

*Adopted December 21, 1994
Revised January 15, 1997
Amended November 21, 2001*

KNOX COUNTY HEALTH ORDINANCE ARTICLE IV ONSITE WASTEWATER DISPOSAL

SECTION A, GOAL:

To provide for the protection of the consumer and the environment, by promoting the proper design and construction of private sewage disposal systems. Additionally, to reduce or eliminate the risk of transmission of disease organisms and the nuisances resulting from exposure to improperly or inadequately treated domestic sewage.

SECTION B, SCOPE:

An Ordinance regulating the construction, alteration, or extension of private sewage disposal systems and the servicing of such systems within the limits of Knox County, Illinois as provided for in 55ILCS 5/5-25001 and as referenced in 55 ILCS 5/5-25013. This Ordinance is not in effect within those areas of Knox County that have a private sewage disposal ordinance approved by the Illinois Department of Public Health pursuant to the Illinois Private Sewage Disposal Licensing Act (225 ILCS 225/1).

SECTION C, SHORT TITLE:

This Article shall be known as the "Onsite Wastewater Disposal Ordinance of Knox County" and may be cited and referred to as "Private Sewage Ordinance" to the same effect.

SECTION D, DEFINITIONS:

When not in conflict with the context, and for the purpose of this Article, words used in the present tense shall include the future; words used in the singular number shall include the plural; and words used in the plural shall include the singular. The word "shall" is always mandatory and not merely discretionary. Words not herein defined shall be interpreted in the manner of their common usage, and any conflict of interpretation shall be settled and resolved by the Health Officer.

- 1. Aerobic Treatment Plant:** means equipment or devices for the treatment of sewage by forced addition of air or oxygen.
- 2. Authorized Representative:** shall mean the legally designated Administrator or the Acting Administrator of the Knox County Health Department and shall include those persons designated by the Administrator or Acting Administrator to enforce the provisions of this Ordinance.

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3. **Board of Health:** shall mean the Knox County Board of Health.
4. **Code:** Shall mean the current unabridged form of the State of Illinois, Illinois Department of Public Health, "Private Sewage Disposal Licensing Act and Code" and any subsequent amendments or revisions thereto.
5. **Community Public Sewer System:** shall mean any sewage handling or treatment facility operating and maintained under permit from the Illinois Environmental Protection Agency.
6. **Department:** shall mean the Knox County Health Department or its duly authorized representative.
7. **Domestic Sewage:** shall mean wastewater derived principally from dwellings, business or office buildings, institutions, food establishments, and similar facilities.
8. **Grey Water:** shall mean wastewater such as dishwater, laundry waste, and other wastewater not containing fecal matter.
9. **Health Department:** shall mean the Knox County Health Department or its duly authorized representative.
10. **Health Authority:** shall mean the person or persons who have been designated by the Knox County Board of Health to administer the affairs of the Knox County Health Department.
11. **Human Wastes:** shall mean undigested food and by-products of metabolism, which are passed out of the human body.
12. **ILCS:** means Illinois Compiled Statutes.
13. **Percolation Test:** shall mean a soil sub-surface test at a depth of a proposed private sewage disposal system to determine the water absorption capability of the soil.
14. **Permit:** shall mean written authorization by the Health Department, or its authorized representative, to install, modify, or extend a private sewage disposal system.
15. **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 BOD.
16. **Private Sewage Disposal System:** shall mean any sewage handling or treatment facility receiving domestic sewage from less than fifteen (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.

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17. **Private Sewage Disposal System Installation Contractor:** shall mean any person constructing, installing, repairing, modifying, or maintaining private sewage disposal systems.
18. **Private Sewage Disposal System Pumping Contractor:** shall mean any person who cleans or pumps waste from a private sewage disposal system or hauls or disposes of waste removed therefrom.
19. **Sewage:** shall mean human or animal wastes or other liquid waste from residences, business buildings, industrial establishments, or other places together with such ground water infiltration and surface waters as may be present.
20. **Sludge:** shall mean the accumulated solids settled during sewage treatment.
21. **Wastewater:** shall mean all domestic sewage, including grey water, discharged to a private sewage disposal system.

SECTION E, ADOPTION BY REFERENCE:

In addition to those provisions set forth herein, this Article shall be interpreted and enforced in accordance with the provisions set forth in the current, unabridged form of the State of Illinois, Illinois Department of Public Health, "Private Sewage Disposal Licensing Act and Code" (225 ILCS 225/1et.al.) and any subsequent amendments or revisions thereto, which are hereby adopted and incorporated hereto by reference.

