

NOTICE OF MEETING

**BOARD OF HEALTH
PLANNING, REGULATION, ORDINANCE
& PUBLIC RELATIONS COMMITTEE**

McHenry County Department of Health

2200 N. Seminary Avenue

Building A

Woodstock, IL 60098

July 12th, 2016

6:00 PM

AGENDA

1. Call to order
2. Public Comment
3. Review of Proposed Replacements to Public Health Ordinances
4. Review Proposed New Public Health Fee Ordinance
5. Adjourn

**Summary of Proposed Ordinance Changes
August 26, 2015**

Proposed Number: Article I	Current Number: Article I
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Title: General Provisions

Major Changes:

- Generally updated historical language to reflect current programming, responsibilities and processes
- Inserted relevant definitions
- Added a section regarding powers and duties of the Department, which is already incorporated into other Articles of the Ordinance
- Provides the Public Health Administrator ten calendar days to respond to an appeal
- Added a section outlining the procedure for requesting a variance from Ordinance requirements
- Removed Board of Health Hearing Committee from the appeal process; an appeal above the Public Health Administrator would go directly to the Board of Health.
- Updated the range of potential fines to reflect current fines in existing Articles.

Proposed Number: Article NA - Repeal	Current Number: II
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Title: Definitions

Major Change:

- To be repealed. Relevant definitions have been incorporated into each Article of the Ordinance.

Proposed Number: Article II	Current Number: Article III
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Title: Public Health Nuisances

Major Changes:

- Updated purpose statement to reflect issues of public health significance
- Reformatted – moved all definitions to front of the document
- Removed violations covered in other Articles of the Public Health Ordinance
- Removed violations specifically under the authority of other jurisdictions
- Consolidated the solid waste violations
- Limiting insect and vermin responses to those that transmit communicable disease
- Updated list of noxious weeds, respond to noxious weeds within 150 feet of a property line
- Updated language for responses to buildings of public health concern

- Added requirement for a potable water supply where people live, work or assemble
- Added violations for tanning or body art facilities not properly registered with the Illinois Department of Public Health
- Oversight of open burning issues by the Natural Environment and Resources Committee
- Updated the notification process (not certified mail) for pool barrier variances

Proposed Number: Article III	Current Number: Article IV
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Title: Food Establishments and Vending of Food and Beverages

Major Changes:

1. Separated Local Requirements from the Illinois Foodservice Sanitation Code, which are incorporated by reference.
2. Removed fees to the Public Health Fee Ordinance.
3. Reinspection fees will be incurred after 2nd reinspection for same violation.
4. Removed sections linking restroom requirements and indoor or outdoor seating as it is covered in the Illinois Plumbing Code.
5. Removed duplications, renumbered to match Illinois Food Service Sanitation Code.

Proposed Number: Article IV	Current Number: Article X
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Title: Wastewater & Sewage Treatment and Disposal for McHenry County

Major Changes:

- 1) Added sections to meet the requirements of the Illinois Private Sewage Disposal Code
 - i) Water softener backwash
 - ii) Maintenance of systems installed after January 1, 2014
 - iii) Alarm/electrical requirements updated
 - iv) Portable Toilet operators/technicians licensed/certified by Illinois Department of Public Health
- 2) Updated/streamlined the appeal process to be consistent with Article I
- 3) Removed fees to the Public Health Fee Ordinance
- 4) Streamlined the Portable Toilet Section, removed sections duplicated in State Code, removed most local restrictions for their use – will rely on the decision of the local plumbing and building authorities.

Proposed Number: Article V	Current Number: Article IX
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Title: Private, Semi-Private, Closed Loop, and Non-Community Water Supplies

Major Changes:

- Separated local requirements from Water Well Construction Code and Illinois Pump Installer Code, which were already incorporated by reference.
- Moved existing, relevant definitions from Article II.

- Reference to Health Authority instead of Director to be consistent with other Articles
- Minor additions to Application requirements to meet minimum State Code
- Moved fees to Public Health Fee Ordinance

Proposed Number : Article XI	Current Number: Article XVII
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Title: Animal Control

Major Changes:

- Deleted obsolete definitions, terminology and items that were overlapping or repetitive
- Corrected spelling and grammar
- Clarified definitions
- Removed items governed by state law rather than local ordinance
- Modified fee references to point to the new PH Fee Ordinance which will be separately maintained
- Clarified that an animal on its owner's property is not running at large

Proposed Number: Article VII	Current Number: NA – New Article
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Title: Public Health Fee Ordinance

Major Change:

Incorporates all public health fees into a single, separate article of the Ordinance.

ORDINANCE

**ORDINANCE REPLACING ALL PUBLIC HEALTH ORDINANCES FOR
MCHENRY COUNTY**

WHEREAS, McHenry County has adopted Public Health Ordinance Articles I, II, III, IV, IX, X and XVII; and

WHEREAS, the above mentioned Articles contain outdated references and cause confusion with their out of sequence numbering; and

WHEREAS, the above mentioned Articles contain repetitive and redundant language and definitions; and

WHEREAS, the County needs a formal mechanism to regularly adopt and review fees for public health services; and

WHEREAS, New and more clearly written Public Health Ordinance Articles I (General Provisions), II (Nuisance), III (Food), IV (Wastewater and Sewage Treatment and Disposal), V (Wells), VI (Animal Control) and VII (Fees) describe the current public health needs of McHenry County; and

WHEREAS, the Board of Health and the Public Health and Human Services Committee of the County Board have reviewed the proposed replacement Public Health Ordinance Articles.

NOW, THEREFORE BE IT ORDAINED, by this County Board of McHenry County, Illinois that existing Public Health Ordinance Articles I, II, III, IV, IX, X and XVII are rescinded effective 11:59 pm _____, 2016; and

BE IT FURTHER ORDAINED, that the County Board adopts new Public Health Ordinance Articles I (General Provisions), II (Nuisance), III (Food), IV (Wastewater and Sewage Treatment and Disposal), V (Wells), VI (Animal Control) and VII (Fees), which are attached hereto and made a part hereof, effective 12:01 am _____, 2016; and

BE IT FURTHER ORDAINED, that the County Clerk is hereby authorized to distribute a certified copy of this Ordinance to the Department of Health Administrator and the County Administrator.

DATED at Woodstock, Illinois, this ____ day of _____ A.D., 2016.

**PUBLIC HEALTH
ORDINANCE FOR
McHENRY COUNTY ILLINOIS**

McHENRY COUNTY DEPARTMENT OF HEALTH

ARTICLE I – GENERAL PROVISIONS

**SECTION 1
DEFINITIONS**

- I.1.1 Health Authority:** means the Administrator of the McHenry County Department of Health, or his designated agent.
- I.1.2 Person:** means any individual, partnership, corporation, association or other legal entity.
- I.1.3 Owner:** means legal owner, or the person or persons in whose name(s) legal title to the real estate in question is vested as evidenced by the records contained in the McHenry County Recorder's office.
- I.1.4 Variation:** means a written document, issued by the Health Authority, that authorizes a modification or waiver of one or more requirements of this Ordinance if, in the opinion of the Health Authority, a health hazard or nuisance will not result from the modification or waiver.
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**SECTION 2
INTENT AND PURPOSE**

- I.2.1 Title:** This ordinance shall be known as, referred to or cited as the PUBLIC HEALTH ORDINANCE FOR McHENRY COUNTY, ILLINOIS.
- I.2.2 Purpose:** The purpose of this Ordinance is to promote the health and safety and general welfare of the people within McHenry County, Illinois; further, it is the purpose of this Ordinance to prohibit, abate, suppress and prevent all acts, practices, conduct, uses of property and all other things detrimental or which may be detrimental to the health of the inhabitants of McHenry County, Illinois.
- I.2.3 Intent:** The general intent of this Ordinance is to regulate all acts which may be necessary or expedient for the promotion of health or the suppression of disease; including regulating public health nuisances; food establishments, vending of food and beverage; temporary food establishments; private, semi-private and non-community water supplies, onsite wastewater treatment and disposal; swimming pools and public swimming beaches, housing, solid waste management, environmental health and safety and animal control.

It is intended that this Ordinance will protect the health of residents and transients; will secure safety from disease and pestilence; will further the healthful use of land and water resources of McHenry County, Illinois and its communities. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

- I.2.4 Severability Clause:** If any section, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- I.2.5 Conflict:** In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, safety or health Ordinance or Code in force or adopted subsequent to the effective date of this Ordinance, the more stringent provision, as determined by a court of competent jurisdiction, shall prevail.
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SECTION 3
ENFORCEMENT PROVISIONS

I.3.1 Powers and Duties of the Department:

- a. To issue permits or registrations as required in this Ordinance.
- b. To make such inspections as are necessary to determine satisfactory compliance with this Ordinance.
- c. To cause investigations to be made when a violation of any provision of this Ordinance is reported to the Department.
- d. To enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the administration and enforcement of this Ordinance; subject to constitutional restrictions on reasonable searches and seizures. If entry is refused or not obtained, the enforcing officer is authorized to pursue recourse as provided by law.
- e. To institute or cause to be instituted legal proceedings in the Circuit Court of McHenry County in cooperation with the State's Attorney's Office where a condition presents a hazard to the public health.
- f. To issue and enforce orders of quarantine or isolation, as permitted by Illinois law (If this is an immediate order then the health department may order quarantine or isolation without consent or a court order if immediate action is required to protect the public from a dangerously contagious or infectious disease. The health department must as soon as practical (within 48 hours after issuing immediate order) obtain consent or request a court order except when court system is unavailable or it is impossible to do so.

I.3.2 Enforcing Officer: Any duly authorized member or representative of the McHenry County Department of Health is hereby designated as an enforcing officer of this Ordinance. Any enforcing officer shall hereby be given specific power to make inspections and for that purpose may enter buildings, structures and premises at all reasonable times in order to enforce the provisions of this Ordinance and to that end shall make such orders, requirements, decisions and determinations as are necessary with respect to the enforcement of this Ordinance.

I.3.3 Permits: It shall be unlawful for any person to operate any establishment, business or operation, or conduct any activities within McHenry County, Illinois, requiring permits under this Ordinance, who does not possess a valid permit issued by the Health Authority. Only a person who complies with the requirements of this Ordinance shall be entitled to receive and retain such permit. Permits shall not be transferable from one person to another or from one place to another.

I.3.4 Issuance of Permits: Any person desiring to conduct any activity requiring a permit under this Ordinance shall make an application for a permit on forms provided by the Department. The application shall include all information required by this Ordinance. Upon receipt of such

application, the Health Authority shall conduct the necessary evaluation and/or make an inspection of the referenced business, establishment or operation to determine compliance with all provisions of this Ordinance. When the applicable requirements of this Ordinance have been met and the required fee paid, a permit shall be issued to the applicant by the Health Authority.

I.3.5 Notices of Violations: Whenever the Department determines through inspection or other means that there is a violation of any provision of this Ordinance, the Department shall give notice of such alleged violation. Such notice shall:

- a. Be in writing.
- b. Include a Statement of the reason(s) for its issuance.
- c. Allow a period of time not to exceed ten (10) days to effect compliance with this Ordinance unless an extension of time has been granted by the Health Authority or the Public Health Ordinance specifically provides otherwise. Within said same ten (10) days, the responsible person or his designated agent shall have the right to seek, in writing, a review by the Health Authority for McHenry County of the action taken by its Enforcing Officer. The Health Authority shall provide a written response to that review within 10 business days of receipt.
- d. Be served upon the owner, operator, occupant, licensee or permit holder, or his agent as the case may require; provided, that such notice or order shall be deemed to have been properly served upon such owner, operator, occupant or agent: when a copy thereof has been sent by registered or certified mail, or when such notice has been posted on the property where the violation exists, when such notice has been posted to the front door of the permit holder's establishment, or by posting or leaving such notice at the owner's, operator's, occupant's or permit holder's residence or when personally delivered to the owner, operator, resident, permit holder or licensee or person in charge.
- e. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.
- f. Explain the procedure for review or appeal of the alleged violation.

I.3.6 Extension of Time: Any person, firm or corporation affected by a notice which has been issued in connection with the enforcement of any provisions of this Ordinance, may request and shall be granted a time extension, by the Health Authority, when circumstances warrant such an extension and it is in harmony with the general purpose of this Ordinance to safeguard and secure the public health, safety and welfare.

I.3.7 Variations: When circumstances exist which make impractical full compliance with the requirements of this Ordinance, an applicant may request that the Health Authority grant a variation. Such request shall be made in writing, shall cite the relevant Article and Section numbers and shall accompany any other pertinent data which might support the request or which the Health Authority may require. An explanation of how the potential public health hazards and nuisances addressed by the relevant Sections of the Ordinance will be alternatively addressed shall be included. The Health Authority may grant the request for variance provided

the variance does not conflict with the stated purpose of this Ordinance.

- I.3.8 Suspension of Permits:** The Health Authority may suspend any permit authorized by this Ordinance, upon violation by the property owner or permit holder of any of its terms in the manner set forth in the following paragraph:

Notwithstanding the provisions of this Ordinance, whenever the Health Authority finds conditions which in his judgment constitutes imminent danger to the public health, or the permit holder, owner or operator has ignored, neglected, or carelessly responded to notices to correct issued by the Department, or in any other way has blatantly jeopardized the public's health by his manner of response to such notice, said Health Authority may without warning, notice or hearing, issue a written notice to the permit holder, owner or operator, citing such conditions and such order shall state the permit is immediately suspended and all operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon a written petition to the Board of Health, shall be afforded a hearing within ten (10) days.

- I.3.9 Reinstatement of Suspended Permits:** Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the Permit. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the Health Authority shall make a reinspection. If the applicant is in compliance with the requirements of this Ordinance, the permit shall be reinstated.

- I.3.10 Revocation of Permits:** For serious or repeated violation of any of the requirements of this Ordinance, or for interference with the enforcing officer in the performance of his duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the Board of Health. Prior to such action, the Health Authority shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of five (5) days following service of such notice, unless request for a hearing is filed with the Board of Health, by the permit holder within such five (5) day period. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

- I.3.11 Emergency Abatement:** Whenever, in the judgment of the Department an emergency exists which requires immediate action to protect the Public Health, safety, or welfare, a court order may be requested without notice, conference, or hearing, directing the owner, occupant, operator, or agent to take such action as is appropriate to correct or abate the emergency. All expenses involved in abatement shall be borne by the owner.

SECTION 4 HEARINGS

- I.4.1 Hearing:** Any person, firm or corporation affected by an order or notice issued by the Health Authority revoking or suspending a Permit or License may file in the office of the Department within ten (10) days of the date of the service of such order or notice, or if a review has been requested of the Health Authority, a written Petition for a hearing before the McHenry County

Board of Health. Such a Petition to the said Board of Health shall stay the order of suspension or revocation until the McHenry County Board of Health has determined and decided the appeal, except that situations requiring emergency abatement as provided in Section I.3.11 shall not be stayed. The Petitioner for the Hearing shall be notified of the time and place of the Hearing not less than three (3) days prior to the date on which the Hearing is to be held. The Hearing shall be held within ten (10) days after the Petition is filed unless mutually continued or extended. The Board of Health shall hear the Petition at their next regular meeting, or at a special meeting called specifically for the purpose of the Hearing. The Board of Health shall make its written findings and recommendations within ten (10) days after the date of the hearing and shall provide the Petitioner with a copy of same.

- I.4.2 Petition:** Whenever a Petitioner requests a Hearing before the McHenry County Board of Health, the Petition shall:
- a. Be in writing.
 - b. Be made to the McHenry County Department of Health
 - c. State the reason(s) for the appeal.
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SECTION 5 PENALTIES

- I.5.1** Any person, firm, or corporation who maintains a nuisance as declared by this Ordinance or who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one-hundred dollars (\$100) nor more than one-thousand dollars (\$1000). In addition thereto, such persons may be enjoined from continuing such violations. Each day upon which such violation occurs shall constitute a separate violation.
- I.5.2** In addition to penalties provided in Section I.5.1, the Department may maintain a complaint to enjoin all persons from maintaining or permitting a nuisance, and to abate same.
- I.5.3** Other penalties and fees may apply, as stated in any later section of this Ordinance.
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**PUBLIC HEALTH
ORDINANCE FOR
McHENRY COUNTY ILLINOIS**

McHENRY COUNTY DEPARTMENT OF HEALTH

ARTICLE II - NUISANCE

SECTION 1

DECLARED PUBLIC HEALTH NUISANCES

Approved _____, 2015 - McHenry County Board

INTENT AND PURPOSE: The purpose of this Ordinance is to control and prevent nuisances of public health significance.

DEFINITIONS

Barrier: A fence, a wall, a building wall or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

Brush: Tree trunks, limbs, branches, and twigs.

Ceremonial Fire (bonfire): An outdoor fire larger than three feet by three feet by three feet (3'x3'x3') which is used for entertainment purposes as part of a specifically scheduled public or private event and excludes leaves, grass or shrubbery clippings or cuttings.

Garbage: Organic waste resulting from preparation, processing, handling and storage of food and all decayed or spoiled food from any source.

Habitable Structure: Any structure with electric and heat intended to be used for living, sleeping, eating, or assembly purposes including but not limited to residences, multifamily dwellings, churches, schools, food facilities and industrial buildings.

Hot Tub: See definition of spa.

Inground pool: See definition of swimming pool.

Landscape Waste: All accumulation of grass or shrubbery cuttings, leaves, flowers and weeds.

Litter: Any discarded, used or unconsumed substance or waste. Litter may include, but is not limited to, any garbage, trash, refuse, debris, rubbish, newspaper, magazines, glass, metal, plastic or paper containers or other packaging construction material, motor vehicle parts, furniture, oil, carcass of dead animal, any nauseous or offensive matter of any kind, any object likely to injure any person or create a traffic hazard, potentially infectious medical waste, or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned or otherwise disposed of improperly.

Manure: The fecal and urinary defecations of livestock and poultry. Manure may often contain some spilled feed, bedding or litter.

Natural Barrier: A natural barrier is a non-seasonal lake, pond or stream greater than 20 feet in width.

Neighboring residence: A one or two-family dwelling or a one-family townhouse not more than three stories in height, situated on improved property within 500 feet of a residential swimming pool.

Non-habitable Structure: Any structure not identified as habitable as defined and would include but is

not limited to garages, sheds, barns, and swimming pools.

Noxious Weed: Canada thistle (*Cirsium arvense*), perennial Sowthistle (*Sonchus arvensis*), Musk Thistle (*Carduus nutans*), and perennial members of the sorghum genus including Johnson grass (*Sorghum halepense*), and *Sorghum almum*.

Offal: The intestines and discarded parts from the slaughter of animals.

Open Burning: The combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under the provisions of the Environmental Protection Act.

Recreational Fire: A temporary outdoor fire for warmth, cooking for human consumption, or for non-ceremonial purposes where the fire is not larger than three feet by three feet by three feet (3'x3'x3') and excludes leaves, grass or shrubbery clippings or cuttings.

Residential: That which is situated on the premises of a detached one or two-family dwelling or a one-family townhouse not more than three stories in height.

Spa – portable, non-portable, hot tub: A non-permanent structure intended for recreational bathing in which all controls, water-heating and water-circulating equipment are an integral part of the product.

Structure: The results of a man-made change to the land constructed on or below the ground, including the construction, reconstruction or placement of a building or any addition to a building; installing a manufactured home on a site; preparing a site for a manufactured home or installing a recreational vehicle or travel trailer on a site for more than one hundred eighty (180) consecutive days.

Swimming Pool: Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes inground, aboveground and onground swimming pools, hot tubs and spas.

Swimming pool – indoor: A swimming pool which is totally contained within a structure and surrounded on all four sides by walls of said structure.

Swimming pool – outdoor: Any swimming pool, which is not an indoor pool.

REQUIREMENTS

The following are declared public health nuisances prejudicial to the public health:

- II.1.1** To cause or suffer the carcass of any animal or any offal or filth to be collected, deposited or to remain in any place to the prejudice of others. Livestock waste disposed of on agriculturally zoned land in compliance with State and local laws, ordinances, or regulations is exempt. Animal carcasses shall be properly disposed of within twenty-four (24) hours of a death of an animal.
- II.1.2** Allowing accumulations of litter; human, animal, industrial, noxious or offensive waste; Provided, that, acceptable storage of livestock manure on a farm is permitted when this storage is in compliance with State and local laws, ordinances, and regulations.
- II.1.3** Maintaining garbage cans, which are not fly-tight, vermin and rodent proof.
- II.1.4** Allowing any infestation in a structure or on a property of pests or vermin that may be involved in transmission of communicable diseases or failing to remove conditions in a structure or on a property that may permit such infestation.
- II.1.5** Failing to eradicate all noxious weeds within 150 feet of any property line.
- II.1.6** Allowing occupancy of a building that is an exposed public hazard as a source of filth or in a

condition prejudicial to the health and safety of the public.

- II.1.7** Failing to remove or seal unoccupied buildings that are an exposed public hazard, as a source of filth or in a condition prejudicial to the health and safety of the public in such a manner as to prevent entry.
 - II.1.8** Failing to remove vehicles, refrigerators, freezers, stoves, and similar equipment, which have been abandoned to the potential peril of persons from the property.
 - II.1.9** Offering used mattresses, swimsuits, wigs, and other personal items for sale to the public unless these items are sanitized as approved by the Health Authority.
 - II.1.10** Failing to provide a potable water supply sufficient in quantity and pressure to adequately serve all plumbing fixtures therein, in any building in which people live, work or assemble.
 - II.1.11** Operating a tanning facility without a valid permit issued by the Illinois Department of Public Health contrary to the provisions of the Illinois Tanning Facility Permit Act or the Illinois Department of Public Health Tanning Facilities Code.
 - II.1.12** Operating a tattoo and/or body piercing establishment without a valid permit issued by the Illinois Department of Public Health contrary to the provisions of the Illinois Tattoo and Body Piercing Establishment Registration Act or the Illinois Department of Public Health Body Art Code.
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SECTION 2

OPEN BURNING OF LANDSCAPE WASTE

Approved December 4, 2007

Effective April 1, 2008

Re-numbered to fit new format _____, 2015

INTENT AND PURPOSE: Whereas, open burning creates a risk of losses due to fire and impairs air quality, regulation of open burning is necessary to protect the public health, safety, and welfare.

REQUIREMENTS

II.2.1 Exemptions

- A)** Sections II. 2.2, A & B; II. 2.3, B, 1-3; and II. 2.4, B shall not apply to prescribed burns associated with ecologic restoration or natural landscape management, any burning of landscape waste for purposes of habitat reclamation, or firefighter training.
- B)** Sections II. 2.2, A & B; II. 2.3, B, 1-3; and II. 2.4, B shall not apply to the burning of brush for purposes of domestic fireplaces or cooking or external fireplaces, or to self-contained outdoor wood- burning devices or fireplaces.
- C)** Sections II. 2.2, A & B; II. 2.3, B, 1-3; and II. 2.4, B shall not apply to the open burning of brush for purposes of recreational fires.
- D)** Sections II. 2.2, A & B; II. 2.3, B, 1-3; and II. 2.4, B shall not apply to the open burning of brush for purposes of ceremonial fires or bonfires provided that notice of any ceremonial fire or bonfire has been given to the fire protection district or fire department serving the area where the fire is to take place and a permit has been obtained from the McHenry County Department of Health. Failure to obtain a permit from the McHenry County

Department of Health prior to conducting a ceremonial fire utilizing brush shall be deemed a violation of this article. Failure to notify the applicable fire protection district or fire department and obtain permission prior to conducting a ceremonial fire utilizing brush shall be deemed a violation of this article.

- E) Section II. 2.3, B, 1 shall not apply where the fire is located five hundred feet (500') or greater from a habitable structure.

II.2.2 Prohibition

- A) Open burning of landscape waste shall not take place within one hundred feet (100') feet of a habitable structure.
- B) Open burning of landscape waste shall not take place less than fifty feet (50') from any structure that is not habitable.
- C) The burning of manure, garbage, litter or any materials other than landscape waste and/or brush is prohibited on any property in McHenry County.
- D) The Chairman of the County Board shall have the authority to prohibit all open burning of landscape waste in the event of emergencies that require shifting of staff priorities or conditions that may represent significant potential for fire safety issues.

II.2.3 Restrictions

Any open burning in the County of McHenry shall be in accordance with the restrictions enumerated below:

- A) The open burning of landscape waste shall only occur on the property upon which the landscape waste was generated. The burning of any materials other than landscape waste is prohibited.
- B) The following restrictions upon the open burning of landscape waste on the property upon which it was generated shall prevail:
 - 1) Burning is permitted only on weekends, between dawn and dusk, during the months of October, November, April and May.
 - 2) Burning is not permitted when the wind is in excess of ten (10) miles per hour.
 - 3) Burning is not permitted of any material other than dry landscape waste and/or brush.
 - 4) Burning is not permitted on public or private roads, alleys, sidewalks or easements.
 - 5) Burning is not permitted when it is a visibility hazard on roadways, railroad tracks or airfields.

II.2.4 Conditions and Limitations of Open Burning

- A) All open burning must be supervised by an individual at least 18 years of age until the fire is extinguished.
- B) A fire extinguisher or garden hose or water source shall be available at the burning site.
- C) It is the responsibility of the individual conducting the burning and the owner of the property to satisfactorily determine that all conditions upon burning as noted above are complied with during any burning.
- D) It shall be unlawful for any person to cause or allow any open or uncontrolled burning of landscape waste and/or other materials in violation of the above regulations and restrictions.
- E) Any ceremonial fire (bonfire) or recreational fire must be supervised by an individual at least 18 years of age or older.
- F) The Chairman of the County Board shall have the authority to waive all or part of the

requirements of this Ordinance in the event of emergencies resulting from natural phenomenon or civil strife.

II.2.5 Enforcement, Violations and Penalties

- A)** McHenry County Department of Health shall be primarily responsible for the enforcement of this Ordinance. Any enforcement officer of the McHenry County Department of Health, law enforcement agency, fire department or fire protection district is hereby authorized to enforce the provisions of this article.
- B)** Any person who violates any provision of this article shall be punished by a fine of one hundred dollars (\$100.00) for a first time offense and a fine of up to one thousand dollars (\$1,000) for offenses subsequent to the first offense. The burning of any toxic material and any prior convictions under this article shall be considered factors in aggravation for purposes of the assessment of any fines.

II.2.6 Program Oversight

- A)** The McHenry County Solid Waste Manager shall endeavor to create economical alternatives to the open burning of landscape waste for McHenry County residents.
- B)** The Natural Resources and Environment Committee of the McHenry County Board shall have oversight responsibility for, and will review the development and implementation of all programs in all categories set forth herein and which may be recommended in the future.

This ordinance does not supersede any requirements of a government entity that may be more restrictive.

SECTION 3

BARRIERS FOR RESIDENTIAL SWIMMING POOLS, SPAS AND HOT TUBS

INTENT AND PURPOSE: The provisions of this document shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near-drownings to children under the age of five (5) by restricting access to swimming pools, spas and hot tubs.

This Section applies to all residential swimming pools, spas and hot tubs in McHenry County unless a more stringent local Ordinance exists.

REQUIREMENTS

- II.3.1 Usage:** General, in no case shall a swimming pool, hot tub or spa be put into use until it is in compliance with the following requirements and any applicable building code.
- II.3.2 Outdoor swimming pool:** An outdoor swimming pool, including an inground, aboveground or onground pool, hot tub or spa shall be provided with a barrier which shall comply with the following:
- II.3.3 Barrier:** The top of the barrier shall be at least 48 inches above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be four (4) inches measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four (4) inches.

- II.3.4 Natural Barrier:** The barrier requirements are waived for the portion of the pool/spa/hot tub facing the natural barrier. On all other sides of the property, the barrier must extend to the legal (where established) or normal water level.
- II.3.5 Openings in barrier:** Openings in the barrier shall not allow passage of a four (4) inch diameter sphere.
- II.3.6 Solid barriers:** Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
- II.3.7 Barrier horizontal and vertical members less than 45 inches:** Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, spacing between the vertical members shall not exceed 1 $\frac{3}{4}$ inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 $\frac{3}{4}$ inches in width.
- II.3.8 Barrier horizontal and vertical members 45 inches or more:** Where the barrier is composed of horizontal and vertical members of 45 inches or more, spacing between vertical members shall not exceed four (4) inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 $\frac{3}{4}$ inches in width.
- II.3.9 Mesh size for chain link:** Maximum mesh size for chain link fences shall be a 1 $\frac{1}{2}$ inch square unless the fence is provided with slats fastened at the top or bottom which reduce the openings to no more than 1 $\frac{3}{4}$ inches.
- II.3.10 Barrier diagonal members:** Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than 1 $\frac{3}{4}$ inches.
- II.3.11 Access gates:** Access gates shall comply with the requirements of sections II.3.1 through II.3.10, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outwards away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate, (a) the release mechanism shall be located on the pool side of the gate at least three (3) inches below the top of the gate and (b) the gate and barrier shall have no opening greater than $\frac{1}{2}$ inch within 18 inches of the release mechanism.
- II.3.12 An aboveground pool structure used as a barrier:** Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps then (a) the ladder or steps shall be capable of being secured, locked or removed to prevent access or (b) the ladder or steps shall be surrounded by a barrier which meets the requirements of II.3.1 through II.3.11. When the ladder or steps are secured, locked, or removed, any opening created shall not allow the passage of a 4-inch diameter sphere.
- II.3.13 Moat used to obtain clearance:** Where a moat is used to obtain the 48 inch clearance from ground surface to top of pool, it shall also be 48 inches from the outside rim of the moat to the top of the barrier (or rim of the pool).
- II.3.14 Prohibited locations:** Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.
- II.3.15 Exemptions:**
- a) A spa or hot tub with a solid lockable safety cover which complies with ASTM ES 13-89 listed below shall be exempt from the provisions of this document. Swimming pools with safety covers shall not be exempt. ASTM ES 13-89. Emergency performance Specification for Safety

covers and labeling requirements for covers for Spas and Hot Tubs.

- b) Swimming pools/spas/ hot tubs located greater than 500 feet from neighboring residence and that have been in existence prior to January 1, 1992 shall be exempt from all requirements of II.3.
- c) The mesh size for chain link barriers in existence prior to October 18, 1994, that are no larger than 2 ¼ inches square, providing an opening of no more than 3 1/5 inches shall be exempt from Section II.3.9.
- d) Swimming pools/spas/hot tubs that have been in existence prior to January 1, 1992 and for which there exists an occupancy certificate issued by the County after August 21, 1990. This exemption shall only apply to pools, spas, and hot tubs that have been issued an occupancy certificate under the 1990 BOCA and that continue to be in compliance with the provisions of the 1990 BOCA National Building Code.

II.3.16 Variances:

- a. **Intent:** it is the intent of Section II.3 of the McHenry County Public Health Ordinance that all swimming pools, spas and hot tubs have an effective barrier to discourage access of youngsters (less than 5 years of age). However it is recognized that unique circumstances may exist that would preclude immediate compliance with all parts of Section II.3 for swimming pools/spas/hot tubs in existence prior to January 1, 1992.
- b. **Standards for a Variance:** Variations from the regulations of this ordinance may be granted in each of the following instances:
 - 1. For the swimming pools/spas/hot tubs built prior to the effective date of this Ordinance and that require measurement specifications as set forth in this Ordinance, may be granted a variance provided that the “as built” configuration does not deviate by more than 15% of the measurement specifications. The Petitioner shall be exempt from the notice requirements of Section II.3.16C
 - 2. Furthermore, a Variance may be granted where evidence is presented and demonstrates:
 - i. The swimming pools/spas/hot tubs have been built prior to the effective date of this Ordinance.
 - ii. The swimming pools/spas/ hot tubs are located 200 feet to 500 feet from a neighboring residence or less than fifty feet from a natural barrier.
 - iii. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located

The petitioner shall provide notice as set forth in II.3.16C

- c. **Notice:** The Petitioner shall notify by means of certified mail-return receipt requested, all of the most recent real estate taxpayers of record of all property abutting the property designated in the petition for a variation. If said property designated in the Petition is bounded by a public road or street, alley or any other public way, such notice shall be sent to all of the most recent real estate taxpayers abutting the public road or street, alley or any other public way directly across the Petitioner’s property. All such notices shall be mailed not more than thirty (30) days nor less than fifteen (15) days in advance of filing the petition for variance. The Petitioner shall file a sworn affidavit containing a copy of the notice, the names and addresses of all taxpayers entitled to notice and those who received notice.

Issuance and Time Period: The Department shall review the variation petition based on the Standards for a Variance. The Department shall, within 10 days from the date of filing the petition, approve or disapprove the petition, notifying the petitioner to that effect in writing. A variance shall be valid for five (5) years.

d. **Recording:** Where a petition is approved for a variance within 10 days of said approval, the petitioner shall file for record with the recorder's office a notice of variance which shall prescribe the following information.

1. Grantee(s) name – Owner(s)
2. Grantee(s) Address
3. Legal Description of the Property
4. Property Index Number
5. A statement of Variance and its Duration
6. Name and Address of Preparer

The petitioner shall submit to the Department a certified copy of the notice of variation within 10 days of its recording.

e. **Appeals:** Appeals may be made in accordance with Article I of the McHenry County Public Health Ordinance.

II.3.17 Enforcement: The Planning and Development Department and any duly authorized member or representative thereof shall enforce all of the provisions of Section II.3 et seq. notwithstanding, those enforcement provisions set forth in Article I of the Public Health Ordinance.

**PUBLIC HEALTH
ORDINANCE FOR
McHENRY COUNTY ILLINOIS**

McHENRY COUNTY DEPARTMENT OF HEALTH

ARTICLE III – Food

SUBPART A: GENERAL PROVISIONS

Section 750.01 Purpose

This Ordinance shall be liberally construed and applied to promote its underlying purpose of protecting the public health. The purpose of this Ordinance is to protect the health, safety and general welfare of the residents and transients of McHenry County by establishing sanitation standards for food provided in food establishments, food equipment and food protection, food service personnel, food equipment and utensils, sanitary facilities and controls; by regulating the inspection of food establishments; providing for examination and condemnation of food; and providing for the enforcement of this Ordinance.

Section 750.05 Incorporated Materials

The Illinois Department of Public Health Food Service Sanitation Code, 2015, as now enacted or hereafter amended, is adopted and incorporated by reference with additions, insertions, deletions and changes as approved by the McHenry County Board on _____. For the purpose of readability these additions, insertions, deletions, and changes have been incorporated into the appropriate Sections of this Ordinance.

Section 750.10 Definitions

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

“Adulterated” means the condition of a food:

1. If it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health.
2. If it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation, or in excess of such tolerance if one has been established.
3. If it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human consumption.
4. If it has been processed, prepared, packed, or held under unsanitary conditions, whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health.
5. If it is in whole or in part the product of a diseased animal, or an animal which has died otherwise than by approved slaughter method.
6. If its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.

“Back Siphonage” means the backing up of used, contaminated or polluted water from a plumbing fixture, vessel or tank or other source into the water supply pipe or system due to a negative pressure in the supply system.

“Bulk Food” means processed or unprocessed food in aggregate containers from which quantities desired by the consumer are withdrawn.

“Caterer” means any person, firm or corporation who provides food service to an event or location usually for a single event or celebration whether the food is prepared at an approved facility or at the location of the event.

“Commissary” means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored, and/or directly from which mobile food units or vending machines are serviced.

“Conditional Permit” means a permit issued when any condition other than those that require immediate abatement prohibits a regular permit from being issued.

“Contaminant” means any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

“Critical Violation” means a four (4) or five (5) point violation where that violation would result in an unacceptable health risk.

“Department” means the McHenry County Department of Health.

“Festival” means a particular feast, holiday or celebration occurring each year at which food is served to the public for a period of no more than fourteen (14) days.

“Fixed Food Establishment” means a food establishment that is not a mobile food unit, a temporary food establishment, vending machine or vending machine location.

“Food-borne Disease Outbreak” means an incident, except as specified in Subparagraph 2 of this definition, in which:

- a) Two or more unrelated persons experience a similar illness after ingestion of a common food; and
- b) Epidemiological analysis implicates the food as the source of the illness.

Food-borne Disease Outbreak includes a single case of illness such as one person ill from botulism or chemical poisoning.

“Food establishment” means an operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption:

- a) Such as a restaurant; satellite; retail food store or market; conveyance used to transport people; institution; or food bank; and
- b) That relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

1. “Food establishment” includes:

- a) An element of the operation such as a transportation vehicle or a central preparation facility that supplies a satellite feeding location unless the feeding location is permitted by the regulatory authority; and
- b) An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises; and regardless of whether there is a charge for the food.

2. “Food establishment” does not include:

- a) A produce stand that only offers whole, uncut fresh fruits and vegetables;
- b) A food processing establishment;
- c) A kitchen in a private home if only food that is not potentially hazardous is prepared for sale or service at a function such as a religious or charitable organization’s bake sale if allowed by law and if the consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority;

- d) An area where food that is prepared as specified in Subparagraph (3) of this definition is sold or offered for human consumption;
- e) A kitchen in a private home, such as a small family day-care provider; or a bed-and-breakfast operation that prepares and offers food to guests if the home is owner occupied, the number of available guest bedrooms does not exceed 5, breakfast is the only meal offered, and the consumer is informed by statements contained in published advertisements, mailed brochures, or placards posted at the registration areas that the food is prepared in a kitchen that is not regulated and inspected by the regulatory authority; or
- f) A private home that receives catered or home-delivered food.

“Food grade container” means a smooth and easily cleanable container which is made from clean, sanitary, safe and non-toxic materials which will not impart odors, color, or taste or contribute to the contamination of food.

“Health Authority” means the Administrator of the McHenry County Department of Health or his designated agent.

“Law” includes applicable Federal, State, and local statutes, ordinances, and regulations.

“Mobile Food Unit” means a food establishment designed to be readily moveable and which returns each day to the commissary for cleaning and servicing.

“Poisonous or Toxic Materials” means substances that are not intended for ingestion and are included in four categories:

1. Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;
2. Pesticides, which include substances such as insecticides and rodenticides;
3. Substances necessary for the operation and maintenance of the establishment such as non-food grade lubricants and personal care items that may be deleterious to health; and
4. Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as petroleum products and paints.

“Pre-packaged” means bottled, canned, cartoned, bagged, or securely wrapped.

“Repetitious violation” means any violation, which has been noted on two or more inspection reports within a calendar year.

“Service area” means any area of a food establishment where food is handled, prepared, packaged, served or dispensed by either food service personnel or patrons. For the purposes of this Ordinance, service area and food service area shall have the same meaning.

“Substantial compliance” means that there are no outstanding or repetitious critical violations at the food establishment.

“Supplemental Outdoor Grilling Health Permit” means a permit issued by the Health Authority to a fixed food establishment, in addition to the annual health permit, which allows the outdoor grilling of food items.

“Temporary Food Establishment” means a food establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration. The term does not include establishments that handle only whole fresh fruits or vegetables. For the purposes of this Ordinance, “Temporary Food Events” and Temporary Food Establishments” shall have the same meaning. Temporary Food Establishments shall be classified into three categories as follows:

- Category I: Foods with extensive or complicated preparation of high risk foods, or high risk populations.
- Category II: Food with limited preparation or handling.

- Category III: Pre-packaged, non-potentially hazardous foods, and pre-packaged ice cream products.

“Transportation” (transported) means movement of food within the food establishment or delivery of food from that food establishment to another place while under the control of the person in charge.

