

**PERRY COUNTY BASIC
SANITATION ORDINANCE**

**PRIVATE SEWAGE DISPOSAL
REGULATIONS**

Perry County Health Department
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PERRY COUNTY PRIVATE SEWAGE DISPOSAL SYSTEM REGULATIONS

Regulations pertaining to the regulation of private sewage disposal systems, the construction and/or reconstruction, the serving and cleaning of such systems as well as the hauling and disposal of human waste within the limits of Perry County, IL.

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SECTION 1

DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of these regulations:

ADMINISTRATOR shall mean the person who has been designated by the Board of Health to administer the affairs of the health department.

APPLICANT shall mean any person who has properly and completely filled out an application for permit form requesting authorization to construct, alter, or extend a private sewage disposal system in Perry County, Illinois.

AUTHORIZED REPRESENTATIVE shall mean the legally designated Administrator or the Acting Administrator of the Perry County Health Department and shall include those persons designated by the Administrator or Acting Administrator to enforce the provisions of these regulations.

BOARD OF HEALTH shall mean the Perry County Board of Health or its Authorized Representative(s).

BOD5 shall mean the five day Biochemical Oxidation Demand--A standard test used in assessing the strength of Domestic Sewage as described in "Standard Methods for the Examination of Water and Wastewater," 14th edition, American Public Health Association, American Water Works Association, American Water Pollution Control Federation, Washington, D.C., 1975.

DOMESTIC SEWAGE means wastewater derived principally from dwellings, business or office buildings, institutions, food-service establishments, chemical toilets, and similar facilities.

EFFLUENT REDUCTION SYSTEM shall mean any combination of approved pipe and gravel, gravelless pipe, or chamber systems that are installed to reduce the amount of effluent being discharged from a surface discharging system.

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

HOME OWNER means a person who hold legal title to a residential structure which is to be used or is used for his personal single family residence. This definition shall be inclusive of all leasehold interests, property held under contract for deed, and rental property.

HOME OWNER INSTALLED SYSTEM means a private sewage disposal system installed by a home owner for his personal single family residence, leasehold interests, property held under contract for deed, and rental property.

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

PERSON means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, the State of Illinois or any Department thereof, or any other entity.

PERSONAL SINGLE FAMILY RESIDENCE means any single family dwelling unit which is to be used or is being used by a home owner/applicant as his or her principle residence.

PERMIT shall mean a written permit issued by the Board of Health or its Authorized Representative permitting the construction, alteration or extension of a private sewage disposal system in accordance with the provisions of these regulations.

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 waste containing 0.17 pounds BOD5.

PRIMARY SEWAGE TREATMENT DEVICE means any component part of a private sewage disposal system that results in the removal of a substantial amount of the organic and inorganic settleable solids through the physical process of sedimentation only. A septic tank, primary sedimentation tank, settling chamber, or any similar treatment process or device shall for the purposes of this definition be deemed a primary sewage treatment device.

PRIVATE SEWAGE DISPOSAL SYSTEM means any sewage handling or treatment facility receiving domestic sewage from less than 15 people or population equivalent and having a ground surface discharge or any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge.

PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION CONTRACTOR means any person constructing, installing, repairing, modifying, or maintaining private sewage disposal systems.

PRIVATE SEWAGE DISPOSAL SYSTEM PUMPING CONTRACTOR means any person who cleans or pumps wastes from a private sewage disposal system or hauls or disposes of wastes removed therefrom.

PRIVATE SEWAGE DISPOSAL SYSTEM LICENSE shall mean an annual license issued by the Illinois Department of Public Health to all private sewage disposal system installers and pumpers engaged in the installation or servicing of private sewage disposal systems within the State of Illinois.

PROPERTY means all or part of a tract of land for which legal title has been recorded.

PROPERTY OWNER means the person in whose name legal title to the real estate is recorded.

WASTE means either human waste or domestic sewage, or both.

WASTE LOADING shall mean the BOD5, content, usually expressed in pounds per person or population equivalent.

SECTION II
PERMITS AND REQUIREMENTS
FOR PRIVATE SEWAGE DISPOSAL SYSTEMS

- 2.1 It shall be unlawful for any person to construct, alter or extend a private sewage disposal system within Perry County unless he holds a valid permit issued by the Health Department.
- 2.2 A permit shall only be issued to a private disposal system contractor who holds a valid Private Sewage Installation Contractor's Registration Certificate *in addition to* a Perry County Private Sewage Installer's License or a homeowner installing a private sewage disposal system to serve his own personal single family residence.

All applications for permits granted under the provisions of these regulations shall be made to the Board of Health or its duly Authorized Representative. Sufficient data shall be included to allow review and to determine whether the proposal application for permit meets the requirements of these regulations.

