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**KENDALL COUNTY**  
**PLANNING, BUILDING & ZONING COMMITTEE MEETING**  
111 West Fox Street • Room 209 and 210 • Yorkville, IL • 60560  
(630) 553-4141 Fax (630) 553-4179

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**AGENDA**

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Monday, July 11, 2016 – 6:30 p.m.

CALL TO ORDER

ROLL CALL: Lynn Cullick, Bob Davidson, Scott Gryder (Chair), Judy Gilmour (Vice-Chair) and Jeff Wehrli

APPROVAL OF AGENDA

APPROVAL OF MINUTES: Approval of minutes from the June 13, 2016 meeting

EXPENDITURE REPORT- Recommend Approval of claims to the Finance Committee in an amount not to exceed \$25,000

PUBLIC COMMENT

PETITIONS

- 16-10 – Whitetail Ridge LLC**  
Request A-1 Special Use  
Location 9111 Lisbon Road, Fox Township  
Purpose Request for approval of a special use in the A-1 Agricultural district for the operation of a banquet facility

NEW BUSINESS

OLD BUSINESS

Update – ordinance review with Health Department (water supply, on-site wastewater treatment, food protection)

UPDATE FOR HISTORIC PRESERVATION COMMISSION

UPDATE FOR CMAP LAND USE COMMITTEE MEETING

REVIEW PROJECT AND PETITION STATUS REPORT

REVIEW PERMIT REPORT

REVIEW REVENUE REPORT

CORRESPONDENCE

EXECUTIVE SESSION

ADJOURNMENT

**KENDALL COUNTY  
PLANNING, BUILDING & ZONING COMMITTEE**  
*Kendall County Office Building  
Rooms 209 & 210  
111 W. Fox Street, Yorkville, Illinois  
6:30 p.m.  
Meeting Minutes of June 13, 2016*

**CALL TO ORDER**

The meeting was called to order by Scott Gryder at 6:45 p.m.

**ROLL CALL**

Committee Members Present: Lynn Cullick (Arrived 6:44pm), Chairman Scott Gryder, Jeff Wehrli, Judy Gilmour, and Bob Davidson

Committee Members Absent: None

Also present: John Sterrett, Senior Planner; Greg Chismark, WBK Engineering; Tom Muth, Fox Metro Water Reclamation District; John Frerich, Walter Deuchler Associates; Jerry Bannister; Joe Gomoll

**APPROVAL OF AGENDA**

Ms. Gilmour made a motion, seconded by Mr. Wehrli, to approve the agenda as written. With a voice vote of all ayes, the motion carried.

**APPROVAL OF MINUTES**

Mr. Wehrli made a motion, seconded by Ms. Gilmour, to approve the minutes from May 9, 2016. With a voice vote of all ayes, the motion carried.

**EXPENDITURE REPORT**

The Committee reviewed the claims listing. Mr. Wehrli made a motion, seconded by Ms. Gilmour, to forward the claims to the Finance Committee in the amount of \$312.95. With a voice vote of all ayes, the motion carried.

**PUBLIC COMMENT**

Jerry Bannister commented on the Fox Metro Water Reclamation District variance project and that the proposed plan is fine and that he hopes the Committee moves forward with the project.

**PETITIONS**

**16-09 Joe Gomoll**

**Request:** Special Use for production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises as well as the tasting of and wholesale or retail sale of items produced on site and the sales of ancillary items and products related to crops and products produced on site in the A-1 Zoning District

**Location:** 10151 Lisbon Road in Fox Township

Mr. Sterrett summarized the zoning request, which is a request for an A-1 Special Use to A-1 Special Use for production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises as well as the tasting of and wholesale or retail sale of items produced on site and the sales of ancillary items and products related to crops and products produced on site at the property at 10151 Lisbon Road in Fox Township. Retail sales will take place out of an existing 4,800 square foot building occupying 1,000 square feet for retail space.

The petitioners have provided details regarding the operation of the roadside stand. The operation will have no employees and will be open eight (8) hours a day, 1-3 days per week. The petitioner intends for the roadside stand to be open throughout the year for each season. The petitioner has begun working with the Health Department on producing and selling sweet cider and anticipates selling sweet cider in fall 2016. The petitioner has indicated the possibility of producing and selling hard cider as a future endeavor. Fox Township is a dry township and therefore the County cannot issue a liquor license to sell hard cider or any other type of alcohol. A Change of Occupancy permit will be required for the portion of the structure being used for the retail sales area. The purpose of this permit is to evaluate the structure for proper ingress/egress, occupant load, life safety and health. Compliance with 2012 IBC existing structure provisions must be met. The petitioner is working closely with the Health Department. The petitioner will operate through a temporary permit in 2016 as they are getting the business off the ground. Health Department staff will be available for consultation and will provide inspection as part of that permit.

Section 7.01.D.32 requires that at least five (5) parking stalls be provided for the roadside stand locate at least ninety (90) from the centerline of all adjacent roadways. The petitioner is proposing four (4) 9'x20' parking stalls and one (1) 16'x20' parking stall reserved for ADA accessibility. These stalls will be located 130' from the centerline of Lisbon Road in compliance with the above referenced section. There is ample space next to the building if additional parking is needed for overflow. No new lighting is proposed on the property. The petitioner has indicated that signage will limited to a single sign at the store front. Two points of access onto Lisbon Road exist with no additional points of access proposed.

Mr. Sterrett stated that as a future endeavor the petitioner is interested in producing and selling hard cider. The selling of this hard cider at retail would require a Kendall County Liquor License. Fox Township is a dry township and therefore a liquor license cannot be obtained.

Staff recommends approval of the special use request with the following conditions:

1. The property shall be developed in substantial compliance with the submitted site plan
2. Parking stalls reserved for ADA access shall be paved with a hard surface and identified as such
3. A change of occupancy permit shall be secured for the portion of the structure that will be used for a retail sales area within sixty (60) days upon approval of the special use
4. All proposed signage shall comply with Section 12 of the Zoning Ordinance
5. No lighting associated with the special use shall be installed

6. No alcohol shall be offered for retail sale on the property until such time that a liquor license is permitted to be issued in Fox Township and until said liquor license has been approved by Kendall County. All regulations of the Kendall County Liquor Control Ordinance shall be followed.
7. A temporary permit from the Health Department shall be secured prior to the sale of sweet cider
8. All parking shall be on the property and no parking shall occur within any public road right-of-way

Ms. Gilmour made a motion, seconded by Mr. Wehrli, to forward the petition onto the County Board with a favorable recommendation. Mr. Gryder asked for a roll call vote. Mr. Sterrett called the roll. Gilmour – Aye; Wehrli – Aye; Davidson – Aye; Gryder – Aye. With a vote of 4-0, the motion carried.

### **NEW BUSINESS**

Mr. Gryder congratulated Mr. Sterrett on the birth of his child, Emmett Sterrett.

### **OLD BUSINESS**

#### **Variance Request from Fox Metro Water Reclamation District to Section 403.a – Hydraulically Equivalent Compensatory Storage (above and below 10 year flood elevation) and Section 403.d – Compensatory Storage Adjacent to the Development, of Article IV of the Kendall County Stormwater Management Ordinance.**

Mr. Sterrett provided the Committee with an update on the variance request from Fox Metro Water Reclamation District for off-site floodplain compensatory storage as part of their water treatment plant expansion along Route 31. Mr. Sterrett explained that the hearing for the variance will take place Thursday, June 16<sup>th</sup> at 4:00pm and that notification was sent out to all property owners within 250’ of both the Route 31 site and the site located at Orchard Road. This notification was sent both certified mail and regular first class mail. Tom Muth and John Frerich explained the proposed plans for the compensatory storage at Orchard Road. Greg Chismark, stormwater engineering consultant for the County, stated he has reviewed the materials submitted and is comfortable with the proposed plans. There are three proposed conditions on the variance ordinance including obtaining approval of all other applicable permits, the recording of an easement over the compensatory storage area and submitting a maintenance plan for the Orchard Road site. This matter will be discussed further at the public hearing on June 16<sup>th</sup> and be placed on the County Board agenda for June 21<sup>st</sup>.