“Vending Machine” means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation. Vending machines shall be classified into three categories as follows:

- Category I: vending machines that vend in part or in total potentially hazardous foods and/or beverages into an open container.
- Category II: vending machines that vend only pre-packaged, non-potentially hazardous foods.
- Category III: vending machines that vend only bottled or canned beverages and/or gum and loose candy.

“Vending Machine Location” means the room, enclosure, space, or area where one or more vending machines are installed and operated and includes the storage and servicing areas on the premises that are used in conjunction with the vending machines.

“Wet Storage” means cold storage of food or drink by immersion in cold or iced water.

“Warewashing” means the cleaning and sanitizing of food-contact surfaces of equipment and utensils.

“Wholesome” means in sound condition, clean, free from adulteration, and otherwise suitable for use as human food.

Section 750.15 Permit Requirements:

No person, firm or corporation shall operate a food establishment or operate of one or more food vending machines in McHenry County, unless he holds a valid operator’s permit issued by the Health Authority in his name for the specific food establishment. Category II and Category III vending machines, Category III Temporary Food Establishments and Category III Food Establishments serving only pre-packaged, non-potentially hazardous food items are exempt from the permit and fee requirements; however, all other requirements of this Ordinance must be met.

Permit Renewal: Every operating permit shall be issued for the period May 1 – April 30, unless sooner revoked or suspended and may be renewed for successive periods not to exceed 1 year: Provided that a person, firm or corporation who begins operation after November 1st shall be required to pay only one-half (1/2) the annual permit fee for the balance of that permit year. Any operating permit not renewed by April 30, shall be considered delinquent. A late charge specified in the Public Health Fee Ordinance shall be applied to all renewal permit application(s) received after April 30th.

Condition for Permits: The Health Authority is hereby authorized upon application thereof, to issue new operating permits and renewals in the names of the applicant, owners or operators of food establishments. Within thirty (30) days of receipt of the permit application, the Health Authority shall either issue the permit or provide written justification for the denial of the permit. No permit shall be issued unless said establishment is found upon inspection to be in substantial compliance with all the requirements of this Ordinance. When conditions exist that a regular permit cannot be issued a conditional permit will be issued. A conditional permit suspends the regular, annual health permit. A conditional permit is not intended for new food establishments or for food establishments under new ownership.

Conditional Permit: A conditional permit is issued for a period not to exceed 30 days at which time either the regular permit is issued or another conditional permit is issued if the conditions causing the conditional permit are not corrected. The cost of the conditional permit is due at the Health Department

within 5 working days of receipt or the permit is suspended until such time that the fees have been received. A maximum of three (3) consecutive conditional permits will be issued in a permit year (May 1 – April 30.) A conditional permit suspends the regular health permit.

Application for Permit: No operating permit shall be issued or renewed unless the applicant, owner or operator has first made application therefore on an application form provided by the Health Authority. The Health Authority shall develop such forms and make them available to the public. Such application shall include:

- a) Applicant's full name and post office address.
- b) Whether applicant is an individual, firm or corporation, and if a corporation or partnership the names of the officers or partners, together with their addresses.
- c) Location of the commissary or commissaries where vending machines are repaired or renovated.
- d) Type of Establishment.
- e) The identity and form of the products to be dispensed through vending machines and the number of each such type vending machine in his possession.
- f) The location and number of vending machines operated in McHenry County, Illinois.
- g) Signature of the applicant or applicants.

Permit Fee: No operating permit shall be issued or renewed unless the completed application form is accompanied by a payment in accordance with the approved fee schedule contained in the Public Health Fee Ordinance, approved by the McHenry County Board. A fee as contained in the Public Health Fee Ordinance shall be required for all replacement permits (i.e. due to loss, name changes, etc.)

Permit Display: The operator's permit, as provided by the Health Authority, shall be displayed and be readily visible in each food establishment, vending machine location or on each vending machine operated by him.

Variations: When circumstances exist which make impractical full compliance with the requirements of this Ordinance, as listed in this paragraph, an applicant may request that the Public Health Administrator grant a variance. Such request shall be made in writing, shall cite the relevant Section numbers, and shall accompany any other pertinent data which might support the request or which the Public Health Administrator may require. An explanation of how the potential public health hazards and nuisances addressed by the relevant Sections of this Ordinance will be alternatively addressed shall be included. The Public Health Administrator may grant the request for variance provided the variance does not conflict with the stated purpose of this Ordinance. Variations will be considered for items in this Ordinance that do not compromise the wholesomeness, storage, handling, or service of foods. The Health Administrator shall respond to all variation requests, in writing, within thirty (30) days of receipt of the request. The Department may attach conditions to a variance to ensure that a variance does not result in creating a public health hazard or nuisance condition. Failure to continue to meet the conditions of a variance is a violation of this Ordinance and may result in the variance being rescinded.

Section 750.16 Outdoor Cooking:

Beer Gardens, pig roasts, fish boils, outdoor grilling and other outdoor food service events that are held in conjunction with permitted establishments shall only be allowed with a valid Supplemental Outdoor Grilling Permit or Temporary Food Permit issued by the Health Authority.

Section 750.20 Inspection of Food Establishments

The Health Authority shall inspect each food establishment located in the County of McHenry as follows:

- Category I Facilities: three times annually
- Category II Facilities: two times annually
- Category III Facilities: one time annually

The following substitute activities may be used in place of one annual inspection of a Category I or Category II facility, which is in substantial compliance with the requirements of this Ordinance.

- Employees involved in food operations receive a HACCP training exercise, in-service training in another food service sanitation area, or attend an educational conference on food safety or sanitation.

The Health Authority shall inspect each food and/or beverage vending machine located in the County of McHenry as follows:

Category I Vending Machines: two annual inspections
 Category II Vending Machines: no annual inspections
 Category III Vending Machines: no annual inspections

The Health Authority shall make as many additional inspections as are necessary for the enforcement of this Ordinance. The Health Authority reserves the right to change the risk classification (i.e. poor sanitation) and thus increase the frequency for Category II and III operations.

- 1. Access to Establishments** The Health Authority, after proper identification, shall be permitted to enter, at any reasonable time, any food establishment, or upon any private or public property where vending machines or commissaries are operated, or from which such machines are otherwise serviced, within the County of McHenry, Illinois, for the purpose of making inspections to determine compliance with this Ordinance. He shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received or sold, and persons employed. The operator shall make provisions for the Health Authority to have access, either in company with an employee or otherwise, to the interior of all vending machines operated by him.
- 2. Inspection Reports:** Whenever an inspection of a food establishment or commissary is made, the findings shall be recorded on an approved inspection report form. This inspection report form shall summarize the requirements of this Ordinance and shall set forth a weighted point value for each requirement. Inspectional remarks shall be written to reference, by section number, the section violated and shall state the correction to be made. The rating score of the establishment shall be a total of the weighted point values for all violations, subtracted from 100. A copy of the completed inspection report form shall be furnished to the person in charge of the establishment at the conclusion of the inspection.
- 3. Issuance of Notices:** Whenever the Health Authority makes an inspection of a food establishment or vending machine and discovers that any of the requirements of this Ordinance have been violated, he shall notify the permit holder or operator of such violations by means of an inspection report form or other written notice. In such notification the Health Authority shall:
 - a. Set forth the specific violations found, together with the rating score of the establishment.
 - b. Establish a specific and reasonable period of time for the correction of the violations found, in accordance with the following provisions:
 - i. All violations of one (1) or (2) violation points should be corrected immediately if possible, but must be corrected in a time period not to exceed the time of the next routine inspection.
 - ii. When one or more four (4) or five (5) violation point items are in violation, regardless of rating score, such items must be corrected immediately if possible and at no time to exceed ten (10) days, unless an extension of time has been granted by the Health Authority.
 - iii. When the rating score is 60 – 70, a conditional permit is issued. A conditional permit suspends the regular health permit.
 - iv. When the rating score of the establishment is less than sixty (60), the permit is immediately suspended. Upon reinstatement of the permit, a conditional permit will be issued. A conditional permit suspends the regular, annual health permit.

- v. In the case of temporary food establishments, violations must be corrected within a specific period of time not to exceed 24 hours. Failure to comply with such notice shall result in immediate suspension of the permit.
 - vi. Second and subsequent re-inspections for the same violation will require a re-inspection fee, specified in the Public Health Fee Ordinance. Whenever a permit to operate is suspended or revoked, a reinstatement fee specified in the Public Health Fee Ordinance shall be incurred by the permit holder.
 - vii. Re-inspection fee must be paid within fifteen (15) days of notice by the Department. Failure to pay will result in suspension of permit to operate and additional fee to reinstate permit.
- c. State that failure to comply with any notice issued in accordance with the provisions of this Ordinance may result in immediate suspension of the permit.
 - d. Explain the procedure for review or appeal of the alleged violation.

Service of Notices: Notices under this Section shall be deemed to have been properly served when a copy of the inspection report form or other notice has been delivered to the permit holder or licensee or person in charge, or when such notice has been posted to the front door of the permit holder's establishment, or by leaving such notice at his residence with some person of the family of the age of ten (10) years or upwards.

Examination and Condemnation of Food: Food may be examined or sampled by the Health Authority as often as may be necessary to determine freedom from adulteration or misbranding. The Health Authority may, upon written notice to the owner or person in charge, place a hold order on any food which he determines or has probable cause to believe to be unwholesome or otherwise adulterated, or misbranded. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order notice, or tag placed on food by the Health Authority, and neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of, or destroyed without permission of the Health Authority except on order by a court of competent jurisdiction. The Health Authority may vacate the hold order, or may by written order direct the owner or person in charge of the food which was placed under the hold order to denature or destroy such food or to bring it into compliance with the provisions of this Ordinance: Provided, that such order of the Health Authority to denature or destroy such food or bring it into compliance with the provisions of this Ordinance shall be stayed if the order is appealed to a court of competent jurisdiction within three (3) days of the issuance of such order. Samples for the determination of adulteration and misbranding shall be taken and examined in accordance with the methods prescribed by the Association of Official Agricultural, the Food and Drug Administration, or by other standard methods.

When cases of food-borne illness are reported, an immediate epidemiological and laboratory investigation shall be made by the McHenry County Department of Health in an effort to determine the vehicle and the source, so as to prevent a recurrence. Any food suspected of being a vehicle in a food-borne disease outbreak shall be placed under a hold order pending laboratory examination.

Plan Review of Future Construction

- a) When a food establishment is hereafter constructed or extensively remodeled, or when an existing structure is converted for use as a food establishment, properly prepared plans and specifications for such construction, remodeling or alteration, showing layout, arrangement, and construction materials of work areas, and the location, size, and type of fixed equipment and facilities, shall be submitted to the Health Authority for approval before such work is begun.
- b) Whenever plans and specifications are required to be submitted to the Health authority under 750.20 (7) of this Ordinance, the Health Authority shall inspect the food establishment prior to the start of operations, to determine compliance with the approved plans and specifications and with the requirements of this Ordinance.

- c) A review fee shall be charged for all new or extensively remodeled food establishment(s). The review fee is specified in the Public Health Fee Ordinance. All work that starts without written approval of the Department shall have the review fee doubled.
- d) The plan review shall be valid for a period of two (2) years from the date of approval. If construction has not commenced and significant progress is not achieved, the plan review shall expire unless an extension is granted by the Health Authority. The plan review can be renewed for a period of six (6) months for $\frac{1}{2}$ of the prevailing plan review fee, provided that all of the conditions of the original submittal remain valid.
- e) Upon written request a refund of $\frac{1}{2}$ of the plan review fee may be issued if a plan review is cancelled prior to expiration and before any construction begins.

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SUBPART B: FOOD SUPPLIES

Section 750.120 Emergency Occurrences

b)	In the event of a situation that might result in the contamination of food, or that might prevent the safe handling of food, the person in charge shall immediately contact the health authority. These events shall include but are not limited to fire, flood, power outage, lack of potable water under pressure, lack of hot water, inability to clean and sanitize utensils and equipment, boil order, coliform bacteria positive water sample results, back up of sewage and malfunctioning private sewage disposal systems. Upon receiving notice of this occurrence, the health authority shall take whatever action it deems necessary to protect the public health, including but not limited to immediate suspension of the health permit.		(administrative)	
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Section 750.285 Food Sample Demonstrations and Food Promotions

Food sample demonstrations and food promotions shall comply with the applicable sanitation provisions of this Ordinance.	(all applicable items)	(all applicable items)
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SUBPART D: EQUIPMENT AND UTENSILS

Section 750.665 New or Replacement Equipment

1	New or replacement equipment, which includes equipment new to the food establishment, shall meet the published standards of an American National Standards Institute (ANSI) accredited equipment certification program.	14/15	Designed/ constructed	2/1
2	Small appliances, including microwaves, drink blenders, coffee machines, hand held mixers and toasters, which do not meet the published standards of an ANSI accredited equipment certification program, are acceptable provided that such appliances meet the criteria of the material, design and fabrication sections of this Ordinance and are maintained clean and in good repair.	14	Designed/ constructed	2/1

Section 750.675 Existing Equipment and Facilities

	Building facilities and equipment in use before March 19, 1998, and which do not meet fully all of the design and fabrication requirements of this Ordinance, shall be acceptable if they are in good repair; capable of being maintained in a sanitary condition, and the food contact surfaces (if any) are in compliance with the definition of "Safe Materials" of this Ordinance; however, when a food establishment undergoes a change in ownership, the lavatory facilities shall be brought into compliance with Section 750.1125 if they are not already, whether or not the facility will be extensively remodeled.	(administrative)		
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Section 750.700 Ventilation Hoods

a)	Upon installation of a new ventilation hood, and make up air where needed, written certification that the ventilation hood has been tested and properly balanced by a qualified Heating and Ventilation contractor so as prevent grease or condensation from collecting on walls and ceilings and from dripping into food or onto food contact surfaces shall be provided to the Department prior to its use.	15	Constructed	1
b)	Hood Requirements: Cooking equipment used in processes producing smoke or grease-laden vapors shall be equipped with an exhaust system in compliance with this Ordinance. Notification in writing to the Health Authority shall be given of any alteration, replacement, or relocation of any exhaust system or part thereof, or cooking equipment.	39	Ventilation	1

SUBPART E CLEANING, SANITIZATION, AND STORAGE OF EQUIPMENT AND UTENSILS**Section 750.845 Food Establishments Without Equipment and Utensil Cleaning Facilities**

	Food establishments that do not have facilities for proper cleaning and sanitizing of utensils and equipment shall not prepare or package food or dispense unpackaged food other than whole raw fruits and raw vegetables.	16	Facilities	2
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SUBPART F: SANITARY FACILITIES AND CONTROLS**Section 750.1030 Water Under Pressure**

	Water under pressure at the required temperatures shall be provided to all fixtures and equipment that use water. For the purposes of this Ordinance, heated water shall be considered a sustained water flow with a minimum temperature of 110 degrees F.	27	Pressure/ temperature	5
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Section 750.1110 Toilet Facilities

c)	Toilet rooms located in kitchen, food service, food preparation, warewashing, or food storage areas shall be completely enclosed and shall have tight fitting, self-closing doors. Such doors shall not be left open except during cleaning or maintenance.	32	Enclosed	2
		32	Doors	2

Section 750.1125 Food Preparation Handwashing Facilities

	At least one (1) handwashing lavatory and the number of handwashing lavatories necessary for their convenient use by employees in food preparation, food dispensing and warewashing areas shall be provided.	31	Provided	4
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SUPART G: CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES

Section 750.1210 General – Walls and Ceilings

c)	Studs, joists, and rafters shall not be exposed in refrigerating units, food-preparation and service areas, equipment and warewashing areas, storage areas where food other than commercially prepackaged food items are stored, and toilet rooms. If exposed in other rooms or areas, they shall be finished to provide a cleanable surface.	37	Surfaces	1
d)	Utility service lines and pipes shall not be unnecessarily exposed on walls or ceilings in walk-in refrigerating units, food-preparation and service areas or storage areas where food other than commercially pre-packaged food items are stored, equipment and utensils-washing areas, and toilet rooms. Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the walls and ceilings.	37	Constructed/ Installation	1

Section 750.1225 Service Sinks for Cleaning

Service sinks shall be readily accessible during all times of operation.	29	Accessible	1
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Section 750.1400 Animals

a)	Live or dead fish bait shall be stored separately from food or food products.	35	Animals	4
b)	While on duty, persons employed in the food operational areas of an establishment shall not care for or handle any pets, or patrol/sentry dogs.	12	Practices	5

SUBPART H: MOBILE FOOD SERVICE

Section 750.1500 General Mobile Food Units

a)	Mobile food operators shall provide a copy of their mobile routes to the Department annually.	(administrative)		
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Section 750.1550 Base of Operations

c)	When not in use, mobile food establishments shall be stored at a location where the mobile unit will be protected from contamination and the wholesomeness of the food products will not be compromised.	22 23 All	Clean Clean/free (all applicable)	2 1 (all applicable)
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SUPART I: TEMPORARY FOOD ESTABLISHMENTS, CATERING AND DELIVERY SERVICES, AND OUTDOOR GRILLING AT FIXED FOOD ESTABLISHMENTS

Section 750.1610 Restricted Operations at Temporary Food Establishments

1.	All foods sold or handled by a temporary food establishment shall meet the requirements of this Ordinance for preparation,	(administrative)		
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	packaging, display, service, storage and transportation. Foods will be classified as to their relative risk to cause a food-borne illness.	
2.	Certain high-risk foods may be prohibited or may require that a food preparation plan be provided and approved.	
3.	A fixed food establishment is allowed one temporary food event, per temporary food permit per calendar year, at that location. Permits may be renewed under Section 750.1815.	
4.	One temporary food event is allowed per sponsor per single location per calendar year unless the requirements of Section 750.1815 are met.	

Section 750.1615 Renewals of Temporary Food Permits

Temporary food Permits may be renewed provided that all of the following requirements are met:				
1	The temporary food establishment shall be under the operational supervision of a certified food service manager during all times that the temporary food establishment is operating.	45	Certified	0
2.	Past temporary food events by the same sponsor must have been in substantial compliance with Ordinance requirements; and	(administrative)		
3.	The appropriate application and fee must be resubmitted to the Department.	(administrative)		

Section 750.1625 Facilities at Temporary Food Establishments

1.	Enough refrigeration and hot holding facilities must be provided to maintain potentially hazardous foods at required temperatures.	4	Storage	4
2.	For other than mechanical refrigeration or hot holding facilities, prior approval of the Department is required.	4	Storage	4

Section 750.1670 Handwashing

A facility shall be provided for employee handwashing. Where water under pressure is unavailable, such facility shall consist of at least a food grade container of warm potable water, soap and individual paper towels. The container shall have a spigot at the bottom to allow a flow of warm water into a receiving container below.	31	Provided	4
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Section 750.1705 Catering Food Service Operations

1.	A catering food service operation shall comply with the requirements of this Ordinance. The health authority may impose additional requirements to protect against health hazards relating to the conduct of catering food service operations.	(administrative)		
2.	Catering food service operations whose base of operations is located outside of McHenry County must hold a valid Health Permit to operate from the appropriate regulatory authority. If the regulatory authority does not issue health permits, alternative documentation (i.e. inspection report) from that regulatory authority shall be provided.			

3.	Catering food service operations catering events which are open to the public must obtain a valid Temporary Health Permit from the McHenry County Department of Health prior to operating.	
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Section 750.1710 Restricted Operations – Catering Food Operations

1.	The number of meals which can be catered by any individual catering operation is limited to what the physical facilities and number of qualified personnel will allow. Upon request, catering operations shall provide documentation to the Department as to the number of meals which he/she can service based upon the following information:	(administrative)
	a. Number of personnel	
	b. Physical facilities to prepare, transport and service so as to be in compliance with this Ordinance.	
2.	A schedule of events including menu, number of people to be served, date and location to be catered in the county is to be provided to the Department upon request.	(administrative)

Section 750.20 Delivery Services

Delivery services shall be limited to prepackaged food items obtained from an approved location with proper equipment to maintain product temperature and maintain food in a sanitary manner.	(administrative)
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Section 750.1750 Outdoor Grilling at Fixed Food Establishments

1.	Grill cooking must be done on the premises immediately adjacent to the permitted fixed food establishment. All other food preparation and food service must be done within the facility, except that patrons or cooks may apply condiments and sauces from approved dispensers to immediate servings.	8 31	protected accessible	2 4
2.	The grill must meet the published standards of an American National Standards Institute (ANSI) accredited equipment certification program, or be approved by the Department.	14	designed	2
3.	The grill must be located on a smooth and easily cleanable surface during use. Sealed concrete, mortared non-textured brick, commercially designed synthetic floor material, and asphalt are some recommended surface materials.	36	constructed	1
4.	Grills shall be effectively separated from public access and not in close proximity to waste receptacles or dumpsters.			
5.	At least one (1) hand washing lavatory with hot and cold water under pressure, and plumbed to an approved wastewater disposal system, shall be provided. The hand washing station may be located inside the facility if it is easily accessible to the grilling area. Portable hand washing stations, which provide hot and cold running water under pressure, and meet the published standards of an American National Standards Institute (ANSI) accredited equipment certification program, may be utilized in lieu of a permanently plumbed hand sink. If a portable hand washing station is to be utilized, a procedure must be established by the food operator and accepted by the Department which assures that hot and cold running water will be available at all hours of operation, and the filling of the unit	31 31 27 28	accessible provided Source disposal	4 4 5 4

	with potable water and emptying the wastewater will be done in a sanitary manner.			
6.	Products being grilled shall be protected from contamination. Acceptable protection shall include a closed grill cover, a canopy or a roofed area.	8 1	Protected Wholesome	2 5
7.	Approved mechanical refrigeration must be provided if raw product is not immediately brought from inside the approved kitchen facility to the grill.	14	Provided	2
8.	All cooked potentially hazardous food products must be held and served inside the facility at 135 degrees F or above if not immediately consumed.	8 3	Storage Temperature	2 5
9.	A certified food service manager shall be onsite at all times that foods are being grilled.	45	Certified	0
10.	Use of portable or chemical toilets is limited to the provisions of Section 2400 of Article IV of the McHenry County Public Health Ordinance.	28	Disposal	4

SUBPART O: VENDING OF FOOD AND BEVERAGE

Section 750.4500 Vending of Food and Beverage

Vending machines, vending machine locations, and commissaries shall comply with the requirements of this Ordinance except as otherwise provided in this Subpart. The health authority may impose additional requirements to protect against health hazards related to the vending operation, and when no health hazard will result, may waive or modify requirements that do not compromise the storage, handling or service of potentially hazardous food.	(administrative) (all applicable)	(all applicable)
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Section 750.4505 Category III Vending Machines

Category II and III vending machines shall be exempt from the permit and fee but must comply with all other requirements of this Ordinance.	(administrative)
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Section 750.4510 Food Packaging

All food shall be stored or packaged in clean protective containers, and shall be handled, transported and vended in a sanitary manner. Potentially hazardous food dispensed through a vending machine shall be in a package in which it was placed at the food establishment or food processing establishment at which it was prepared.	8	Protection	2
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Section 750.4515 Condiments

1.	Condiments shall be protected from contamination by being kept in dispensers that are designed to provide protection, protected food displays provided with the proper utensils, original containers designed for dispensing, or individual packages or portions,	8	Protection	2
2.	Condiments at a vending machine location shall be in individual packages or provided in dispensers that are filled at a location that is approved by the regulatory authority, such as the food establishment that provides food to the	8	Protection	2

	vending machine location, a food processing establishment, or a properly equipped facility that is located at the site of the vending machine.			
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Section 750.4520 Potentially hazardous Food Temperatures

	Potentially hazardous food within the vending machine shall be maintained at a temperature of 41 degrees F or below, or 135 degrees F or above,; Provided that exceptions may be made for:	3	Temperature	5
1.	The actual time required to load or otherwise service the machine and for a maximum recovery period of 30 minutes, following completion of loading or servicing operation; and	3	Temperature	5
2.	In the case of hot food vending machines, a maximum of 120 minutes to heat food through the 41 degrees F to 135 degrees F temperature zone. In hot food vending machines, which are not equipped with refrigerated storage, there shall be no time delay to preclude heat from being applied to potentially hazardous food immediately after it is located or placed in the machine. Potentially hazardous food once heated to, or held at, a temperature of 135 degrees F or above, shall be maintained at such temperature until served or discarded.	3	Temperature	5

Section 750.4525 Vending Machine Controls

1.	Vending machines dispensing potentially hazardous food shall be provided with adequate refrigerating or heating units, or both. A machine vending potentially hazardous food shall have an automatic control that prevents the machine from vending food:	15	Equipment	1
	a. If there is a power failure, mechanical failure, or other condition that results in an internal machine temperature that cannot maintain food temperatures as specified in Section 750.4040; and	15	Equipment	1
		3	Temperature	5
	b. If a condition specified in Subparagraph (1) (a) of this section occurs, until the machine is serviced and restocked with food that has been maintained at temperatures specified under Section 750.4040.	15	Equipment	1
2.	The temperature specified for activation of the automatic shutoff within a machine vending potentially hazardous food may deviate from the temperature and for a time as follows:			
	a. In a refrigerated vending machine, at an ambient temperature of 41 degrees F or more, for no more than 30 minutes immediately after the machine is filled, serviced, or restocked; or	15	Equipment	1
	b. In a hot holding vending machine, at an ambient temperature of 135 degrees F or less, for no more than 120 minutes after the machine is filled, serviced or restocked.	15	Equipment	1

Section 750.4530 Vending Machine Location

The machine location shall be such as to minimize the potential for contamination of the food, shall be well lighted, easily cleanable, and	(all applicable)
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shall be kept clean. The vending machine location shall comply with all applicable sections of this Ordinance.			
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Section 750.4535 Design and Construction of Food and Beverage Vending Machines

All vending machines in McHenry County, Illinois, must comply with the National Automatic Merchandising Association or National Sanitation Foundation Standards for vending machines.	14/ 15	Construction	2/1
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Section 750.4540 Water Supply

All water used in vending machines shall be in compliance with the relevant sections of this Ordinance. All plumbing connections and fittings shall be installed in accordance with State and local plumbing regulations.	27	Water	5
	29	Plumbing	1

Section 750.4545 Water Filters or other Water Conditioning Devices

If used, water filters or other water conditions devices shall be of a type, which may be disassembled for periodic cleaning or replacement of the active element. Replacement elements shall be handled in a sanitary manner.	14	Equipment	2
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Section 4550 Backsiphonage Protection

All vending machines which dispense carbonated beverages, and which are connected to a water supply system, shall be equipped with two (or a double) check valves; or an air gap; or a device to vent carbon dioxide to the atmosphere; or other approved device, which will provide positive protection against the entrance of carbon dioxide or carbonated water into the water supply system.	30	Backsiphonage	5
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Section 750.4555 Trash and Waste Material

All trash and other waste material shall be removed from the machine location as frequently as may be necessary to prevent nuisance and unsightliness, and shall be disposed of in compliance with this Ordinance.	33	Waste disposal	2
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Section 750.4560 Sewage Disposal

All water carried sewage shall be disposed of in compliance with Section 750.1050 of this Ordinance.	28	Sewage	4
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Section 750.4565 Internal Waste Containers

Containers shall be provided within all machines dispensing liquid food in bulk for the collection of drip, spillage, overflow, or other internal wastes. An automatic shutoff device shall be provided which will place the vending machine out of operation before such container overflows. Containers or surfaces on which such wastes may accumulate shall be readily removable for cleaning, shall be easily cleanable, and shall be corrosion-resistant. If liquid wastes from drip, spillage, or overflow, which originate with the machine,	15	Waste disposal	1
	30	Backsiphonage	5

are discharged into a sewage system, the connection to the sewer shall be through an air gap.			
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Section 750.4570 Returnables, On-Site Cleaning and Refilling

1.	Except as specified in paragraphs 2 and 3 of this section, empty containers intended for cleaning and refilling with food shall be cleaned and refilled in a regulated food processing establishment.	(all applicable)
2.	A food-specific container for beverages may be refilled at a food establishment if:	
	a. Only beverages that are not potentially hazardous are used; The consumer-owned container returned to the food establishment for refiling is refilled for sale or service only to the same consumer; and	
	b. The container is refilled by:	
	I. An employee of the establishment, or	
	II. The owner of the container if the beverage system includes a contamination –free process that cannot be bypassed by the container owner (i.e. air gap)	
3.	Consumer-owned containers may be filled at a water vending machine.	

**PUBLIC HEALTH
ORDINANCE FOR
McHENRY COUNTY ILLINOIS**

McHENRY COUNTY DEPARTMENT OF HEALTH

ARTICLE IV – Wastewater and Sewage Treatment and Disposal

SECTION 100 GENERAL PROVISIONS

101 Title This Ordinance shall be known and cited as "The McHenry County Private Sewage Treatment and Disposal Ordinance" (hereinafter the "Ordinance").

102 Purpose It is hereby declared that there exists within McHenry County, Illinois, the need for a system of controls over the site review, design, construction, materials, installation, operation and maintenance of private sewage disposal systems, and the disposal of residues therefrom; and the disposal of wastewater from structures served by private sewage disposal systems. Therefore, the purpose of this Ordinance is to protect, promote and preserve the public health, safety, and general welfare by providing those controls.

103 General Rule Construction of private sewage disposal systems shall not be permitted on property where a sanitary sewer is available and accessible. If a sanitary sewer is not available and accessible, every residence, business, building or enterprise shall have its own private sewage disposal system in conformance with the provisions set forth in this Ordinance.

104 Applicability After the effective date of adoption of this Ordinance, all private sewage disposal systems as defined herein shall only be constructed or modified in accordance with the provisions of this Ordinance.

SECTION 200 DEFINITIONS

201 General For the purposes of this Ordinance, certain terms and phrases shall be deemed to have the meaning described to them in this Section. Words in the singular number include the plural, those in the plural number include the singular. Words in the present tense include the past and future tenses, and the future tense includes the present tense. The masculine gender shall include the feminine and neuter genders. The word "shall" is mandatory, while the word "may" is permissive.

TERMS DEFINED

202 "ACCESSIBLE" as it pertains to a sanitary sewer means that the sewer is located in a public right-of-way or easement contiguous to the property. Further provided that the sewer or a service stub can be reached without excessive tunneling or boring under a roadway, building, or flowing stream, and that the sewer or service stub

is not further than 300 feet from the residential property line or 1000 feet from the property line of the non-residential building to be served. It is not the intent for an individual to subsidize the extension costs of a sanitary sewer system; therefore only an individual connection with an individual line will be required.

203 "ACCESSORY STRUCTURE" means any structure with a roof that is not attached to the dwelling.

204 "AEROBIC TREATMENT UNIT" means a sewage treatment unit which incorporates a means of introducing air into sewage so as to provide aerobic biochemical stabilization during a detention period.

205 "ARCPACS" means A Federation of Certifying Boards of Agriculture, Biology, Earth and Environmental Sciences.

206 "APPLICANT" means the property owner as defined herein or his or its authorized agent.

207 "APPROVED" as it pertains to an on-site disposal system means constructed and installed in compliance with technical standards and requirements of this Ordinance. **"APPROVED"** installation does not imply or ensure that a system will perform satisfactorily.

208 "AVAILABLE" means that the property owner has a right to connect to the sanitary sewer, or the municipality is allowing the construction.

209 "BEDROOM" for the purpose of establishing the rate of flow for domestic sewage, means any room containing a closet, which is suitable to regular use as a bedroom and which shares a common hallway with or is adjoining at least a 3/4 bath.

210 "BIOCHEMICAL OXYGEN DEMAND" (BOD)- is an empirical test that measures the oxygen required for the biochemical degradation of organic material and the oxygen used to oxidize inorganic material such as sulfides and ferrous iron.

211 "CHEMICAL TOILET" means a toilet structure equipped with a water-tight impervious container which receives waste discharged through a hopper, seat, urinal or similar device and into which container may be placed disinfecting or deodorizing chemicals. For the purposes of this Ordinance, chemical toilet and portable toilet shall have the same meaning.

212 "COUNTY" means the County of McHenry, Illinois.

213 "CRITICAL SOILS" are those soil materials that have been disturbed and/or have natural limitations including seasonal or actual water tables, permeabilities slower than moderately slow, or bedrock, extensive enough to require alternative systems or are perhaps so limited as to preclude the practicality of on-site domestic wastewater treatment.

214 "DEPARTMENT" means the McHenry County Department of Health.

215 "DISCHARGE RATE" means the volume of effluent discharged from a low pressure distribution system expressed as gallons per minute, and applied as a rate either per perforation, per line, or per system.

216 "DISTAL END PRESSURE" means a measure of system pressure in a low-pressure distribution system made at the end of a lateral distribution pipe opposite the force main connection, and expressed as feet of pressure head.

217 "DOMESTIC SEWAGE" means wastewater derived principally from plumbing fixture drains in dwellings, business or office buildings, institutions, food service establishments, and similar facilities. It shall not include industrial or commercial processing waste.

218 "EFFECTIVE SIZE" means the size of screen opening where 90 percent by weight of a sample of sand is retained on the screen and 10 percent passes through the screen. This size is usually expressed in millimeters.

219 "EFFECTIVE SOIL DEPTH" means the depth of slightly or moderately limited soil material lying above a restrictive soil layer such as clay, hard pan, or bedrock.

220 "EFFLUENT" means the outflow from a tank or other treatment unit.

221 "EFFLUENT FILTER" means a device installed at the outflow of a septic tank which screens solids ordinarily suspended in solution.

222 "EXISTING SQUARE FOOTAGE" means the habitable square footage of the structure in place as of the adoption date of this Ordinance.

223 "FLOOD ELEVATION, BASE" means the regulatory elevations established by the methods adopted by the McHenry County Floodplain Ordinance and which establish the limit of intrusion or retention of a "100 year flood event" or that flood having a one percent probability of occurring in any given year.

224 "FLOOD HAZARD AREA" means any area composed of floodplain land.

225 "FLOODPLAIN" means that land typically adjacent to a body of water with ground surface elevations at or below the base flood elevation or the 100 year frequency flood elevation. Floodplains may also include detached Special Flood Hazard Areas, ponding areas, etc. The floodplain is also known as the Special Flood Hazard Area.

226 "GRAVELLESS SEEPAGE SYSTEM" means the use of approved perforated 8 inch or 10 inch diameter, filter wrapped, plastic pipe, or chamber systems as approved by the Illinois Department of Public Health, in lieu of 4 inch pipe and gravel, in subsurface fields and serial distribution systems.

227 "HABITABLE" means any room or enclosed floor space with electric and heat intended to be used for living, sleeping, or eating purposes including bathrooms, hallways, and closets but not including attics, garages or unfinished basements.

228 "HEALTH AUTHORITY" means the Administrator of the McHenry County Department of Health, or his designated agent.

229 "HOT TUB" means an artificial container of water with a liquid capacity greater than 100 gallons and designed with a mechanical air injection system and/or recirculating device. These devices may filter and/or disinfect the water for reuse and are not intended to be drained between uses.

230 "HUMAN WASTE" means the normal excretory waste of the human body.

231 "INDIVIDUAL SEWAGE TREATMENT SYSTEM" means a sewage treatment system or part thereof serving a dwelling or other establishment or group thereof which utilizes subsurface soil treatment and disposal.

232 "LICENSED ENVIRONMENTAL HEALTH PRACTITIONER" means a person who is licensed as an environmental health practitioner per 225 ILCS 37/17.

233 "LIMITING LAYER" means a horizon or condition in the soil profile or underlying strata which includes:

- A seasonal high water table, whether perched or regional, determined by direct observation of the water table or indicated by soil mottling where common mottles comprise at least 2% to 20% of the soil in a progressive downward direction in the soil, whichever is more restrictive.
- Masses of loose rock fragments, including gravel, with insufficient fine soil to fill the voids between the fragments.
- Rock formation, other stratum or soil condition which is so slowly permeable that it effectively limits downward passage of effluent.

234 "LIQUID CAPACITY" means the internal volume of a tank below the invert of the outlet line.

235 "LOT" means a lot of record which is a part of a subdivision, the plat of which has been duly authorized and recorded in the Office of the Recorder of Deeds of McHenry County, Illinois, and which is intended to be used as a unit by one (1) principal building and its accessory buildings.

236 "NRCS" means Natural Resource Conservation Service.

237 "NSF" means NSF International, an independent testing laboratory.

238 "NON-CRITICAL SOILS" are those undisturbed soil materials that can support a conventional private sewage disposal system, where at least the lower portion (six inches minimum) of the soil absorption part of the system can be installed in original, uncompacted (undisturbed) soil.

239 "NON-RESIDENTIAL PROPERTY" means any property that is not used for a single family home.

240 "ONE FOR ONE REPLACEMENT" means a replacement structure of the same number of bedrooms (for commercial properties the same estimated domestic sewage flows and type of operation,) and the same square footage of habitable space as of the adoption date of this Ordinance or indicated on the most recently issued construction permit.

241 "ORIGINAL SOIL SURFACE" means the natural or native soil surface exclusive of fill material.

242 "PARCEL" means an area of land described by metes and bounds or by division making reference to the original government survey. For purposes of this ordinance, a parcel is not a LOT.

243 "PERMEABILITY" means the ease with which liquids move through a soil.

244 "PERSON" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, or any other entity, government and/or private.

245 "PLANNING & DEVELOPMENT DEPARTMENT" means the McHenry County Department of Planning and Development.

246 "POROUS EARTH FILL" means mineral soil, not organic soil such as peat or muck. The organic matter content shall be less than 6%. Soil texture shall include silt loam, loam, or sandy clay loam, or sandy loam of a consistent USDA texture. Clay content shall range from 10% to 27%, and sand content shall range from 30% to 80%. The content of gravel (>2mm) shall be less than 5% by volume. Clods shall be less than 10% by volume and less than four (4) inches in size. The material shall be free of extraneous, non-soil material such as construction or vegetative debris.

247 "PORTABLE TOILET" see CHEMICAL TOILET.

248 "POTENTIAL SECONDARY SOURCE" means any unit at a facility or a site not currently subject to a removal or remedial action, other than a potential primary source, which:

- Is utilized for the landfilling, land treating, or surface impounding of waste that is generated on the site or at other sites, owned, controlled or operated by the same person, other than livestock and landscape waste, and construction and demolition debris: or
- Stores or accumulates at any time more than 25,000 but not more than 75,000 pounds above ground, or more than 2,500 but not more than 7,500 pounds below ground, of any hazardous substances: or
- Stores or accumulates at any time more than 25,000 gallons above ground, or more than 500 gallons below ground, of petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance: or
- Stores or accumulates pesticides, fertilizers, or road oils for purposes of commercial application or for distribution to retail sales outlets; or stores or accumulates at any time more than 50,000 pounds of any de-icing agent: or
- Is utilized for handling livestock waste or for treating domestic wastewaters other than private sewage disposal systems as defined in the "Private Sewage Disposal Licensing Act" (Ill. Rev. Stat. 1985, ch. 111 ½ , par. 116.301)

(Environmental Protection Act, Ill. Rev. Stat., ch. 111 ½ , par. 1003.60 added by (Public Act 85-863, effective September 24, 1987).

249 "PRIVATE SEWAGE DISPOSAL SYSTEM" means any sewage handling or treatment facility receiving domestic sewage for disposal on the property where it was generated, or on property where the same owner has legal access, and having no ground surface discharge there or on any parcel, lot or property. Private Sewage Disposal System shall also mean septic system.

