

**CHRISTIAN COUNTY
ORDINANCE NUMBER 6 PS 86**

**CHAPTER IV
PRIVATE SEWAGE DISPOSAL SYSTEMS**

An Ordinance regulating private sewage disposal system, the construction and/or reconstruction of such systems, and requiring an annual registration certificate for private sewage disposal contractors in Christian County and the incorporated areas of Christian County, Illinois.

Pursuant to the powers granted to the Christian 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 ORDAINED BY THE COUNTY BOARD OF CHRISTIAN COUNTY, ILLINOIS, that the following Ordinance establishing rules and regulations for private sewage disposal systems in Christian County, Illinois, be, and the same is, hereby adopted: and further, that all existing Ordinances in conflict with this Ordinance, be and the same, are hereby repealed.

**ARTICLE I
4-1 DEFINITIONS**

The following definitions shall apply in the interpretation and enforcement of this chapter of the Christian County Health Ordinance.

4-1.1 AUTHORIZED REPRESENTATIVE shall mean Health Authority of Christian County who is appointed by the County Board as the enforcing body of this Ordinance unless otherwise stated.

4-1.2 BOARD OF HEALTH shall mean the Christian County Board of Health.

4-1.3 DEPARTMENT shall mean the Christian County Health Department.

4-1.4 DOMESTIC SEWAGE means waste water derived principally from dwellings, business or office buildings, institutions, food-service establishments, and similar facilities.

4-1.5 HEALTH AUTHORITY shall mean the Christian County Board of Health or its authorized representative.

4-1.6 HEALTH DEPARTMENT shall mean the Christian County Health Department, an agency of the Christian County Board of Health.

4-1.7 HOME OWNER means a person who holds a legal title to a residential structure which is to be used or is used for his personal, single family residence.

4-1.8 HOME OWNER INSTALLED SYSTEM means a private sewage disposal system installed by a home owner for his personal single family residence.

4-1.9 HUMAN WASTES means undigested food and by-products of metabolism which are passed out of the human body.

4-1.10 PERSON means any individual, group or individuals, association, trust, partnership, corporation, person doing business under an assumed name, the State of Illinois or any Department thereof, or any entity.

4-1.11 PERMIT shall mean a written permit issued by the Board of Health or its Authorized Representative permitting the construction of an individual sewage disposal system under this Ordinance.

4-1.12 POPULATION EQUIVALENT means 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 of BOD5.

4-1.13 PRIVATE SEWAGE DISPOSAL SYSTEM CONTRACTOR'S REGISTRATION shall mean an annual Registration Certificate issued by the Christian County Health Department to all private sewage disposal contractors engaged in the installation and/or servicing of private sewage disposal systems within the limits of Christian County.

4-1.14 PRIVATE SEWAGE DISPOSAL SYSTEM means any sewage handling or treatment facility receiving domestic sewage from less than 15 people or population equivalent and having a ground surface discharge or any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge.

4-1.15 PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION CONTRACTOR means any person constructing, repairing, installing, modifying or maintaining private sewage disposal systems.

4-1.16 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.

4-1.17 WASTE means either human waste or domestic sewage or both.

4-1.18 SEWAGE means the water-carried human or animal wastes from residences, buildings, industrial establishments, or other places, together with such ground water infiltration and surface water as industrial wastes or other wastes as here in defined, shall also be considered "sewage."

ARTICLE II

4-2 Requirements for Individual Sewage Disposal Systems.

4-2.1 This Ordinance shall establish minimum standards in an attempt to insure that the wastes discharged to various individual sewage disposal systems:

1. Do not contaminate drinking water supplies.
2. Are not accessible to insects, rodents, or other possible carriers of diseases which may come in contact with food or drinking water.
3. Do not pollute or contaminate the waters of any bathing beach, fish breeding grounds, or stream used for public or domestic water supply purposes or for recreational purposes.
4. Are not a health hazard by being accessible to children.
5. Do not give rise to a nuisance due to odor or unsightly appearance.
6. Will not violate any other laws or regulations governing water pollution or sewage disposal.

ARTICLE II 403 PERMITS

4-3.1 It shall be unlawful for any person to construct, alter or extend individual sewage disposal system within Christian 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 purposed. An Addendum Fee Schedule to this Ordinance lists fees to be charged per individual sewage disposal system. Said permit shall indicate a maximum permissible waste loading.

4-3.2 All applications for permits granted under the provisions of the 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.

4-3.3 A permit shall only be issued to an Illinois licensed private sewage disposal system installation contractor or a home owner installing his/her own residential sewage disposal system.

4-3.4 Applications for permits shall be in writing, shall be signed by the 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 proposed disposal facility, with substantiating data, if necessary, attesting to its compliance with the minimum standards of this Ordinance.
3. Such other information as may be required by Health Authority to substantiate that the proposed construction, alteration, or extension complies with minimum standards of this Ordinance.

4-3.5 Under the recommendation of the Board of Health or its Authorized Representative, the County Board may refuse to grant a permit for Construction, alteration, or extension of a private sewage disposal system where public or community sewerage 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 from 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 not be greater than 300 feet from the property for a single family residence and not greater than 1,000 feet from the property for a commercial establishment or multi-family dwelling.

4-3.6 The Board of Health or its Authorized Representative shall act upon all applications within 15 days of receipt thereof.

4-3.7 Said permit to construct is valid for a period of six (6) months from date of issuance. If construction had not started within this period, the permit is void.

