

LIVINGSTON COUNTY PRIVATE SEWAGE DISPOSAL SYSTEM ORDINANCE

An ordinance regulating private sewage disposal systems, construction and/or reconstruction of such systems within the limits of Livingston County, Illinois, providing for the enforcement of the current and subsequent Private Sewage Disposal Licensing Act and Code as amended, Illinois Department of Public Health, and providing for the enforcement of this ordinance and affixing of penalties.

Whereas, 55 ILCS 5/5 - 1052 grants to Illinois counties the power to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease;

Be it ordained by the Livingston County Board of Illinois as follows:

July 12, 2001  
\_\_\_\_\_  
Adopted

August 12, 2001  
\_\_\_\_\_  
Effective

July 12, 2001  
\_\_\_\_\_  
Approved

## SECTION 1. - RULES AND REGULATIONS

In addition to those provisions set forth in Section 2 through 11, this ordinance adopts the Illinois Private Sewage Disposal Licensing Act and Code by reference and shall be interpreted and enforced in accordance with provisions set forth in the State of Illinois, Department of Public Health, publication, titled "Private Sewage Disposal Licensing Act and Code" and any subsequent amendments or revisions thereto, three copies of which shall be on file in the office of the Livingston County Clerk.

## SECTION 2 - DEFINITIONS

In addition to the definitions contained in the above mentioned Act and Code, the following definitions shall apply in the interpretation and enforcement of this ordinance:

"Domestic Sewage" shall mean waste water derived principally from dwellings, business or office buildings, institutions, food service establishments, and similar facilities.

"**Health Authority**" shall mean the Livingston County Board of Health or an authorized representative thereof.

"**Health Department**" shall mean the Livingston County Public Health Department.

"**Health Officer**" shall mean an employee of the Livingston County Public Health Department.

"**Home Owner**" shall mean a person who holds legal title to real property and/or any structure situated thereon which is to be used or is used for his personal single family residence.

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

"**Human Wastes**" shall mean undigested food and by-products of metabolism which are passed from the human body.

"**Installation Permit**" shall mean a permit for a private sewage disposal system serving an existing building with new construction or for a private sewage disposal system serving a new building.

**"Person"** shall mean any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, the State of Illinois or any Department thereof, or any other entity.

**"Permit"** shall mean a written permit issued by the Health Department permitting the construction of a private sewage disposal system under this ordinance.

**"Population Equivalent"** shall mean an average waste loading, equivalent to that amount of waste produced by one person which is defined as 100 gallons per day or that amount of waste containing 0.17 pounds BOD<sub>5</sub>.

**"Private Sewage Disposal System Installation Contractor"** shall mean a person who is licensed as an Illinois Private Sewage Disposal System Installation Contractor.

**"Private Sewage Disposal System Pumping Contractor"** shall mean a person who is licensed as an Illinois Private Sewage Pumping Contractor.

**"Property Owner"** shall mean a person who holds legal title to real property and/or any structure situated thereon which is not to be used or is not used for his personal, single family residence.

**"Repair Permit"** shall mean a permit for a private sewage disposal system serving an existing building with no new building construction.

**"Septage"** shall mean the solid and liquid waste removed from a private sewage disposal system.

**"Soil Classifier"** shall mean one of the following:

A certified Soil Classifier of the Illinois Soil Classifiers Association (ISCA) or a certified Soil Classifier with the American Registry of Certified Professionals in Agronomy, Crops and Soils (ARCPACS).

A person who is a full member or associate member of the Illinois Soil Classifiers Association (ISCA), provided that direct supervision is provided to this person by an ISCA or ARCPACS certified Soil Classifier who accompanies the person on at least 25% of the soil investigations and reviews and signs all of that person's soil investigation reports.

**"Waste"** shall mean either human waste or domestic sewage, or both.

**"Zoning Authority"** shall mean the individuals or boards authorized by county or municipal ordinances to enforce zoning regulations and/or building codes.