### **UPDATE ON HISTORIC PRESERVATION**

Mr. Sterrett stated that the Historic Preservation Commission had a photo opportunity in front of the Millbrook Bridge on Saturday, May 14<sup>th</sup> as part of Preservation Month. The theme for Preservation Month is “This Place Matters” and a resolution to promote the Millbrook Bridge as part of the This Place Matters theme was approved by the County Board in May.

### **UPDATE ON CMAP LAND USE COMMITTEE MEETING**

No update

**PROJECT STATUS REPORT** - The Committee reviewed the project status report.

**PERMIT REPORT**-The Committee reviewed the permit report.

**VIOLATION REPORT**-None

**REVENUE REPORT**-The committee reviewed the revenue report.

**CORRESPONDENCE** – None

**EXECUTIVE SESSION** - None

**PUBLIC COMMENT**

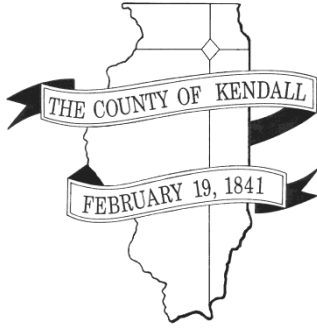
None

**ADJOURNMENT**

Ms. Cullick made a motion, seconded by Mr. Wehrl, to adjourn the meeting. With a voice vote of all ayes, the motion carried. Chairman Gryder adjourned the meeting at 6:59 p.m.

Respectfully Submitted,  
John H. Sterrett  
Senior Planner

Vendor#	Name	Invoice #	Description	Date	Budget #	Account Description	Dist Amount
<b>BUILDING AND ZONING</b>							
1	012018 AT & T MOBILITY	287251783045	5-22 TO 6-21-2016	07/05/16	01020026207	CELLULAR PHONE	199.10 199.10*
2	012290 AUTOMOTIVE SPECIALTIES INC	21580	JULY PLUMBING INSPEC	07/05/16	01020026217	VEHICLE MAINT/REPAIRS	201.16
3	012290 AUTOMOTIVE SPECIALTIES INC	21570	OIL CHANGE	07/05/16	01020026217	VEHICLE MAINT/REPAIRS	46.55 247.71*
4	261005 RANDY ERICKSON	072016	JULY PLUMBING INSPEC	07/05/16	01020026361	PLUMBING INSPECTIONS	980.00 980.00*
5	091341 ILLINOIS EPA	ILR400261(A)	FY 2017 STORMWATER (	07/05/16	01020026367	NPDES PERMIT FEE	1,000.00 1,000.00*
<b>Total BUILDING AND ZONING</b>							<b>2,426.81*</b>
<b>GRAND TOTAL</b>							<b>2,426.81**</b>



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

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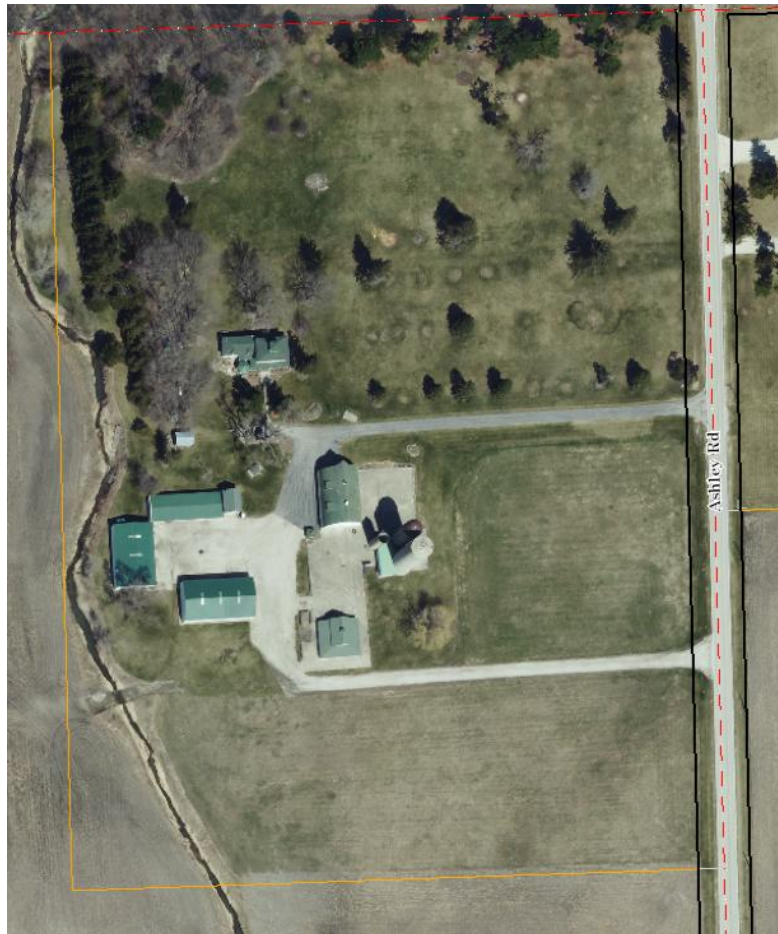
**Petition 16-10**  
**Whitetail Ridge Golf Club, LLC**  
**A-1 Special Use – Banquet Facility**

**SITE INFORMATION**

PETITIONER Whitetail Ridge Golf Club LLC

ADDRESS 9111 Ashley Road

LOCATION West side of Ashley Rd; 1.75 mi south of Route 126



TOWNSHIP Kendall

PARCEL # 05-22-200-002

LOT SIZE 17 acres

EXITING LAND USE Agricultural/Single Family Residential

ZONING A-1 Agricultural District

LRMP	Land Use	Rural Residential
	Roads	Ashley Road is a township road classified as a Major Collector Road
	Trails	None
	Floodplain/ Wetlands	None

REQUESTED ACTION A-1 Special Use to operate a banquet facility.

APPLICABLE REGULATIONS Section 7.01 D.10 – A-1 Special Uses – Permits Banquet Facilities to be located in the A-1 District with approval of a Special Use provided that the banquet facility meets certain conditions.

Section 13.08 – Special Use Procedures

**SURROUNDING LAND USE**

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1	Rural Residential	A-1
South	Agricultural	A-1	Rural Residential	A-1
East	Agricultural/Farmstead	A-1	Rural Residential	A-1
West	Agricultural	A-1	Rural Residential	A-1





## PHYSICAL DATA

### ENDANGERED SPECIES REPORT

No record of State-listed threatened or endangered species. Consultation is terminated.

### NATURAL RESOURCES INVENTORY

The LESA score for this site is 210 which is a medium level of protection.

## ACTION SUMMARY

### KENDALL TOWNSHIP

Staff has been informed verbally from Kendall Township staff that the Township Board recommended approval of the special use petition in a 3-2 vote and that four conditions were made as part of this recommendation including:

- Evergreen trees be planted north of the buildings to provide screening to the property across the street and to serve as a buffer to prevent noise from leaving the property
- A berm be constructed along Ashley Road to add additional screening and noise prevention onto surrounding properties
- Adequate lighting be considered
- Strict enforcement of the hours of operation

Staff has not yet received but has been informed that a letter from the Township indicating the above vote and recommended conditions is forthcoming.

### UNITED CITY OF YORKVILLE

The City's Plan Commission reviewed the petition at their May 11<sup>th</sup> meeting and had no objections. The City Council reviewed the application at their May 24<sup>th</sup> meeting and had no objections.

### ZPAC (5.3.16)

Aaron Rybski of the Health Department discussed the requirements for the non-community well program and septic system requirements. Fran Klaas of the Highway Department brought up the posting of Ashley Road and how that might impact catering trucks. ZPAC forwarded the petition onto the Plan Commission with a favorable recommendation.

### KCRPC (5.25.16)

The Plan Commission voted to continue the matter until such time that the Kendall Township Board has had a chance to vote on the request at their June 21<sup>st</sup> Board meeting. During public comment, concerns were raised from nearby residents including noise from the events, parking along Ashley Road, trash, the number of events, and the changing of ag use on the property.

### KCRPC (6.22.16)

The Plan Commission voted 0-6 on a motion to recommend approval of the request with the conditions recommended by staff as well as the conditions recommended by the Township and recommended a condition be placed that all music will be within enclosed structures and not outside, except for processional music, and that the right-to-farm clause be included in the ordinance.

