

MACOUPIN COUNTY BOARD
ORDINANCE No. O-2022.01

PRIVATE SEWAGE DISPOSAL SYSTEM ORDINANCE

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

Pursuant to the powers granted to the Macoupin 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 Macoupin County, Illinois that the following rules and regulations are hereby made and adopted.

SECTION I
DEFINITIONS

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

- 1.1 **AUTHORIZED REPRESENTATIVE** shall mean the legally designated Administrator or the Acting Administrator of the Macoupin County Health Department and shall include those persons designated by the Administrator or Acting Administrator to enforce the provision of this Ordinance.
- 1.2 **BOARD OF HEALTH** shall mean the Macoupin County Board of Health or its Authorized Representative(s).
- 1.3 **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.
- 1.4 **DOMESTIC SEWAGE** means waste water derived principally from dwellings, business or office buildings, institutions, food service establishments, and similar facilities.
- 1.5 **HEALTH DEPARTMENT** shall mean the Macoupin County Public Health Department, an agency of the Macoupin County Board of Health.
- 1.6 **HOME OWNER** means a contract-for-deed buyer or a person who holds legal title to a residential structure which is to be used or is used for his personal, single family residence.
- 1.7 **HOME OWNER INSTALLED SYSTEM** means for a private sewage disposal system installed by a home owner for his personal single family residence.
- 1.8 **MODIFY** shall mean any change in the design or components of a private sewage disposal system requiring a permit herein defined.

SECTION I
DEFINITIONS (continued)

- 1.9 **“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.
- 1.10 **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.
- 1.11 **PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION CONTRACTOR** means any person constructing, repairing, installing, modifying, or maintaining private sewage disposal systems.
- 1.12 **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.
- 1.13 **PRIVATE SEWAGE DISPOSAL SYSTEM CONTRACTOR’S REGISTRATION** shall mean an annual Registration Certificate issued by the Macoupin County Public Health Department to all private sewage disposal contractors engaged in the installation and/or servicing of private sewage disposal systems within the limits of Macoupin County.
- 1.14 **SEPTIC TANK MANUFACTURERS AND/OR AERATION UNIT DEALERS** means any person who manufactures, sells, offers for sale, or delivers septic tanks or aeration units in or into Macoupin County.
- 1.15 **SEPTIC TANK MANUFACTURERS AND/OR AERATION UNIT DEALERS REGISTRATION** shall mean an annual registration certificate issued by Macoupin County Public Health Department to all septic tank manufactures and/or aeration unit dealers engaged in the manufacture, sale, offer for sale, and delivery of septic tanks and/or aeration units in or into Macoupin County.
- 1.16 **SOIL INVESTIGATION** shall mean soil characteristics on sites proposed for the development with private sewage disposal systems shall be based on soil borings date collected by a soil classifier or an Illinois licensed Professional Engineer.

SECTION II
ADOPTION BY REFERENCE

- 2.1 This Ordinance shall adopt by reference and shall be interpreted and enforced in accordance with provisions set forth in the current, unabridged form of the State of Illinois, Department of Public Health, “Private Sewage Disposal Licensing Act

and Code” and any subsequent amendments or revisions thereto, three certified copies of which shall be on file in the office of the Macoupin County clerk.

SECTION III PERMITS

- 3.1 Minimum lot size for a residential structure requiring a private sewage disposal system, but with a public water system, shall be ~~twenty thousand (20,000) square feet in area~~ **forty-three thousand five hundred and sixty (43,560) square feet (1 acre)** in area, and where a private water supply and a private sewage disposal system is proposed, shall be one (1) acre in size. However, a greater area may be required for such lots if, in the opinion of the Health Department, there are other factors of drainage, soil conditions, or other conditions which may cause potential health problems. Lots plotted and on record before the effective date of this ordinance, will be given special consideration when applying for a permit. If a smaller area is requested, and there are extenuating or unusual circumstances, a variance may be granted if in the opinion of the Health Department, an approved system can be installed and no potential health hazards will exist. However, the area shall be large enough to provide for a second private sewage disposal system of a size and type equivalent to the minimum system approved for the lot.
- 3.2 It shall be unlawful for any person to construct, alter or extend individual domestic sewage disposal systems within Macoupin 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.
- 3.3 All applications for permits granted under the provision 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.
- 3.4 A permit shall only be issued to a homeowner and/or a Macoupin County licensed private sewage disposal system installation contractor installing a sewage disposal system.
- 3.5 Permit application forms provided by the Health Department shall be completed and signed by each applicant and shall include the following:
 - 3.5.1 Name and address of the applicant and location of the proposed site of construction, alteration, or extension as proposed.
 - 3.5.2 Complete plan of the proposed disposal facility, with substantiating data, if necessary, attesting to its compliance with the minimum standards of this Ordinance.

