for drinking water.

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~~10. PRIVATE WATER SYSTEM~~ means any supply which provides water for drinking, culinary, and sanitary purposes and serves an owner-occupied single family dwelling.

"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.

~~11. SEMI-PRIVATE WATER SYSTEM means a water supply which is not a public water system, yet which serves a segment of the public other than an owner-occupied single family dwelling.~~

~~12. WATER WELL means an excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use is for the location, diversion, artificial recharge, or acquisition of groundwater, except monitoring wells.~~

"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 3: ADOPTION BY REFERENCE**

~~In addition to these 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 4: NEW CONSTRUCTION**

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

### **Section 4: PUBLIC WATER USE**

~~In those locations where a public water supply is reasonably available, that supply shall be the sole source of water for drinking and culinary purposes. A public water supply shall be deemed reasonably available when the subject property is located within 200 feet of the public water supply to which connection is practical and is permitted by the controlling authority for said water supply.~~

### **SECTION 5: POTABLE WATER SUPPLY REQUIRED**

~~All premises intended for human habitation or occupancy shall be provided with a potable water supply. 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." Each potable water supply shall provide quantities of water that are sufficient for drinking, culinary, and sanitary needs of the dwelling or premises served. The water distribution lines of each potable water system shall be designed to maintain a minimum positive pressure of 20 p.s.i. in all parts of the system at all times.~~



**SECTION 6.5: 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/Health Department has reviewed and approved the supply and its components.

**2. Cisterna**

Cisterna 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/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 6.6: POWERS AND DUTIES OF THE HEALTH DEPARTMENT**

A. The health department/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/Health Department shall be empowered to issue permits authorizing the installation, repair or renovation 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/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.

G.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 5.1- SURFACE WATER SUPPLIES**

~~All 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." No surface water shall be utilized as a potable water supply unless the Health Authority has reviewed and approved the supply and its components.~~

## ~~Section 5.2- 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." No surface water shall be utilized as a potable water supply unless the Health Authority has reviewed and approved the supply and its components.~~

## **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/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/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. No person shall refuse to permit the health department to inspect any property at reasonable times to conduct inspections, investigations and site evaluations. Persons who, nor shall any person, resist/deny health department/Health Department personnel the ability to in the discharge of his or her/the above described duties/duty shall be in violation of this ordinance. In the event that health department/Health Department personnel are refused permission to inspect any property at a reasonable time/time, he or she shall have the authority to apply/seek an injunction and/or administrative investigative warrant from the Kendall County Circuit Court, pursuant to the provisions of as well as any other relief the Court may deem appropriate.~~LEGAL REVIEW & ILCS REFERENCE

## **SECTION 8: PERMIT REQUIREMENTS**

- ~~A. An application for a permit to install/repair or renovate 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/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 driller's 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, repaired, renovated, modified or sealed until a permit has been issued by the health department/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/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/Health Department issued permit for the installation or ~~repair or renovation of~~ 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 8.7: PERMIT FEE~~

~~The fees for permits and inspections for water supply system installations, closed loop geothermal wells, repairs, replacement and alterations and for surveys of private water supplies for real estate transactions are available in the Kendall County Health Department Fee Schedule as authorized and approved by the Kendall County Board of Health.~~

**SECTION 11: FEES**

The fees for water wells and wells are set forth in the Kendall County Health Department fee schedule, as approved by the Kendall County Board of Health. ~~y Board of Health.~~

~~Fees are set forth in the Kendall County Health Department fee schedule as approved by the Kendall County Board of Health and Kendall County Board.~~

~~Section 8.8: EXCEPTIONS~~

~~A permit to construct or deepen a water well shall not be required by the Health Authority when such water well does or will serve a community public water system or function as a monitoring well.~~

**SECTION 12: EXCEPTIONS**

A permit for installation or ~~repair or renovation of~~ modification of a water well shall not be required by the health department/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, repaired or renovated 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/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/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. The property owner or licensed contractor shall provide a minimum 24 hours advance notification to the health department before beginning installation, repair, renovation, or sealing of a water well, or 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-Health department-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 6: ABANDONED WELLS~~