### Hearing Officer (7.11.16)

***The hearing with the Special Use Hearing Officer is scheduled to take place on Thursday, July 7<sup>th</sup> at 7:00pm. A summary of the hearing, the Findings of Fact made by the Hearing Officer, and the recommendation made by the Hearing Officer will be provided for the PBZ Committee meeting on Monday, July 11<sup>th</sup> at 6:30pm.***

## GENERAL

Whitetail Ridge Golf Club LLC is requesting an A-1 Special Use to operate a banquet facility at the subject property and has indicated that all existing structures on the property will be used in conjunction with the proposed banquet use. This type of use is permitted as a special use on an A-1 property with certain conditions. Those conditions include:

- a. The facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan.

- b. The subject parcel must be a minimum of 5 acres.
- c. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
- d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.
- e. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
- f. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
- g. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

**EXEMPTION:** Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

**BUSINESS OPERATION**

The petitioners have indicated that the property will be used primarily for weddings but that other events may take place including bridal and baby showers. It is anticipated that 40-50 weddings will occur from Mid-April to Mid November on Fridays, Saturdays, and some Sundays from 3:00pm to 12:00am. Food and beverage will be catered by Whitetail Ridge. No alcohol sales will take place on the property and no liquor license will be sought. **The Kendall Township Board commented that strict enforcement of the hours of operation should take place with the special use.**

The large rounded roof barn will be used for dining service and dancing with an outside ceremony area located in the northwest corner of the property. The smaller wood framed barn will be an alternate site for ceremonies. Rest rooms and food prep will take place in the steel barn to the south. The current owners of the property will reside in the two-story framed house until a new residence can be found. A portion of the downstairs of the house will be used as a bridal room and an office to meet with clients.

**BUILDING CODES**

The petitioner has been working with the County's Code Official on building requirements. A change of occupancy permit will be required for each existing structure or portion of each existing structure that will be used in conjunction with the proposed banquet facility. The purpose of this permit is to evaluate the structures for proper ingress/egress, occupant load, life safety and health. Compliance with 2012 IBC existing structure provisions must be met and adopted life safety code. There are 2 frame barns, two story frame house, 2 steel buildings and a frame building currently on property which will each need to be evaluated by a licensed professional if they are to be used in any capacity for the proposed banquet facility. The number of required bathrooms and parking are dependent upon these evaluations and proposed uses of each building. Bristol Kendall Fire Protection District adopted ordinances and codes should be considered as well. BKFPD has been consulted and is working with the applicant.

**ENVIRONMENTAL HEALTH**

The petitioner has been in contact with the Health Department and has been advised to consult a sewage system design engineer in order to design a system capable of treating the high volume surge loads created by a facility such as this. The well on the property would qualify for the Non-community Well Program if they serve 25 people or more for more than 60 days out of the year. Per the Health Department, this should not be an issue unless events are occurring every weekend or multiple events a week.

## **PARKING**

The proposed use is considered a place of assembly and is required to provide parking stalls in an amount at least 25% of the maximum capacity of the banquet facility. The petitioner is proposing seventy (70) parking stalls. This amount of parking is adequate for a maximum capacity of 280. Near the two steel buildings and frame building twenty (20) perpendicular parking stalls are proposed. Fifty (50) angled parking stalls are proposed along an existing gravel drive area towards the south of the property. This proposed parking area totals 11,440 square feet. The surface of the parking area will be improved with gravel. The proposed stalls meet all required dimensions.

One (1) ADA reserved stall is required for every twenty-five (25) stalls. With seventy (70) parking stalls proposed, a minimum of three (3) ADA reserved stalls are required. Four (4) ADA reserved stalls are proposed meeting the requirement. Parking stalls reserved for ADA compliance shall be constructed with a hard surface.

## **LIGHTING**

The petitioner has indicated that Edison style lighting will be provided for the patio and parking area on the property for events. Security lighting will be added to the structures. **The Kendall Township Board commented that adequate lighting should be provided. All lighting must be Section 11 of the Zoning Ordinance.**

## **SIGNAGE**

The petitioner is proposing one (1) directional sign for each of the two (2) access points. These signs are exempt from requirements of Section 12 of the Zoning Ordinance except for the maximum square footage of six (6) feet and maximum height of two and one-half (2.5) feet. The petitioner has indicated that an existing silo may be used for signage along Ashley Road. This would be considered a wall sign and may not exceed thirty-two (32) square feet in size. A proposed free-standing sign is identified on the site plan. If the petitioner chooses to install a free-standing sign rather than a wall sign, the maximum size may not exceed (32) square feet and may not exceed eight (8) feet in height from surrounding grade to the tallest point of the sign. Only one sign, however, is permitted on the property, excluding directional signage.

## **LANDSCAPING**

No residential zoning districts are adjacent to this property and therefore landscaping is not required for the parking areas. The existing hayfield on the southern portion of the property will provide screening in the summer months to the angled parking area on the south side. **The Kendall Township Board recommended that evergreen trees be planted north of the building to provide screening to the property across the street as well as to serve as a buffer to reduce noise from leaving the property. The Township Board also recommended a berm be constructed along Ashley Road to provide additional screening and noise prevention.**

## **CONCLUSION**

The proposed banquet facility use is permitted as special use in the A-1 District with the required conditions outlined above.

## **RECOMMENDATION**

Staff recommends approval of the special use for a banquet facility and would recommend the following conditions be placed on the special use ordinance:

1. The property shall be developed in substantial compliance with the submitted site
2. A change of occupancy permit shall be secured for all buildings associated with the banquet facility use prior to events occurring on site
3. The maximum number of patrons for events shall be limited to 280, including any vendors working on the property for an event
4. No alcohol shall be sold at retail on the property and all regulations of the Kendall County Liquor Control Ordinance shall be followed
5. Food shall be provided only by licensed caterers
6. A maximum of eight (8) employees
7. All events shall end no later than 12:00am
8. Lighting shall comply with Section 11 02.F.12 of the Zoning Ordinance

9. Parking reserved for ADA accessibility shall be marked and constructed with a hard surface
10. The banquet facility shall conform to the regulations of the Kendall County Health Department
11. Retail sales are permitted provided that the retail sales will be ancillary to the main operation and such sales occur only during an event
12. One (1) sign, either a wall sign or a free-standing sign, shall be permitted on the property and shall comply with the sign requirements of Section 12 of the Kendall County Zoning Ordinance.
13. Noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

**EXEMPTION:** Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

Staff further recommends that the Right-to-Farm Clause be included within the special use ordinance and that all music be kept indoors, with the exception of wedding processional music, which shall be permitted to occur outside during wedding ceremonies. Staff also recommends that consideration should be given to the recommendations from the Township with respect to the planting of evergreen trees and the construction of a berm along Ashley.

***As previously noted, the hearing with the Special Use Hearing Officer is scheduled to take place on Thursday, July 7<sup>th</sup> at 7:00pm. A summary of the hearing, the Findings of Fact made by the Hearing Officer, and the recommendation made by the Hearing Officer will be provided for the PBZ Committee meeting on Monday, July 11<sup>th</sup> at 6:30pm.***

#### **ATTACHMENTS**

1. Findings of Fact
2. Description of proposed use - prepared by the petitioners
3. NRI Report - Executive Summary
4. ZPAC Minutes 5.3.16
5. KCRPC Minutes 5.25.16
6. KCRPC Minutes 6.22.16
7. Zoning Plat

## FINDINGS of FACT

§ 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a **special use**. Staff has answered as follows:

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. True. The petitioner has submitted a business narrative indicating that measures will be taken to ensure that the use will not have a negative impact on public health, safety, morals, comfort, or general welfare. No liquor license will be sought for this banquet facility and no alcohol sales will occur on the property.*

*That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The portion of the property to be used for banquets is a sufficient distance from nearby residences and any residential zoning districts thereby reducing the amount of adverse impacts from the use. The only lighting being added to the property is security lighting on the structures and string lights added to the patio areas and parking areas. This lighting should comply with the provisions of Section 11.02.F.12 of the Zoning Ordinance to ensure adjacent properties are not impacted by any glare.*

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. No new access roads or points of ingress and egress are proposed. The petitioner has begun to work with the Health Department to ensure well and septic requirements are met. All food will be catered eliminating the need for a commercial kitchen on the property. The additional gravel for parking does not require additional drainage or stormwater infrastructure. The structures that are proposed to be used as part of the banquet use will require a change of occupancy permit for basic life safety requirements. All ADA parking requirements will be provided.*

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. The petitioners have provided a site plan that complies with the requirements for the proposed use including parking.*

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. This special use is consistent with the LRMP and the agricultural character of the property will remain.*

## **OPERATIONAL BUSINESS PLAN FOR ASHLEY FARM PROJECT**

Whitetail Ridge Golf Club, LLC

May 2, 2016

Whitetail Ridge Golf Club, LLC plans on hiring six to eight part time staff to assist in the operation of Ashley Farm. We currently host approximately 60 wedding receptions at WTR on Friday, Saturday and occasional Sundays. At the Farm we anticipate hosting 40-50 weddings from Mid-April to Mid-November on Friday, Saturday and some Sundays from 3pm to 12 am. We also anticipate hosting bridal and baby showers earlier during that same period.