SECTION F, PERMITS:

1. In accordance with the State of Illinois Private Sewage Disposal Code 77 Ill Adm. Code Part 905, it shall be unlawful for any person to construct, alter, or extend private sewage disposal systems within Knox County unless said person holds a valid permit issued by the Health Department or its authorized representative stating the name of such person for which the specific construction, alteration, or extension is proposed. Said permit shall indicate a maximum permissible waste loading or specifications for minimum size, type, and location of private sewage disposal system to serve the intended use.
2. All completed applications for permits granted under the provisions of this Article shall be made to the Health Department or its authorized representative.
3. It shall be the responsibility of the property owner to obtain a permit before any construction, installation, or alteration of a private sewage disposal system is initiated. Failure of the property owner to obtain a permit before construction or installation of a private sewage disposal system is initiated shall constitute a violation of this Article.
4. It shall be the responsibility of the Illinois Licensed Private Sewage Disposal System Installation Contractor to insure that a permit has been issued for said construction, installation, or alteration and to follow conditions of the permit.

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5. Permit application forms provided by the Health Department or its authorized representative shall be completed and signed by the property owner and shall include the following:
 - a. Name and address of the property owner and location of the proposed site of construction, alteration, or extension as proposed.
 - b. Complete plan of the proposed disposal system, attesting to its compliance with the minimum standards of this Article.
 - c. An accurate drawing containing the following information:
 - i. location of all surrounding buildings
 - ii. property lines
 - iii. slope of the land
 - iv. possible source of ground water contamination (i.e.: wells, ponds, cisterns, etc.)
 - v. proposed system
 - vi. measurements for all set backs
 - vii. percolation test results or soil analysis
6. The Health Department or its authorized representative may refuse to grant a permit for the Construction of a private sewage disposal system where a public or community sewage system is available. A public or community sewage system 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 not be greater than 200 feet for a single family residence or a non-residential property with a sewage flow of less than 1,500 gallons per day or within 1,000 feet of a non-residential property with a sewage flow greater than or equal to 1,500 gallons per day unless a physical barrier or local ordinance exists which prevents connection to the public or community sewer.
7. The Health Department or its authorized representative shall act upon all complete applications promptly and always within five (5) working days of receipt thereof.
8. Said permit to construct is valid for a period of twelve (12) months from date of issuance. If construction has not yet started within this period, the permit is void, unless a renewal has been granted by the Health Department or its authorized representative.
9. There shall be a fee of \$100.00 charged for the permit required in this Article. If a permit is denied, the fee shall be returned to the applicant. Fees are non-refundable once the permit is issued.

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SECTION G, COMPLIANCE AND PERFORMANCE:

1. All private sewage disposal systems within the limits of Knox County shall be installed, modified, or serviced by an individual with a valid Illinois Private Sewage Disposal System Installation Contractor license; 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 license; provided, however, that a homeowner may install and/or service a private sewage disposal system which serves the homeowner's personal single family residence.
2. Percolation tests as required by this Article shall be conducted by either an Illinois Licensed Private Sewage Disposal System Installation Contractor, an Illinois Registered Engineer or Architect, an Illinois Licensed Environmental Health Practitioner, a soil scientist, a property owner, an authorized representative of the Health Department, or other professional persons acceptable to the Health Department or its authorized representative. Soil science data from a certified soil classifier may be submitted in lieu of percolation tests.
3. All private sewage disposal systems shall be constructed, installed, repaired, modified, maintained, pumped, and the contents hauled and disposed of in accordance with the State of Illinois Private Sewage Disposal Code 77 Ill Adm. Code Part 905, and any subsequent amendments thereto.
4. **Surface Discharges:** Surface discharges from buried sand filters and Class I aerobic treatment plants shall be permitted only on properties, which are deemed unsuitable for a subsurface seepage system. Factors which could qualify a lot as unsuitable for a subsurface seepage system include:
 - a. inadequate soil permeability
 - b. insufficient area based on soil investigation information
 - c. inadequate separation distance from water wells
 - d. standing or pooling of surface water

Surface discharges may be acceptable provided that the property owner can provide proof that a subsurface seepage system will not properly function on the property.
5. In order to reduce the volume of wastewater effluent discharged to the ground surface from a NSF Class I aerobic treatment plant, a minimum of two hundred (200) square feet of subsurface absorption field shall be installed before the chlorination unit.
6. **Common Drains:** The use of common drains for the discharge of effluent from an onsite wastewater disposal system shall be prohibited. A common drain is defined as an underground, enclosed conduit designed to carry liquids. Examples of common drains include storm tiles, field tiles, and village common collectors.

