

EXHIBIT "A"

ARTICLE II – PRIVATE SEWAGE DISPOSAL CODE

19-2-1 DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this Code.

Board of Health means the St. Clair County 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 means the person or persons who have been designated by the Board of Health to administer the affairs of the Health Department.

Health Department means the St. Clair County Health Department, including its duly authorized representative(s).

Homeowner means a contract-for-deed buyer, mortgage holder or a person who holds legal title to a residential structure which is to be used or is used for his/her personal single family residence.

Homeowner Installed System means a private sewage disposal system installed by a homeowner for his/her personal single family residence.

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

Operational Inspection means an inspection of the private sewage disposal system to determine compliance with this Code by the Health Department.

Permit means a written permit issued by the Health Department permitting the construction of a private sewage disposal system under this Code.

Private Sewage Disposal System means any sewage handling or treatment facility receiving domestic sewage at a volume less than **one thousand five hundred (1,500) gallons** per day 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 Contractor Registration means an annual Registration Certificate issued by the St. Clair County Health Department to all Private Sewage Disposal System Contractors engaged in the installation and/or servicing of private sewage disposal systems within the limits of St. Clair County.

Private Sewage Disposal System Installation Contractor means any person excavating, constructing, installing, repairing, modifying, maintaining or servicing private sewage disposal systems.

Private Sewage Disposal System Pumping Contractor means any person who cleans or pumps waste from a private sewage disposal system or hauls or disposes of waste removed therefrom.

Septic Tank Manufacturers and/or Aerobic Treatment Unit Dealers

means any person who manufactures, sells, offers for sale, or delivers septic tanks or aerobic treatment units in or into St. Clair County.

Septic Tank Manufacturers and/or Aerobic Treatment Unit Dealers

Registration means an annual Registration Certificate issued by the St. Clair County Health Department to all Septic Tank Manufacturers and/or Aerobic Treatment Unit Dealers engaged in the manufacture, sale, offer for sale, and delivery of septic tanks and/or aerobic treatment units in or into St. Clair County.

19-2-2 ADOPTION BY REFERENCE. In addition to those provisions set forth, this Code 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" (77 Ill. Adm. Code 905) and any subsequent amendments or revisions thereto, which is incorporated herein and adopted by reference as part of this Code, **three (3)** certified copies of which shall be on file in the office of the St. Clair County Clerk.

19-2-3 REQUIRED AREA.

(A) **Lot Size.** Minimum lot size for a residential structure requiring a private sewage disposal system shall be **one (1) acre** in size excluding easements. A greater area may be required for such lots if, in the opinion of the Health Department, there are other factors of drainage, soil conditions, or other conditions which may cause potential health problems. Lots platted and on record before the effective date of this Code, will be given special consideration when applying for a permit. A smaller area may be requested if there are extenuating circumstances or if a community sewage collection system is proposed. A variance may be granted if, in the opinion of the Health Department, 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) **Subdivisions.** The Health Department shall require persons who subdivide property to furnish information on forms provided by the Health Department concerning soil absorption capacities, or require changes in a proposed subdivision plat, to reasonably 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 State of Illinois, Department of Public Health, "Private Sewage Disposal Licensing Act and Code".

19-2-4 PERMIT REQUIREMENTS.

(A) It shall be unlawful for any person to construct, alter or extend individual domestic sewage disposal systems within St. Clair County unless he/she 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.

(B) All applications for permits granted under the provisions of this Code shall be made to the Health Department.

(C) A permit shall only be issued to a homeowner and/or a St. Clair County registered Private Sewage Disposal System Installation Contractor installing a private 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:

(1) Name and address of the applicant and location of the proposed site of construction, alteration, or extension as proposed.

(2) Complete plan of the proposed disposal facility attesting to its compliance with the minimum standards of this Code.

(E) The Health Department shall 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 **three hundred (300) feet** for a single-family residence and not greater than **one thousand (1,000) feet** for a commercial establishment, subdivision, or multi-family dwelling.

(F) The Health Department shall act upon all applications within **fifteen (15) days** of receipt thereof.

(G) Said permit to construct is valid for a period of **one (1) year** from date of issuance. If construction is not completed within this period, the permit is void.

(H) Soil evaluations, as required by this Code, shall be performed according to the provisions of the State of Illinois, Department of Public Health, "Private Sewage Disposal Licensing Act and Code". The Health Department reserves the right to determine the validity of any test and in cases where more than one set of tests are performed, the Health Department shall determine which test results shall prevail.

