

**COUNTY OF UNION,
ILLINOIS**

**ORDINANCE AMENDING ARTICLE II OF CHAPTER 18 OF THE UNION COUNTY
CODE OF ORDINANCES REGARDING PRIVATE SEWAGE DISPOSAL PURSUANT
TO 55 ILCS 5/5-15010**

WHEREAS, the Southern Seven Health Department was established in accordance with Illinois State Statute, 55 ILCS 5/5 as amended; and,

WHEREAS, the Southern Seven Health Department has deemed it necessary to regulate Private Sewage Disposal to prevent the transmission of disease causing organisms, environmental contamination, and nuisances resulting from improper location, size, handling, storage, transportation, and disposal of sewage; and,

WHEREAS, pursuant to 55 ILCS 5/5-25013, the Southern Seven Health Department may recommend to the Board of Commissioners of the County of Union, Illinois the adoption of such ordinances and of such rules and regulation as may be deemed necessary or desirable for the promotion and protection of health and control of disease; and,

WHEREAS, pursuant to 55 ILCS 5/5-15010, the Board of Commissioners of the County of Union, Illinois shall have authority to control and regulate the disposal of sewage, refuse, and any other wastes from any premises within the borders of Union County, Illinois, except with respect to waste management in a municipality that has severed itself from county jurisdiction under Section 5-15006, and to this end adopt suitable ordinances; and,

WHEREAS, the Board of Commissioners of the County of Union, Illinois has determined that Article II of Chapter 18 of the Union County Code of Ordinances regarding Private Sewage Disposal Code should be amended and replaced;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF UNION, ILLINOIS, AS FOLLOWS:

SECTION 1: The Union County Code of Ordinances is hereby amended by deleting Article II of Chapter 18 in its entirety and replacing it as follows:

ARTICLE II – Private Sewage Disposal Code

18-2-1 Definitions.

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

Authorized Representative shall mean the legally designated Administrator or The Acting Administrator of the Southern Seven Health Department and shall include those persons designated by the Administrator or Acting Administrator to enforce the provision of this Ordinance.

Board of Health shall mean the Southern Seven Board of Health or its Authorized Representative(s).

Domestic Sewage means wastewater derived principally from dwellings, business or office buildings, institutions, food service establishments, and similar facilities.

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 Southern Seven Health Department, an agency of the Southern Seven Board of Health.

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

Home Owner Installed System means a private sewage disposal system installed by a home owner for his personal single family residence.

Modify shall mean any change in the design or components of a private sewage disposal system requiring a permit herein defined.

Permit shall mean a written permit issued by the Board of Health or its authorized representative permitting the construction of an individual sewage disposal system under this Ordinance.

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 of any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge.

Private Sewage Disposal System Installation Contractor means any individual/ person that is licensed by the State of Illinois as a Private Sewage Disposal Installation Contractor and excavates, constructs, repairs, installs modifies or maintains a private sewage disposal system in accordance with 225 ILCS 225/4.

Private Sewage Disposal System Pumper Contractor means any individual/ person that is licensed by the State of Illinois as a Private Sewage Disposal Pumping Contractor and cleans or pumps waste from a private sewage disposal system or hauls or disposes of wastes removed there-from in accordance with 225 ILCS 225/4.

18-2-2 Adoption by Reference.

- A. This Ordinance shall adopt by reference and shall be interpreted and enforced in accordance with provisions set forth in the current, unabridged form of the State of Illinois Department of Public Health, "Private Sewage Disposal Licensing Act and Code" and any subsequent amendments or revisions thereto, three certified copies of which shall be on file in the Office of the Union County Clerk.

18-2-3 Required Area.

- A. Minimum lot size for a residential structure shall be one (1) acre in size excluding road easements. Lots platted and on record before the effective date of the Ordinance, will be given special consideration when applying for a permit. A smaller area may be requested if a community sewage collection system is proposed. A variance may be granted if it is impractical or impossible to comply with the code and an approved system can be installed and no potential health hazards will exist. However, the area shall be large enough to provide for a second private sewage disposal system of a size and type equivalent to the minimum system approved for the lot.
- B. Common collectors are prohibited for use in Union County.
- C. Private Sewage Disposal Systems shall follow the minimum distance allowable chart provided below:

MINIMUM DISTANCE ALLOWABLE FROM ^{1,2}						
COMPONENT PART OF SYSTEM	Cistern Well, or Suction Line from Pump To Well	Water Supply Line ³ Pressure	Lake, Stream In ground Swimming Pool or Other Body of Water	Property Dwelling	Property Line ⁴	Artificial Drain
	FEET	FEET	FEET	FEET	FEET	FEET

¹ These distances have been determined for use in clay, silt and loam soils only. The minimum distances required for use in sand or other types of soil shall be determined for the proposed private sewage disposal system and approved by the Department. Approval will be given if the Department determines that the soil will provide treatment of the sewage.

² For separation distances to closed loop wells, see 77 Ill. Adm. Code 920.180.

