

FULTON COUNTY HEALTH ORDINANCE PART II

PRIVATE SEWAGE DISPOSAL ORDINANCE

SECTION A, SCOPE:

An Ordinance regulating the construction, renovating, servicing, and maintenance of private sewage disposal systems, the pumping, hauling, and disposal of human excreta and domestic sewage, and the registration of private sewage disposal contractors and pumpers who operate within the boundaries of Fulton County, Illinois.

Pursuant to the powers granted to the Fulton County Board by the Illinois Compiled Statutes Chapter 55, Act 5, Section 1113 in such case made and provided therefore, and WHEREAS, improper treatment and disposal of sewage is a menace to the public health: THEREFORE, BE IT RESOLVED by the County Board of Fulton County, Illinois that the following Ordinance is hereby made and adopted.

SECTION B, ADOPTION BY REFERENCE:

In addition to those provisions set forth in the Fulton County Health Ordinance, Part II, Private Sewage Disposal Ordinance, this Ordinance hereby adopts, by reference, the provisions set forth in the State of Illinois, Department of Public Health, ***Private Sewage Disposal Licensing Act and Code; Private Sewage Mound Code***, and related Codes and any subsequent amendments or revisions thereto, three (3) certified copies of which shall be on file in the office of the Fulton County Clerk.

SECTION C, CONSTRUCTION, RENOVATION PERMITS:

1) It shall be unlawful for any person to construct, renovate, alter, or extend a private sewage disposal system within the county unless he/she holds a valid permit issued by the Fulton County Health Department stating the name of such person for which the specific construction, renovation, alteration or extension is proposed. Only a person who complies with the requirements of this Ordinance and the Rules and Regulations adopted by the Fulton County Board of Health shall be entitled to receive such a permit. Permits shall not be transferable from one person to another person; nor shall said permits be applicable to any locations, buildings or places other than that for which it is issued.

2.) Any person desiring a permit as required herein shall apply to the Fulton County Health Department upon an application form provided by the health department. The application form must be completed, signed, dated by the applicant, include all required fees and shall include:

- a) Plans or drawings to scale indicating lot size with dimensions showing the location of the sewage disposal system, type of sewage disposal system to be constructed, the dimensions of the sewage system being

proposed, the distances to any water lines, water wells, potable water storage tanks and buildings, the site elevations sufficient to determine the elevation of all system components and the slope of the ground surface and the location of any sanitary sewer if available to within 200 feet of the property.

- b) Number of bedroom or design volumes. Any additions including but not limited to hot tubs, or garbage grinders which increase the quantity waste to the sewage disposal system must be stated on the application form, and the sewage system sized to meet that increased flow.
- c) Percolation test results or soil investigation results and the separation depth from the trench bottom to a limiting layer must be established and indicated on the site plan or application form.
- d) The owners name, present address, and the address where the system is to be installed must be included on the application form.
- e) Other information as determined by the Health Officer to be necessary for the recording of such permit to include but not limited to flood plain and zoning requirements.

3) It shall be the responsibility of the property owner to obtain a Private Sewage Disposal Permit before any construction, renovation, alteration or extension to the system is initiated. Failure of the property owner to obtain said permit before construction, renovation, alteration, or extension activities are initiated shall constitute a violation of this Ordinance and enforcement and penalty action may be taken.

4) It shall be the responsibility of the Illinois Licensed Sewage Contractor to ensure that a Private Sewage Disposal System Permit has been issued to follow the conditions of said permit. Failure of the Illinois Licensed Private Sewage System Disposal Contractor to ensure said permit has been issued or to violate the conditions of said permit shall constitute a violation of this Ordinance and enforcement and penalty action may be taken.

5) A permit is valid for 1 calendar year from the date of issuance.

SECTION D, ENFORCEMENT ACTION:

1) ISSUANCE OF PERMIT:

- a) Upon receipt of the application to construct, renovate, alter, or extend a private sewage disposal system, the Health Officer or his/her designate shall make an inspection of the proposed sewage system site to determine compliance with the provisions of this Ordinance and the Rules and Regulations adopted by the Board of Health. When inspection reveals that

all applicable requirements of the Ordinance and Rules and Regulations have been met, the Health Officer shall issue a permit to the applicant.

