

**Private
Sewage Disposal System
Ordinance**

Effective 11/9/10

MONTGOMERY COUNTY, ILLINOIS

MONTGOMERY COUNTY RESOLUTION 10

PRIVATE SEWAGE DISPOSAL SYSTEM ORDINANCE
MONTGOMERY COUNTY, ILLINOIS

This Ordinance rescinds the 2005 Montgomery County Private Sewage Disposal System Ordinance.

An ordinance regulating private sewage disposal systems, the construction and/or reconstruction of such systems within the limits of Montgomery County, Illinois.

Pursuant to the powers granted to the Montgomery County Board by the Statutes of the State of Illinois in such case made and provided therefore, and WHEREAS, the improper disposal of sewage is a menace to the public health: THEREFORE, BE IT RESOLVED by the County Board of Montgomery County, Illinois, that the following rules and regulations are hereby made and adopted.

BE IT ORDAINED by the County Board of the County of Montgomery, State of Illinois, as follows:

ADOPTED 11/9, 2010

EFFECTIVE 11/9, 2010

APPROVED


Chairman

ATTEST


County Clerk

PRIVATE SEWAGE DISPOSAL SYSTEM ORDINANCE
MONTGOMERY COUNTY, ILLINOIS

ARTICLE I DEFINITIONS

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

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

Section B **BEDROOM** shall mean any room within the building that is used for sleeping purposes or could be converted into a room used for sleeping purposes, such as a den or sewing room.

Section C **BOARD OF HEALTH** shall mean the Montgomery County Board of Health or its Authorized Representative(s).

Section D **DOMESTIC SEWAGE** means waste water derived principally from dwellings, business or office buildings, institutions, food service establishments and similar facilities.

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

Section F **HEALTH DEPARTMENT** shall mean the Montgomery County Health Department, an agency of the Montgomery County Board of Health.

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

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

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

Section J **LICENSED INSTALLER** means an Illinois Licensed Private Sewage Disposal System Installation Contractor.

ARTICLE I DEFINITIONS - cont'd

Section K PERMIT shall mean a written permit issued by the Board of Health or its Authorized Representative permitting the construction of an individual private sewage disposal system under this Ordinance.

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

Section M PRIVATE SEWAGE DISPOSAL SYSTEM means any sewage handling or treatment facility receiving domestic sewage from less than fifteen (15) people or population equivalents and having a ground surface discharge or any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge.

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

Section O 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 wastes removed therefrom.

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

Section Q SEWAGE SYSTEM means private sewage disposal system.

Section R SEWAGE TREATMENT OR DISPOSAL SYSTEM means private sewage disposal system.

Section S WASTE means either human waste or domestic sewage or both.

ARTICLE II ADOPTION BY REFERENCE

Section A In addition to those provisions set forth, this Ordinance shall be interpreted and enforced in accordance with provisions set forth in the unabridged form, State of Illinois, Department of Public Health, "Private Sewage Disposal Licensing Act and Code", current edition, any subsequent amendments or revisions thereto, three (3) certified copies of which shall be on file in the office of the Montgomery County Clerk.

ARTICLE III PERMITS

Section A It shall be unlawful for any person to construct, alter or extend individual private sewage disposal systems within Montgomery County unless he holds a valid permit issued by the Health Department stating the name of such person for which the specific construction, alteration or extension is proposed. Said permit shall indicate a maximum permissible waste loading.

Section B All sewage treatment or disposal systems to be installed in Montgomery County must be of a design and location that is approved by the Montgomery County Health Department and within compliance of the Illinois Private Sewage Disposal Licensing Act and Code, as amended; and appropriate sections of the Illinois Revised Statutes, Chapter 111½, as amended.

Section C Lots which cannot reasonably be served by a public sanitary sewer system shall have a minimum width of one hundred (100) feet, measured at the building line, and a minimum area of twenty thousand (20,000) square feet. Where topography, timber, buried objects or other obstructions interfere with the installation of the private sewage disposal system, additional lot size will be required. The Health Authority may refuse to issue a permit where lot size has not been increased to accommodate said system.