### SECTION 3 - PERMITS

- 3.1 It shall be unlawful for any person to construct, repair, alter or extend private sewage disposal systems within Livingston County unless he holds a valid permit issued by the Health Department stating the name of such person for which the specific construction, repair, alteration, or extension is proposed. Said permit shall indicate a maximum permissible waste loading.
- 3.2 All applications for permits granted under the provision of this ordinance shall be made to the Health Department. The Health Authority shall set fees to be collected by the Livingston County Public Health Department to offset the cost of administering the program pursuant to this ordinance. Fees for units of government or school districts are waived.
- 3.3 A permit shall only be issued to an Illinois licensed private sewage disposal system installation contractor or a Home Owner, but a permit may also be issued to a Property Owner who is not a Home Owner, provided that only a Licensed Contractor may install such systems in and upon the property of such Property Owner.
- 3.4 Permit application forms provided by the Health Department shall be completed and signed by each applicant and shall include the following:
  - 3.4.1 Name and address of the applicant and location of the proposed site of construction, repair, alteration, or extension.
  - 3.4.2 Complete plan and specifications of the proposed sewage treatment system to demonstrate that the proposed construction, repair, alteration, or extension complies with minimum standards of this ordinance and the Illinois Private Sewage Disposal Licensing Act and Code..

- 3.4.3 A soils investigation performed by either a Soil Classifier or a licensed professional engineer.
- 3.5 The Health Department may refuse to grant a permit for the construction of a private sewage disposal system where public or community sewage systems are available. A sewer shall be deemed available when a public sewer line is in place within any street, alley, right of way, or easement that adjoins or abuts the premises for which the permit is requested, or when the improvement to be served is located within a reasonable distance of a public sewer to which a connection is practical and is permitted by the controlling authority for the sewer. A reasonable distance for the purpose of this provision shall be deemed to be not greater than 200 feet for a single family residence and not greater than 1,000 feet for a nonresidential establishment or multi-family dwelling.
- 3.6 The Health Department shall notify the Zoning Authority of permits issued within the jurisdictional authority of the Zoning Authority.
- 3.7 Permits shall be valid for a period of one year from date of issuance. If construction has not started within this period, the permit is void unless a renewal has been granted by the Health Department.

#### SECTION 4 - COMPLIANCE AND PERFORMANCE

- 4.1 All private sewage disposal systems within the limits of Livingston County shall be installed, modified or serviced by an Illinois licensed private sewage disposal system installation contractor; and all such systems shall be pumped, cleaned and the contents hauled and disposed of by an Illinois licensed private sewage disposal system pumping contractor provided, however, that a homeowner may install and/or service a private sewage disposal system which serves his own personal single family residence.

- 4.2 Soil Investigations shall be conducted in the following manner:
- 4.2.1 Determination of soil characteristics on sites proposed for development with private sewage disposal systems shall be based on soil boring data collected by a Soil Classifier or an Illinois licensed professional engineer.
  - 4.2.2 There shall be a minimum of 3 borings per soil absorption system site. The soil borings shall be at least 50 feet apart or as far apart as possible, and the proposed subsurface seepage system shall be located within the area where the soil borings were located. More soil borings may be necessary for accurate and appropriate evaluation of a site where there is some concern about the consistency of the soil materials. One of the borings shall be made at the lowest elevation of the proposed absorption field area. Borings shall extend a minimum of 60 inches below the natural ground surface. An observation pit shall be used in gravelly materials.
  - 4.2.3 Observation and determination of soil characteristics may be also determined from a pit dug by a backhoe or other excavating equipment. The Health Department or local authority may require soil pits (backhoe excavation) in cases where ground is frozen, where the soil materials are considerably varied in texture, where there has been previous or current fill material, cutting of soils, or where gravelly soils are encountered. Such soil pits shall be prepared at the perimeter of the expected soil absorption area to minimize damage to natural soil structure. Soil pits shall extend a minimum of 60 inches below the natural ground surface.
  - 4.2.4 Site characteristics to be described include zones of seasonal and permanent water saturation, U.S.D.A. soil textural changes, U.S.D.A. soil structural features, slope, compaction and depth, soil coloration, depth of limiting layer, depth of soil mottling (depth

to low chroma equal to or less than 2 and a value of 4 or more - Munsell Color System), internal drainage classification, and permeability range, and other limiting soil characteristics that may reduce permeability.

- 4.3 All private sewage disposal systems shall be installed, modified, serviced, pumped and the contents hauled and disposed of in accordance with the Illinois Private Sewage Disposal Licensing Act and Code, and any subsequent amendments or revisions.
- 4.4 Where a subsurface seepage field is installed as a component part of a private sewage disposal system, the seepage area provided shall be in accordance with the Illinois Private Sewage Disposal Licensing Act and Code. A minimum of 200 square feet of seepage area shall be provided and unless serial trenches are used, a minimum of 2 individual seepage lines are required.
- 4.5 A vent shall be installed on the downstream end of the subsurface seepage field and shall be constructed of approved materials as contained in Appendix A, Illustration C of the Illinois Private Sewage Disposal Licensing Act and Code, a minimum of 2 inches in diameter that extends a minimum of 12 inches above the finished ground surface.
- 4.6 Subsurface seepage fields receiving septic tank effluent shall have at least 2 feet of vertical separation distance between the bottom of the subsurface seepage field and the top of the seasonal high water table. For soils with a loading rate of greater than .62 gallons per day per square foot, the vertical separation shall be 3 feet between the bottom of the subsurface seepage system and the top of the seasonal high water table.
  - 4.6.1 Seasonal high water tables may be artificially lowered by underdrains to achieve a 2-foot separation between the bottom of the subsurface seepage field and the top of the seasonal high water table to permit the use of subsurface seepage fields.

