

**Private Sewage Disposal System Ordinance
CHRISTIAN COUNTY
ORDINANCE NUMBER O2024 HE 012**

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

Pursuant to the powers granted to the Christian 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.

Now, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF CHRISTIAN COUNTY, ILLINOIS, that the following Ordinance establishing rules and regulations for private sewage disposal systems in Christian County, Illinois, be, and the same is, hereby adopted: and further, that all existing Ordinances in conflict with this Ordinance, including Christian County Ordinance Number 6 PS 86, be and the same, are hereby repealed.

Section I- DEFINITIONS

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context indicates a different meaning:

APPROVED means approved or accepted by the county Health Authority.

AUTHORIZED REPRESENTATIVE shall mean the Public Health Administrator and the Environment Director of the Health Department and any other designee of the Public Health Administrator.

BEDROCK means the solid rock that underlies the soil and other unconsolidated material or is exposed at the surface.

BOARD OF HEALTH shall mean the Christian County Board of Health.

COLOR means the moist color of the soil based on Munsell soil color charts.

CONVENTIONAL PRIVATE SEWAGE DISPOSAL SYSTEM means a system in which treated effluent is applied to soils, which are not limited to that purpose but to the use of subsurface seepage trenches or beds.

DEPARTMENT shall mean the Christian County Health Department.

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

EFFLUENT means liquid discharged from a septic or other treatment tank.

FILL means the alteration of the natural soil condition by the placement of nonnative soils or other materials.

HEALTH AUTHORITY means an Authorized Representative of the Health Department.

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

HOMEOWNER means a person who holds a legal title to a residential structure that is to be used or is used for his personal, single-family residence.

HOMEOWNER INSTALLED SYSTEM means a private sewage disposal system installed by a Homeowner for his single-family residence.

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

NONCONVENTIONAL MECHANICAL PRIVATE SEWAGE DISPOSAL SYSTEM means a nonconventional system any treatment component which utilizes a force other than gravity to operate.

NONCONVENTIONAL PRIVATE SEWAGE DISPOSAL SYSTEM means an Illinois Department of Public Health approved system designed to overcome site-specific limitations which have disqualified the use of a conventional system.

NUISANCE means any source of filth, odor, or potential cause of sickness.

PERMEABILITY means the rate expressed in inches per hour at which fluids move through the soil.

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.

PERSON means any individual, group or individuals, association, trust, partnership, corporation, person doing business under an assumed name, the State of Illinois or any Department thereof, or any entity.

POPULATION EQUIVALENT means an average waste loading equivalent to the 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 BODS.

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'S REGISTRATION shall mean an annual Registration Certificate issued by the Christian County Health Department to all private sewage disposal contractors engaged in the installation and/or servicing of private sewage disposal systems within the limits of Christian County.

PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION CONTRACTOR means any person constructing, repairing, installing, modifying, or maintaining private sewage disposal systems.

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.

PRIVY means a structure that is not connected to a plumbing system that is used by persons for the deposition of human body wastes.

SEEPAGE TRENCH means an excavated area that contains a bedding of aggregate and a single effluent distribution line.

SEWAGE means the human body wastes and wastewater created in and conducted away from residences, industrial establishments, and public buildings.

SHALLOW TRENCH means the trench depth shall range from 18 inches to 24 inches from the original ground surface.

SOIL means the naturally occurring unconsolidated material over bedrock.

SOIL BORING means a direct observation of soils in place or a soil core taken intact with a probe to a minimum depth of 60 inches to determine soil characteristics that may influence the proper functioning of a subsurface seepage field.

SOIL SATURATION means the state when all the pores in a soil are filled with water.

SOIL SURVEY MAP means a map prepared by or for a state or federal agency participating in the national cooperative soil survey showing soil series, type, and phases at a scale of not more than 2,000 feet to the inch and includes related explanatory information.

TRENCH WIDTH means the bottom surface of the trench directly beneath the distribution mechanism which is protected from soil infiltration to facilitate effluent absorption.

WASTE means either Human Waste or domestic sewage or both.

