

## JACKSON COUNTY 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) within the limits of Jackson County, IL.

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

Adopted: 11/10/65  
1st Revision: 12/15/71  
Adopted: 1/1/72

2nd Revision: 10/11/72  
Adopted: 11/1/72

3rd Revision: 2/20/75  
Adopted: 5/14/75

Amended: 9/18/75  
Adopted: 11/12/75  
Effective Date: 1/1/76

Amended: 9/19/78  
Adopted: 11/8/78  
Effective Date: 12/1/78

Amended: 9/25/80  
Adopted: 12/16/80  
Effective: 1/1/81

Amended: 2/15/89  
Adopted: 3/8/89  
Effective: 3/8/89

Amended: 7/10/96  
Adopted: 7/10/96  
Effective Date: 8/1/96

Amended: 8/9/99  
Adopted: 10/13/99  
Effective Date: 11/1/99

Amended: 9/01  
Adopted: 10/25/01  
Effective Date: 11/01/01

Amended: 8/04  
Adopted: 9/8/04  
Effective: 10/01/04

Amended: 8/07  
Adopted: 9/12/07  
Effective: 10/01/07

Amended: 9/2009  
Adopted: 10/14/09  
Effective: 12/01/09

Amended: 10/2013  
Adopted: 12/17/13  
Effective: 1/1/14

Amended: 10/22/19  
Adopted: 10/22/19  
Effective: 12/1/19

## TABLE OF CONTENTS

Section	Page
I. Definitions .....	1-2
II. Permits and Requirements for Private Sewage Disposal Systems .....	2-4
III. Contractor's Registration .....	4
IV. Compliance and Performance .....	4-5
V. Subsurface Seepage Fields .....	5
VI. Adoption by Reference .....	5
VII. Enforcement .....	6
VIII. Issuance of Notice .....	7
IX. Revocation of Contractor's Registration Certificate .....	7-8
X. Penalty .....	8
XI. Conflict of Ordinance, Effect of Partial Invalidity .....	8

## **SECTION I DEFINITIONS**

The following definitions shall apply in the interpretation and enforcement of this ordinance:

**ADMINISTRATOR** shall mean the person who has been designated by the Board of Health to administer the affairs of the health department.

**APPLICANT** shall mean any person who has properly and completely filled out an application for permit form requesting authorization to construct, alter, or extend a private sewage disposal system in Jackson County, Illinois.

**AUTHORIZED REPRESENTATIVE** shall mean the legally designated Administrator or the Acting Administrator of the Jackson County Health Department and shall include those persons designated by the Administrator or Acting Administrator to enforce the provisions for this ordinance.

**BOARD OF HEALTH** shall mean the Jackson County Board of Health or its Authorized Representative(s).

**BOD5** shall mean the five day Biochemical Oxidation Demand -- A standard test used in assessing the strength of Domestic Sewage as described in "Standard Methods for the Examination of Water and Wastewater," 14th edition, American Public Health Association, American Water Works Association, American Water Pollution Control Federation, Washington, D.C., 1975.

**DOMESTIC SEWAGE** means wastewater derived principally from dwellings, business or office buildings, institutions, food-service establishments, and similar facilities.

**HEALTH DEPARTMENT** shall mean the Jackson County Health Department, an agency of the Jackson County Board of Health.

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

**HUMAN WASTE** means undigested food and by-products of metabolism which are passed out of the human body.

**PERSON** means 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.

**PERSONAL SINGLE FAMILY RESIDENCE** means any single family dwelling unit which is to be used by a home owner/applicant as his or her principle residence.

**PERMIT** shall mean a written permit issued by the Board of Health or its Authorized Representative permitting the construction, alteration or extension of a private sewage disposal system in accordance with the provisions of this ordinance.

**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.

**PRIMARY SEWAGE TREATMENT DEVICE** means any component part of a private sewage disposal system that results in the removal of a substantial amount of the organic and inorganic settle-able solids through the physical process of sedimentation only. A septic tank, primary sedimentation tank, settling chamber,

lagoon without a septic tank preceding the lagoon, or any similar treatment process or device shall for the purposes of this definition be deemed a primary sewage treatment device.

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

**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.

**PRIVATE SEWAGE DISPOSAL SYSTEM CONTRACTOR** means any person engaged in the business of constructing, installing, maintaining, servicing, or cleaning of private sewage disposal systems or the hauling or disposal of wastes removed therefrom. This definition shall include any person who repairs or constructs a major segment of a private sewage disposal system.