250 "PRIVATE SEWAGE DISPOSAL SYSTEM IN ACCEPTABLE CONDITION" means a septic tank or aeration device that does not have actual or indications of effluent levels over the outlet pipe and an absorption area (mound, field, trench, chamber, etc) that does not have actual or indications of sewage

on the ground surface, or ponding in the trench or seepage bed above the stone level, gravelless pipe or chamber.

251 "PRIVATE SEWAGE DISPOSAL INSTALLATION CONTRACTOR" means any person operating with a valid license from the Illinois Department of Public Health for the constructing, installing, repairing, modifying or maintaining private sewage disposal systems.

"PRIVATE SEWAGE DISPOSAL SYSTEM CLASSIFIED AS A CLASS V INJECTION WELL" means any private sewage disposal system considered to be a Class V injection well under the 35 Illinois Administrative Code Part 704.

252 "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.

253 "PRIVATE SEWAGE DISPOSAL SYSTEM PUMPING CONTRACTOR PERMIT" means a permit issued by the Department to a private sewage disposal system pumping contractor, allowing the cleaning or pumping of private sewage disposal systems in McHenry County or hauling and disposing of domestic septage in McHenry County.

254 "PRIVY" means a structure allowing for the disposal of human excreta into a sealed vault in the ground.

255 "PROPERTY" means a parcel of land or lot for which legal title has been recorded.

256 "PROPERTY OWNER" means the person in whose name legal title to property is recorded.

257 "RESIDENTIAL PROPERTY" means a single family home intended for occupation as living quarters that is not used to conduct any business that generates wastewater or domestic sewage.

258 "SANITARY SEWER" means a treatment facility permitted by the Illinois Environmental Protection Agency.

"SEASONAL OPERATION" means an operation that operates at a single location for not more than a total of five (5) months per calendar year.

259 "SEPTAGE" means the liquid and solid material removed from domestic septic tanks or other approved pretreatment systems, and specifically excluding wastes from portable toilets, holding tanks, grease traps and sewage treatment plant sludge material.

"SEPTIC RESTRICTED AREAS" means those areas not considered suitable for septic system installation due to critical soils, excessive slopes, required setback distances, etc.

260 "SEWAGE" means all of the domestic wastewater and all wastewater other than domestic derived from plumbing fixture drains in a dwelling, business or office building, food establishments, and similar facilities. It shall include industrial and commercial processing waste.

261 "SOIL BORING" means an observation pit, dug by hand or backhoe, or an undisturbed soil core taken intact and undisturbed by a probe.

262 "SOIL CLASSIFIER" means the following:

A certified soil classifier of the Illinois Soil Classifiers Association (ISCA) or a certified soil classifier with the Federation of Certifying Boards of Agriculture, Biology, Earth and Environmental Sciences (ARCPACS).

263 "SOIL CHARACTERISTICS, LIMITING" means those soil characteristics which preclude the installation of a Type 1 – Type 5 System (See Sections 1200 – 1500 and Illustration 1) including but not limited to fill material, bedrock, soils with permeability of less than .2 inches per hour, actual or seasonal high groundwater tables, etc.

264 "SOIL MOTTLING" means low chroma equal to or less than 2 and a value of 4 or more (Munsell-Color Chart.)

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

266 "SOIL TEXTURAL CLASSIFICATION" means where soil particle sizes or textures are specified in this Ordinance, they refer to soil textural classification in the USDA/NRCS Soil Survey Manual.

267 "SPECIAL FLOOD HAZARD AREA" means any area subject to flooding from a river, creek, intermittent stream, ditch or any other identified channel or ponding and shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map as Zone A, AO, A1-30, AE, A99, AH, VO, V30, VE, V, M, E, D, or X.

268 "SPECIAL WASTE HOLDING TANK" means a watertight tank which receives the wastewater discharge from fixtures or drains which receive waste products such as automotive grease, oils,

solvents and chemicals which are not allowed to discharge into a private sewage disposal system.

269 "SUITABLE SOIL" means soils where the actual or seasonal high groundwater or other limiting layer is a minimum of thirty (30) inches from the natural soil surface.

"TEMPORARY EVENT" means an event that operates at a fixed location for a period of time of not more than fourteen (14) consecutive days in conjunction with a single event or celebration.

270 "UNIFORMITY COEFFICIENT" means a number obtained by dividing that size of sand in millimeters of which 60% by weight is smaller, by that size of sand in millimeters of which 10% by weight is smaller.

271 "WASTEWATER" means all wastewater other than domestic sewage derived from plumbing fixture drains in a dwelling, business or office building, food establishments, and similar facilities. It shall include industrial and commercial processing waste.

272 "WATER TABLE" means the upper limit of the portion of the soil which is completely saturated with water. The seasonal high water table is the highest level to which the soil is saturated, as may be indicated by mottling (soil color patterns).

273 "ZONING ORDINANCE" means the current McHenry County Zoning Ordinance as amended from time to time.

SECTION 300 GENERAL REQUIREMENTS

301 Owner's Responsibility Property owners of all buildings or places where people live, work, or assemble, shall provide for the sanitary disposal of all human waste and domestic sewage. Human waste and domestic sewage from each such building or place not disposed of by discharging into a sanitary sewer, shall be disposed of in compliance with this Ordinance.

302 Building Occupancy No person shall occupy or permit occupancy of any building or structure not in compliance with Section 301.

303 Rate of Flow for Domestic Sewage Each unit of the private sewage disposal system shall be designed to treat the volume of domestic sewage discharged to it. The volume of sewage flow shall be determined from Sections 901 – 904 and Tables I and II (See Appendix B).

304 Type of Waste A private sewage disposal system shall be designed to receive all domestic sewage from the buildings served. No cooling water, groundwater, discharge from roof drains, discharge from footing tile drains, swimming pool wastewater, or other clear water discharges shall be directed to the private sewage disposal system. Waste products, such as automotive grease, oils, solvents, and chemicals, shall not be discharged to a private sewage disposal system. These waste products shall be handled according to the rules for disposal of oil, gas and grease promulgated under the Environmental Protection Act, or according to 35 Ill. Adm. Code Subtitle G, or shall be taken to an oil and gas reclamation center. Drains or fixtures receiving any wastewater other than domestic sewage shall be discharged to a special waste holding tank and not to a private sewage disposal system; (See Section 5000).

305 Water Softener Backwash Backwash water from a water softener shall discharge to one of the following:

- A)** A separate building drain, in accordance with the Illinois Plumbing Code, that will discharge to a subsurface seepage system, provided that the seepage field is designed to accommodate the flow from this device on a daily basis. The separate building drain from this device may bypass the septic tank in front of the seepage field.
- B)** A separate subsurface seepage system, provided the seepage field is designed to accommodate the flow from this device on a daily basis. A septic tank is not required in front of a seepage field receiving flow from this device.

306 Hot Tub Wastewater Domestic sewage generated by a hot tub or other similar device shall be discharged to one of the following:

- A)** A separate subsurface seepage system, provided the seepage field is designed to accommodate the liquid capacity of the hot tub on a daily basis. A septic tank is not required in front of a seepage field receiving flow from this device.
- B)** The septic field serving the domestic sewage flow, provided the seepage field is increased in size to accommodate the additional flow from the hot tub on a daily basis. This drainage shall be piped around the septic tank and directly into the seepage field.

307 Clear Water Discharges Clear water wastes may be discharged directly to storm sewers, natural drainage areas, or to the ground surface without additional treatment provided that it does not conflict with any State or local drainage law. Such drainage shall not result in nuisance conditions which create an offensive odor, or which produce a stagnant wet area, or which produce an environment for the breeding of insects.

308 Swimming Pools Wash or backwash water from swimming pool sand filters may be discharged to natural drainage areas, storm sewers, or to the ground surface provided that it does not conflict with any State or local drainage law. Diatomaceous earth filter wash or backwash water may be discharged to one of the above after treatment consisting of one of the following:

- A) Passing the earth filter wash or backwash water through a separation tank designed for removal of the diatomaceous earth and suspended solids.
- B) Settling the earth filter wash or backwash water in a tank which is capable of holding the volume of one backwash. One backwash is defined as the amount of water generated from the backwash of the filters for a period of 2 minutes for diatomaceous earth filters, at the required backwash flow rate. The tank shall be dewatered after settling and prior to subsequent backwashes. Settled sludge shall be periodically removed to prevent flushing of solids during backwashing.
- C) A separate private sewage disposal system designed and constructed in accordance with the applicable Sections of this Ordinance.

309 Individual Service 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.

310 Water and Sewer Line Separation The following criteria shall govern the separation of water supply lines and sewer lines:

- A) **Horizontal Separation** Sewers shall be installed at least 10 feet horizontally from any existing or proposed water line. When local conditions prevent a lateral separation of 10 feet, a sewer may be laid closer than 10 feet to a water line provided that the elevation of the crown of the sewer is at least 18 inches below the invert of the water line, and the sewer line is schedule 40 or heavier material with watertight joints.
- B) **Crossings** Where sewer lines must cross water lines, the sewer line shall be laid at such an elevation that the crown of the sewer line is at least 18 inches below the invert of the water line. This vertical separation shall be maintained for that portion of the sewer line located within 10 feet horizontally of any water line it crosses. When sewer lines must cross above water lines, the sewer lines shall be Schedule 40 or heavier material with watertight joints.

311 Permit Required No private sewage disposal system shall be constructed, replaced, modified, altered, extended or repaired until a permit has been issued by the Health Authority. Applications for permits shall be in writing on forms provided by the Department and shall be signed by the owner or his authorized agent. Said permit to construct, replace, modify, alter, extend or repair shall be valid for a

period of two (2) years from date of issuance. If construction or repair is not commenced and significant progress not achieved within said period, the permit shall expire unless an extension is approved by the Health Authority. The permit can be renewed for a period of 6 (six) months for 1/2 of the prevailing permit fee, provided all the conditions of the original submittal remain valid. Where a septic system is required for a structure, no building permit shall be issued without the prior or simultaneous issuance of a septic permit. No private sewage disposal system shall be put into use until it has been approved by the Health Authority.

312 No Permit Required No permit is required when the nature of a repair is so minor as to not influence the size or substantially alter the function of the system (i.e., broken vent pipe, settling of distribution box, etc.). Replacement of seepage stone, gravelless seepage system or perforated pipe in the seepage area of the septic system requires a permit for repair or replacement.

313 New Construction For the purposes of this Ordinance, new construction is considered a new structure, or when 50% or more of the habitable square footage of an existing structure is added, or when additional bedrooms are added to an existing structure, or when there will be additional estimated domestic sewage flows in a non-residential structure, or when an addition to an existing structure will not meet the setback requirements in Table IV (See Appendix B.) In all such cases, the septic system shall either be in compliance with Article X requirements or new septic plans approved for the new construction prior to the issuance of the building permit.

314 Exemptions

A) Structure Destroyed or Unsound In the event a structure is destroyed by 50% or more of the existing habitable square footage by fire, wind, or water, or 50% or more of the existing habitable square footage is determined by a Licensed Architect or Structural Engineer to be unsound; it shall be eligible for a replacement structure if the property cannot support a private sewage disposal system meeting Article X new construction requirements. A replacement residential structure must be of the same number of bedrooms and can be up to 50% larger in habitable square footage than the original structure. A replacement non-residential structure must have the same estimated domestic sewage flow (See Table II) of the original structure. A Licensed Architect or Structural Engineer shall issue a certificate as to the condition of the structure to the Health Authority.

OR

B) Additions Greater than 50% When additions greater than 50% of the habitable square footage of the existing structure and no new bedrooms are added; the private sewage disposal system must be in acceptable condition, as confirmed by an evaluation provided by an Illinois Licensed Engineer or Licensed Environmental Health Practitioner.

OR

C) New private sewage disposal system plans must have been approved by the Department for the structure.

315 Other Restrictions The above exemptions do not supersede any local zoning or building restrictions (i.e. minimum size of structure and structure setbacks).

316 Application for Permit Application for permits shall be in writing, shall be signed by the applicant, and shall include the following:

- A)** Name and address of the applicant, and date and signature of owner, owner's agent or private sewage disposal system installation contractor.
- B)** The location and legal description of the property and permanent property index number (PPI) on which construction, repair, replacement, modification, alteration or extension is proposed, and size (dimensions) and area of lot or building site. A survey of the property shall be provided.
- C)** For single family residences – the number of bedrooms. For non-residential structures, the estimated domestic sewage flows from Table II (see Appendix B).
- D)** A description including sizes of each unit of the proposed sewage treatment or disposal systems, and all calculations that entered into the sizing of the system(s).
- E)** Evidence to demonstrate that a public sewer, is not available and accessible, to the property line of the building for which a septic system is proposed. For non-residential structures, available shall mean within 1000 feet of the property line.
- F)** Soil findings from on-site soil evaluation shall be provided as required in Sections 801 through 805. This shall be accompanied by a drawing (plan) depicting the exact location (including dimensions) of soil borings on the property.
- G)** Four (4) copies, 17" x 22", of the engineered design of the system drawn to scale (one inch equals 10', 20', or 30') and fully dimensioned, and specifications to fully describe the system. It shall show:
 - Lot boundaries and property dimensions;
 - Proper orientation of directions relative to the property in question;
 - Location of any underground utilities;
 - Locations of any easements and/or septic restricted areas;
 - Locations and sizes of all drains, wells, stormwater drywells, buildings, driveways, parking areas, sidewalks, decks, patios, and designated subsurface seepage and future replacement subsurface seepage areas, whether existing or proposed on the subject and adjacent properties;
 - The private sewage disposal system to be constructed, repaired, replaced, modified, altered or extended;
 - Locations of soil borings;
 - A clearly described bench mark which will be maintained throughout the construction period;

- Any trees to remain within 10 feet of any part of the private sewage disposal system;
- Existing and proposed topography in one foot contours;
- Building foundation elevation;
- A detailed plan of proposed tank(s) and effluent disposal system (both top and side view);
- All critical elevations, (e.g. top of foundation, invert of plumbing stub-out, inlet and outlet of tank, inlet of distribution box, seepage tile line, bottom of trench, etc.) referenced to the benchmark;
- Septic system design calculations (sizing, LPP calculations, etc.);
- Building location with all lateral distances indicated, including distance from building served to system, from system to well(s)(list type of wells), adjoining systems, lot lines, lake, stream or other water-course;
- Detail of lift station including tank size, dose, reserve capacity, pump specifications, forcemain protection and high water alarm;
- Trench detail showing a cross sectional view of the subsurface seepage area; and
- A statement which specifies whether or not the septic system is designed to accommodate a hot tub or garbage grinder/garbage disposal.
- Location of special waste holding tank on subject and neighboring properties.

H) All septic system designs shall be drawn by or under the direct supervision of a Registered Professional Engineer (as that term is defined in 225 ILCS 325) or Licensed Private Sewage Disposal Installation Contractor (as defined) or a Licensed Environmental Health Practitioner (as defined). All septic system designs shall be based on soil characterization information determined by a soil classifier, meeting the criteria in Sections 801 through 805. All copies of application forms and plans shall bear signature and license expiration date of the individual who performed or supervised the specific work. Any person who designs a septic system shall be responsible for the accuracy of all information required by Section 316 on that design.

317 Permit Granted When, upon review of the application, the proposed design meets the requirements of the Ordinance, the Health Authority shall grant written approval of said application.

318 Permit Denial When, upon review of the application, the Health Authority finds the information incomplete, inaccurate, or does not meet the requirements of this Ordinance, he/she shall deny approval of said application.

319 Appeal of Review or Permit Denial Any permit applicant may appeal the review or denial of any permit application through the provisions set forth in Article I of the Public Health Ordinance.

320 Variances When circumstances exist which make impractical full compliance with the requirements of this Ordinance, as listed in this paragraph, an applicant may request that the Health Authority grant a variance. Such request shall be made in writing and shall accompany the system plans. Any data which supports the request shall be submitted. The Health Authority may grant the request for variance, provided said variance does not conflict with the stated purpose of this Ordinance. (See Table VIII in Appendix B for general guidelines.)

321 Variances for Existing Structures When variations are granted for separation distances to water wells; separation from bottom of trench to limiting layers; location of the system in the flood hazard area or for sizing of the seepage area at less than required based upon Table I for replacement septic systems for existing structures, these restrictions must be recorded as covenant (s) running with the land with the McHenry County Recorder of Deeds.

322 Maintenance of Private Sewage Disposal Systems Private sewage disposal systems installed after January 1, 2014 shall be maintained in compliance with Section 905.20q of the Illinois Private Sewage Disposal Code.

SECTION 400 EXPERIMENTAL SYSTEMS

401 Experimental Systems – General The Health Authority may issue an experimental use permit for a private sewage disposal system or component which is new or innovative, and is not described in this Ordinance. Written approval is also required from the Illinois Department of Public Health for such system.

402 Experimental Permit Applications Applications for experimental use permit shall be submitted in accordance with, and shall conform to, the permit requirements set forth in Section 311 as well as the following additional criteria:

403 Experimental Permit Details The application shall specify the type of proposed system or component and be accompanied by plans, specifications per Sections 301 through 703 and engineering data to support the system's ability to comply with the system design requirements under Sections 800 and 900.

404 Experimental Replacement System The experimental system shall be replaced with an approved system if the experimental system fails to perform in accordance with any of the sections of this Ordinance or with criteria established as a condition to approval of the system.

405 Experimental Permit Review Process Upon receipt of the information required in Section 901, the Department will review the experimental system to assess the system's ability to conform to requirements of this Ordinance. All experimental permit applications shall be reviewed by the technical review committee, who shall make a recommendation as to its acceptability to the Department (See Section 2100). If approved, the Department will issue an "Experimental Use Permit" for the system and file a Certificate of Notice with the Office of the McHenry County Recorder, which shall indicate that the property's private sewage disposal system is an experimental system under evaluation by the Department. The Certificate of Notice shall remain on the title through the evaluation period. The performance of the experimental system shall be evaluated by the Department for a two-year period. The experimental system shall be in use throughout the evaluation period. At the end of the two-year evaluation period, the Department shall make a determination as to the system's acceptability. The

system shall be unacceptable if sewage erupts from the ground, or if the system fails to meet the criteria established as condition to approval of the system. If acceptable, the experimental system shall become an approved private sewage disposal system for that specific site. If unacceptable, the experimental system shall not be approved and shall be replaced with an approved system. The Department shall notify the applicant in writing of its final determination. If acceptable, the Department shall record a release of the Certificate of Notice. If unacceptable, the Certificate of Notice shall remain on the title until an approved system has been installed.

SECTION 500 PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION

501 Licensed Private Sewage Disposal Installation Contractor No installation shall be made without a written permit from the Health Authority issued either to a licensed private sewage disposal installation contractor, or to the owner or lessee of the lot. All septic system installations, repairs, alterations, extensions and modifications must be performed by a Licensed Private Sewage Disposal Installation Contractor.

In order to operate in McHenry County, a contractor must be licensed by the Illinois Department of Public Health (IDPH) pursuant to 225 ILCS 225/4, of the Illinois Compiled Statutes.

503 Installer Responsibilities It is the responsibility of the licensed private sewage disposal installation contractor to install the septic system per the approved septic design, and to notify the Health Authority of any discrepancies between the installation site and the approved septic design. Failure to install the septic system per the approved septic design or to notify the Health Authority of such discrepancies constitutes a violation of this Ordinance by the Private Sewage Disposal Installation Contractor.

504 Protection of Area After the permit has been issued for a proposed private sewage disposal system, the area in which the system is to be installed shall be identified and shall not be cut, excavated, filled, or otherwise altered in any way except as specified in the approved plans. The permit holder shall protect the area from construction traffic and all other activities, which might compact the soil.

505 Owner Responsibility It shall be the responsibility of the property owner to protect all components and reserve areas of his private sewage disposal system from damage due to installation of utilities. A minimum five-foot horizontal separation between all sewage system components and utility conduit shall be maintained. Where local conditions prevent a five (5) foot separation, a forcemain, manifold or building sewer may be laid closer than five (5) feet from a utility conduit, provided that the forcemain, manifold or building sewer is sleeved within a larger diameter schedule forty (40) or greater solid pipe for any portion less than five (5) feet.

506 Free from Encroachment The area to be used for a private sewage disposal system shall be selected and maintained so that it is free from encroachment by driveways, decks, accessory buildings, swimming pools, parking areas, buried lawn sprinkling systems, underground utility services, patios, slabs, additions to the original structure or any other structure which limits free access to the system for maintenance, servicing or proper operation. A permanent barrier is required to prevent trafficking of the septic system when the system abuts a parking lot or driveway.

507 Decks/Patios Decks shall be allowed over septic tanks, aeration devices and lift stations provided that access is maintained at each access point for maintenance and repair, and that the deck does not

encroach upon the soil absorption or designated expansion areas. For decks greater than or equal to five (5) feet above the ground surface, the space below the deck will be considered the access. Patios shall be allowed over septic tanks, aeration devices and lift stations provided that free access to all of the portals is provided.

508 Construction Traffic On sites where septic system installation will be difficult (i.e. on small lots), the Health Authority will require that the location for material storage and a pathway for construction traffic be specified on the septic design.

509 Tree Removal Any removal of trees greater than or equal to six (6) inches in diameter shall be by cutting near the surface. Stumps may be removed by grinding or cutting, but shall not be uprooted.

SECTION 600 FEES

601 Fee Schedule No permit shall be issued until the appropriate permit fee, as set forth in the Public Health Fee Ordinance, has been paid. All fees double if work is started without a permit or registration.

602 Miscellaneous Sewage Program Fees The fee schedule is set forth in the Public Health Fee Ordinance for miscellaneous services.

SECTION 700 INSPECTIONS

701 Department Access. The Department shall have access to any property seeking permit approval or to investigate a malfunctioning private sewage disposal system to determine satisfactory compliance with the provisions set forth in the Ordinance. Access shall be deemed essential for, but not necessarily limited to, the following:

- A) Performing soil investigations and witnessing soil borings.
- B) On-site layout review
- C) Inspecting any stage of installation of the system.
- D) Final inspection following completion of the system installation, prior to covering.
- E) Inspection of a malfunctioning private sewage disposal system.

702 Notice of Installation The owner or contractor shall give 24 hours advance notice to the Department before beginning installation, modification, alteration or extension of any component of the private sewage disposal system.

703 Order to Uncover If any person constructs, installs, repairs, or modifies a private sewage disposal system without complying with any of the requirements of this Ordinance and backfills any portion of

the system or covers any portion of the system with earth, gravel, or any other material which will prevent the Department or local authority from viewing the system to determine compliance with this Ordinance, the property owner and/or private sewage disposal installation contractor shall uncover the backfilled or covered portions of the system for inspection by the Department, upon request of the Department.

SECTION 800 FIELD EXAMINATION OF SITE SOIL MATERIALS

801 Soil Investigation Determination of soil characteristics on sites proposed for development with private sewage disposal systems shall be based on soil boring data collected by a soil classifier. Each property owner or applicant shall contract with a soil classifier, to identify soil characteristics and classifications for the purpose of reporting soil suitability potential for soil absorption systems. The Department shall utilize NRCS for periodic quality control sessions with all classifiers available for the performance of on-site soil evaluations, and for needed soils expertise to the Department in connection with the needs of this Ordinance.

802 Boring Criteria There shall be a minimum of three (3) suitable borings per soil absorption system site. 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 be made at the lowest portion of the proposed absorption field area. Such borings shall extend at least five (5) feet below the natural ground surface or greater if needed, based on the proposed system design. The proposed subsurface seepage system shall be located within the area of the soil borings. Soil borings shall be valid for one year after the test date, after which time an update is required by the soil classifier.

803 Soil Pits Observation and determination of soil characteristics may also be determined from a pit dug by a backhoe or other excavating equipment. Soil pits (backhoe excavation) shall be required in cases where ground is frozen, where the soil materials are considerably varied in texture, where there has been filling or proposed cutting of soils, or where trenches are proposed deeper than normally considered, etc. Such soil pits shall be prepared at the perimeter of the expected soil absorption area to minimize damage to natural soil distribution network that may be caused by settling after installation of the system. Soil pits shall be at least two (2) feet wide and five (5) feet deep.

804 Site Characteristics Site characteristics to be described include zones of seasonal and permanent water saturation, depth to bedrock, USDA/NRCS soil texture, USDA/NRCS soil structural features of note, slope, compaction and depth, soil coloration, depth of soil mottling, permeability range, and other limiting soil characteristics that may reduce permeability.

805 County Review The County reserves the right to review site soil characteristics with assistance from a certified NRCS soil classifier. In the process, the County reserves the right to witness any such tests. If conflicting soils investigation is provided about a given site, a certified NRCS soil classifier will be requested to provide professional information.

806 Site Evaluation On-site sewage disposal systems may be utilized where lots or parcels are in compliance with the applicable County Ordinances in effect on the date of permit application and all of the criteria for site consideration in Table I (See Appendix B) are satisfied.

807 Minimum Depth to Limiting Layer In no case shall the depth to any limiting layer be less than 12 inches from the natural soil surface (see next paragraph). Providing this can be met, the separation below the bottom surface of the soil absorption system and the top of any limiting layer (i.e. seasonal groundwater, impermeable strata, bedrock, etc.) shall be as follows:

- A) Rapidly Permeable Soils** Soils having rapid to very rapid permeability (>6.0 in./hr.) shall have at least 4 feet of separation (or as allowed in Table I).
- B) Moderately Rapid Soils** Soils having a permeability rate between 2 in./hr. and 6.0 in./hr. shall have at least 3 feet of separation (or as allowed in Table I).
- C) Moderate Soils** Soils having a permeability rate slower than 2 in./hr. shall have at least 2 feet of separation (or as allowed in Table I).
- D) Creviced Limestone Formations** A subsurface seepage system shall not be constructed in an area where there is less than 4 feet of soil between the lowest point in a subsurface seepage system and the top of a creviced limestone formation. In areas where creviced limestone is known to occur, a soil boring to a depth of at least 4 feet below the bottom of the subsurface seepage system shall be made to verify that creviced limestone is not present.

808 Setbacks All setbacks and horizontal distances in Table IV shall be satisfied.

809 Surface Water Overflow The site of the installation shall not be subject to saturation from surface water overflow from natural or artificial drainage of ground surfaces, driveways, roads or roof drains.

810 Flood Hazard Area The land elevation at the site of the proposed system installation shall not be subject to flooding, (i.e. shall not be within the 100 year flood hazard area as defined by the base flood elevation of the closest stream or body of water). Such elevation shall be provided in USGS/MSL (United States Geological Survey Mean Sea Level) datum.

811 Future Replacement Area – Non Residential Properties In all cases where non-residential properties are proposed for development, an area for a full-size replacement system shall be provided. The area shall be suitable for septic installation as confirmed by onsite soil investigation and designated for future septic system replacement. This replacement area shall be kept free of development, traffic or soil modification on all properties.

812 Slope Restrictions Private sewage disposal systems shall not be permitted on slopes exceeding 25 % (reference Table I on slope limitation).

813 Septic Suitability on New Land Parcels On or after September 1, 1990, parcels of less than 10 acres created subsequent to this date will be required to demonstrate (via on-site soils evaluation procedures) one-half acre of contiguous, non-critical soils within the boundaries of the parcel(s), or designated subsurface seepage and future replacement subsurface seepage areas in compliance with Section 4030 Platting of New Subdivisions, before a permit will be issued for installation of a septic system. The septic system must be installed within an area of non-critical soils, or the designated subsurface seepage area. This is to ensure that all new parcels being created are being developed in a manner that is consistent with Section 4000. On all lots within a subdivision recorded after the date of February 1, 2003, the 1/2 acre of contiguous, non-critical soils, or the designated subsurface seepage area on each lot shall not be altered or modified until a septic system permit has been issued.

814 Water Table Monitoring Wells Water table monitoring may be utilized when the property owner feels that the results of the soil test conducted do not accurately reflect present day seasonal water tables. The following requirements will be used when a request is made to use observed water tables in lieu of soil borings. Please Note: Monitoring in itself does not ensure approval to install a soil absorption system. Once monitoring is completed, a request for a variance from the use of soil mottling as an indicator of high groundwater or seasonal saturation must be made in writing to the Public Health Administrator.

- A) Installation Approval** Written approval will be given by the Department after all the required data listed below has been received and reviewed. Construction of monitoring wells shall not start until this approval has been received.
- B) Soil Boring Logs** Detailed soil boring logs of the area to be monitored are to be submitted with the proposal.
- C) Number of Monitoring Wells** No less than two (2) monitoring wells shall be present in the area of the proposed private sewage disposal system. One (1) of the monitoring wells shall be located in the lowest portion of the proposed subsurface seepage area. Monitoring wells shall be present to accurately portray seasonal groundwater conditions.
- D) Location and Design** The location and design of the monitoring wells shall be drawn to scale on a plot sheet. The design shall be based upon Illustration 3 (See Appendix C.), or other design as approved by the Department.
- E) Monitoring Data Format** The monitoring data shall be recorded by a licensed professional engineer or soil classifier.
- F) Monitoring Period** The wells will be required to be monitored for a period of one (1) year with precipitation amounts of plus or minus 15 % of the average. Rainfall during the Spring season (March 21 to June 21) must be equal to or greater than the normal amount for that period. The precipitation amounts will be taken from the closest reporting weather station.
- G) Monitoring Frequency** The observations shall be made within two (2) weeks after the frost is absent and thereafter every seven (7) days until July 1st. From July 1st until the test year is complete, the frequency shall be once a month. However, if there is a heavy rainfall (1/2 inch or more within a 24 hour period) the monitoring well shall be checked within 24 hours.
- H) Monthly Precipitation Totals** Precipitation totals are to be recorded daily and reported with monitoring well levels monthly.
- I) Site Approval** If no two (2) consecutive observations show the presence of water above the critical depth, the site will be considered acceptable.

SECTION 900 SOIL ABSORPTION SYSTEM REQUIREMENTS

901 Design of Soil Absorption System The construction of any private sewage disposal system requiring soil for ultimate treatment, shall conform to the requirements herein established. The septic system design shall be prepared by a professional designer meeting the qualifications of Section 316H

experienced in the field of on-site private sewage disposal system design. The system shall be designed to receive all domestic sewage from the structure proposed to be served. Plans and specifications shall be in accord with the requirements in Section 316 of this Ordinance.

902 Basis of Design Septic system sizing is determined by the most restrictive soil boring in the area of the seepage field. (See Table I, Appendix B). When a less permeable soil layer is located less than twenty-four (24) inches in moderate soils; less than thirty-six (36) inches in moderately rapid soils; or less than forty-eight inches in rapid soils; from the bottom of subsurface seepage system; the seepage system shall be sized at the more limiting permeability. The Department will allow split sizing based upon the most restrictive of two (2) soil borings which delineate that portion of the seepage field.

903 Soil Absorption System Sizing The minimum design for a private sewage disposal system serving any structure, building or group of buildings, shall be based on the permeability range in inches per hour from Table I (See Appendix B). This shall be used to determine the maximum sewage loading rate (gallons per square foot per day) for establishing bottom soil absorption area (square feet). When the sewage flow exceeds 1500 gal./day, and there is to be a surface discharge system, then approval shall be obtained from the IEPA. Residential designs shall be based upon square footage per bedroom.

904 Metered Water Use Data The Department will consider, for other than residential properties, metered water use data in lieu of the estimated sewage flow set forth in Table II (See Appendix B). For metered flow considerations, the applicant shall provide authenticated monthly water use data, documenting water consumption for the most recent 12 month period for at least three (3) other establishments of like size operations engaged in the same type geographic environment, and which have approximately the same operating hours.

905 Location and Installation The private sewage disposal system shall be located in the same area where the soil investigation was conducted for which the system design was approved. All private sewage disposal systems shall be located and installed so that with proper maintenance, the system functions in a sanitary manner, does not create sanitary nuisances or health hazards and does not endanger the safety of any domestic water supply. Sewage waste and effluent from individual on-site private sewage disposal systems shall not be discharged onto the ground surface or into ditches, drainage structures, surface waters, or aquifers. The minimum distances between components of private sewage disposal systems and water supplies, bodies of water, dwellings, property line and field drain tile listed in Table IV (See Appendix B) shall be observed.

906 Artificial Drains (Curtain drains, vertical drains or underdrains). The following high water table conditions may be capable of being altered when all of the following conditions can be satisfied:

- A) Shallow, perched water table but not confined under pressure.
- B) Water table conditions are caused by laterally flowing groundwater.
- C) Groundwater table is in granular or coarse textured soils. High groundwater table conditions existing in level sites within soils which are saturated for periods of time are considered as being incapable of effective draining by these methods.

907 Proposals to Lower Groundwater Table Levels For any proposal for the use of these methods of attempting to lower existing groundwater table levels, hydraulic calculations shall be submitted. The

proposal shall be acceptable provided that the hydraulic calculations support the ability of the drainage system to lower the existing groundwater table levels and the drainage system will meet the required setbacks outlined in Table IV. (See Appendix B).

908 Monitoring Wells A network of observation wells shall be installed on the site and periodic groundwater levels shall be recorded for at least one year subsequent to installation of the artificial drainage system (See Section 906) in accordance with Section 814 (Water Table Monitoring Wells).

909 Discharge from Drainage System Any proposed drainage system shall have an acceptable gravity outfall which shall not produce surface water or groundwater problems or nuisances. Discharge to roadside drainage ditches is not permitted without written permission from the responsible highway organization or entity.

910 Installation in Existing Fill Material (sites filled at the time of the adoption date of this Ordinance) Filled sites must be evaluated by means of soil pits for their ability to meet the requirements of Section 807 and Table I.

911 Sizing in Existing Fill Material The existing fill material shall meet the requirements of Section 807 and Table I. Due to the unpredictability of fill material, all onsite domestic wastewater systems installed in existing fill material, twelve (12) inches or greater in depth, shall be sized at the largest sizing category in Table I. In addition the sewage effluent shall be distributed by low pressure pipe distribution.

912 Installation of Septic Systems Which Require Fill Whenever a private sewage disposal system design incorporates the addition of fill, the designer shall provide a written assessment of the impact of the fill on the retention or drainage of surface waters on the subject and adjacent properties.

913 Site Preparation Any preparation of the soil absorption area shall be conducted only when the soil is dry. Site preparation shall be conducted under the supervision of the licensed private sewage disposal system installation contractor as established in this Section. All sites shall be mowed and cleared of brush. Sites approved for private sewage disposal system types 3, 4 and 5 (See Sections 1300 - 1500 and Illustration 1) shall be plowed prior to the placement of fill or gravel as follows:

- A) **Equipment** Equipment shall be a chiselplow.
- B) **Plowing** Plowing shall be done parallel to the site contour.
- C) **Tillage** Tillage shall be minimal to break the consistency of the sod; maximum depth of tilling shall be eight inches. After tilling, the site shall not be graded or smoothed.

914 Fill Placement The placement of fill material for private sewage disposal system types 3, 4 and 5 shall be as established in this section. Fill shall be approved coarse graded sand (FA1, FA2, FA3) except in the type 4 at-grade system where only gravel is required, but is handled and placed in the same manner as fill; or porous earth fill (as defined) with certification from a soil classifier; and except that the top four (4) inches shall be top soil for the restoration of vegetation. The fill shall be placed according to the approved plan and shall be placed immediately after site preparation. The storage and transportation of fill shall be as specified on the approved plan; no traffic shall be allowed directly on the plowed area.

- A) **Method of Fill Placement** Fill shall be placed only from the upslope or ends of the proposed

soil absorption area as follows:

- B) Using Backhoe** Material may be placed with a backhoe reaching into the soil absorption area.

915 Using Low Compaction Equipment Material may be pushed into the soil absorption area by low compression equipment maintaining a minimum of ten (10) inches of material beneath the equipment.

916 Installation in Fine Textured Soils To prevent soil smearing and excessive compaction, seepage fields shall not be installed within forty eight (48) hours of 1/2 inch or greater rainfall. Seepage fields which are partially or wholly above grade shall not be installed when there is any frost in the ground. Seepage fields which are wholly into grade shall not be installed when there is six (6) inches or more of frost in the ground. It is the responsibility of the private sewage disposal system installation contractor to evaluate site conditions and assure that the installation will not result in smearing of soils or excessive soil compaction.

917 Replacement Systems There shall be no limit on the number of additional conventional private sewage disposal systems installed as replacements for existing systems.

SECTION 1000 PRIVATE SEWAGE DISPOSAL SYSTEMS TO SERVE NON-RESIDENTIAL PROPERTIES

1001 Prior Proposal Review The Health Authority shall review any proposal for a private sewage disposal system to serve non-residential property via an informal meeting with the designer prior to its submittal for approval. The review shall consider those elements of the proposal which may impact the functioning and longevity of the private sewage disposal system including but not limited to waste strength, peak flows, removal of non-domestic wastewater, seasonal flow variations, soil or site limitations, adequate future replacement area, and elements of the proposal which may require special arrangements for access or maintenance. Wastewater constituents of concern are dependent upon the anticipated waste stream and include but are not limited to total suspended solids, fats, oils and greases, nutrients (i.e. nitrates, chlorides, phosphates) and biochemical oxygen demand.

1002 No Prior Proposal Review Failure to hold a prior proposal review will require the permit holder to apply under a separate permit fee category (have non-prior approval fee.) The fee schedule is approved by the McHenry County Board and is contained in the public health fee Ordinance.

1003 New Non-Residential Properties All non-residential properties, constructed after the effective date of this Ordinance; and served by private sewage disposal systems shall meet the following requirements:

- A) Metered Water Usage** A water meter shall be installed on the water supply. The water meter shall measure water usage in increments of gallons or tens of gallons.
- B) Monitoring Water Usage** The property owner shall monitor and record the water usage daily. These records shall be kept available for Department review.
- C) Peak Domestic Wastewater Flows** Domestic sewage flows shall not exceed the design capacity of the private sewage disposal system.

- D) Department Inspection and Sampling** Random inspection and/or sampling will be accomplished by the Department to ensure compliance with this Ordinance. Sampling will include, but not be limited, to BOD-5, suspended solids and pH.
- E) Type of Waste** Domestic sewage flows only are to be discharged into these types of systems.

1004 Existing Non-Residential Properties All non-residential properties, constructed prior to the effective date of this Ordinance; and served by private sewage disposal systems shall adhere to the following:

- A) Peak Domestic Wastewater Flows** Domestic sewage flows shall not exceed the design capacity of the private sewage disposal system.
- B) Department Inspection and Sampling** Random inspection and/or sampling will be accomplished by the Department to ensure compliance with this Ordinance. Sampling will include, but not be limited to, BOD-5, suspended solids and pH.
- C) Type of Waste** Only domestic sewage flows are to be discharged into these types of systems.

SECTION 1100 APPROVED PRIVATE SEWAGE DISPOSAL SYSTEMS

1101 General Provisions The following systems are approved for private sewage disposal when designed, constructed, operated, and maintained in accordance with the applicable section in this Ordinance:

1102 Septic Tank (Section 1800) or **Aerobic Treatment Plants** (Section 2800) in addition to one of the following:

- Subsurface seepage field.
- Seepage Bed (See Section 2200 for restrictions).
- 8 inch or 10 inch gravelless seepage system or chamber system which complies with all the requirements of the Illinois Private Sewage Disposal Code.
- Chamber system
- Peat Filter System, followed by an approved subsurface seepage system sized at 2/3 the sizing required in Table I.

1103 Mound Systems Mounds designed in accordance with the Wisconsin Mound Soil Absorption System Siting, Design, and Construction Manual, Small Scale Waste Management Project, University of Wisconsin-Madison, January, 1990, and Section 1500.