Section II: REQUIREMENTS FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEMS

Sec. 2-1: State Rules Adopted

The "Private Sewage Disposal Licensing Act and Code", as currently developed or as may be amended by the Illinois Department of Public Health, is adopted by reference with the following limitations:

1. Any surface discharge from a private sewage disposal system is not permitted.
2. Distribution boxes shall be provided and shall have a removable lid which will serve as ready access for inspection, cleaning, and general maintenance.
3. A minimum 12-inch diameter access riser shall extend from the largest access point of the septic tank to the finished grade. A two-compartment tank shall have both the inlet and outlet manholes comply with this subsection. Any septic system component with access over six inches in diameter must be capped with a child-resistant locking mechanism or a concrete cap weighing a minimum of 30 pounds.
4. The total trench area required shall be a factor of soil type and system load as determined in the following formula:

Minimum Septic Field Area:

Waste stream (gallons per day) divided by estimated load rate (gallons per day per square foot) = minimum septic field area (square feet)

(Waste stream as determined by 77 Ill. Adm. Code, section 905, Appendix A, Illustration A; Estimated Load Rate as determined by 77 Ill. Adm. Code, section 905, Appendix A, Illustration M, Exhibits A and B adopted by reference.

1. The trench area shall be calculated by multiplying the trench width by the length of the distribution line in the trench. Any conventional private sewage disposal system design that utilizes a reduction in the field, as authorized in the Illinois Private Sewage Disposal and Licensing Act and Code, shall be allowed with the reduced field size in Christian County. Only one field reduction may be taken per system.
2. The minimum lot area for each single-family residence shall be determined by the dominant soil types as follows:
 - a) Slight soils: 32,000 square feet.

- b) Moderate soils: 40,000 square feet: moderate restricted shallow trench system: 87,120 square feet.
 - c) Severe soils: nonconventional system: 50,000 square feet.
 - d) Very severe soils (non-conventional systems only): 50,000 square feet.
3. An approved filter between any conventional septic tank and the field lines shall be required as part of the plan for a septic permit. Such a filter may be located within the septic tank and also function as the outlet baffle.

Section 2-2: Waste Discharge Requirements

Unless a Permit Variance has been granted pursuant to Section 3-2, and then only to the extent such variance has been granted, a private sewage disposal system shall:

- 1. NOT contaminate any drinking water supply.
- 2. NOT be accessible to insects, rodents, or other possible carriers of diseases which may come into contact with food or drinking water.
- 3. NOT pollute or contaminate the waters of any bathing beach, fish breeding grounds, or stream used for public or domestic water supply purposes or for recreational purposes.
- 4. NOT be a health hazard by being accessible to children
- 5. NOT give rise to a nuisance due to odor or unsightly appearance.
- 6. NOT violate any other laws or regulations governing water pollution or sewage disposal.

Section 2-3: Insanitary Conditions

Unless a Permit Variance has been granted pursuant to Section 3-2, and then only to the extent such variance has been granted, a person who owns property upon which a private sewage disposal system is located shall:

- 1. NOT allow, or permit to allow, domestic sewage to gain access to the ground surface.
- 2. NOT allow, or permit to allow, domestic sewage to gain access to either used or abandoned wells, the aquifer, field drain tiles, basements, or other underground areas accessible to humans.
- 3. NOT allow, or permit to allow, domestic sewage to gain access to any area aboveground or underground beyond the property owned by said person.

SECTION III: PERMITS

Sec. 3-1: Permits

- 1. It shall be unlawful for any person, including property owners, to construct, alter, or correct failures to private sewage disposal systems within Christian County unless a valid permit for the specific construction, alteration, or correction proposed

has been issued by the Health Authority. Said permit shall indicate a maximum permissible waste loading.