The food and beverage will be catered by WTR utilizing their staff. Alcohol service is included in our wedding packages. No alcohol sale will take place on premises so it is not anticipated that a liquor license will be required in that our alcohol usage will be included with the catering package, with no cash bar at location.

At this time the large rounded roof barn will be used for the dining service and dancing with an outside ceremony area located in the northwest corner of the property. The smaller wood framed barn will be an alternate site for ceremonies, as well. The restrooms and food prep areas will be located in the steel barn to the south. The current owners of the property will reside in the 2 story framed house until they locate a new residence. Our intentions are to use a portion of the downstairs as a bridal room and an office to meet with clients.

As to existing and/or proposed lighting, we intend to use Edison style string lights in the patio areas and some parking areas. We will also be adding outdoor area lights on several barns. The barn interiors will be illuminated with chandeliers and wall sconces. At this time the only signage we are proposing are entrance and exit signs on the drives, and painting the name on the large silo.

PARKING: Normal parking will consist of diagonal parking on the gravel driveway that will be extended in its current location. Overflow parking will be accommodated in the hayfield adjacent to the gravel parking area.

Handicap parking will be striped and located on the blacktop drive area near the buildings in accordance with the number of spaces required by Kendall County Ordinance.

SITE IMPROVEMENTS: The only actual site modifications will be to expand the gravel area to accommodate parking and the directional and facility signs as indicated above.

**LAND USE OPINION:**

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner Whitetail Ridge Golf Club, LLC at the request of Contact Attorney Daniel J. Kramer for the proposed A-1 Special Use Whitetail Ridge Wedding Hall. This parcel is located in the NE¼ of Section 22 in Kendall Township (T.36N.-R.7E. of the 3<sup>rd</sup> Principal Meridian) in Kendall County. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board has the following opinions and recommendations.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. A land evaluation, which is a part of the Land Evaluation and Site Assessment (LESA) was conducted on this parcel. The soils on this parcel scored a 100 out of a possible 100 points indicating the soils are well suited for agricultural uses. Additionally, the soils found onsite are classified as prime farmland. The proposed project for an A-1 Special Use request is compatible with continued agricultural use.

Soils onsite can have potential limitations for development. This report indicates that for soils located on the parcel, 100% are very limited for local roads/streets; 95.9% are very limited for shallow excavations; 62.4% are very limited for small commercial building; and 62.4% are very limited for conventional sewage disposal systems. This information is based on the soil in an undisturbed state and does not replace the need for site specific soil testing. Some soil reclamation, special design, or maintenance may be required to obtain suitable soil conditions to support these types of development with significant limitations. Additionally, since the scope of the project includes the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within the Illinois River Watershed and Middle Branch Aux Sable Creek subwatershed.

This development should include a soil erosion sediment control plan to be implemented during construction. Sediment may become a primary non-point source of pollution. Eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality and destroy aquatic ecosystems lower in the watershed.

For intense use it is recommended that the drainage tile survey completed on the parcel to locate the subsurface drainage tile be taken into consideration during the land use planning process. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. Impaired tile may affect a few acres or hundreds of acres of drainage.

The information that is included in this Natural Resources Information Report is to assure the Land Developers take into full consideration the limitations of that land that they wish to develop. Guidelines and recommendations are also a part of this report and should be considered in the planning process. The Natural Resource Information Report is required by the Illinois Soil and Water Conservation District Act (Ill. Compiled Statutes, Ch. 70, Par 405/22.02a).

  
SWCD Chairman

\_\_\_\_\_  
5/24/16

**#16-10 – Whitetail Ridge**

Mr. Sterrett summarized the zoning request, which is a request for an A-1 Special Use to operate a banquet facility on a 17 acre property located at 9111 Ashley Road in Kendall Township. Mr. Sterrett noted that any building being used for the operation will be required to obtain change of occupancy permits for basic life safety standards. The petitioner is proposing 72 parking stalls for the use. This would accommodate 288 patrons on the property, per the parking requirements of the zoning ordinance. Mr. Sterrett stated that additional information has been required with respect to the operation. A revised site plan must be submitted with correct dimensions for the proposed parking stalls and number of ADA accessible stalls. Attorney Kramer stated that no liquor license will be sought for the property and no alcohol will be sold. Mr. Rybski stated that parking over the septic area must be avoided. Mr. Rybski stated that the requirement for a non-community well program is close based on the frequency of events. Ron Walker stated that other events may occur on the property but the primary use will be for weddings. Ms. Andrews stated that an executive NRI summary will be prepared. Attorney Kramer stated that the petition will be reviewed by Kendall Township on April 17<sup>th</sup>.

Ms. Andrews made a motion, seconded by Mr. Gryder, to forward the petition onto the May 25<sup>th</sup> Regional Plan Commission. With a voice vote of all ayes, the motion carried.

**#16-03 – Dumpsters in Residential Zoning Districts**

Mr. Sterrett stated that this is a zoning text amendment that PBZ staff has been working with the PBZ Committee on to regulate dumpsters in residential zoning districts to prevent dumpsters from being permanently located in a residential zoning district. This topic was brought forward to the Committee after receiving complaints from residents about a dumpster on a property in an R-2 zoned subdivision. After discussion on the matter, the Committee felt that only dumpsters that are of a temporary nature for a specific timeframe and only for personal uses should be permitted to be located on residentially zoned properties. The Committee directed staff to draft provisions that deal with reasons and timeframes for what can be considered a temporary dumpster and for scenarios of when a property owner may have a dumpster on his or her property. The Committee believe that two scenarios exist when a dumpster may be permitted in all residentially zoned properties on a temporary basis - It is associated with an approved building permit for construction or remodeling of either a principal or accessory structure on a property. This does not include waste generated off-site, and when it is for temporary use by property owners not including waste generated off-site. Temporary Dumpsters shall not be kept on any residential property for more than 30 days within a 90 day period and no more than 60 days within a 12 month period unless the dumpster is associated with a building permit for construction or remodeling of either a principal or accessory structure on a property. In cases when a Temporary Dumpster is associated with an open and approved building permit, the Temporary Dumpster shall be permitted to be located on the property for the duration of the building permit provided that it is removed from the property once the permit has received a final inspection approval, or the building permit has expired, whichever occurs first.

The ZPAC recommended that the setback be changed from ten feet to five feet.

Mr. Rybski made a motion, seconded by Mr. Gryder, to forward the petition onto the May 25<sup>th</sup> Regional Plan Commission. With a voice vote of all ayes, the motion carried.

**REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

16-05 – Treva and Brad Mathre – A-1 Special Use – Banquet Facility – 13889 Hughes Road. This petition received a favorable recommendation from the Plan Commission and the ZBA/Hearing Officer.

**OLD BUSINESS**

None

**NEW BUSINESS**

None

**ADJOURNMENT**

Mr. Klaas made a motion, seconded by Ms. Andrews, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:41am, adjourned.



## **16-10 Whitetail Ridge, LLC**

**Request:** Special Use to allow a banquet facility

**Location:** 9111 Ashley Road in Fox Township

Whitetail Ridge Golf Club LLC is requesting an A-1 Special Use to operate a banquet facility at the subject property and has indicated that all existing structures on the property will be used. This type of use is permitted as a special use on an A-1 property with certain conditions. The petitioners have indicated that the property will be used primarily for weddings but that other events may take place including bridal and baby showers. It is anticipated that 40-50 weddings will occur from Mid-April to Mid November on Fridays, Saturdays, and some Sundays from 3:00pm to 12:00am. Food and beverage will be catered by Whitetail Ridge. No alcohol sales will take place on the property and no liquor license will be sought.