- b) The Health Officer may refuse to grant a permit for the construction, renovation, alteration, or extension if the application is incomplete, the property is not acceptable for the construction, renovation, alteration, or extension of a private sewage disposal system, or if a public or community sewage system under the jurisdiction of the Illinois Environmental Protection Agency is within 200 feet of the property.

2) SUSPENSION OF PERMIT:

Permits may be suspended temporarily by the Health Officer for failure of the holder of the permit or his representatives to comply with the requirements of this Ordinance. Whenever a permit holder or his representative has failed to comply with any notice issued under the provisions of this Ordinance, the permit holder shall be notified in writing that the permit is, upon service of the notice, immediately suspended. The permit holder will also be informed of his/hers right to a hearing and the process that must be followed.

3) REINSTATEMENT OF SUSPENDED PERMIT:

Any person whose permit has been suspended may, at any time, submit to the Health Officer in writing a request to have the permit reinstated. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in the applicant's opinion the condition causing suspension of the permit have been corrected, the Health Officer shall make a reinspection. The permit may be reinstated if the Health Officer determines that the conditions which caused the suspension to occur have been corrected and the system can be installed in compliance with all applicable ordinances and codes.

4) INSPECTIONS:

- a) The Health Officer is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance.
- b) The owner or occupant of a property shall give the Health Officer access to the property for the purpose of making inspections that are necessary to determine compliance with the provisions of this Ordinance, the ***Private Sewage Disposal Licensing Act and Code, or Private Sewage Mound Code***, and the Rules and Regulations as established by the Fulton County Board of Health.

- c) Final approval of any installation, construction, renovation, alteration or extension required herein shall be given, only if, after visual inspection, the private sewage disposal system is found to comply with applicable provisions of this Ordinance, the ***Private Sewage Disposal Licensing Act and Code, or Private Sewage Mound Code***, and the Rules and Regulations as established by the Fulton County Board of Health. ***Any private sewage disposal system that has been installed shall not be covered or placed in operation until the installation has been inspected and approved in writing by the Health Officer.***
- d) The homeowner, licensed private sewage disposal system installation contractor or licensed sewage disposal system pumper contractor shall not interfere with the Health Officer in the performance of the Health Officer's duties.

5) REGISTRATION:

- a) All Licensed Private Sewage Disposal Installation Contractors installing, constructing, renovating, altering, or extending of private sewage disposal systems within Fulton County, Illinois must be registered with the Fulton County Health Department.
- b) All Licensed Private Sewage Disposal Pumping Contractors pumping, cleaning, transporting and disposing of sewage within Fulton County, Illinois must be registered with the Fulton County Health Department.
- c) All manufacturers authorized service representatives who are servicing and maintaining the aerobic treatment plants within Fulton County, Illinois must be registered with the Fulton County Health Department.
- d) All homeowners who are installing, constructing, renovating, altering or extending the private sewage disposal system that serves their residence must be registered with the Fulton County Health Department.

6) SUSPENSION OR REVOCATION OF REGISTRATION:

For serious or repeated violation(s) of any of the requirements of this Ordinance, or for the interference with the Health Officer in the performance of his duties, the private sewage disposal installation contractor's registration, private sewage system pumper's registration, or manufactures authorized service representative's registration may be suspended or revoked after the opportunity for a hearing has been provided by the Health Officer. Prior to such action the Health Officer shall notify the contractor in writing stating the reasons for which the registration is subject to suspension or revocation and said notification shall also state the registration will be suspended immediately and/or revoked at the

end of thirty (30) days following service of such notice unless a request for a hearing is filled with the Health Officer.

7) APPEALS:

A person whose permit has been suspended or revoked may make a written request within five (5) days of notification of such suspension or revocation to the Health Officer for a hearing before the Board of Health to contest the conditions of the suspension or revocation of a permit. Failure to request such hearing within five (5) days of the aforementioned notification shall constitute a waiver of the permit holder's right to a hearing to contest such suspension or revocation. Any private sewage system activities that has resulted in the suspension or revocation of the permit shall remain inactive when an appeal and/or a hearing is being sought or under consideration by the Board of Health, except for activities approved by the Health Officer.