ARTICLE IV

4-4 Contractor's Registration

4-4.1 An annual contractor's registration shall be required of all private sewage disposal system installation contractors and all private sewage disposal system pumping contractors operating within limits of Christian County. The Health Department shall issue a private sewage disposal 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. An annual registration fee of fifty dollars (\$50.00) shall be required for each certificate issued. All registration certificates shall expire each year from date of issuance.

ARTICLE V

4-5 Compliance and Performance

4-5.1 All private sewage disposal systems within the limits of Christian County shall be installed, modified or serviced by an individual with a valid private sewage disposal system installation contractor's certificate; and all such systems shall be pumped, cleaned, and the contents disposed of by individuals 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/her own personal single family residence.

4-5.2 Rescinded per Amendment to Ordinance.

4-5.3 All private sewage disposal systems shall be installed, modified, serviced, pumped and contents disposed of in accordance with Illinois Private Sewage Disposal Code, October 2013 Edition, Private Sewage Disposal Licensing Act, 225 ILCS 225/1, et seq., and any subsequent amendments.

ARTICLE VI

4-6 Adoption by Reference

4-6.1 This Ordinance shall be interpreted and enforced in accordance with provisions set forth in the unabridged form of Article I through Article XIII State of Illinois, Department of Public

Health, publication 4.005 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 Christian County Clerk, which publication is incorporated herein and adopted by reference as part of this Ordinance.

ARTICLE VII
4-7 Enforcement

4-7.1 Private sewage disposal systems constructed prior to the effective date of this Ordinance shall not be affected by this Ordinance unless they must be modified to correct malfunctions or are operating in such a manner as to create a health hazard or public nuisance. Any necessary repairs shall be performed in accordance with the rules and regulations herein previously defined except when a variance is granted by the Health Authority.

4-7.2 The Health Authority is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance.

4-7.3 It shall be the duty of the owner or the occupant of a property to give the Health Authority 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.

4-7.4 No private sewage disposal system shall be covered or placed in operation until the said installation shall have been inspected and a written approval of the said system shall have been issued by the Health Department.

4-7.5 Any person who shall backfill any portion of a private sewage disposal system or cover the same with earth, cinders, gravel, shale, or any other material which will prevent the same from being readily viewed to determine compliance of this Ordinance before receipt of written approval by the Health Department, shall be in violation of this Ordinance and subject to any and all fines and penalties contained herein and shall further be responsible for the cost of uncovering the said system.

ARTICLE VIII
4-8 Issuance of Notice

4-8.1 Whenever the Health Authority determines that a violation of any provision of this Ordinance has occurred, the Health Department shall give written notice to the person responsible for such violation. The 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 requires.
4. Be served upon the person responsible for the violation(s); provide that such notice shall have been properly served upon the person responsible for the violation(s) 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 a 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 Ordinance.

ARTICLE XI

4-9 Revocation of Contractor's Registration

4-9.1 For serious or repeated violations of any of the requirements of this Ordinance, or for the interference with the Health Authority in the performance of his/her duties, the Private Sewage Disposal Installation Contractor's or Private Sewage Disposal Pumper's Contractor's Registration Certificate may be revoked 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 for 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 Authority, by the holder, within such five day period. A Registration Certificate may be suspended for a cause pending its revocation or a hearing relative thereto.

ARTICLE X

4-10 Hearings

4-10.1 Hearings before the Board of Health:

Any person affected by any order of notice issued by the Health Department in connection with the enforcement of this Ordinance may file in the office of the Health Department a written request for a hearing at a time and place designated by the Secretary of the Board of Health within 30 days of the date on which the written request was filed. The petitioner for the hearing shall not be notified of the time and place of the hearing not less than 5 days prior to the date of which the hearing is to be held. The hearing provided in this section shall be conducted by the Christian County Board of Health. Based upon record of such hearing, the Board of Health shall make findings and shall sustain, modify, or rescind any notice or order considered in the hearing.

4-10.2 Right of Administrative Review:

Any person aggrieved by the decision of the Board of Health as a result of a hearing for violations of this Ordinance may obtain a review of such decision pursuant to the Administrative Review Act, Chapter 110, Para: 265 through 279, of the Illinois Revised Statutes, 1977.

ARTICLE XI

4-11 Penalty

4-11.1 Any person which shall fail to comply with any provisions herein shall be deemed guilty of misdemeanor and on conviction thereof shall be punished by a suspension of registration

certificate held under the provisions thereof or pay a fine of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) or both such suspension or fine. Each day a violation is permitted to continue shall be considered a separate offense.

ARTICLE XII

4-12 Conflict or Ordinance, Effect on Partial Invalidity:

4-12.1 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 Christian County existing on the effective date of this Ordinance, the provision which, in the judgement of the Health Authority establishes the higher standard for the promotion of the health and safety of the people shall prevail. In any case where a provision of any other ordinance or codes are hereby declared to be repealed to the extent that may found in conflict with this Ordinance.

4-12.2 If any article, subarticle, paragraph, sentence, clause, or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall remain in full force and effect and, to this end, the provisions of this Ordinance are hereby declared to be severable.

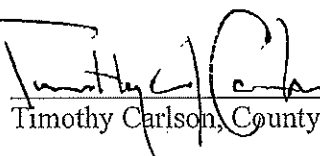
ARTICLE XIII

4-13 Effective Date

4-13.1 This Ordinance is hereby declared to be immediately necessary for the preservation or public peace, health and safety, and shall be effective immediately upon its publication as provided by law.

4-13.2 This is an amended revision to the Christian County Private Sewage Disposal Ordinance first passed on February 13, 1980.

ADOPTED: September 7, 2016

 4/9/2018
Timothy Carlson, County Board Chairman

ATTEST:  04-06-18
Michael C. Gianasi, County Clerk