The large rounded roof barn will be used for dining service and dancing with an outside ceremony area located in the northwest corner of the property. The smaller wood framed barn will be an alternate site for ceremonies. Rest rooms and food prep will take place in the steel barn to the south. The current owners of the property will reside in the two-story framed house until a new residence can be found. A portion of the downstairs of the house will be used as a bridal room and an office to meet with clients. The petitioner is proposing one (1) directional sign for each of the two (2) access points. These signs are exempt from requirements of Section 12 of the Zoning Ordinance except for the maximum square footage of six (6) feet and maximum height of two and one-half (2.5) feet. The petitioner has indicated that an existing silo may be used for signage along Ashley Road. This would be considered a wall sign and may not exceed thirty-two (32) square feet in size. A proposed free-standing sign is identified on the site plan. If the petitioner chooses to install a free-standing sign rather than a wall sign, the maximum size may not exceed (32) square feet and may not exceed eight (8) feet in height from surrounding grade to the tallest point of the sign. Only one sign, however, is permitted on the property, excluding directional signage.

Mr. Sterrett informed the Commission that while the Kendall Township Board did discuss the request at their May 17<sup>th</sup> meeting, they continued the discussion to their June 21<sup>st</sup> meeting at which point they anticipate a vote on the request. There was a consensus from the Plan Commission to continue the petition to the June Plan Commission meeting to give the Township Board time to vote and send comments to the County. The Plan Commission heard from the petitioner and from the public regarding the petition.

Attorney Kelly Helland, representing the petitioner, further explained the intended hours of operation. Ron Walker of Whitetail Ridge, described the intent of the using the farm property for weddings and wedding receptions and that there will be music inside and outside for receptions. Mr. Sterrett reviewed the noise regulations for banquet facilities. There will be no liquor license sought for the property and no liquor will be sold at retail.

Tom Schnabel, Jr. lives directly across the street from the subject property. Mr. Schnabel had concerns about the number of events that will take place as well as the noise carrying from the property. Jessica Frieders, nearby resident, brought up concerns over parking along the road and trash from events. Attorney George Mahoney representing the Block family made comments asking the petitioner to respect the permitted uses in nearby agricultural properties including harvesting crops, spraying, etc. Vicky Schnabel lives directly across the street from the subject property and raised concerns from the view of the events from her home as well as headlights from the cars. Ms. Schnabel also brought up the noise concerns and traffic safety.

Mr. Nelson made a motion, seconded by Ms. Zubko, to continue the petition pending a response from Kendall Township. With a voice vote of all ayes, the motion carried.

**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**

*Kendall County Office Building  
Rooms 209 & 210  
111 W. Fox Street, Yorkville, Illinois*

**Unofficial Meeting Minutes of June 22, 2016**

Chairman Bill Ashton called the meeting to order at 7:00 pm.

**ROLL CALL**

Members Present: Bill Ashton, Vern Poppen, Budd Wormley, Larry Nelson, Roger Bledsoe, Angela Zubko

Staff present: John Sterrett, Senior Planner

Members Absent: John Shaw, Tom Casey, Claire Wilson

In the Audience: Attorney Dan Kramer; Ron Walker; Dave Walker; Attorney Gregg Ingemunson; Tom Schnabel, Jr.; Vicky Schnabel; Susan Munson

**APPROVAL OF AGENDA**

Mr. Wormley made a motion, seconded by Ms. Zubko, to approve the agenda as written. With a voice vote of all ayes, the motion carried.

**APPROVAL OF MINUTES**

Mr. Wormley made a motion, seconded by Mr. Poppen, to approve the May 22, 2016 regular meeting minutes with a correction regarding a typo in the petition section. With a voice vote of all ayes, the motion carried.

**PETITIONS**

**16-10 Whitetail Ridge, LLC**

**Request:** Special Use to allow a banquet facility

**Location:** 9111 Ashley Road in Fox Township

Mr. Sterrett stated that this petition was continued from last month's Plan Commission meeting pending a review and recommendation from the Kendall Township Board. The petition is a request for a special use in the A-1 Agricultural to operate a banquet facility at 9111 Ashley Road in Fox Township. The Township Board had their meeting on June 21, 2016 and voted 3-2 to recommend approval of the petition with the following recommendations:

1. Install evergreen trees north of the building to screen the property from the property across the street and to reduce noise from leaving the property
2. Construct a berm along Ashley Road to provide additional screening and noise reduction
3. Adequate lighting be installed
4. Strict enforcement of hours of operation

Staff has recommended the following conditions be placed on the special use ordinance:

1. The property shall be developed in substantial compliance with the submitted site
2. A change of occupancy permit shall be secured for all buildings associated with the banquet facility use prior to events occurring on site
3. The maximum number of patrons for events shall be limited to 280, including any vendors working on the property for an event
4. No alcohol shall be sold at retail on the property and all regulations of the Kendall County Liquor Control Ordinance shall be followed
5. Food shall be provided only by licensed caterers
6. A maximum of eight (8) employees

7. All events shall end no later than 12:00am
8. Lighting shall comply with Section 11 02.F.12 of the Zoning Ordinance
9. Parking reserved for ADA accessibility shall be marked and constructed with a hard surface
10. The banquet facility shall conform to the regulations of the Kendall County Health Department
11. Retail sales are permitted provided that the retail sales will be ancillary to the main operation and such sales occur only during an event
12. One (1) sign, either a wall sign or a free-standing sign, shall be permitted on the property and shall comply with the sign requirements of Section 12 of the Kendall County Zoning Ordinance.
13. Noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

**Exemption:** Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

Attorney Dan Kramer representing the petitioner, Whitetail Ridge Golf Club LLC, reviewed the proposed banquet facility and explained the operation and proposed site plan. The existing buildings will be utilized for the operation with no new buildings proposed. Mr. Kramer commented on the recommendations from the Township and that they are fine with those recommendations. Mr. Kramer discussed previous banquet facilities that have been approved with similar surrounding settings. The Right-to-Farm clause has been requested to be included in the approving ordinance by one of the nearby property owners. Liquor would not be sold at the subject property. Gregg Ingemunson, attorney for Tom and Vicky Schnabel who live directly across the street, spoke about how the proposed use is a commercial operation that conflicts with the surrounding agricultural properties and spoke of potential negative impacts. Tom Schnabel lives directly across the street and stated that the noise will travel easily from the subject property to his. Mr. Schnabel also raised a concern over multiple events each day. Vicky Schnabel also raised concerns over multiple events taking place in one day on the subject property and the negative impacts. Susan Munson lives around the corner from the subject property on Walker Road stated that she does not believe this type of commercial use is a good fit within the agricultural area. Mr. Kramer addressed the comments from the nearby property owners and spoke of the petitioner's experience operating a banquet facility. The Commission discussed the proposed use and if it fits with the surrounding agriculture area. Claire Wilson of the Plan Commission could not attend but submitted written comments that were read aloud voicing her concerns regarding the proposed use including the noise.

Mr. Nelson made a motion, seconded by Ms. Zubko, to recommend approval of the petition with the conditions recommend by staff as well as the recommended conditions from the Township, that the right-to-farm clause be included in the controlling special use ordinance, and that no music shall occur outside, with the exception of processional music for wedding ceremonies. Ms. Zubko seconded the motion.

Mr. Sterrett called the roll: Mr. Bledsoe-No; Ms. Zubko-No; Mr. Nelson-No; Mr. Ashton-No; Mr. Wormley-No; Mr. Poppen-No. The motion failed 0-6.

Mr. Sterrett stated that this petition will move onto the Special Use Hearing Officer on Thursday, July 7<sup>th</sup> at 7:00pm.

