

CHAPTER 4

PRIVATE SEWAGE DISPOSAL ORDINANCE

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4-4-1 SCOPE

An Ordinance regulating the installation, construction, alteration, or repair of private sewage disposal systems, the servicing and pumping of such systems, and the licensing of private sewage disposal system installation contractors, private sewage disposal system pumping contractors, and portable sanitation contractors within Rock Island County, Illinois.

Whereas, the Board of Health of the Rock Island County Department of Public Health has deemed it necessary and desirable to regulate private sewage disposal for health and environmental protection purposes and accordingly has recommended adoption of the following Ordinance.

Therefore be it resolved by the County Board of Rock Island County, Illinois, that the following Ordinance is hereby made and adopted this 22ND day of MARCH, 2016.

4-4-2 DEFINITIONS

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

1. BOARD OF HEALTH means the Rock Island County Board of Health or its representative(s).
2. DOMESTIC SEWAGE means waste water derived principally from dwellings, business or office buildings, institutions, food service establishments, and similar facilities.

3. HEALTH AUTHORITY means that person or persons designated by the Rock Island County Board of Health to enforce this Ordinance.
4. HEALTH DEPARTMENT means the Rock Island County Department of Public Health, including its duly authorized representative(s).
5. HEALTH DEPARTMENT ADMINISTRATOR means the individual selected by the Rock Island County Board of Health to administer and enforce the policies, ordinances, resolutions, and laws of said Board.
6. ORDINANCE means the "Rock Island County Private Sewage Disposal Ordinance."
7. PERMIT means a written permit issued by the Health Authority allowing the installation, construction, extension, or repair of a private sewage disposal system under this Ordinance.
8. PORTABLE SANITATION CONTRACTOR means any person that sells, rents, leases, transports, services, cleans, sanitizes, or maintains a portable toilet or portable potable handwashing unit, or pumps, transports or disposes of wastes from portable toilets or portable potable handwashing units.

9. PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION
CONTRACTOR means any person constructing, installing, repairing, modifying, or maintaining private sewage disposal systems.
10. 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.
11. WASTE means either human waste or domestic sewage or both.

4-4-3 ADOPTION BY REFERENCE

In addition to those provisions set forth, this Ordinance shall be interpreted and enforced in accordance with the provisions set forth in the 2013 version of the State of Illinois, Department of Public Health, "Private Sewage Disposal Licensing Act and Code" and any subsequent amendments or revisions thereto, one copy of which shall be on file in the office of the Rock Island County Clerk, which publication is incorporated herein and adopted by reference as part of this Ordinance.

4-4-4 SANITARY FACILITIES REQUIRED

No building, structure, area, or premise shall be constructed or maintained for human occupancy, use, or assembly without adequate facilities for the sanitary and safe disposal of all human waste and domestic sewage that could endanger the public health, the environment, or create nuisance conditions. Any building,

structure, area, or premise that does not possess adequate sanitary facilities may be declared as unsafe or unfit for human occupancy and may be so tagged by the Health Authority. Any such facility that has been tagged as unsafe or unfit for human occupancy shall be vacated within the time limit specified by the Health Authority.

4-4-5 PUBLIC SEWER

The Health Authority shall refuse to issue a permit for the construction or repair of a private sewage disposal system where a public sanitary sewer is available for connection. A public sewer shall be deemed available for connection when the subject property is located within a reasonable distance from the public sewer and connection is practical and permitted by the controlling authority for the sewer. A reasonable distance shall be deemed not to exceed 300 feet from a single family residential property or a nonresidential property discharging less than 1,500 gallons of domestic sewage per day, or within 1,000 feet from a nonresidential property discharging 1,500 or more gallons of domestic sewage per day or a multi-family dwelling.

4-4-6 PLAT REVIEW

When private sewage disposal systems are in use or will be used for any subdivision or redivision of any subdivision, tract, parcel, or lot of land by means of mapping, platting, conveyance, change, or rearrangement of boundaries, the Health Authority shall conduct a plat review of such proposal to ensure that each proposed lot shall be able to contain a private sewage disposal system approved under the provisions of this Ordinance. No plat, subdivision, or any changes in lot boundaries shall be approved and recorded unless every proposed lot is considered suitable for an approved private sewage disposal system. In cases when a plat contains an existing

structure utilizing a private sewage disposal system, it must be demonstrated that: 1) the existing private sewage disposal system will be completely contained within the proposed lot containing the existing structure, and 2) there is adequate, suitable area to install an approved replacement private sewage disposal system on the proposed lot containing the existing structure to be served.

New plats or subdivisions proposed after August 9, 2014 shall not be approved if any lot will require a disposal system with a surface discharge of treated effluent that discharges pollutants to a water of the United States in accordance with the provision in the United States Environmental Protection Agency's National Pollutant Discharge Elimination System General Permit No. ILG62.