- 3.5.3 Such other information as may be required by the Health Authority to substantiate that the proposed construction, alteration, or extension complies with minimum standards of this Ordinance.
- 3.6 The Board of Health or its Authorized Representative 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 300 feet for a single family residence and not greater than 1,000 feet for a commercial establishment, subdivision, or multi-family dwelling.
- 3.7 The Board of Health or its Authorized Representative shall act upon all applications within 15 days of receipt thereof.
- 3.8 Said permit to construct is valid for a period of six months from date of issuance. If construction has not started within this period, the permit is void.
- 3.9 A minimum of one (1) soil evaluation, as required by this ordinance, shall be performed prior to the install of any Private Sewage Disposal Systems according to the provisions of the Illinois Private Sewage Licensing Act and Code adopted hereinafter by reference. Soil Evaluations may be performed by a soil classifier or an Illinois licensed Professional Engineer. The Health Department reserves the right to determine the validity of any evaluation and there shall be a minimum of three (3) borings, fifty (50) feet apart, in the proposed subsurface seepage area. The Health Department shall be notified of a soil evaluation report.
- 3.10 The Health Department shall be notified of any modification, change or repair to any private sewage disposal system by either a home owner or contractor to determine whether that modification, change, or repair requires a permit as set forth in paragraph 3.2 of this Section. The routine cleaning of disposal system components, replacing septic tank cover, or rodding out inlet and outlets, does not require a construction permit as defined under Section 3 of this Ordinance.
- 3.11 There may be a fee charged for the initial construction permit, alteration or extension of an individual sewage system. The fee shall be collected by the Health Department at the time an application for permit is submitted, and shall be deposited into the Health Department Fund. The fee schedule shall be as approved by the Board of Health.
- 3.12 The Board of Health or its authorized representative shall not grant a permit for the construction of a private sewage disposal system for any newly proposed structure or house that requires a private sewage disposal system permit without first obtaining a valid County Building Permit issued by the Supervisor of Assessments office. A copy of the valid County Building permit must be

submitted to the Macoupin County Public Health Department when applying for a private sewage disposal system permit. Under no circumstances will a private sewage disposal system permit be issued without the Macoupin County Public Health Department first receiving a copy of the valid County Building permit.

3.13 Aeration Devices

Aerobic Treatment Plant Approval

Aerobic treatment plants shall be tested and listed by NSF International or a laboratory approved by ANSI to determine compliance with the requirements of ANSI/NSF Standard 40, Residential Wastewater Treatment Systems, January 18, 1999. Standard 40 is a standard which covers an organized and coordinated system of components that functions to treat domestic sewage from individual residences. This part shall approve aerobic treatment plants to serve a residential property which is occupied on a year round or full time basis. Aerobic treatment plants shall not be used to serve a residential property which is used as a seasonal, weekend or part-time residence. Aerobic treatment plants considered for use to serve a non-residential property shall meet the requirements of Section 905.100j 1-3 of the Illinois Department of Public Health Private Sewage Code.

Class II Effluent Aerobic treatment plants listed by NSF International or a laboratory approved by ANSI to determine compliance with ANSI/NSF Standard 40 for Class II effluent shall discharge to a subsurface seepage system, or alternative technology.

Class I Effluent Aerobic treatment plants listed by NSF International or a laboratory approved by ANSI to determine compliance with ANSI/NSF Standard 40 for Class I effluent shall discharge to one of the following:

1. A subsurface seepage field designed and constructed to be at least 2/3 the size determined necessary by estimated permeability,
2. To a surface discharge in accordance with the Illinois Department of Public Health Private Sewage Code,
3. Or alternative technology

General National Pollutant Discharge Elimination System (NPDES) Permit: The owner of record of a surface discharging onsite wastewater treatment system shall assure that the system is in compliance with the National Pollutant Discharge Elimination System (NPDES) permit requirements of the U.S. Environmental Protection Agency.

SECTION IV SUBDIVISIONS

4.1 The Health Department shall require subdividers to furnish information concerning soil absorption capacities, or require changes in a proposed subdivision plat, to reasonably ascertain that each lot of said proposed subdivision will be able to support the installation and subsequent use of an approved private

sewage disposal system as defined in the Illinois Private Sewage Disposal Licensing Act and Code.