Section D Application for installation of a new private sewage disposal system, or reconstruction of an existing private sewage disposal system, must be completed and signed in ink before submittal to the Montgomery County Health Department for evaluation and subsequent approval or disapproval. Authorized Health Department personnel are available to assist in the preparation of applications upon request, by appointment only.

Section E An approved copy of the application must be received by the homeowner and licensed installer before work begins. Said approved application shall be the permit to begin construction of said private sewage system .

Section F All applications for permit granted under the provisions of this Ordinance shall be made to the Board of Health or its duly Authorized Representative. Sufficient data shall be included to allow review and to determine whether the proposed application for permit meets the requirements of this Ordinance.

ARTICLE III PERMITS – cont'd

Section G A permit shall only be issued to an Illinois Licensed Private Sewage Disposal System Installation Contractor or a homeowner installing his own private sewage disposal system.

Section H Complete plans of the proposed disposal facility, with substantiating data, if necessary, attesting to its compliance with minimum standards of this Ordinance is required.

Section I Other information may be required by the Health Authority to substantiate that the proposed construction, alteration or extension complies with minimum standards of this Ordinance.

Section J Before an application for a permit is reviewed by the Montgomery County Health Department, evaluation of the soil conditions must be made and submitted with the application. The absorption capacity of the soil shall be determined in accordance with applicable Sections of the Illinois Private Sewage Disposal Licensing Act and Code, current edition, as amended or revised.

Section K A completed and signed application must be submitted to the Montgomery County Health Department for a permit. The application shall be on forms provided by the Health Department and shall contain the following:

1. Owner's name, mailing address and telephone number.
2. Legal description of property, road coordinate numbers and Township.
3. Legal address (post office address) of proposed installation, if different from owner's present mailing address.
4. Size and area of lot(s) or building site.
5. In all residential buildings, the number of bedrooms, water closets, lavatories, bathtubs, showers, washing machines, garbage disposals and all other plumbing fixtures requiring water.
6. In all buildings other than residential, the number of water closets, urinals, lavatories, sinks, showers and other fixtures or processes which require water.
7. A description including size of each unit of the proposed sewage treatment or disposal system.
8. The proposed Private Sewage Disposal System Installation Contractor's name, mailing address, telephone number and his license number.
9. Signature of homeowner and licensed contractor with date of signing.
10. Percolation rate or soil survey information as outlined in the Illinois Private Sewage Licensing Act and Code, date of test and name of

ARTICLE III

PERMITS – cont'd

Section K

cont'd

person conducting tests. Percolation test results will be recorded on forms provided by the Health Department for that purpose.

11. A drawing showing the actual location of all pertinent data such as water well or wells, all buildings on property and adjacent property, if applicable, site elevations and ground surface elevations sufficient to determine the elevation of system components and the slope of the ground surface and location of sanitary sewer, if within 200 feet.

Proposed location of the sewage system and complete layout of the sewage system, all driveways or other paved areas and other situations which could effect the operation or maintenance of the sewage treatment or disposal system shall be included.

Section L

Any change from the permit drawing as approved must be discussed with Authorized Personnel of the Health Department before such changes are made and excavation has begun.

Section M

If the sewage disposal installation is to be installed in a manner different than that shown on the permit that was approved, then a new application showing the proposed installation must be submitted to the Montgomery County Health Department for approval before installation or construction takes place.

Section N

The Board of Health or its Authorized Representative may refuse to grant a permit for construction of a private sewage disposal system where public or community sewage systems are available. A sewer shall be deemed available when a public sewer line is in place within any street, alley, right-of-way or easement that adjoins or abuts the premises for which the permit is requested, or when the improvement to be served is located within a reasonable distance of a public sewer to which a connection is practical and is permitted by the controlling authority for the sewer. A reasonable distance for the purpose of this provision shall be deemed to be not greater than two hundred (200) feet for a single family residence. Commercial establishments and multi-family dwellings with a load equivalent corresponding to or above fifteen (15) people equivalent units must conform to EPA requirements if a surface discharge is proposed.

