

## **Chapter 2**

# **SEWERS AND SEWAGE DISPOSAL**

### **8-2-1: DEFINITIONS:**

As used in this chapter:

**NEW PRIVATE SEWAGE DISPOSAL SYSTEM:** A. A system where a septic tank is replaced or where a major component of the system is removed or added; or

B. A system where the size of the absorption field is increased by twenty five percent (25%) or more or where twenty five percent (25%) or more of the existing absorption field is removed and replaced with new piping and backfill material.

**SEWAGE:** The excreta from humans and a combination of the liquid and water carried wastes from residences, business buildings, industrial establishments and other places of human habitation. Liquid wastes shall include the discharge from all floor drains as well as the discharge from other drainage fixtures. (Ord., 10-21-1986; amd. 1997 Code; Ord. 11-99-007, 11-16-1999, eff. 11-16-1999)

### **8-2-2: USE OF PUBLIC SEWER REQUIRED:**

A. **Connection To Public Sewer:** In those locations where a public sewer is reasonably available, and where a new sewage disposal system is to be installed or where an existing sewage disposal system cannot be reconstructed or repaired to meet the requirements of this chapter, connection to the public sewer shall be the sole method of sewage disposal authorized and permitted.

B. **Distance From Property Line:** A public sewer is reasonably available when said sewer is no greater than three hundred feet (300') from the property line of a single-family residence and not greater than one thousand feet (1,000') from the property line for a commercial establishment, subdivision or multi-family dwelling. (Ord., 10-21-1986)

### **8-2-3: TOILET FACILITIES REQUIRED:**

Every building where one or more persons are employed or dwell shall be provided with at least one toilet, privy or other sewage disposal system which shall meet the requirements of this chapter. Buildings where both sexes are employed shall be provided with at least two (2) toilets, privies or other sewage disposal system. One of each toilet shall be conspicuously marked for "Women" and the other for "Men", and each toilet shall contain a vestibule with hot and cold running water. (Ord., 10-21-1986)

#### **8-2-4: PRIVIES ALLOWED; REQUIREMENTS:**

- A. Compliance With State Law: Where the water carriage method of sewage disposal cannot be reasonably installed, privies may be erected; provided, that the privy pit or vault shall be constructed and operated in a manner as provided in the Illinois department of public health private sewage disposal licensing act and code which is hereby made a part of this chapter by reference. (Ord. 07-04-011, 7-20-2004)
- B. Location Restriction: No privy shall be located closer than fifty feet (50') to a water supply well, spring or cistern. (Ord., 10-21-1986)

#### **8-2-5: PRIVATE DISPOSAL SYSTEMS:**

- A. Compliance With State Law And County Regulations:
1. State Law: The construction, erection or repair of septic tanks and sewers and the disposal of septic tank effluents shall be governed by the requirements set forth in the latest edition of the Illinois department of public health private sewage disposal licensing act and code, a copy of which is kept on file with the environmental health section of the county health department and which is hereby made a part of this chapter by reference. Requirements for any disposal systems serving less than fifteen (15) persons shall be determined by the county board of health, using the specifications in the circular code as a basis for such determination.
  2. Type And Size Of System; County Determine: The type and size of system to be used for the disposal of tank effluents shall be determined by the county board of health and shall be based largely upon the results of one or more seepage tests performed by the individual property owner. The number of such tests shall be determined by the county board of health.

B. Piping Requirements: The piping utilized for the required solid pipe runs of a private sewage disposal system shall be of schedule 40 or its minimum equivalent strength or greater. Cast iron or thin walled plastic pipe shall not be utilized for any part of the solid pipe runs. (Ord., 10-21-1986)

C. Installation By Property Owner:

1. Property owners installing a septic system on their own property must meet the following requirements:
  - a. Take a written, open book test consisting of no less than twenty (20) questions and no greater than fifty (50) questions. The minimum passing score is seventy five percent (75%). The test may be taken twice at least twenty four (24) hours apart.
  - b. Request the Lee County health department to make an inspection of their work after the tank is set and the first trench is dug. This inspection must be done before rock or pipe is placed in the trench.
  - c. Request the Lee County health department to make a final inspection after the system is installed and before the trenches are backfilled.
2. Property owners may be assisted by a licensed septic contractor. (Ord. 02-05-002, 2-15-2005)