SECTION V REGISTRATIONS

- 5.1 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 Macoupin County. The Health Department shall issue a private sewage disposal system installation contractor registration certificate or a private sewage disposal system pumping contractor registration certificate to persons applying for such certificate who pass the written examination given by the State for the certificate desired. An annual registration fee of seventy-five dollars shall be required for each certificate issued. 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.
- 5.2 An annual Septic Tank Manufacturer and/or Aerobic 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 Macoupin County. The Macoupin County Public Health Department shall issue a Septic Tank Manufacturer and/or Aerobic Unit Dealer Registration Certificate to persons who apply for such certificate and who have approval to manufacture and sell septic tanks and/aerobic units from the Illinois Department of Public Health. There shall be no fee for said certificate. All registration certificates shall expire December 31st of the year in which they were issued, except those issued in December will expire December 31st of the following year.

SECTION V REGISTRATIONS (continued)

- 5.3 All persons who hold a Septic Tank Manufacturers and/or Aerobic Unit Dealer Registration Certificate shall be required to notify Macoupin County Public Health Department in writing within ten days of the date of delivery or sale of a septic tank or aerobic 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 unit.

This information shall be provided on forms provided by Macoupin County Public Health Department to Septic Tank Manufacturers and/or Aerobic Unit Dealer Registrants upon request of the Septic Tank Manufacturer and/or Aerobic Unit Dealers.

SECTION VI COMPLIANCE AND PERFORMANCE

- 6.1 All private sewage disposal systems within the limits of Macoupin 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 own personal single family residence.
- 6.2 All private sewage disposal systems shall be installed, modified, serviced, pumped and the contents disposed of in accordance with the Illinois Private Sewage Disposal Code, 1984 Edition, and any subsequent amendments.
- 6.3 All septic tank and/or aerobic units manufactured, sold, offered for sale, or delivered in Macoupin County shall comply with provisions in this Ordinance. Owners whose property is served by an aerobic unit and/or has a surface discharging system installed on or after January 10th, 2022 are required to have, at all times, an active contract to inspect the operation and ensure proper maintenance of the system. The inspection and maintenance must be done by a certified private sewage disposal installation contractor. At a minimum surface discharging systems shall be inspected and/or maintained as follows and in accordance with the IDPH Private Sewage Code:
- 1.) Aerobic Treatment Units – once every six months. Inspection and maintenance must be performed by a manufacturer's authorized service representative.
 - 2.) Sand filters – once a year, with a minimum of six months between inspections.
 - 3.) All other surface discharging systems shall be inspected at a frequency established by the Health Department.

SECTION VII ENFORCEMENT

- 7.1 It shall be unlawful to discharge untreated sewage or the effluent from any septic tank directly or indirectly to any stream, ditch, ground surface, or abandoned well, or to allow the contents of any privy vault, septic tank or seepage pit to emit offensive odors, to become objectionable, dangerous, or prejudicial to the public health.
- 7.2 Private sewage disposal systems contracted prior to the effective date of this Ordinance shall comply with any provision of this Ordinance deemed necessary by the Health Authority.
- 7.3 The Board of Health or its Authorized Representative is, hereby, authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance.
- 7.4 The Board of Health or its Authorized Representative shall have authority to make periodic sampling and testing of all surface discharging systems installed in the County at their discretion. The effluent sample shall be taken at the sample

port or discharge line end and must meet the effluent quality guidelines of the Illinois Private Sewage Disposal Code, Section 905.110 d). Samples shall be analyzed in accordance with the “Standard methods from the Examination of Water and Wastewater.”

- 7.5 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 reasonable times for the purpose of making such inspections as are necessary to determine compliance with the requirements of this Ordinance.
- 7.6 An individual sewage disposal system which has been installed by a home owner for his personal residence shall not be covered or placed in operation until the said installation shall have been inspected and written approval of the said system shall have been issued by the Health Department.
- 7.7 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, cinders, gravel, shale, or any other material which will prevent the same from being readily viewed to determine if the said system meets all requirements of the Ordinance before receipt of written 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 such backfilled or covered portions of the system.
- 7.8 If, at the end of such fifteen (15) days, the home owner shall not have uncovered the individual sewage disposal system, the permit is automatically invalidated and penalty action may be taken. The Health Authority 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 execution of a lien against the property.

SECTION VIII ISSUANCE OF NOTICE

- 8.1 Whenever the Health Department determines that a violation of any provision of this Ordinance has occurred, the Health Department shall give notice to the person responsible for such violation. This notice shall:
- 8.1.1 be in writing.
- 8.1.2 include a statement of the reasons for issuance of the notice.
- 8.1.3 allow reasonable time as determined by the Health Department for performance of any act it required.

SECTION VIII ISSUANCE OF NOTICE (continued)

- 8.1.4 be served upon the person responsible for the violation(s); provided that such notice shall have been properly served upon the person responsible for the violations when a copy thereof has been sent by registered or certified mail to his last known address as furnished to the Health Department or when he has been served with such notice by any other method authorized by laws of this State, and,
- 8.1.5 contain an outline of remedial action which is required to effect compliance with this Ordinance.
- 8.2 It shall not be a prerequisite to enforcement of the penalty provisions of this Ordinance that the Health Department first resort to the notice procedure set forth in Section 8.1 of this Section.