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- 7. Disinfection:** The effluent from any onsite wastewater disposal system approved for surface discharge shall be disinfected in the manner as provided in the State Code.
- 8. Inspections:** The Health Department or its authorized representative shall have the authority to enter any property or building at any reasonable time to inspect for health and sanitation purposes to determine compliance with the provisions of this Ordinance. It shall be the duty of the owner or occupant of the property to give the Health Department or its authorized representative free access to the property upon request of the Health Department or its authorized representative.
 - a. The Health Department or its authorized representative shall be permitted to collect effluent samples or conduct any necessary tests, including dye tests, upon any property to determine compliance with the provisions of this Ordinance.

SECTION H, ENFORCEMENT:

- 1.** When a private sewage disposal system, constructed prior to the effective date of this Article, is repaired or modified, it shall comply with the provisions of this Article.
- 2.** The Health Department or its authorized representative is, hereby, authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Article.
- 3.** The Health Department or its authorized representative shall be permitted to inspect the installation of a private sewage disposal system at any stage of construction. Before backfilling is started, but after complete installation of the private sewage disposal system or portion thereof, an inspection shall be made by the Health Department or its authorized representative to determine compliance with the provisions of this Ordinance. Any person who shall backfill or cover any portion of a private sewage disposal system without authorization by the Health Department or its authorized representative shall be in violation of this Ordinance. In such case, the Health Department or its authorized representative may require uncovering of the covered portion, and all costs incurred by such action shall be the responsibility of the violator deemed in violation of this requirement.
- 4.** If the Health Department or its authorized representative upon inspection finds that the specified work meets the requirements of this Ordinance, the Health Department or its authorized representative shall approve the installation, complete the inspection form, and authorize backfilling to be done.

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SECTION I, SUBDIVISION PLAT APPROVAL:

When private sewage disposal systems are to be used for any subdivision or re-division of any subdivision, tract, parcel, or lot of land in to two (2) or more parts by means of mapping, platting, conveyance, change, or map rearrangement of boundaries, the Knox County Health Department shall review the proposed development to ensure that each proposed lot shall be able to contain a private sewage disposal system approved under the provisions of this Ordinance. The following criteria must be met.

1. Requirements for proposed subdivisions of less than three (3) lots without existing private sewage disposal systems.

a. General requirements:

- i. A drawing of the proposed development with each individual lot mapped must be submitted.
- ii. The drawing must include elevations, lot sizes, percolation tests or soil boring locations, locations of any existing drainage tiles, and location and size of all bodies of water within or adjacent to the proposed development.
- iii. Percolation tests or soil analysis must be submitted for each lot in the proposed subdivision.
- iv. Review of the preliminary plat and notice of any deficiencies or required alterations shall be made within ten (10) days of the application being received by the Health Department. Review of the final plats shall be made within five (5) days of receipt by the Health Department.

b. Lot Sizes:

- i. All lots must have an area available, which will provide space to install, maintain, and repair the private sewage disposal system so installed and allow for a replacement sewage disposal system in the future.
- ii. Lots, which plan to utilize a sewage disposal system, which will discharge treated effluent to the ground surface, must be a minimum of one acre in size.
- iii. Minimum lot sizes (excluding easements) for lots utilizing subsurface absorption fields shall be as follows:

LOT SIZE (square feet)	WATER SUPPLY	SEWER SUPPLY
Less than 20,000	Public or Private	Public
20,000 – 43,559	Private	Public
	Public	Private
43,560 (one acre) or greater	Private	Private

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- iv. If these minimum lot sizes are in conflict with the sizing requirements in any other Knox County Ordinance then the greater size shall be required.

c. Private Sewage Disposal System Requirements:

- i. For lots in the development utilizing subsurface private sewage disposal systems, the design area for sewage disposal must be indicated. An area of suitable ground shall be provided on each lot utilizing a subsurface seepage field for a replacement subsurface seepage system. This alternative area shall be designed and shall not be used for any other purpose.

2. Requirements for proposed subdivisions of three (3) or more lots.

a. General Requirements:

- i. A drawing of the proposed development with each individual lot mapped must be submitted.
- ii. The drawing must include elevations, lot sizes, percolation test or soil boring locations, locations of any existing drainage tiles, and location and size of all bodies of water within or adjacent to the proposed development.
- iii. Percolation tests or soil analysis must be submitted for each lot in the proposed subdivision.
- iv. At the time of submittal, all proposed developments of three (3) or more lots, shall pay a fee of \$50.00 plus \$25.00 per lot to the Knox County Health Department for reviewing the proposed subdivisions.
- v. Review of the preliminary plat and notice of any deficiencies or required alterations shall be made within thirty (30) days of the application being received by the Health Department. Review of the final plats shall be made within fifteen (15) days of receipt by the Health Department.

b. Lot Sizes:

- i. All lots must have an area available, which will provide space to install, maintain, and repair the private sewage disposal system so installed and allow for a replacement sewage disposal system in the future.
- ii. Lots, which plan to utilize a sewage disposal system, which will discharge treated effluent to the ground surface, must be a minimum of one acre in size.