³ See Section 905.20(d) for additional details on water line and sewer separation.

⁴ If a common property is used, the boundary of the common property shall be used.

Building Sewer ⁵	50	10	25	–	–	–
Septic Tank or Aerobic Treatment Plant	50	10 ⁶	25	5	5	–
Distribution Box	75	10	25	10	5	–
Subsurface Seepage System	75	25	25	10	5	10
Sand Filter	75	25	15	10	25	10
Privy	75	25	25	20	5	10
Waste Stabilization Pond	75	25	25	20	25	10
Surface Discharge Effluent Line	50	10	–	–	25	–
Effluent Receiving Trench	75	25	15	10	5	10
Treated Effluent Discharge Point ⁷	50	10	–	20	25	25
Class V Injection Wells ⁸	200 ⁹	25	25	10	5	10

⁵ The building sewer or surface discharge effluent line may be located to within 10 feet of a well or suction line from the pump to the well when cast iron pipe with mechanical joints or Schedule 40 PVC pipe with watertight joints is used for the building sewer or surface discharge effluent line.

⁶ There shall be 25 feet separation from public water supply water mains and water service lines. The terms public water supply, water main and water service line shall have the same meaning as in the Illinois Pollution Control Board's Public Water Supplies rules. See, e.g., 35 Ill. Adm. Code 653.118 and 653.119.

⁷ Any surface discharging system installed, repaired or renovated after January 1, 2014.

18-2-4 Subdivisions.

- A. The Union County Private Sewage Ordinance shall require persons/corporations who subdivide property to furnish information concerning lot sizes, soil topography maps, and location of water supplies. Changes in a proposed subdivision plat must also be submitted. This information is needed to ascertain that each lot of said proposed subdivision will be able to support the installation and subsequent use of an approved private sewage disposal system as defined in the Illinois Department of Public Health "Private Sewage Disposal Licensing Act and Code" and any subsequent amendments or revisions thereto, (herein referred to as sewage code).
- B. Upon receipt of the plat, the health department will review the plat within 15 working days. The developer, Union County Plat Officer and the County Highway Engineer will be advised of the results of the review in writing. If the review determines the proposed plat does not adequately address the private sewage disposal system, a detailed explanation of the deficient areas will be provided. To facilitate the review of the plat, the following information must be submitted:
- i. Proposed plat
 - ii. Subdivision covenants
 - iii. A statement of the availability of public sewer service (Section 905.20 [e]) of the sewage code, a statement describing the availability of a public water supply, and, if available, the location of the water mains
 - iv. The location of existing and proposed drainage tiles, natural drainage areas, ponds, lakes, easements, wells, or abandoned wells
 - v. A statement on the potential for flooding based on field observations and historical review (Section 905.20 [j] [1]) of the sewage code.
- C. For every private surface discharging sewage system, a detailed description of the proposed effluent disposal method must be submitted verifying disposal in accordance with Section 905.110 of the sewage code. If it is proposed to dispose of the effluent to

⁸ Class V Injection Wells are defined in Illinois Pollution Control Board rules. They are typically a shallow well used to place fluids directly below the land surface. See, e.g., 35 Ill. Adm. Code 704.105, 704.106 and 704.280.

⁹ A lesser separation distance may be obtained with approval or a waiver from IEPA.

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

*Distances to be determined by the Illinois Department of Public Health

the ground surface, then the method to be used to prevent the effluent from ponding or creating a nuisance condition must be described.

D. Should a developer fail to submit the information necessary for this review, the Union County State's Attorney will be so advised.

E. Lot Size:

i. Minimum lot size for a residential structure requiring a private sewage disposal system, shall be one (1) acre in size excluding road easements or as established by the Union County Subdivision Ordinance, whichever is greater. A larger area may be required for such lots if, in the opinion of the health department, there are factors of drainage, soil conditions or other conditions, such as surface discharges from private sewage disposal systems which may cause health problems or nuisance conditions. If a subsurface seepage field is proposed, a soil investigation must be performed by a soil classifier or Illinois licensed professional engineer. The soil investigation shall meet the requirements of the Sewage Code Section 905.55, Part A (1&2). Lots platted and on record before the effective date of this Ordinance, for which sewage plans were approved, will receive a variance from this section. A smaller lot may be requested if a community sewage collection system is proposed and approved by the Illinois Environmental Protection Agency. A variance may be granted if, in the opinion of the health department, it is impractical or impossible to comply with the sewage code and an approved system can be installed that does not create health hazards or nuisance conditions.

F. The final discharge point of the private sewage systems, that produce a surface discharge, must be a minimum distance of 25 feet from property lines and shall contain both a chlorinator and sample port.

18-2-5 Permit Requirements.

A. It shall be unlawful for any person to construct, alter or extend individual domestic sewage disposal systems within Union County unless he holds a valid permit issued by the Health Department stating the name of such person for which the specific construction, alteration, or extension is proposed. This permit shall be valid for period of 6 months from the date it is issued.

B. All applications for permit granted under the provisions of this Ordinance shall be made to the Southern Seven Health Department.