~~Wells that are abandoned shall be sealed in a manner prescribed by the "Illinois Water Well Construction Code." The Health Authority shall inspect abandoned wells which have been sealed to determine compliance with the Ordinance. In questionable cases, the Health Authority shall make the determination as to whether a water well is considered abandoned, based upon the definition of an "abandoned well" and the facts in each particular case.~~

#### SECTION 15: ABANDONED WELLS

Wells that are abandoned shall be sealed in a manner prescribed by the Illinois Water Well Construction Code (57 77 Ill. Adm. Code 920.120). The health department/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 7: CLOSED LOOP GEOTHERMAL WELLS:~~

- ~~A) All closed loop geothermal wells shall be constructed by contractors meeting any and all applicable licensing and or certification requirements within the State of Illinois.~~
- ~~B) Application for inspection of a geothermal system shall be made in writing and submitted on forms provided by the Health Department. The geothermal system contractor and property owner shall sign the inspection application.
  - ~~(1) Applications for inspection shall be accompanied by payment that is in accordance with the Health Department fee schedule. The fee schedule is approved by the Kendall County Board of Health and is available on a separate sheet as an addendum to this ordinance.~~
  - ~~(2) The application shall also be accompanied by a sealed drawing showing the location of all existing structures, wells, septic tanks, secondary sewage treatment units, cesspools, privies, sewers, lakes, ponds, or streams on the applicant's property and on neighboring properties.~~
  - ~~(3) Prior to the approval of the inspection application, the Health Department, at its discretion, may require additional information, and/or inspect the property and neighboring properties.~~~~
- ~~C) All closed loop geothermal well setbacks distances described in the most current edition of the Water Well Construction Code shall be maintained and contained in their entirety within the boundaries of the property on which the system is to be installed.~~
- ~~D) Construction reports for each closed loop geothermal well shall be provided to the Health Department within 30 days of completion of drilling.~~
- ~~E) The Kendall County Health Department shall be notified by telephone or in writing at least two (2) business days before the coolant is installed. Coolant installation shall be witnessed by a representative of this Department. All coolant containers shall be labeled with the coolant type and concentration. Material Safety Data Sheets (MSDS) shall be made available upon request.~~



## 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 departmentHealth Department fee schedule.~~
- D. ~~The application for permit shall also be accompanied with a an Engineer's scale plan (1" = 10', 20', 30', 40', 50' or 60') 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 departmentHealth 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-departmentHealth 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.~~
- F. ~~Construction reports for each closed loop well shall be provided to the health-departmentHealth Department within 30 days of completion of drilling.~~

## Section 8.3- VARIANCES

~~When circumstances exist which make impractical full compliance with the requirements of this Ordinance, an applicant may request that the Director grant a variance. Such requests shall be made in writing and shall accompany the system plans and any other pertinent data which might support the request or which the Director may require. The Director may grant the variance provided it does not conflict with the stated purpose of this Ordinance. The Health Department will notify the applicant in writing of its decision to either grant or deny the variance. The owner of the property for which a variance has been granted shall have the approved Variance Request Application filed on the property's deed by the Kendall County Recorder of Deeds. A copy of the recorded approved Variance Request Application must be returned to the Department prior to permit issuance. With the exception of closed loop geothermal wells, no variance shall be granted for new construction.~~

## SECTION 18: VARIATIONS

~~The health-departmentHealth 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-departmentHealth 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 10- DISINFECTION AND ANALYSIS

~~All components of a newly constructed or modified water well 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. After purging the water system of any chlorine residual, a water sample shall be taken and analyzed by a certified laboratory and satisfactory results obtained prior to utilizing the water system for drinking and culinary purposes. A copy of the analysis shall be filed with the Health Department. The water obtained from a semi-private water supply shall meet the nitrate/nitrite, chemical and bacteriological requirements of the Primary Drinking Water Standards (35 Ill. Adm. Code 614), and the water obtained from a private well shall meet the bacteriological and nitrate~~

~~requirements of the Primary Drinking Water Standards (35 Ill. Adm. Code 611). The water from a private water system, having surface water as its source, shall meet the nitrate/nitrite, bacteriological and turbidity requirements of the Primary Drinking Water Standards (35 Ill. Adm. Code 611).~~

**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 Kendall County 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: RIGHT TO APPEAL 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.

