

CHAPTER 19

HEALTH CODE

ARTICLE I – PUBLIC HEALTH BOARD

19-1-1 **BOARD ESTABLISHED.** There is hereby established a Public Health Board for the County of St. Clair in accordance with State Statute and shall be known as the **St. Clair County Public Health Board**, hereinafter referred to as the **Board**.

19-1-2 **SERVICE AREA.** Public health services shall be provided for all areas in St. Clair County with the exception of those **four (4)** townships currently served by the East Side Health District. Tuberculosis care and treatment shall be provided either directly or by contractual arrangement with the exception of inpatient hospital care, to the entire County.

19-1-3 **BOARD MEMBERSHIP.** The Chairman of the County Board shall, with the advice and consent of the County Board, appoint a Board of Health consisting of **eight (8) members** as follows: **two (2) physicians, one (1) dentist, one (1) nurse, three (3) at large and one (1) County Board member.**

19-1-4 **TERM OF OFFICE.** The term of office of each member of the Board shall be for **three (3) years** except that of the first appointees -- **two (2)** shall serve for **one (1) year, two (2)** for **two (2) years, three (3)** for **three (3) years** and the term of the member appointed from the County Board shall be **one (1) year**. The term of office of original appointees shall begin on **July 1** following their appointment, and the term of all members shall continue until their successors are appointed. Vacancies shall be filled for the unexpired time in a similar manner as original appointments.

19-1-5 **POWERS AND DUTIES.** The Board in consultation with and being advised by the Department of Public Health, shall have the power to construct, repair, operate, maintain, and regulate health facilities to provide health services for residents of St. Clair County and/or to contract therefore with any private or public entity which provided such facilities and services.

The Board shall have the power to:

- (A) Review and evaluate health services and facilities.
- (B) Submit to the appointing officer and governing body a program of health services and facilities.

(C) Within amounts appropriated therefor, execute such program and maintain such services and facilities as may be authorized under such appropriations, including amounts appropriated under bond issues, if any.

(D) Enter into contracts for rendition or operation of services and facilities on a per-capita basis or otherwise.

(E) Arrange for the rendition of services and operation of facilities by other agencies of the governmental unit or county in which the governmental unit is located with the approval of the governing body.

(F) Make rules and regulations concerning the rendition or operation of services and facilities under its direction and supervision.

(G) Employ such personnel as may be necessary to carry out the purposes of an act relating to health facilities and services and prescribe the duties of such personnel.

(H) To perform such other acts as may be necessary or proper to carry out the purposes of the acts consistent with the regulations of the Director of the Department of Public Health.

19-1-6 **ANNUAL BUDGET AND REPORT.** The Board shall annually prepare and submit to the appointing officer and governing board:

(A) An annual budget showing the estimated receipts and intended disbursements pursuant to this Article, for the fiscal year immediately following the date the budget is submitted, which date must be at least **thirty (30) days** prior to the fiscal year.

(B) An annual report detailing the income received and disbursements made pursuant to this Article during the fiscal year, just preceding the date the annual report is submitted, which date must be within **thirty (30) days** of the close of the fiscal year.

(C) The annual report must be published within **thirty (30) days** from the date it is submitted and approved and the budget and report shall be made available for public inspection.

19-1-7 **TAX LEVY – ST. CLAIR COUNTY HEALTH FUND; USE OF FUNDS.** In order to supply the necessary funds or to supplement existing funds for such health facilities and services, the Board may levy an annual tax of not to exceed **.075%** upon all taxable property in St. Clair County. The Board may not, however, levy in excess of **.0279%** without the consent and approval of the County Board. Such tax, when collected, shall be paid into a special fund in the St. Clair County Treasury to be designated as the "Health Fund". Said funds shall be used only for the purposes specified in this Article and pursuant to the Public Health Act.

19-1-8 **MEETINGS.** The Board shall prescribe the time and places of the regular scheduled Board meetings and the manner in which special Board meetings may be called. It shall sit upon open doors and shall keep a journal of its own proceedings which shall be made available for public inspection.

19-1-9 **EXPENSES OF BOARD MEMBERS – PAYMENT.** The expenses incurred by the Board in the performance of duties imposed upon it or its members shall be paid out of the Health Fund.

19-1-10 **REMOVAL.** Any member of the Board may be removed by the appointing officer for neglect of duty, misconduct or malfeasance in officer after being given a written statement of the charges and an opportunity to be heard thereon.

19-1-11 **COORDINATION.** In order to provide the broadest possible health program within St. Clair County, Illinois, the Board shall work with all outside groups providing such services to help coordinate all programs and increase the services available to St. Clair County residents and prevent duplication of programs, except where necessary. **(Ord. No. 87-22; 04-27-87)**

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** usable space in size excluding lakes, ponds and 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 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". Minimum lot size within a subdivision serviced by municipal water for a residential structure requiring a private sewage disposal system shall be **one (1) acre** usable space in size excluding lakes, ponds and easements. Minimum lot size within a subdivision with no available municipal water for a residential structure requiring a private sewage disposal system shall be **three (3) acres** usable space in size excluding lakes, ponds and easements.

There shall be a fee for the review of subdivision plans. The fee shall be based upon the number of proposed lots as follows:

1 – 10 lots	Two Hundred Dollars	(\$200.00)
11 – 25 lots	Three Hundred Dollars	(\$300.00)
26 – 50 lots	Four Hundred Dollars	(\$400.00)
51 lots or greater	Five Hundred Dollars	(\$500.00)

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 licensed 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 **Three Hundred Dollar (\$300.00)** 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 **One Hundred Dollar (\$100.00)** annual registration fee shall be required for a Private Sewage Disposal Installation Contractor and/or a Private Sewage Disposal Pumping Contractor operating within the limits of St. Clair County. 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 Certificate 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 tank 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 **Three Hundred Dollar (\$300.00)** fee charged for the inspection. 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.

(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 inspection 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 **REVOCAION 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).

19-2-11 Effective January 1, 2014.

ARTICLE III – SWIMMING POOLS

19-3-1 NOTIFICATION OF CONSTRUCTION. No person, firm, corporation, or organization shall install or complete private swimming pools for any single or multi-family residence, without notification of the installation or partial installation of the same to the Zoning Department of St. Clair County.

19-3-2 INSPECTION. Upon receipt of any notice required by **Section 19-2-1** of this Chapter, a lawfully designated member of the Zoning Department of St. Clair County shall, within **five (5) days**, inspect the installed or partially installed private swimming pool of the person, firm, corporation or organization.

19-3-3 FEE. An inspection fee shall be paid to the County Treasurer's Office, with authorization from the Zoning Department for the inspection designated by **Section 19-3-1**, in an amount of **Ten Dollars (\$10.00)**.

19-3-4 DOCUMENTS REQUIRED. The designated member of the Zoning Department shall deliver the following written documents upon completion of the inspection set forth in **Section 19-3-2**:

- (A) Receipt for inspection fee.
- (B) Permit to complete and use the private swimming pool.
- (C) Rejection statement of the private swimming pool with specific reasons for the failure to comply with the provisions of **Section 19-3-5** hereinafter set forth.

