

GALLATIN COUNTY PRIVATE SEWAGE DISPOSAL SYSTEM ORDINANCE

An ordinance regulating private sewage disposal systems, the construction and/or reconstruction of such systems, in Gallatin County Illinois.

Pursuant to the powers granted to the Gallatin County Board by the Statutes of the State of Illinois in such case made and provided therefore, and WHEREAS, the improper treatment and disposal of sewage is a menace to the public health: THEREFORE, BE IT RESOLVED by the County Board of Gallatin 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 Gallatin 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 Egyptian Board of Health or its Authorized Representative(s).
- 1.3 **COMMON COLLECTOR** means an underground, enclosed conduit designed to carry treated sewage effluent exclusive of storm water from 3 or fewer properties per day and has a surface discharge. An example of a common collector is a solid plastic pipe installed to carry treated sewage effluent from 2 or 3 discharging systems with a combined design flow of less than 1500 gallons per day. Examples of what is not a common collector are road ditches, field ditches, curbs and gutters, grassed waterways, concrete or other lined drainage ways.
- 1.4 **DOMESTIC SEWAGE** means wastewater derived principally from dwellings, business or office buildings, institutions, food service establishments, and similar facilities.
- 1.5 **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.
- 1.6 **HEALTH DEPARTMENT** shall mean the Egyptian Public Health Department, an agency of the Egyptian Board of Health.
- 1.7 **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.
- 1.8 **HOME OWNER INSTALLED SYSTEM** means a private sewage disposal system installed by a home owner for his personal single family residence.
- 1.9 **MODIFY** shall mean any change in the design or components of a private sewage disposal system requiring a permit herein defined.
- 1.10 **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.
- 1.11 **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 of any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge.

easements, wells, or abandoned wells

- 4.2.5 A statement on the potential for flooding based on field observations and historical review (Section 905.20 [j] [1]) of the sewage code
- 4.3 For every private surface discharging sewage system, a detailed description of the proposed effluent disposal method must be submitted verifying disposal in accordance with Section 905.110 of the sewage code. If it is proposed to dispose of the effluent to the ground surface, then the method to be used to prevent the effluent from ponding or creating a nuisance condition must be described.
- 4.4 Should a developer fail to submit the information necessary for this review, the Gallatin County Plat Officer and the County Highway Engineer will be so advised.
- 4.5 Lot Size:
Minimum lot size for a residential structure requiring a private sewage disposal system, shall be one (1) acre in size excluding road easements or as established by the Gallatin County Subdivision Ordinance, whichever is greater. A larger area may be required for such lots if, in the opinion of the health department, there are factors of drainage, soil conditions or other conditions, such as surface discharges from private sewage disposal systems which may cause health problems or nuisance conditions. If a subsurface seepage field is proposed, a soil investigation must be performed by a soil classifier or Illinois licensed professional engineer. The soil investigation shall meet the requirements of the Sewage Code Section 905.55, Part A (1&2). Lots platted and on record before the effective date of this Ordinance for which sewage plans were approved, will receive a variance from this section. A smaller lot may be requested if a community sewage collection system is proposed and approved by the Illinois Environmental Protection Agency. A variance may be granted if, in the opinion of the health department, it is impractical or impossible to comply with the sewage code and an approved system can be installed that does not create health hazards or nuisance conditions.
- 4.6 A private sewage disposal system that produces a surface discharge, which may leave the homeowner's property, shall first enter an effluent receiving system of no less than 150 square feet per bedroom or, to the maximum extent practicable to minimize off lot discharges from the private sewage system. The effluent receiving system shall be installed so when full, the effluent discharged will bypass the effluent receiving system and enter the chlorination unit before discharging to the ground surface.
- 4.7 An effluent reduction system will consist of: (1) A trench with a depth of 12-24 inches, (2) a trench width of 24-36 inches, (3) four inch perforated pipe with a gravel size of 3/4 to 4 inches, gravelless pipe, or a chambered system, size installed in accordance with the Sewage Code per section 905.55. Additional technology will be evaluated in order to achieve compliance with the Sewage Code for flow reduction methods on surface discharging private sewage systems.
- 4.8 The final discharge point of the private sewage systems, that produce a surface discharge, must be a minimum distance of 50 feet from property lines.