~~in cases in which the complexity of the project may require further consideration in order to clarify conformance with local ordinance or related state code. The discussion will be facilitated by the Health Department with persons of appropriate professional background including outside consultants with respective expertise providing~~

Commented [d5]: Conceptual – this needs to be researched further

~~insight. Any person aggrieved by an action of a representative of the health department including, but not limited to any order or notice, shall have the right to file a formal grievance with this department.~~

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

#### ~~Section 11: PENALTIES~~

~~Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or refuses to remedy a violation of the provisions of this Ordinance shall be guilty of a business offense and be fined not less than \$100.00 and no more than \$750.00 for each offense. Each day upon which such violation continues shall constitute a separate offense.~~

#### 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 \$\_\_\_\_\_ and no more than \$\_\_\_\_\_ for each offense. Each day upon which such violation continues shall constitute a separate offense. Further Penalties/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 8: PERMIT REQUIRED~~

~~No water well shall be constructed or deepened except in accordance with this Ordinance, and it shall be unlawful to proceed with such work unless a permit has first been obtained from the Health Authority. A non-community public water supply shall not be operated without first obtaining a permit from the Illinois Department of Public Health.~~

Commented [d6]: I do not believe that we can utilize this approach. These codes do not all have penalties, and when they do they are in regard to their individual rule – not our ordinance. That being said, we can still enforce the codes/statutes that do have penalties, as they were incorporated into the ordinance. However, we need to have a traditional penalty section in the ordinance as well. You may want to modify the dollar amounts.

**Section 8.1- APPLICATION FOR PERMIT**

All applications for permits under the provision of this Ordinance will be made in writing and in such form as prescribed by the Illinois Department of Public Health or the Health Authority. The application will include specifications specific to each proposed water well, and will include a statement as to any restrictions relating to the location, materials, components, or type of water well to be constructed. The application will also include the location of the proposed well, estimated total depth of the well, the proposed aquifer into which the well is to be drilled, a closed-loop geothermal system if applicable (with specific type of coolant identified), location of private sewage disposal systems and water wells, both private and public, on adjacent properties. It will be the responsibility of the applicant to obtain all necessary data and to design a system which will meet the requirements of this Ordinance.

**Section 8.2- ISSUANCE OF PERMIT**

Upon submission of the application for permit, including the plans and specifications of the proposed water well or component thereof, the Health Authority will review said application prior to issuance of a permit. If the Department, upon review of said application, finds that such application meets the requirements of this Ordinance, and upon payment of the required fee, a permit will be issued to the applicant.

**Section 8.4- PROPERTY OWNER'S RESPONSIBILITY**

It shall be the responsibility of the property owner to obtain a permit before any construction or deepening of a water well is begun. Failure of the property owner to obtain a permit before any construction or deepening of a water well is begun shall constitute a violation of this Ordinance.

**Section 8.5- WATER WELL AND/OR PUMP INSTALLATION CONTRACTOR'S RESPONSIBILITY**

It shall be the responsibility of the Water Well Contractor to insure that a permit has been issued before any construction, deepening or sealing of a water well is begun and to follow the conditions of said permit. Failure of the Water Well Contractor to insure said permit has been issued or to violate the conditions of said permit shall constitute a violation of this Ordinance. All water wells shall be constructed, deepened or sealed in accordance with the "Illinois Water Well Construction Code." All individuals who construct, repair and seal water wells and install well pumps, shall be licensed by the Illinois Department of Public Health in accordance with the "Water Well and Pump Installation Contractor's License Act" (225 ILCS 345/D).