**ZONING PLAT OF  
PART OF THE NORTHEAST QUARTER OF SECTION 22, T36N-R7E, 3rd PM  
KENDALL TOWNSHIP KENDALL COUNTY ILLINOIS**

PIN 05-14-300-002  
George E. Black  
Harris Bank Trust Real Estate  
Zoning: A1

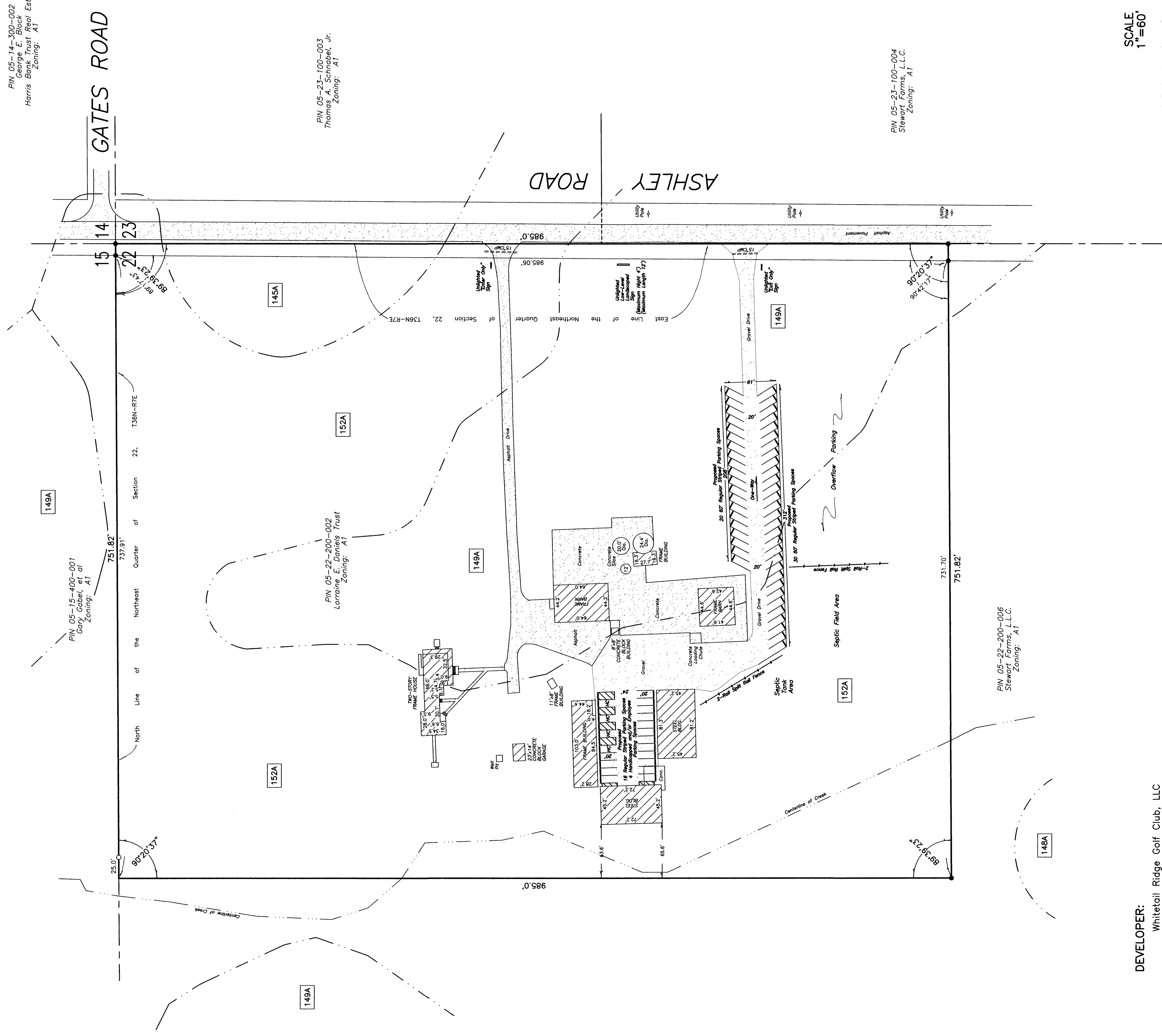
PIN 05-15-400-001  
Gary Gabel, et al  
Zoning: A1

PIN 05-22-200-002  
Lorraine E. Daniels Trust  
Zoning: A1

PIN 05-23-100-003  
Thomas A. Schinabel, Jr.  
Zoning: A1

PIN 05-23-100-004  
Stewart Farms, L.L.C.  
Zoning: A1

PIN 05-22-200-006  
Stewart Farms, L.L.C.  
Zoning: A1



**DEVELOPER:**  
Whitetail Ridge Golf Club, LLC  
7671 Clubhouse Drive  
Yorkville, Illinois 60560

**PROPERTY LOCATION:**  
PIN: 05-22-200-002  
9111 Ashley Road  
Yorkville, Illinois 60560

**AREA TO BE REZONED:**  
17,000.2 Acres  
(16,615.4 Acres Excluding Road)

**PRESENT ZONING:**  
A-1

**PROPOSED ZONING:**  
A-1, SU

**LEGAL DESCRIPTION OF TRACT TO BE REZONED:**

The North 985.0 feet of the East 751.82 feet of the North Half of the Northeast Quarter of Section 22, Township 36 North, Range 7 East of the Third Principal Meridian in Kendall Township, Kendall County, Illinois.

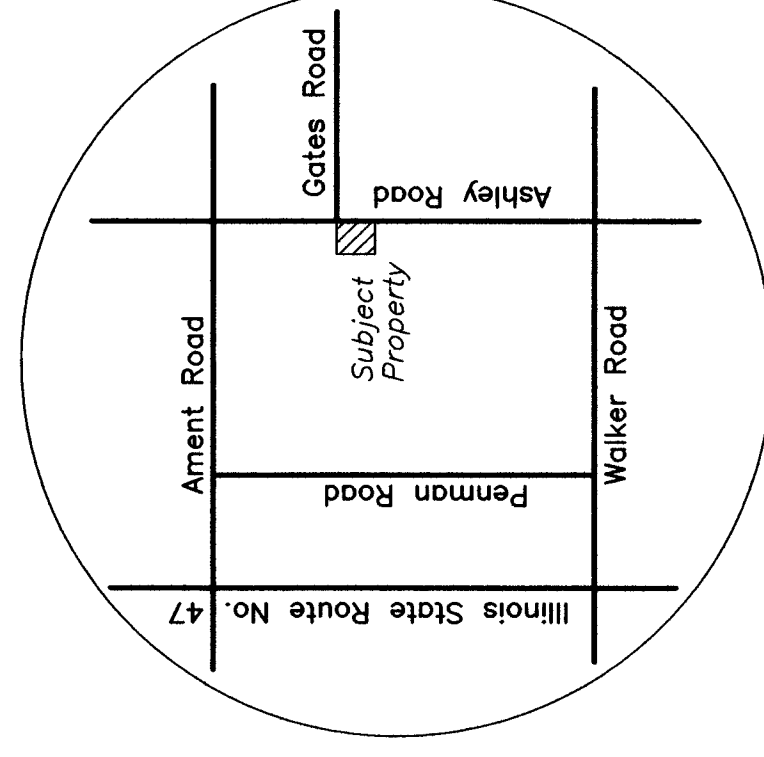
**SCALE:**  
1"=60'

- Indicates Iron Stake Found
- Indicates Iron Stake Set
- - - Indicates Soils Boundary

**SOILS (From Web Soil Survey)**

145A	Soybrook Silt Loam, 0%-2% slopes
148A	Proctor Silt Loam, 0%-2% slopes
149A	Brenton Silt Loam, 0%-2% slopes
152A	Drummer Silty Clay Loam, 0%-2% slopes

**NOTE:** The Subject property is located in Zone X (Areas determined to be outside the 0.22% annual flood elevation as a result of FEMA Flood Insurance Rate Map No. 17093C0125G with an effective date of February 4, 2009.



<b>JOB NO.</b>	16071
<b>JOB NAME</b>	WALKER
<b>DWG FILE</b>	16071
<b>REVISION DATE</b>	05/13/16

**Phillip D. Young and Associates, Inc.**  
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775

1107B South Bridge Street  
Yorkville, Illinois 60560  
Telephone (630)553-1580

May 13, 2016

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

**“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 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) |~~

[t1]

### 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.~~

[2]

## **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**<sup>[3]</sup>

## **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.~~

[t4]

### **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.~~

[t5]

### **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 well 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.~~

[t6]

### 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 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 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.~~

[t7]

## 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') <sup>[18]</sup> 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.~~

[19]

## 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 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

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.<sup>[r10]</sup>

## ~~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.~~ |

[r11]



**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.

[t12]

**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.

[t13]

**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.

[t14]

**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).

[t15]

**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.

[t16]

**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.

[t17]

**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.~~

[t18] ~~Closed loop geothermal wells are exempt from chlorination and sampling.~~

[t19] **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."~~[t20]

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

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

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

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

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

**SECTION I. 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 by the County Board of Kendall County, Illinois, that the following rules and regulations are hereby made and adopted.