SECTION V **PERMIT REQUIREMENTS**

- 5.1 It shall be unlawful for any person to construct, alter or extend individual domestic sewage disposal systems within Gallatin 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. This permit shall be valid for period of 12 months from the date it is issued.
- 5.2 All applications for permit granted under the provisions of this Ordinance shall be made to the Board of Health or it's duly Authorized Representative.
- 5.3 A permit shall only be issued to a homeowner and/or an Illinois licensed private sewage disposal system installation contractor installing a sewage disposal system.

- 5.4 Permit application forms provided by the Health Department shall be completed and signed by each applicant and shall include the following:
- 5.4.1 Name and address of the applicant and location of the proposed site of construction, alteration, or extension as proposed.
- 5.4.2 Complete plan of the proposed disposal facility attesting to its compliance with the minimum standards of this Ordinance.
- 5.5 The Board of Health or its Authorized Representative may refuse to grant a permit for the construction of a private sewage disposal system where a sanitary sewage system is available. A sewer shall be deemed available when a sanitary 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 sanitary 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.
- 5.6 The Board of Health or its Authorized Representative shall act upon all applications within 15 days of receipt thereof.
- 5.7 Any effluent that may leave the homeowner's property must first obtain a NPDES permit from the Illinois Environmental Protection Agency.
- 5.8 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 5.1 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 5 of this Ordinance.
- 5.9 There will 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.

SECTION VI **ENFORCEMENT**

- 6.1 It shall be unlawful to discharge untreated sewage or the effluent from any septic tank directly or indirectly to any stream, ditch, ground surface, sink hole 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.
- 6.2 Private sewage disposal systems constructed prior to the effective date of this Ordinance shall be updated to comply with the requirements of this Ordinance when they require a permit to repair or replace that system.
- 6.3 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 reasonable times to any property that has a private sewage disposal system on it for the purpose of making such inspections as are necessary to determine compliance with the requirements of this Ordinance.
- 6.4 A private sewage disposal system shall not be covered or placed in operation until the said installation has been inspected and written approval of the said system shall have been issued by the Health Department.
- 6.5 If any person who installs a 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.

6.6 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 active 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.

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SECTION VII **ISSUANCE OF NOTICE**

7.1 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:

- 7.1.1 Be in writing,
 - 7.1.2 include a statement of the reasons for issuance of the notice,
 - 7.1.3 allow reasonable time as determined by the Health Department for performance of any act it required,
 - 7.1.4 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,
 - 7.1.5 contain an outline of remedial action which is required to effect compliance with this Ordinance.
- 7.2 It shall not be prerequisite to enforcement of the penalty provisions of this Ordinance that the Health Department first resort to the notice procedure set forth in Section 7.1 of this Section.

SECTION VIII **HEARINGS**

- 8.1 Hearings Before The Health Authority
Any person affected by an order or notice, issued by the Health Department in connection with the enforcement of any Section of this Ordinance, may file in the office of the Health Department a written request for a hearing before the Health Authority. The Health Authority shall hold a hearing at a time and place designated by the Health Department 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 Authority finds 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. 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 there-from through a hearing before the Board of Health.

8.2 Hearing Before The Board of Health

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 Board of Health within thirty (30) days of the date one 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 hearing, the Board of Health finds 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 may grant a variance. The Board of Health 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 IX
CITATION NOTICE

9.1 When anyone fails or refuses to correct any violation(s) of this Ordinance, after due notice and time specified in Section VII, the Health Authority shall issue a citation notice to the person responsible for the violation(s). The citation notice shall state the date, time and place the person responsible for the violation(s) is to appear in the county court. Upon conviction, the person responsible for the violation(s) shall be subject to the penalty specified under Section X of this Ordinance.

9.2 When a private sewage disposal system is installed without a valid permit being issued by the Health authority, a citation notice shall be issued to the person responsible for the violation, with no prior notice required.

SECTION X
PENALTY

10.1 Any violation of this Ordinance shall be a petty offense with a fine of up to \$1000.00 for each offense.

10.2 Each day's violation constitutes a separate offense.

SECTION XI
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 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 Gallatin 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.

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 provision of this Ordinance are hereby declared to be severable.

SECTION XII
EFFECTIVE DATE

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

Passed and adopted this 15th day of March, 2018
by Gallatin County Board.


CHAIRMAN

ATTEST:


COUNTY CLERK