2. All applicants shall complete the health department's permit application process, pay applicable fees, and the application shall be reviewed and approved by the Health Authority before a permit can be issued.
3. A permit shall only be issued to an Illinois licensed private sewage disposal system installation contractor or a Homeowner installing his/her own Homeowner Installed System as contemplated by Section V(1).
4. Permits shall be valid for six months. If the system is not complete at the end of this period, the Health Authority may grant an extension of the permit period and charge a prorated fee for such an extension.
5. No private sewage disposal system shall be covered or concealed until after it has been inspected and approval given by the Health Authority.
6. All applications for permits granted under the provisions of this Ordinance shall be made to the Health Authority. Sufficient data shall be included to allow review and to determine whether the proposed application for a permit meets the requirements of this Ordinance.
7. Application permits shall be in writing, shall be signed by the applicant, and shall include the following:
 - a. Name and address of the applicant and location of the proposed construction, repair, alteration, or extension.
 - b. Complete plan of the proposed private sewage disposal system with substantiating data, if necessary, attesting to its compliance with the minimum standards stated hereunder in this ordinance.
 - c. Any change from the permit drawing as approved must be discussed with the Health Authority before such changes are made and excavation has begun.
8. A complete plan for the purpose of obtaining a permit to be issued by the Health Department shall include:
 - a. The number, location, and size of all private sewage disposal systems to be constructed, altered, or extended
 - b. The location of water supplies, water supply piping, existing private sewage disposal systems, if any, building and/or dwelling and adjacent lot lines.
 - c. Plans of the proposed private sewage disposal systems to be constructed, altered, or extended. Upon completion of such installation, as-constructed plans shall be provided for the owner, and a copy shall be filed with the Health Department.
9. Under the recommendation of the Board of Health or the Health Authority, the County Board may refuse to grant a permit for the Construction, alteration, or extension 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 from a public sewer to which a connection is practical and is permitted by the controlling authority for the sewer. A reasonable distance for this provision shall be deemed not to be greater than

300 feet from the property for a single-family residence or a non-residential property with a sewage flow less than 1500 gallons per day, or within 1000 feet of a multi-family dwelling or a non-residential with a sewage flow greater than or equal to 1500 gallons per day.

10. There shall be a fee charged for the initial construction permit, alteration, or extension of an individual sewage system. If a permit is denied, the fee is non-refundable. The fee shall be established by the Health Department with the approval of the Board of Health, and may be increased whenever deemed necessary. The current fee schedule will be available from the Health Department upon request.
11. It shall be unlawful for any person, including land owners, to apply septic to land without first obtaining a Christian County Septic Land Application permit from the Health Authority.

Section 3-2: Permit Variances.

If circumstances exist which make compliance with the requirements of this subchapter impractical or impossible, a person may request the Health Authority to review a proposal for modification of the requirements. Such request shall be made by submitting the following:

1. A written request describing why the variance from the subchapter requirements is necessary.
2. A plan drawn to scale.
3. Pertinent data to support the request.
4. A written plan describing how deviation from the subchapter requirement will still maintain adequate protection against potential public health hazards.
5. The owner's and Illinois licensed private sewage disposal installation contractor's signatures on the variance request application.
6. The variance application fee.

Section IV: Contractor's Registration

1. All private sewage disposal system installation and/or pumping contractors operating within Christian County shall be licensed by the State of Illinois and registered annually with the Health Department. All such registrations shall expire at the end of each calendar year. Applications for such registration shall be in writing and in such form as prescribed by the Health Authority.
2. A private sewage disposal system installation and/or pumping contractor desiring to be registered within Christian County shall apply to the Health Department upon an application form supplied by the Health Department. This form shall be completed and signed by each applicant.

3. The Health Authority may suspend or revoke any private disposal contractor's permit as provided in Section IX of this Ordinance.