1104 Vault privies, portable toilets, re-circulating toilets, incinerator toilets and compost toilets are approved for private sewage disposal of human wastes. Re-circulating toilets, incinerator toilets and compost toilets shall meet NSF Standard 41 and bear the NSF seal.

1105 Wisconsin At Grade System designed in accordance with the Wisconsin At Grade Soil Absorption System Siting, Design and Construction Manual, Small Scale Waste Management Project, University of Wisconsin-Madison, January 1990, and Section 1400.

1106 Illinois Raised Filter Bed preceded by a batch treatment aeration system (See Section 1500).1107 Subsurface drip irrigation system in accordance with Section 905.60g of the Illinois Private Sewage Disposal Code.

1107 Any other systems for which a variance in accordance with Sections 320-321 has been issued or for which an experimental permit in accordance with Section 400 has been issued.

1108 Holding tanks installed in accordance with Section 2500.

SYSTEM TYPES

For the purpose of this ordinance, five (5) types of private sewage disposal systems have been established. The type of system which may be used is determined by the amount of suitable soil between the natural soil surface and limiting layers (See Table I).

SECTION 1200 TYPE 1 and TYPE 2 SYSTEMS Type 1 and Type 2 private sewage disposal systems shall be designed to minimum requirements as follows:

- A)** Pretreatment shall be by septic tank sized for the projected design flow or by a Class I aeration device sized for the projected design flow.
- B)** Effluent distribution to the absorption trench may be by drop box, distribution box, or low pressure pipe (LPP) distribution.
- C)** Lift stations, shall be installed in accordance with the requirements of Section 1600.
- D)** Distribution in the absorption trench shall be by perforated pipe.
- E)** No perforated pipe shall be located closer than three (3) feet to the distribution device.
- F)** The invert of the distribution pipe shall be a minimum of six (6) inches above the trench bottom.
- G)** The square footage of a gravel trench bottom shall be per Column 8 of Table 1 for residential properties and equal to the projected flow in gallons per day (gpd) divided by the assigned domestic wastewater loading rate in gallons per day per square foot (Column 9, Table 1) for non-residential properties.

Illinois Department of Public Health approved chambers will be sized at one (1) lineal foot of chamber per lineal foot of three (3) foot wide gravel trench for those chambers with approved absorption areas of at least three (3) square feet per linear foot

OR

- Will be sized at one (1) lineal foot of chamber per lineal foot of two (2) foot wide gravel trench for those chambers with approved absorption areas of at least two (2) square feet per lineal foot but less than three (3) square feet per linear foot.
- H) The maximum trench length shall be one hundred (100) feet from the distribution device (excluding the solid header).
 - I) The maximum trench width shall be thirty-six (36) inches; the minimum trench width shall be twelve (12) inches.
 - J) Trenches shall be separated by a minimum of five (5) feet of undisturbed soil. See Tables VI and IX.
 - K) The minimum trench depth for a Type 2 system shall be twelve (12) inches into the original soil surface.
 - L) The minimum depth of gravel in the absorption trench shall be twelve (12) inches with six (6) inches of gravel beneath the distribution pipe and two (2) inches above. Gravel shall not be placed closer than thirty-six (36) inches to the distribution device.
 - M) Every Type 1 and Type 2 system shall be covered with a minimum of six (6) inches of earth cover.
 - N) Where distribution to and into a Type 1 or Type 2 system is by low pressure pipe (LPP), the applicable requirements of Section 2000 shall be met.
 - O) Seepage beds, shall be sized at 1.5 times the absorption area specified in Table I.
 - P) Type 1 and Type 2 systems shall meet the requirements of all other applicable sections of the Ordinance.

SECTION 1300 TYPE 3 SYSTEMS

Type 3 private sewage disposal systems shall be designed to minimum requirements as follows:

- A) Pretreatment shall be by septic tank sized for the projected design flow or by a Class I aeration device sized for the projected design flow.
- B) The soil absorption area shall be prepared prior to placement of any fill in accordance with Sections 913 - 915. The fill material shall extend a minimum of five (5) feet beyond any absorption trench.
- C) Distribution to the absorption trench may be by drop box, distribution box, or low-pressure pipe (LPP) distribution. LPP network piping shall be as specified in Section 2000.
- D) Lift stations shall be installed per the requirements of Section 1600.
- E) No perforated pipe shall be located closer than three (3) feet to the distribution device.

- F) The invert of the distribution pipe shall be a minimum of six (6) inches above the trench bottom.
- G) The square footage of a gravel trench bottom shall be per Column 8 of Table 1 for residential properties; and equal to the projected flow in gallons per day (gpd) divided by the assigned domestic wastewater loading rate in gallons per day per square foot (Column 9, Table I) for non-residential properties.

Illinois Department of Public Health approved chambers will be sized at one (1) lineal foot of chamber per lineal foot of three (3) foot wide gravel trench for those chambers with approved absorption areas of at least three (3) square feet per lineal foot

OR

Will be sized at one (1) lineal foot of chamber per lineal foot of two (2) foot wide gravel trench for those chambers with approved absorption areas of at least two (2) square feet per lineal foot but less than three (3) square feet per lineal foot.

- H) The maximum trench length shall be one hundred (100) feet from the distribution device (excluding the solid header).
- I) The maximum trench width shall be thirty-six (36) inches; the minimum trench width shall be twelve (12) inches.
- J) Trenches shall be separated by a minimum of five (5) feet of undisturbed soil. See Tables VI and IX.
- K) The bottom of trench of a Type 3 system shall penetrate the original soil surface by a minimum of six (6) inches.
- L) The minimum depth of gravel in the absorption trench shall be twelve (12) inches, with six (6) inches of gravel below the pipe and two (2) inches above.
- M) Gravel shall not be placed closer than three (3) feet to the distribution device.
- N) Every Type 3 system shall be covered with a minimum of six (6) inches of earth cover, and a maximum of twenty four (24) inches.
- O) Seepage beds shall be sized at 1.5 times the absorption area specified in Table I.
- P) Type 3 systems shall meet the requirements of all other applicable sections of the Ordinance.

SECTION 1400 TYPE 4 SYSTEMS

Type 4 At-Grade Absorption systems shall be designed to minimum requirements as follows:

- A) Pretreatment shall be by septic tank, sized for the projected design flow, or by a Class I aeration device sized for the projected design flow. If a septic tank is utilized, it shall be augmented by an effluent filter.

- B)** The soil absorption area shall be prepared in accordance with Sections 913 – 915.
- C)** Distribution to and into the absorption area shall be by low pressure pipe (LPP) distribution. LPP network piping shall be as specified in this section and in Section 2000.
- D)** The lift station shall be in accordance with Section 1600.
- E)** The invert of the distribution lines shall be a minimum of six (6) inches above the original soil surface.
- F)** The effective length of the absorption area is the actual length of the aggregate along the contour. The effective width on sloping sites is the distance from the distribution pipe to the downslope toe of the aggregate and on level sites it is the width of the aggregate.
- G)** The square footage of absorption area shall be equal to the projected flow in gallons per day (gpd) (200 gallons per bedroom for residential properties, and per Table II for non-residential properties) divided by the assigned soil loading rate in gallons per day per square foot (See column six (6) of Table 1).
- H)** The soil loading rate is determined by the most restrictive permeability within 24 inches below the aggregate in moderate soils, 36 inches below the aggregate in moderately rapid soils and 48 inches below the aggregate in rapidly permeable soils.
- I)** The minimum length of the at-grade domestic wastewater absorption area parallel to the site contour shall be limited by the maximum linear loading rate. The linear loading rate is equal to the projected daily flow in gallons per day divided by the total length of the absorption area in feet, and shall be determined per column 7 of Table 1.
- J)** The minimum depth of gravel in the at-grade absorption area shall be twelve (12) inches, with six (6) inches of gravel beneath the pipe and a minimum of two (2) inches above.
- K)** The gravel of an at-grade soil absorption system shall be covered with a minimum of twelve (12) inches of topsoil to support vegetative cover. Additional cover shall be placed as necessary to shed stormwater.
- L)** The gravel shall be completely covered with a geotextile fabric prior to the placement of the topsoil.
- M)** The soil cover shall extend a minimum of five (5) feet beyond each side and end of the aggregate to tie the system into the existing soil surface.

Multiple Type 4 systems may be utilized to provide the total seepage area required for a specific application.

The minimum separation distance between the aggregate of multiple Type 4 systems shall be twelve (12) feet.

- N)** Observation ports are optional.

- O) Separation distances from Type 4 systems to structures, water wells, bodies of water; etc. shall be measured from the closest portion of the aggregate.
- P) Type 4 at-grade systems shall meet all requirements of all other applicable sections of the Ordinance and shall comply with the provisions of Wisconsin At-Grade Soil Absorption System Siting, Design, and Construction Manual as incorporated in Appendix A.

SECTION 1500 TYPE 5 SYSTEMS

Type 5 Mound Systems shall be designed to minimum requirements as follows:

- A) Pretreatment shall be by septic tank sized for the projected flow and augmented by an effluent filter, or by a Class I aeration device sized for the projected flow.
- B) The soil infiltration area shall be plowed and filled in accordance with Sections 913 - 915. The fill material shall cover the soil infiltration area, or basal area.
- C) Coarse sand fill shall have an effective diameter of .15 to 2.0 mm with a uniformity coefficient between 4 and 6, and have less than 5% silt and clay.
- D) Distribution to and into the application bed shall be by low pressure pipe (LPP). LPP network piping shall be as specified in this section and in Section 2000.
- E) The lift station shall be in accordance with Section 1600.
- F) The invert of the distribution line(s) shall be a minimum of six (6) inches above the fill material.
- G) The square footage of the application bed (absorption area) shall be equal to the projected daily flow in gallons per day (200 gallons per bedroom for residential properties, and per Table II for non-residential properties) divided by the loading rate of the coarse sand fill - one gallon per day per square-foot (1 gpd/sq.ft.) or 1.2 gpd/sq.ft. where a Class I aeration device is proposed for pretreatment.
- H) The minimum length of the application bed parallel to the site contour shall be limited by the maximum linear loading rate. The linear loading rate is equal to the projected daily flow in gallons per day divided by the total length of the application bed in feet, and shall be determined per Column 7 of Table I.
- I) The square footage of the infiltration area (basal area) shall be equal to the projected daily flow divided by the assigned soil domestic wastewater loading rate in gallons per day per square foot (Column 6, Table 1).
- J) The soil domestic wastewater loading rate is determined by the most restrictive permeability within 24 inches below the sand fill in moderate soils, within 36 inches below the sand fill in moderately rapid soils and within 48 inches below the sand fill in rapidly permeable soils.

- K) The basal area is defined based upon the slope of the site. See Illustration 6.
- L) The minimum length of the basal area shall be equal to the minimum length of the application bed.
- M) The fill material shall be extended beyond the basal area, tapering to grade at a 3:1 slope.
- N) The minimum depth of gravel in the application bed shall be twelve (12) inches with six (6) inches of gravel beneath the pipe and two inches above.
- O) The minimum depth of coarse sand fill material covering the basal area shall be twelve (12) inches.
- P) The entire Type 5 Mound System shall be covered with a minimum of twelve (12) inches of topsoil to support vegetative cover. Additional cover shall be placed over the application bed at a slope in order to shed stormwater.
- Q) The gravel of the application bed shall be completely covered with a geotextile fabric prior to the placement of topsoil.

Multiple Type 5 systems may be utilized to provide the total seepage area required for a specific application.

The minimum separation distance between the basal areas of multiple Type 5 systems shall be twelve (12) feet on level sites and fifteen (15) feet on sloping sites.

When utilizing multiple Type 5 systems, the fill material for each mound shall taper to grade at a 3:1 slope, which shall be maintained to allow for appropriate drainage off of and between the mounds.

- R) Observation ports are optional.
- S) Leakage of domestic sewage from the toe of the mound at any time is unacceptable and considered to be a failure of the system.
- T) Separation distances from Type 5 septic systems to structures, water wells, bodies of water, etc. shall be measured from the closest portion of the sand fill.
- U) Type 5 Mound systems shall meet all requirements of all other applicable sections of the Ordinance and shall comply with the provisions of Wisconsin Mound Soil Absorption System Siting, Design and Construction Manual as incorporated in Appendix A.
- V) Illinois Raised Filter Beds shall comply with the requirements of the Illinois Private Sewage Disposal Code, except that:

The mantle shall be sized using the formula $A=QT/25$, where A = Mantle Area, Q = Quantity of domestic sewage per day, and T is the percolation rate (min/inch). (See Column 10 of Table I). The percolation rate is determined by the most restrictive permeability within 24

inches below the sand fill in moderate soils, within 36 inches below the sand fill in moderately rapid soils and within 48 inches below the sand fill in rapidly permeable soils.

SECTION 1600 LIFT STATIONS AND PUMPS

1601 Lift Stations A lift station consists of a tank, pump, pump controls, and alarm system. The tank can be a separate unit, or it can have common wall construction with the pretreatment unit. The tank shall have sufficient volume to provide the desired dosing volume, space for controls, space for setting the pump, plus a reserve volume. The reserve volume is the volume of the tank between the high water alarm switch and the invert of the inlet pipe; it provides storage during power outages or pump failure. A reserve capacity equal to the estimated daily domestic sewage flow is required. Duplex pump units can be used as an alternative to provide reserve capacity. No reserve capacity is necessary when siphons are used.

1602 Pumps Where it is necessary to pump sewage to the system, a separate leak-proof sump and pump shall be required.

1603 Pump Specifications Pumps shall meet the following requirements:

The pump shall be submersible, designed to handle domestic sewage and a minimum of 1/2 inch diameter solids, capable of delivering the required flow at the design total dynamic head. The discharge pipe shall be the same size or larger than the discharge of the pump. The pump shall be constructed of corrosion resistant materials. Performance curves and specification sheets indicating the above criteria have been met shall be submitted with the plan review application when pumps are to be used in a system.

1604 Pumping Chamber The pumping chamber shall be watertight. Watertight shall consist of sealing all joints. The pumping chamber shall be filled with water after being installed and backfilled to prevent the pumping chamber from floating out of position due to hydrostatic pressures, unless the tank is installed in dry soil.

1605 Access Riser An access riser with a minimum dimension (width or diameter) of 12 inches shall be installed on the pumping chamber, and extend at least 6 inches above the ground surface.

1606 Dosing Volume The dosing volume shall be at least 5 times the pipe volume of the dosing network plus provide for filling and drainback of the network. The average flow shall be used to determine the dosing volume.

1607 Pump and Alarm Control The pump control device shall be adjustable so that the required dosing volume is discharged during each pumping cycle. The control system for the pumping chamber shall consist of a control for operating the pump and an alarm system to detect when the system is malfunctioning. Pump controls shall allow flexibility in adjusting the on-off depth. An example of acceptable controls is shown in Appendix A: Illustration Q of the Illinois Private Sewage Disposal Code.

1608 Electrical and Alarm System A high water alarm shall be provided with audible and visual signals and a test function. The alarm shall be on a separate circuit and located outside the home or facility served. The alarm control device shall be a sealed float or diaphragm switch and shall be located to activate 2 to 3 inches above the pump turn-on level. Electrical devices installed after January 1, 2014

shall be provided with an electrical disconnect that is located within sight of, and not more than 50 feet away from, the device.

ANCILLARY EQUIPMENT

1609 Quick Disconnect A quick disconnect device shall be included in the discharge piping to facilitate removal of the pump for inspection, repair, or replacement. The disconnect device shall be a threaded union, pitless adapter, or lift-out rail system.

1610 Pump Cable A corrosion resistant rope or cable of adequate strength shall be affixed to the pump to facilitate installation and removal, so that personnel need not enter the chamber to disconnect the pump.

1611 Pump Control Device A pump control device must be adjustable so that the desired dosing volume can be discharged during each pumping cycle. The control device may consist of one or more sealed float or diaphragm switches, which may cooperate with a relay or contactor. Any separate control panels located outside the chamber must be protected from the weather and must provide no air path between the panel and the pump chamber.

1612 Check Valve A check valve between the pump and the piping network shall not be allowed unless this piping system is below the frost line. A check valve is required when dual pumps are utilized.

SECTION 1700 MALFUNCTIONING PRIVATE SEWAGE DISPOSAL SYSTEMS

1701 MALFUNCTIONING OR UNAPPROVED SYSTEMS No person shall discharge or cause to be discharged sewage or the effluent or residues from any private sewage disposal system to any watercourse, drainage ditch, storm sewer, agricultural field tile, well, or ground surface, except as may be specifically permitted herein.

SECTION 1800 SEPTIC TANKS

1801 Septic Tank Specification All septic tanks shall conform to the specifications required in Section 905.40 of the Illinois Private Sewage Disposal Code.

1802 Septic Tank Capacity Septic tank capacity for residential property shall be sized in accordance with the provisions of Table III (See Appendix B). The minimum size septic tank for any installation shall be 1000 gallons. Septic tanks for any establishment other than residential property shall be sized in accordance with the estimated flow determined from data provided in Table II (See Appendix B). The size of the septic tank shall be calculated as follows:

- A) The volume of the liquid level shall be one and one-half times the daily estimated flow.
- B) When the total flow exceeds 1350 gallons per day, two or more tanks in series, or a multi-compartment tank, shall be installed.

1803 Septic Tank in Series Whenever two or more septic tanks are to be used, they must be installed in series. If two tanks are used, the capacity of the first tank shall be at least one-half but not more than two-thirds of the total liquid capacity as calculated from either Table II or Table III.

1804 Garbage Grinders/Garbage Disposals When garbage grinders/garbage disposals are used in residential property, solids shall be retained by one of the following methods:

- A) Solids Retention Tank** A solids retention tank constructed in accordance with Section 905.40 of the Illinois Private Sewage Disposal Code shall be placed between the domestic sewage source and the septic tank to intercept solids from the garbage grinder. This tank shall receive waste from the garbage grinder(s) or the kitchen wastes only. No other fixtures shall discharge into this tank. The solids retention tank shall be at least 50% in liquid volume of the septic tank sized for the waste from the rest of the property, however, the minimum size tank to be used shall be 500 gallons.
- B) Septic Tank Sized Per Table III** A septic tank receiving all flows from the property sized in accordance with Table III (See Appendix B).

1805 Septic Tank Access Access to the interior of the tank shall be provided to allow inspection and maintenance. A manhole or access port extension collar or riser with a minimum dimension (width or diameter) of 12 inches shall be provided by the private sewage disposal contractor to bring access to the tank to the ground surface. The joint between the septic tank and the riser(s) shall be watertight. When the riser consists of multiple sections, all joints shall be watertight. If a 2 compartment tank is used and the tank has an opening over the wall between the compartments, the center opening shall have access provided within 12 inches of the ground surface.

SEPTIC TANK INSTALLATION

1806 Level Tank The septic tank shall be set level and backfilled to prevent floatation or drifting of the tank. Level shall mean plus or minus one-half (1/2) inch in any direction (length or width or diameter of the tank).

1807 Watertight Openings If the inlet, outlet or access openings are to be set at or below the seasonal high water table, all openings in the tank shall be made watertight using mastic, tar, silicone caulk, etc.

1808 Connections in Overdig There shall be no connections such as joints, splices, or fittings within the area of overdig around the septic tank.

SECTION 1900 OTHER SEPTIC SYSTEM COMPONENTS

1901 Distribution Boxes Distribution boxes may be installed between a septic tank or aerobic treatment plant and a subsurface seepage system for all gravity flow systems, which do not use serial distribution (See Section 1916). Distribution boxes shall be installed level on undisturbed earth (no fill beneath), and shall provide equal distribution of flow to the subsequent disposal system. A single solid header out of the distribution box with T connections to the individual trenches, is allowed provided that all lines are installed level. The solid headers out of the distribution box shall be schedule 40.

1902 Connecting Pipe The pipe connecting the pre-treatment or primary treatment component to the distribution box and the pipe connecting the distribution box to the subsurface seepage system shall be watertight.

1903 Distribution Box Construction Distribution boxes shall be constructed of a durable watertight, non-corrosive material. They shall be designed to accommodate the necessary distribution lines.

1904 Distribution Box Access Distribution boxes shall be provided with an opening which will serve as a ready access for inspection, cleaning, and general maintenance.

1905 Overdig Around Distribution Box There shall be no connection such as joints, splices or fittings within the area of the overdig around the distribution box.

1906 Solid Header Whenever a distribution box is installed for the purpose of obtaining equal distribution of effluent, a minimum of three-foot solid pipe shall be provided between the distribution box and the drainage tiles.

1907 Bedding Material The bedding material shall be clean stone with no visible mud, silt or clay with particle size ranging from 3/4 inch minimum to 4 inches maximum. The bedding material shall extend the full width of the trench and to a depth of at least 6 inches below the bottom of the distribution line. The bedding material shall extend at least 2 inches above the top of the seepage line. The bedding material shall be covered by geotextile fabric, untreated building paper or other permeable and/or biodegradable material to support the backfill as the laying of the distribution line proceeds. Tar paper, plastic, or other impervious material shall not be used between the bedding material and the earth backfill.

1908 Looping Ends of Seepage Field The ends of a gravel seepage field shall be looped except in serial distribution systems.

1909 Acceptable Pipe Materials All piping located more than 5 feet from the building foundation, used to convey domestic waste to a private sewage disposal system, shall be considered a part of the private sewage disposal system and shall be watertight. This piping shall be ductile iron or plastic pipe. Only plastic pipe shall be used from the septic tank and after the distribution box (where used). Solid piping shall be bedded utilizing up to two (2) inches of coarse graded sand or fine aggregate (1 mm to 1/8 inch in size). Perforated pipe shall be used only as provided in this Ordinance.

1910 List of Approved Pipe Use of plastic pipe and fittings shall conform to the uses designated in Section 905. Appendix A, Illustration C of the Illinois Department of Public Health Private Sewage Disposal Licensing Act and Code, except that all solid plastic piping used in the private sewage disposal system shall be Schedule 40 or heavier. Piping used to carry domestic sewage under areas such as driveways, roads, or parking areas shall also be sleeved in six (6) inch corrugated metal pipe to prevent crushing or freezing.

1911 Pipe Size and Slope All solid pipes carrying domestic sewage by gravity flow shall have a nominal diameter of at least 4 inches and a minimum slope of 12 inches per 100 feet. Solid header lines used for equal distribution shall be level.

1912 Pipe Length Building sewers in excess of 50 feet in length which carry domestic sewage from the buildings served to the septic tank, or aeration treatment plant shall be provided with at least one clean-out every 50 feet that terminates at grade.

1913 Electrical Devices Any component of a private sewage disposal system which is electrically activated shall be provided with a visible and audible warning device placed within the building served.

All electrical devices shall be wired in accordance with the National Electrical Code or a municipal, county or local electrical code, whichever is more stringent. When electrical components are required, it is the responsibility of the private sewage system installation contractor to obtain any necessary electrical permits and to ensure that all electrical components are installed per the applicable electrical code.

1914 Abandoned Treatment Units Septic tanks, cesspools, pit privies, aerobic treatment plants, lift stations and seepage pits which are no longer in use shall be completely pumped. The floor and walls shall be cracked or crumbled so the tank will not hold water and the tank shall be filled with porous granular material or pea gravel. If the tank is removed from the ground, the excavation shall be filled with soil.

1915 Distribution Lines Distribution lines shall be constructed of materials as approved in Section 905.20(f) of the Illinois Private Sewage Disposal Code. The lines shall be perforated. Perforated piping with the exception of 8 inch or 10 inch gravelless seepage systems, or chamber systems, shall have 1/2 to 3/4 inch diameter openings on 3 to 5 inch centers with a minimum of two rows. The openings in the pipe shall be placed downward.

1916 Serial Distribution Serial Distribution is a variation of the seepage field in that it is designed so that each trench in the absorption system is kept full to capacity before overflow to the next trench occurs. Serial distribution has a distinct advantage on sloping terrains. All construction features of the serial distribution system shall be the same as the seepage field, but in addition, shall include the following:

A) Drop Boxes Adjacent trenches must be connected with a relief line or a drop box arranged in such a manner that each trench, or gravelless pipe or chamber system is completely filled with septic tank effluent to the full depth of the gravel or gravelless pipe or chamber before effluent flows to the succeeding trench.

B) Relief Line The invert of the first relief line shall be at least one inch lower than the invert of the septic tank or aerobic treatment plant outlet. (See Appendix A: Illustration K of the Illinois Private Sewage Disposal Code.)

C) Solid Header A minimum three foot solid header shall be provided from the drop box to the start of the perforated tile.

D) Level Trench Bottom The bottom of each trench and its distribution line shall be level.

E) Earth Cover There shall be a minimum of 6 inches and a maximum of 24 inches of earth backfill over the bedding material or the gravelless pipe or chambers in the trenches.

F) Installation Along Contours The trench shall follow the ground surface contours so that variation in trench depth will be minimized.

G) Separation From Tank to Trench There shall be a minimum of 5 feet of undisturbed earth between the septic tank and the nearest trench.

1917 Location Location of various components of a private sewage disposal system shall comply with distances specified in Table IV (See Appendix B).

1918 Standards for Construction Soil absorption systems shall meet the requirements in Tables IV, V, VI and IX (See Appendix B).

1919 Effluent Filters Effluent filters shall be tested and listed by NSF International or a laboratory approved by ANSI to determine compliance with the requirements of ANSI/NSF Standard 46 Evaluation of Components and Devices Used in Wastewater Treatment Systems.

SECTION 2000 LOW PRESSURE DISTRIBUTION

Distribution of domestic sewage into private sewage disposal systems by low pressure pipe (LPP) systems as required by this section shall be designed to minimum requirements, as follows:

- A) Pretreatment of effluent shall include an effluent filter for septic tank effluent.
- B) Minimum supply/manifold line diameter shall be two (2) inches.
- C) Minimum lateral domestic sewage distribution pipe diameter shall be one and one-quarter (1 1/4) inches on trenches fifty (50) feet or longer. On trenches less than fifty (50) feet long, the minimum pipe diameter shall be one (1) inch.
- D) Minimum perforation size shall be three-sixteenths (3/16) inches.
- E) Minimum distal end pressure on any lateral line shall be one foot (1') of pressure head (.43 psi).
- F) The discharge rate of distribution lines shall be a minimum of .10 gallons per minute per lineal foot (10 gpm for a 100' line), and shall be equal among all distribution lines to within plus or minus five percent (5%).
- G) The seepage field shall be dosed at fifty (50) to one hundred (100) gallons per bedroom.

The configuration of an LPP distribution system shall be such that the number of fittings is minimized.

Only deep socket high pressure fittings shall be utilized.

- H) Construction shall comply with all other applicable sections of the Ordinance.
- I) Low pressure pipe distribution systems shall otherwise comply with the requirements of Design and Installation of Low Pressure Pipe Waste Treatment Systems as incorporated by Appendix A.

SECTION 2100 OTHER ON-SITE SYSTEMS REQUIRING SPECIAL APPROVAL

2101 Special Approval General Provisions The Department may establish and maintain a technical review committee composed of a maximum of seven members, all of whom possess some level of expertise related to domestic wastewater management. The function of the committee will be to

provide technical assistance and direction in regard to the private sewage disposal code including the review of proposals for experimental systems.

2102 Simple Majority The recommendation of the simple majority of the quorum of the member's of the technical review committee shall be provided to the Department for use in responding to the applicant's request. In addition, the committee may develop guidelines for such systems and reviews that may preclude the on-going need for individual consideration of systems in this section. From time to time, the committee may recommend changes to the Department regarding requirements for private sewage disposal systems based on experience, research, findings, etc.

SECTION 2200 SEEPAGE BEDS

2201 General Provision A seepage bed may only be installed when the permeability is moderately rapid or faster.

2202 Absorption Area The total bottom absorption area required for a seepage bed shall be one and one-half times the absorption area specified in Table I (See Appendix B).

2203 Design Construction features shall conform to Sections 1100 through 2000. Distribution lines shall be equally spaced with no more than six (6) feet center to center. Seepage beds shall be constructed so that construction equipment does not drive over the bottom of the bed.

SECTION 2300 PRIVIES

2301 General Provisions Privies are approved for the disposal of human wastes only where the use of the area is for a park, campground, or other recreational area.

2302 Design and Construction Requirements The vault privy is the only type of privy that can be used for the disposal of human wastes.

2303 Construction The vault privy shall be durable and constructed to facilitate satisfactory maintenance. The vault shall be fly-tight and rodent-proof at all times.

2304 Watertight and Rodent-Proof The vault privy must be watertight and a readily accessible cleanout shall be provided. The cleanout shall be so constructed to prevent the entrance of rodents, insects and surface water.

2305 Construction Specifications All privies used for the deposit of human wastes shall be constructed and maintained in accordance with the following:

- A) Minimum Capacity** The vault shall provide a minimum capacity of 50 cubic feet per seat. The vault shall be constructed of materials and in such a manner as to be able to endure the anticipated load and use and to withstand the local environmental conditions without deteriorating. The vault shall be constructed such that there shall be access to the vault for pumping and cleaning purposes.

- B) Floor and Seat Riser** The floor and seat riser shall be constructed of an impervious material and in a manner to exclude insects and rodents. The seat riser shall be constructed and bonded with the floor to prevent seepage through the riser onto the floor.
- C) Seat Opening** The seat opening shall be covered with a hinged lid that forms a tight seal.
- D) Vents** Each privy shall be provided with vents of at least 0.5 square foot area for each seat. The vault shall be vented to the outside through a vent which creates airflow out of the building, with a minimum cross-sectional area of 12 square inches. The vent opening shall be screened with 16 mesh screen to prevent the entry of flies and shall terminate through the roof.

SECTION 2400 PORTABLE TOILETS (CHEMICAL TOILETS)

Portable toilets shall be used and operated in compliance with Section 905.135 of the Illinois Private Sewage Disposal Code with the following additions and restrictions:

2401 General Provisions Portable toilets are approved for use of collection of human wastes under the following conditions:

- A)** Where water carried sewage facilities are not provided; or to supplement existing, plumbed restroom facilities, if allowed by the local plumbing authority and/or local building official; and
- B)** Provision is assured for treatment of sewage removed from the portable toilet at a facility operating under the jurisdiction of the Illinois Environmental Protection Agency.

2402 Location of Portable Toilets

- A)** Portable toilets shall be conveniently located to prevent nuisance conditions and not compromise the wholesomeness or quality of food.
- B)** Portable toilets shall be located per the minimum separation distances specified in Table IV, Appendix B.
- C)** Portable toilets shall not be located less than twenty (20) feet from a temporary food establishment.

2403 Portable Toilets at Food Establishments

- A)** Portable toilets and portable handwashing stations may not be utilized to replace permanent fixtures for foodservice employees at fixed food establishments.
- B) Handwashing Stations** Where foodservice is provided, an adequate number of properly equipped handwashing facilities must be provided within twenty (20) feet of the portable toilets.

- C) Handwashing stations must have potable water under pressure, from a source approved by the Department, soap, a supply of disposal paper towels and covered waste receptacles.

2404 Servicing of Portable Toilets

- A) Portable toilets shall be serviced by Individuals licensed or certified per Section 905.135 of the Illinois Private Sewage Disposal Code and permitted by the McHenry County Department of Health.
- B) **Disposal of Portable Toilet Waste** Disposal of waste from tank trucks shall be in accordance with Section 905.170(g) of the Illinois Private Sewage Disposal Code and Section 2900 of this Ordinance.
- C) **Removal of Portable Toilets:** The Department may require removal of portable toilets in the event of repetitive violations of the Ordinance or in the event that the use of the portable toilets results in the creation of nuisance or unsanitary conditions.
- D) **Records** Records of inspections, servicing and maintenance of portable toilets shall be maintained by the employers, event sponsors or property owners and made available to the Department upon request.

SECTION 2500 HOLDING TANKS

2501 General Provisions Holding tanks are approved for private sewage disposal only under the following circumstances:

- A) As a temporary measure while awaiting the availability of a sewer, provided, however, that a contract for installation of the sewer has been awarded and the agency responsible for sewer operation certifies that it will be available for service within 180 days. The property owner shall assume all risks of the sewer not becoming available. He may then install a private sewage disposal system in full compliance with this Ordinance, or vacate the property;

OR

- B) As a sanitary dumping station in campgrounds or marinas to receive the discharges from holding facilities on recreational vehicles or boats; and Provision is assured for treatment of sewage removed from the holding tank at a facility operating under the jurisdiction of the Illinois Environmental Protection Agency.

2503 Temporary Holding Tanks Temporary holding tanks will be allowed for permitted properties under the following conditions:

- A) The permit for the private sewage disposal system has been previously approved by this Department; and present and near future weather conditions (i.e. frozen ground, saturated soils) are unfavorable for the installation of a private sewage disposal system (December 1

through June 1); and

- B)** An application for temporary utilization of a holding tank is completed and appropriate fee paid at the Health Department. The application shall include the following items:
- A contract for pumping the septic tank with a licensed private sewage disposal system pumping contractor.
 - A contract with a sewage treatment plant to accept the waste; waste can not be land applied.
 - A contract with a licensed private sewage disposal system installation contractor to complete the installation with an estimated cost and completion date specified.
 - A letter of credit with a federally insured bank or Savings and Loan Association with resources of at least five million dollars (\$5,000,000.) for 1 1/2 times the installation cost.
- C)** The temporary domestic sewage holding tank fee is approved by the McHenry County Board. The fee schedule is contained in the Public Health Fee Ordinance.
- D) Audio/Visual Alarm** The septic tank is to be installed and the tank outlet sealed with an audio high-water alarm installed, and set at 2/3 of the septic tank capacity. The tank and alarm are to be inspected by the Department.

2504 Temporary Holding Tank Approval / Renewal Temporary holding tank approval is for a period of time not to exceed six months. If the septic system is not installed within a 6 month period, a renewal fee must be paid. Subsequent renewals of the original application shall be valid for a period of 30 days. A maximum of six (6) renewals will be allowed.

2505 Temporary Holding Tank Expiration Failure to install the septic system by June 1st or renew the temporary holding tank application before it expires shall be a violation of this Ordinance.

2506 Temporary Holding Tank Construction and Location The holding tank shall be designed and constructed in compliance with Section 1800, except that the outlet shall be sealed. The holding tank shall be located in compliance with the requirements in Table IV (See Appendix B) for "Septic Tanks".

SECTION 2600 SANITARY DUMP STATIONS

2601 General Provision Sanitary Dump Stations are approved for receiving domestic sewage only from holding tanks on recreational vehicles.

2602 Design and Construction Requirements Sanitary dump stations shall provide holding capacity designed on the basis of 140 gallons per un-sewered recreational vehicle site.

2603 All Sanitary Dump Stations shall be designed and constructed in accordance with the following:

- A) A concrete pad shall be constructed around the drain leading to the holding tank. The pad shall extend at least 2 feet in every direction from the drain and shall have a 2 inch high curb around the outside perimeter. In addition, the pad shall be sloped to the drain at least one-tenth inch per foot.
- B) A foot-operated, self-closing cap which forms a tight seal with the drain shall be provided.
- C) The sewer line from the drain to the tank shall be at least 4 inches in diameter and constructed in accordance with the provisions in the Illinois Plumbing Code. It shall be installed to maintain at least a 10 foot horizontal separation from any water line.
- D) A water supply distribution tap for flushing the pad shall be provided. The water supply line to the tap shall comply in all respects with the Illinois Plumbing Code or the applicable local plumbing code if more stringent, and shall be provided with approved, properly installed back siphonage protection. A "stop and waste" valve shall not be provided on the tap. The water tap shall be painted yellow and posted "Not For Human Consumption. Use for Flushing and Cleaning Purposes Only".

SECTION 2700 ON-SITE WASTEWATER SYSTEMS IN RAPID AND/OR VERY RAPIDLY PERMEABLE SOILS

Penetration into sands and gravel (rapid-very rapid permeability) shall only be permitted with standard depth trenches. See also Table I.

SECTION 2800 AERATION DEVICES

2801 Aerobic Treatment Plant Approval Aerobic treatment plants shall be tested and listed by NSF International or a laboratory approved by ANSI to determine compliance with the requirements of ANSI/NSF Standard 40, Residential Wastewater Treatment Systems, January 18, 1999. Standard 40 is a standard which covers an organized and coordinated system of components that functions to treat domestic sewage from individual residences. This Part shall allow approved aerobic treatment plants to serve a residential property which is occupied on a year-round or full time basis. Aerobic treatment plants shall not be used to serve a residential property which is used as a seasonal, weekend or part-time residence. Aerobic treatment plants considered for use to serve a non-residential property shall meet the requirements of Section 905.100J 1-3 of the Illinois Department of Public Private Sewage Code.

2802 Class II Effluent Aerobic treatment plants listed by NSF International or a laboratory approved by ANSI to determine compliance with ANSI/NSF Standard 40 for Class II effluent shall discharge to a subsurface seepage system designed and constructed in accordance with the requirements of Sections 800 – 917.

2803 Class I Effluent Aerobic treatment plants listed by NSF International or a laboratory approved by ANSI to determine compliance with ANSI/NSF Standard 40 for Class I effluent shall discharge to a subsurface seepage field designed and constructed to be at least 2/3 the size determined necessary by estimated permeability.

2804 Sizing Aerobic Treatment Plants Aerobic treatment plants which are listed by NSF International or a laboratory approved by ANSI to determine compliance with ANSI/NSF Standard 40 as Class I and

rated at 500 gallons per day will be allowed for the treatment of domestic sewage from residential property having up to and including 4 bedrooms. Other aerobic treatment plants that are listed by NSF International or a laboratory approved by ANSI to determine compliance with ANSI/NSF Standard 40 as Class I shall be sized as specified in Table VII (See Appendix B).

2805 Installation All components of aerobic treatment plants shall be installed at the time of the original installation.

2806 Accessibility For Inspection and Maintenance The plant shall be equipped with one or more grade-level access manholes located to permit periodic physical inspection and maintenance of all compartments and component parts. Component parts include submerged bearings, moving parts, tubes, intakes, slots, filters, and other devices. Grade level access manholes shall be installed in a manner to prohibit the entry of soil, water and dirt into the unit.

2807 Effluent Standards are those currently enforced in the State of Illinois Private Sewage Disposal Licensing Act and Code.

2808 Service Contract A service contract shall be maintained on all aeration devices. All service shall be by a licensed private sewage disposal installation contractor who is familiar with the unit and utilizes manufacturer approved replacement parts.

2809 Service Operation and Maintenance Service operation and maintenance shall adhere to standards established by the Illinois Private Sewage Disposal Code.

2810 Non-functional Aeration Units If an aeration device is non-functional, the non-functional parts must be replaced so as to be maintained per the manufacturer's specifications. When the unit can no longer be maintained per the manufacturers specifications, the unit must be replaced with an approved Class I aeration device.

2811 Non-Residential Properties Any aeration treatment plant to service a non-residential facility shall maintain a registration with the Department, pay a registration fee and provide the required sampling data as detailed in the registration. Sampling data will include, but is not limited to daily flows, BOD-5 and suspended solids.