Section O

An Environmental Protection Agency permit must be obtained for the installation of a sewage treatment device to serve fifteen (15) or more persons or criteria as outlined in the Illinois Public Health and Illinois Environmental Protection Agency Laws when a surface discharging system is proposed. If IEPA waives permit requirements under their laws and regulations, a letter from IEPA so stating said waiver must be forwarded to the Montgomery County Health Department before the latter

- ARTICLE III PERMITS – cont’d
- Section O cont’d
will implement the County Private Sewage Disposal Ordinance or act on said application for installation permit.
- Section P Where approved ground surface discharge systems are allowed to be installed, discharging onto adjacent property not owned by applicant, a written easement will be required before a permit will be issued.
- Section Q The Health Authority shall act on all application within fifteen (15) days of receipt, provided that all information required has been entered in its appropriate place and all information is correct. Applications not completed properly and needing additional information may require additional time.
- Section R Said Permit to construct a Private Sewage Disposal System is valid for one (1) year from the date of issuance. If construction has not started within this one(1) year period, the permit will be invalidated. A new permit will be required if installation is contemplated after said permit is invalidated.
- Section S Authorized Health Department personnel are available for office consultation and field evaluations by appointment between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.
- Section T It shall be the responsibility of the Illinois Licensed Private Sewage Disposal System Contractor to ensure that a Private Sewage Disposal System Permit has been issued and to follow the conditions of said permit. Failure of the licensed installer to ensure said permit has been issued or to violate the conditions of said permit shall constitute a violation of this Ordinance and penalty action may be taken, punishable under provisions of a Class A misdemeanor.
- Section U No permit will be issued on a private sewage disposal system installed without a permit. Said Ordinance shall have been violated and penalty action may be taken against the installer and the property owner.
- Section V A standard permit application fee of \$50 shall accompany the completed permit application.
- Section W Any permit application and/or installation violations, including but not limited to 48 hour notification prior to installation and/or covering an installed septic system without final inspection, and obtaining an approved permit prior to installation, are subject to a \$50.00 fine for each act of violation. This fee does not apply to technical violations of an installation, which are subject to violations of the “Private Sewage Disposal Code”.

ARTICLE IV REGISTRATIONS

Section A An annual contractor's registration shall be required by all private sewage disposal system installation contractors and all private sewage disposal pumping contractors operating within limits of Montgomery County. The Health Authority shall issue a private sewage disposal system installation contractor registration certificate and/or a private sewage disposal system pumping contractor registration certificate to persons applying for such certificate who possess a current Private Sewage Disposal License issued by the State for the certificate desired and who hold license in good standing by the State of Illinois.

There shall be no fee for this registration. 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.

Section B An 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 units in or into Montgomery County. The Montgomery County Health Department shall issue a septic tank manufacturer and/or aerobic treatment unit dealer registration certificate to persons who apply for such certificate and who have approval to manufacture and sell septic tanks and or aerobic treatment units from the Illinois Department of Public Health.

There shall be no fee for this registration. 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.

Section C All persons who hold a septic tank manufacturers and or aerobic treatment unit dealer registration certificate shall be required to notify Montgomery County Health Department in writing within 30 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 model of aerobic treatment unit.

Forms shall be provided by the Montgomery County Health Department for reporting purposes at the request of the Septic Tank Manufacturer and/or Aerobic Treatment Unit Dealer.