SECTION IX REVOCATION OF REGISTRATIONS

- 9.1 For serious or repeated violation of any of the requirements of this Ordinance, the private sewage disposal contractor's Registration Certificate and Septic Tank Manufacturer and/or Aerobic Unit Dealer Registration Certificate may be revoked after an opportunity for a hearing has been provided by the Health 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 and advising that the certificate shall be revoked at the end of 5 days following service of such notice, unless a request for a hearing is filed with the Health Authority, by the holder, within such 5-day period. A Registration Certificate may be suspended for cause pending its revocation or a hearing relative thereto where a clear and present danger to the public health is preliminarily found to exist by the Health Authority.

SECTION X HEARINGS

- 10.1 Hearings Before The Health Authority

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 Authority. The Health Authority shall hold a hearing at a time and place designated by him within thirty (30) days from the date of which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held. If as a result of the hearing, the Health Authority finds that 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

SECTION X HEARINGS (continued)

action may, where he 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 therefrom through a hearing before the Board of Health Private Sewage Committee.

10.2 Hearing Before the Board of Health Private Sewage Committee

Any person aggrieved by the decision of the Health Authority rendered as the result of a hearing held in accordance with this Section may file in the office of the Health Department a written request for a hearing at a time and place designated by the Secretary of the Board of Health within thirty (30) days of the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held. If, as a result of facts elicited as a result of the Private Sewage Committee hearing, the Board of Health finds that strict compliance with the decision of the Health Authority would cause undue hardship on the petitioner, and that the public health would be adequately protected and substantial justice done by granting a variance from the decision of the Administrator or Acting Administrator, the Board of Health Private Sewage Committee may grant a variance and as a condition of such variance, may, where it deems necessary, make requirements which are additional to those prescribed by this Ordinance, all for the purpose of properly protecting the public health. The Board of Health Private Sewage Committee will render a decision within ten (10) days after the date of the hearing which shall be reduced to writing and placed on file in the office of the Health Department and a copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail.

SECTION XI PENALTY

- 11.1 Any person who violates any provision of this Ordinance shall be guilty of a Class B misdemeanor and shall be fined a sum of not less than \$100.00.
- 11.2 Each day's violation constitutes a separate offense. The State's Attorney of Macoupin 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 establishment causing such violation. All monies collected from fines under this Ordinance shall be deposited to the Macoupin County Health Department Fund.

SECTION XII

CONFLICT OF ORDINANCE, EFFECT ON PARTIAL INVALIDITY

- 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 Macoupin 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 Macoupin 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, and 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.
- 12.2 In 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 provision of this Ordinance are hereby declared to be severable.

SECTION XIII

This Ordinance shall be in full force and effect from the date of its adoption.

Passed and adopted this 14th day of February, 1984 by the Macoupin County Board.

John R. Jubelt
Chairman, County Board
Ayes 18
Nays 4
Absent 3

Attest: John Saracco

With revisions as per direction of Division of Environmental Health, Illinois Department of Public Health, and Macoupin County Public Health Board.

April 10, 1986
Date

George M. Caveny
Chairman
Macoupin County Board of Supervisors

SECTION XIV

With revision (addition of Subsection (3.12) as passed unanimously and adopted this 11th day of May, 2004 by the Macoupin County Board.

Department. A license which has expired for more than 3 years may be restored only by reapplying to take the examination and by successfully passing the written examination.

Amended by P.A. 84-670, § 1, eff. July 1, 1986.

ADDENDUM PRIVATE SEWAGE ORDINANCE

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116.305a. Examination

§ 5a. All applications shall be tested and required to attain a passing grade prescribed by the Department on an examination which evaluates the applicants' general knowledge of the design, installation, operation, maintenance and servicing of on-site waste water disposal systems.

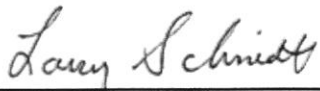
Applications for examination shall be in the form prescribed by the Department and shall be accompanied by the required fee determined by the Department. The Department shall conduct written examinations at least 2 times a year and may require a practical demonstration by each applicant. The written examination shall be prepared by the Department.

Persons holding a valid license on the effective date of this amendatory Act of 1985 shall be required to pass the written examination by December 31, 1989. A license will not be renewed after December 31, 1989, unless the person holding the license has successfully passed the written examination.

SIGNED this 11th day of January, 2022.

Voting Yes: ___18___

Voting No: ___0___



Larry Schmidt
Chairman of the Board
Macoupin County, Illinois
Illinois



Pete Duncan
Clerk
Macoupin County,