SECTION 2900 COLLECTION, STORAGE, TRANSPORTION, DISPOSAL AND USE OF SEPTAGE, PORTABLE TOILET WASTE, AND DOMESTIC WASTE REMOVED FROM A HOLDING TANK, PRIVY VAULT OR SANITARY DUMP STATION

2905 General Provisions – Permit Requirements

- B)** Any person who collects, stores, transports, disposes or uses septage, portable toilet waste, or domestic sewage removed from a holding tank, privy vault or sanitary dump station in McHenry County, shall be licensed by the Illinois Department of Public Health (IDPH) as a private sewage disposal system pumping contractor, permitted by the Department, and knowledgeable of the requirements of this section.
- C)** The collection, storage, transportation, disposal and use of septage, portable toilet waste, or domestic sewage removed from a holding tank, privy vault, or sanitary dump station in McHenry County shall meet all the requirements of this Section, the Illinois Private Sewage

Disposal Licensing Act and Code, and Title 40 of the Code of Federal Regulations, Part 503 “Standards for the Use or Disposal of Sewage Sludge” (40 CFR Part 503).

- D)** Whenever the Department determines, through inspections or other means, that there is a violation of any provision of this Section, the Department may, without any further notice, institute or cause to be instituted legal proceedings in the Circuit Court of McHenry County in cooperation with the State’s Attorney’s Office.
- E)** The Department shall issue a Private Sewage Disposal System Pumping Contractor Permit to persons applying for such permit who have met the requirements of this Section and all other applicable regulations and who pay the required annual permit fee in an amount established in the Public Health Fee Ordinance. A permit issued under this Section must be renewed annually and shall expire on January 31 of the year following issuance. The Department may suspend or revoke any permit for a violation(s) of this Ordinance. An appeal of such suspension or revocation and any penalty for activities after permit suspension or revocation shall be as established by the Ordinance. Application for a Private Sewage Disposal System Pumping Contractor Permit shall require completion of an application form produced by the Department. Any person who submits false information in an application for a Private Sewage Disposal System Pumping Contractor Permit shall be in violation of this Ordinance. In the application, the contractor shall submit information including, but not limited to, the following:
- 1)** Company Name.
 - 2)** Owner and Operator Name.
 - 3)** Owner and Operator Home and Mailing Addresses.
 - 4)** Company Telephone Number.
 - 5)** Full name, IDPH Private Sewage Disposal System Pumping Contractor license number, and driver’s license number for each individual engaged in the collection, storage, transportation, disposal or use of septage, portable toilet waste, or domestic sewage removed from a holding tank, privy vault, or sanitary dump station.
 - 6)** Number of vehicles used to collect, store, transport, dispose or use septage, portable toilet waste, or domestic sewage removed from a holding tank, privy vault, or sanitary dump station.
 - 7)** Address and permanent index number(s) (PIN) for all sites where septage, portable toilet waste, or domestic sewage removed from a holding tank, privy vault, or sanitary dump station has been stored, disposed or used.
 - 8)** A description of all the types of waste that the contractor collects, transports, stores, disposes or uses.
 - 9)** A description of disposal or use methods for septage or any other waste, and any other records required to be maintained by State or Federal law pertaining to the collection, transportation, storage, disposal or use of septage, portable toilet waste, or domestic

sewage removed from a holding tank, privy vault, or sanitary dump station.

- 10)** Rate/quantity, in gallons per acre per month, and per 365-day period, that septage was land applied at any site in McHenry County.

2910 Disposal Methods Septage, portable toilet waste, or domestic sewage removed from a holding tank, privy vault, or sanitary dump station shall be disposed or used in McHenry County only by the methods established in this Section:

- A)** Sewage Treatment Facility: Discharge to a municipal sanitary sewer system is approved when the municipality has approval from the Illinois Environmental Protection Agency (IEPA) to receive septage from private sewage disposal systems and the contractor has written approval from the municipality to discharge septage into the system.
- B)** Application to Agricultural Land: Septage shall be applied to land only as specifically established in this Section. No person shall land apply portable toilet waste, or domestic sewage removed from a holding tank, privy vault, or sanitary dump station in McHenry County.
- C)** Other Approved Methods: Septage may be disposed of by other methods subject to the approval of that method by the Illinois Environmental Protection Agency, the Illinois Department of Public Health and the McHenry County Department of Health.

2915 Septage Management Site Permit No person shall store, dispose or use septage at any site in McHenry County, other than an IEPA permitted sewage treatment plant, without a valid permit issued by the Department.

Permit: The Department shall issue a Septage Management Site Permit to persons applying for such permit who have met the requirements of Sections 2920 – 2955, and all other regulations and who pay the required annual permit fee in an amount established in the Public Health Fee Ordinance. A permit issued under this section must be renewed annually and shall expire on January 31 of the year following issuance. The Department may suspend or revoke any permit for a violation(s) of the Ordinance. Any appeal of such suspension and any penalty for continued use of a site after permit suspension shall be as established by the Ordinance. A permit is required for each site where septage is stored, disposed or used.

2920 Land Application Site Requirements No person shall apply septage to land in McHenry County in a manner that does not meet the requirements of this Section, the requirements of the Illinois Private Sewage Disposal Licensing Act and Code, and the requirements of 40 CFR Part 503. No person shall land apply holding tank waste or portable toilet waste in McHenry County.

- A)** Municipality notification: No Septage Management Site permit shall be issued within the boundaries of a municipality without the applicant submitting documentation of having provided written notification to the municipality's corporate authority.
- B)** Water table: No person shall apply septage to land where the depth to the seasonal high ground water table or to fractured limestone formations is less than 4 feet below the ground surface.

- C) Floodplain: No person shall apply septage to land that is at or below the 100-year floodplain elevation.
- D) Slope: No person shall apply septage to land having greater than five percent (5%) slope.

2925 Land Application Site Setback Requirements All land used for the land application of septage shall be offset as established by this Section.

- A) Water Wells: No septage shall be land applied within 300 feet of a water well.
- B) Public Roads: No septage shall be land applied within 100 feet of a public road.
- C) Residential, Commercial or Industrial Areas: No septage shall be land applied within 500 feet of homes, commercial, or industrial buildings, where people live, work, or assemble.
- D) Surface Waters: No septage shall be land applied within 200 feet of any surface water, pond, lake, stream, river, creek, wetland or surface inlet to subsurface drains.

2930 Land Application Site Management

- A) Site boundaries: The boundaries and restricted areas of all septage land application sites shall be marked off by clearly visible stakes or another method approved by the Department.
- B) Even application: Septage shall be applied evenly over the application area. No person shall apply septage to land with water or septage ponded upon it.
- C) Rainfall: No person shall land apply septage to land which has received rainfall of 1/2 inch or more during the 24 hour period preceding the application time.

2935 Land Application Rates No person shall apply septage to land in excess of the application rate established in the Illinois Private Sewage Disposal Licensing Act and Code or the annual application rate established in 40 CFR Part 503. Septage shall be land applied in accordance with the lowest (most stringent) application rate established by State and Federal regulations.

2940 Recordkeeping When septage is applied to land, the person who applies the septage shall develop the following information and retain the information for five (5) years. The information shall be made available to the Department for inspection or copying upon request.

- A) The location, by either street address or permanent property index number, of each site on which septage is applied.
- B) The number of acres in each site on which septage is applied.
- C) The date and time septage is applied to each site.
- D) The nitrogen requirement for the crop or vegetation grown on each site during a 365 day period.

- E) The rate/quantity, in gallons per acre per month and also per 365 day period, at which septage is applied to each site.
- F) Certification statement pertaining to pathogen and vector reduction requirements as described in 40 CFR Part 503.
- G) A description of how pathogen and vector attraction reduction requirements as described in 40 CFR Part 503 are met.

2945 Nuisance Conditions Where it is determined by the Department that nuisance conditions exist which create an offensive odor, produce a stagnant wet area or produce an environment for the breeding of insects, then septage shall be immediately incorporated into the soil.

2950 Spillage No person shall cause or allow the release or discharge of septage, portable toilet waste, or domestic sewage removed from a holding tank, privy vault, or sanitary dump station onto any public road or right-of-way.

2955 Vehicles And Equipment All vehicles used for the collection and transportation of septage, portable toilet waste, or domestic sewage removed from a holding tank, privy vault, or sanitary dump station shall be in compliance with the Illinois Private Sewage Disposal Licensing Act and Code.

2960 Inspections

- A) Land Application Sites: The Health Authority shall inspect any site utilized for the land application of septage for compliance with this Ordinance not less often than one time per year.
- B) Vehicles and Equipment: All vehicles and equipment used for the collection, transportation, storage, disposal or use of septage, portable toilet waste, or domestic sewage removed from a holding tank, privy vault, or sanitary dump station shall be subject to inspection and approval by a representative of the Department at any reasonable time. Upon request of the Department such vehicles and equipment shall be made available for inspection at a designated location. The Department shall inspect all vehicles used for septage management for compliance with this Ordinance at least one time per year.

2965 Enforcement The Department may perform inspections, issue notices and orders requiring action, and initiate legal action as may be necessary to assure compliance with this Section.

2970 Other Regulations The requirements established by this Ordinance do not preclude compliance with any applicable State or Federal regulation.

2975 Conflict Whenever the provisions of this Section conflict with any applicable ordinance, regulation, or rule, the most stringent requirement shall be applied.

SECTION 3600 ADMINISTRATION

3601 Powers And Duties Of The Department In accordance with the provisions of the McHenry County Private Sewage Treatment and Disposal Ordinance, the Department has the following powers and duties:

- A) To make such inspections as are necessary to determine satisfactory compliance with the Private Sewage Disposal Ordinance.
- B) To review and comment on soil evaluations and issue permits.
- C) To investigate when a violation of any provision of the Private Sewage Disposal Ordinance is reported to the Department.
- D) To enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the administration and enforcement of the Private Sewage Disposal Ordinance.
- E) To institute or cause to be instituted legal proceedings in the Circuit Court of McHenry County in cooperation with the State's Attorney's Office in cases of non-compliance with the provisions of the Private Sewage Disposal Ordinance.

3602 Violations Whenever the Department determines through inspections or other means, that there is a violation of any provision of the Ordinance, the Department shall give notice of such alleged violation. Such notice shall:

- A) Be in writing.
- B) Include a statement of the reasons forming the basis for the issuance of the notice.
- C) Contain an outline of remedial action and allow a reasonable time to effect compliance with this Ordinance.
- D) Be served upon the owner, operator or resident as the case may require, provided that such notice shall be deemed to have been properly served when the notice has been personally delivered or sent by certified mail, return receipt requested.
- E) A "Notice of Violation" may be posted on the property indicating the following:
 - 1) Date and time of inspection.
 - 2) Type of violation noted.
 - 3) Inspector's name and phone number.

3603 Emergency Orders Whenever, in the judgment of the Department, an emergency exists which requires immediate action to protect the public health, safety, or welfare, a court order may be requested, without notice, conference, or hearing, directing the owner, occupant, operator, or agent to take such action as is appropriate to correct or abate the emergency.

3604 Revocation or Suspension of Permit The Health Authority shall have the authority to revoke or suspend permits when they are issued in error, or where the provisions of this Ordinance are violated. The reason for the revocation or suspension of a permit shall be posted in writing at the site, or mailed

to the applicant at the address provided in the permit application, by certified mail, return receipt requested.

3605 Penalty Any person who violates this Ordinance or who violates any determination or order of the Department under this Ordinance, shall be guilty of an Ordinance violation and shall be fined a sum not less than \$100 nor more than \$500 for each violation.

Each day a violation continues constitutes a separate offense. The McHenry County State's Attorney shall bring such action as he deems appropriate in the name of the Department.

3606 Invalidity Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

3607 Conflicting Ordinances In any case where a provision of this Ordinance is found to be in any conflict with a provision of any other Ordinance or code in force, or adopted subsequent to the effective date of this Ordinance, the more stringent provision shall prevail.

SECTION 4000 PLATTING OF NEW SUBDIVISIONS

4010 General The McHenry County Department of Health is required by Illinois Compiled Statutes 765 ILCS 205/2 to sign off on all plats within McHenry County if any part of the subdivision will not be served by a public sewer system. The Department will evaluate all incorporated and unincorporated plats by the criteria in this Section.

4020 Subdivision Review Fee A fee schedule established by the McHenry County Board will apply to the new platting of land in McHenry County. The fee for the plat review in incorporated areas shall be paid at the time of the submittal to the Department for review. The fee schedule is available in the public health fee Ordinance. Review fees for subdivisions in unincorporated areas are paid to the McHenry County Department of Planning and Development.

4030 Options For Platting Subdivisions shall be platted providing for sewage disposal based upon one of the following methods:

- Each lot shall contain ½ acre of contiguous, non-critical, suitable soils (as defined) as confirmed by onsite soil mapping; or
- Each lot shall contain a designated full size private sewage disposal system area and full septic system replacement area in suitable soils as confirmed by onsite soils evaluation; or
- The proposed subdivision shall be served by an Illinois Environmental Protection Agency (IEPA) permitted sewage disposal system (i.e. land treatment system or onsite package plant.), or any other proposal which may use technologies permitted by IEPA, provided that the technology does not conflict with the stated purpose or any other section of the Ordinance. The applicant shall provide copies of all IEPA applications, correspondence, schematics and supporting data to the Department for review and comment, The Department reserves the right to submit comments during the IEPA permitting process.

SECTION 4100 SUBDIVISIONS PROVIDING ½ ACRE OF NON-CRITICAL SOILS

4105 Soil Classifier Soil mapping based upon onsite determination of soil characteristics shall be conducted to determine soil suitability for septic systems. Soil survey and mapping shall be by a Soil Classifier.

4110 Number Of Borings There shall be a sufficient number of soil borings throughout the proposed acreage for platting so as to allow intensive mapping of soil characteristics and limiting factors related to suitability for private sewage disposal systems. The mapping and overlay of such characteristics shall be of sufficient detail to minimize the potential for inclusions and to determine the existence of at least ½ acre of suitable soils on each proposed lot. There shall be at least one boring on each acre of the proposed subdivision. The location of all borings shall be shown on the soil map overlay.

4120 200 Foot Grid System A 200 foot grid system shall be established and one boring at each grid point shall be performed. In addition, sufficient additional borings shall be completed to adequately identify each soil mapping unit as well as variations within mapping units as far as depth to limiting layer.

4125 Department Notification The Department shall be notified at least 24 hours before commencement of onsite borings so that the Department may observe the borings and sampling procedures, if it so desires. Any boring conducted without the Department being notified may not be acceptable.

4130 Soil Classifiers Report A map and log of each soil series mapped on the site shall be prepared and included in the Soil Classifier's report. Specific boring logs shall be submitted in a format as required by the Department. These reports shall include, at a minimum, soil texture and permeability classifications by depth, along with the depth to any limiting layer.

4135 Soil Update The date(s) of all fieldwork shall be indicated. Soil borings shall be valid for one year after the test date, after which time an update is required by the soil classifier.

4140 Soil Mapping The entire subdivision area shall be mapped showing soil types present with boundaries of each defined, considering areas of transition. This mapping shall be coordinated with site topography, and shall be of the same scale as the tentative and final plats.

4145 Soil Boundaries The map shall also depict areas of seasonal high groundwater or other limiting layers as determined by the Soil Classifier's observation of the drainage characteristics of the soil. Long-term monitoring of observation wells approved by the Department may be used to supplement this information (See Section 814). Boundaries of the following areas shall be defined:

- Actual or seasonal high groundwater or other limiting layer at less than 18 inches from the natural soil surface.
- Actual or seasonal high groundwater or other limiting layer at 18 inches to 30 inches from the natural soil surface.
- Actual or seasonal high groundwater or other limiting layer at 30 inches to 42 inches from the natural soil surface.
- Actual or seasonal high groundwater or other limiting layer at 42 inches to 60 inches from the natural soil surface.

- Actual or seasonal high groundwater or other limiting layer greater than 60 inches from the natural soil surface.

4150 Map Of Boring Locations A detailed map showing the soils present and locations of borings shall be provided.

The signature(s) of the Soil Classifier(s) by whom the soil mapping was done and the report prepared, must be affixed to both the report and the soil map.

4155 Topography The topography of the subdivision shall be shown in one (1) foot contours.

4160 Suitable Soils Only soil types depicted on the site soil map, where the limiting layer is a minimum of thirty (30) inches from the natural soil surface may be considered as non-critical or suitable soils.

4165 Restricted Soils Soils not considered suitable for septic systems shall not be included in the ½ acre of required soils, and in addition, shall be indicated as being restricted for septic systems on the tentative and final plats.

Tanks in Septic Restricted Areas Septic tanks, lift stations and aeration devices will be allowed in areas which are septic restricted due to critical soils provided that provisions are made to ensure that the inlet and outlet inverts, tops of tanks, lift stations and aeration devices are water tight.

4170 Usable Size And Configuration The developer must prove to the satisfaction of the Department that each lot on the tentative and final plats has at least ½ acre of suitable soil in a continuous area and of usable size and configuration.

Building Sewer/Forcemain Easements When access to the septic suitable area will require the crossing of easements, lot lines or roadways, building sewer or forcemain easements shall be designated and provisions for protecting the force- main or building sewer (i.e. sleeving) shall be specified.

SECTION 4200 SUBDIVISIONS WITH DE-SIGNATED PRIVATE SEWAGE DISPOSAL AND FUTURE SEPTIC SYSTEM REPLACEMENT AREAS

4205 Soil Evaluation Soils evaluation for proposed lots which will have designated private sewage disposal and future private sewage disposal system replacement areas, shall be consistent with Sections 801 – 813 of the Ordinance.

4210 Suitable Soils Only areas where the actual or seasonal high groundwater or other limiting layer is a minimum of thirty (30) inches from the natural soil surface may be included in the designated septic system and future septic system replacement areas.

Tank Outside Designated Areas Septic tanks, lift stations and aeration devices will be allowed in areas which are not included in the designated private sewage disposal and future septic system replacement areas due to critical soils provided that provisions are made to ensure that the inlet and outlet inverts, tops of tank, lift stations and aeration devices are water tight.

4220 Minimum Number Of Borings A minimum of three (3) soil borings shall define the designated area with one boring each at the high, middle and lowest elevations of the area.

4225 Topography The topography of the designated private sewage disposal system area and future septic system replacement areas shall be provided in one (1) foot contours.

4230 Sizing of Designated Septic Areas The designated areas shall be sized per Table I requirements. The number of bedrooms, or gallons per day for non-residential properties, that the size of the designated private sewage disposal system and future system replacement areas will allow, must be clearly shown on the tentative and final plats.

4235 Free From Encroachment The designated private sewage disposal system and future septic system replacement areas shall remain free of any structures, driveways, parking areas or other development.

Building Sewer/ Forcemain Easements When access to the designated private sewage disposal and/or future septic system replacement areas will require the crossing of easements, lot lines or roadways, building sewer and/or forcemain easements shall be designated and provisions for protecting the forcemain or building sewer (i.e. sleeving) shall be specified.

4240 Designated Septic System Areas To Serve More Than One Property Septic systems serving more than one property shall be on common property under joint ownership of the users, or under public jurisdiction, or managed by a district established for the maintenance of such systems.

Documentation shall be provided to the Department that there will be adequate revenues to maintain and operate the private sewage disposal system in compliance with Ordinance standards.

SECTION 4300 SITES UTILIZING IEPA PERMITTED TECHNOLOGY

Within the unincorporated areas of the county, sites utilizing IEPA permitted technologies shall provide for the following:

- A)** The treatment system serving the subdivision shall be on common property under the joint ownership of the users, or under public jurisdiction or managed by a district established for the maintenance of such systems.
- B)** Documentation shall be provided to the Department that the treatment facility will be operated by individuals who are properly licensed.
- C)** Documentation shall be provided to the Department that there will be perpetual funding to maintain, operate and replace the wastewater treatment facility and associated infrastructure within applicable standards.

SECTION 4400 OTHER REQUIREMENTS

4410 Slope Restriction No area which exceeds the maximum allowable slope per Table I, shall be included in the ½ acre of suitable soils or the designated septic system and future replacement areas.

4415 Required Setbacks The ½ acre of non-critical soils and the designated septic system and future replacement areas shall be exclusive of all areas which fall within the setback distances listed in Table IV.

4420 Stormwater Drywells There shall be a 200 foot well restriction from all existing and proposed stormwater drywells (Class V injection wells). shown on the tentative and final plats.

4425 Small Lot Size Where ½ acre and smaller lot size dictates, designated locations of wells and septic systems shall be shown on the lots (on the final plat) to eliminate future conflicts between wells and septic systems.

4430 Easements The ½ acre of non-critical soils, and areas designated for private sewage disposal systems and replacement septic systems, are exclusive of all easements (i.e. drainage, road construction, utility, landscape, etc.).

4435 Flood Hazard Land designated as Flood Hazard is not acceptable for the installation of a septic system and cannot be included as part of the ½ acre of non-critical soils, or the designated septic system and future replacement areas. All areas within the subdivision which are located within the Flood Hazard area shall be designated on the final plat.

4440 Dimensions All dimensions, linear, curvilinear, and angular, necessary to properly re-survey, shall be shown, with linear dimensions in feet and decimals of a foot.

4445 Scale Of Plats Tentative and Final Plats shall be drawn at a scale of 1 inch to 100 feet or larger.

4450 Community Sewer And Water Documentation shall be provided to the Department that community water and sewer are not available and accessible to the property.

4455 Cutting/Filling Of Soils All areas of filling and/or cutting must be clearly delineated on an engineering plan. It should be known that this may influence septic suitability and additional soil work may be required.

The use of fill and/or cutting of soils is strongly discouraged and usually results in at least as critical if not more critical soil limitations for onsite domestic wastewater systems. The primary controlling factor to be considered is that the natural soils must be unencumbered by a limiting layer within 30 inches of the natural soil surface. Fill can only be used if that criterion is met. In this event, fill would have to be limited to carefully controlled situations, accompanied by detailed engineering. The lower portion, if not all of the sewage disposal system, must be a minimum of six inches into natural (undisturbed), uncompacted soils and no deeper than thirty-six (36) inches from a final grade. At the time, the separation below the trench bottom to the top of the limiting layer shall be maintained as required in Table I.

4460 Made Land Removal of native soils and replacement with suitable soils shall be considered a “made land” situation, and is not usually acceptable for on-site, domestic wastewater disposal purposes. Any such consideration of this approach should be only after consultation with Department personnel prior to preparing any plans.

In addition to the normal soils evaluation in areas of made lands, the following factors will also influence soil suitability: length of time fill has been in place; degree of compaction; stratification of soil texture; re-establishment of soil structure and depth; predictable extent of materials; and integrity of the fill-natural soil interface.

4465 Artificial Drains Use of artificial drains to lower seasonal high groundwater tables shall be in compliance with Section 906.

4470 Hydrogeological Assessment The proposal shall comply with Section 2700 of this Ordinance. When rapid or very rapid permeable soils are present in the top thirty six (36) inches of a proposed subdivision utilizing subsurface domestic wastewater disposal, a hydrogeological investigation report will be required. This report shall be completed by a licensed professional geologist and contain, at a minimum, the following information:

- 1) An evaluation as to the availability of sufficient quantity of water to serve the proposed subdivision; and
- 2) Shallow groundwater depth(s) and flow direction(s) at the proposed subdivision.
- 3) An evaluation of upgradient negative groundwater influences on the proposed subdivision. Potential influences for consideration shall include but not be limited to known groundwater contamination sites and upgradient land uses which may impact groundwater quality;
- 4) An evaluation of downgradient negative groundwater influences by the proposed subdivision. The cumulative impact of chlorides, nitrates, phosphates and bacteria on groundwater, and any downgradient sensitive environments (i.e. surface water, wetlands, fens, etc.) shall be evaluated at a minimum, and
- 5) Recommended actions to minimize impact of upgradient groundwater on the subdivision or the subdivision's impact on downgradient groundwater.

SECTION 4500 SUBDIVISION REVIEW PROCESS

Plats of Subdivision shall be submitted for review in a two step process:

- 1) Tentative Plat
- 2) Final Plat

SECTION 4600 TENTATIVE PLAT STAGE

The Tentative Plat shall depict the proposed lot lines, streets, easements, existing structures within the boundary, engineering improvements, existing topography, locations of all septic systems, water wells

and stormwater drywells within 200 feet of the boundary, all septic and/or well restriction areas, and/or designated private sewage disposal and future septic system replacement areas.

4610 Soil Map And Soil Logs The soil map and soil boring logs shall be submitted with the Tentative Plat.

4615 Net Square Footage Of Non-Critical Soils For all subdivisions providing ½ of non-critical soils per lot, the net square footage of contiguous, non-critical soils per lot shall be shown on the tentative plat.

4620 Delineating Septic Restricted Areas Septic restricted areas shall be shaded consistently (with a corresponding legend) on the tentative and final plats for clarity.

SECTION 4700 FINAL PLAT STAGE

All septic system requirements of the Tentative Plat stage must continue to be met at the Final Plat stage. The Final Plat shall depict the lot lines, streets, easements, engineering improvements, all well and/or septic system restricted areas, and/or the designated private sewage disposal system and future septic system replacement areas.

4710 Final Engineering A copy of the engineering plans for any engineering improvements shall be submitted for review with the final plat. Where site specific engineering has been approved, the engineering plans must include details of such engineering.

4720 Soil Stockpiling And Traffic Routes Soil stockpiling areas and heavy vehicular traffic routes shall be designated in the final engineering plans or on the final plat.

4730 Public Health Administrator's Certificate The Plat Act, as amended January 1, 1988, requires the local health authority to sign a plat with respect to sewage disposal systems if any part of the platted land will not be served by a public sewer system. The following signature certificate shall be provided on the final plat:

No public sewer system exists to serve this subdivision. This plat is approved with respect to onsite sewage disposal and the acreage involved has been reviewed in accordance with established soil suitability evaluation procedures.

Public Health Administrator

Date

4735 Recording Of Final Plat If the Final Plat is not recorded at the McHenry County Recorder's Office within six (6) months of the date of the Public Health Administrator's signature, the plat shall be invalid.

4740 Plat Of Amendment Whenever septic restriction lines or designated subsurface seepage field or future replacement subsurface seepage area locations are to be changed from the locations Shown on the approved Final Plat, a Plat of Amendment shall be required. The Plat of Amendment shall comply with Section 4000 - 4740 of this Ordinance.

SECTION 5000 SPECIAL WASTE HOLDING TANKS

5005 General Wastewater not disposed of by discharging into a sanitary sewer, shall be disposed of in compliance with this section.

Compliance with this Section does not relieve the property owner from adhering to any additional federal, state or local regulations in this matter.

5010 Permit Required No Special Waste Holding Tank shall be installed until a permit has been issued by the Health Authority. Applications for permits shall be in writing on forms provided by the Department and shall be signed by the owner or his authorized agent. Said permit to construct or repair shall be valid for a period of two (2) years from date of issuance. If construction or repair is not commenced and significant progress not achieved within said period, the permit shall expire unless an extension is approved by the Health Authority. The permit can be renewed for a period of 6 (six) months for 1/2 of the prevailing permit fee, provided all the conditions of the original submittal remain valid. Where a Special Waste Holding Tank is required for a structure, no building permit shall be issued without the prior or simultaneous issuance of the Special Waste Holding Tank permit. No Special Waste Holding Tank shall be put into use until it has been approved by the Health Authority.

5015 Construction The Special Waste Holding Tank shall be designed and constructed in compliance with Section 1800, except that the outlet shall be sealed.

5020 Location The Special Waste Holding Tank shall be located in compliance with the requirements in Table IV (See Appendix B).

5025 Base Flood Elevation The land elevation at the site of the proposed special waste holding tank shall not be subject to flooding (i.e. shall not be within the 100 year flood hazard area as defined by the base flood elevation of the closest stream or body of water.) Such elevation shall be provide in USGS/MSL (United States Geological Survey Mean Sea Level) datum.

5030 Minimum Size The minimum size of a special waste holding tank shall be 1000 gallons.

5035 Abandoned Special Waste Holding Tank Special Waste Holding Tanks which are no longer in use shall be completely pumped by a special waste hauler and shall be removed per the requirements of the Illinois Environmental Protection Agency and State Fire Marshal.

5040 Licensed Contractor No installation of a special waste holding tank shall be made without a written permit from the Health Authority issued either to a licensed private sewage disposal installation contractor or to the owner or lessee of the location, on the condition that the owner or lessee provides evidence of contracting a licensed private sewage disposal installation contractor to perform the installation.

5045 Decks Decks shall be allowed over special waste holding tanks provided that access is maintained at each access point for maintenance and repair. For decks greater than or equal to five (5) feet above the ground surface, the space below the deck will be considered the access.

5050 Free From Encroachment The area to be used for the special waste holding tank shall be maintained so that it is free from encroachment by driveways, decks (except as allowed in Section 5045), accessory buildings, swimming pools, parking areas, buried lawn sprinkling systems. Underground utility services, patios, slabs, additions to the original structure which limits free access to the system for maintenance, servicing or proper operation.

5055 Access Access to the interior of the special waste holding tank shall be provided to allow inspection and maintenance. A manhole or access port extension collar or riser with a minimum dimension (width or diameter) of twelve (12) inches shall be provided by the private sewage disposal installation contractor to bring access to the tank to the ground surface. The joint between the special waste holding tank and the riser(s) shall be watertight. When the riser consists of multiple sections, all joints shall be watertight.

5060 Handling of Waste Water The waste from Special Waste Holding Tanks shall be handled according to Outline of Waste Disposal Regulations (35 Ill. Adm. Code 700.) Note: Also see Illinois Plumbing Code (77 Ill. Adm. Code 890.)

5065 Special Provisions All properties which have Special Waste Holding Tanks shall meet the following requirements:

- A) An annual registration shall be maintained with the Department. The registration shall be effective January 1st to December 31st.
- B) The registration shall be on forms provided by the Department.
- C) The property owner will be required to provide information including the type and amount of waste being discharged to the holding tank, results of any laboratory analysis done on the wastewater, the name of the special waste hauler removing and transporting the wastewater, and the ultimate destination of the wastewater.
- D) The Special Waste Holding Tank shall have the outlet sealed with an audio/visual high water alarm installed at 2/3 capacity of the tank. The tank and alarm are to be inspected by the Department.

APPENDIX A - INCORPORATED MATERIALS

The following materials are incorporated as a part of this Ordinance for reference purposes:

- A) Illinois Private Sewage Disposal Licensing Act (225 ILCS 225/1 et seq.) and Illinois Private Sewage Disposal Code (Title 77 Illinois Administrative Code, Chapter I, Subchapter r, Part 905)
- B) Wisconsin Mound Soil Absorption System Siting, Design, and Construction Manual, Small Scale Waste Management Project, University of Wisconsin-Madison, January, 1990
- C) Wisconsin At Grade Soil Absorption System Siting, Design and Construction Manual, Small Scale Waste Management Project, University of Wisconsin-Madison, January 1990
- D) Design and Installation of Low-Pressure Pipe Waste Treatment Systems, UNC Sea Grant College Publication, UNC-56-82-03, May 1982 (Sizing is per Table I Requirements of this Ordinance.)

APPENDIX B

Table I - Soil Suitability for On-site –Waste Water Disposal

Table II - Estimated Domestic Sewage Flows

Table III - Minimum Liquid Capacities For Septic Tanks Serving Residential Units

Table IV - Minimum Separation Allowable

Table V - Standards For Seepage Field Construction

Table VI - Size and Spacing For Seepage Field Construction

Table VII - Sizing of Aerobic Treatment Plants

Table VIII - Variance Guidelines

Table IX— Spacing for Gravelless Systems and Chamber Systems

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SOIL SUITABILITY FOR ON-SITE WASTEWATER DISPOSAL

TABLE 1 (See Also Corresponding Notes and Illustration 1)

Depth to Limiting Layer from Natural Soil Surface ¹	Permeability Range In/Hr	System Type	Associated USDA Soil Textures	Maximum Allowable Slope %	Size of System					
					Assigned Soil (Basal) Loading Rate (gpd/ft ²) Type 4 & 5 Systems	Assigned Linear Loading Rate (gpd/ft) Type 4 & 5 Systems	Residential Square Foot Per Bedroom	Non-Residential Gallons Per Day Per Square Foot	Percolation Rate for Sizing Mandate for Illinois Raised Filter Bed	
> 66	Required Separation ¹	1,2,3,4,5		25 ²	N/A ²	N/A ²	N/A ²	N/A ²	10 min/in	
60-65	Very Rapid ²	2,3,4,5	Gravelly Sand							
54-59	Greater than 20, 2 foot ⁴ to 4 foot separation	3,4,5	Coarse Sand							
24-53		4,5								
12-23		5								
> 66	Rapid 6 to 20, 2 foot ⁴ to 4 foot separation	1,2,3,4,5	Loamy Coarse Sand, Sand	25	0.8	10	200	1.0	10 min/in	
60-65		2,3,4,5								
54-59		3,4,5								
24-53		4,5								
12-23		5								
> 54	Mod Rapid 2 to 6, 2 foot ⁴ to 3 foot separation	1,2,3,4,5	Fine Sand	20	0.6	8	275	.80	30 min/in	
48-53		2,3,4,5	Gravelly Loam, Gravelly Sandy Loam							
42-47		3,4,5	Sandy Loam, Loamy Fine Sand							
24-41		4,5								
12-23		5								
≥42	Upper Moderate 1.0 to 2.0 18 inch ³ to 2 foot separation	1,2,3,4,5	Very Fine Sandy Loam, Loam Very Fine Sand, Silt Loam, Loam, Sandy Clay Loam, Silty Clay Loam, Clay Loam	15	0.4	6	350	0.70	60 min/in	
36-41		2,3,4,5								
30-35		3,4,5								
18-29		4,5								
12-17		5								
≥42	Lower Moderate .6 to 1.0 18 inch ³ to 2 foot separation	1,2,3,4,5	Clay Loam, Silty Clay Loam, Silt Loam	15	0.4	4	480	0.50	100 min/in	
36-41		2,3,4,5								
30-35		3,4,5								
18-29		4,5								
12-17		5								
≥42	Mod Slow ⁵ 2 to 6 18 inch ³ to foot separation	1,2,3,4,5	Silty Clay Loam, Clay Loam, Silty Clay, Clay (Dense Loam Till)	10	0.2	3	700	0.30	125 min/in	
36-41		2,3,4,5								
30-35		3,4,5								
18-29		4,5								
12-17		5								

NOTES CORRESPONDING TO TABLE 1

1. Required separation is measured from the bottom of trench in a type 1, 2 or 3 system, bottom of aggregate in a type 4 system or bottom of sand fill in a type 5 system. When a less permeable soil layer is located less than 24 inches in moderate soils, less than 36 inches in moderately rapid soils, or less than 48 inches in rapid soils, from the bottom of trench aggregate or sand fill, the seepage system shall be sized at the more limiting permeability.
2. Not suitable for development. A variance will be considered when demonstrated that treatment will reduce the groundwater Nitrate levels to less than ten (10) milligrams per liter leaving the property, or the density of domestic wastewater disposal is less than or equal to 1 per 1.5 acres, and the effluent meets the requirements of NSF standard 40.
3. The required separation from bottom of trench or aggregate to the seasonal high groundwater can be reduced to eighteen (18) inches in moderate soils: a) when a type 4 system is used, and when the limiting layer is 18-23 inches from the natural soil surface and/or b) when LPP distribution is utilized and seasonal high groundwater is twenty four (24) inches or greater from the natural soil surface. Refer to columns 1 and 3 in Table 1.
4. The required separation from bottom of aggregate or sand fill to the seasonal high groundwater can be reduced to twenty four (24) inches when a type 4 or type 5 system is used, and when the seasonal high groundwater is 24-53 inches from the natural soil surface and with treatment capacity to reduce groundwater Nitrate levels to less than ten (10) milligrams per liter leaving the property.
5. Systems must be pressurized utilizing duplex pumps alternating to each half of the seepage field or low pressure pipe distribution as specified in section 2000.

**APPENDIX B – TABLE II
ESTIMATED DOMESTIC SEWAGE FLOWS**

TYPE OF ESTABLISHMENT	UNIT (PER)	GALLONS PER DAY
PERMANENT DWELLINGS		
Board Houses	person	50
Boarding Schools	person	150
Institutions, other than hospitals	bed	125
Mobile Homes, individual	bedroom	200
Mobile Home Parks	space	400
Multi Family Dwellings	bedroom	200
Rooming Houses	resident	40
Single Family Dwellings	bedroom	200
Kennels	run or cage	30
TRAVEL AND RECREATIONAL FACILITIES		
Airports, Railway Station, Bus Stations	passenger	5
CAMPGROUNDS		
Campgrounds w/Mobile Homes	site	150
Comfort Station w/toilets & showers	space	35
Comfort Station w/toilets, no showers	space	25
Day Camps, no meals	person	25
Day Camps w/meals	person	35
Travel Trailer parks with water and sewer hook-ups	space	50
Cottages and/or Small Dwellings with seasonal occupancy	bedroom	150
Country Clubs	member	25
Highway Rest Areas	traveler	5
Hotels and Motels	bed	50
Picnic Parks	person	10
Places for Public Assembly	person	5
Swimming Pools and Bathing Beaches	person	10
Youth Camps without Cafeteria	person	50
Youth Camps with Cafeteria	person	60
Migrant Labor Camps	person	150
Sanitary Dump Station for Unsewered Site	site	20
Campgrounds with Central Bath and Toilet Facilities	space	35
THEATRES		
Movie	seat	5
Drive-in	car space	10
COMMERCIAL, INDUSTRIAL, and MISCELLANEOUS		
Churches	seat	3
Churches w/kitchens	meal	6
FACTORIES		
With toilets and showers	person	35
With toilets, no showers	person	20
Hospitals	bed	250
Hospitals, Medical	employee	15
Hospitals, Mental	bed	150

**APPENDIX B – TABLE II
ESTIMATED DOMESTIC SEWAGE FLOWS (CONTINUED)**

Hospitals, Mental	employee	15
Long-Term Care Institutions	bed	125
Long-Term Care Institutions	employee	15
Prison	inmate	150
Prison	employee	15
Laundries	customer	50
Offices and other day workers	person	15
Restaurants, with seating	seat	25
Additional for bars and cocktail lounges	seat	5
Restaurants without seating	meal	3
Taverns	seat	20
Restaurants 24 hour	seat	50
Restaurants – additional for gas pumps	day	1000
SCHOOLS		
Without cafeterias or showers	person	15
With cafeterias and showers	person	25
With cafeterias, no showers	person	20
Service Stations	vehicle served	10
Shopping Centers	per 1000 square feet of floor area	250
Stores	toilet	400
Retail Food Store	per 1000 square feet of floor area	250
Retail Food Store, with food preparation	per 1000 square feet of floor area	400
Retail Food Store – additional for gas pumps	day	1000

**Appendix B – TABLE III
MINIMUM LIQUID CAPACITIES FOR SEPTIC TANKS SERVING RESIDENTIAL UNITS**

Number of Bedrooms	Minimum Liquid Capacity of Tank (Gallons)	Minimum Liquid Capacity Of Tank (Gallons) When Garbage Grinder Is Used
2 or less	1000	1500
3	1250	2000
4	1500	2200
5	1750	2600
6	2000	3000
7	2250	3375

**Appendix B – TABLE IV
MINIMUM SEPARATIONS ¹**

Component Part of System	I Well or Suction Line from Pump to Well	II Water Supply Line ³ Pressure	III Lake, Stream, Retention Pond, or Other Body of Water	IV Dwelling with or without attached garage	V Property Line	VI Field Drain Line/ Curtain Drain	VII Inground Swimming Pool	VIII Accessory Structure or Above Ground Swimming Pool	IX Sealed Wells
Building Sewer ²	50	10	25			10	25	10	10
Septic Tank or Aerobic Treatment Plant	50	+10	25	5	5	10	25	5	10
Dist. Or Drop Box	75	10	50	20	5	20	25	10	25
Subsurface Seepage System	75	25	50	20	5	20	25	10	25
Sand Filter	75	25	50	20	5	20	25	10	25
Privy or chemical toilet	75	25	25	20	5	10	25	10	NA
Special Waste Holding Tank	50 ⁴	10	25	5	5	10	25	5	10
Subsurface Seepage System Classified as a Class V Injection Well	200	25	50	20	5	20	25	10	25

Note: All measurements are in feet.