- 2.3 Permit application forms provided by the Health Department shall be completed and signed by each applicant and shall include the following:
- 2.3.1 Name, address and telephone number of the applicant, the signature of the private sewage disposal system contractor when applicable and the location of the proposed site of construction, alteration, or extension.
- 2.3.2 Complete a plan of the proposed disposal facility, with substantiating data, attesting to its compliance with the minimum standards of these regulations.
- 2.3.3 Such other information as may be required by the Health Authority to substantiate that the proposed construction, alternation, or extension complies with minimum standards of these regulations.
- 2.4 The Board of Health or its Authorized Representative may refuse to grant a permit for the construction of a private sewage disposal system where public or

community sewage systems are available. A sewer shall be deemed available when a public sewer line is in place within any street, alley, right of way, or easement that adjoins or abuts the premises for which the permit is requested, or when the improvement to be served is located within a reasonable distance of a public sewer to which a connection is practical and is permitted by the controlling authority for the sewer. A reasonable distance for the purpose of the provision shall be deemed to be not greater than 300 feet for a single family residence and not greater than 1,000 feet for a commercial establishment or multi-family dwelling.

- 2.6 The Board of Health or its Authorized Representative shall act upon all applications within 15 days of receipt thereof.
- 2.7 The Perry County Board of Health shall set fees charged for the issuance of a permit authorizing the construction, alternation or extension of any private sewage disposal system. The fee shall be collected by the Health Department at the time an application for permit is submitted, and shall be deposited into the Health Department fund. If a permit is denied, the fee shall be returned to the applicant. In addition, other fees shall apply for specific services rendered. A fee waived permit may be issued to non-profit organizations or other government entities.
- 2.8 All permits to construct, alter, or extend a private sewage disposal system shall be valid for a period of one year from date of issuance. If construction is not completed within this period, the permit is void. The Administrator may, however, after receipt of a written request, authorize an extension of time beyond the one year period for reasons of unusual or extenuating circumstances.
- 2.9 The minimum lot size for a home requiring a private sewage disposal system shall be one acre (43,560 ft²), excluding easements. Lots plotted and on record before the effective date of these regulations that are smaller than required will be given special consideration when applying for a permit.
 - 2.9.1 All lands and/or subdivisions thereof, shall be approved by the Health Department prior to the recording of the deed with the County Clerk.
- 2.10 The Health Department, in order to protect the health and safety of the people of Perry County and of the general public, is authorized and directed to promulgate rules and regulations establishing minimum standards governing the design, construction, installation, and operation of private sewage disposal systems. Such regulations shall establish such minimum standards as, in the judgment of the Health Department will insure that the wastes discharged to the various private sewage disposal systems:

- a. Do not contaminate any drinking water supply.
- b. Are not accessible to insects, rodents, or other possible carriers of disease.
- c. Do not pollute or contaminate the waters of any bathing beach, lake, river, creek, pond, stream or other body of water.
- d. Do not give rise to a nuisance due to odor or unsightly appearance.
- e. Are not a health hazard by being readily accessible to children or animals because of a lack of adequate fencing or for other reasons.
- f. Will not violate any other laws or regulations governing control of water pollution or sewage disposal.

The Health Department is authorized to promulgate such additional regulations as are necessary in its judgment to carry out the provisions of these regulations.

SECTION III **CONTRACTOR'S REGISTRATION**

- 3.1 Only those individuals possessing a valid Illinois Department of Public Health Private Sewage Disposal System Installation Contractor's License *in addition to* a Perry County Private Sewage Installer's License shall construct, install, repair, modify or maintain a private sewage disposal system. Any home owner, who chooses to construct, install, repair, modify or maintain the system serving his own personal single family residence, is exempt from this registration.
- 3.2 Only those individuals possessing a valid Illinois Department of Public Health Private Sewage Disposal System Pumping Contractor's License *in addition to* a Perry County Private Sewage Pumper's License shall clean, pump, haul or dispose of wastes from a private sewage disposal system. Any home owner, who chooses to clean, pump, haul or dispose of wastes from the system serving his own personal single family residence, is exempt from this registration.

SECTION IV **COMPLIANCE AND PERFORMANCE**

- 4.1 All private sewage disposal systems within the limits of Perry County shall be installed or serviced by persons licensed in accordance with Section 3.1, provided, however, that a home owner may install or service a private sewage disposal system which serves his own personal single family residence.