19-3-5 COMPLIANCE WITH REQUIREMENTS. The owner of a private swimming pool must comply with the following specifications and conditions:

- (A) **General.** Pools used for swimming or bathing shall be in conformity with the requirements of this Section, provided, however, these regulations shall not be applicable to any such pool less than **twenty-four (24) inches** deep or having a surface area less than **two hundred fifty (250) square feet**, except when such pools are permanently equipped with a water recirculating system or involves structural materials, for purposes of this Code, pools are classified as private swimming pools or public and semi-public swimming pools. Any constructed pool which is used, or intended to be used, as a swimming pool in connection with a single family residence or multi-family residence and available only to the family of the householder or tenants and their private guests shall be classified as a private swimming pool. Any swimming pool other than a private swimming pool shall be classified as a public or semi-public swimming pool.

(B) **Permits.** No private swimming pool or appurtenances thereto shall be constructed, installed, enlarged, or altered, until a permit has been issued from the Building Official, certified approval of the Environment Committee and Zoning Office of St. Clair County, shall be filed as a part of the supporting data for the application of this permit. The Environment Committee or a designated member of the Zoning Department shall inspect at least once a year, each private swimming pool for the purpose of taking water sample test and enforcing this Code. Such officials or officers are hereby granted the power and authority to enter on the premises where private swimming pools exist, at any time for the purposes herein set forth.

(C) **Plans.** Plans shall accurately show dimensions and construction of pool and appurtenances and properly established distances to lot lines, building, walks and fences, details of water supply system, drainage and water disposal systems, and all appurtenances pertaining to the swimming pool. Detail plans of structure; vertical elevations, and sections through the pool showing depth shall be included.

(D) **Locations.** Private swimming pools shall not encroach on any front or side yard required by the Zoning Code. No wall of the swimming pool shall be located less than **six (6) feet** from any rear or side property line or **ten (10) feet** from any street property line, except by specific rules of the community in which it may be located.

(E) **Structural Design.** The pool structure shall be engineered and designed to withstand the expected forces to which it will be subjected.

(F) **Wall Slopes.** To a depth up to **five (5) feet** from the top, the wall slope shall not be more than **two (2) feet** horizontal and **five (5) feet** vertical.

(G) **Floor Slopes.** The slope of the floor on the shallow side of transition point shall not exceed **one (1) foot** vertical to **seven (7) feet** horizontal. The transition point between shallow and deep water shall not be more than **five (5) feet** deep.

(H) **Surface Cleaning.** All swimming pools shall be provided with a recirculating skimming device or overflow gutters to remove scum and foreign matter from the surface of the water. When skimmers are used, there shall be at least **one (1)** skimmer device for each **one thousand (1,000) square feet** of surface area or fraction thereof. Where overflow gutters are used, they shall not be less than **three (3) inches** deep, pitched **one-quarter (1/4) inch** per foot to drains, and constructed so they are safe, cleanable and that matter entering the gutters will not be washed out by a sudden surge of entering water.

(I) **Walkways.** Where curbs or sidewalks are used around any swimming pool, they shall have a non-slip surface for a width of not less than **one (1) foot** at the edge of the pool and shall be so arranged to prevent return of surface water to the pool.

(J) **Steps and Ladders.** **One (1)** or more means of egress shall be provided from the pool. Treads of steps or ladders shall have non-slip surfaces and handrails on both sides, except that handrails may be omitted when there are not more than **four (4) steps** or when they extend the full width of the side or end of the pool.

(K) **Water Supply.** All swimming pools shall be provided with a potable water supply, free of cross-connections with the pool or its equipment.

(L) **Water Treatment.** Private swimming pools shall be designed and installed so that there is a pool water turnover at least once every **eighteen (18) hours**. Filters shall not filter water at a rate in excess of **five (5) gallons** per minute per square foot of surface area. The pool owner shall be instructed in proper care and maintenance of the pool, by the supplier or builder, including the use of high test calcium hypochlorite (dry chlorine) or sodium hypochlorite (liquid chlorine) or equally effective germicide and algacide and the importance of proper pH (alkalinity and acidity) control.

(M) **Drainage Systems.** The swimming pool and equipment shall be equipped to be completely emptied of water and the discharged water shall be disposed of in an approved manner, that will not create a nuisance to adjoining property.

(N) **Appurtenant Structures.** All appurtenant structures, installations, and equipment, such as showers, dressing rooms, equipment houses or other buildings and structures, including plumbing, heating, and air conditioning, amongst others appurtenant to a swimming pool, shall comply with the applicable requirements of the Zoning Code.

(O) **Accessories.** All swimming pool accessories shall be designed, constructed, and installed so as not to be a safety hazard. Installations or structures for diving purposes shall be properly anchored to insure stability, and properly designed and located for maximum safety.

(P) **Overhead Electrical Conductors.** No overhead electrical conductors shall be installed within **fifteen (15) feet** of any swimming pool. All metal fences, enclosures or railings near or adjacent to swimming pool to which bathers have access, which may become electrically alive as a result of contact with broken overhead conductors, or from any other cause, shall be effectively grounded.

(Q) **Equipment Installations.** Pumps, filters, and other mechanical and electrical equipment for public and semi-public swimming pools shall be enclosed in such a manner as to be accessible only to authorized persons and not to bathers. Construction and drainage shall be such as to avoid the entrance and accumulation of water in the vicinity of electrical equipment.

(R) **Swimming Pool Safety Devices.** Every person owning land on which there is situated a swimming pool, fish pond, or other body of water which constitutes an obvious hazard and contains **twelve (12) inches** or more of water in depth at any point, shall erect and maintain thereon an adequate enclosure either surrounding the property or pool area, sufficient including gates therein, must be not less than **four (4) feet** above the underlying ground; all gates must be self-latching with latches placed **four (4) feet** above the underlying ground or otherwise made inaccessible from the outside to small children.

A natural barrier, hedge, pool cover or other protective device approved by the governing body may be used so long as the degree of protection afforded by the substituted devices or structures is not less than the protection afforded by the enclosure, gate and latch described herein.

ARTICLE IV – RETAIL FOOD ESTABLISHMENT SANITATION

19-4-1 RULES AND REGULATIONS. The current edition and subsequent revisions of Illinois Department of Public Health Food Service Sanitation Rules and Regulations; and Retail Food Store Sanitation Rules and Regulations on file with the Secretary of State, are hereby adopted by reference.

19-4-2 SCOPE. This Chapter shall apply to all food service establishments such as any fixed or mobile restaurant; coffee shop, cafeteria, buffet, short order café; luncheonette; grill; tearoom; sandwich shop, catering kitchen; soda fountain; tavern; bar; cocktail lounge; nightclub; industrial feeding establishment; grocery store; meat market; poultry market; fish market; commissary; mobile food unit; temporary food service establishment; cottage food; retail food establishment; food pantry; delicatessen; bakery; confectionery; fraternity; school lunchroom; private, public or non-profit organization or institution routinely serving food; and any other eating or drinking establishment or operation where food or drink is prepared, served or provided for human consumption with or without charge within the County townships served by the St. Clair County Health Department, whether or not said establishments are located within the corporate limits of any Municipality.

This Chapter shall not apply to the **four (4)** townships served by the East Side Public Health District.

19-4-3 DEFINITIONS. In addition to the definitions contained in the above rules and regulations, the following definitions shall apply in the interpretation and enforcement of this Chapter.