(I) The Health Department shall be notified of any modification, change or repair to any private sewage disposal system by either a homeowner or contractor to determine whether that modification, change, or repair requires a permit as set forth in this Code. The routine cleaning of disposal system components, replacing septic tank covers, or rodding out inlets and outlets, does not require a construction permit as defined in this Code.

(J) There shall be a **Two Hundred Dollar (\$200.00)** fee charged for the initial construction permit, alteration or extension of an individual sewage system as

approved by the Health Department. The fee shall be collected by the Health Department at the time an application for permit is submitted, and shall be deposited into the St. Clair County Health Department Fund.

19-2-5 REGISTRATION.

(A) Annual contractor's registration shall be required by all Private Sewage Disposal System Installation Contractors and all Private Sewage Disposal Pumping Contractors operating within the limits of St. Clair County. The Health Department shall issue a Private Sewage Disposal System Installation Contractor Registration Certificate or a Private Sewage Disposal System Pumping Contractor Registration Certificate to persons applying for such certificate who pass the written examination given by the State for the certificate desired and who are licensed by the State of Illinois as a Private Sewage Disposal System Installation Contractor and/or a Private Sewage Disposal System Pumping Contractor. A **Fifty Dollar (\$50.00)** annual registration fee shall be required for each certificate issued. This fee shall be collected by the Health Department at the time the application is submitted and shall be deposited in the St. Clair County Health Department Fund. All Registration Certificates shall expire **December 31st** of the year issued, except those issued in December will expire **December 31st** of the following year.

(B) Annual Septic Tank Manufacturer and/or Aerobic Treatment Unit Dealer Registration Certificates shall be obtained by all persons who wish to manufacture, sell, offer for sale or deliver septic tanks or aerobic treatment units in or into St. Clair County. The Health Department shall issue a Septic Tank Manufacturer and/or Aerobic Unit Dealer Registration Certificate to persons who apply for such certificate and who have approval to manufacture and sell septic tanks and/or aerobic units from the Illinois Department of Public Health. There shall be no fee for said certificate. All Registration Certificates shall expire **December 31st** of the year in which they were issued, except those issued in December will expire **December 31st** of the following year.

(C) All persons who hold a Septic Tank Manufacturer and/or Aerobic Treatment Unit Registration Certificate shall be required to notify the St. Clair County Health Department, in writing within **ten (10) days** of the date of delivery or sale of a septic tank or aerobic treatment unit, of the following information:

- (1) Name of purchaser.
- (2) Location of delivery.
- (3) Date of sale and delivery.
- (4) Size of septic tank or make and model of aerobic treatment unit.

19-2-6 COMPLIANCE AND PERFORMANCE.

(A) All private sewage disposal systems within the limits of St. Clair County shall be constructed, installed, modified, maintained and serviced by an individual with a valid Private Sewage Disposal System Installation Contractor's Registration Certificate. All such systems shall be pumped, cleaned, and the contents hauled and disposed of by individuals with a valid Private Sewage Disposal System Pumping Registration Certificate; provided a homeowner may install and/or service a private sewage disposal system which serves his/her own personal single family residence.

(B) All septic tanks and/or aerobic treatment units manufactured, sold, offered for sale, or delivered in St. Clair County shall comply with the provisions of this Code.

(C) An operational inspection may be conducted on any private sewage disposal system which is part of a sale of property or for refinancing any time an application for inspection is submitted to the Health Department. There shall be a **Two Hundred Dollar (\$200.00)** fee charged for the inspection. The fee shall be collected by the Health Department at the time an application for inspection is submitted and shall be deposited into the St. Clair County Health Department Fund.

(D) All aerobic treatment units installed or repaired on or after the effective date of this Code shall be required to have a continuing service policy in accordance with Section 905.100g of the State of Illinois, Department of Public Health, "Private Sewage Disposal Licensing Act and Code". Any existing unit found in violation of any part of this Code shall be required to comply with this Section.

(E) Any private sewage disposal system designed to surface discharge installed on or after the effective date of this Code shall not discharge any effluent directly into any body of water where full body contact activities are allowed. A discharge within **seventy-five (75) feet** of the above shall be considered a direct discharge to the receiving body of water.

(F) It shall be unlawful to discharge untreated sewage or effluent from any septic tank directly or indirectly to any stream, ditch, ground surface, sink hole or abandoned well, or to allow the contents of any privy vault or septic tank to emit offensive odors, to become objectionable, dangerous or prejudicial to the public health or to allow surface discharging systems to create a nuisance ponding condition, either on or off the property.

(G) Private sewage disposal systems constructed prior to the effective date of this Code shall be updated to comply with the requirements of this Code when malfunction or failure occurs or a permit is required to repair or replace that system.