- 4.2 When determining the absorption capacity of a subsurface seepage system, only a Soil Investigation in accordance with 77 Illinois Administrative Code, Chapter 1 Subchapter r, Section 905.55(a) shall be accepted. Percolation tests will no longer be acceptable for this purpose.
- 4.3 The minimum performance standards for Private Sewage Disposal Installation Contractors and Pumping Contractors, and any home owner who is maintaining a disposal system for his personal single family residence, who constructs, installs, maintains, services, cleans, hauls or disposes of the wastes removed therefrom, shall be the same as the minimum performance standards promulgated under the authority granted in the current Illinois Private Sewage Disposal Licensing Act and Code.
- 4.4 Every private sewage disposal system shall be maintained in proper sanitary condition and repair by the owner. It shall be unlawful for any owner, agent, occupant, or person in control of any lot, building or private sewage disposal system, to permit or cause the discharge of domestic sewage or the effluent from ditch, ground surface or abandoned well, or to allow the contents of any privy, vault, septic tank or private sewage disposal system or components thereof to emit offensive odors, or become objectionable so as to be a danger or threat to public health. All such acts or emissions are hereby declared nuisances. Upon verification of such nuisance the Health Department or Authorized Representative shall give written notice to the property owner responsible for such acts or emissions ordering abatement of the same within a reasonable period of time. Failure of any person to obey such an abatement order shall constitute a violation of these regulations.
- 4.5 Any person receiving an abatement order may request a hearing before the Administrator as outlined in Section IX, of these regulations.
- 4.6 The Board of Health or its Authorized Representative shall have the authority to enter any property at any reasonable time and inspect any facility for health and sanitary purposes and for the compliance with the provisions of these regulations. The Board of Health or its Authorized Representative may also make any necessary tests including dye tests or obtaining effluent samples for laboratory analysis, on any facility to determine compliance with the provisions of these regulations.
- 4.7 Any structural change or repair made to an existing private sewage disposal system must comply with the provisions of these regulations.

SECTION V
SEPTIC SYSTEM REQUIREMENTS

- 5.1 Where a subsurface seepage field is installed as a component part of a private sewage disposal system, the seepage area provided shall be in accordance with the Private Sewage Disposal Licensing Act and Code. A minimum of 300 square feet of seepage area shall be provided.
- 5.2 An effluent reduction system, equal to 100 square feet of absorption area per bedroom, shall be installed after a surface discharging unit (excepting lagoons and sandfilters) if the effluent from the system :
- 5.3
- 1) will be discharged in a high density residential area and, the effluent discharge point is within 50 feet of the property line or building set back line, or 10 feet of the right-of-way, whichever provides for the greatest distance, and / or
 - 2) the discharge is to a body of water (state, county or township roadside ditch, waterway, creek, lake). This shall not apply to a discharge to a pond or lake that is privately owned by the person whom the system is serving.

SECTION VI
ADOPTION BY REFERENCE

In addition to those provisions set forth in Section I through XII, these regulations hereby adopts, by reference, the provisions set forth in the following:

| | |
|------------------------------------|--|
| 77 Ill. Adm. Code 905- | "Private Sewage Disposal Licensing Act and Code" |
| 77 Ill. Adm. Code 895- | "Public Area Sanitary Practice Code" |
| 765 ILCS 205- | "Plat Act" |
| Perry County Subdivision Ordinance | |

One copy of each shall be on file in the Office of the Perry County Clerk.

SECTION VII
ENFORCEMENT

- 7.1 Private sewage disposal systems constructed prior to the effective date of these regulations shall comply with any provision of these regulations deemed necessary by the Health Department.
- 7.2 The Board of Health or its Authorized Representative is, hereby, authorized and directed to make sure inspections as are necessary to determine satisfactory

compliance with these regulations.

- 7.3 It shall be the duty of the owner or occupant of a property to give the Board of Health or its Authorized 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 these regulations.
- 7.4 A private sewage disposal system which has been installed by a home owner for his own personal single family residence; or by a contractor, occupant, agent, servant or representative of any such person shall not be covered or placed in operation unless specifically authorized by the Health Department until the said installation shall have been inspected and written approval of the said system shall have been issued by the Health Department.
- 7.5 The Authorized Representative may make inspections during the course of the construction of any private sewage disposal system to insure compliance with these regulations.
- 7.5.1 The home owner, private sewage disposal system contractor, occupant, agent, servant, or representative of any such person who is responsible for the installation, construction, alternation or extension of any private sewage disposal system shall notify the Health Department no later than 48 hours before the date the actual installation, construction, alteration, or extension work is scheduled to begin.
- 7.6 If any home owner who installs his own private sewage disposal system, or any contractor, occupant, agent, servant or representative of such person, shall backfill any portion of the said system or cover the same with earth, cinders, gravel, shale, or any other material which will prevent the same from being readily viewed to determine if the said system meets all requirements of these regulations before receipt of written approval by the Health Department, the Health Department may give 15 days notice in writing to such home owner so violating the provisions of these regulations, to uncover such backfilled or covered portions of the said system.
- 7.7 If, at the end of such 15 days, the home owner, or contractor, occupant, agent, servant or representative of any such person, shall not have uncovered the private sewage disposal system, the permit is automatically invalidated and penalty action may be taken. The Health Department may elect to have the system uncovered at the expense of the home owner. Failure of the home owner to pay such costs within 30 days shall result in execution of a lien against the property.