Section V: Compliance and Performance

1. All private sewage disposal systems within the limits of Christian County shall be installed, modified, or serviced by an individual with a valid Illinois 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 Illinois private sewage disposal system pumping contractor's certificate provided, however, that a Homeowner may install and/or service a Homeowner Installed System.
2. All private sewage disposal systems shall have a soil investigation. Soil investigations shall be the sole method for determining the absorption capacity of the soil. Percolation test results will no longer be accepted. Soil investigation shall be conducted in the following manner:
 - a. Determination of soil characteristics on site proposed for development with private sewage disposal systems shall be based on soil boring data collected by a soil classifier or an Illinois professional engineer.
 - b. There shall be a minimum of three borings per soil absorption system site. The soil boring shall be at least 50 feet, and the proposed subsurface seepage system shall be located within the area where the soil borings were located. More soil borings may be necessary for accurate and appropriate evaluation of a site where there is some concern about the consistency of the soil materials. One of the borings shall extend a minimum of 60 inches below the natural ground surface. An observation pit shall be used in gravelly materials.
 - c. Observation and determination of soil characteristics also may be determined from a pit dug by a backhoe or other excavating equipment. The Christian County Health Department may require soil pits (backhoe excavation) in cases where there has been previous or current fill material, cutting of soils, or where gravelly soils were encountered. Such soil pits shall be prepared at the perimeter of the expected soil absorption area to minimize damage to natural soil structure. Soil pits shall extend a minimum of 60 inches below the natural ground surface.
 - d. Site characteristics to be described include zones of seasonal and permanent water saturation, U.S.D.A soil textural changes, U.S.D.A. soil structural features, slope compaction and depth, soil coloration, depth of limiting layer, depth of soil mottling (depth to low chroma equal to or less than 2 and a value of 4 or more- Munsell Color System), internal drainage

classification, permeability range, and other limiting soil characteristics that may reduce permeability.

- e. Soil investigation shall be performed within three years prior to permit application (unless a major disruption of soil has occurred, in which case soil investigation shall be performed within the later to occur of (i) three years prior to permit application and (ii) the date when such major disruption occurred or was discovered). In the event that the area undergoing soil analysis is altered after the soil investigation is performed, the Christian County Health Department may require an additional soil investigation to ensure that the results have not been affected.
3. All septic disposal sites within the county shall be inspected by the Health Department to determine compliance with the provisions of the subchapter. If the disposal sites are determined to be unacceptable, the Health Department shall issue written notice to the users and owners of that site informing them that the site shall not be used for disposal of septage.
4. All private sewage disposal systems shall be installed, modified, serviced, pumped and the contents disposed of in accordance with the Illinois Private Sewage Disposal Licensing Act and Code, current edition, and any subsequent amendments or revisions thereto.
5. Surface Discharge from a private sewage disposal system shall not leave the property either through discharge to a public road, ditch, or body of water.
6. To reduce and/or eliminate surface discharges, sites conducive to subsurface seepage according to site characteristics and soil evaluation are required to install a subsurface disposal system.
7. The use of common drains to move or discharge effluent from a private sewage disposal system off the property shall be prohibited.

Section VI: Adoption by Reference

This Ordinance shall be interpreted and enforced in accordance with provisions set forth in the unabridged form of the *Private Sewage Disposal Licensing Act and Code*, and any subsequent amendments or revisions thereto, three copies of which shall be on file in the office of the Christian County Clerk, which publication is incorporated herein and adopted by reference as part of this Ordinance.

Section VII: Enforcement

1. Private sewage disposal systems constructed prior to the effective date of this Ordinance shall not be affected by this Ordinance unless they must be modified

to correct malfunctions, modified due to other alterations to the property necessitating such modification or are operating in such a manner as to create a health hazard or public nuisance. Any necessary repairs shall be performed in accordance with the rules and regulations herein previously defined except when a variance is granted by the Health Authority.

2. The Health Authority is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance.
3. It shall be the duty of the owner or the occupant of a property to give the Health Authority free access to the property at reasonable times to make such inspections as are necessary to determine compliance with the requirements of this Ordinance.
4. No private sewage disposal system shall be covered or placed in operation until the said installation shall have been inspected and a written approval of the said system shall have been issued by the Health Department.
5. Any person who shall backfill any portion of a private sewage disposal 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 compliance with this Ordinance before receipt of written approval by the Health Department, shall violate this Ordinance and be subject to any fines and penalties contained herein and shall further be responsible for the cost of uncovering the said system.
6. It is a public nuisance for a person to create conditions, or to allow conditions to remain that the Health Authority determines are detrimental or potentially detrimental to the health and/or safety of the inhabitants of Christian County, Illinois. Failure to correct the conditions may result in fines and/or civil actions from the State's Attorney.

Section VIII: Issuance of Notice

Whenever the Health Authority determines that a violation of any provision of this Ordinance has occurred, the Health Authority shall give notice to the person(s) responsible for such violation.