All hearings shall be conducted so as to provide the parties with written notice of the hearings, written notice of the conditions which have lead to the suspension or revocation, adequate time to prepare, the right to make an opening statement, the right to present evidence in support of their position including the right to present witnesses, the right to cross-examine any witness called to testify, the right to legal counsel at their expense, and the right to make a closing statement. All hearings shall be conducted in an informal manner, with consideration to be provided to all parties. All hearings shall be tape-recorded.

The formal rules of evidence shall not apply; however, all witnesses called to testify shall do so under oath or affirmation administered by the Chair of the Board of Health. The hearing body may exclude irrelevant or immaterial evidence. The hearing body, the Board of Health, may question any witness called to testify to clarify any point or to otherwise assist the body in reaching a decision. Written notice of a hearing may be waived by the party.

The health officer shall be designated as "petitioner", and the permit holder shall be designated as "respondent" in hearings before the Board of Health. The petitioner bears a civil burden of proof, preponderance of the evidence, to have a suspension or revocation of a permit affirmed by the Board of Health. A majority decision of the Board of Health of the members present at the hearing shall be required to affirm a suspension or revocation of a permit. The decision of the appeal body, the Board of Health, shall be a final decision.

8) PLAT REVIEW AND SUBDIVISION PLAN REVIEW:

- a) All lots must have an area available that will provide sufficient space to maintain, repair and replace the private sewage disposal system that is required on each lot per applicable Illinois law on requirements set forth in Section B of this ordinance.
- b) All lots of the proposed subdivision must have percolation tests or a soil analysis conducted to determine the type of private sewage disposal system that would need to be installed on a specific lot. The percolation test would need to be performed by a private sewage installation contractor licensed by the Illinois Department of Public Health or a Registered Engineer. The soil analysis would need to be performed by a certified soil classifier of the Illinois Soil Classifiers Association or a certified soil classifier with the American Registry of Certified Professionals in Agronomy, Crops, and Soils, a licensed professional engineer, or employees of a local health department that have been approved by the Illinois Department of Public Health.
- c) Subdivision plans shall be approved provided that all the requirements of this Ordinance are met and that the following information has been submitted to the Health Officer:
 - 1) An application requesting review of the proposed subdivision sites has been completed on forms provided by the Fulton County Health Department for that purpose.
 - 2) A preliminary plat is submitted through the county plat officer. If the proposed subdivision is located in an area not subject to review by the plat officer, the plat along with the information required for review shall be submitted directly to the Health Officer.
- d) In addition to the information required in subsection (b), those areas where the ground does not have sufficient ability to absorb liquids and percolation tests or soil analysis have demonstrated that percolation rates greater than three hundred sixty (360) minutes per six (6) inches would be obtained, or if soil analysis indicates the soil is unsuitable for a private sewage disposal system, the development of the subdivision can be accomplished only by providing a sewer system connected to a community type sewage disposal system approved by the Illinois Environmental Protection Agency, or by means of an approved surface discharge system for each lot that would have an individual dwelling constructed on it. If systems to serve individual dwellings with surface discharges are to be utilized, then the following information must be provided in addition to that required in subsection (d):

- 1) The proposed type of system.
 - 2) The proposed points of discharge of each system proposed must be in compliance with the effluent discharges as stated in the Private Sewage Disposal Licensing Act and Code.
 - 3) Easements shall be provided for all common collectors that are required to cross other property for the installation and maintenance of such lines. These lines shall be constructed of schedule 40 or stronger PVC pipe except where it is required that they cross either a public or private roadway where they will meet the specifications of the county or township road commissioner, whichever has jurisdiction.
- e) The final plat must be signed by the Health Officer to indicate that all provisions of this Ordinance, the Private Sewage Disposal Licensing Act and Code, and all Rules and Regulations as established by the Board of Health have been met.