(A) **Adulterated** shall mean the condition of any food:

- (1) if it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health.
- (2) if it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation or in excess of such tolerances if one has been established.
- (3) if it consists in whole or in part of any filthy, putrid, or decomposed substance or if it is otherwise unfit for human consumption.
- (4) if it has been processed, prepared, packed or held under unsanitary conditions whereby it may have been contaminated with filth or whereby it may have been rendered injurious to health.
- (5) if it is in whole or in part the product of a diseased animal or animal which has died otherwise than by slaughter.
- (6) if its containers are composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.

(B) **Approved.** Acceptable to the health authority based on his determination as to conformance with appropriate standards and good public health practice.

(C) **Board.** The County Board of Health or its authorized representative.

(D) **Closed.** Without openings large enough for the entrance of insects. An opening of 1/32 of an inch or less is closed.

(E) **Regulatory Authority** shall mean the St. Clair County Health Department or an authorized representative thereof.

19-4-4 ENFORCEMENT PROVISIONS.

(A) **Permit.** It shall be unlawful for any person to operate a food-service establishment or retail food store within the County of St. Clair, State of Illinois, who does not possess a valid permit issued by him by the Regulatory Authority. Only a person who complies with the requirements of this Chapter shall be entitled to receive and retain such a permit. Permits shall not be transferable from one person to another person or place. A valid permit shall be posted in a conspicuous place in every food-service establishment. Permits for permanent food-service establishments and retail food stores shall be **January 1** through **December 31** of each calendar year. All permits granted hereunder shall expire on **December 31**, of the year of issuance; except temporary establishment permits shall expire **fourteen (14) days** after their date of issuance.

(1) Issuance of Permits.

(a) Any person desiring to operate a food-service establishment or retail food store or to renew an expired permit shall make written application for a permit on forms provided by the Regulatory Authority. Such application shall include: the applicant's full name and post office address and whether such applicant is an individual firm, corporation, or a partnership; the names and type of proposed food-service establishment or retail food store; the proposed date of opening; and the signature of the applicant or applicants. If the application is for a temporary food-service establishment, or temporary retail food store, it shall also include the inclusive dates of the proposed operation.

(b) Upon receipt of such an application, the Regulatory Authority shall make an inspection of the establishment to determine compliance with the provisions of this Chapter. When inspection reveals that the applicable requirements of this Chapter have been met, a permit shall be issued to the applicant by the Regulatory Authority.

Any person who has not paid their annual fee for the renewal of their food permit by January 31st of the permit renewal year shall be considered to be operating a food service establishment without a valid permit, will be subject to late fees and may be subject to permit suspension.

(2) **Suspension of Permits.**

(a) Permits may be suspended temporarily by the Regulatory Authority for failure of the permit holder to comply with the requirements of this Ordinance.

(b) Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of **Section 19-4-4** of this Ordinance, the permit holder or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided, if within 72 hours, a written request for a hearing is filed with the Regulatory Authority by the permit holder.

(c) Upon suspension of the permit, the permit shall be removed from the establishment by the Regulatory Authority and returned to the Health Department.

(d) Notwithstanding the other provisions of this Chapter, whenever the Regulatory Authority finds unsanitary or other conditions in the operation of a food-service establishment or retail food store which in its judgment, constitute a substantial hazard to the public health, it may without warning, notice or hearing, issue a written notice to the permit holder or operator citing such conditions, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken; and if deemed necessary, such order shall state that the permit is immediately suspended, and all operations as a food-service or retail food store are to be immediately discontinued.

(e) Any person to whom such an order is issued shall comply immediately therewith, but upon written petition filed not more than 72 hours after the discontinuance order to the Regulatory Authority may request a hearing for abatement of the order.

(f) The Regulatory Authority shall provide a hearing not later than 5 days from the filing of said petition.

(3) **Reinstatement of Suspended Permits.** Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within **five (5) days** following receipt of a written request, including a statement signed by the applicant that in its opinion the conditions causing suspension of the permit have been corrected, the Regulatory Authority shall make a reinspection. If the applicant is complying with the requirements of this Chapter, the permit shall be reinstated.

(4) **Revocation of Permits.** For serious or repeated violations of any of the requirements of this Chapter, or for interference with the Regulatory Authority in the performance of its duties, the permit may be permanently revoked after an opportunity for a hearing

has been provided by the Regulatory Authority. Prior to such action, the Regulatory Authority shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of **five (5) days** following service of such notice, unless a request for a hearing is filed with the Regulatory Authority, by the permit holder, within the **five (5) day** period. The Regulatory Authority shall provide a hearing not later than **5 days** from the filing of said petition. A permit may be suspended for a cause pending its revocation or a hearing relative hereto.

- (5) **Hearing.** The hearings provided for in this Chapter shall be conducted by the Regulatory Authority at a time and place designated by it. Any oral testimony given at a hearing shall be reported verbatim, and the presiding officer shall make provision for sufficient copies of the transcript. The Regulatory Authority shall make a final finding based upon the complete hearing record and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the Regulatory Authority.
- (6) **Application After Revocation.** Whenever a revocation of a permit has become final, the holder of the revoked permit may make written application for a new permit.

(7) **Fees.**

(a) Fees may be charged by the Regulatory Authority for permits in amounts sufficient to recover all or part of the cost for regulation and inspection. Fees for various categories of food service establishments may be established by the County Board of Health with the advice and consent of the County Board. This fee shall be collected by the County Health Department and shall be deposited into the Health Department Fund. There will be no charge made for such permit to temporary food establishments operated by any religious, voluntary or non-profit community organizations and institutions.

(b) **Term of Permit.** The annual permit term shall be **January 1** through **December 31** of each calendar year. All permits granted hereunder shall expire on **December 31**, of the year of issuance; except temporary establishment permits shall expire **fourteen (14) days** after their date of issuance. The fee for new establishments issued permits between **July 1** and **December 31** shall be **fifty percent (50%)** of the applicable annual fee, and;

(B) **Inspections.**

- (1) **Frequency of Inspection.** Category 1 facilities shall be inspected every **four (4) months**, three times annually. Category 2 and 3 facilities shall be inspected at least once every

six (6) months, the Regulatory Authority shall inspect each food-service establishment and retail food store within the County of St. Clair, Illinois, and shall make as many additional inspections and reinspections as are necessary for the enforcement of this Chapter.

- (2) **Right of Entry.** The Regulatory Authority, after proper identification, shall be permitted to enter at any reasonable time any food-service establishment or retail store in the County of St. Clair, State of Illinois, for the purpose of making inspections to determine compliance with this Ordinance. It shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received, or used and persons employed.
- (3) **Report of Inspection.** Whenever an inspection of a food service establishment or retail food store is made, the findings shall be recorded on an inspection report that is substantially equivalent to that of the State of Illinois Department of Public Health Retail Food Establishment Inspection Report. **One (1) copy** of the inspection report form shall be furnished to the person in charge of the establishment. The copy of the inspection report form may be either paper or sent to the establishment electronically. The complete inspection report form is a public document and shall be made available for the public disclosure to any person who requests it. The inspection report form shall set forth a weighted point value for each requirement. The rating score of the establishment shall be the total of the weighted point values for all violations subtracted from 100 and shall be shown on all copies of the report.
- (4) **Correction of Violations.**
 - (a) The completed inspection report form shall specify a reasonable period of time for the correction of the violations found; and correction of the violations shall be accomplished within the period specified, in accordance with the following provisions:
 - (i) If an imminent health hazard exists, such as complete lack of refrigeration or sewage backup into the establishment, the establishment shall immediately cease food service operations. Operations shall not be resumed until authorized by the Regulatory Authority.
 - (ii) All violations of 4- or 5-point weighted items shall be corrected as soon as possible, but in any event, within **ten (10) days** following inspection. A follow-up inspection shall be conducted to confirm correction.