The notice shall:

1. Be in writing
2. Include a statement of the reason for issuing said notice.
3. Allow reasonable time as determined by the Health Department for the performance of any required action.
4. Be served upon the person(s) responsible for the violation(s), provided that such notice shall have been properly served upon the person(s)

responsible for the violation(s) when a copy thereof has been sent by 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 such as posting, publishing, faxing, or electronic mail

5. Contain an outline of remedial action required to effect compliance with this Ordinance.
6. May contain the issuance of a fine.

Section IX: Revocation of Contractor's Registration

For serious or repeated violations of any of the requirements of this Ordinance, or for interference with the Health Authority in the performance of his/her duties, the Private Sewage Disposal Installation Contractor's or Private Sewage Disposal Pumper's Contractor's Registration Certificate may be revoked after an opportunity for 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 five (5) days following service of such notice, unless a request for a hearing is filed with the Health Authority, by the holder, within such five day period. A Registration Certificate may be suspended for a cause pending its revocation or a hearing relative thereto.

Section X: Hearings

Section 10-1: Hearings before the Health Authority

Any person affected by any order or notices issued by the County Health Department in connection with the enforcement of any section of this subchapter may file in the office of the Health Department a written request for a hearing before the Health Authority. The Health Authority shall establish the time and place for conducting a hearing within 30 days from the date on which the request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five 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. The Health Authority shall render a decision within ten 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 through a hearing before the Board of Health.

Section 10-2: 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 County Health Department a written request for a hearing at a time and place to be established by the president of the Board of Health within 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 days prior to the date on which the hearing is to be held. If, as a result of facts elicited at the 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 public health would be adequately protected and substantial justice done by granting variance from the decision of the Health Authority, the Board of Health may grant a variance. The Board of Health shall render a decision within the ten days after the date of the hearing which shall be reduced to writing 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

Any person, firm, or corporation who violates, neglects or refuses to comply with or resists or opposed the enforcement of any of the provisions of this Ordinance shall be fined up to \$500.00 for each offense. Each day the violation occurs or is allowed to continue shall be considered a separate offense. The imposition of the penalties herein prescribed shall not preclude the county from seeking further redress in a chancery action in a circuit court to halt or correct a violation of this subsection. The State's Attorney of Christian 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.

Section XII: Jurisdiction

The provisions of this article shall apply within all areas of the county, except in cities, villages, and incorporated towns that employ a full-time health officer to administer a private sewage disposal program that has been approved by the Illinois Department of Public Health to provide and enforce rules and regulations which are at least as stringent as this article.

The Health Authority shall have the authority to enter any property or building at any reasonable time to inspect for health and sanitation purposes, and make the necessary test including but not limited to, dye testing on any private sewage disposal system to determine compliance with this Ordinance.

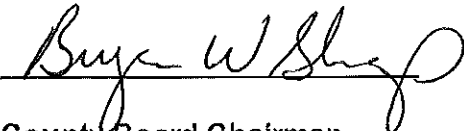
Section XIII: Conflict or Ordinance, Effect on Partial Invalidity

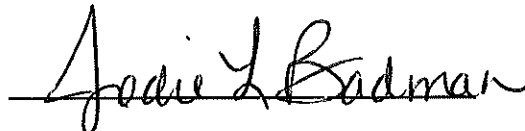
1. In any case where a provision of this Ordinance is found to conflict with a provision of any zoning, building, fire safety, or health ordinance, or code of Christian County existing on the effective date of this Ordinance, the provision which, in the judgment of the Health Authority establishes the higher standard for the promotion of the health and safety of the people shall prevail. In any case where a provision of any other ordinance or code is hereby declared to be repealed to the extent that may be found in conflict with this Ordinance.
2. If any article, sub-article, paragraph, sentence, clause, or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall remain in full force and effect and, to this end, the provisions of this Ordinance are hereby declared to be severable.

Section XIV: Effective Date

This Ordinance is hereby declared to be immediately necessary for the preservation of public peace, health, and safety, and shall be effective immediately upon its publication as provided by law.

ADOPTED: July 18, 2024


County Board Chairman


County Clerk