ARTICLE V

COMPLIANCE AND PERFORMANCE

- Section A All private sewage disposal systems within the limits of Montgomery County shall be INSTALLED, modified or serviced by an ~~Illinois Licensed Private Sewage Disposal System Installation Contractor~~ individual with a valid private sewage disposal system installation contractor registration certificate; and all such systems shall be PUMPED, cleaned and the contents properly disposed of by an ~~Illinois Licensed Private Sewage Disposal System Pumping Contractor~~ individual with a valid private sewage disposal system pumping contractor's certificate; provided, however, that a homeowner may install and/or service a private sewage disposal system which serves his own personal family residence.
- Section B All private sewage disposal systems shall be INSTALLED, modified, serviced, PUMPED and the contents disposed of in accordance with the Illinois Private Sewage Disposal Licensing Act and Code, current edition, and any subsequent amendments or revisions thereto.
- Section C Surface Discharge from a private sewage disposal system shall not leave the property the system serves, unless discharged to a public road ditch under granted permission and the requirements of the Illinois Department of Transportation, Environmental Protection Agency and the Montgomery County Health Department.
- Section D To reduce and/or eliminate surface discharges, sites conducive to subsurface seepage according to site characteristics and soil evaluation are required to install a subsurface disposal system.
- Section E Surface discharging systems may be used when subsurface disposal systems are not feasible for the site. Subsurface treatment feasibility is determined from the soil evaluation, site topography and limiting layer set forth in the "Illinois Private Sewage Code" However, surface discharging systems shall require one or more of the following supplemental treatments to be determined by the health authority according to the site characteristics, surrounding environment, surrounding population and other pertinent factors.

Supplemental treatment shall include the following:

1. Subsurface seepage, evaporation trench and/or other approved sewage disposal treatment techniques. The size may be reduced to not less than 2/3 of that required according to the Illinois Private Sewage Disposal Code Section 905.100 c).

ARTICLE V

COMPLIANCE AND PERFORMANCE – cont'd

Section E

cont'd

2. Private sewage disposal systems, which incorporate a surface discharge, shall provide an extended service agreement with a licensed installer to provide semi-annual inspections and required maintenance as specified by the manufacture of the unit and/or to ensure compliance with the Illinois Private Sewage Disposal Code.

ARTICLE VI

FINAL INSPECTION

Section A

Private Sewage Disposal System must be installed and laterals covered with rock and straw or hay as required in the Illinois Private Sewage Disposal Licensing Act and Code. No part of the sewer line from the building to the septic tank, the septic tank, buried sand filter or other approved secondary treatment component shall be covered with earth before a final inspection (s) is made and approved.

Section B

Arrangements must be made for the Montgomery County Health Department personnel to enter onto said property at the time of inspection (s).

Section C

Before any portion of the private sewage disposal system is covered and/or placed in operation, an inspection and final approval must first be obtained from the Montgomery County Health Department.

Section D

The Health Department shall be allowed to inspect or investigate the installation of a private sewage disposal system whenever it is deemed necessary. If, in the opinion of the Health Department, the construction should cease due to violations of the Illinois Private Sewage Disposal Licensing Act and Code, and/or the Montgomery County Private Sewage Disposal Ordinance, it is authorized to order the construction to cease. Resumption of construction shall not take place until written approval is received from the Health Authority.

Section E

Final Inspection must be requested at least two (2) days in advance of the date of the sewage system installation.

Section F

Requests for Final Inspection can be made any time between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

ARTICLE VII REVOCATION OF REGISTRATIONS

Section A For serious or repeated violation of any of the requirements of this Ordinance, the private sewage disposal contractor's registration certificate and/or septic tank manufacturer certificate and/or aerobic unit dealer registration certificate may be revoked, suspended or refused issuance after an opportunity for a hearing has been provided by the Health Authority. Prior to such action, the Health Authority shall notify the contractor in writing, stating the reasons for which the registration certificate is subject to revocation, suspension or non-issuance and advising that the certificate shall be revoked, suspended or refused issuance at the end of five(5) days following service of such notice, unless prior to the expiration of said period the certificate holder files a request for hearing with the Health Authority. Notice shall be served upon certificate holder personally, or deposited in United States Mail, certified, return receipt requested to address of record on certificate, or posted in conspicuous place on or about the project in process. 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 Authority.

No new permits shall be approved nor new notice of installation shall be accepted from an installer who has been notified of suspension or revocation until registration has been reinstated.

ARTICLE VIII ENFORCEMENT

Section A Homeowners having private sewage systems constructed prior to the effective date of this Ordinance shall comply with all provisions of this Ordinance and the Illinois Private Sewage Disposal Licensing Act and Code, when deemed necessary by the Health Authority, when a health hazard and/or nuisance exists due to a septic tank or disposal system malfunction allowing illegal surface discharge or pooling.

