

**PRIVATE SEWAGE DISPOSAL ORDINANCE  
KENDALL COUNTY ILLINOIS**

04-22

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

**The Statutes of the State of Illinois grant to the Kendall County Board, the power to enact such ordinances to protect the public health of the citizens of Kendall County.**

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

**ARTICLE I - ADOPTION BY REFERENCE**

**Be it ordained by the Kendall County Board as follows:**

**The rules and regulations in the 2003 Edition of the ILLINOIS DEPARTMENT OF PUBLIC HEALTH PRIVATE SEWAGE DISPOSAL LICENSING ACT AND CODE and any subsequent revisions providing a minimum code of standards for the design, construction, materials, operation, and maintenance of private sewage disposal systems; for the transportation and disposal of waste material from these systems and for private sewage disposal system servicing equipment, is hereby adopted by reference.**

**ARTICLE II - DEFINITIONS**

**THE FOLLOWING ARE IN ADDITION TO THE DEFINITIONS FOUND IN THE 2003 EDITION OF THE "ILLINOIS DEPARTMENT OF PUBLIC HEALTH PRIVATE SEWAGE DISPOSAL LICENSING ACT AND CODE".**

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

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

**AUTHORIZED REPRESENTATIVE** shall mean the legally designated Administrator or Acting Administrator of the Kendall County Health Department and shall include those persons designated by the Administrator or Acting Administrator to enforce the provisions of this Ordinance.

**BEDROOM** shall mean any room which is suitable as sleeping quarters with closet space and provision for closing off from other living areas, possibly including a den, study or sewing room.

**BOARD OF HEALTH** shall mean the Kendall County Board of Health or its authorized

**Representative(s).**

**DIRECTOR** shall mean the Director of Environmental Health of the Kendall County Health Department or his/her agent.

**DOMESTIC SEWAGE** shall mean the waste waters derived principally from dwellings, business or office buildings, institutions, food establishments, and similar facilities.

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

**ENVIRONMENTAL HEALTH DIVISION** shall mean that division of the Kendall County Health Department that is responsible for the permitting, inspection and approval of Private Sewage Disposal Systems in Kendall County.

**HEALTH AUTHORITY** shall mean the person or persons who have been designated by the Board of Health to administer the affairs of the Health Department.

**HEALTH DEPARTMENT** shall mean the Kendall Health Department, an agency of the Kendall County Board.

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

**HOMEOWNER INSTALLED SYSTEM** means a private sewage disposal system installed by a homeowner for his/her personal single family residence.

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

**PERSON** means any individual, firm, trust, association, broker, partnership, corporation, or other entity.

**POPULATION EQUIVALENT** means an average waste loading, equivalent to that amount of waste produced by one person which is defined as 100 gallons per day or that amount of wastes containing 0.17 pounds BOD5.

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

### **ARTICLE III - GENERAL PROVISIONS**

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

**Section 2:** Every building, without access to a public sewer system, to be occupied as a dwelling unit shall have a sewage disposal system as provided herein, approved by the Kendall County Health Department.

**Section 3:** Every building, without access to a public sewer where people are employed shall

have a sewage disposal system as provided herein, approved by the Kendall County Health Department.

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

**Section 5:** No private sewage disposal system shall be constructed or altered unless a permit shall first have been obtained from the Environmental Health Division of the Kendall County Health Department. Permits for construction or alteration of private sewage systems shall be valid for a period of one year from the date of issuance. If construction has not been started within that time, a new permit must be obtained.

**Section 6:** The minimum seepage field size for new residential construction shall be 900 square feet of gravel seepage system and 300 lineal feet of gravel-less system. Installation of a garbage grinder will require an additional 25 percent in square feet of gravel seepage trench system or an additional 25 percent in lineal feet of seepage trench of gravel-less seepage system to accommodate the use of this appliance.

For residential properties platted after June 1, 2000, when garbage grinders are used in residential property, the waste water and solids produced by the garbage grinder shall be retained by use of a solids retention tank constructed in accordance with Section 905.40 of the Illinois Private Sewage Disposal Licensing Act and Code (77 IL Adm. Code, Part 905). The solids retention tank shall be placed between the kitchen waste water source and the septic tank to intercept solids from the garbage grinder. This tank shall receive waste from the garbage grinder(s) or the kitchen wastes only. No other fixtures shall discharge into this tank. Waste water leaving the solids retention tank shall be directed through the septic tank or into the sewer line preceding the septic tank. The solids retention tank shall be at least 50% in liquid volume of the septic tank sized for the waste from the rest of the property, however, the minimum size tank to be used shall be 750 gallons.