9) SALES TRANSACTIONS:

- a) When a property that is served by a private sewage disposal system is offered for sale within the boundaries of Fulton County, the owner of that property must make application with the Health Officer on forms provided by the Fulton County Health Department to conduct a private sewage disposal system evaluation of the existing system. Documentation must be provided that ensures that any property served by an aerobic treatment unit has been serviced by a manufacture's authorized service representative within the past thirty (30) days and that at the time of service the unit was functioning properly. The written documentation provided by the manufactures authorized service representative may be utilized by the Health Officer in lieu of a site visit for the purpose of performing the system evaluation.

10) AEROBIC TREATMENT UNITS:

- 1) Any alternative private sewage disposal system with a surface discharge to be installed within the boundaries of Fulton County, Illinois shall be listed by NSF International as complying with the requirements of the ANSI/NSF Standard Number 40, Individual Aerobic Treatment, July 1990 or subsequent revisions and amendments. This Section shall allow NSF approved aerobic treatment plants to serve residential property that is occupied on a year-round or full-time basis. Aerobic treatment plants shall not be used to serve residential property that is used as a seasonal, weekend or part-time residence.

- 2) Installation of all components of aerobic treatment plants shall be installed at the time of the original installation.
- 3) An aerobic treatment plant falling within the scope of Standard 40 must be maintained to achieve performance consistent with demonstrated capabilities. All maintenance must be performed by a manufacturer authorized service representative. All manufacture's service representatives must be registered with the Fulton County Health Department. All property owners whose property is served by an aerobic treatment unit are required to have at all times an active maintenance contract with manufacture's authorized service representative.
- 4) An aerobic treatment plant can only be installed if the Health Officer has determined that no other approved private sewage disposal system can be installed on that property.

11) PUMPING, TRANSPORTING AND DISPOSAL OF SEWAGE:

- 1) Any person pumping, transporting, or disposing of sewage within the boundaries of Fulton County must be licensed by the Illinois Department of Public Health for such purposes and registered with the Fulton County Health Department.
- 2) All persons pumping, transporting, or disposing of sewage within the boundaries of Fulton County must submit a monthly log to the Fulton County Health Department which will state the name of the owner, the property address, the gallons pumped, the method of disposal, and the specific location of where the sewage was disposed to include municipal sewage operations or ground application. All logs must be submitted to the Fulton County Health Department no later than 30 days from the last date of the month.
- 3) The pumping, storage, transportation, and disposal of all septage shall Be handled in accordance with Section 905.170 of the "Private Sewage Disposal Licensing Act and Code" and in accordance with 40 CFR 503-Standards for the Use of or Disposal of Sewage Sludge.
- 4) Notification of disposal sites for sewage disposal must be provided annually and updated when new or additional disposal sites are utilized by the sewage pumper. The notification of the disposal sites are to be on forms provided by the Fulton County Health Department and must include the county where the sewage is disposed, the township, range, and section; with description to the nearest ¼ section, name and address of the owner of the property, the property address, and purpose for which the disposal site is otherwise used, such as pasture, grain

crops, mowing crops, or timber; the quantity to be disposed of at an approved site or the quantity to be applied to the agricultural land. If the sewage sludge disposal is to be applied to agricultural land, the sewage disposal pumper must provide the Fulton County Health Department with a written notice signed by the property owner indicating the consent of the property owner for such application.

- 5) The sewage pumper must provide the homeowner, or business owner with a written notice stating the pumper's business name, address and telephone number, the specific onsite pumper's name, the size of the septic tank, the condition of the septic tank including the inlet and outlet baffles, the amount of sewage pumped and the location of where the sewage is being disposed.
- 6) The disposal of waste from portable toilet must be discharged to a municipal sanitary sewer system, or sludge lagoon or sludge drying bed, incineration device, or sanitary landfill as approved by the Illinois Environmental Protection Agency.

12) VARIANCES:

If circumstances exist which makes compliance with the requirements impractical or impossible, a person may request the Health Officer to review a proposal for modification of the requirements. Such request shall be made in writing on forms provided by the Health Officer and be accompanied by a plan drawn to scale and shall include pertinent data to support the request.