**SECTION H.2: ADOPTION BY REFERENCE**

~~In addition to those 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 ~~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.

**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

“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 III.4: FOOD HANDLING PERMITS**

#### **A. PERMITS IN GENERAL**

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, s who meets and complies y with the requirements of this Ordinance, and any applicable variance, shall be entitled to receive ~~and or~~ retain a ~~food~~ such a permit.

The food handling P 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 VIII~~ posted for public display at every food service establishment.

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

Approval granted to operated contingent on other relevant required local approvals.

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

Any person desiring to operate a food service establishment, ~~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.~~

**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 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 applicant.~~

~~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.~~

**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.~~

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.

## **SECTION V.5: INSPECTIONS**

~~The Health Authority shall inspect each food service establishments, food stores and seasonal operations within Kendall County, 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.C.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. Cooling 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 ~~making~~ conducting inspections or investigations to determine compliance with this Ordinance.

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 Health Department shall inspect each permitted food service establishment in accordance with the IDPH Local Health Protection Grant rules, and 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.

## **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), and
- c. 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 VII.6: ADMINISTRATIVE ACTION:**

### **A. SUSPENSION OF PERMITS**

Whenever a permit holder ~~or operator~~ has failed to comply with a ~~any~~ notice issued under provisions of ~~Section II or Section V (5) of this e~~ Ordinance requiring mitigation of conditions capable of compromising the health and safety of the public, the permit holder shall be notified in writing that the food handling permit is immediately suspended. An ~~and that an~~ opportunity for a hearing will be provided if a written request for such a hearing is filed, within ~~five (5)~~ seven (7) calendar days from receipt of the notice to the Health ~~Authority~~ Department by the permit holder.



If the Health ~~Authority~~ Department finds unsanitary or other conditions in the operations of a food service establishment ~~and in his judgment~~ that constitute a substantial health risk to the public, or in the event that there is reasonable cause to suspect the possibility of disease transmission from any food service establishment or any employee, the Health ~~Authority~~ Department may issue a notice of suspension of the food handling permit requiring the permit holder to immediately suspend all food service operations. ~~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~~

#### **DB. REINSTATEMENT OF PERMIT**

A ~~person~~ 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 is due. Within ten (10) days from receipt of the written request, the Health Authority shall make a reinspection.~~ If the applicant permit holder is in substantial compliance with the requirements of this ~~Ordinance~~, and any applicable agreements from administrative actions, the food handling permit may be reinstated.

#### **BC. 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 ~~his~~ 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 request for a hearing is filed with the Health Department by the permit holder within the five (5) calendar days notice period. A food handling permit may be suspended ~~for cause~~ pending revocation. ~~or a hearing relative thereto~~

#### **C.D. HEARINGS**

Hearings provided for in ~~Section VII~~ section 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 file~~ a 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.



## **SECTION IV. 7: PLAN REVIEW FOR NEW OR REMODELED FACILITIES**

When ~~ever~~ a food service establishment ~~or retail food store is hereafter~~ is to be constructed or remodeled, ~~or~~ and when ~~ever~~ an existing structure is converted ~~for such to 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 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,
- 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 ~~FEE: 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 assessed for a service provided or 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-transferrable~~

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 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.

The Health Department may, upon written notice to the ~~owner or person in charge~~ permit holder, specifying the particular reasons, place an ~~hold order~~ embargo on any food which ~~he it 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 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.

## **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 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.

~~Variance~~ 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, 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: 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**

~~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:**

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.

**SECTION ~~XI~~ 16: REPEAL AND DATE OF EFFECT**

This ordinance shall be in effect upon its adoption and, at a 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**.

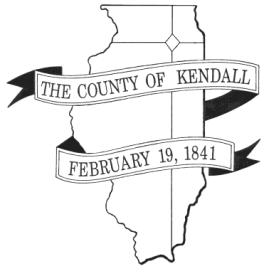
APPROVED BY THE KENDALL COUNTY BOARD THIS DAY \_\_\_\_\_ 20 \_\_\_\_\_

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

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

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



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## DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

### MEMORANDUM

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To: PBZ Committee  
From: John H. Sterrett, Senior Planner  
Date: July 11, 2016  
Re: Project & Petition Status Report

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## Petitions

### Active

Petition 16-03

Dumpsters in Residential Zoning Districts

Proposed text amendment to Zoning Ordinance to place restrictions on dumpsters in residentially zoned properties.

Status: *Continued by Plan Commission*

Petition 16-10

Whitetail Ridge Golf Club LLC

9111 Ashley Road – Kendall Township

A-1 Special Use request to operate a banquet

Status: *Motion to recommend approval by Plan Commission failed 0-6. PBZ Committee 7.11.16*

Petition 16-14

Robert Delaney

9111 Church Road – Lisbon Township

A-1 Special Use request to an outdoor shooting range

Status: *ZPAC 7.12.16*

Petition 16-15

Illinois Railway

Railroad ROW– Oswego Township

A-1 Special Use request to operate a banquet

Status: *Motion to recommend approval by Plan Commission failed 0-6. PBZ Committee 7.11.16*

Petition 16-16

Chris and Megan Jensen

9111 Ashley Road – Kendall Township

A-1 Special Use request to operate a banquet

Status: *Motion to recommend approval by Plan Commission failed 0-6. PBZ Committee 7.11.16*

Petition 16-17  
Scott Lasky  
Lots 3 & 4 of Brighton Oaks Subdivision – Kendall Township  
Plat of Vacation for a 10' public utility and drainage easement  
Status: *In for review*

### **Recently Completed**

Petition 16-04  
Fox Metro Water Reclamation District  
682 Route 31 – Oswego Township  
Variance to Floodplain Compensatory Storage requirements to allow 5.22 acre-feet of off-site storage at Orchard Road property  
Status: *Approved by the County Board June 21<sup>st</sup>*

Petition 16-09  
Joe Gomoll  
10151 Lisbon Road – Fox Township  
A-1 Special Use request to operate a roadside farm stand with a retail sales area greater than 600 square feet and selling producing produced on and off-site with ancillary items.  
Status: *Approved by the County Board June 21<sup>st</sup>*

## **OTHER**

### **Tanglewood Trails Public Improvements**

Jeff Wilkins attended the April Tanglewood Trails HOA meeting to provide an update on the public improvements, the private drainage area and the requirement for private sidewalks to be installed.

### **Light Road Industrial Park**

John Sterrett is working with the Oswego Township Road Commissioner and the current property owners to complete the remaining items in the subdivision including installing street lights.

## **Agreements/Resolutions/Ordinances**

### **Completed**

Intergovernmental Agreement between the United City of Yorkville and County of Kendall for Building Inspection Services  
Status: *Approved by County Board 3.15.16*

**FOIA Requests** – 6 Freedom of Information request was received and responded to in the month of June. 35 FOIA requests have been received and responded to in FY16.