**Section 9.0- INSPECTIONS**

The Health Authority shall have the authority to enter any property at any reasonable time for inspection purposes to determine compliance with the provisions of this Ordinance. It shall be the duty of the owner or occupant of a property to allow the Health Authority free access to the property for the inspection purposes to determine compliance with the provisions of this Ordinance.

**Section 9.1- INSPECTION OF COMPLETED WORK**

A water well shall not be placed into operation until the installation of the water well and its components have been inspected to verify compliance with the applicable provisions of this Ordinance and written approval issued by the Health Authority. To the degree practical and permitted by the Health Authority, the completed installation shall remain uncovered and/or accessible for inspection purposes until approved by the Health Authority. If the Health Authority, upon inspection of the specified installation or component thereof, finds that such work meets the provisions of this Ordinance, the Health Authority shall approve such work and authorize operation of the water well. However, compliance with Section 10 shall be obtained prior to utilizing the water system for drinking and culinary purposes.

**Section 9.2- NOTIFICATION FOR INSPECTION**

It shall be the responsibility of the Water Well Contractor to notify a representative of the Kendall County Health Department in writing or by phone as required at least two (2) business days prior to:

- ~~A) The construction or deepening of a water well for which a permit has been issued. The Health Authority shall also be notified on the day of the well grouting process with an approximate time as to when this process will commence.~~
- ~~B) The sealing of an abandoned water well at which time a date for inspection will be arranged.~~
- ~~C) Drilling a vertical geothermal system or excavating a horizontal geothermal system. The Health Authority shall be notified on the day of the well grouting process with an approximate time as to when this process will commence.~~

**Section 9.3: SUSPENSION OF PERMIT**

~~Upon inspection, if it is found that any provisions of this Ordinance or any permit specifications for a stated property have been violated, the Health Authority shall notify the installer to make such specified changes in the work to allow compliance with the provisions of this Ordinance and the permit. If such changes are not made within a period of time specified by the Health Authority, said permit shall be suspended, and it shall be unlawful to place the water well into operation.~~

~~Closed loop geothermal wells are exempt from chlorination and sampling.~~

**Section 10.4: CONTINUING ANALYSIS**

~~It shall be the duty of every owner of every water well serving a semi-private water system for more than one residence to have the water therein bacteriologically analyzed by a certified laboratory as required by the Health Authority for the protection of public health. Such water shall also be bacteriologically analyzed whenever the water lines are opened up for repair, replacement, or extension of the water distribution system. The water from a semi-private water system shall meet the nitrate, chemical and bacteriological requirements contained in the "Drinking Water Systems Code."~~

**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 properly designed, constructed, operated, maintained and serviced in such a way as to protect the health of the public ~~and the natural resources within the County from impairment, pollution, or destruction.~~

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~~ resolved 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.

~~**"CURTAIN DRAIN"** is a one to three-sided groundwater and surface-water management device installed for the purpose of diverting groundwater and/or surface-water away from an onsite wastewater treatment system.~~

**"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.

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~~**"ONSITE WASTEWATER TREATMENT SYSTEM (OWTS)"** means a wastewater treatment system that is installed on the site at which the wastewater is produced, and disperses treated wastewater into soil, discharges treated wastewater to a discharge point open to the environment when the projected daily flow is less than 1500 gallons per day, or contains wastewater in a tank or tanks for removal and disposal at a remote site. For the purposes of this ordinance, an onsite wastewater treatment system may also be referred to as a system. 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".~~ *As per 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 four-sided groundwater and surface water management device installed around the soil treatment area for the purpose of diverting groundwater and/or surface water away from an onsite wastewater treatment system. 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.

**"REVOCATION"** 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.

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**"SHALL"** means that the stated provision is mandatory.

**"SHOULD"** means the stated provision is recommended, but not required.

~~**"SUSPENSION"** means a temporary hold on a permit or a registration.~~

#### 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 905.100] and may be subject to routine or periodic wastewater sampling which may be requested by the Kendall County Health Department at their discretion.

