

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

**SECTION 1: SCOPE**

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

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

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

**SECTION 2: ADOPTION BY REFERENCE**

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

**SECTION 3: DEFINITIONS**

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

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

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

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

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

**“DIRECTOR”** means the Director of Environmental Health Services.

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

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

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

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

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

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

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

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

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

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

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

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

**“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.

#### **SECTION 4: POWERS AND DUTIES OF THE HEALTH DEPARTMENT**

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

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

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

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

## **SECTION 6: NON-RESIDENTIAL ONSITE WASTEWATER TREATMENT SYSTEMS**

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

## **SECTION 7: SOIL INVESTIGATIONS**

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

## **SECTION 8: 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 9: PERMIT REQUIREMENTS**

- A. An application for a permit to install, repair or renovate an onsite wastewater treatment system shall be submitted, in writing, on forms provided by the Kendall County Health Department.
- B. The applicable permit fee and any related inspection fee shall be paid at the time of permit application.
- C. If the health department finds that a permit application meets the requirements of the Illinois Department of Public Health Private Sewage Disposal Code (77 Ill. Adm. Code 905) and all requirements of this ordinance a permit shall be issued to the applicant.

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

#### **SECTION 10: REVOCATION OF PERMIT**

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

#### **SECTION 11: PERMIT VALIDITY**

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

**SECTION 12: FEES**

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

**SECTION 13: ONSITE WASTEWATER TREATMENT SYSTEM INSTALLATION**

**A. Installer responsibilities**

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

**B. Protection of the onsite wastewater treatment system**

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

**C. Construction traffic**

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

Agricultural land

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

**D. Notification**

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

**E. F. Site access**

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

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

**F. Tree removal**

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

**G. Patios, concrete slabs and decks**

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

**H. Above ground swimming pools**

1. New construction of above ground swimming pools not meant to be emptied and stored between uses, shall maintain a five foot horizontal separation distance to a septic tank, aeration device, lift station, holding tank, seepage field or any other component of the septic 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.

**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 endanger the public or present an immediate threat to public health.

**SECTION 15: ORDER TO UNCOVER**

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

**SECTION 16: PROTECTION OF THE ONSITE WASTEWATER TREATMENT SYSTEM**

- A. The onsite wastewater treatment system area shall be protected by fencing, or other department approved measures, prior to applying for a permit. The system shall remain protected throughout the duration of any construction to eliminate compaction of the soil or damage to the soil or the onsite wastewater treatment system.

- B. It shall be the responsibility of the property owner to protect the area(s) of the onsite wastewater treatment system and all system components.
- C. It shall be the responsibility of the property owner to reserve any area(s) designated for future installation of an onsite wastewater treatment system.

### **SECTION 17: BUILDING & ZONING RECOMMENDATION**

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

### **SECTION 18: 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 19: VARIATIONS**

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

### **SECTION 20: VIOLATIONS**

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

### **SECTION 21: HEARINGS AND APPEALS**

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

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

The hearing shall be conducted by a Health Officer at the place and time designated by him/her. All hearings shall be conducted so as to provide the parties adequate time to prepare, the right to present evidence in support of their



position, the right to cross-examine, and the right to legal counsel at the party's own expense. The formal rules of evidence shall not apply. The Health Officer may ask questions of any witness to assist in reaching a decision. The Health Officer shall make a record of the proceedings. Should a party desire a verbatim transcript of such hearings, they may obtain a court reporter at their own expense.

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

**SECTION 22: PARTIAL INVALIDITY**

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

**SECTION 23: PENALTY**

Any person, firm or corporation who violates, disobeys, omits, neglects, refuses to comply with, or refuses to remedy a violation of the provisions of this Ordinance shall be guilty of an ordinance violation and be fined an amount not to exceed \$1,000 for each violation, plus \$100 for each day the violation continues. If, however, the violation constitutes conduct addressed under section 905.205 of the Private Sewage Disposal Code, the penalty shall be in accordance with that Section. (See 77 Ill. Adm. Code 905.205).

**SECTION 24: MAINTENANCE OF RECORDS**

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

**SECTION 25: ENFORCEMENT**

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

**SECTION 26: EFFECTIVE DATE**

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

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

APPROVED AND RECOMMENDED BY THE KENDALL COUNTY BOARD OF HEALTH THIS 19<sup>th</sup> DAY OF October, 2021.

Yvonne M. Cullen

President, Kendall County Board of Health

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

APPROVED AND ADOPTED BY THE KENDALL COUNTY BOARD THIS 16 DAY OF November, 2021

Scott R. Geyl

Chairman, Kendall County Board

Ayes - 8  
Nays - 0  
Abstain - 0

Attest:

Debbie Gillette