SECTION VIII
ISSUANCE OF NOTICE

- 8.1 Whenever the Health Department determines that a violation of any provision of these regulations has occurred, the Health Department shall give notice to the person responsible for such violation. The notice shall:
- 8.1.1 be in writing
 - 8.1.2 include a statement of the reasons for issuance of the notice.
 - 8.1.3 allow reasonable time as determined by the Health Department for performance of any act it requires.
 - 8.1.4 be served upon the person responsible for the violation(s); provided that such notice shall have been properly served upon the person responsible for the violations when a copy thereof has been sent by registered or certified mail to his last known address as furnished to the Health Department or when he has been served with such notice by any other method authorized by laws of the State of Illinois, and,
 - 8.1.5 contain an outline of remedial action which is required to effect compliance with these regulations.
- 8.2 It shall not be a prerequisite to enforcement of the penalty provisions of these regulations that the Health Department first resort to the notice procedure set forth in Section 8.1 of this section.

SECTION IX
REVOCAION OF CONTRACTOR'S REGISTRATION CERTIFICATE

- 9.1 Hearings Before the Health Administrator

Any Private Sewage Installation and/or Pumping Contractor or person affected by any order or notice issued by the Health Department in connection with the enforcement of any section of these regulations, may file in the office of the Health Department a written request for a hearing before the Administrator. The Administrator shall hold a hearing at a time and place designated by him/her within 30 days from 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 and as a condition for such action may, where he/she deems it necessary, make requirements which are additional to those prescribed in these regulations for the

purpose of properly protecting the public health. The Administrator shall render a decision within 10 days after the date of the hearing which shall be reduced to writing and placed on file in the office of the Health Department as a matter of public record. Any person aggrieved by the decision of the Administrator may seek relief therefrom through a hearing before the Board of Health.

9.2 Hearing Before the Board of Health

Any Private Sewage Installation and/or Pumping Contractor or person aggrieved by the decision of the Administrator rendered as the result of a hearing held in accordance with this Section may file in the office of the Health Department a written request for a hearing before the Board of Health at a time and place designated by the secretary of the Board of Health within 30 days of the date on which the written request was filed. For the purpose of this section the Board of Health shall mean a simple majority of the Perry County Board of Health. The petitioner for the hearing shall be notified of the time and place of the hearing not less than 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 that 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 and as a condition for such variance, may, where it deems necessary, make requirements which are additional to those prescribed by these regulations, all for the purpose of properly protecting the public health. The Board of Health shall render decision within 10 days after the date of the hearing which shall be reduced to writing and placed on file in the office of the Health Department and a copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail.

SECTION X **PENALTY**

- 10.1 Any person who violates any provision of these regulations, which violation constitutes a violation of any rule, regulation, order or determination of the Department of Public Health of the State of Illinois, adopted or made by said Department pursuant to said Act, shall be punished according to Section 8-Penalty of the Perry County Basic Sanitation Ordinance 1981-1. In addition thereto, such persons may be enjoined from continuing such violation. Each day upon which such a violation occurs shall constitute a separate violation.
- 10.2 The State's Attorney of Perry County shall bring such actions in the name of the people of the state of Illinois or may bring action for an injunction to restrain such violation or to enjoin the operation of any such establishment causing such violation. All monies collected from fines under these regulations shall be deposited in the Perry County Health Department fund.

SECTION XI
CONFLICT OF ORDINANCE
EFFECT OF PARTIAL INVALIDITY

- 11.1 In any case where a provision of these regulations is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance, or code of Perry County existing on the effective date of these regulations, the provision which, in the judgment of the Administrator establishes the higher standard for the promotion and protection of the health and safety of the people, shall prevail. In any case where a provision of these regulations which establishes a lower standard for the promotion and protection of the health and safety of the people, the provision of these regulations shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with these regulations.
- 11.2 If any section, subsection, paragraph, sentence, clause, or phase, of these regulations should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of these regulations which shall remain in full force and effect and, to this end, the provisions of these regulations are hereby declared to be severable.

SECTION XII
EFFECTIVE DATE

- 12.1 Under the authority of the Perry County Basic Sanitation Ordinance, the following program policies and procedures are hereby adopted. These policies and procedures shall pertain to the issuance of permits, the construction and/or reconstruction, the servicing, and the cleaning and disposal of private sewage disposal systems within the County of Perry, in the State of Illinois.

This program policy is hereby adopted and shall be effective the _____ day of _____, _____.

PERRY COUNTY BOARD OF HEALTH

Bonnie Tolbert, Chairman
Perry County Board of Health

Brice Harsy, Secretary
Perry County Board of Health

Passed this _____ day of _____, _____