#### **SECTION 7- CONTRACTOR REGISTRATION**

- ~~A. A person designing, constructing, operating, maintaining or servicing an onsite wastewater treatment system shall be knowledgeable of the rules and regulations of the State of Illinois and Kendall County.~~
- ~~B. The Kendall County Health Department shall provide an annual registration for all state-licensed onsite wastewater treatment system installation contractors and state-licensed onsite wastewater treatment system pumping contractors performing work in Kendall County. This annual registration period shall run from January 1st through December 31st. This registration shall serve as a means for exchanging helpful information between health department and contractor. Contractors shall supply the health department with their business contact information. The health department shall maintain, and make accessible to the public, a list of Kendall County-registered contractors. A contractor may only remain on this list while holding a current and valid state license in good standing, as determined by the Illinois Department of Public Health.~~
- ~~C. A person who owns and occupies a single-family dwelling and who designs, constructs, operates, maintains or services the onsite wastewater treatment system which serves his/her single-family dwelling shall not be required to be a licensed installation contractor or required to hold a registration outlined in this section. However, such person shall comply with all provisions of the Illinois Private Sewage Disposal Licensing Act and Code and all other provisions of this Onsite Wastewater Treatment System Ordinance.~~

#### **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.

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**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 (within \_\_\_\_\_);
  6. Identification of any agricultural land which is used for farming purposes (within \_\_\_\_\_);
  7. Existing roadways and other areas where existing soil may be disturbed;
  8. 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;
  9. 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.
  10. Existing and proposed topography in two foot contours;
  11. 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;
  12. 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.

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- 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

~~The fees for onsite wastewater treatment systems are set forth in the Kendall County Health Department fee schedule, as approved by the Kendall County Board of Health. Fees are not refundable.~~

Fees are set forth in the Kendall County Health Department fee schedule as approved by the Kendall County Board of Health and Kendall County Board.

#### 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~~ ~~health department~~ 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.

#### D. Agricultural land

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

#### E. 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.

#### 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.
- 4.5. ~~As may otherwise be necessary in compliance with Section 5 of this Ordinance.~~

#### G. Tree removal

Any removal of trees from the proposed onsite wastewater treatment system area which have a trunk diameter measuring greater than ~~six~~ twelve inches shall be removed by cutting near the surface. Stumps shall be removed by grinding or cutting. ~~Stumps shall not be uprooted. 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.~~

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#### H. 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.~~

#### I. 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.~~
3. ~~if all the following conditions are met:~~
1. ~~Access shall be provided and maintained at each access point for maintenance and repair. For decks greater than or equal to five feet above the ground surface, the space below the deck shall be considered the access.~~
2. ~~Deck installation shall not compromise the integrity of the septic tank, aeration device or lift station.~~
3. ~~Deck construction shall maintain a five foot horizontal separation to any subsurface soil treatment component.~~

#### ~~J. Patios and slabs~~

~~Patios and slabs may be allowed over a septic tank, aeration device, and lift station if all the following conditions are met:~~

- ~~1. Access shall be provided and maintained to each access point for maintenance and repair.~~
- ~~2. Patio or slab installation shall not compromise the integrity of the septic tank, aeration device or lift station.~~
- ~~3. The patio or slab shall maintain a five foot horizontal separation distance to any subsurface soil treatment component.~~

#### **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~~ ~~Health department~~ ~~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~~ ~~Health department~~ ~~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.

~~D.~~

#### **SECTION 18: BUILDING & ZONING RECOMMENDATION**

It is recommended that the designer of the system contact the subdivision developer and ~~Kendall County~~ ~~Planning~~ ~~Building & zoning~~ ~~Zoning department~~ ~~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.~~

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#### **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.

A.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.

A. 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.

### **RIGHT TO APPEAL**

Any person may appeal a permitting decision to the Health Department by written request, in cases in which the complexity of the project may require further consideration in order to clarify conformance with local ordinance or related state code. The discussion will be facilitated by the Health Department with persons of appropriate professional background including outside consultants with respective expertise providing insight

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

**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 \$ \_\_\_\_\_ and no more than \$ \_\_\_\_\_ 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 (§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