(iii) All 1- or 2-point weighted items shall be corrected as soon as possible, but in any event, by the time of the next routine inspection.

(iv) When the rating score of the establishment is less than 60 the permit is subject to immediate suspension as provided in Section 19-4-4 herein. In situations where immediate suspension is not involved the establishment shall initiate corrective action on all identified violations within **forty-eight (48) hours**. Reinspections shall be conducted at reasonable time intervals to ensure correction.

(b) In the case of temporary food service establishments, all violations shall be corrected within **twenty-four (24) hours**. If violations are not corrected within **twenty-four (24) hours**, the establishment shall immediately cease food service operations until authorized to resume by the Regulatory Authority.

(i) The inspection report shall state that failure to comply with any time limits for corrections may result in cessation of food service operations. An opportunity for hearing on the inspection findings or the time limitations or both will be provided if a written report is filed with the Regulatory Authority within **seventy-two (72) hours** following cessation of operations. If a request for hearing is received, a hearing shall be held within **five (5) days** of receipt of the request.

(ii) Whenever a food service establishment or retail food store is required under the provisions of **Section 19-4-4** above to cease operations, it shall not resume operations until it is shown on reinspection that conditions responsible for the order to cease operations no longer exist. Opportunity for reinspection shall be offered within a reasonable time.

(C) Examination and Condemnation of Food and/or Equipment.

(1) **Food.** Food may be examined or sampled by the Regulatory Authority as may be necessary to determine freedom from adulteration or misbranding. The Regulatory Authority may, upon written notice to the owner or person in charge, place a hold

order on any food which he determines or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to move or alter a hold order notice or tag placed on food by the Regulatory Authority. Neither such food nor the contents thereof shall be relabeled, repackaged or reprocessed, altered, disposed of, or destroyed without permission of the Regulatory Authority, except on an order by a court of competent jurisdiction. After the owner or person in charge has had a hearing as provided in this Chapter and on the basis of evidence produced at such hearing, or on the basis of examination in the event of written request for hearing is not received within **ten (10) days**, the Regulatory Authority may vacate the hold order or may, by written order, direct the owner or person in charge of food which was placed under the hold order to denature or destroy such food or bring it into compliance with the provisions of this Chapter. Such order shall be stayed if the order is appealed to a court of competent jurisdiction within **three (3) days**.

- (2) **Equipment.** Where equipment used in the preparation of food products is found to be in a state of disrepair, unsafe, unsuitable for use, or unsanitary, such equipment shall be taken out of use and a hold order placed on said items by the Regulatory Authority. Such equipment may not be put back into service until written permission is obtained from the Regulatory Authority. It shall be unlawful for any person to move or alter a hold order notice or tag placed on equipment by the Regulatory Authority. Such equipment will not be altered, disposed of or destroyed without permission of the Regulatory Authority, except on an order in a court of competent jurisdiction. After the owner or person in charge has had a hearing as provided in this Chapter, and on the basis of the evidence produced at such hearing; or on the basis of examination, in the event of a written request for a hearing is not received within **ten (10) days**, the Regulatory Authority may vacate the hold order or may by written notice direct the owner or person in charge of the equipment which was placed under the hold order to remove such equipment or bring it into compliance with the provisions of this Chapter. Such order shall be stayed if the order is appealed to a court of competent jurisdiction within **three (3) days**.

(D) **Procedure When Infection is Suspected.** When the Regulatory Authority has reasonable cause to suspect the possibility of disease transmission from any food-service establishment employee, the Board of Health shall secure a morbidity history of the suspected employee, or make such other investigation as may be indicated, and take appropriate action. The Regulatory Authority may require any or all of the following measures:

- (1) the immediate exclusion of the employee from all food-service establishments;
- (2) the immediate closure of the food-service establishment concerned until, in the opinion of the Regulatory Authority, no further danger of disease outbreak exists;
- (3) restriction of the employee's services to some areas of the establishment where there would be no danger of transmitting disease; and
- (4) adequate medical and laboratory examinations of the employee, of other employees, and of his/her or their body discharges.

(E) **Food Handlers Classes.** The Regulatory Authority may order any food handler to attend an immediate food handler training course when, in the judgment of the Regulatory Authority, the work habits of said food handler constitute a hazard to public health. Fees may be charged by the Regulatory Authority to offset the cost of the course.

(F) **Fees.** Fees may be charged by the Regulatory Authority for permits in amounts sufficient to recover all or part of the cost for regulation and inspection. Fees for various categories of food service establishments may be established by the County Board of Health with the advice and consent of the County Board. This fee shall be collected by the County Health Department and shall be deposited into the Health Department Fund. Persons desiring the permit shall pay an annual permit fee with incremental increases as follows:

(1) **For Profit Organizations.**

(a) **Food Service Establishments.**

(i) Taverns and bars selling liquor, pre-packaged food and/or non-potentially hazardous foods: beginning with \$10.00 annual increases in 2014 thru 2018.

2013	2014	2015	2016	2017	2018
\$75.00	\$85.00	\$95.00	\$105.00	\$115.00	\$125.00

(ii) Ice cream parlors which sell ice cream, sherbet, and like products only, self-contained push carts, and day care centers: beginning with \$10.00 annual increases in 2014 thru 2018.

2013	2014	2015	2016	2017	2018
\$100.00	\$110.00	\$120.00	\$130.00	\$140.00	\$150.00

(iii) Carry-out establishments, catering, drive-in window service, mobile or similar operations without seating: beginning with \$15.00 annual increases in 2014 thru 2018.

2013	2014	2015	2016	2017	2018
\$125.00	\$140.00	\$155.00	\$170.00	\$185.00	\$200.00

(iv) Food service establishments with seating capacity: beginning with \$10.00 to \$25.00 annual increases in 2014 thru 2018.

	2013	2014	2015	2016	2017	2018
a. 1-9	\$100.00	\$110.00	\$120.00	\$130.00	\$140.00	\$150.00
b. 10-20	\$125.00	\$140.00	\$155.00	\$170.00	\$185.00	\$200.00
c. 21-30	\$175.00	\$190.00	\$205.00	\$220.00	\$235.00	\$250.00
d. 31-60	\$250.00	\$275.00	\$300.00	\$325.00	\$350.00	\$375.00
e. 61-100	\$350.00	\$375.00	\$400.00	\$425.00	\$450.00	\$475.00
f. 101 or more	\$450.00	\$475.00	\$500.00	\$525.00	\$550.00	\$575.00

(v) Seasonal food service establishments – open less than six months annually, one-half of the appropriate fee from the previous fee: beginning with \$5.00 annual increases in 2014 thru 2018.