- 4.6.2 Underdrains shall be constructed using a course porous material such as gravel, crushed rock, etc. above and beneath a 4-inch perforated pipe. The porous material shall be extended above the seasonal high water table elevation, and the pipe shall have sufficient slope to provide free drainage to the surface.
  - 4.6.3 Soils with 70% or more clay may not be artificially drained.
  - 4.6.4 Underdrains shall be located a minimum of ten feet from the subsurface seepage field and a maximum of 15 feet from the subsurface seepage field.
  - 4.6.5 The lines shall be perforated and constructed of materials approved for subsurface seepage systems contained in Appendix A, Illustration C of the Illinois Private Sewage Disposal Licensing Act and Code.
- 4.7 Requirements For Subsurface Seepage Systems Utilizing Fill
- 4.7.1 If fill is used on systems to achieve the 2-foot separation between the bottom of the trench and the seasonal high water table, it may not exceed 18-inches.
  - 4.7.2 No part of the subsurface seepage field shall be located in the fill.
  - 4.7.3 The fill material shall be at least equal to or better than the original soil as determined by a licensed Soil Classifier and shall be free of non-soil materials such as concrete, brick, or other extraneous material.
  - 4.7.4 Soil texture and structure and its influence on absorption rate and ability to drain the soil shall be evaluated.
  - 4.7.5 Fill material shall be deposited on top of the seepage field area with a backhoe and shall not be placed on frozen ground.
  - 4.7.6 All traffic and equipment must be kept off the fill once it is placed.

## SECTION 5 - SUBDIVISIONS

- 5.1 The Health Department shall require subdividers to furnish information concerning soil absorption capacities, in order that the Health Department is able 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 Illinois Private Sewage Disposal Licensing Act and Code or require changes in the proposed subdivision plat.
- 5.2 The Health Department shall give written notification that based upon information furnished by the subdivider, that at the time of submittal it appears that each lot of a proposed subdivision could support the construction and use of an approved private sewage disposal system. Such notification shall:
  - 5.2.1 be in writing.
  - 5.2.2 include a statement as to any restrictions relating to the type or size system that could be installed.
  - 5.2.3 be on file at the Health Department and be available for review to all interested persons.
  - 5.2.4 be supplied by the subdivider, developer, or their agents upon request to a prospective purchaser of a lot in that proposed subdivision.
- 5.3 Information as required by the Health Department for the review of subdivision plans shall include but not be limited to:
  - 5.3.1 A topographical map developed by an Illinois Registered Professional Engineer shall be provided in compliance with the Livingston County Zoning Subdivision Ordinance, or other unit of government with authority to approve subdivision plats.
  - 5.3.2 The location of streams and other flood water runoff channels, and extent of the flood plains at the established high water elevations must all be properly identified on the proposed plat.

5.3.3 Soil investigations shall be performed by a Soil Classifier or licensed professional engineer and conducted in compliance with Section 4.2, except that the number of soil borings required shall be a minimum of one per lot.

5.3.4 All proposed easements shall be identified on the proposed plat.

## SECTION 6 - SPECIAL REQUIREMENTS

6.1 All private sewage disposal system installation and/or pumping contractors operating within Livingston County shall be licensed by the State of Illinois and registered annually with the Livingston County Public Health Department.

6.2 A private sewage disposal system installation and/or pumping contractor desiring to be registered with the Livingston County Public Health Department shall apply to the Health Department upon an application form supplied by the Health Department. This form shall be completed and signed by each applicant and shall include the fee established by the Health Authority.

6.3 For serious or repeated violations of any of the provisions of this Ordinance, or for interference with the Health Officer or his duly authorized representative in the performance of his duties, the private sewage disposal system installation and/or pumping contractor's registration certificate may be revoked after an opportunity for a hearing has been provided by the Health Officer. A registration certificate may be suspended for a cause pending its revocation or a hearing relative hereto.