## **8-2-6: MAINTENANCE OF SYSTEMS; LOT SIZE AND CONDITION:**

A. Sludge Disposal: Every sewage disposal system shall be maintained in proper sanitary condition and repair by the owner. Sludge from septic tanks shall be disposed of in accordance with EPA 503 regulations and the Illinois private sewage disposal code. (Ord. 07-04-011, 7-20-2004)

B. Discharge To Streams Or Ditches: It shall be unlawful for any owner, agent, occupant or person in control of any lot, building, or sewage system to permit or cause the discharge of septage or the effluent from any septic tank or primary sewage treatment tank directly or indirectly to any stream, ditch, ground surface, or abandoned well, or to allow the contents of any privy vault, septic tank, seepage pit, or sewage disposal system or components thereof, to emit offensive odors, or become objectionable so as to be dangerous or prejudicial to health, and all such acts or omissions are hereby declared nuisances, and the county board of health shall have the power to abate same.

- C. Right Of Entry; Inspection; Tests: The county 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 sanitation purposes for compliance with the provisions of this chapter. Also, the board of health or its authorized representative may make any necessary tests, including dye tests, on any facility to determine compliance with the provisions of this chapter. (Ord., 10-21-1986)
- D. Lot Size: No person with a lot created before March 26, 1996, of less than one-half ( $\frac{1}{2}$ ) acre, or a lot created after March 26, 1996, with a lot size of less than one acre shall be allowed to install an on site conventional private sewage disposal system and private water well unless the county board of health representative deems that a sufficient sized system can be installed upon the property and that all required distances can be maintained. If the property is served by a public water supply and requires only septic, a lot size of three-fourths ( $\frac{3}{4}$ ) of an acre may be allowed. (Ord. 07-04-011, 7-20-2004)
- E. Percolation Tests: Percolation tests will no longer be allowed for determining septic system sizing or sighting. Section 905.55a of the Illinois sewage disposal code shall be followed concerning soil investigations.
- F. Subdivision Approval:
1. Before the Lee County health department will issue approval for a subdivision, an application must be submitted to and approved by the Lee County health department. Such application shall include:
    - a. A map illustrating lots and soils investigation grid. Such a grid shall include soils investigations in accordance with subsection E of this section and the Illinois private sewage disposal code, section 905.55a, soil investigation.  
  
Boring must begin no closer than seventy five feet (75') from the outer edges of the subdivision.
    - b. A fee in the amount of twenty dollars (\$20.00) per lot, and a minimum of one hundred dollars (\$100.00) will be charged for review and approval of the subdivision.
  2. Approved subdivision applications will be provided to the Lee County zoning office.
  3. Individual lots will require soil investigations before the Lee County health department will issue a private sewage disposal system construction permit. (Ord. 02-05-002, 2-15-2005)

## 8-2-7: INSPECTIONS:

- A. Right Of Entry: The county board of health or its authorized representative shall have the authority to enter any property at any reasonable time to inspect any facility for which a permit has been issued.
  
- B. Determine Compliance: Before backfilling is started but after complete installation of the system, an inspection shall be made by the county board of health or its authorized representative to determine if the provisions of this chapter have been complied with.
  
- C. Approval Of System: Upon final inspection, if the system is found to be in compliance with this chapter, the health authority shall so notify the owner and then such work shall be covered and such system may be used. (Ord., 10-21-1986)
  
- D. Baffle Replacement: Any septic tanks that use the outlet baffle style of a thin piece of plastic that does not extend to the outlet lid shall have the baffle replaced when the tank is installed or when this department deems it necessary. This replacement baffle shall be accessible and visible for shock load testing. (Ord. 07-04-011, 7-20-2004)

### **8-2-8: ALTERNATIVE SYSTEMS:**

- A. Systems Adopted By State Accepted: All alternative systems which have been adopted by the Illinois department of public health are acceptable for installation within Lee County unless such installation violates the provisions as established by the county code.
  
- B. Criteria: Alternative systems are allowed within Lee County; provided, that the following criteria are met prior to or during installation of the system:
  - 1. Warranty: A two (2) year (4 semiannual inspections) written warranty must be supplied by the installer to the homeowner which guarantees all mechanical parts of the system against failure.
  