1. These distances have been determined for use in clay and loam soils only. The minimum distances required for use in sand or other types of soil shall be determined for the proposed private sewage disposal system and approved by this Department. Such approval will be given where the Department determines that the soil will provide treatment of the sewage.
2. The building sewer may be located to within 10 feet of a well or suction line from the pump to the well when cast iron pipe with mechanical joints or Schedule 40 PVC pipe with water-tight joints is used for the building sewer.
3. See Section 310. Septic system components shall maintain a minimum separation of 25 feet from drainage or stormwater detention easements for surface drainage or water collection or 15 feet from a conduit or pipe.
4. The minimum separation distance shall be 200 feet if the special waste holding tank meets the criteria of a potential secondary source as defined.

**APPENDIX B – TABLE V
STANDARDS FOR SEEPAGE FIELD CONSTRUCTION**

Trench length, maximum length from point of discharge into seepage trench	100 feet
Trench bottom, minimum width	12 inches
Trench bottom, maximum width	36 inches
Trench bottom, minimum depth	18 inches
Trench bottom, maximum depth	36 inches
Trench bottom, slope	level
Distribution line, minimum diameter	4 inches ¹
Distribution line, minimum earth cover	6 inches
Distribution line, maximum earth cover	24 inches
Distribution line, maximum slope	level
Distribution line, maximum length (from header line)	100 feet

1. Unless system is fed by means of pressurized distribution

**APPENDIX B – TABLE VI
SIZE AND SPACING FOR SEEPAGE FIELD CONSTRUCTION**

Width of Trench at Bottom (inches)	Minimum Center to Center Spacing of distribution Lines (feet)	Effective Absorption Area Per Lineal Foot of Trench (square feet)
12	6.0	1.0
18	6.0	1.5
24	7.0	2.0
30	8.0	2.5
36	9.0	3.0

**APPENDIX B – TABLE VII
SIZING OF AEROBIC TREATMENT PLANTS**

Bedrooms	Minimum Rated Treatment Capacity – Gallons
1	500
2	500
3	500
4	500
5	750
6	900
7	1000
8	1200
9	1350
10	1500

**APPENDIX B - TABLE VIII
VARIANCES POSSIBLE FOR SEPTIC SYSTEMS TO SERVE NEW CONSTRUCTION**

Note: When circumstances exist which make impractical full compliance with the requirements of the Ordinance, an applicant may request a variance. Each variance request is reviewed in conjunction with the specific on-site conditions. It should not be assumed that a variance will automatically be granted. The following table provides general guidelines for variances which may be considered for private sewage disposal systems for new construction:

Septic System Component	Minimum Separation with a Variation Granted				
	Water Line Under Pressure	Dwelling	Property Line	Accessory Structure, Above Ground Swimming Pool,	Criteria
Building Sewer	See Footnote 3 in Table IV	N/A	N/A	5 feet	Amount of area available, location of adjacent dwellings, water wells, etc.
Septic Tank	5 feet	2 1/2 feet	2 1/2 feet	2 1/2 feet	Amount of area available, location of adjacent dwellings, water wells, etc.
Aerobic Treatment Unit	5 feet	2 1/2 feet	2 1/2 feet	2 1/2 feet	Amount of area available, location of adjacent dwellings, water wells, etc.
Distribution or Drop Box	No variance	10 feet ¹	2 1/2 feet	5 feet	Amount of area available, soil permeability, site topography, locations of adjacent dwellings, water wells, etc.
Subsurface Seepage System	12 1/2 feet	10 feet ¹	2 1/2 feet	5 feet	Amount of area available, soil permeability, site topography, locations of adjacent dwellings, water wells, etc.

1. Typically granted in moderate soil permeabilities where space is limited. Typically not granted in moderately rapid or rapid soil permeabilities, or when the septic system is upgradient of the dwelling.

**APPENDIX B - TABLE IX
SPACING FOR SEEPAGE FIELD CONSTRUCTION
(GRAVELLESS AND CHAMBER SYSTEMS)**

Gravelless & Chamber Dimensions	Minimum Center to Center Spacing of Distribution Lines
8 inch – Inside Diameter of Gravelless Pipe System	7.0 feet
10 inch – Inside Diameter of Gravelless Pipe System	7.0 feet
12 inch Wide Chamber System	7.0 feet
Greater than 12 inch Wide Chamber System	9.0 feet

Design Checklist

Table X – Perforation Discharge Rates

Table XI – Friction Loss in Schedule 40 Plastic Pipe

Illustrations

DRAFT

APPENDIX C

DESIGN CHECKLIST:

Soils and Flood Hazard

- System out of flood hazard, drainage ways. Stormwater Permit Review if applicable.
- Soil test done within one year
- Correct boring location shown on design (minimum 3 borings)
- Significant characteristics (slope, parent material, permeability, limiting layers)

Septic Design

- Plat of Survey confirms lot dimensions, easements, restricted areas
- Correct building location shown
- Number of Bedrooms matches septic design
- House dimensions/foot print match septic design
- Deck or floor drains shown on design
- 4 copies of design (17" X 22")
- All copies include signature and license expiration date of designer
- Reference benchmark provided/Road(s) labeled, direction shown
- Scale shown at 1:10, 1:20, 1:30
- Water supply, septic component, stormwater drywell, and special waste holding tank locations shown on subject and neighboring properties with dimensions to proposed septic/well
- Dimensions from septic system to structures, property lines and bodies of water provided
- Existing septic location shown on replacement septic system
- Locations of underground utilities shown
- Correct lineal or square footage shown
- Septic system design calculations provided (sizing, LPP calculations, etc.)
- Verification of how water softener discharge will be handled
- Statement regarding whether system is designed for a hot tub and/or garbage grinder
- Solid headers shown correctly, correct center to center spacing
- Distribution system looped
- Correct tank size
- Effluent filter on tank if applicable, NSF approved
- Lift station size, dose, reserve capacity, pump specifications, forcemain protection and alarm provided
- All critical elevations provided (top of foundation, trenches, gravity flow)
- Existing/proposed contours shown in 1 foot contours
- Cover provided over septic tank, riser shown; if necessary
- Statement of impact of fill provided if necessary
- Separation from bottom of trench to limiting layer
- Trench detail shows all required information
- Side profile from foundation through seepage field shown
- All variations requested in writing
- Submittal consistent with municipal and/or subdivision plat requirements.
- Incorporated - city water/sewer available
- One-half acre suitable soils required
- Parking barriers

Non-Residential

- | | |
|--|--|
| <input type="checkbox"/> Pre-design meeting with the Department | <input type="checkbox"/> Completed non-residential agreement submitted |
| <input type="checkbox"/> Design for peak load/additional flows | <input type="checkbox"/> Stormwater drywells shown with correct well setback |
| <input type="checkbox"/> 100 % future septic replacement area provide | <input type="checkbox"/> Aeration unit registration |
| <input type="checkbox"/> Floor drain/processing waste concerns addressed | <input type="checkbox"/> Special waste holding tank registration |
| <input type="checkbox"/> Parking/driveway shown (barriers?) | |

Remarks:

APPENDIX C - TABLE X
PERFORATION DISCHARGE RATES IN GALLONS PER MINUTE VERSUS
PERFORATION DIAMETER AND IN-LINE PRESSURE

In-Line Pressure (ft)	Perforation Diameter (in)					
	3/16 "	1/4 "	5/16 "	3/8 "	7/16 "	1/2 "
1.0	.42	.74	1.15	1.66	2.26	2.95
1.5	.50	.90	1.41	2.03	2.76	3.61
2.0	.59	1.04	1.63	2.34	3.19	4.17
2.5	.66	1.17	1.82	2.62	3.57	4.66
3.0	.72	1.28	1.99	2.87	3.91	5.10
3.5	.77	1.38	2.15	3.10	4.22	5.51
4.0	.83	1.47	2.30	3.31	4.51	5.89
4.5	.89	1.56	2.44	3.52	4.79	6.25
5.0	.94	1.65	2.57	3.71	5.04	6.59
6.0	1.02	1.82	N/A	N/A	N/A	N/A
7.0	1.10	1.96	N/A	N/A	N/A	N/A
8.0	1.18	2.10	N/A	N/A	N/A	N/A
9.0	1.25	2.24	N/A	N/A	N/A	N/A
10.0	1.32	2.36	N/A	N/A	N/A	N/A
11.0	1.38	2.48	N/A	N/A	N/A	N/A
12.0	1.44	2.60	N/A	N/A	N/A	N/A
13.0	1.50	2.70	N/A	N/A	N/A	N/A
14.0	1.56	2.80	N/A	N/A	N/A	N/A
15.0	1.62	2.90	N/A	N/A	N/A	N/A

APPENDIX C – TABLE XI
FRICTION LOSS IN SCHEDULE 40 PLASTIC PIPE
(Feet of Head Loss per 100 feet)

Flow (gpm)	Pipe diameter (inch)				
	1 ¼	1 ½	2	3	4
10	1.46	0.70	0.21		
11	1.77	0.84	0.25		
12	2.09	1.01	0.30		
13	2.42	1.17	0.35		
14	2.74	1.33	0.39		
15	3.06	1.45	0.44	0.07	
16	3.49	1.65	0.50	0.08	
17	3.93	1.86	0.56	0.09	
18	4.37	2.07	0.62	0.10	
19	4.81	2.28	0.68	0.11	
20	5.23	2.46	0.74	0.12	
25		3.75	1.10	0.16	
30		5.22	1.54	0.23	
35			2.05	0.30	0.07
40			2.62	0.39	0.09
45			3.27	0.48	0.12
50			3.98	0.58	0.16
60				0.81	0.21
70				1.08	0.28
80				1.38	0.37
90				1.73	0.46
100				2.09	0.55
125					0.85
150					1.17
175					1.56

ILLUSTRATIONS

Illustration 1: System Types

Illustration 2: Example Details of Low Pressure Pipe Distribution

Illustration 3: Water Table Observation Well Construction

Illustration 4: At Grade System Design Sloping Site

Illustration 5: At Grade System Design Level Site

Illustration 6: Mound Design on a Level Site

Illustration 7: Mound Design on a Sloping Site

ILLUSTRATION 1 SYSTEM TYPES
 Also see Table 1 and Corresponding Notes

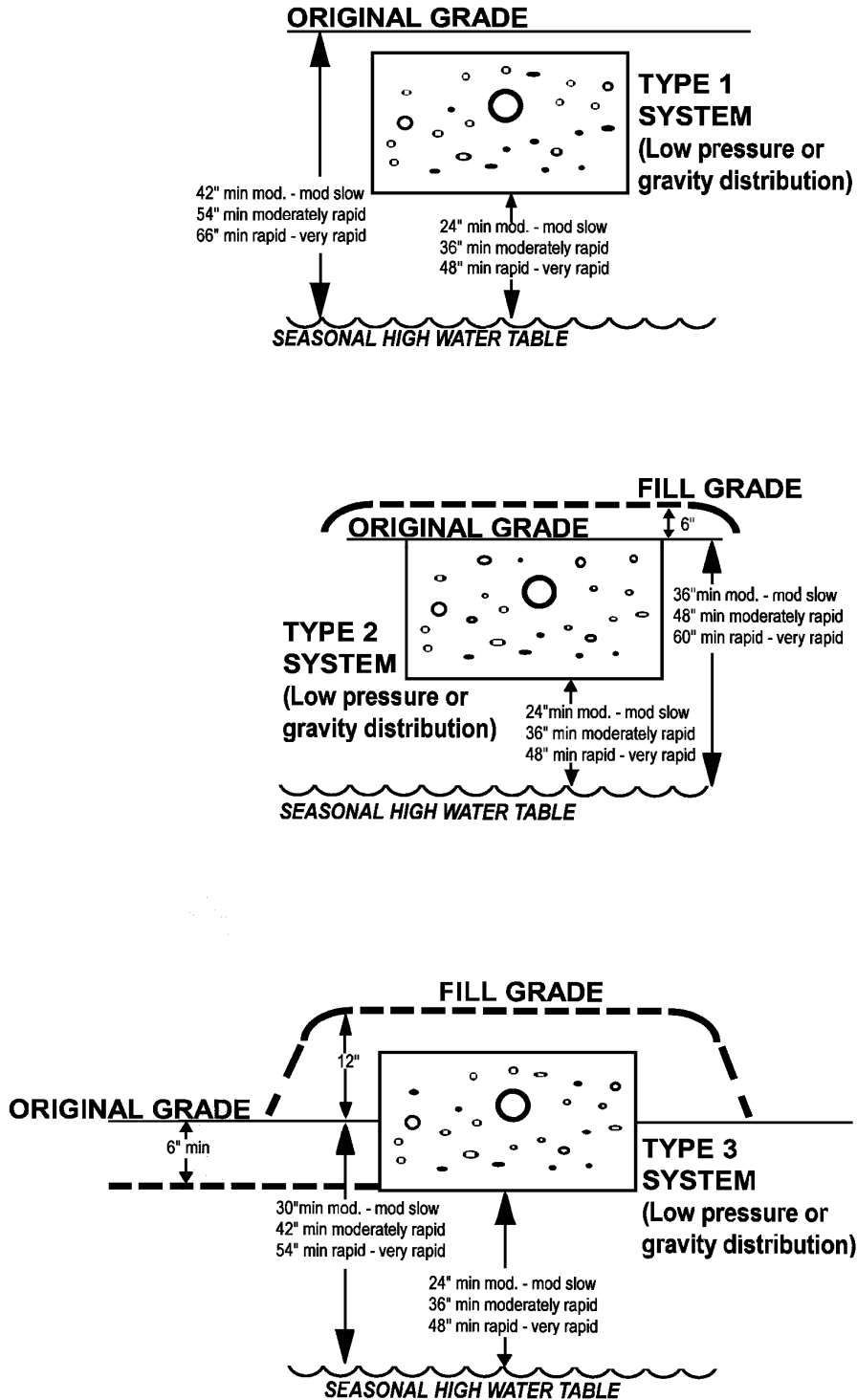


ILLUSTRATION 1 SYSTEM TYPES
Also see Table 1 and Corresponding Notes

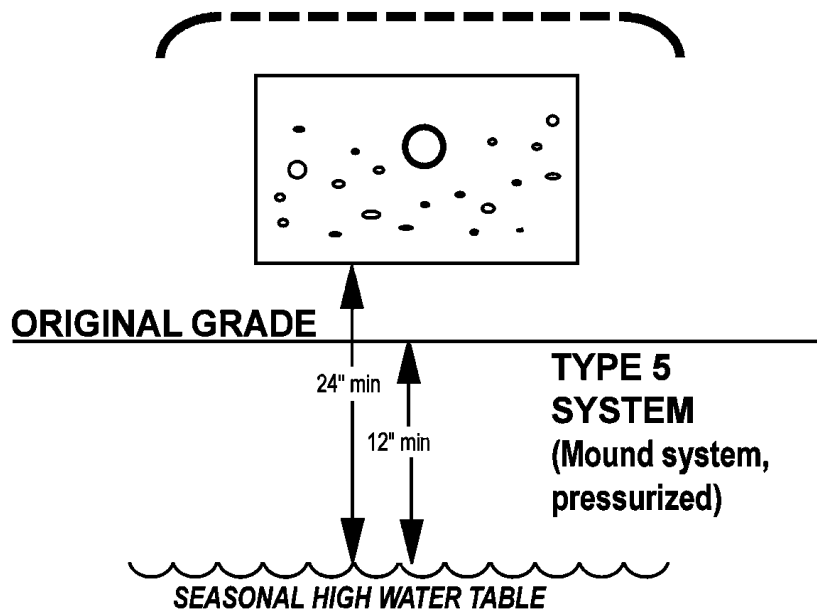
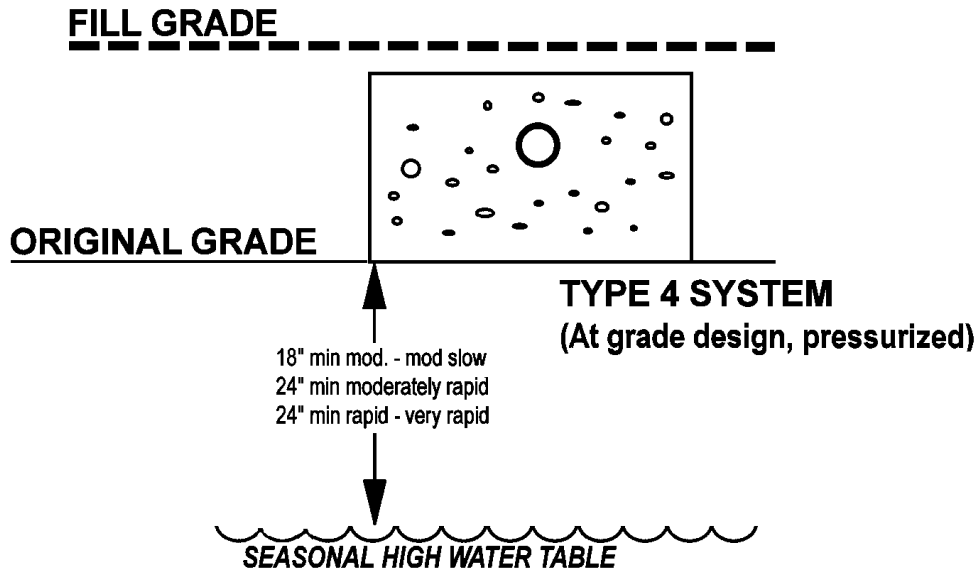
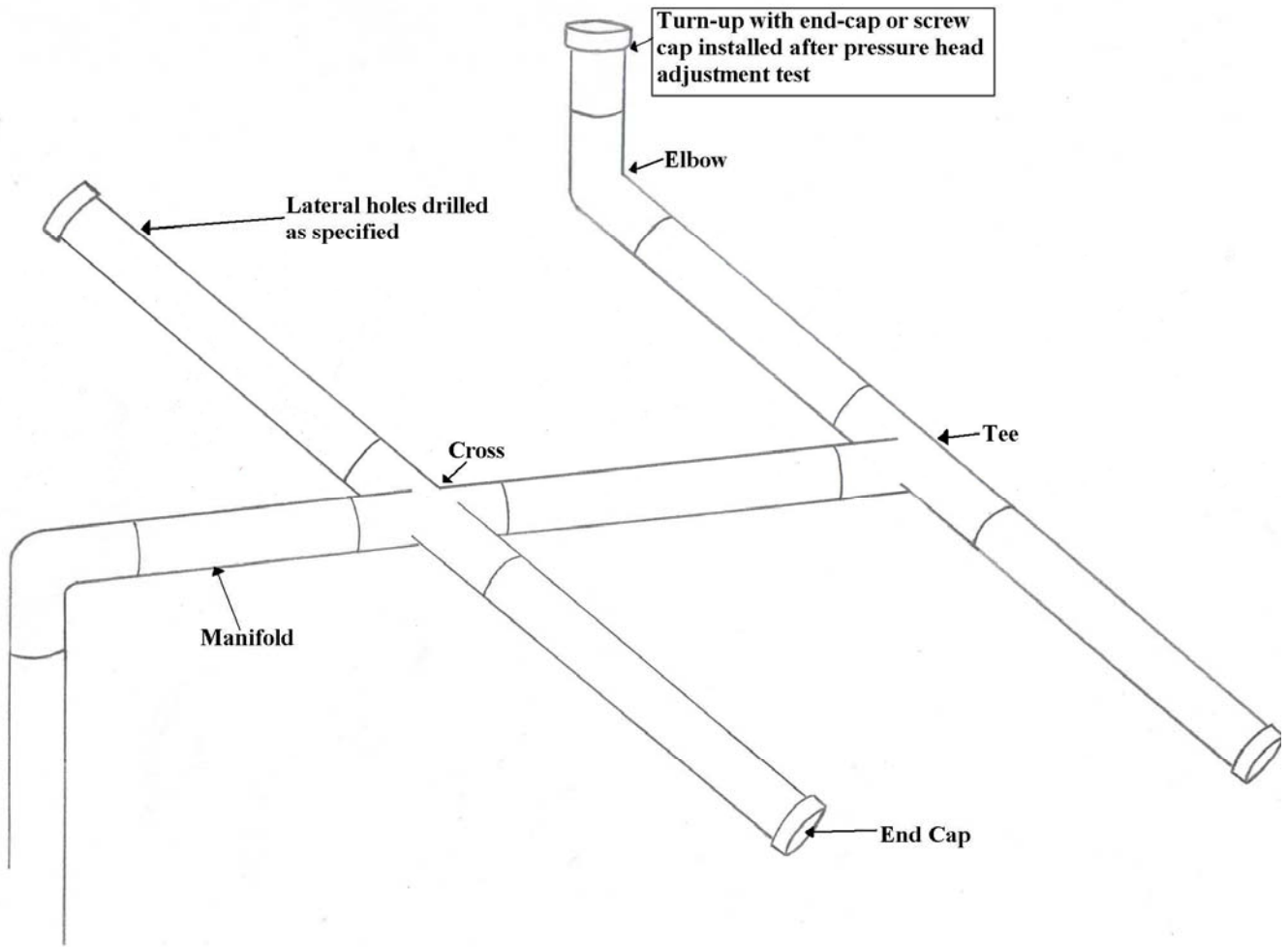


ILLUSTRATION 2
Detail of Low Pressure Pipe Distribution



**ILLUSTRATION 3 – WATER TABLE OBSERVATION
Well Construction**

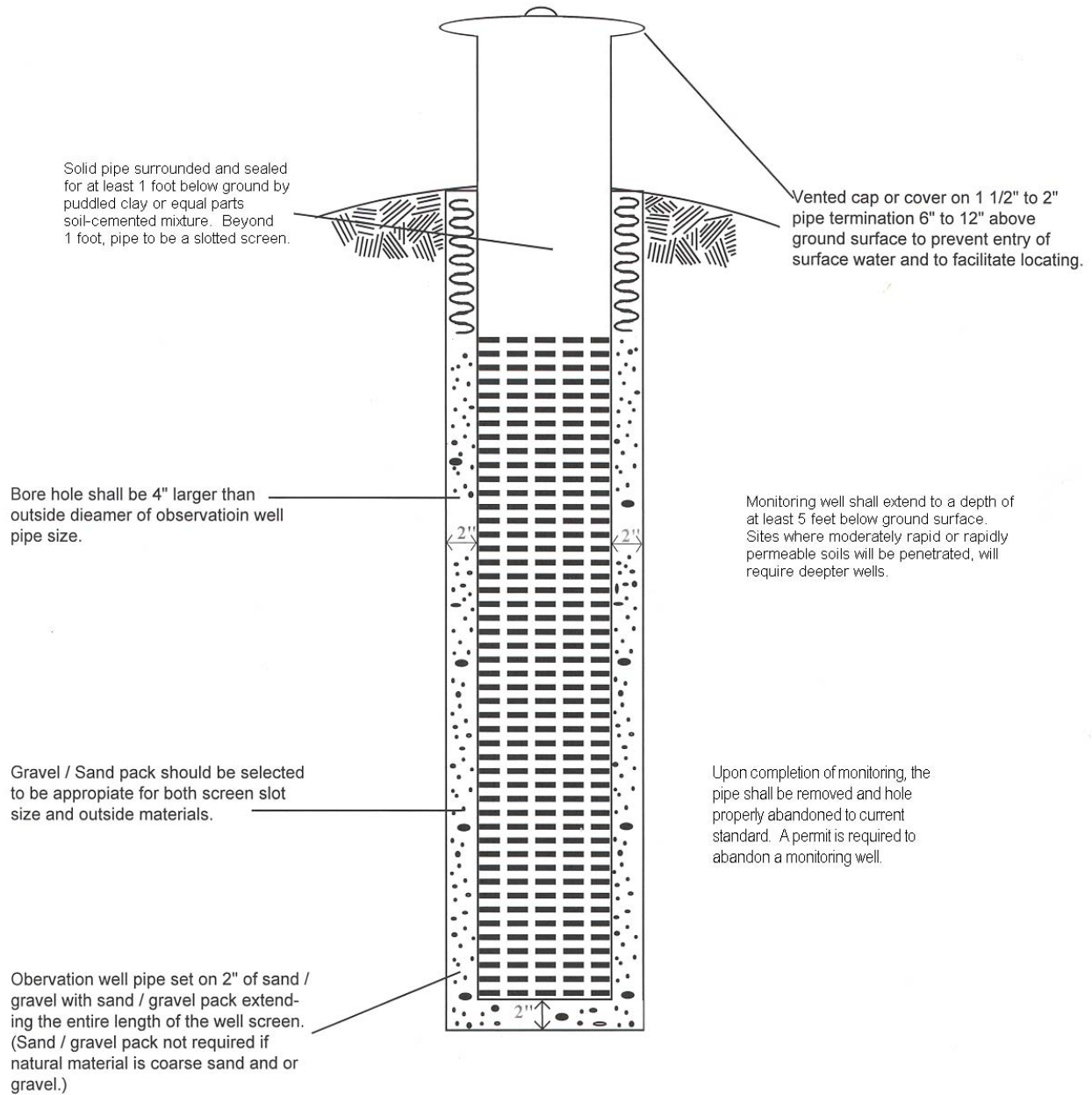


ILLUSTRATION 4
TYPE IV AT GRADE ON SLOPING SITE

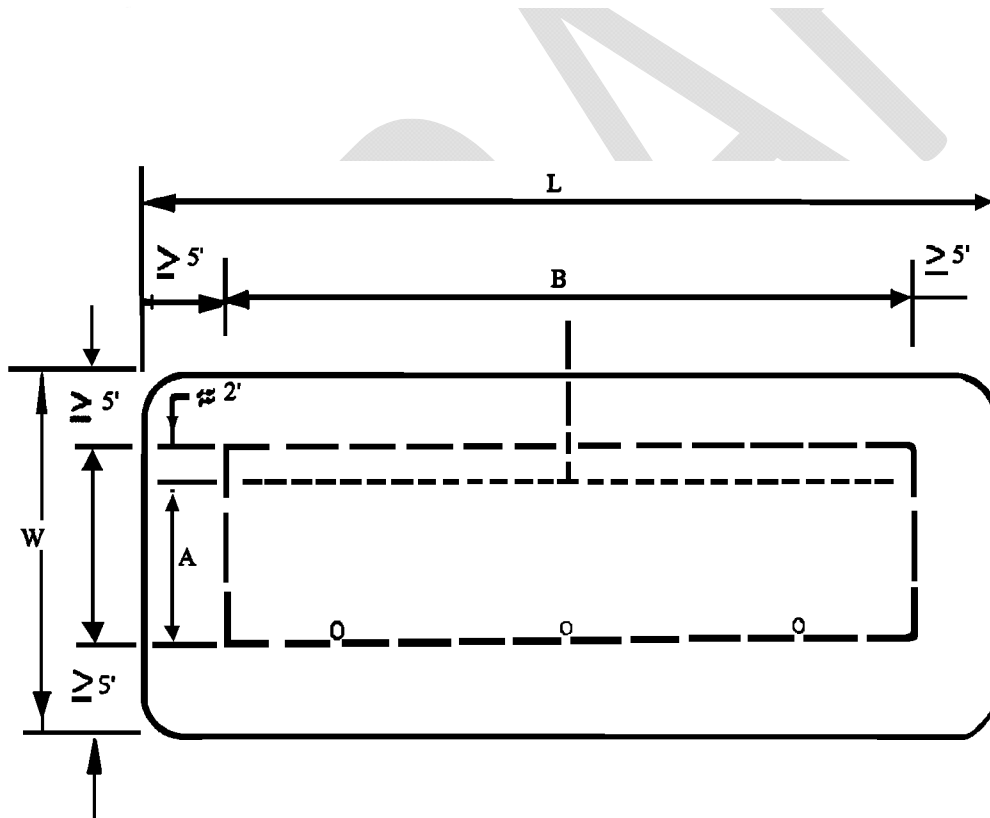
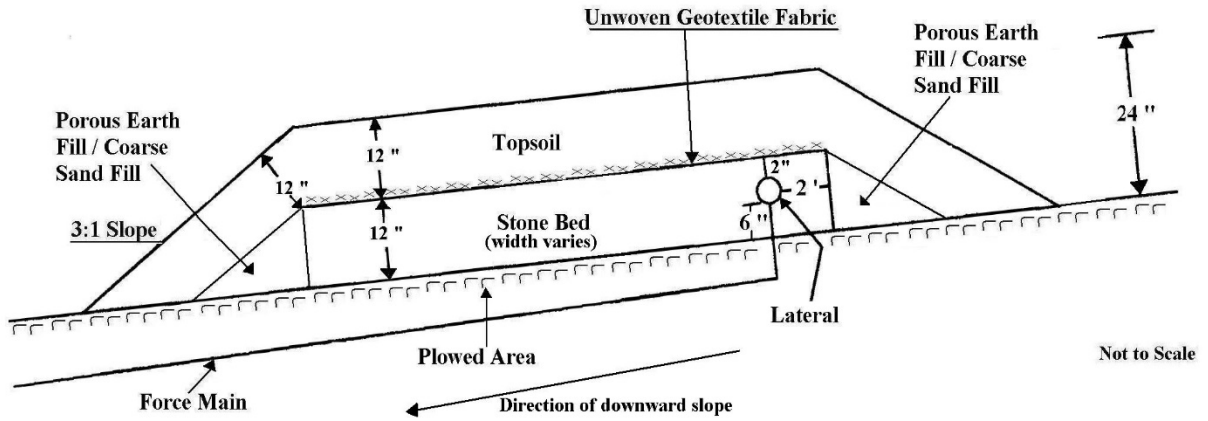
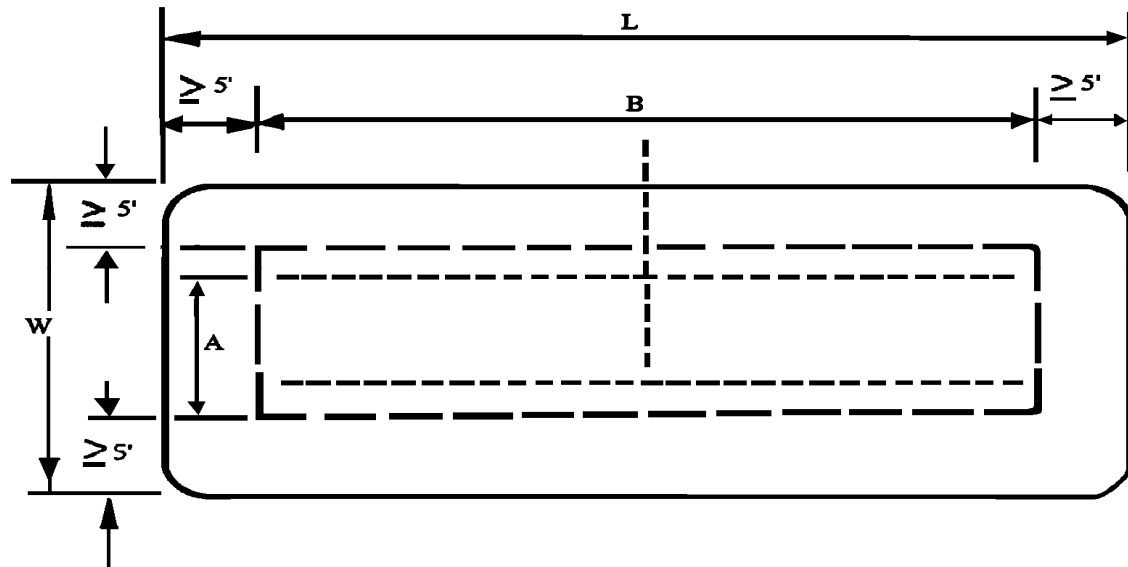
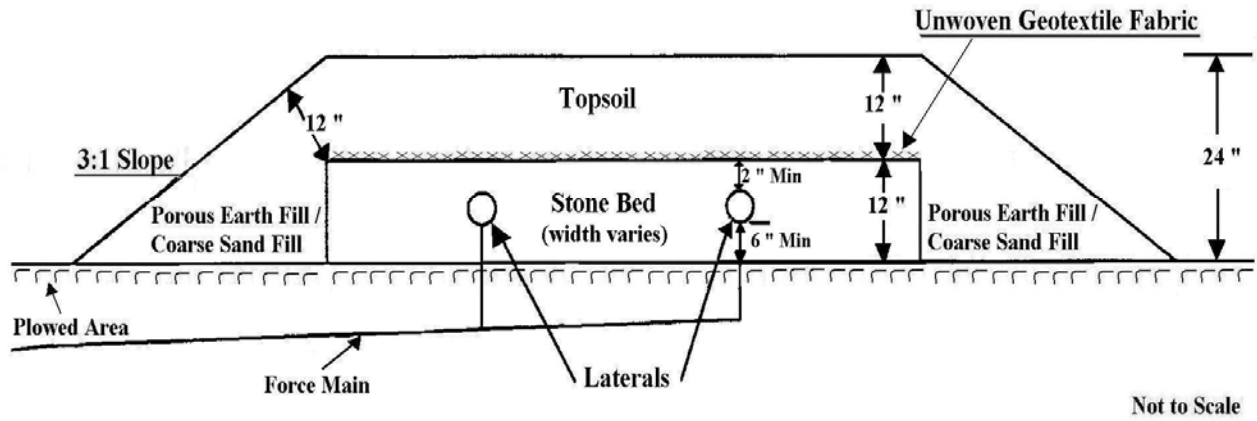
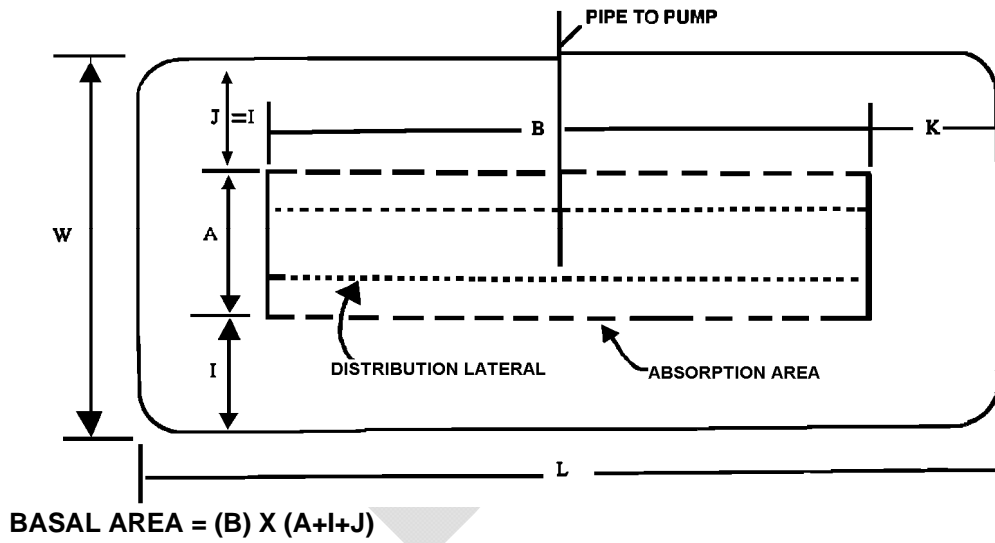
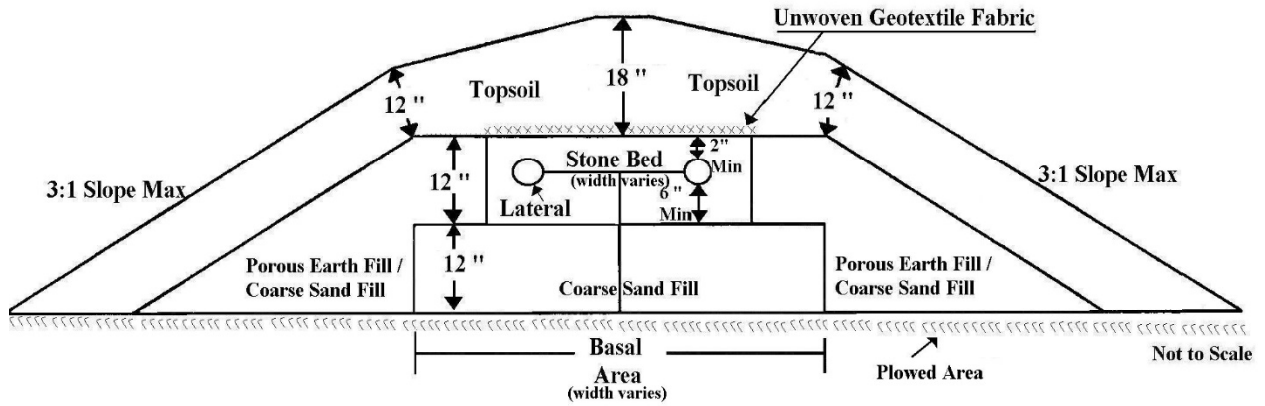


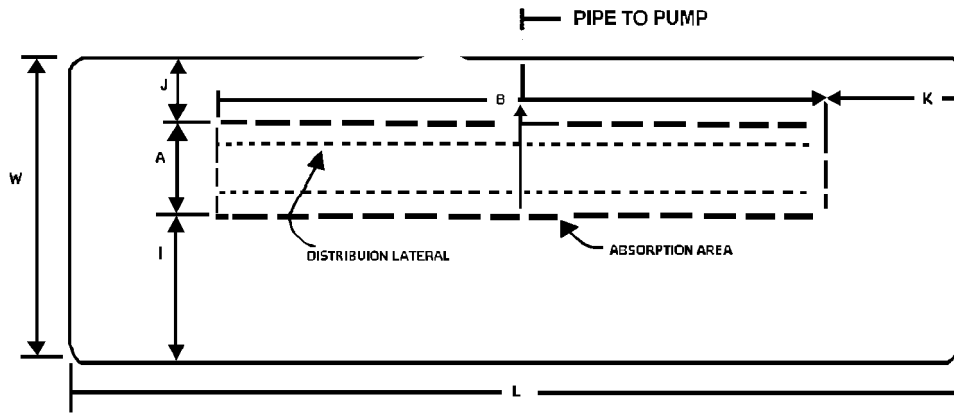
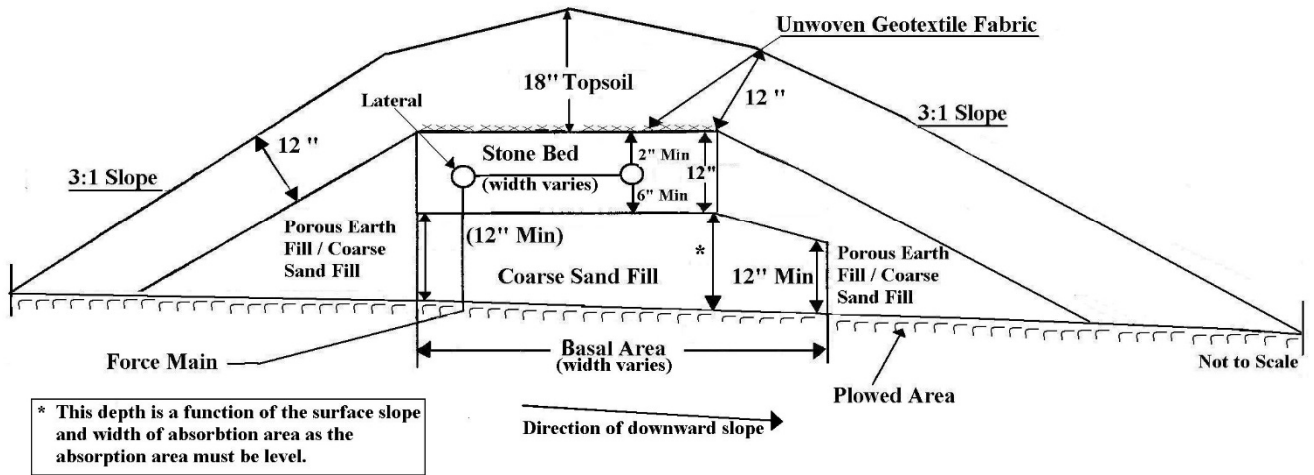
ILLUSTRATION 5
TYPE IV AT GRADE LEVEL SITE



**ILLUSTRATION 6
TYPE V MOUND SYSTEM LEVEL SITE**



**ILLUSTRATION 7
TYPE V MOUND SYSTEM SLOPING SITE**



BASAL AREA = (B) X (A+I)

PUBLIC HEALTH ORDINANCE

FOR

MCHENRY COUNTY

ARTICLE V

AN ARTICLE REGULATING

PRIVATE, SEMI-PRIVATE, CLOSED LOOP, AND NON-
COMMUNITY

WATER SUPPLIES

FOR MCHENRY COUNTY, ILLINOIS

MCHENRY COUNTY DEPARTMENT OF HEALTH

ADOPTED: _____

TABLE OF CONTENTS

SECTION

V.1	Definitions
V.2	Incorporated Materials
V.3	General Requirements
V.4	Finishing and Testing
V.5	Permit Requirements
V.6	Administration
V.7	Fee Structure

Section V.1 Definitions

“Applicant” means the owner as defined herein or his or its authorized agent.