6.4 All private sewage septage disposal sites within Livingston County shall be inspected by the Health Department annually to determine compliance with the provisions of this Ordinance. If the disposal sites are determined to be unacceptable, the Health Department shall issue written notices to the users and owners of that site informing them that the site shall not be used for disposal of said septage.

- 6.5 All private sewage disposal system pumping contractors operating within Livingston County or homeowner servicing his personal residence sewage disposal system shall supply a list of all septage disposal sites being utilized by said contractor or homeowner to the Health Department.
- 6.6 Aerobic treatment plants require periodic maintenance to achieve performance consistent with the demonstrated capabilities, professional service is imperative. The homeowner shall maintain a service policy with an Illinois Licensed Sewage Installation Contractor through the manufacturer or distributor of that brand of aerobic treatment unit. The policy shall provide:
- 6.6.1 An inspection or service call at least every 6 months which includes inspection, adjustment, and servicing of the mechanical and applicable component parts to ensure proper function.
- 6.6.2 An effluent quality inspection consisting of a visual check for color, turbidity, scum overflow, and an examination for odors.
- 6.6.3 Any improper operation which cannot be corrected at that time to be reported to the owner immediately. This shall be followed with a written report which includes the date for the condition to be corrected.
- 6.7 Homeowners with aerobic treatment plants shall provide documentation annually to the Health Department that the aerobic treatment plant has been properly maintained.

#### SECTION-7 ENFORCEMENT

- 7.1 Private sewage disposal systems constructed prior to the effective date of this ordinance shall comply with any provision of this ordinance deemed necessary by the Health Department when they are designed, constructed, operated, maintained, or serviced in such a manner as to cause the spread of infectious or contagious disease and/or adversely affect the public health, safety and general welfare of the public.

- 7.2 The Health Department is, hereby, authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this ordinance.
- 7.3 It shall be the duty of the owner or occupant of a property to give the Health Department free access to the property at reasonable times for the purpose of making such inspections as are necessary to determine compliance with the requirements of this ordinance.
- 7.4 A private sewage disposal system which has been installed by a home owner for his personal residence or by a private sewage disposal system contractor shall not be covered or placed in operation until the said installation shall have been inspected and approval of the said system shall have been issued by the Health Department.
- 7.5 The Health Department may make inspections during the course of the construction of any private sewage disposal system, to insure compliance with this ordinance.
- 7.6 If any Home Owner who installs his own private sewage disposal system shall backfill any portion of the said system and/or cover the same with earth, or any other material which will prevent the same from being readily viewed to determine if the said system meets all requirements of the ordinance before receipt of approval by the Health Department, the Health Department may give fifteen (15) days notice in writing to such Home Owner so violating the provision of the ordinance, to uncover the backfilled or covered portions of the said system.
- 7.7 If at the end of such fifteen (15) days, the Home Owner has not uncovered the private sewage disposal system, the permit is automatically invalidated and penalty action may be taken. The Health Department may elect to have the system uncovered at the expense of the home owner. Failure of the home owner to pay such costs within thirty (30) days shall result in the execution of a lien against the property.

## SECTION 8 - HEARINGS

- 8.1 Any person affected by any 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 Department. The Health Department shall hold a hearing at a time and place designated by the Health Authority 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 Department 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 Department may modify or withdraw the order or notice. The Health Department shall render a decision within 10 days after the date of hearing which shall be reduced to writing and placed on file in the office of the Health Department as a matter of public record. A written report of the hearing decision shall be furnished to the permit holder by the Health Department.

## SECTION 9 - PENALTY

- 9.1 Any person found guilty of violating any provision of this ordinance shall be fined a sum not less than \$200.00 and not more than \$500.00.
- 9.2 Each day's violation constitutes a separate violation. The State's Attorney of Livingston County shall bring such actions in the name of the People of the State of Illinois or may bring action for an injunction to restrain such violation or to enjoin the operation of any such installation causing such violation.

SECTION 10 - DATE OF EFFECT

This ordinance shall be in full force and effect 30 days after its adoption as provided by law; and, at that time, all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION- 11 - CONFLICT OF ORDINANCE, EFFECT ON PARTIAL INVALIDITY

11.1 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 Livingston County, the provision which, in the judgment of the Health Department, establishes the higher standard for the promotion and protection of the health and safety of the people, such ordinance or code 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 Livingston County 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 ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this ordinance.

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

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_

A.D. \_\_\_\_\_ by the Livingston County Board.

\_\_\_\_\_  
Chairman