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- iii. Minimum lot sizes (excluding easements) for lots utilizing subsurface absorption fields shall be as follows:

LOT SIZE (square feet)	WATER SUPPLY	SEWER SUPPLY
Less than 20,000	Public or Private	Public
20,000 – 43,559	Private	Public
	Public	Private
43,560 (one acre) or greater	Private	Private

- iv. If these minimum lot sizes are in conflict with the sizing requirements in any other Knox County Ordinance then the greater size shall be required.

c. Private Sewage Disposal System Requirements:

- i. For lots in the development utilizing surface discharge of treated effluent, the effluent shall be discharged to one of the following:
 - 1. The ground surface, where the discharge points of the private sewage disposal system with a surface discharge does not exceed one per acre and the effluent does not pond or create a nuisance condition.
 - 2. A collection system which is in accordance with 35 Ill Adm. Code 309.202(a) and (b) and a National Pollutant Discharge Elimination System (NPDES) permit issued by the Illinois Environmental Protection Agency. For development utilizing an I.E.P.A. collection system, a portion of land must be set aside for future use in the event that tertiary treatment is required on the discharge.
- ii. For lots in the development utilizing subsurface private sewage disposal systems, the designated area for sewage disposal must be indicated. All lots must have an area available of suitable ground provided on each lot utilizing a subsurface seepage field for a replacement subsurface seepage system. This alternative area shall be designated and not used for any other purpose.

SECTION J, ISSUANCE OF NOTICE:

- 1. Whenever the Health Department or its authorized representative determines that a violation of any provision of this Article has occurred, the Health Department or its authorized representative shall give notice to the person responsible for such violation. The notice shall:
 - a. be in writing
 - b. include a statement of the reasons for issuance of the notice.

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- c. allow reasonable time as determined by the Health Department for performance of any act it required.
- d. 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 violation(s) when a copy thereof has been sent by registered or certified mail to the last known address of said person as furnished to the Health Department or its authorized representative or when the person has been served with such notice by another method authorized by the laws of the State of Illinois.
- e. contain an outline of remedial action which is required to effect compliance with this Article.

SECTION K, VARIANCES:

If conditions exist at a proposed installation of a private sewage disposal system which make impractical or impossible compliance with the requirements of this Article, a variance may be requested by submitting to the Health Department or its authorized representative a written proposal which is to be used in lieu of compliance with the appropriate requirements. Such written request shall include pertinent data such as soil conditions, water table elevations, drainage patterns, and distances to water supplies in order to support the request.

The capability of the proposed installation to comply with the intent of the appropriate rules and regulations will be the basis for approval or denial of the variance request.

The Health Officer shall review all variance requests and notify the applicant in writing of the decision to either grant or deny the variance. The Health Officer shall render this decision within ten (10) days after the date of receiving the variance request.

A variance shall be requested and approved before construction or reconstruction of a private sewage disposal system begins.

SECTION L, APPEALS:

Any person affected by any order or notice issued by the Health Department or its authorized representative in connection with the enforcement of any Section of this Article may request a hearing before the Health Officer as outlined in Article I, Section B: 9 of the Knox County Health Ordinance.

SECTION M, PENALTY:

- 1. Any person who violates any provision of this Ordinance shall be guilty of a Class A misdemeanor and shall be fined a minimum of \$100 dollars.

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2. Each day a violation remains uncorrected shall constitute a separate offence. The State's Attorney of Knox 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 N, CONFLICT OF ORDINANCE:

1. In any case where a provision of this Article is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance, or code of Knox County existing on the effective date of this Article, the provision which, in the judgment of the Health Department or its authorized representative, 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 Article is found to be in conflict with a provision of any other ordinance or code of Knox County existing on the effective date of this Article which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Article shall be deemed to prevail, and such other ordinance or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Article.
2. If any section, subsection, paragraph, sentence, clause, or phrase of this Article should be declared invalid by a court of competent jurisdiction for any reason whatsoever, such decision shall not affect the remaining portions of this Article which shall remain in full force and effect and, to this end, the provisions of this Article are hereby declared to be severable.

SECTION O, REPEAL OF KNOX COUNTY PRIVATE SEWAGE DISPOSAL RESOLUTION:

Upon effective date of this Article, the Knox County Private Sewage Disposal Resolution dated May 14, 1975 with all amendments thereto is hereby repealed.

SECTION P, EFFECTIVE DATE:

Upon adoption, this Article shall be in full force and effective as provided by law on January 1, 2002.

Passed and adopted this 21st day of November, 2001 by the Knox County Board.

Clerk of the County Board
County of Knox, Illinois

Chairman of County Board
County of Knox, Illinois