  - 2. Maintenance Agreement: A lifetime maintenance agreement for each system must be offered by the installer and must be acquired by the homeowner for any system defects, malfunctions or mechanical failure which might occur during the operation of the system.
  
  - 3. Maintenance Contract: A maintenance contract must cover the following:

- a. Annual inspection by the installer of aeration pump, mixing motor, lift pumps and any other mechanical parts of the system to ensure the system is functioning properly. If filters or filter socks are used, they must be checked to assure that clogging is not taking place and they are replaced as needed. All expenses required for system maintenance shall be the homeowner's responsibility after the two (2) year warranty period expires.
  - b. Inspection of the chlorinator and replenishment with fresh tablets shall be conducted every six (6) months or as needed. (Ord., 10-21-1986)
  - c. The owner of an aerobic treatment plant used in a nonresidential application is required to obtain a yearly maintenance contract for the unit that ensures a minimum of quarterly service. For businesses holding an annual Lee County food permit, the maintenance agreement shall be submitted to the Lee County health department on or before December 1 of each year to ensure compliance with this section. Failure to provide such documentation may prevent the issue of the annual renewal permit. (Ord. 08-08-008, 8-19-2008)
4. Alarm: A visual and audible alarm shall be installed within the house as close to the living quarters as is possible.
    - a. The audible alarm shall have a rating of fifteen (15) to thirty (30) decibels and must be hardwired into the electric supply so that disconnection is not possible and so that it is in accordance with the state electrical code.
    - b. The visual portion of the alarm must consist of a brightly colored light which can be easily seen from thirty feet (30') to fifty feet (50') away.
  5. Electrical Wiring: All electrical wiring necessary for operation of an alternative system shall be hardwired into the household electrical supply so that accidental disconnection is not possible. It must be wired according to the state of Illinois electrical code.
  6. Access For Inspection: Those properties which utilize an alternative system shall allow a health department representative access to the system for the purpose of a yearly inspection in order to guarantee that the system continues to function properly. An inspection shall review alarm, aerator and stirrer, socks or filters, chlorinator and discharge point.
  7. Permit: Any person wishing to install an alternative septic system must acquire a septic permit prior to the system installation.
  8. Inspection Prior To Backfill: All new alternative septic systems must be inspected after installation prior to backfilling.
  9. Design And Construction; Compliance With State Law: All alternative septic systems must be designed and constructed in accordance with the Illinois department of public health rules and regulations for alternative septic systems. Said systems must be approved by or have an experimental status offered by the Illinois department of public health.

C. Sand Filters: The Lee County health department reserves the right to require installation of sand filters behind all aeration package treatment plants.

D. Disengagement Of Power Or Alarm:

1. It shall be a violation of this chapter for any person to disengage the power of any alternative system unless such disengagement is necessary for maintenance work upon the system.
2. It shall be considered unlawful for any person to disable or disengage any part of the alarm system unless such disengagement is necessary for maintenance of the system.

E. System Failure; Notify Health Department: Notification of the health department is required should any part of the alternative system fail. The homeowner is responsible for contacting the health department. (Ord., 10-21-1986)

## **8-2-9: DISPOSAL SYSTEM PERMITS:**

A. Permit Required: No septic tank, privy vault, sink drain or sewage disposal system shall be erected, constructed or repaired in this county, except in accordance with this chapter, and it shall be unlawful to proceed with such work unless a permit therefor shall have first been obtained from the county board of health; provided, however, that where connection is to be made to a public sewer, arrangements therefor shall be made with the municipality owning the sewer rather than the county board of health.

B. Application For Permit; Soil Tests; Approval:

1. Application; Accompanying Documents: Application for permits under this section shall be in writing and in such form as prescribed by the health authority. Each application shall be accompanied by a plat showing the locations of all existing and proposed wells, sewers, septic tanks, seepage systems, privy vaults and other sewage disposal facilities and by drawings, plans and specifications of all of the above units which are proposed to be installed. (Ord., 10-21-1986)
2. Soil Classification And Percolation Tests: Results of the prescribed number of soil classifications or percolation tests shall accompany each application. (Ord. 11-99-007, 11-16-1999, eff. 11-16-1999)
3. Approval; Issuance: Applications shall be approved by the county health department and permits shall be issued before any construction or repair is undertaken and before the building permit is issued. (Ord., 10-21-1986)

### C. Fees:

#### 1. Permit Application Fee:

- a. A fee of one hundred twenty five dollars (\$125.00) must accompany each sewage application submitted by a licensed septic contractor.
- b. A fee of two hundred fifty dollars (\$250.00) must accompany each sewage application submitted by property owners installing a septic system on their own property. (Ord. 02-05-002, 2-15-2005)

2. Late Filing Fee: An additional fee in the amount of ten dollars (\$10.00) shall be paid to the county health department for late filing of any application.