(H) Persons who construct, install, repair or modify a private sewage disposal system shall notify the Health Department at least **forty-eight (48) hours** prior to commencement of the work.

(I) It shall be the duty of the owner or occupant of a property to give the Health Department free access at 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 Code. If the Health

Department is denied access to the property, it may, to the extent provided by law, obtain an administrative search warrant with the assistance of the State's Attorney Office for the purposes of this Codes' enforcement (**225 ILCS 225/8(3)**).

(J) 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.

(K) 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 this Code before receipt of written approval by the Health Department, the Health Department may give **fifteen (15) days** notice in writing to such homeowner and/or installation contractor so violating the provision of this Code, to uncover such backfilled or covered portions of the system.

(L) If, at the end of such **fifteen (15) days**, the homeowner shall not have uncovered the individual 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 homeowner. Failure of the homeowner to pay such costs within **thirty (30) days** shall result in execution of a lien against the property.

19-2-7 ISSUANCE OF NOTICE.

(A) Whenever the Health Department determines that a violation of any provision of this Code has occurred, the Health Department shall give notice to the person responsible for such violation. This notice shall:

- (1) Be in writing.
- (2) Include a statement of the reasons for issuance of the notice.
- (3) Allow reasonable time as determined by the Health Department for performance of any act it required.
- (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/her last known address as furnished to the Health Department or when he/she has been served with such notice by any other method authorized by laws of this State, and,
- (5) Contain an outline of remedial action which is required to effect compliance with this Code.

(B) It shall not be a prerequisite to enforcement of the penalty provisions of this Code that the Health Department first resort to the notice procedure set forth in this Code.

19-2-8 REVOCATION OF REGISTRATION. For serious or repeated violation of any of the requirements of this Code, the Private Sewage Disposal Contractor's Registration Certificate and/or Septic Tank Manufacturer and/or Aerobic Unit Dealer Registration Certificate may be revoked after an opportunity for a hearing has been provided by the Health Department. Prior to such action, the Health Department shall notify the contractor in writing, stating the reasons for which the Registration Certificate is subject to revocation and advising that the certificate shall be revoked at the end of **five (5) days** following service of such notice, unless a request for a hearing is filed with the Health Department, by the holder, within such **five (5) day** period. A Registration Certificate may be suspended for cause pending its revocation or a hearing relative thereto where a clear and present danger to the public health is preliminarily found to exist by the Health Department.

19-2-9 HEARINGS.

(A) **Hearing Before the Health Department.** Any person affected by any order or notice issued by the Health Department in connection with enforcement of this Code, may file in the office of the Health Department a written request for a hearing before the Health Authority. The Health Authority shall hold a hearing at a time and place designated by the Health Department within **thirty (30) 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) days** prior to the date on which the hearing is to be held. If, as a result of the hearing, the Health Authority finds that the public health would be adequately protected and substantial justice done by varying or withdrawing the order or notice, the Health Authority may modify or withdraw the order or notice. The Health Authority 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 office of the Health Department as a matter of public record. Any person aggrieved by the decision of the Health Authority may seek relief therefrom through a hearing before the Board of Health. A transcript of the record shall be provided at the request and at the expense of the person requesting the hearing.

(B) **Hearing Before the Board of Health.** Any person aggrieved by the decision of the Health Authority 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 **thirty (30) days** of 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) 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 the public health would be adequately protected and substantial justice done by granting a variance from the decision of the Health Authority, the Board of Health may grant a variance. The Board of Health shall render decision within **ten (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. A transcript of the record shall be provided at the request and at the expense of the person requesting the hearing. All witnesses called shall be required to testify under sworn oath. An appeal from the decision of the Board of Health may be made to the Circuit Court of St. Clair County, pursuant to the provisions of the "Administrative Review Act" in force and effect at that time in the State of Illinois.

19-2-10 PENALTY.

(A) Any person who violates any provision of this Code may be fined a sum of not less than **Two Hundred Dollars (\$200.00)** and not more than **One Thousand Dollars (\$1,000.00)**. Each day's violation constitutes a separate offense.

(B) The State's Attorney shall bring such actions in the name of the People of the State of Illinois or may bring an action for injunctive relief to restrain such violation. Additionally, any person who violates any provision of this Code may be penalized in accordance with the State of Illinois, Department of Public Health, "Private Sewage Disposal Licensing Act", Section 19 (**225 ILCS 225/19**) and the "Private Sewage Disposal Licensing Code", Section 905.205 (**77 ILAC 905.205**).