**PROPERTY** mean all or part of a tract of land for which legal title has been recorded.

**PROPERTY OWNER** means the person in whose name legal title to the real estate is recorded.

**SUBDIVISION PLAN REVIEW:** The consideration of plans, documents and other information which support the proposed division of land into two or more parcels and results in the Health Department issuing an opinion or recommendations in relation to the location or placement of existing or potential private sewage disposal systems.

**WASTE LOADING** shall mean the BOD5 content, usually expressed in pounds per person or population equivalent.

## **SECTION II PERMITS AND REQUIREMENTS FOR PRIVATE SEWAGE DISPOSAL SYSTEMS**

- 2.1 It shall be unlawful for any person to construct, alter or extend a private sewage disposal system within Jackson County unless he holds a valid permit issued by the Health Department.
- 2.2 A permit shall only be issued to a private sewage disposal system contractor who holds a valid Private Sewage Disposal System Contractor's Registration Certificate issued to him by the Jackson County Health Department or a home owner installing a private sewage disposal system to serve his own personal single family residence.
- 2.3 Permit application forms provided by the Health Department shall be completed and signed by each applicant and shall include the following:
  - 2.3.1 Name, address and telephone number of the applicant, the signature of the private sewage disposal system contractor when applicable and the location of the proposed site of construction, alteration, or extension.
  - 2.3.2 Complete plan of the proposed disposal facility, with substantiating data, attesting to its compliance with the minimum standards of this ordinance.

2.4 All applications for permits granted under the provisions 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.

2.5 The Board of Health or its Authorized Representative may refuse to grant a permit for the construction of a private sewage disposal system where 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 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 or multi-family dwelling.

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

2.7.1 There shall be a standard \$230.00 permit fee charged for the issuance of a permit authorizing the construction, alteration or extension of any private sewage disposal 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. If a permit is denied, the fee shall be returned to the applicant. In addition, the following fee schedule shall apply for other specific services rendered.

1.	Design of plans .....	\$25.00
2.	Percolation test (reading only) .....	\$25.00
3.	Subdivision plan review .....	\$100.00

A fee waived permit may be issued to non-profit organizations.

2.7.2 There shall be a \$230.00 fee for the purpose of assessing a private sewage disposal system or water supply system, or both during one site visit to a private residence when requested by the property owner, a prospective buyer, real estate agency, mortgage or loan institution, bank, etc. This fee will cover an initial site visit and one follow-up visit. An additional fee of \$55.00 shall be charged to offset the cost of subsequent visits.

2.8 All permits to construct, alter, or extend a private sewage disposal system shall be valid for a period of 6 months from date of issuance. If construction is not completed within this period, the permit is void. The Administrator may, however, after receipt of a written request, authorize an extension of time beyond the 6 month period for reasons of unusual or extenuating circumstances.

2.9 The Health Department, in order to protect the health and safety of the people of Jackson County and of the general public, is authorized and directed to promulgate rules and regulations establishing minimum standards governing the design, construction, installation, and operation of private sewage disposal systems. Such regulations shall establish such minimum standards as, in the judgment of the Health Department will insure that the wastes discharged to the various private sewage disposal systems:

- a. Do not contaminate any drinking water supply.
- b. Are not accessible to insects, rodents, or other possible carriers of disease.
- c. Do not pollute or contaminate the water of any bathing beach, lake, river, creek, pond, stream or

other body of water.

- d. Do not give rise to a nuisance due to odor or unsightly appearance.
  - e. Are not a health hazard by being readily accessible to children or animals because of a lack of adequate fencing or for other reasons.
  - f. Will not violate any other laws or regulations governing control of water pollution or sewage disposal.
- 2.9.1 The Health Department is authorized to promulgate such additional regulations as are necessary in its judgment to carry out the provisions of this ordinance.
- 2.10 The use of a private sewage disposal system to serve more than one property is prohibited except where a common property is provided, under joint ownership of the users, or where the system is under public jurisdiction or managed by a district established for the maintenance of such systems.