### D. Larger Disposal Systems:

1. Discharges Into Streams; Permit: If any sewage disposal system, located within the limits of the county serves or is to serve more than fifteen (15) persons or population equivalent and it is proposed to discharge wastes therefrom into any stream or other waters of the state, a written permit therefor shall first be obtained from the Illinois environmental protection agency, Springfield, Illinois, according to the provisions of the Illinois environmental protection act and federal water pollution control act amendments of 1972, a copy of which is filed with the county board of health.
2. Treatment And Disposal; Permit: Where it is not proposed to discharge such wastes into any streams or other waters of the county, such wastes shall be treated and/or disposed of in accordance with this chapter and a permit therefor shall first be obtained from the county board of health according to the provisions of this chapter.
3. Discharge Into Ground By Seepage: Where it is proposed to discharge the outflow from any sewage disposal system into the ground by seepage, such proposed system shall first be approved by the county board of health as provided in subsection A of this section and subsection [8-2-7C](#) of this chapter.
4. Discontinue Service, Notify Board Of Health: When any sewage treatment plant discharging treated wastes to a river or ground surface is taken partially or completely out of service for any reason, the county board of health shall be so notified immediately. (Ord., 10-21-1986)

## **8-2-10: SEPTIC TANK CLEANERS, LICENSING:**

### A. License Required; Examination:



1. No person shall engage in or carry on the business of cleaning or servicing septic tanks, seepage pits, cesspools or other sewage disposal unit unless such person is duly licensed by the health officer to perform such services. Farms are exempt so they may clean their own septic tanks.
  2. Individuals who pump systems must pass the examination for a private sewage pumper given by the state.
- B. Application For License: Applications for such licenses shall be in writing and in such form as prescribed by the health officer. (Ord., 10-21-1986)
- C. Fee: The fee for a septic tank cleaner's license shall be seventy five dollars (\$75.00) per year and it shall accompany the application.
1. Companies with three (3) or more licensed contractors are eligible for a corporate license. This license covers all septic tank cleaners operating for the eligible company. The fee for this license is two hundred dollars (\$200.00). (Ord. 09-11-020, 9-20-2011)
- D. Issuance After Inspection And Investigation: If the health officer or his duly authorized agent, after such inspection of equipment and investigation as is deemed necessary, is satisfied that the applicant has the qualifications, experience, reputation and equipment to perform the services in a manner not detrimental to public health and the site of disposal of sludge or other wastes from any septic tank, seepage pit, cesspool or other waste disposal unit is approved, a license shall be issued to the applicant upon payment of the required fee.
- E. License Term: Licenses shall expire December 31 of each year.
- F. Revocation Of License; Hearing: The health officer may suspend or revoke any septic tank cleaner's license if, after a hearing, he shall find incompetency, negligence, misrepresentation or failure to comply with any of the provisions of this chapter.
- G. Vehicles Transporting Sewage: All trucks or other vehicles used to transport sewage wastes shall be identified by such information as is deemed necessary when the application for license is made and shall carry a sign on both sides of the vehicle in a conspicuous place in letters not less than two inches (2") high and in a contrasting color to the vehicle, the words or abbreviations "Lee Co. Lic. # ", which words or abbreviations shall be followed by the number of the license issued.

H. Late Filing Fee: An additional fee of ten dollars (\$10.00) shall be paid to the county health department for late filing of any application. (Ord., 10-21-1986)

## **8-2-11: SEWAGE DISPOSAL SYSTEM INSTALLERS, LICENSING:**

A. License Required; Examination:

1. No person, except as provided for below, shall engage in or carry on the business of constructing, installing, altering or repairing of any sewage disposal system or component unless such person is duly licensed by the health officer to perform such services.
2. Individuals who install or modify sewage disposal systems must pass the examination for a private sewage disposal installer given by the state.