2013	2014	2015	2016	2017	2018
\$50.00	\$55.00	\$60.00	\$65.00	\$70.00	\$75.00

(vi) Temporary food service establishments:

a. not less than 4 consecutive days nor more than 14 consecutive days in the same location: \$60.00

b. 3 day temporary license \$35.00

(b) **Retail Food Stores.**

(i) Retail confectioneries, mini-mart with prepackaged items only and/or self-serve drinks only, mobile retail vendors beginning with \$10.00 annual increases in 2014 thru 2018.

2013	2014	2015	2016	2017	2018
\$100.00	\$110.00	\$120.00	\$130.00	\$140.00	\$150.00

(ii) Retail food stores, grocery stores, bakeries, and retail meat markets with 5 or fewer employees beginning with \$15.00 annual increases in 2014 thru 2018.

2013	2014	2015	2016	2017	2018
\$175.00	\$190.00	\$205.00	\$220.00	\$235.00	\$250.00

(iii) Retail food stores, grocery stores, bakeries, and retail meat markets with 6-10 employees, beginning with \$25.00 annual increases in 2014 thru 2018.

2013	2014	2015	2016	2017	2018
\$250.00	\$275.00	\$300.00	\$325.00	\$350.00	\$375.00

(iv) Retail food stores, grocery stores, bakeries, and retail meat markets with 11-15 employees, beginning with \$25.00 annual increases in 2014 thru 2018.

2013	2014	2015	2016	2017	2018
\$350.00	\$375.00	\$400.00	\$425.00	\$450.00	\$475.00

(v) Retail food stores, grocery stores, bakeries, and retail meat market with 16 or more employees, beginning with \$25.00 annual increases in 2014 thru 2018.

2013	2014	2015	2016	2017	2018
\$450.00	\$475.00	\$500.00	\$525.00	\$550.00	\$575.00

(vi) Seasonal Retail Food Establishments – open less than six months annually, one-half of the appropriate fee category from the retail food establishment: beginning with an \$2.50 increase in 2014 and annual increases of \$5.00 in 2015 thru 2018.

2013	2014	2015	2016	2017	2018
\$62.50	\$65.00	\$70.00	\$75.00	\$80.00	\$85.00

An employee is any person, full or part-time, engaged in the operation of the establishment, including but not limited to owner/managers, managers, assistant managers, stock clerks, checkers, maintenance men, baggers, bookkeepers, etc. The owner(s) and his/her family members shall also be considered an employee if he/she or any of them performs any of the functions related to the operation of the facility.

(2) Not-For-Profit Organizations.

(a) Food service establishments or taverns and bars operated by a religious, voluntary, or non-profit community service organizations operating on a scheduled basis **twenty-four (24)** or more times per calendar year: 0.00

- (b) Day care centers, schools – public and private; elementary; secondary and universities: 0.00
- (c) Temporary food service establishments of religious, voluntary, or non-profit community service organizations and institutions: 0.00

(3) Miscellaneous.

- (a) If an establishment meets the description of **two (2)** or more categories, the highest fee shall apply.
- (b) Seasonal establishments (open less than **six (6) months** annually) **one-half (1/2)** of the appropriate fee category.
- (c) Each additional kitchen within the same facility ... \$60.00
- (d) Each additional mobile operation ... \$60.00
- (e) Cottage Food Registration... beginning with a \$17.50 increase in 2014 and annual increases of \$5.00 in 2015 thru 2018.

2013	2014	2015	2016	2017	2018
\$37.50	\$55.00	\$60.00	\$65.00	\$70.00	\$75.00

(4) Late Fees.

Permittees who fail to file their application for renewal accompanied by the appropriate fee shall be assessed a penalty as follows:

- (a) The application for renewal is received by the health authority after **January 31st** but before **March 1** of the following year following the year of expiration: \$100.00
- (b) The application for renewal is received after **March 1** of the year following the year of expiration: \$ 200.00

(5) Terms of Permit. The annual permit term shall be **January 1** through **December 31** of each calendar year. All permits granted hereunder shall expire on **December 31** of the year of insurance; except

- (a) temporary establishment license shall expire not more than **fourteen (14) days** after their date of insurance or
- (b) shall expire in **three (3) days**.

The fee for new establishments issued permits between **July 1** and **December 31** shall be **fifty percent (50%)** of the applicable annual fee. (**Ord. No. 93-426; 11-29-93**) (**Ord. No. 99-694; 11-29-99**)

19-4-5 FOOD ESTABLISHMENTS OUTSIDE JURISDICTION OF HEALTH AUTHORITY. Food from establishment outside the jurisdiction of the Regulatory Authority of the County may be sold in the County if such food establishments conform to the provisions of this Chapter or to substantially equivalent provisions. To determine extent of compliance with such provisions, the

Regulatory Authority may accept reports from responsible authorities in other jurisdictions where such food establishments are located.

(A) Plan Review of Future Construction. Whenever a food service establishment or retail food store is constructed or extensively remodeled and whenever an existing structure is converted to use plans and specifications for such construction, remodeling, or conversion shall be submitted to the Regulatory Authority for review and approval before construction, remodeling or conversion is begun. The plans and specifications shall indicate the layout, arrangement, mechanical plans, and construction materials of work area, and the type and model of proposed fixed equipment and facilities. The Regulatory Authority shall approve the plans and specifications, if they meet the requirements of this Chapter. No food service establishment or retail food store shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the Regulatory Authority.

(B) Pre-Operational Inspection. Whenever plans and specifications are required by **Section 19-4-5(A)** of this Code are to be submitted to the Regulatory Authority, the Regulatory Authority shall inspect the food service establishment or retail food store prior to the start of operations, to determine compliance with the approved plans and specifications and with the requirements of this Chapter.

19-4-6 PENALTIES. Any person who violates any provision of this Code, or any rules and regulations adopted herein shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than **Two Hundred Dollars (\$200.00)** and not more than **One Thousand Dollars (\$1000.00)**. In addition thereto, such person may be enjoined from continuing such violations. Each day upon which such violation occurs shall constitute a separate offense. **(Ord. No. 150A; 08-25-86)**

19-4-7 Effective January 1, 2014.

ARTICLE V – NUISANCE/SOLID WASTE

19-5-1 **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of this Chapter.

(A) **Administrator or Acting Administrator** shall mean that person who has been designated by the Board of Health to administer the affairs of the St. Clair County Health Department.

(B) **Health Officer** shall mean the Director of Environmental Health for the St. Clair County Health Department or his/her designated agent.

(C) **Board of Health** shall mean the St. Clair County Board of Health of St. Clair County, Illinois or its authorized representative.

(D) **County Board** shall mean the Board of St. Clair County.

(E) **County** shall mean the political division of the State of Illinois known as St. Clair County. Except those townships served by the East Side Public Health District (East St. Louis, Centreville, Canteen and Stites).

(F) **Diseased Animal** shall mean an animal showing symptoms of a disease or having an illness or being in an unhealthy state. This shall include a vicious animal.

(G) **Health Department** shall mean the St. Clair County Health Department, an agency of the St. Clair County Board of Health.

(H) **Person** shall mean any natural person, firm, club, corporation, association, partnership, company, organization, or political subdivision.

(I) **Junk** shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(J) **Garbage** shall mean putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

(K) **Rubbish** shall mean nonputrescible solid wastes, consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, and similar materials.

(L) **Special Waste** shall mean any hazardous waste, industrial process waste, or pollution control waste.