#### **ARTICLE IV - PERMITS**

**Section 1:** Applications for permits shall be in writing, on forms available at the Kendall County Health Department office and shall be signed by the owner of the property and shall include the following:

- a) Name, address and phone number of the property owner; name, address and phone number of the proposed septic contractor.
- b) The location and parcel number of the property on which the construction, alteration or repair is proposed.
- c) For residential buildings, the number of bedrooms, the presence or absence of a garbage disposal unit. For non-residential buildings, the number of employees and the type of business that is proposed for the building.
- d) A description of the components of the septic system including the size of the septic tank, length and width of the seepage lines, depth of the gravel under and over the pipe in the seepage lines, barrier materials (uncompacted straw, red rosin paper, newspaper, etc.)

e) Results of either soil investigations or a three-hole perc tests as determined in Article V, Soil Investigations & Perc Tests.

f) A detailed drawing showing the lot lines, location of the structure(s), location of the water well, location and configuration of the proposed septic system, location of any bodies of water on the property, distance to neighbors wells if applicable. Included shall be a topographical map of the lot including the top of the foundation and elevations of all parts of the proposed seepage field. If there is no permanent bench mark available, the crown of the road may be used.

g) Any other information necessary to determine if the proposed installation meets the requirements of the State of Illinois and Kendall County. The ORIGINAL of the application shall be submitted.

**Section 2:** Protection of seepage area. After the permit has been issued for a proposed private sewage disposal system, the area in which the system is to be installed shall be identified and shall not be cut, excavated, filled, or otherwise altered in any way except as specified in the approved plans. The area shall be protected from construction traffic and all other activities which might compact the soil.

It shall be the responsibility of the property owner to protect all components of his private sewage disposal system from damage due to installation of utilities. A minimum of five feet of horizontal separation between all sewage system components and utility conduit shall be maintained. Garages, driveways, patios, swimming pools and other structures and improvements shall not be placed in any area designated for the private sewage disposal system.

**Section 3:** Revocation of permit. The Kendall County Health Department shall have the authority to revoke and/or suspend a permit when it has been issued in error or when the provisions of this ordinance are violated. The reason for the revocation or suspension of a permit shall be sent to the applicant at the address provided in the permit application.

## **ARTICLE V – VARIANCES**

**Section 1:** 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 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.

**Section 2:** No variance shall be granted for new construction.

## **ARTICLE VI - SOIL INVESTIGATIONS & PERC TESTS**

**Section 1:** Soil investigations shall be conducted by a Soil Classifier as defined in the Illinois Department of Public Health Private Sewage Disposal Licensing Act and Code, 2003, Section 905.10, definitions. All Classifiers conducting their investigations in Kendall County shall have their certification registered with the Kendall County Health Department.

**Section 2:** Percolation tests shall be conducted under the supervision of a State of Illinois licensed Private Sewage Disposal System Contractor in accordance with Section 905, Appendix A, Illustration G of the Illinois Department of Public Health Private Sewage Disposal Licensing Act and Code, 1996.

**Section 3:** Newly platted subdivisions which have undergone detailed soil mapping by a certified soil classifier shall require on-site soil investigations for lots on which the soil has been classified in the design groups 10 through 13 using the chart in Section 905, Appendix A, Illustration M of the Illinois Department of Public Health Private Sewage Disposal Licensing Act and Code, 2003. Other lots can use either a soil investigation or a perc test as described in Section 2, supervised by a State of Illinois licensed Private Sewage Disposal System Contractor.

#### **ARTICLE VII - SUBSURFACE DRAINS**

In proposed subdivisions with seasonal high water tables of less than 4 feet, subsurface drainage tiles shall be considered for the conveyance of off-site drainage tiles, water table management and discharge of sump pump waters.

#### **ARTICLE VIII - INSPECTIONS**

**Section 1:** The owner or contractor shall give twenty-four (24) hours notice to the Environmental Health Division before any backfilling of trenches after the private sewage disposal system has been installed. The contractor or his representative shall be present during the time of inspection if requested to do so by the representative of the Health Department.

**Section 2:** After proper identification, it shall be the duty of the owner or occupant of a property to give the Environmental Health Division representative free access to the property at reasonable times for the purpose of making such inspections as are necessary to determine compliance with the requirements of this Ordinance.

**Section 3:** Any person who shall backfill any portion of a private sewage disposal system or cover the same with earth, cinders, gravel, shale, or any other material which will prevent the same from being readily reviewed to determine if the system meets all of the requirements of this Ordinance before receipt of written approval by the Environmental Health Division shall be in violation of this Ordinance and be subject to any and all fines and penalties contained herein and shall further be responsible for the cost of uncovering said system whether uncovered by himself or by the Health Authority. Failure to pay such costs within thirty (30) days shall result in execution of a lien against the property.

#### **ARTICLE IX - REGISTRATION**

**Section 1:** A bi-annual Contractors registration shall be required for all Private Sewage Contractors operating within the limits of Kendall County. The Environmental Health

Division shall issue a Private Sewage Disposal Contractor Registration Certificate to persons who comply with the minimum performance standards and who hold a valid Private Sewage Disposal Contractors License as issued by the State of Illinois. All such registrations shall expire on the first day of every year. For contractors who are in good standing and have performed satisfactory work within Kendall County within the previous two (2) years, the Certificate shall be automatically renewed. Any person installing or repairing a private sewage disposal system in the County of Kendall must have a valid Certificate of Registration. This provision excludes a property owner who is installing a private sewage disposal system on his own property and for his own use.