### **SECTION III CONTRACTOR'S REGISTRATION**

- 3.1 A contractor's registration shall be required of all Private Sewage Disposal System Contractors operating within the limits of Jackson County. The Health Department shall issue a Private Sewage Disposal System Contractor's Registration Certificate to persons applying for such certificate who comply with the minimum performance standards, as set forth in this ordinance and who pay the annual registration fee. All such registration certificates shall expire December 31 of each year.
- 3.2 It shall be unlawful for any person, other than a home owner installing, constructing, or maintaining a private sewage disposal system serving his own personal single family residence, to construct, install, maintain, service or clean any private sewage disposal system or to haul or dispose of the wastes removed therefrom within the limits of Jackson County, Illinois, who does not possess a valid Jackson County Private Sewage Disposal System Contractor's Registration Certificate.
- 3.3 There shall be an annual registration fee of \$55.00 collected from all persons applying for a Jackson County Private Sewage Disposal System Contractor's Registration Certificate.
- 3.3.1 In addition to the annual registration fee in Subsection 3.3 there shall be an annual inspection fee of \$55.00 for each vehicle used for the collection and transportation of septage except that this inspection and fee may be waived if the vehicle has been properly inspected by another local health department in Illinois.
- 3.4 All private Sewage Disposal System Contractors must have a valid Private Sewage Disposal System Pumping Contractor or a Private Sewage Disposal System Installation Contractor license issued by the State of Illinois to obtain a Jackson County Contractor's Registration Certificate.

### **SECTION IV COMPLIANCE AND PERFORMANCE**

- 4.1 All private sewage disposal systems within the limits of Jackson County shall be installed or serviced by a private sewage disposal system contractor who holds a valid Jackson County Private Sewage Disposal System Contractor's Registration Certificate provided, however, that a home owner may install or service a private sewage disposal system which serves his own personal single family residence.

- 4.2 Percolation tests as required by this ordinance shall be conducted by either a Private Sewage Disposal System Contractor who holds a valid Jackson County Private Sewage Disposal System Contractor's Registration Certificate, an Illinois Registered Engineer, an Illinois Registered Sanitarian, a soil scientist, or an Authorized Representative of the Health Department.
- 4.3 The minimum performance standards for Private Sewage Disposal System Contractors and for a home owner who installs a private sewage disposal system for his personal single family residence shall be the same as the minimum performance standards promulgated under authority granted in the current Illinois Private Sewage Disposal Licensing Act and Code.
- 4.4 Every private sewage disposal system shall be maintained in proper sanitary condition and repair by the owner. It shall be unlawful for any owner, agent, occupant, or person in control of any lot, building or private sewage disposal system, to permit or cause the discharge of domestic sewage or the effluent from any septic tank or primary sewage treatment device directly or indirectly to any stream, ditch, ground surface or abandoned well, or to allow the contents of any privy, vault, septic tank, or private sewage disposal system or components thereof to emit offensive odors, or become objectionable so as to be a danger or threat to public health. All such acts or omissions are hereby declared nuisances. Upon verification of such nuisance the Health Department or Authorized Representative shall give written notice to the property owner responsible for such acts or omissions ordering abatement of same within a reasonable period of time. Failure of any person to obey such an abatement order shall constitute a violation of this ordinance.
- 4.5 Any person receiving an abatement order may request a hearing before the Administrator as outlined in Section IX, Part 9.2 and 9.3 of this ordinance.
- 4.6 Subject to Section 7.3 of this Ordinance; the Board of Health or its Authorized Representative shall have the authority to enter any property at any reasonable time and inspect any facility for health and sanitary purposes and for the compliance with the provisions of this ordinance. The Board of Health or its Authorized Representative may also make any necessary tests including dye tests or obtaining effluent samples for laboratory analysis, on any facility to determine compliance with the provisions of this ordinance.
- 4.7 Any structural change or repair made to an existing private sewage disposal system must comply with the provisions of this ordinance.

#### **SECTION V SUBSURFACE SEEPAGE FIELDS**

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 Table IV of the 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.

#### **SECTION VI ADOPTION BY REFERENCE**

In addition to those provisions set forth in Section I through XII, this ordinance hereby adopts, by reference, the provisions set forth in the "Private Sewage Disposal Licensing Act (225 ILCS 225) and the Private Sewage Disposal Code (77 IAC 905)," and any subsequent amendments or revisions thereto.