## **Stormwater Management**

20 Active Permits

## **Mobile Home Permits**

5 Active – All renewal payments and applications have been received.

**Permit Summary by Category  
Kendall County**

<b>Permit Category</b>	<b>Count</b>	<b>Estimated Cost</b>	<b>Permit Fees</b>	<b>Land Cash</b>
House	2	\$0	\$0	\$0
Garage	2	\$0	\$0	\$0
Accessory Buildings	6	\$165,900	\$2,703	\$0
Additions	5	\$275,500	\$1,082	\$0
Remodeling	7	\$689,400	\$1,235	\$0
Barns/Farm Buildings	2	\$45,000	\$0	\$0
Swimming Pools	3	\$63,899	\$400	\$0
Decks	1	\$10,000	\$200	\$0
Demolitions	2	\$0	\$150	\$0
Patio	1	\$700	\$50	\$0
	31	\$1,250,399	\$5,820	\$0



## Permit Approval Date Report Kendall County

Issue Date	Permit ID Permit Category	Parcel Number Owner Name	Property Address	Subdivision	Contractor Name
6/27/2016	012016124 01 House	0120400006 LP NELSON TRUST #103	16382 Frazier Rd Plano		
6/9/2016	012016093 01 House	0235380014 MCCLERNON JOHN F & STACY A	7664 Madeline Drive Yorkville, IL 60560	FIELDS OF FARM COLONY UNIT 3	McCue Builders, Inc.
6/2/2016	032016094 03 Accessory Buildings	0726100004 THOMPSON DOUGLAS & JOAN	16300 SCOTT SCHOOL RD NEWARK, IL 60541-		Wallen Construction, Inc.
6/9/2016	032016107 03 Accessory Buildings	0802476003 VEGA RICHARD G & HEYMAN LAZARA	12965 MACKENZIE RD YORKVILLE, IL 60560-		
6/14/2016	032016113 03 Accessory Buildings	0327427003 THOMPSON CRAIG R & MURPHY MARY F	17 RED HAWK CT OSWEGO, IL 60543-	RED HAWK LANDING	
6/30/2016	032016126 03 Accessory Buildings	0223352006 BRANNEMAN JAY T & LAURA E	46 TIMBER RIDGE DR YORKVILLE, IL 60560-		Global Power Construction
6/6/2016	032016095 03 Accessory Buildings	0234129009 LONG-DREYER FRANCES	11 YORKVILLE RD YORKVILLE, IL 60560-		LONG-DREYER FRANCES
6/8/2016	042016105 04 Additions	0128254004 MEYER TIMOTHY G & LORI ANN	1109 W JONES ST PLANO, IL 60545-		
6/3/2016	042016100 04 Additions	0816100007 SMITH ERIC & EMMA	9635 CHICAGO RD NEWARK, IL 60541-		
6/9/2016	042016108 04 Additions	0235128001 HAUG CURTIS	7720 ROUTE 71 YORKVILLE, IL 60560-		
6/7/2016	042016097 04 Additions	0426100003 NOVAK CHERLYN & MARTIN JANICE	13712 WALKER RD YORKVILLE, IL 60560-		

## Permit Approval Date Report Kendall County

Issue Date	Permit ID Permit Category	Parcel Number Owner Name	Property Address	Subdivision	Contractor Name
6/10/2016	052016111 05 Remodeling	0221151011 MARSHALL PHILIP R & SCHMITZ ELLYN	11 AMANDA LN YORKVILLE, IL 60560-		
6/8/2016	052016110 05 Remodeling	0214276005 U S BANK TRUST N A TRUSTEE FOR LSF9	153 E RICKARD DR OSWEGO, IL 60543-		
6/21/2016	052016116 05 Remodeling	0313400021 KAZMIERCZAK THOMAS M JR & LEIGH	105 RANCE RD OSWEGO, IL 60543-		
6/8/2016	052016104 05 Remodeling	0305176002 FOX METRO WATER REC DIST	682 C ROUTE 31 OSWEGO, IL 60543-		
6/23/2016	052016120 05 Remodeling	0132200001 KENDALL LAND LLC	16505 BURR OAK RD PLANO, IL 60545-		Levy Custom Homes - Jane Levy
6/21/2016	052016118 05 Remodeling	0313400021 KAZMIERCZAK THOMAS M JR & LEIGH	105 RANCE RD OSWEGO, IL 60543-		
6/23/2016	082016121 08 Barns/Farm Buildings	0519100003 BARTON ARLIN & CONCETTA	9420 LISBON RD YORKVILLE, IL 60560-		
6/3/2016	082016098 08 Barns/Farm Buildings	0816100007 SMITH ERIC & EMMA	9635 CHICAGO RD NEWARK, IL 60541-		
6/16/2016	122016114 12 Swimming Pools	0602400008 NEWMAN TIMOTHY B & MONTREW J	1260 CHERRY RD OSWEGO, IL 60543-		
6/6/2016	122016103 12 Swimming Pools	0507328005 FELIX GENARO	44 TIMBERCREEK DR YORKVILLE, IL 60560-		FELIX GENARO
6/13/2016	122016090 12 Swimming Pools	0235276004 KERSTING MARC A & RONETTE D	258 FARM CT YORKVILLE, IL 60560-		Sunco Pools Inc

## Permit Approval Date Report Kendall County

Issue Date	Permit ID Permit Category	Parcel Number Owner Name	Property Address	Subdivision	Contractor Name
6/2/2016	132016092 13 Decks	0119376003 AUER STEVEN	14 WILLIAM LN SANDWICH, IL 60548-		Steve Menz
6/6/2016	142016102 14 Demolitions	0317153004 OLD SECOND NATIONAL BANK % PROPERTY	2436 ROUTE 31 OSWEGO, IL 60543-		OLD SECOND NATIONAL BANK % PROPERTY CONSULTING
6/3/2016	142016101 14 Demolitions	0816100007 SMITH ERIC & EMMA	9635 CHICAGO RD NEWARK, IL 60541-		
6/14/2016	202016112 20 Patio	0305452056 WEBER BARBARA A & TERRY LEE	143 GARDEN DR MONTGOMERY, IL 60538-		

## Permit Summary by Category by Month Kendall County

Permit Category	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
House	7	1	1	2	0	1	2	0	0	0	0	0	0
Garage	7	0	0	1	2	2	2	0	0	0	0	0	0
Accessory Buildings	15	0	0	2	3	4	6	0	0	0	0	0	0
Additions	14	2	1	3	2	1	5	0	0	0	0	0	0
Remodeling	13	0	1	1	2	2	7	0	0	0	0	0	0
Commercial - M Zone	1	0	0	0	0	1	0	0	0	0	0	0	0
Barns/Farm Buildings	15	1	2	3	5	2	2	0	0	0	0	0	0
Signs	2	0	0	1	0	1	0	0	0	0	0	0	0
Swimming Pools	16	0	0	1	5	5	3	2	0	0	0	0	0
Decks	7	0	0	2	1	3	1	0	0	0	0	0	0
Demolitions	6	0	0	1	2	1	2	0	0	0	0	0	0
Electrical Upgrades	2	1	0	0	0	1	0	0	0	0	0	0	0
Change in Occupancy	1	0	1	0	0	0	0	0	0	0	0	0	0
Driveway	6	1	0	3	1	1	0	0	0	0	0	0	0
Fire Restoration	1	0	1	0	0	0	0	0	0	0	0	0	0
Patio	3	0	0	0	2	0	1	0	0	0	0	0	0
Generator	2	0	1	0	1	0	0	0	0	0	0	0	0
	118	6	8	20	26	25	31	2	0	0	0	0	0

<b>PLANNING BUILDING &amp; ZONING RECEIPTS 2016</b>							
<b>DATE</b>	<b>BUILDING FEES</b>	<b>ZONING APPLICATION</b>	<b>OFFSITE LAND-CASH</b>	<b>DEPOSIT ROADWAY</b>	<b>DEPOSIT TOTAL</b>	<b>MONTHLY TOTALS 2015</b>	<b>TOTAL DEPOSIT FISCAL 2015</b>
December	\$1,966.58	\$1,550.00	\$0.00	\$0.00	\$3,516.58	\$10,457.86	\$10,457.86
January	\$1,975.00	\$50.00	\$4,856.78	\$1,000.00	\$7,881.78	\$1,276.72	\$11,734.58
February	\$1,138.80	\$0.00	\$4,969.27	\$0.00	\$6,108.07	\$4,862.64	\$16,597.22
March	\$6,810.96	\$1,255.00	\$7,298.03	\$2,000.00	\$17,363.99	\$3,711.92	\$20,309.14
April	\$6,264.28	\$2,835.00	\$4,856.78	\$0.00	\$13,956.06	\$16,770.64	\$37,079.78
May	\$3,876.24	\$1,000.00	\$0.00	\$0.00	\$4,876.24	\$4,210.80	\$41,290.58
June	\$14,914.48	\$2,810.00	\$4,856.78	\$0.00	\$22,581.26	\$10,354.00	\$51,644.58
July						\$18,998.34	\$70,642.92
August						\$24,455.94	\$95,098.86
September						\$24,947.04	\$120,045.90
October						\$13,154.80	\$133,200.70
November						\$14,138.44	\$147,339.14
<b>TOTAL</b>	<b>\$36,946.34</b>	<b>\$9,500.00</b>	<b>\$26,837.64</b>	<b>\$3,000.00</b>	<b>\$76,283.98</b>		