**Section 2:** A bi-annual Pumpers registration shall be required for all Private Sewage Pumpers operation within the limits of Kendall County. The Environmental Health Division shall issue a Private Sewage Pumpers Registration Certificate to persons who comply with the minimum performance standards and who hold a valid Private Sewage Pumpers License as issued by the State of Illinois. All such registrations shall expire on the first day of every year. For contractors who are in good standing and who have performed satisfactory work within Kendall County within the previous two (2) years, the Certificate shall be automatically renewed. Any person pumping a private sewage disposal system in the County of Kendall must have a valid Certificate of Registration.

**Section 3:** Revocation and Suspension. A Registration Certificate shall be revoked or suspended for serious or repeated violations of any of the requirements of this ordinance or for interference with the Environmental Health Division representative in the performance of their duties. An opportunity for a hearing will be provided to the holder of the Certificate. Prior to such action, the Environmental Health Division shall notify the contractor in writing of the revocation or suspension, stating the reasons for which the Certificate is subject to revocation or suspension and advising that the Certificate shall be revoked at the end of five (5) days following service of such notice unless a written request for a hearing is filed with the Kendall County Health Department by the holder of the Certificate within such five day period. A Registration Certificate may be suspended for a cause pending its revocation or a hearing relative thereto.

## **ARTICLE X - HEARINGS**

**Section 1:** Any Private Sewage Disposal Contractor or Pumper or person affected by any order or notice issued by the Kendall Health Department in connection with the enforcement of any section of this ordinance may file a written request for a hearing before the Administrator in the office of the Environmental Health Division. The Administrator shall hold a hearing at time and place designated by him/her within thirty days from the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) prior to the date on which the hearing is to be held. If, as a result of the hearing, the Administrator finds that strict compliance with the order or notice would cause undue hardship on the petitioner and that the public health would be adequately protected and substantial justice done by varying or withdrawing the order or notice, the Administrator may modify or withdraw the order or notice. The Administrator shall render a decision within ten (10) days after the date of the hearing. This decision shall be reduced to writing and placed on file in the office of the Kendall County Health Department as a matter of public record. Any person aggrieved by the decision of the Administrator may seek relief through a hearing before the Board of Health.

**Section 2: Any Private Sewage Disposal System Contractor/Pumper or any person aggrieved by the decision of the Administrator rendered as a result of a hearing held in accordance with this Section may file a written request in the office of the Health Department for a hearing before the Board of Health at a time and place designated by the Secretary of the Board of Health within thirty (30) days of the date on which the written request was filed. For the purposes of this section, the Board of Health shall mean a simple majority of the Kendall County Board of Health. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held.**

**If, as a result of facts elicited as a result of the hearing, the Board of Health finds that strict compliance with the decision of the Administrator would cause undue hardship on the petitioner and the public health would be adequately protected and substantial justice done by granting a variance from the decision of the Administrator or Acting Administrator, the Board of Health may grant a variance. The Board of Health shall render a decision within ten (10) days after the date of the hearing which shall be reduced to writing and placed on file in the offices of the Kendall County Health Department and a copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail.**

**Section 3: Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or refuses to remedy a violation of this provisions of this Ordinance shall be guilty of a Class "B" misdemeanor and be fined not less than \$100.00 for each offense. Each day upon which such violation continues shall constitute a separate offence.**

#### **ARTICLE XI - MORTGAGE SURVEYS**

**A survey of a private sewage disposal system for a real estate transaction shall be conducted at the request of a realtor, mortgage company or individual who is involved in the sale or transfer of real estate in Kendall County. This survey consists of visually checking the conditions of the area where the septic system is or is believed to be located to determine if the septic effluent is leaching to the ground surface. The waste hook-ups inside the home will also be inspected to be sure that the wastes are properly directed. Records of the installation will be included if available. When, in the opinion of the Environmental Health Division representative, a dye test is necessary to obtain information on the system, this will be conducted as a part of the survey. If a dye test is required by the lending institution as a matter of routine, an additional fee will be charged. The fee for the survey of the septic system shall be paid before the survey letter is released by the Kendall County Health Department.**

#### **ARTICLE XII - FEES**

**The fees for permits for private sewage disposal system installations, repairs, replacement and alterations and for surveys of private sewage disposal systems for real estate transactions are available in the Kendall Health Department Fee Schedule as authorized and approved by the Kendall County Board of Health.**

#### **ARTICLE XIII - PARTIAL INVALIDITY AND EFFECTIVE DATE**

**Section 1: 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 2: Effective Date. This ordinance shall be in full force thirty (30) days from the date of**

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

**PRIVATE SEWAGE DISPOSAL ORDINANCE KENDALL COUNTY ILLINOIS .....**

**APPROVED AND RECOMMENDED BY THE KENDALL COUNTY BOARD OF HEALTH  
THIS 6<sup>th</sup> DAY OF JUNE 2004.**

Jan Kellogg 6-11-04  
President, Kendall County Board of Health

**APPROVED AND ADOPTED BY THE KENDALL COUNTY BOARD THIS 20<sup>th</sup> DAY OF  
July 2004.**

J. Church  
Chairman, Kendall County Board

Ayes -  
Nays -  
Abstain -

Attest:  
Paul Anderson  
Kendall County Clerk