“Cesspool” means a lined and covered excavation in the ground which receives the discharge of untreated domestic sewage so designed as to retain the solids, but permitting the liquids to seep through the bottom and sides.

“Department” means the McHenry County Department of Health.

“Health Authority” means the Administrator of the McHenry County Department of Health or his designated agent.

“Leaching Pit” means a pit or receptacle having porous walls which permit the contents to seep into the ground and which only receives effluent from a septic tank or other pre-treatment device.

“Owner” means legal owner, or the person or persons in whose name(s) legal title to the real estate in question is vested as evidenced by the records contained in the McHenry County Recorder’s office.

“Person” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, political subdivision, state agency, or any other legal entity, or its legal representative, agent or assigns.

“Reasonably Available” means that the Illinois Environmental Protection Agency-approved public water supply shall be reasonably available for connection if a) there are no local ordinances or restrictions preventing a property owner from connection, and b) the public water supply is located in a public right-of-way or easement contiguous to the property and further provided that the water main can be reached without tunneling or boring under a roadway, building, or flowing stream for a distance no further than 200 feet for a residential building or 1000 feet to a commercial/industrial building.

Section V.2 Incorporated Materials.

This Ordinance adopts by reference the Water Well Construction Code effective March 2, 2015 and as amended from time to time, and the Illinois Water Well Pump Installation Code

effective April 1, 1998 and as amended from time to time.

Section V.3 General Requirements

A. Owners Responsibility: The owner of each building in which people live, work, or assemble shall provide a potable water supply sufficient in quantity and pressure to adequately serve all plumbing fixtures therein.

B. Building Occupancy: No person shall occupy or permit occupancy of any building not in compliance with Section 5.3 A.

C. Construction of a water well shall not be permitted on property where a community public water supply is reasonably available. If a community public water supply is not reasonably available, then every residence, business building, or enterprise shall be provided with a water supply in conformance with the provisions set forth in this Ordinance.

Section V.4 Finishing and Testing

A. Water Samples. A water sample shall be taken to the Department or other laboratory approved by the Illinois Department of Public Health and analyzed. Laboratory analysis shall include at least a test for Coliform bacteria, Nitrates (quantified if over 1.0 mg/l) and total chlorine (quantified). A copy of all laboratory analyses performed shall be provided to the Department and is required prior to the final approval of the well. The sample analysis form shall include sample location, and the name of the person taking the sample.

B. The Department reserves the right to require additional parameters be tested if groundwater contamination is suspected. The Department also reserves the right to take water samples from any or all locations where water well permits have been applied for.

Section V.5 Permit Requirements

A. No person shall construct, deepen, modify, cap, or seal a water well until a permit has been issued by the Department. Applications for permits shall be in writing on forms provided by the Department and shall be signed by the applicant.

B. Permit fee. No permit shall be issued until the appropriate permit fee, as set forth in the Public Health Fee Ordinance, has been paid.

C. Application for permit to construct, modify, or seal a well shall be accompanied by a plan drawn to scale and fully dimensioned with specifications as necessary to fully describe the system. The plan shall show the locations of the following (whether existing or proposed) and all other sources of contamination and an indication of the type of contamination source:

- Existing and/or proposed well;
- Lot boundaries;
- Direction of slope
- Underground utilities;
- Overhead utilities that may impact well placement;
- Trees that may impact well placement;
- Abandoned wells;
- Storm water structures;
- Private sewage disposal system components;
- Sanitary and storm sewer line(s);
- Buildings;
- Driveways;
- Sidewalks and patios; and,
- Private sewage disposal system components and sewer lines on adjoining lots.

D. Water well and septic system plan or blueprint: When a well and septic system is submitted for review, four copies are required.

E. Expiration. Six months extension may be granted upon written request of the Department.

F. The Department shall grant permit requests which meet the requirements of the Act and this Part.

G. Inspections.

Department personnel shall have access to the property any time after a permit application has been filed in order to determine satisfactory compliance with the provisions set forth in this Ordinance. Access shall be deemed essential for, but no limited to, the following;

1. On-site layout review

2. Any stage of construction or modification of a system, and
3. Final inspection.

Section V.6 Administration

A. Powers and duties of the Department:

1. To make such inspections as are necessary to determine satisfactory compliance with this Ordinance.
2. To cause investigations to be made when a violation of any provision of this Ordinance is reported to the Department.
3. To enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the administration and enforcement of this Ordinance.
4. To institute or cause to be instituted emergency legal proceedings in the Circuit Court of McHenry County in cooperation with the State's Attorney's Office where a condition presents a substantial hazard to the public health. Upon a showing of good cause, the court shall grant such relief as is necessary under the circumstances to abate the hazard.

B. Violations: Whenever the Health Authority determines, through inspections or other means, that there is a violation of any provision of this Ordinance, the Health Authority shall give notice of such alleged violations. Such notice shall:

1. Be in writing; and
2. Include a statement of the reasons forming the basis for the issuance of the notice; and
3. Contain an outline of remedial action and allow a reasonable time to effect compliance with this Ordinance; and
4. Be served upon the owner, operator, or resident as the case may require, provided that such notice shall be deemed to have been properly served when the notice has been personally delivered or sent by registered or certified mail.

A "Health Violation" notice may be posted on the property indicating the following:

1. Date and time of inspection; and
2. Description of violation; and

3. Inspector's name and telephone number.

C. Revocation or Suspension of Permit: The Department shall have the authority to revoke or suspend a permit when it is issued in error or where any provision of this Ordinance is violated. The reason for the revocation or suspension of a permit shall be posted in writing at the site or mailed to the applicant at the address provided in the permit application.

D. Penalty: Any person who violates this Ordinance or who violates any determination or order of the Health Authority under this Ordinance, shall be guilty of a Class B misdemeanor punishable by incarceration in a penal institution other than the penitentiary, not to exceed six (6) months, and/or a fine not less than \$100 nor more than \$500.

Each day's violation constitutes a separate offense. The McHenry County State's Attorney shall bring such action as he deems appropriate in the name of the Department.

E. Invalidity: Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

F. Conflicting Ordinances: In any case where a provision of this Ordinance is found to be in any conflict with a provision of any zoning, building, safety or health Ordinance or Code in force or adopted subsequent to the effective date of this Ordinance, the more stringent provision, as determined by a court of competent jurisdiction, shall prevail.

G. Effective Date: this Ordinance shall be in full force and effect from the date of its adoption.

Section V.7 Fee Structure.

The fee structure is set forth in the Public Health Fee Ordinance. All permit fees double if work is started without a permit.

MCHENRY COUNTY PUBLIC HEALTH ORDINANCE

ARTICLE VI

AN ARTICLE REGULATING

ANIMAL CONTROL

SECTION 1

GENERAL PROVISIONS

VI.1.1 TITLE. This Ordinance shall be known and cited as "An Article Regulating Animal Control for McHenry County, Illinois."

VI.1.2 POLICY AND PURPOSE. The purpose of this Ordinance is to provide protection for the people of McHenry County, to ensure their health, safety, and welfare, and to provide harmonious relationships between people and animals by:

- A. Protecting the residents of McHenry County from rabies by specifying such preventive and control measures deemed necessary;
- B. Providing security to residents from annoyance, intimidation and injury from dogs and other animals;
- C. Protecting animals from improper use, abuse, neglect, inhumane treatment and health hazards;
- D. Encouraging responsible pet ownership;
- E. Educating the public in rabies and other animal related issues; and
- F. Providing for the assessment of penalties and fines for violations, and enforcement and administration of this Ordinance.

VI.1.3 SCOPE. This Ordinance shall include the following provisions:

- A. Duties of owners to control all animals, domestic, exotic, or zoo animals, in their custody;
- B. Duties of owners to vaccinate all dogs four months of age and older in their custody against rabies;
- C. Duties of owners to register all dogs in their custody with the Department;
- D. Duties of the Administrator in cases of dog and cat quarantine;
- E. Provisions for impoundment or confinement of biting animals; and
- F. Provisions for penalties and fines for owners who cruelly treat or neglect animals in their possession.

SECTION 2

DEFINITIONS

Whenever used in this Ordinance, unless a contrary intention is clearly evident, the following terms are used, as defined herein:

VI.2.1 “ADMINISTRATOR” is a veterinarian licensed by the State of Illinois and appointed pursuant to the Illinois Animal Control Act, 510 ILCS 5/1, et seq.

VI.2.2 “ADMINISTRATOR, APPOINTMENT OF” shall be made by the County Board Chairman with the consent of the County Board. Appointments shall be made as necessary to keep this position filled at all times. The Administrator may appoint as many Deputy Administrators and Animal Control Officers to aid him or her as authorized by the Board. The compensation for the Administrator, Deputy Administrators, and Animal Control shall be fixed by the Board. The Administrator may be removed from office by the County Board Chairman, with the consent of the County Board. The Board shall provide necessary personnel, training, equipment, supplies, and facilities, and shall operate pounds or contract for their operation as necessary to effectuate the program. The Board may enter into contracts or agreements with persons to assist in the operation of the program.

The Board shall be empowered to utilize monies from their General Corporate Fund to effectuate the intent of this Act.

The Board is authorized by ordinance to require the registration and microchipping of dogs and shall impose an individual animal and litter registration fee. All persons selling dogs or keeping registries of dogs shall cooperate and provide information to the Administrator as required by Board ordinance, including sales, number of litters, and ownership of dogs.

VI.2.3 “ANIMAL” means every vertebrate creature, other than man.

VI.2.4 “ANIMAL, COMPANION” means any dog, cat, or other animal that is commonly considered to be, or is considered by the owner to be, a pet.

VI.2.5 “ANIMAL CONTROL FACILITY” is any facility licensed by the Illinois Department of Agriculture and approved by the Administrator for the purpose of enforcing this Ordinance and used as a shelter for seized, stray, homeless, abandoned or unwanted animals.

VI.2.6 “ANIMAL CONTROL OFFICER” is any person hired by the Administrator to perform duties as set forth in this Ordinance and/or state statutes pertaining to animals.

VI.2.7 “ANIMAL, CONTROL OR RESTRAINT” means any owned animal that is either secured by a leash or lead, or within the premises of its owner, or confined within a crate or cage, or confined within a vehicle, or on the premises of another person with the consent of that other person.

VI.2.8 “ANIMAL, EXOTIC” shall include but is not limited to the following: *Felis concolor* (i.e. cougar, mountain lion, panther, puma, catamount, Florida panther); *Panthera species* (i.e. lion, tiger, leopard, jaguar, snow leopard); *Neofelis* (i.e. clouded leopard); *Acinonyx* (i.e. cheetah); *Felis wiedi* (i.e. margay); *Felis lynx* (i.e. lynx); *Felis rufus* (i.e. bobcat); *Leopardus pardalis* (i.e. Ocelot); *Puma yagouaroundi* (i.e. Jaguarundis); *Hyaenidae* (i.e. aardwolf, hyenas); *Canis lupus* (i.e. gray wolf, timber wolf, white wolf); *Canis rufus* (i.e. red wolf); *Alopex lagopus* (i.e. arctic fox, polar fox, white fox, blue fox); *Urocyon cinereoargenteus* (i.e. gray fox); *Canis latrans* (i.e. coyote); *Ursidae* (i.e. black bear, brown or grizzly bear, polar bear); *Elephas sp.* and *Loxodonta sp.* (i.e. elephants); non-human primates; *Crocodylia* (i.e. crocodiles, alligators, caimans); all species of the following families or genera of Squamata (snakes and lizards): *Helodermatidae*

(i.e. Gila monsters); *Elapidae* (i.e. cobras, coral snakes, mambas, kraits); *Hydrophiidae* (i.e. sea snakes); *Viperidae* (i.e. adders, vipers and pit vipers); *Atractaspididae* (i.e. burrowing asps); *Dispholidus typus* (i.e. boomslang snake); *Thelotornis kirtlandii* (i.e. twig snake); *Rhabdophis sp.* (i.e. keelback snakes); *Eunectes murinus* (i.e. green anaconda); *Python sebae* (i.e. African rock python); *Python molurus* (i.e. Burmese python); *Python reticulatus* (i.e. reticulated python); *Morelia amethystina* (i.e. Amethystine python); or any other animal or reptile deemed dangerous by the McHenry County Health Department, Illinois Department of Agriculture, or Illinois Department of Conservation.

VI.2.9 “ANIMALS, FARM” are species of fowl, sheep, goats, cattle, pigs, and equidae (i.e. horses, donkeys, mules).

VI.2.10 “ANIMAL REFUGE” is any facility licensed by the United States Department of Agriculture and approved by the Administrator which accepts seized, stray, homeless, abandoned or unwanted exotic animals.

VI.2.11 “ANIMAL, STRAY” means any owned domestic animal that is not under control and restraint.

VI.2.12 “BITE” means seizure of a person with the jaws or teeth of any animal capable of transmitting rabies so that the person so seized has been wounded or pierced and further includes contact of the saliva of such animal with any break or abrasion of the skin.

VI.2.13 “BUSINESS DAY” means any day including holidays that the animal control facility is open to the public for animal reclaims.

VI.2.14 “CAT” is any member of the genus and species *Felis catus*.

VI.2.15 “CONFINED” is restriction of an animal at all times by the owner or the owner's agent or the custodian to an escape-proof building, house, or other enclosure away from other animals and the public.

VI.2.16 “DANGEROUS DOG” means a dog determined to be dangerous by the Animal Control Administrator following a dangerous dog investigation pursuant to Section 5 of this Ordinance.

VI.2.17 “DEPARTMENT” is the McHenry County Department of Health.

VI.2.18 “DOG” is any member of the genus, species and subspecies *Canis lupus familiaris*.

VI.2.19 “DOG BREEDER” is any person who allows a male or female dog that they own to reproduce, and that dog breeder, when registered annually with the Department, is eligible to receive a discounted dog registration fee pursuant to Section 3.11 of this Ordinance.

VI.2.20 “EDUCATIONAL INSTITUTION” is any facility licensed by the United States Department of Agriculture and which keeps exotic animals with the sole purpose and practice of educating people in regard to the species' value and natural history.

VI.2.21 “ENCLOSURE” means a fence or structure of at least 6 feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper,

such as tethering of a vicious dog within the enclosure. Additional measures to ensure the animal is not able to escape by digging under the fence line should be taken. If the enclosure is a room within a residence, it cannot have direct ingress from or egress to the outdoors unless it leads directly to an enclosed pen, and the door must be locked. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure. A vicious dog may be allowed to move freely within the entire residence if it is muzzled at all times.

VI.2.22 “FERAL CAT” is a domestic cat that has reverted to wild, unsocialized behavior, or a descendent of such a cat.

VI.2.23 “GUARD DOG” means a dog specifically trained for guard duties, or a dog used in a commercial business for the purpose of protection and security, or a dog used by a county or municipal police department for the purposes of patrol and protection.

VI.2.24 “IMPOUNDED” means taken into the custody of the Administrator and/or his or her authorized agent.

VI.2.25 “INTACT ANIMAL” means an animal that has not been surgically spayed or neutered.

VI.2.26 “INOCULATION AGAINST RABIES” is the injection of a rabies vaccine approved by the United States Department of Agriculture and administered by a licensed veterinarian.

VI.2.27 “LEASH” is a cord, rope, strap, or chain which shall be securely fastened to the collar or harness of a dog, cat or other animal and shall be of sufficient strength to keep such dog, cat or other animal under control.

VI.2.28 “LICENSED VETERINARIAN” is a veterinarian licensed by the State of Illinois to engage in the practice of veterinary medicine.

VI.2.29 “MICROCHIP” is a passive radiofrequency identification device placed by hypodermic injection under the skin of an animal for permanent identification.

VI.2.30 “OWNER” means any person having a right of property in an animal, or who keeps or harbors an animal, or who has an animal in his or her care, or acts as its custodian, or who knowingly permits a dog, cat or other animal to remain on or about any premises occupied by him or her.

VI.2.31 “PERSON” is any individual, firm, corporation, partnership, society, association or other legal entity, any public or private institution, municipal corporation, or political subdivision, or any other business unit.

VI.2.32 “PUBLIC NUISANCE” means any animal or animals which molests or attacks passers-by or passing vehicles; attacks another animal; trespasses on school grounds; is found running at large; damages private or public property; or barks, whines or howls in an excessive, continuous untimely fashion.

VI.2.33 “PHYSICAL INJURY” is the impairment of a physical condition.

VI.2.34 “PHYSICAL INJURY, SERIOUS” means a physical injury that creates a substantial risk of death or that causes death, serious disfigurement, protracted impairment of health, impairment of the function of any bodily organ, or requires plastic surgery.

VI.2.35 “RESTRAINT” within the meaning of this Ordinance, requires a dog, cat or other animal, off the premises of the dog, cat, or other animal owner's owned or real property to be controlled by a leash and held by a competent person capable of controlling such animal; within a vehicle being driven, parked or stopped; accompanied by a person competent in commonly accepted methods of control.

VI.2.36 “SHELTER, ADEQUATE” means a structurally sound, properly ventilated, sanitary and weatherproof shelter suitable for the species, condition and age of the animal, which provides access to shade from direct sunlight and regress from exposure to inclement weather conditions. The size of the shelter should allow adequate freedom of movement and normal postural adjustments. The condition of the shelter should be such as to not exacerbate existing weather conditions, e.g., a metal dog house in the hot sun.

VI.2.37 “SUPPORT DOG” is a dog trained by a recognized organization to assist the handicapped.

VI.2.38 “VICIOUS DOG” is a dog that, without justification, attacks a person and causes serious physical injury or death or any individual dog that has been found to be a “dangerous dog” upon three (3) separate occasions.

SECTION 3

PERMITS, FEES, LICENSES, REGISTRATIONS

VI.3.1 COUNTY DOG REGISTRATION.

- A. Every owner (except for Animal Control Facilities licensed by the Illinois Department of Agriculture) of a dog four months or more of age shall register such dog and shall pay an annual registration fee for said dog to the McHenry County Department of Health. Upon payment of the required fee, as set forth in the Public Health Fee Ordinance, and compliance with Section 8 of this Ordinance, a registration tag shall be issued. All registration tag sales are final and no refunds will be issued.
- B. When an owner fails to register his or her dog, McHenry County Animal Control shall cause the registration fee to be collected from the owner.
- C. Whenever a dog owner has a Veterinarian's Certificate indicating that a three (3) year rabies vaccine recognized by the United States Department of Agriculture has been administered, that dog owner may elect to purchase a three year registration tag at a fee designated in the Public Health Fee Ordinance.
- D. If a licensed veterinarian determines in writing that a rabies vaccination would compromise an animal's health, then the animal shall be exempt from the rabies vaccination requirement, but the owner is still responsible for obtaining a registration tag and paying the registration fee.

VI.3.2 REGISTRATION TAGS - UNLAWFUL POSSESSION. Registration tags shall not be transferred from one dog to another, nor shall a person affix a registration tag to a dog other than the animal for which the tag was issued. A person shall not counterfeit, alter, obliterate or attempt to counterfeit, alter or obliterate any rabies registration tag or vaccination certificate.

VI.3.3 LATE REGISTRATION. Failure of an owner to register his or her dog within 30 days of rabies vaccination will result in an additional late fee as specified in the Public Health Fee Ordinance.

VI.3.4 NEW COUNTY RESIDENT. When a person moves into McHenry County and has a current vaccination and registration tag from the County from which they moved, that person shall register his or her dog with McHenry County within 60 days of the date he or she moved to McHenry County. Such registration may be obtained at the cost of a replacement tag as designated in the Public Health Fee Ordinance. Registration tags issued are based on the vaccination date, but in no case shall tags issued at the replacement tag cost be valid for more than 12 months.

VI.3.5 FORMER COUNTY RESIDENT. When a person moves from McHenry County, that person shall notify Animal Control in order to remove his or her dog registration information from the data base.

VI.3.6 CHANGE OF OWNERSHIP. When the ownership of a dog changes, the new owner shall register the dog within thirty (30) days of the change of ownership. Change of ownership may be proven by a bill of sale, evidence of the previous registration or letter from the previous owner transferring the ownership of the dog.

VI.3.7 REGISTRATION TAGS. Rabies vaccination tags approved by the Illinois Department of Agriculture shall bear the following inscription: Rabies Vaccination; tag number _____; Illinois Department of Agriculture; name of County and year. This tag shall also serve as the registration tag and no dog shall be deemed officially rabies vaccinated unless the owner has obtained this tag along with the official vaccination certificate signed by a veterinarian. Such tags shall be worn on the collar or harness of the animal for which the tag and certificate was issued except when confined. Each year will be distinguished by a tag of a color prescribed by the Illinois Department of Agriculture.

VI.3.8 BREEDER REGISTRATION. An individual breeder's registration and each individual breeding dog may be registered annually with the Department on the forms provided and fee paid per the schedule detailed in the Public Health Fee Ordinance. The exception to this requirement would be if the owner of multiple intact animals elects to purchase registration tags under Section 3.01 of this Ordinance.

VI.3.9 SCHEDULE OF FEES. The Animal Control Administrator of McHenry County may waive or reduce any fee detailed in the McHenry County Department of Health Public Health Fee Ordinance for any of the following:

- A. Inability to pay (financial hardship)
- B. Community-wide promotion
- C. Public health emergency or community disaster
- D. Animal census exceeds shelter capacity

SECTION 4

INSPECTIONS

VI.4.1 ACCESS TO PREMISES. For the purpose of carrying out the provisions of this Ordinance and making inspections hereunder, the Administrator, or his or her authorized agent, or any officer of the law may enter upon private premises, subject to constitutional restrictions on reasonable searches and seizures. If entry is refused or not obtained, the Administrator or authorized agent is authorized to pursue recourse as provided by law. Entry shall not be made into any building that is a person's residence, to apprehend a straying dog or other animal, a dangerous or vicious dog or other animal, or a dog or other animal thought to be infected with rabies. If after a request for entry is made, the owner of such dog or other animal refuses to deliver the dog or other animal to the officer, the owner shall be in violation of this Ordinance and the Illinois Animal Control Act.

SECTION 5

DANGEROUS & VICIOUS ANIMALS

VI.5.1 DANGEROUS DOG DETERMINATION. The Administrator or his or her authorized agent may initiate a dangerous dog investigation to determine whether a dog is dangerous. A dog may be deemed dangerous if it is

- A. any individual dog anywhere other than upon the property of the owner or custodian of the dog and unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or companion animal; or
- B. a dog that, without justification, bites a person and does not cause serious physical injury.

No dog shall be deemed a "dangerous dog" unless shown to be a dangerous dog by a preponderance of the evidence. In order to have a dog deemed dangerous, the Administrator, or his or her authorized agent, must:

- A. Send, within ten (10) business days of the Administrator becoming aware of the alleged infraction, notifications of the alleged infractions to the owner, and of the initiation of an investigation by the Department into the allegations;
- B. Afford the owner an opportunity to meet with the Administrator prior to the making of a determination that a dog is deemed dangerous;
- C. Conduct a thorough investigation, in which he or she may gather any medical or veterinary evidence and interview witnesses. The owner of a dog under investigation or the Department may provide testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or other recognized expert who may be relevant to the determination of whether the dog's behavior was justified pursuant to the provisions of this Section;

- D. Make a detailed written report, which shall be referred to as the Administrator's Decision and Order, recommending a finding whether or not the dog be deemed dangerous; and
- E. Immediately send the owner, by personal service or by registered or certified mail, notification that his or her dog has been deemed dangerous by the Administrator; including a complete description of the appeal process; and including orders to the owner of the dangerous dog as to any penalties, and dangerous dog fees to be paid.

The owner of a dog deemed dangerous shall be subject to: the Administrator's Decision and Order, and the requirements of this Section 5.01; the penalties as outlined in Section 5.01.02; and the annual dangerous dog fees as outlined in the Public Health Fee Ordinance. The owner shall bear all costs incurred in following such requirements. The owner of a dog that has been declared a dangerous dog by the Administrator shall also pay an annual status fee to the Department as indicated in the Public Health Fee Ordinance. Such fee shall be due April 1 of each year. The owner of any dog which has been found to be dangerous must pay the annual status fee within sixty (60) days of notification of such declaration. No refunds will be issued for any reason.

VI.5.1.1 DANGEROUS DOG EXEMPTIONS. A dog shall not be declared dangerous if the Administrator, or his or her authorized agent, determines the conduct of the dog was justified because either:

- A. The threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog or was committing a willful trespass or other tort upon the premises or property occupied by the owner of the animal;
- B. The threatened person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring;
- C. The injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring; or
- D. The dog was responding to pain or injury or was protecting itself, its owner, custodian, or a member of its household, kennel, or offspring.

VI.5.1.2 DANGEROUS DOG RESTRICTIONS. If deemed dangerous, the Administrator, or his or her authorized agent, shall order the dog to be spayed or neutered within fourteen (14) days at the owner's expense and microchipped, if not already, and one or more of the following as deemed appropriate under the circumstances and necessary for the protection of the public:

- A. Evaluation of the dog by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field and completion of training or other treatment as deemed appropriate by the expert. The owner of the dog shall be responsible for all costs associated with evaluations and training ordered under this subsection;
- B. Direct supervision by an adult eighteen (18) years of age or older whenever the animal is on public premises;

- C. That the dangerous dog be muzzled whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration;
- D. That the dangerous dog not leave the premises of its owner unless under control by leash or other recognized physical control method;
- E. Prohibit the owner or keeper of a dangerous dog from selling or giving away the dog, without providing notification, including the new owner's name and address, to the Administrator. Whenever an owner of a dangerous dog relocates, he or she shall notify both the Administrator and McHenry County Animal Control where he or she has relocated within five (5) days of change of address.

Failure by the owner to do as ordered by the Administrator and as outlined in this Ordinance is a violation of this Ordinance and the Administrator may take legal or equitable action against the owner, including but not limited to filing for injunctive relief. If the owner of a dog deemed dangerous fails to comply with these requirements, McHenry County Animal Control shall impound the dog and the owner shall pay all impoundment fees to McHenry County Animal Control.

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently vaccinated for rabies in accordance with Section 8 of this Ordinance, be registered with McHenry County and performing duties as expected. It shall be the duty of the owner of the exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed.

VI.5.1.3 DANGEROUS DOG; APPEAL. The owner of a dog found to be a dangerous dog pursuant to this Ordinance by the Administrator may file a complaint against the Administrator in the circuit court of McHenry County within thirty five (35) days of receipt of notification of the determination, for a de novo hearing on the determination. The proceeding shall be conducted as a civil hearing pursuant to the Illinois Rules of Evidence and the Code of Civil Procedure, including the discovery provisions. After hearing both parties' evidence, the court may make a determination of dangerous dog if the Administrator meets his or her burden of proof of a preponderance of the evidence. The final order of the circuit court may be appealed pursuant to the civil appeals provisions of the Illinois Supreme Court Rules.

Until the order has been reviewed and at all times during the court review process, the owner shall comply with the requirements set forth by the Administrator or the court.

VI.5.2 VICIOUS DOG DETERMINATION. In order to have a dog deemed "vicious," the Administrator must:

- A. Give notice of the infraction that is the basis of the investigation to the owner;
- B. Conduct a thorough investigation, including interviewing any witnesses, and the owner, gathering existing medical records, veterinary medical records, and behavioral evidence if provided;

- C. Make a detailed report recommending a finding that the dog is a vicious dog; and
- D. Give the report to the State's Attorney's Office and the owner.

The Administrator, State's Attorney, or any citizen of the county in which the dog exists may file a complaint in the circuit court in the name of the People of the State of Illinois to deem a dog to be a vicious dog. The petitioner must prove the dog is a vicious dog by clear and convincing evidence. If the burden of proof has been met, the court shall deem the dog to be a vicious dog. The judge has the discretion to order a vicious dog to be euthanized.

The Administrator shall determine where the animal shall be confined during the pendency of the case. The owner shall bear all expenses relating to the confinement.

VI.5.2.1 VICIOUS DOG EXEMPTIONS. A dog may not be declared vicious if the court determines the conduct of the dog was justified because:

- A. The threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog, or was committing a willful trespass or other tort upon the premises or property owned or occupied by the owner of the animal;
- B. The injured, threatened, or killed person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring, or has in the past tormented, abused, assaulted, or physically threatened the dog or its offspring; or
- C. The dog was responding to pain or injury, or was protecting itself, its owner, custodian, or member of its household, kennel, or offspring.

No dog shall be deemed "vicious" if it is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the court's determination of whether the dog's behavior was justified.

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently vaccinated for rabies in accordance with Section 8 of this Ordinance, be registered with McHenry County and performing duties as expected. It shall be the duty of the owner of the exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed.

VI.5.2.2 VICIOUS DOG RESTRICTIONS. If a dog is found to be a vicious dog, the owner shall:

- A. Have the dog spayed or neutered within ten (10) days of the finding at the expense of its owner, and microchipped, if not already;
- B. Confine the dog in an enclosure approved by the Administrator, or his or her authorized agent. If the dog is in the custody of Animal Control, any dog found to be vicious shall

not be released to the owner until the Administrator, or his or her authorized agent, approves the enclosure.

If an owner fails to comply with these requirements, McHenry County Animal Control shall impound the dog and the owner shall pay a \$500.00 fine plus impoundment fees to McHenry County Animal Control.

No owner or keeper of a vicious dog shall sell or give away the dog without approval from the Administrator or court.

Whenever an owner of a vicious dog relocates, he or she shall notify both the Administrator and McHenry County Animal Control of the address where he or she has relocated within five (5) days of change of address.

The owner of a dog which has been declared a "vicious dog" by the court shall pay an annual status fee to the Department as indicated in the Public Health Fee Ordinance. Such fee shall be due April 1 of each year. The owner of any dog which has been found to be vicious must pay the annual status fee within sixty (60) days of notification of such declaration. No refunds will be issued for any reason.

VI.5.2.3 VICIOUS DOG ENCLOSURE EXCEPTIONS. It shall be unlawful for any person to fail to have any dog which has been found to be a vicious dog in an approved enclosure. The only times a vicious dog may be allowed out of the enclosure are:

- A. If it is necessary for the owner or keeper to obtain veterinary care for the dog;
- B. In the case of an emergency or natural disaster where the dog's life is threatened; or
- C. To comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a leash not exceeding 6 feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence.

VI.5.2.4 IMPOUNDMENT OF VICIOUS DOG. Any dog which has been found to be a vicious dog and which is not confined to an approved enclosure shall be impounded by the Administrator, or his or her authorized agent, or the law enforcement authority having jurisdiction in such area.

If the owner of the dog has not appealed the impoundment order to the McHenry County_Circuit Court within fifteen (15) business days, the dog may be euthanized.

Upon filing a notice of appeal, the order of euthanasia shall be automatically stayed pending the outcome of the appeal. The owner shall bear the burden of timely notification to the Administrator in writing.

VI.5.2.5 POSTING SECURITY_PENDING VICIOUS DOG DETERMINATION. If McHenry County Animal Control or a facility designated by McHenry County Animal Control has custody of the dog, the Administrator, or his or her authorized agent, may file a petition with the court requesting that the owner be ordered to post security. The security must be in an amount sufficient to cover payment of all reasonable expenses expected to be incurred by Animal Control or its designee in caring for and providing for the dog pending the determination.

Reasonable expenses include, but are not limited to, estimated medical care and boarding of the animal for thirty (30) days. If security has been posted in accordance with this Section, the Administrator, or his or her authorized agent, may draw from the security the actual costs incurred by Animal Control in caring for the dog.

Upon receipt of a petition, the court must set a hearing on the petition, to be conducted within five (5) business days after the petition is filed. The petitioner must serve a true copy of the petition on the defendant.

If the court orders the posting of security, the security must be posted with the clerk of the circuit court within five (5) business days after the hearing. If the person ordered to post security does not do so, the dog is forfeited by operation of law and Animal Control must dispose of the animal through adoption or humane euthanasia.

SECTION 6

PUBLIC NUISANCE

VI.6.1 RUNNING AT LARGE. Dogs, cats and other animals running at large are prohibited.

- A. No owner of a dog, cat, or other animal shall cause or permit such animal to run at large, at any time, in any area, public or private, without the property owner's consent in McHenry County. All dogs, cats and other animals kept in any area in McHenry County shall be restrained and/or controlled, as defined by this Ordinance, in such a manner as to prevent such dog, cat or other animal from running at large. Any dog, cat or other animal found running at large in violation hereof, is hereby declared a public nuisance and shall be apprehended and impounded in the manner provided by this Ordinance.
- B. The Administrator, or his or her authorized agent, shall capture and impound any such animal. The Administrator, or his or her authorized agent, shall, immediately upon impounding any dog, cat or other animal make complete registry and enter therein the breed, color and sex of such dog, cat or other animal.
- C. A dog, cat, or other animal found running at large contrary to the provisions of this Ordinance a second or subsequent time must be spayed or neutered and microchipped within thirty (30) days after being reclaimed, unless already spayed or neutered and microchipped; and failure to comply shall result in impoundment of the dog, cat or other animal.

VI.6.1.1 RUNNING AT LARGE EXEMPTIONS A dog that is actively engaged in a legal hunting activity, including training, is not considered to be running at large if the dog is on land that is open to hunting or on land on which the person has obtained permission to hunt or to train a dog. A dog that is in a dog-friendly area or dog park is not considered to be running at large if the dog is monitored or supervised by a person.

VI.6.2 IMPOUNDMENT.

- A. When dogs, cats or other animals are apprehended and impounded by the Administrator, or his or her authorized agent, they must be scanned for the presence of a microchip. The Administrator shall make every reasonable attempt to contact the

owner as soon as possible. The Administrator shall give notice of not less than seven (7) business days to the owner. Such notice shall be mailed to the last known address of the owner. An affidavit or testimony of the Administrator, who mails such notice, shall be prima facie evidence of the receipt of such notice by the owner of such animal.

In case the owner of any impounded dog, cat, or other animal desires to make redemption thereof, they may do so by complying with the following:

1. Presenting proof of ownership;
2. Presenting proof of rabies vaccination and registration, if applicable;
3. Paying for the rabies vaccination of the dog or cat and registration, if applicable;
4. Paying Animal Control for the boarding of the dog or cat or other animal for the period that it was impounded, per the fee schedule in the Public Health Fee Ordinance;
5. Paying Animal Control an additional impound fee as prescribed in the Public Health Fee Ordinance and all other costs incurred; and
6. Paying for microchipping and registration if not already done.

The payments required for redemption under this Section shall be in addition to other penalties invoked under this Ordinance, the Illinois Animal Control Act, and the Illinois Public Health and Safety Animal Population Control Act.

- B. If no owner is known, the stray dog, cat or other animal shall be held for a period of seven (7) business days. If after that time no owner has come forward or been identified, the animal may be disposed of in accordance with the provisions of this Ordinance.
- C. Stray livestock shall be handled in a manner consistent with the Illinois Domestic Animals Running at Large Act.
- D. Any animal on any public way or public place, or which has strayed onto private premises and which appears to be injured or severely diseased and for which care is not being provided by the owner shall be removed, if possible, by the Administrator or his or her authorized agent, or any law enforcement agency. If immediate removal is not practical or possible, or if the animal is in critical condition, such animal may be deprived of life by the most humane method available, unless the owner comes forward beforehand and assumes responsibility for immediate removal and care.
- E. The Administrator need not maintain animals for the above time if they are determined by a licensed veterinarian to be diseased or critically ill or critically injured.

VI.6.3 NON-REDEMPTION/ADOPTION/SPAYING OR NEUTERING.

- A. When not redeemed by the owner, agent, or caretaker, an animal which has been impounded in accordance with the provisions of this Ordinance shall be offered for adoption or made available to a licensed humane society or rescue group. If no

placement is available the animal may be euthanized in accordance with the Illinois Euthanasia in Shelters Act.

- B. Live animals shall not be used for research purposes, nor released to any individual, organization or educational institution for research or experimental purposes or sold, transferred or held for such purposes.
- C. An unredeemed dog or cat shall not be released for adoption unless the animal has been microchipped and spayed or neutered. A person wishing to adopt an animal prior to the surgical procedure shall have executed a written agreement promising to have such service performed within 30 days of adoption. Failure to fulfill the terms of the agreement shall result in seizure and impoundment of the animal by the Administrator, or his or her authorized agent. Additional penalties may be imposed.

VI.6.4 REDEMPTION OR ADOPTION AND VACCINATION. An owner redeeming an unvaccinated dog or cat over four (4) months of age, or any person adopting a dog or cat over four (4) months of age which has been impounded, shall cause such dog or cat to be officially vaccinated against rabies within ten (10) days after removing such animal from McHenry County Animal Control. Dogs or cats under four (4) months of age which are redeemed or adopted shall be caused by the owner to be vaccinated against rabies within thirty (30) days after reaching four (4) months of age.

This Ordinance shall not prevent humane societies from engaging in activities set forth by their charters, provided, they are not inconsistent with provisions of this Ordinance and other existing laws. Any person purchasing or adopting such a dog or cat with or without charge or a donation must pay for the rabies vaccination of such dog or cat and registration if applicable.

VI.6.5 ANIMALS ON PUBLIC PROPERTY. It shall be unlawful for any dog, cat or other animal even though on a leash, to be present at or upon any school premises, public playground, park other than a dog park, public beach or public swimming pool, unless permission is granted by the agency which has jurisdiction over same. The provisions of this Section shall not apply to working support dogs or police dogs.