Section B Whenever the Health Authority determines that a violation of any provision of this Ordinance has occurred, the Health Authority shall give notice to the person(s) responsible for such violation. The notice shall:

1. Be in writing
2. Include a statement of the reason for issuance of said notice.
3. Allow reasonable time as determined by the Health Department for performance of any act is required

ARTICLE VIII ENFORCEMENT cont'd

4. Be served upon the person(s) responsible for the violation(s), provided that such notice shall have been properly served upon the person(s) responsible for the violation(s) when a copy thereof has been sent by 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.
5. Contain an outline of remedial action which is required to effect compliance with this Ordinance.
6. Issue a \$50.00 fine for each separate violation to the "Illinois Private Sewage Disposal Licensing Act and Code" and/or this Ordinance.

Section C The Board of Health or its Authorized Representatives are hereby authorized to make such inspections as are necessary to determine satisfactory compliance with this Ordinance.

Section D It shall be the duty of the owner or occupant of a property to give the Board of Health or its Authorized Representative free access to the property at the reasonable times for the purpose of making such inspections as are necessary to determine compliance with the requirements of this Ordinance. Refusal to allow entry onto the property will be grounds to void said permit, at which time penalty action will be taken.

Section E An individual private sewage disposal system which has been installed by a homeowner for his personal residence shall not be covered or placed into operation until said installation shall have had a final inspection and written approval of said system shall have been issued by the Health Department.

Section F The Authorized Representative may make inspections during the course of the construction of any private sewage disposal system to ensure compliance with this Ordinance.

Section G If any homeowner who installs his own private sewage disposal system shall have backfilled any portion of said systems with earth, which will prevent the same from being readily viewed to determine if said system meets all requirements of this Ordinance before receipt of written approval by the Health Department, said Health Department may give fifteen(15) days notice in writing to such homeowner so violating the provision(s) of the Ordinance to uncover such backfilled or covered portion of said system.

ARTICLE VIII ENFORCEMENT cont'd

Section H If, at the end of such fifteen (15) days, the homeowner shall not have uncovered the individual private sewage disposal system and inspection conducted thereof with subsequent approval of said system, the permit is automatically invalidated and penalty action may be taken.

ARTICLE IX HEARINGS

Section A Hearings before the Health Authority:

Any person affected by an order or notice issued by the Health Department in connection with the enforcement of any Section of this Ordinance may file in the office of the Health Department a written request for a Hearing before the Health Authority. The request must be made within ten(10) days of the order or notice issued by the Health Department. The Health Authority shall hold a Hearing at a time and place designated by said agency within thirty (30) days from the date on which the written request was filed. The petitioner for the Hearing is to 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 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 Authority may modify or withdraw the order or notice and as a condition for such action may, where the Health Authority deems it necessary, make requirements which are additional to those prescribed in this Ordinance for the purpose of properly protecting the public health. 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 through a Hearing before the Board of Health.

ARTICLE X PENALTY

Section A Any person who violates any provision of this Ordinance shall be guilty of a Class A misdemeanor.

Section B Each day's violation constitutes a separate offense. The State's Attorney of Montgomery County shall bring such action in the name of the People of the State of Illinois or may bring action for an injunction to restrain such violation or to enjoin the operation of any such establishment causing such violation.

ARTICLE XI CONFLICT OF ORDINANCE, EFFECT ON PARTIAL INVALIDITY

Section A In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of Montgomery County existing on the effective date of this Ordinance, the provision which, in the judgment of the Health Authority establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance or code of Montgomery County existing on the effective date of this Ordinance which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Ordinance shall be deemed to prevail and such other ordinance or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.

Section B If any section, sub-section, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and, to this end, the provisions of this Ordinance are hereby declared to be severable.

ARTICLE XII EFFECTIVE DATE

Section A This Ordinance shall become effective after the _____ day of _____, 2010.