(M) **Industrial Waste** shall mean a waste, or combination of wastes which, because of quantity, concentration or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible illness; or pose a substantial present or potential threat to human health or to the environment when improperly treated, stored, transported or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of Resource Conservation and Recovery Act of 1976, 42 United States Code, Paragraph 2901, et seq., or pursuant to Environmental Protection Agency guidelines consistent with the requirements of the Act and Pollution Control Board regulations.

(N) **Industrial Process Waste** shall mean any liquid, solid, semi-solid, or gaseous waste generated as a direct or indirect result of the manufacture of a product or the

performance of a service which poses a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means. Industrial Process Waste includes, but is not limited to, pickling liquors, cutting oils, chemical catalysts, distillation bottoms, etching acids, equipment cleanings, paint sludges, incinerator ashes, core sands, metallic dust sweepings, asbestos dust, hospital pathological wastes and off-specification, contaminated or recalled wholesale or retail products. Specifically excluded are uncontaminated packaging materials, uncontaminated machinery components, general household waste, landscape waste, and construction or demolition debris.

(O) **Pollution Control Waste** shall mean any liquid, semi-solid or gaseous waste generated as a direct or indirect result of the removal of contaminants from the air, water, or land, and which pose a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means. Pollution Control Waste includes, but is not limited to, water and wastewater treatment plant sludges, baghouse dusts, scrubber sludges, and chemical spill cleanings.

(P) **Solid Waste** shall mean putrescible and nonputrescible wastes with the exception of body wastes. Such wastes include garbage, rubbish, dead animals, animal offal, abandoned vehicles, machinery components, construction or demolition debris and landscape wastes, which may pose a threat to human health or to the environment.

(Q) **Rodents** shall mean rats and mice.

(R) **Standard Farming Practices.** Any agricultural practice which is recognized as one in wide and general usage for the preparation, growing, harvesting and storing of agronomic commodities, or for the production of farm animals.

(S) **Standard Road Work Practices (County and Township Roads).** Any practice which is recognized as one in wide and general usage for the preparation of road building or repair.

19-5-2 PUBLIC NUISANCES PREJUDICIAL TO PUBLIC HEALTH.

(A) The following, except in conjunction with standard farming practices, and standard road work practices (county and township roads), are hereby declared general nuisances when affecting the health and well-being of persons residing within St. Clair County or adversely affecting those people's property.

- (1) To cause the carcass of any animal, trash, sewage discharge, garbage, rubbish, filthy or putrid substance or any other offensive or annoying substance to be collected, deposited, or to remain in any place, public or private.
- (2) To throw or deposit any sewage, garbage, trash, litter or other offensive matter, or the carcass of any animal in any water course, lake, pond, spring, well, street or public highway.
- (3) To corrupt or render unwholesome or impure the water of any spring, river, stream, pond or lake.

- (4) Any deposit of discarded lumber, trash, building material, junk, rubbish or any other material on any property, public or private, which may endanger the safety of the public.
- (5) Any building, shed, barn, other structure or any collection of materials or refuse on public or private property where rats, flies and other pests may exist or breed.
- (6) All abandoned refrigerators on any premises shall have the doors removed to prevent a health hazard.
- (7) Any accumulation of stagnant water permitted or maintained which is considered by the Health Officer to be a mosquito breeding area or is otherwise considered to be detrimental to the health or safety of the public.
- (8) Any open well, cistern, hole or pit including excavation related to construction which is permitted to remain open without suitable protection. Any such open well, cistern, hold or pit must be filled or securely and tightly covered or barricaded and it shall be the duty of the owner, occupant or agent of any property on which such open well, cistern, hole or pit is located to fill or keep the same securely and tightly covered or adequately barricaded. If the site is one normally used by pedestrians, warning lights must be provided which natural light is inadequate.
- (9) All buildings, walls, or other structures which have been damaged by fire or have become dilapidated, rundown, or decayed and are so situated as to endanger the safety of the public or provide a possible harborage for rodents, insects or other pests.

(B) **Dumps and Sanitary Landfills.** All solid waste, except garbage, generated on-site can be disposed of on the property provided the material is covered to a depth of **twenty-four (24) inches** within **forty-eight (48) hours**. It shall be unlawful for any garbage, excluding private compost operations, to be deposited, dumped or to remain upon any lot or land in St. Clair County except within an Illinois Environmental Protection Agency controlled landfill.

(C) **Disposal of Solid Waste.**

- (1) Except as provided in **Section 19-5-3(B)** hereof, no person, firm or corporation shall discharge, or deposit, or permit the discharging, or depositing on any public or private premises in St. Clair County, of any special waste, garbage, offal, rubbish, nauseous matter, or waste from sewage disposal facilities, which by reason of its decomposition would become foul, odorous, subject to spontaneous combustion, or otherwise become detrimental to public health or conducive to the spread of disease except within an Illinois Environmental Protection Agency controlled landfill. It shall be lawful to place garbage in the

streets, alleys, or roadways in proper containers, as defined in **Section 19-5-2(B)**.

- (2) Rubbish shall be stored in durable metal or plastic containers with covers or heavy duty plastic bags tied at the top shall be considered proper containers.

(D) **Hauling Vehicles.** Vehicles used for the collection or transport of garbage shall be so constructed as to prevent garbage or other materials from being blown, shaken, or dropped from the vehicle during collection or transport, and shall at all times be so maintained as to prevent such a vehicle from becoming a nuisance.

(E) **Non-Conforming Dumps.** On the effective date of the passage of this Chapter, all existing dumps which are not in compliance with **Sections 19-5-3** and **19-5-4** herein, shall provide a cover of a minimum of **twenty-four (24) inches** and cease operation thereof within **one (1)** calendar year.

19-5-3 ENFORCEMENT.

(A) **Section 19-5-2** of this Chapter shall be enforced by the Health Department and other designated officials.

(B) **Inspection.** The Health Officer shall have the right to enter any property at any reasonable time to inspect any facility or condition thereon for the purpose of determining whether **Section 19-5-2** of this Chapter is being complied with. Refusal, by said owner, of right of entry shall cause the Health Department to seek the permission of the Court for right of entry.

(C) **Notice to Abate.** Whenever the Health Officer discovers any violation of **Section 19-5-2** of this Chapter, the owner, agent, or occupant causing, allowing, or permitting such violation shall be notified by means of a written notice of inspection. Such notification shall set forth the specific conditions found, the correction necessary to bring about compliance and a specific and reasonable period of time for such correction and compliance. Each condition specified in such notification, shall constitute a separate violation of **Section 19-5-2** of this Chapter.

(D) **Service of Notice.** Notices provided under **Section 19-5-3(C)** of this Chapter shall be deemed to have been properly served when the original of the inspection report or other notice has been delivered personally to the owner, agent, or occupant, as the case may be, of the premises and/or storage site concerned, or such notice has been sent by certified mail to the last known address of such person or persons.

(E) **Hearings Before the Health Officer.** Any person affected by any order or notice issued by the Health Department in connection with the enforcement of any Section of this Chapter, any file in the office of the Health Officer a written request for a hearing before the Health Officer. Unless stated elsewhere in this Chapter, the Health Officer shall hold a hearing at a time and place designated by him 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, compliance with the order, the health Officer 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 Health Officer may modify or withdraw the order or notice and as a condition for such action may, where he deems it necessary, make requirements which are additional to those prescribed in this Chapter for the purpose of properly protecting the public health. The Health Officer shall render a decision with **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 Officer as a matter of public record. Any person aggrieved by the decision of the Health Officer may seek relief therefrom through a hearing before the Board of Health.