B. Application For License: Application for a license under this section shall be in writing and in such form as prescribed by the health officer. (Ord., 10-21-1986)

C. Fee; Exceptions: The fee for a sewage disposal system installer's license shall be seventy five dollars (\$75.00) per year. A license fee to install sewage disposal systems shall not be required of a resident owner or intended resident owner who may personally install a system for his own single-family residence. This does not apply to the builders of speculative homes. However, such exception does not relieve the installer from obtaining a permit to install and from complying with the other provisions of this chapter.

1. Companies with three (3) or more licensed contractors are eligible for a corporate license. This license covers all septic system installers operating for the eligible company. The fee for this license is two hundred dollars (\$200.00). (Ord. 09-11-021, 9-20-2011)

D. Issuance After Investigation: If the health officer, after such investigation as is deemed necessary, is satisfied that the applicant has the qualifications, experience, reputation and equipment to perform the services in a manner not detrimental to public health and upon payment of the required fee, a license shall be issued to the applicant.

E. Term Of License: Licenses shall expire on December 31 of each year.

- F. Revocation Of License: The health officer may suspend or revoke any sewage disposal system installer's license if, after a hearing, he shall find incompetency, negligence, misrepresentation or failure to comply with any of the provisions of this chapter.
- G. Late Filing Fee: An additional fee of ten dollars (\$10.00) shall be paid to the county health department for late filing of any application. (Ord., 10-21-1986)

### **8-2-12: DISPOSAL SYSTEM AND PRIVATE WATER WELL EVALUATIONS, FEE:**

- A. For all evaluations of subsurface disposal systems and private water wells conducted by the Lee County health department for the purpose of loan requirements, effective January 1, 2009, there shall be a fee of one hundred fifty dollars (\$150.00) for the evaluation of either the septic system or the well (with water sample). A fee for the evaluation of both components (requested at the same time) shall be two hundred dollars (\$200.00). All fees are to be paid by the requesting party. (Ord. 08-08-005, 8-19-2008)
- B. A private well evaluation will include one water sample to analyze for coliform and nitrate contamination. If the water sample tests positive for total coliform, one resample of the water supply will be conducted at no additional cost. The requesting party is responsible for ensuring all the chlorine is out of the well prior to calling this department out to sample the well. If the water supply still has chlorine in it, a sample cannot be taken, however a charge of twenty five dollars (\$25.00) will apply. Additional water samples beyond the original and one resample will be subject to lab fees which will be billed at a rate of lab and/or postage fees plus twenty five dollars (\$25.00) per water sample collected. All fees are to be paid by the requesting party. (Ord. 08-08-006, 8-19-2008)
- C. For all evaluations or subsurface disposal systems and/or private water wells conducted by the Lee County health department for the purpose of determining the existence of such systems for home building and zoning changes, there shall be a fee of fifty dollars (\$50.00), which will be charged to the individual requesting the evaluation. (Ord. 08-08-007, 8-19-2008)

### **8-2-13: VARIANCES:**

A variance from the rules and regulations as cited by this chapter may be granted by the board of health representative should said representative judge that such a variance will not

adversely affect the proper operation of the system nor pose a threat to the health of individuals due to groundwater or surface contamination. (Ord., 10-21-1986)

### **8-2-14: REVOCATION OR SUSPENSION OF PERMIT:**

Upon inspection, if it is found that the permit holder has violated any provisions of this chapter, the county board of health or its authorized representative shall be empowered to revoke or suspend the permit. (Ord., 10-21-1986)

### **8-2-15: VIOLATIONS; PENALTY:**

- A. Misdemeanor; Penalty: Any violation of any provision of this chapter is a misdemeanor punishable by a fine of not less than one hundred dollars (\$100.00) and not more than two hundred dollars (\$200.00) for each offense as provided by law.
  
- B. Order Removal Or Reinstatement: The health department representative may require that any portion of a private sewage disposal system be removed and reinstalled according to this chapter should said system or part of a system fail to meet any portion of this chapter.
  
- C. Violation By Installers: Any firm, corporation, business or individual who is engaged in private sewage disposal system installation and who installs any system outside the requirements cited in this chapter shall be considered in violation of this chapter and subject to all fines, penalties and correction procedures described herein. Installers found to be in violation of this chapter may have their license suspended or revoked for a period of time determined by the board of health or its duly authorized representative<sup>1</sup>. (Ord., 10-21-1986)