C. A permit shall only be issued to a homeowner and/or an Illinois licensed private sewage

disposal system installation contractor installing a sewage disposal system.

- D. Permit application forms provided by the Health Department shall be completed and signed by each applicant and shall include the following:
- i. Name and address of the applicant and location of the proposed site of construction, alteration, or extension as proposed.
 - ii. Complete plan of the proposed disposal facility attesting to its compliance with the minimum standards of this Ordinance.
- E. The Southern Seven Health Department may refuse to grant a permit for the construction of a private sewage disposal system where a sanitary sewage system is available. A sewer shall be deemed available when a sanitary 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 sanitary sewer to which a connection is practical and is permitted by the controlling authority for the sewer. A reasonable distance for the purpose of this 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, subdivision, or multi-family dwelling.
- F. The Southern Seven Health Department shall act upon all applications within 15 days of receipt thereof.
- G. The Health Department shall be notified of any modification, change or repair to any private sewage disposal system by either a home owner or contractor to determine whether that modification, change, or repair requires a permit as set forth in paragraph 5.1 of this Section. The routine cleaning of disposal system components, replacing septic tank cover, or rodding out inlet and outlets, does not require a construction permit as defined under Section 5 of this Ordinance.
- H. There will be a fee charged for the initial construction permit, alteration or extension of an individual sewage system. The fee shall be collected by the Health Department at the time an application for permit is submitted.

18-2-6 Enforcement.

- A. It shall be unlawful to discharge untreated sewage or the effluent from any septic tank directly or indirectly to any stream, ditch, ground surface, sinkhole or abandoned well, or to allow the contents of any privy vault, septic tank or seepage pit to emit offensive odors, to become objectionable, dangerous, or prejudicial to the public health.

- B. Private sewage disposal systems constructed prior to the effective date of this Ordinance shall be updated to comply with the requirements of this Ordinance when they require a permit to repair or replace that system.
- C. It shall be the duty of the owner or occupant of a property to give the Southern Seven Health Department free access to reasonable times to any property that has a private sewage disposal system on it for the purpose of making such inspections as are necessary to determine compliance with the requirements of this Ordinance.
- D. A private sewage disposal system shall not be covered or placed in operation until the said installation has been inspected and written approval of the said system shall have been issued by the Health Department.
- E. If any person who installs a private sewage disposal system shall backfill any portion of the said system and/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 the Ordinance before receipt of written approval by the Health Department, the Health Department may give fifteen (15) day notice in writing to such home owner so violating the provision of the Ordinance, to uncover such backfilled or covered portions of the system.
- F. If, at the end of such fifteen (15) days, the home owner shall not have uncovered the individual sewage disposal system, the permit is automatically invalidated and penalty active may be taken, the Health Authority may elect to have the system uncovered at the expense of the home owner. Failure of the home owner to pay such costs within thirty (30) days shall result in execution of a lien against the property.

18-2-7 Issuance of Notice.

- A. Whenever the Health Department determines that a violation of any provision of this Ordinance has occurred, the Health Department shall give notice to the person responsible for such violation. This notice shall:
 - i. Be in writing;
 - ii. include a statement of the reasons for issuance of the notice;
 - iii. allow reasonable time as determined by the Health Department for performance of any act it required;
 - iv. 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 this State; and,
- v. contain an outline of remedial action which is required to effect compliance with this Ordinance.

18-2-8 Citation Notice.

- A. When anyone fails or refuses to correct any violation(s) of this Ordinance, after due notice and time specified in Section VII, they will be turned over to the Union County State's Attorney. Upon conviction, the person responsible for the violation(s) shall be subject to the penalty specified under Section IX of this Ordinance.
- B. When a private sewage disposal system is installed without a valid permit being issued by the Health authority, they will be turned over to the Union County State's Attorney.

18-2-9 Penalty.

- A. Any violation of this Ordinance shall be a petty offense with a fine up to \$1,000.00 for each offense; including court fees, other legal fees, etc.
- B. Each day's violation constitutes a separate offense.

18-2-10 Conflict of Ordinance, effect on Partial Invalidity.

- A. In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of County existing on the effective date of this Ordinance, the provision which, in the judgment of the Health Authority 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 this Ordinance is found to be in conflict with a provision of any other ordinance or code of Union County existing on the effective date of this Ordinance which establishes a lower standard for the promotion and protection of the health and safety of the people, and provisions of this Ordinance 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 this Ordinance.
- B. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and, to this end, the provision of this Ordinance are hereby declared to be severable

SECTION 2: This ordinance shall be deemed in full force and effect on May 24, 2019.

PASSED AND APPROVED at a regular meeting of the Board of Commissioners of the County of Union, Illinois this 24th day of May, 2019.



Max Miller, Chairman

ATTEST:



Lance Meisenheimer
Union County Clerk

Commissioners voting aye: Pitts, Toler, Foster + Miller

Commissioners voting nay: _____

Abstention(s): _____

Absent: Gould