(F) **Hearings Before the Board of Health.** Any person aggrieved by the decision of the Health Officer rendered as the result of a hearing held in accordance with this Section may file in the office of the Health Officer a written request for a hearing 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 strict compliance with the decision of the Health Officer 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 health Officer, 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 this Chapter, all for the purpose of properly protecting the public health. 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 office of the Health Officer and a copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail.

A certified transcript of the record shall be provided 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.

(G) **Penalties.** Any person violating any provision of this Chapter shall be subject to a fine up to **Two Hundred Dollars (\$200.00)**. Each day's violation shall constitute a separate and distinct offense.

(H) **Validity.** In any case where a provision of this Chapter is found to be in conflict with a provision of any zoning, building, fire, safety, health, or related code or ordinance existing on the effective date of this Chapter, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

Nothing in this Chapter shall be construed to prevent the corporate authorities of any city, village or incorporated town within St. Clair County from declaring what shall be nuisances, and abating them within their limits. This Chapter is only authorized outside the corporate limits of any city, village or incorporated town. **(Ord. No. 196-86-0; 11-24-86)**

EXHIBIT "B"

ARTICLE VI – WATER SUPPLY CODE

19-6-1 **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of this Code.

Abandoned Well means a water or monitoring well which is no longer used to supply water, or which is in such a state of disrepair that the well or boring has the potential for transmitting contamination into an aquifer or otherwise threatens the public health or safety.

Board of Health means the St. Clair County Board of Health or its authorized representative(s).

Closed Loop Well means a sealed, watertight loop of pipe buried outside of a building foundation intended to recirculate a liquid solution through a heat exchanger but is limited to the construction of the bore hole, piping in the bore hole, heat exchange fluid, and the grouting of the bore hole and does not include the piping and appurtenances used in any other capacity. Closed Loop Well does not include any horizontal closed loop well systems where grouting is not necessary by law or standard industry practice.

Closed Loop Well Contractor means any person who installs Closed Loop Wells for another person. Closed Loop Well Contractor does not include the employee of a Closed Loop Well Contractor.

Community Public Water System means a public water system that serves at least **fifteen (15)** service connections used by residents, or regularly serves **twenty-five (25)** or more residents for at least **sixty (60) days** per year.

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).

Horizontal Closed Loop Well Systems means any open cut excavation where a watertight loop of pipe is buried outside of a building foundation that is intended to recirculate a liquid solution through a heat exchanger.

Non-Community Public Water System means a public water system that is not a community water system, and has at least **fifteen (15)** service connections used by nonresidents or regularly serves **twenty-five (25)** or more nonresident individuals daily for at least **sixty (60) days** per year.

Permit means a written permit issued by the Health Department permitting the construction or deepening of a water well under this Code.

Potable Water means water that is suitable for human consumption and which meets public health standards for drinking water.

Private Water System means any supply that provides water for drinking, culinary, and sanitary purposes and serves an owner-occupied single family dwelling.

Semi-Private Water System means a water supply that is not a public water system, yet, which serves a segment of the public other than an owner-occupied single family dwelling.

Water Well means an excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use is for the location, diversion, artificial recharge or acquisition of groundwater.

19-6-2 **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 following statutes, rules, and regulations of the State of Illinois, Department of Public Health and any subsequent amendments or revisions thereto, which publications are 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.

(A) "Illinois Water Well Construction Code." (77 Ill. Adm. Code 920)

(B) "Illinois Water Well Pump Installation Code." (77 Ill. Adm. Code 925)

(C) "Public Area Sanitary Practice Code." (77 Ill. Adm. Code 895)

(D) "Drinking Water Systems Code." (77 Ill. Adm. Code 900)

(E) "Surface Source Water Treatment Code." (77 Ill. Adm. Code 930)

19-6-3 **PUBLIC WATER SUPPLY USE.** In those locations where a public supply is reasonably available, that supply shall be the sole source of water for drinking, culinary and sanitary purposes. A public water supply shall be deemed reasonably available when the subject property is located within **three hundred (300) feet** of the public water supply to which connection is practical and is permitted by the controlling authority for said water supply.

19-6-4 **POTABLE WATER SUPPLY REQUIRED.** All premises intended for human habitation or occupancy shall be provided with a potable water supply. The potable water supply shall not be connected to non-potable water and shall be protected against backflow and backsiphonage in accordance with the requirements of the "Illinois Plumbing Code". Each potable water supply shall provide quantities of water that are sufficient for drinking, culinary, and sanitary needs of the dwelling or premises served. A minimum system pressure of **twenty (20) pounds per square inch** shall be maintained throughout each potable water supply.

(A) **Surface Water Supplies.** All water systems which receive their source of water from ponds, lakes, streams, rivers or other surface collectors of water shall be designed, constructed, and operated in accordance with the "Surface Source Water Treatment Code". No surface water shall be utilized as a potable water supply unless the Health Department has reviewed and approved the supply and its components.

(B) **Cisterns.** Cisterns shall not be used as a potable water supply except where adequate groundwater resources are not available. Cistern water shall receive treatment in accordance with the "Surface Source Water Treatment Code". No

cistern water shall be utilized as a potable water supply unless the Health Department has reviewed and approved the supply and its components.

19-6-5 **ABANDONED WELLS or CLOSED LOOP WELL.** Wells or closed loop well systems that are abandoned shall be sealed in a manner prescribed by the Health Department and the “Illinois Water Well Construction Code”. The Health Department shall inspect abandoned wells and closed loop well systems which have been sealed to determine compliance with this Code. In questionable cases, the Health Department shall make the determination as to whether a water well is considered abandoned, based upon the definition of an “abandoned well” and the facts in each particular case.

19-6-6 **PERMIT REQUIRED.** No water well or closed loop well system shall be constructed, modified or deepened except in accordance with this Code, and it shall be unlawful to proceed with such work unless a permit has first been obtained from the Health Department. A non-community public water supply shall not be operated without first obtaining a permit from the Illinois Department of Public Health.

19-6-7 **APPLICATION FOR PERMIT.** All applications for water wells, sealings and closed loop well system permits under the provisions of this Code shall be made in writing and in such form as prescribed by the Health Department. Every application shall be signed by the licensed Well Contractor or the registered Closed Loop Well Contractor. Sufficient data shall be included to determine whether the proposed application for permit meets the requirements of this Code.

19-6-8 **ISSUANCE OF PERMIT.** Upon submission of the application for permit, including the plans and specifications of the proposed water well, all components sealings or closed loop well systems, the Health Department shall review said application prior to issuance of a permit. The Health Department may require additional information, which may include the location of private sewage disposal systems and/or water wells on adjacent properties. It shall be the responsibility of the applicant or an authorized agent of the applicant to obtain all necessary data and to design a system which will meet the requirements of this Code. If the Health Department, upon review of said application, finds that such application meets the requirements of this Code, and upon payment of the required fee, a permit shall be issued to the applicant. Such permit shall include specifications specific to each proposed water well and/or closed loop well system and shall include a statement as to any restrictions relating to the location, materials, components, or type of water well or closed loop well system to be constructed. The Health Department shall act upon all applications within **fifteen (15) days** of receipt thereof.