VI.6.6 FEMALE ANIMALS IN HEAT. All dogs and cats in heat (estrus) shall be confined in a building or secure enclosure and attended in such a manner that such female cat or dog cannot come into contact with a male of the same species except for planned breeding.

VI.6.7 DAMAGE TO PROPERTY. The owner of any dog, cat or other domestic animal shall not permit such dog, cat or other domestic animal to injure, destroy or carry any vegetable, plant, fruit, shrub, tree, flower or other thing which may be on or which may be planted or seeded on the property of another or on public property. These provisions do not exclude any civil liability for damage to property by a dog, cat or other domestic animal.

VI.6.8 ACCUMULATION OF FECES. No person shall allow any dog, cat, or other companion animal's feces to accumulate in any yard, pen or premises in or upon which a dog, cat, or other companion animal shall be confined or kept so that it becomes offensive to those residing in the vicinity or a health hazard to the residing dog, cat, or other companion animal.

VI.6.9 REMOVAL OF FECES. No person shall fail to remove feces deposited by their dog, cat, or other companion animal, except support dogs, upon the public ways, or within the public

places of the County, or upon the premises of any person other than the owner without that person's consent.

VI.6.10 BARKING DOGS. No owner or person in the possession, custody or control of a dog, shall allow the dog to bark, whine, or howl continuously for a period longer than 15 minutes, intermittently for a period in excess of two hours, or between the hours of 10:00 p.m. and 6:00 a.m., so as to disturb the peace, quiet or repose, or be audible to another person of ordinary sensibility.

VI.6.11 DESTRUCTION OF LIVESTOCK. Any owner seeing his or her livestock, (including but not limited by enumeration to: sheep, goats, cattle, horses, mules, swine or poultry) being pursued, chased, worried, wounded, or killed by a dog, not accompanied by, or not under the supervision and control of, its owner, may pursue and kill such dog while it is presenting a threat.

VI.6.12 CLAIMS FOR DESTRUCTION OF LIVESTOCK. Any owner having sheep, goats, cattle, horses, mules, swine, or poultry or other livestock killed or injured by a dog shall, according to the provisions of the Illinois Animal Control Act and upon filing claim and making proper proof, be entitled to receive reimbursement for such losses from the Animal Control Fund, provided the owner is a resident of this State and such injury or killing is reported to the Administrator within twenty-four (24) hours after such injury or killing occurs, and the owner provides an affidavit stating the number of such animals or poultry killed or injured, the amount of damages and the name of the owner of the dog causing such killing or injury, if known. The damages referred to in this Section shall be substantiated by the Administrator through prompt investigation and by not less than two (2) witnesses. The Administrator shall determine whether the provisions of this Section have been met and shall keep a record in each case of the names of the owners of the animals or poultry, the amount of damages proven, and the number of animals or poultry killed or injured.

The Administrator shall file a written report with the County Treasurer as to the right of the owner of sheep, goats, cattle, horses, mules, swine, or poultry or other livestock killed, to be paid out of the Animal Control Fund, and the amount of such damages claimed. The County Treasurer shall, on the first Monday in March of each calendar year, pay to the owner of the animals or poultry, the amount of damages to which he is entitled.

CLAIMS FOR DESTRUCTION

The damages allowed for grade animals or poultry shall not exceed the following amounts:

- A. For goats killed or injured, \$30.00 per head.
- B. For cattle killed or injured, \$300.00 per head.
- C. For horses or mules killed or injured, \$200.00 per head.
- D. For swine killed or injured, \$50.00 per head.
- E. For turkeys killed or injured, \$5.00 per head.
- F. For sheep killed or injured, \$30.00 per head.

G. For all poultry, other than turkeys, \$1.00 per head.

H. Other livestock species: \$50 per head

The maximum amounts herein set forth may be increased fifty percent (50%) for animals for which the owner can present a certificate of registry of the appropriate breed association or organization. However, if there is not sufficient monies in the portion of the fund set aside as provided in Section 7 of the Illinois Animal Control Act to pay all claims for damages in full, then the County Treasurer shall pay to such owner of animals or poultry their pro rata share of the monies available.

If there are funds in excess of amounts paid for such claims for damage in that portion of the Animal Control Fund set aside for this purpose, this excess shall be used for other costs of the program as set forth in this Ordinance.

VI.6.13 DEAD ANIMALS. Any person having a dead animal or parts of a dead animal, within their possession or control or upon any premises owned or occupied by such person shall dispose of said animal or animal parts, in compliance with the Illinois Dead Animal Disposal Act within twenty-four (24) hours.

SECTION 7

BITING ANIMALS

VI.7.1 BITING DOGS, CATS OR OTHER ANIMALS.

It is unlawful for any person having direct knowledge that any person has been bitten by a dog, cat or other animal capable of transmitting rabies, to refuse to notify the Administrator immediately.

- A. It is unlawful for the owner of such biting dog, cat, or other animal to euthanize, sell, give away, or otherwise dispose of any such dog, cat, or other animal known to have bitten a person, until it is released by the Administrator.
- B. It is unlawful for the owner of such biting dog, cat, or other animal to refuse or fail to comply with the written or printed instructions made by the Administrator. If such instructions cannot be delivered in person, they shall be mailed to the owner by regular mail, postage prepaid. The affidavit or testimony of the Administrator delivering or mailing such instruction is prima facie evidence that the owner of such dog, cat, or other animal was notified of his or her responsibilities.
- C. Any expense incurred in the handling of any dog, cat, or other animal under this Section shall be borne by the owner. For the purpose of this Section, the word "immediately" means telephone, in person, or by other than use of mail.

VI.7.2 PHYSICIAN VERIFICATION. It is within the scope of this Ordinance that the Administrator may request physician verification of the reported bite.

VI.7.3 RABIES OBSERVATION PERIOD

When the Administrator receives information that any person has been bitten by an animal the Administrator shall either:

- A. Impound the biting animal at the discretion of the Administrator or his or her designee; or
- B. Require the owner to confine the biting animal under the direction of a licensed veterinarian for a period of ten (10) days beginning within twenty-four (24) hours of the biting incident; or
- C. Require hospital confinement if:
 - 1. The biting animal is more than four (4) months of age and is not currently vaccinated against rabies; or
 - 2. The biting animal inflicts a serious bite to a person; bites a person while on home confinement for a prior bite; is on home confinement and is reported to be running at large, or not adequately restrained by its owner; or requires confinement as deemed necessary by the administrator.
- D. Allow the biting animal to be confined on the premises of its owner in a manner that will prohibit it from biting any person if the Administrator or a licensed veterinarian finds:
 - 1. The biting animal is currently vaccinated for rabies; or
 - 2. The biting animal is an unvaccinated dog or cat under the age of four (4) months; or
 - 3. Hospital confinement is not practical or feasible.

When confinement of the biting animal is allowed in the home of the owner, the owner shall present the animal to a veterinarian for a rabies observation examination within twenty-four (24) hours of the bite; and return the animal to the veterinarian on the 10th day after the rabies observation. The animal's health shall be reported by the veterinarian to the McHenry County Department of Health's Veterinary Public Health Division on the first and tenth day of the observation period for rabies. Such veterinarian shall report the clinical condition of the dog or other animal immediately, with confirmation in writing to the Administrator within twenty-four (24) hours after the dog or other animal is presented for examination, giving the owner's name, address, the date and location of confinement, the animal's name, the breed description, age, and sex of such dog or other animal, on appropriate forms approved by the McHenry County Department of Health.

The Department may permit the confinement period to be reduced to less than ten (10) days following a bite when:

- A. It is deemed advisable for humane reasons, i.e., injury, health or disease conditions; or
- B. The owner has requested euthanasia of the biting animal; or
- C. The animal is deemed a stray by the Administrator.

When an animal is confined for a period of less than ten (10) days, for one of the above three reasons, it shall be euthanized and the brain submitted directly to a recognized laboratory for diagnostic testing.

VI.7.4 NON – COMPLIANCE WITH RABIES QUARANTINE.

- A. Failure to submit the biting animal to a veterinarian for rabies observation in a timely manner constitutes a violation of this Ordinance.
- B. Failure to return a biting animal under home observation to a veterinarian for examination will constitute a violation of this Ordinance. Each day of non-compliance will constitute a separate offense subject to fines.
- C. It is a violation of this Ordinance for an owner, or his or her agent, to sell, kill, give away, or otherwise dispose of any animal that is known to have bitten a person within a ten (10) day period of the bite.
- D. No person shall remove from any place of confinement any animal which has been confined as authorized by the Administrator without the consent of the Administrator.

VI.7.5 DOGS IN LAW ENFORCEMENT. When a person has been bitten by a police dog, the police dog may continue to perform its duties for the peace officer or law enforcement agency and any period of rabies quarantine may be under the supervision of a peace officer. The supervision shall consist of the dog being locked in a kennel, performing its official duties in a police vehicle, or remaining under the constant supervision of its police handler. In the event the dog dies before the conclusion of the ten (10) day rabies quarantine period, the Administrator must be informed of the event and the dog's body must be made available for diagnostic testing.

SECTION 8

RABIES - RABIES VACCINATION

VI.8.1 VACCINATION REQUIREMENT. Every owner of a dog four (4) months or more of age, within the County of McHenry, Illinois, shall cause such dog to be vaccinated by a licensed veterinarian with a prophylactic rabies vaccine approved by the United States Department of Agriculture and the Illinois Department of Agriculture.

- A. Any veterinarian vaccinating an animal for rabies shall record the vaccination on the National Association of State Public Health Veterinarians Form 51, or a form substantially equivalent as determined by the Administrator or his or her designee, and sign the document.
- B. Any veterinarian who vaccinates an animal for rabies shall send a copy of the vaccination certificate to the Department.

VI.8.2 RABIES VACCINE. Rabies vaccine for use on animals shall be sold or distributed only to, and used only by, licensed veterinarians. Such rabies vaccine shall be licensed by the United States Department of Agriculture and approved by the Department and used in accordance with the manufacturer's recommendations.

VI.8.3 EXPOSED ANIMALS. Whenever reasonable probability exists that a domestic animal has been exposed to a known or suspected rabid animal, the exposed animal shall be handled in a manner as recommended by the National Association of State Public Health Veterinarians.

VI.8.4 DOG OR CAT QUARANTINE. Whenever the number of dogs or cats suffering from rabies, or dogs and cats running at large within the County of McHenry, Illinois, shall be such as to endanger the public health, public safety or general welfare, the Administrator, upon the recommendation of the Chairman of the Board of McHenry County, shall apply to the Illinois Department of Agriculture for a quarantine. A proclamation of the Chairman containing such declaration shall be published at least once in a newspaper of general circulation in the County of McHenry, Illinois. After the first publication of such proclamation by the Chairman, it shall be unlawful for the owner or custodian of any dog or cat to permit such dog or cat to be at large contrary to the terms of such proclamation. The Illinois Department of Agriculture may order that all dogs or other animals in the locality be kept confined within an enclosure, be kept muzzled and restrained by leash, all owners or keepers of dogs or other animals take prophylactic measures as deemed necessary to prevent the spread of rabies, and other measures as may be necessary to control the spread of rabies.

The Illinois Department of Agriculture may determine the area of the locality in which, and the period of time during which, such orders shall be effective.

The Administrator, during the first week after the quarantine order is issued, shall take proper measures to inform the citizens of McHenry County of the quarantine order and of the penalties attached to the violation of the order. The quarantine order shall apply to all dogs and cats whether vaccinated and registered according to the provisions of this Ordinance or not, and shall be confined in the home of the owner of the animal or be under direct control of a competent person.

Any dog or cat or other animal subject to such quarantine found uncontrolled shall be impounded. Dogs or cats and other animals subject to rabies which are impossible to capture or impound after the exercise of reasonable efforts and diligence, shall be destroyed if the Illinois Department of Agriculture Health Authority so designates.

VI.8.5 ANIMAL WITH RABIES. The owner of any dog or cat or other animal which exhibits clinical signs of rabies, whether or not the animal has been vaccinated for rabies, shall immediately notify the Administrator, and shall promptly confine the animal, or have it confined, under suitable observation, for a period of at least ten (10) days, unless officially authorized by the Administrator, in writing, to release it sooner. Any animal in direct contact with such dog, cat or other animal, whether or not the exposed animal has been vaccinated for rabies, shall be confined as recommended by the Administrator.

Any owner or veterinarian who suspects that a dog, cat or other animal died from rabies shall immediately report such fact to the Administrator and the animal's body made available for diagnostic testing.

SECTION 9

EXOTIC ANIMALS – WILDLIFE

VI.9.1 EXOTIC ANIMAL. No person shall own, or keep in their custody any exotic or crossbred or hybrid exotic animals in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge.

VI.9.2 DOMESTICATION NO DEFENSE. It is no defense to a violation of this Ordinance that the keeper of any animal which is prohibited by this Ordinance has attempted to domesticate such animal.

VI.9.3 WILDLIFE DOMESTICATION. No person shall keep, or permit to be kept, or domesticate any wildlife contrary to Federal, State and local laws, and regulations.

VI.9.4 INDIGENOUS WILDLIFE. No person shall be permitted to own, harbor or keep in their custody any wildlife indigenous to the State of Illinois for the purpose of selling, giving or trading the animal as a pet, irrespective of holding a fur-bearing mammal permit or game breeders permit from the Illinois Department of Conservation. Fur-bearing farms are exempt from this requirement provided that the operation meets the requirement of state and county regulations.

VI.9.5 WILDLIFE HYBRIDS. No person shall own or keep in their custody any domestic animal-wildlife hybrid such as coy dogs, wolf dogs, domestic cats bred to wild cats (e.g. Asian leopard cat, Geoffrey's cat, bobcat) or any other wild canine or feline hybrid, in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory or veterinary hospital.

VI.9.6 RABIES VACCINATION OF WILDLIFE. It is unlawful to vaccinate any wildlife or wildlife hybrid against rabies unless the vaccine manufacturer indicates a recommendation for that species. However, this is not construed to prohibit the use of a bait type rabies vaccine restricted for use by state and federal rabies control programs.

SECTION 10

FARM ANIMALS

VI.10.1 FARM ANIMALS IN ESTATE AREAS. No person shall keep, or cause to be kept, farm animals or fowl other than household pets including animals or fowl ordinarily permitted in the house unless such person has met the following requirements:

- A. Has met all applicable requirements of the McHenry County or Local Zoning Ordinance rules and regulations, and
- B. Has provided adequate shelter and area adequate enough to affect normal good husbandry practices so as to preclude public health nuisance or cruelty to animals, and
- C. Has provided fences, pens, shelters, corrals or similar enclosures of sufficient height and strength to retain the animals on his or her own premises, and
- D. Has roofed shelters structured to prevent run-off from draining into the shelter.

SECTION 11

CRUELTY TO ANIMALS

VI.11.1 CRUEL TREATMENT.

- A. No person or owner may beat, cruelly treat, torment, starve, overwork or otherwise abuse an animal.
- B. No owner may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure.

VI.11.2 OWNER'S DUTIES. No person or owner shall fail to provide any animal in their charge or custody as owner or otherwise, with the following:

- A. Sufficient quantity of good quality, wholesome, food and water (outdoor animals must have a constant supply of fresh water available);
- B. Adequate shelter and protection from the weather;
- C. Veterinary care when needed to prevent suffering; and
- D. Humane care and treatment.

VI.11.3 TRANSPORTING ANIMALS. No person or owner driving a motor vehicle shall transport any animal in the back of the vehicle in a space intended for any load unless the space is enclosed or has side and tail racks to a height of at least 46 inches extending vertically from the floor, or the animal is cross tethered to the vehicle, or is protected by a secured container or cage in a manner which will prevent the animal from falling, jumping or being thrown from the vehicle.

VI.11.4 TETHERING. A person may not leave an animal outside and unattended by use of a tether restraint in a manner that endangers the health, safety, or well-being of the animal.

VI.11.5 CONFINEMENT IN MOTOR VEHICLE.

- A. No person or owner shall confine any animal in a motor vehicle in such a manner that places it in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation, or other protection from such heat or cold.
- B. In order to protect the health and safety of an animal, an animal control officer, law enforcement officer, or Illinois Department of Agriculture licensed humane investigator who has probable cause to believe that this Section is being violated shall have authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or other person responsible.

VI.11.6 ABANDONMENT.

- A. No person or owner shall abandon any domestic animal on their own property without daily care, or by abandonment off the owner's premises, where it may suffer injury, hunger, exposure, or become a public charge.

- B. No person or owner shall release any domestic rabbit, ferret, prairie dog, hedgehog or other mammal, reptile or bird not native to this area, expecting it to fend for itself for food, shelter and protection.

VI.11.7 POISONING. No person or owner shall knowingly set out poison(s) or cause to be poisoned any dog, cat or other domestic animal except by expressed permit from the Illinois Department of Agriculture.

This Section does not prohibit the use of a euthanasia drug by a euthanasia agency for the purpose of animal euthanasia, provided that the euthanasia drug is used by or under the direction of a licensed veterinarian or certified euthanasia technician, all as defined in and subject to the Humane Euthanasia in Animal Shelters Act

VI.11.8 ENTERTAINMENT, FIGHTING OR BAITING ANIMALS.

No person may own, operate, manage, maintain, charge admission to, or be a patron at any place used for the purpose of fighting or baiting any bull, bear, dog, cock or other animal.

SECTION 12

VIOLATION OF SECTION 11

VI.12.1 VIOLATION. When a violation of Section 11 of this Ordinance has been committed, an Animal Control Officer will furnish the violator, if known, with a notice of violation, and state what action is necessary to come into compliance with this Ordinance, and that a maximum of forty eight (48) hours may be granted in which to take corrective action.

VI.12.2 IMPOUNDING ANIMALS.

- A. In the event that the Administrator finds that a violation of this Ordinance has rendered an animal in such a condition that no remedy or corrective action by the owner is possible, the Administrator may impound the animal(s).
- B. If a violator fails or refuses to take corrective action necessary for compliance with Section 11 and 12.01 of this Ordinance, the Administrator may impound the animal(s).
- C. If the animal is impounded, it shall be impounded at a location where the elements of good care can be provided, and where such animal shall be examined and treated by a licensed veterinarian, or if the animal is severely injured, diseased, or suffering, humanely euthanized.
- D. Emergency impoundment may be exercised in a life-threatening situation and the subject animal shall be conveyed directly to a licensed veterinarian for medical services necessary to sustain life or to be humanely euthanized as determined by the veterinarian.
- E. All costs relating to the impoundment of the animal shall be borne by the owner.

VI.12.3 NOTICE OF IMPOUNDMENT. A notice of impoundment shall be given by the Administrator to the violator, if known, in person or sent by certified or registered mail. If the

Department is not able to serve the violator in person or by registered or certified mail, the notice shall be given by publication in a newspaper of general circulation in the county in which the violator's last known address is located. The notice of impoundment shall include the following: listing of deficiencies noted, an accurate description of the animal or animals involved, the date on which the animal or animals were impounded, the signature of the investigator, and a statement that the violator may request an appeal of the impoundment pursuant to McHenry County Health Ordinance, Article I, Section 3 within seven (7) business days after impoundment of the animal(s).

Return to the owner may be denied or withheld until the owner has made full payment for all expenses incurred and for any accrued charges.

If the impoundment is not appealed, within seven (7) business days of the impoundment, the animal is forfeited by operation of law and the Administrator may lawfully and without liability provide for adoption of the animal, or it may be humanely euthanized. The person who forfeited the animal or a person dwelling in the same household as the person who forfeited the animals may not adopt it.

No matter what the disposition of the animal in the appeal, the owner is subject to, and responsible for, any and all violations and expenses which may ensue.

SECTION 13

PENALTIES, FINES, AND REMEDIES

VI.13.1 FINES.

- A. Any person violating, any provision of this Ordinance, or aiding in or abetting a violation, or counterfeiting or forging any certificate or tag, or making any misrepresentation in regard to any matter prescribed by this Ordinance, or resisting, obstructing or impeding the Administrator or his or her designated agents in enforcing this Ordinance, shall be fined not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00).
- B. The minimum fine for failure to register a dog in accordance with the requirements of Section 3 shall not be less than two hundred dollars (\$200.00) for the first offense and up to \$1,000.00 for subsequent offenses.
- C. The minimum fine for a dog running at large on school property or at a daycare facility shall be not less than four hundred dollars (\$400.00) for the first offense and up to \$1,000.00 for subsequent offenses.
- D. The minimum fine for a dog, cat or other animal running at large (except dog parks) when an Animal Control Officer intervenes shall be one hundred fifty dollars (\$150.00) for the first offense, three hundred dollars (\$300.00) for the second offense, and for each subsequent offense, up to one thousand dollars (\$1,000.00).
- E. The minimum fine for all dogs, cats or other animals reported to be running at large (except dog parks) with no Animal Control Officer intervention shall be not less than fifty dollars (\$50.00) for the first offense, one hundred dollars (\$100.00) for the second offense, and for each subsequent offense, up to one thousand dollars (\$1,000.00).

- F. The minimum fine for any dog that has been declared dangerous or vicious running at large shall be two hundred dollars (\$200.00) for the first offense, four hundred dollars (\$400.00) for the second offense and up to one thousand dollars (\$1,000.00) for each subsequent offense.
- G. The minimum fine for failure to comply with the rabies initial observation or release requirements in Section 7 of this Ordinance shall be two hundred dollars (\$200.00).
- H. Each occurrence of failure to comply with this Ordinance constitutes a separate offense.

VI.13.2 REMEDIES. In addition to any other remedy which may be available to the Department in this Ordinance or in any State Statute, the Department may issue a ticket in those instances where any person violates, or aids in or abets the violation of, any provision of this Ordinance. Said ticket shall require the offender to pay the minimum fine as set forth herein.

In lieu of a ticket, or if such ticket remains unpaid, a Notice to Appear in the McHenry County Circuit Court may be served on any person who violates, or aids in or abets, the violation of, any provision of this Ordinance. The Administrator, or his or her designee, shall serve as the Code Enforcement Officer, as that term is used in Illinois Supreme Court Rules regarding ordinance violations, and may sign and deliver any such Notices to Appear. Service of the Notices to Appear may be done via hand delivery, first-class mail, or certified mail.

SECTION 14

MISCELLANEOUS PROVISIONS

VI.14.1 PARTIAL INVALIDITY. If any provision of this Ordinance or the application to any person or circumstances is held invalid, such validity shall not affect other provisions or applications of this Ordinance, which can be given effect without the invalid portion or application, and to this end the provisions of this Ordinance are declared to be severable.

VI.14.2 RESPONSIBILITY. The Administrator or his or her duly authorized representative or anyone enforcing the provisions of this Ordinance shall not be held unreasonably responsible for any accident or disease which may affect any dog, cat or other animal which may occur as a result of enforcing the provisions of this Ordinance.

**PUBLIC HEALTH ORDINACE FOR
McHENRY COUNTY ILLINOIS**

McHENRY COUNTY DEPARTMENT OF HEALTH

ARTICLE VII – FEES

Approved _____, 2015

Effective December 1, 2015

INTENT AND PURPOSE: Fees charged for services, permits and penalties issued by the McHenry County Department of Health are determined each fiscal year by recommendation of the Board of Health and adoption by the County Board to offset the cost of public health programs and services. Fees are in effect from December 1 through November 30 of the following year or until modified by the County Board.

Public Health Fees (effective 12/1/15)

Vital Records Fees	
Birth Certificates	
First Copy	\$12.00
Additional Copies purchased at the same time	\$2.00
Death Certificates	
First Copy	\$16.00
Additional Copies purchased at the same time	\$6.00

Environmental Health Fees	
Food Service Establishments	
Fixed Location - Food and Drinks	
Risk Classification I	
0 - 25 Seats	\$300.00
26 - 75 Seats	\$370.00
76 - 150 Seats	\$445.00
> 150 Seats	\$525.00
Risk Classification II	
0 - 25 Seats	\$240.00
26 - 75 Seats	\$305.00
76 - 150 Seats	\$380.00
> 150 Seats	\$455.00
Risk Classification III	
0 - 25 Seats	\$175.00
26 - 75 Seats	\$240.00
76 - 150 Seats	\$310.00

> 150 Seats	\$390.00
Fixed Location - Drinks Only	
0 - 25 Seats	\$175.00
26 - 75 Seats	\$240.00
> 75 Seats	\$295.00
Fixed Location - Seasonal	
Risk Classification I	\$150.00
Risk Classification II	\$115.00
Risk Classification III	\$80.00
Schools, Daycares, Churches	
Risk Classification I	\$155.00
Risk Classification II	\$125.00
Risk Classification III	\$105.00
Satellite Foodservice	\$80.00
Milk Machines Only	\$35.00
Nursing Homes, Hospitals, Other Institutions	
Risk Classification I	\$300.00
Risk Classification II	\$240.00
Risk Classification III	\$175.00
Retail Food - No Food Preparation	
Risk Classification I and II	
1 Check-out Counter	\$175.00
2 Check-out Counters	\$240.00
3 or more Check-out Counters	\$300.00
Retail Food With Food Preparation	
Risk Classification I	
1 Check-out Counter	\$300.00
2 Check-out Counters	\$370.00
3 to 4 Check-out Counters	\$445.00
5 or more Check-out Counters	\$575.00
Risk Classification II	
1 Check-out Counter	\$240.00
2 Check-out Counters	\$305.00
3 to 4 Check-out Counters	\$380.00
5 or more Check-out Counters	\$495.00
Risk Classification III	
1 Check-out Counter	\$175.00
2 Check-out Counters	\$240.00
3 to 4 Check-out Counters	\$310.00
5 or more Check-out Counters	\$405.00
Caterer (If not permitted under other category)	
Risk Classification I	\$300.00
Risk Classification II	\$240.00
Risk Classification III	\$175.00
Food Vending Machine	
Risk Classification I	\$31.00

C-Store (Vending Kiosk)	\$100.00
Seasonal Mobile Food Establishment	
Risk Classification I	\$150.00
Risk Classification II	\$115.00
Risk Classification III	\$80.00
Non-Seasonal Mobile Food Establishment	
Risk Classification I	\$300.00
Risk Classification II	\$240.00
Risk Classification III	\$175.00
Commissary Kitchen	
Risk Classification I	\$300.00
Risk Classification II	\$240.00
Risk Classification III	\$175.00
Supplemental Outdoor Grilling/Cooking/Foodservice Permit	
Risk Classification I	\$105.00
Risk Classification II	\$80.00
Miscellaneous Food Program Fees	
Permit Renewal Not Received by April 30th	\$95.00
Replacement Permit	\$25.00
Conditional Permit	\$60.00
Reinspection after permit suspension/revocation	\$95.00
2nd and Subsequent Reinspections for same violation	\$95.00
Off Site Food Storage Facility	\$100.00
Temporary Food Establishments	
Risk Classification I	\$70.00
Risk Classification II	\$45.00
Seasonal Temporary Food Establishment (single location)	
Risk Classification I	\$210.00
Risk Classification II	\$135.00
Farmers Markets	
7 or more Vendors (single location)	\$460.00
Up to 6 Vendors (single Location)	\$250.00
Winter Market	\$100.00
Festival	
Up to 10 stands	\$440.00
Each stand over 10	\$35.00
Late Fee (received < 5 days before event)	\$25.00
Food Establishment Construction Plan Review	
Risk Classification I	
Up to 250 Square Feet	\$100.00
251 to 1500 Square Feet	\$260.00
1501 - 3000 Square Feet	\$315.00
>3000 Square Feet	\$415.00
Risk Classification II	
Up to 250 Square Feet	\$100.00
251 to 1500 Square Feet	\$190.00

1501 - 3000 Square Feet	\$260.00
>3000 Square Feet	\$345.00
Risk Classification III	
Up to 250 Square Feet	\$100.00
251 to 1500 Square Feet	\$135.00
1501 - 3000 Square Feet	\$190.00
>3000 Square Feet	\$295.00

25% Review
Fee

2nd and Subsequent Plan Review Resubmittal

Food Establishment Variance Review

\$100.00

Potable Water

Permit Fees

Construct New Well	\$100.00
Alteration, extension or modification	\$100.00

Well Abandonment (\$50.00 if done at time of new well installation) \$100.00

Inspection Fee (new, extended, modified, replaced, abandoned water wells and geothermal wells.) \$120.00

Closed Loop Well Boreholes (up to 10 on a single parcel or lot) \$100.00

Each additional closed loop borehole on a single parcel or lot \$10.00

Laboratory Fees

Drinking Water - Bacterial Analysis

Standard Test (P/A Coliform/*E.coli* and Nitrates) \$28.00

Resample/Community/Non-Community (No Nitrates) \$18.00

Surface Water - Bacterial Analysis

E.coli (P/A Most Probable Number) \$25.00

Other Water Analysis

Nitrate Screen \$10.00

Nitrate Quantitative Screen (pack and ship to state lab) \$15.00

Nitrite Screen \$10.00

Nitrite Quantitative Screen (pack and ship to state lab) \$15.00

pH \$10.00

Conductivity \$10.00

Chloride \$18.00

Residual Chlorine \$10.00

Public Beaches

Pick-up and Analysis (Season) \$650.00

Routine Beach Inspection (if not participating in pick-up/analysis program) \$100.00

Follow-Up Beach Inspections (if not participating in pick-up/analysis program) \$50.00

Miscellaneous Laboratory Fees

Water Sample Pick-Up Charge \$60.00

Private Sewage

Permit Fee Schedule	
Residential (single family dwelling)	\$305.00
Non-Residential	
Flows up to 1000 gallons a day	\$525.00
Flows 1001 to 2000 gallons a day	\$720.00
Flows greater than 2000 gallons a day	\$910.00
Pre-Design Meeting	\$100.00
Alteration or repair	\$120.00
Septic Component Abandonment (i.e. Holding Tank, Septic Tank, Aeration Device, Lift Station, Special Waste Holding Tank, Seepage Pit, Vault Privy) (no charge if done with new tank installation)	\$120.00
Permit Fee Extension (6 months)	1/2 permit fee
Designer Fee for Blueprints (rejection for errors, omissions or revisions)	\$55.00
Miscellaneous Water/Sewage Program Fees	
Sewer Feasibility Letter	\$30.00
Septic and/or Well Policy Letter	\$30.00
Septic and/or Well New Construction Letter	\$30.00
Review of Soil Borings for Septic Suitability	\$120.00
Septic System Impact Review Fee (decks, pools, additions, accessory structures, ZBA petitions)	\$120.00
Sale of Property Evaluation	
Private Water Supply and Private Sewage Disposal System	\$245.00
Private Water Supply Only	\$200.00
Private Sewage Disposal System Only	\$200.00
Subdivision Plat Review for Septic Suitability (Incorporated Areas)	
1 to 3 Lots	\$300.00
Each lot over 3	\$90.00
Septage Management	
Portable Toilet Waste Pumping Contractor	\$120.00
Private Sewage Disposal System Pumping Contractor Permit	\$120.00
Septage Management Site Permit	\$300.00
Septage Management Site Evaluation	\$150.00
Annual Registrations	
Non-Residential Aeration Device	\$100.00
Special Waste Holding Tank	\$100.00
Single Property with Special Waste Holding Tank and Aeration Device	\$150.00
Monitoring Fee (water meter, experimental use, delayed waste strength testing, etc.)	\$100.00

The Health Authority may waive or reduce any laboratory fee: 1) When waterborne illness is suspected. 2) For special or routine water studies. 3) Due to inability to pay. 4) For community-wide drinking water promotions. 4) For quantity discounts based upon actual cost.

Upon written request, a refund of the well inspection fee may be issued if the permit application is cancelled prior to any Department inspection and prior to expiration of the permit.

Upon written request, a refund of the permit or other application fee may be issued if the permit application is cancelled prior to Department review of the application.

Upon written request, a refund of 1/2 of a septic system permit fee may be issued if a permit application is denied or if an approved permit application is cancelled prior to expiration and before any field work has been completed. Fees for cancelled reviews of septic suitability of soil borings and/or septic system impact reviews are non-refundable once the Department has completed its initial review of the file.

Nursing Clinic Fees

Office Visit

Initial visit - No problem	\$105.00
Initial Visit - Problem	\$160.00
Nurse Visit	\$20.00
Established exam - No problem	\$70.00
Established exam - Minor problem	\$100.00
Established exam - Major problems	\$140.00

Laboratory/Procedure

Blood Specimen draw - Venipuncture	\$5.00
Blood Specimen draw - Capillary	\$5.00
IUD Removal	\$90.00
Pregnancy test	\$5.00
Urinalysis	\$5.00
Glucose, blood	\$5.00
Lead, blood	\$25.75
Hemoglobin	\$5.00
TB Skin test (screening) each read	\$10.00
Chlamydia/GC Probe	\$50.00
State Laboratory	N/C
Wet mount/Gram stain/KOH	\$10.00
HPV testing	\$39.00
Thin Prep Pap	\$20.00
Denver Developmental Screening	\$16.07
Edinburgh Depression Screening	\$14.60
Hearing Screening	\$2.50
Vision Screening	\$2.50

Cardiovascular screening	\$45.00
PSA test	\$17.60
Medications	
DMPA (Depo Provera)	\$50.00
Ortho-Cyclen	\$15.00
Ortho-Tri-Cyclen	\$15.00
Ortho-Tri-Cyclen Lo	\$15.00
Lutera	\$20.00
Prenatal vitamins	\$5.00
Metrogel Vaginal (Metronidazole)	\$10.00
Vaccines	
Flu vaccine Quadrivalent	\$35.00
Flu vaccine Trivalent	\$30.00
HPV (3 dose series)	\$150.00
Hepatitis B (3 dose series)	Our Cost
MMR (2 dose series)	Our Cost
Tdap	Our Cost
Vaccine administration	\$20.00
All other vaccines not listed + admin fee	Our Cost

Clinical fees are based on current Illinois Medicaid rates and are subject to an income-based sliding scale.

Dental Clinic Fees

Periodic Oral Exam – Ages 0 thru 18	\$28.00
Periodic Oral Exam –Ages 19 thru 20 and Pregnant Women	\$16.20
Limited Oral Examination – Problem Focused	\$16.20
Comprehensive Oral Examination	\$21.05
Intraoral-Complete Series (including bitewings)	\$30.10
Intraoral – periapical – first film	\$5.60
Intraoral periapical – 1 additional film	\$3.80
Bitewings Single Film	\$5.60
Bitewings-Two Films	\$9.40
Bitewings-Four Films	\$16.90
Vertical Bitewings – 7-8 Films	\$16.90
Panoramic Film	\$22.60
Prophylaxis – Adult	\$25.40
Prophylaxis - Child – Ages 0 thru 18	\$41.00
Prophylaxis - Child – Ages 19 thru 20	\$25.40
Topical Fluoride Varnish -Ages 0 thru 18	\$26.00
Topical Fluoride Varnish -Ages 19 thru 20	\$14.85
Topical Application of Fluoride (excluding prophylaxis) – Ages 0 thru 18	\$26.00
Topical Application of Fluoride (excluding prophylaxis) – Ages 19 thru 20	\$14.85

Sealant - per tooth	\$36.00
Amalgam-1-Surface, Primary or Permanent	\$30.85
Amalgam-2-Surfaces, Primary or Permanent	\$48.15
Amalgam-3-Surfaces, Primary or Permanent	\$58.05
Amalgam-4+-Surface, Primary or Permanent	\$58.05
Resin-Based Composite - 1-Surface, Anterior	\$34.60
Resin-Based Composite - 2-Surfaces, Anterior	\$51.90
Resin-Based Composite - 3-Surfaces, Anterior	\$61.80
Resin-Based Composite – 4+ surfaces, or involving Incisal Edge, Anterior	\$61.80
Resin-Based Composite – 1-surface, Primary or Permanent	\$30.85
Resin-Based Composite – 2-surfaces, Primary or Permanent	\$48.15
Resin-Based Composite – 3-surfaces, Primary or Permanent	\$58.05
Resin-Based Composite – 4+surfaces, Primary or Permanent	\$58.05
Recement Crown	\$23.50
Protective Restorations	\$11.30
Core buildup, including any pins	\$58.05
Therapeutic Pulpotomy	\$43.87
Periodontal Scaling and Root Planing – 4+ Teeth, Per Quadrant	\$122.00
Periodontal Scaling and Root Planing – 1 to 3 Teeth, Per Quadrant	\$77.00
Full mouth Debridement	\$41.00
Periodontal Maintenance Procedure	\$67.00
Extraction - erupted Tooth or Exposed Root	\$39.12
Surgical Removal of Erupted Tooth	\$57.40
Surgical Removal of Residual Roots	\$47.49
Incision and Drainage - Abscess	\$36.70
Palliative (emergency) Treatment of Dental Pain - Minor Procedures	\$55.00
Consultation	\$14.24
Other Drugs and Medicaments	\$19.56

Dental fees are based on current Illinois Medicaid rates and are subject to an income-based sliding scale.

Animal Control Fees

Registration Fees - not refundable for any reason

annual dog registration (sexually intact)	\$50.00
annual dog registration (sterilized)	\$15.00
three year dog registration (sexually intact)	\$125.00
three year dog registration (sterilized)	\$38.00
microchipped animal registration discount	-\$5.00
senior citizen 62 and older registration discount	-\$5.00
replacement registration tag	\$2.00
dog breeder registration	\$40.00
each dog belonging to a registered breeder, annual registration	\$30.00
registration late fee after 30 days	\$10.00
dangerous dog annual status fee (in addition to registration)	\$150.00
vicious dog annual status fee (in addition to registration)	\$300.00

Impoundment and Redemption Fees

stray animal with identification, first offense	\$45.00
stray animal with no identification, first offense	\$55.00
stray animal, second offense	\$90.00
stray animal, third and subsequent offense	\$175.00
boarding, per day	\$15.00

Relinquish Fees

dog <6 months	\$35.00
dog 6 months and older	\$50.00
cat <6 months	\$20.00
cat 6 months and older	\$25.00
pocket pet, rabbit, bird etc.	\$5.00

Miscellaneous Service Fees

rabies initial observation	\$25.00
rabies quarantine 10 day hold	\$200.00
rabies quarantine release	\$25.00
annual rabies vaccination	\$15.00
three year rabies vaccination	\$30.00
veterinary services	at cost
microchipping	\$20.00
Animal Control Officer transport, live animal	\$50.00
Animal Control Officer transport, deceased animal	\$25.00
Animal Control Officer transport, rabies specimen	N/C
disposal per animal, less than 15 lbs	\$15.00
disposal per animal over 15 lbs	\$1.00/lb
rabies specimens--prepared under 5 lbs	\$15.00
rabies specimens--prepared over 5 lbs	\$25.00
rabies specimens--unprepared under 15 lbs	\$25.00
rabies specimens--unprepared over 15 lbs	\$50.00
courier surcharge for expedited Friday delivery to rabies lab	\$75.00

Adoption Fees and Transfer Agreements

Adoption fee includes age appropriate preventive vaccines, rabies vaccination, registration tag, sterilization surgery, microchip, heartworm test for dogs and FeLV/FIV test for cats. If the animal is not old enough for rabies vaccination at the time of adoption, it may be returned to McHenry County Animal Control after three months of age for a free one year vaccine. Adoption fees may be adjusted for cause at the discretion of the Director of McHenry County Animal Control.

dog adoption fee, under 6 months	\$150.00
dog adoption fee, 6 months and older	\$125.00

cat under 6 months	\$100.00
cat six months and older	\$80.00
dog or cat transfer to another shelter or agency, as is with no veterinary services	N/C
dog or cat transfer to another shelter or agency, with vaccines and/or veterinary services provided	Our cost, up to full adoption fee

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