## **SECTION VII ENFORCEMENT**

- 7.1 Private sewage disposal systems constructed prior to the effective date of this ordinance shall comply with any provisions of this ordinance deemed necessary by the Health Department.
- 7.2 Subject to Section 7.3 of this Ordinance; 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.
- 7.3 Except in emergency health and safety situations, a property owner or authorized occupant of the property has the right to refuse access to their property for inspections by the Health Authority. Upon such refusal, the Health Authority may apply for and obtain an administrative search warrant, based upon a reasonable suspicion, or other standard consistent with constitutional limitations, that a violation of this ordinance is occurring or has occurred.
- 7.4 A private sewage disposal system which has been installed by a home owner for his own personal single family residence; or by a contractor, occupant, agent, servant or representative of any such person shall not be covered or placed in operation unless specifically authorized by the Health Department until the said installation shall have been inspected and written approval of the said system shall have been issued by the Health Department.
- 7.5 Subject to Section 7.3 of this Ordinance; the Authorized Representative may make inspections during the course of the construction of any private sewage disposal system to insure compliance with this ordinance.
- 7.5.1 The home owner, private sewage disposal system contractor, occupant, agent, servant, or representative of any such person who is responsible for the installation, construction, alteration or extension of any private sewage disposal system shall notify the Health Department no later than the day before the date the actual installation, construction, alteration, or extension work is scheduled to begin.
- 7.6 If any home owner who installs his own private sewage disposal system, or any contractor, occupant, agent, servant or representative of such person, shall backfill any portion of the said 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 if the said system meets all requirements of the ordinance before receipt of written approval by the Health Department, the Health Department may give 15 days notice in writing to such home owner so violating the provisions of the ordinance, to uncover such backfilled or covered portions of the said system.
- 7.7 If, at the end of such 15 days, the home owner, or contractor, occupant, agent, servant or representative of any such person, shall not have 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 30 days shall result in execution of a lien against the property.
- 7.8 Any permit issued in accordance with this ordinance, may be suspended and no longer considered to be valid when the Health Authority is refused access to the property for the purpose of conducting inspections for compliance with this Ordinance.

**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. The 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 requires.
  - 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 the State of Illinois, and,
  - 8.1.5 contain an outline of remedial action which is required to effect compliance with this ordinance.

**SECTION IX  
REVOCATION OF CONTRACTOR'S  
REGISTRATION CERTIFICATE**

- 9.1 For serious or repeated violations of any of the requirements of this ordinance, or for interference with the Health Department in the performance of its duties, the Private Sewage Disposal System Contractor's Jackson County Registration Certificate may be revoked after an opportunity for a hearing has been provided by the Health Department. Prior to such action, the Health Department shall notify the contractor in writing, stating the reasons for which his 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 written request for hearing is filed with the Health Department by the holder, within such 5 day period. A Registration Certificate may be suspended for a cause pending its revocation or a hearing relative thereto.

- 9.2. Hearings Before the Health Administrator

Any Private Sewage Disposal System Contractor or 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 Administrator. The Administrator shall hold a hearing at a time and place designated by him within 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 5 days prior to the date on which the hearing is to be held. If, as a result of the hearing, the Administrator 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 Administrator may modify or withdraw the order or notice and as a condition for such 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 Administrator shall render a decision within 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 Administrator may seek relief therefrom through a hearing before the Board of Health.

- 9.3 Hearing Before the Board of Health

Any Private Sewage Disposal System Contractor or person aggrieved by the decision of the Administrator 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 before the Board of Health at a time and place designated by the secretary of the Board of Health 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. For the purposes of this section the Board of Health shall mean a simple majority of the Jackson County Board of Health. The petitioner for the hearing shall be notified of the time and place of the hearing not less than 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 strict compliance with the decision of the Administrator 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 may grant a variance and as a condition for 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 shall render a decision within 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 X PENALTY**

- 10.1 Any person found guilty of violating any provision of this ordinance shall be fined a sum of not less than \$100.00 and not more than \$500.00. Each day's violation shall constitute a separate offense.
- 10.2 In addition, thereto, such person may be enjoined from continuing such violation, and if they violate or fail to comply with terms and provisions of this ordinance, each day shall constitute a separate offense.
- 10.3 When anyone fails or refuses to correct any violation of this ordinance after due notice and time specified in Section VIII, the Health Department is empowered to issue a citation notice to the person responsible for the violation. The citation notice shall state the date, time and place the person responsible for the violation is to appear in the Circuit Court. Upon conviction, the person responsible for the violation shall be subject to the penalty provided in this section. The State's Attorney of Jackson County shall prosecute all violations of this ordinance and may institute proceedings by complaint in lieu of the citation procedure specified above. The State's Attorney may also institute injunction proceedings against any person to prevent any construction in violation of this ordinance.

## **SECTION XI CONFLICT OF ORDINANCE EFFECT OF 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 Jackson County existing on the effective date of this ordinance, the provision which, in the judgment of the Administrator 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 or code of Jackson 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, the provision 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. Specifically repealed by this ordinance is a certain ordinance for regulation and inspection of cess pool and septic tanks passed on April 23, 1973.