19-6-9 **PROPERTY OWNER’S RESPONSIBILITY.** It shall be the responsibility of the property owner to obtain a permit before any construction, modification, sealing or deepening of a water well or closed loop well system is begun.

Failure of the property owner to obtain a permit before any construction, modification, sealing or deepening of a water well or closed loop well system is begun shall constitute a violation of this Code.

19-6-10 WATER WELL, PUMP INSTALLATION AND/OR CLOSED LOOP WELL CONTRACTOR'S RESPONSIBILITY. It shall be the responsibility of the Water Well Contractor or Closed Loop Well Contractor to insure that a permit has been issued before any construction, modification or deepening of a water well or closed loop well system is begun and to follow the condition of said permit. Failure of the Water Well Contractor or Closed Loop Well Contractor to insure said permit has been issued or to violate the conditions of said permit shall constitute a violation of this Code. All water wells and closed loop well systems shall be constructed in accordance with the "Illinois Water Well Construction Code". All individuals who construct water wells and install well pumps shall be licensed by the Illinois Department of Public Health in accordance with the Water Well and Pump Installation Contractor's License Act (**225 ILCS 345/1**).

19-6-11 CONTACT INFORMATION.

(A) All Illinois Private Water Well, Pump Installation and Closed Loop Well Contractors must submit contact information to the Health Department on forms provided by the Health Department for verification of mailing address, phone numbers and emergency contact information on a yearly basis before obtaining any permits from the Health Department.

19-6-12 PERMIT VALIDITY. A permit to construct, modify or deepen a water well, closed loop well system or sealing is valid for a period of **one (1) year** from the date of issuance. If construction has not started within this period, the permit is void and a new permit is required "including payment of fee" before construction begins.

19-6-13 PERMIT FEE. There shall be a nonrefundable fee of One Hundred Dollars (\$100.00) charged for the initial construction permit, alteration or extension, of a private water well system as approved by the Health Department. Each closed loop well system application shall be submitted with a review and inspection fee. There shall be a nonrefundable fee of **One Hundred Dollars (\$100.00)** for the first ten (10) closed loop well boreholes and **Ten Dollars (\$10.00)** for each additional borehole. The fee to abandon each individual closed loop well system using up to ten (10) closed loop wells shall be **One Hundred Dollars (\$100.00)** and **Ten Dollars (\$10.00)** for each additional closed loop well after Ten (10). 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.

19-6-14 EXCEPTIONS. A permit to construct or deepen a water well shall not be required by the Health Department when such water well does or will serve a community public water system or function as a monitoring well.

19-6-15 **INSPECTIONS.** The Health Department shall have the authority to enter any property at any reasonable time for inspection purposes to determine compliance with the provisions of this Code. It shall be the duty of the owner or occupant of a property to allow the Health Department free access to the property for inspection purposes to determine compliance with the provisions 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 (**415 ILCS 55/9(j)**).

19-6-16 **INSPECTION OF COMPLETED WORK.** At the time a permit is issued for a private water well system an additional **One Hundred Dollars (\$100.00)** for administrative costs will be charged for review, approval, inspection, sampling of water well and other administrative fees as required of the Health Department. A water well or closed loop well system shall not be placed into operation until the installation of the water well, its components and closed loop well systems have been inspected to verify compliance with the applicable provisions of this Code and written approval issued by the Health Department. To the degree practical and permitted by the Health Department, the completed installation shall remain uncovered and/or accessible for inspection purposes until approved by the Health Department. If the Health Department, upon inspection of the specified installation or component thereof, finds that such work meets the provisions of this Code, the Health Department shall approve such work and authorize operation of the water well and/or closed loop well system. However, compliance with **Section 19-6-19** shall be obtained prior to utilizing the water system for drinking, culinary, and sanitary purposes.

19-6-17 **NOTIFICATION FOR INSPECTION.** The Health Department shall be notified at least **forty-eight (48) hours** prior to commencing the construction, modification or deepening of a water well or closed loop well system for which a permit has been issued. The Health Department shall also be notified at least **forty-eight (48) hours** prior to sealing of abandoned water well or closed loop well system at which time a date for inspection will be arranged. Further notification may be required by the Health Department for closed loop well systems as deemed necessary to assure proper construction practices and methods, e.g., installation of heat exchange equipment in the borehole, grouting of the borehole and setback distances. It shall be the responsibility of the Water Well Contractor or Closed Loop Well Contractor to notify the Health Department as required.

19-6-18 **SUSPENSION OF PERMIT.** Upon inspection by the Health Department, if it is found that any provisions of this Code or any permit specifications for a stated property have been violated, the Health Department shall notify the installer to make such specified changes in the work to allow compliance with the provisions of this Code and the permit. If such changes are not made within a period of time specified by the Health Department, said permit shall be suspended, and it shall be unlawful to place the water well into operation.

19-6-19 **DISINFECTION AND ANALYSIS.** All components of a new water well construction and/or modification shall be disinfected with a strong chlorine solution which will yield a dosage of at least **one hundred (100)** parts per million to the water in the well. After purging the system of any chlorine residual, a water sample shall be taken and satisfactory bacteriological results, as confirmed by a certified laboratory, shall be obtained prior to utilizing the water system for drinking, culinary and sanitary purposes. A certified laboratory shall mean a laboratory operated by the Illinois Department of Public Health or a laboratory given certification approval by the aforementioned agency for analyzing samples of water for potable use.

19-6-20 **CONTINUING ANALYSIS.** It shall be the duty of every owner of every water well serving a semi-private water system for more than **one (1)** residence to have the water therein bacteriologically analyzed by a certified laboratory as required by the Health Department for the protection of public health. Such water shall be bacteriologically analyzed whenever the water lines are opened up for repair, replacement, or extension of the water distribution system. The water from a semi-private water system shall meet the nitrate, chemical and bacteriological requirements contained in the "Drinking Water Systems Code".

19-6-21 **ISSUANCE OF NOTICE.** 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:

- (A) Be in writing;
- (B) Include a statement of the reasons for issuance of the notice;
- (C) Allow reasonable time as determined by the Health Department for performance of any act is requires;
- (D) 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
- (E) Contain an outline of remedial action which is required to effect compliance with this Code.

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

19-6-22 **HEARINGS.**

- (A) **Hearings 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 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 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.

19-6-23 PENALTY.

- (A) Any person who violates any provision of this Code or any rule or regulation adopted by St. Clair County or the State of Illinois, or who violates any determination or order of the Health Department under this Section, shall, upon conviction, be fined a sum of not less than **Two Hundred Dollars (\$200.00)**

and not more than **One Thousand Dollars (\$1000.00)**. Each day's violation constitutes a separate offense.

(B) The State's Attorney of St. Clair County may bring such actions in the name of the People of the State of Illinois; or may in addition to other remedies provided in this Section, bring action for an injunction to restrain such violation, or to enjoin the operation of any establishment. Additionally, any person who violates any provision of this Code may be penalized in accordance with State of Illinois, Illinois Groundwater Protection Act **(415 ILCS 55/9(t))**.

19-6-24 Effective October 1, 2015.