4-4-6.1 REQUEST FOR PLAT REVIEW

A request for a plat review shall be made in writing to the Health Department in such form as prescribed by the Health Authority. Each submittal shall be accompanied by the plat or proposed subdivision identifying each lot and accurately depicting the property lines and dimensions of each lot. Easements, roads, and rights-of-way which are part of the proposed plat shall also be shown. Information concerning topography, bodies of water, other physical features, likely home sites, and utility locations including proposed 1) sewage disposal areas, 2) water wells, 3) water supply lines, 4) closed loop wells, and 5) electric, gas, or underground cable lines shall also be provided to the Health Authority upon request. An onsite soil evaluation conducted by a qualified soil classifier shall be a required component of the plat review unless waived by the Health Authority in cases of minor lot line adjustments.

The soil evaluation shall consist of soil borings or test pits made at a sufficient number of locations to determine major soil characteristics over the entire land tract. Soil characteristics particularly relating to zones of seasonal and permanent water saturation, slope, soil compaction, the presence of fill material and any limiting layers shall be described. A soil evaluation report shall be included in the submittal to the Health Authority.

4-4-6.2 EVALUATION OF PLAT SUBMITTAL

After receipt of the plat review submittal, the Health Authority shall evaluate the submittal, which shall include an onsite inspection. The site of the plat or proposed subdivision shall have corner points of each lot clearly identified prior to the evaluation. The owner, developer, or authorized representative shall be present during the Health Authority's onsite evaluation upon request. If the information provided is insufficient to conduct an adequate evaluation, the Health Authority may require additional information, including more detailed soil or engineering studies. It shall be the responsibility of the applicant or an authorized agent of the applicant to obtain all requested data and to design a plat or proposed subdivision which shall meet the requirements of this Ordinance.

4-4-6.3 PLAT REVIEW FEE

Payment of a fee is required in order to evaluate a plat. The fee is established by the Board of Health and is listed on the Health Department fee schedule. Once evaluation of the request for plat review has begun by the Health Authority, the plat review fee is nonrefundable.

4-4-6.4 APPROVAL OF PLAT

If the Health Authority, upon review of the plat submittal, determines that the plat or proposed subdivision will allow placement of an approved disposal system on each lot in accordance with this Ordinance, a report of approval shall be submitted by the Health Authority to the governmental unit charged with overall responsibility for final approval prior to recording.

4-4-7 PRIVATE SEWAGE DISPOSAL PERMITS

Every private sewage disposal system or component thereof shall be installed, constructed, extended, or repaired in Rock Island County in accordance with this Ordinance, and it shall be unlawful to proceed with such work unless a permit shall have first been obtained from the Health Authority. However, the routine cleaning or pumping of disposal system components, replacing tank access covers, adding tank access risers, or rodding-out the building sewer or septic tank inlet and outlet do not require a permit.

4-4-7.1 APPLICATION FOR PERMIT

Application for said permit shall be made in writing to the Health Department in such form as prescribed by the Health Authority. Each application shall include the property owner's name, identification of the subject property, and an accurate depiction of the property lines and dimensions of the lot. A detailed site plan shall show the type and location of the proposed private sewage disposal system components along with appropriate dimensions and ground surface elevations. In addition, all existing and proposed structures, driveways, patios, easements, and in-ground swimming pools shall be located and include dimensions and distances to

property lines. The location of all existing and proposed wells, water lines, sewers, underground utility lines, irrigation systems, drainage tiles, waterways, lakes, ponds, rivers, streams, ravines, wooded areas, and other related entities shall also be shown along with appropriate separation distances from the proposed disposal system. Similar information as listed above shall be included for any neighboring property which may impact the location of the proposed disposal system. A soil investigation report, specific to the proposed disposal system area, shall also be included with the application. The soil investigation shall be done by a qualified soil classifier.

4-4-7.2 PERMIT FEE

Payment of the permit fee shall accompany each application. The appropriate fee is established by the Board of Health and is listed on the Health Department fee schedule. Once evaluation of the application has begun by the Health Authority, the permit fee is nonrefundable.

4-4-7.3 EVALUATION OF APPLICATION

Upon submission of the application for permit, including the site plan, the soil evaluation, and all necessary components, the Health Authority shall review said application prior to issuance of a permit. For an application involving renovation or repair of an existing disposal system, portions of the existing system to be retained shall comply with any provisions of this Ordinance deemed necessary by the Health Authority. If the information provided is insufficient to determine compliance with the Ordinance, the Health Authority may require additional information, including more detailed soil or engineering studies. It shall be the responsibility of the applicant or

an authorized agent of the applicant to obtain all requested data and to design a system which shall meet the requirements of this Ordinance:

Any application for a new installation or the extension or replacement of a disposal system component utilizing a surface discharging system for treated effluent that discharges pollutants to a water of the United States must have coverage under a National Pollutant Discharge Elimination System (NPDES) permit prior to submitting a permit application to the Health Authority. Coverage can be obtained under the United States Environmental Protection Agency's NPDES General Permit No. ILG62 or an individual permit from the Illinois Environmental Protection Agency.

4-4-7.4 ISSUANCE OF PERMIT

If the Health Authority, upon review of said application, finds that such application meets the requirements of this Ordinance, and upon payment of the required fee, a permit shall be issued to the applicant. Notwithstanding the above, a permit shall not be issued to the owner-occupant of a single family residence who is acting as the contractor unless the owner can demonstrate satisfactory knowledge, skills, and equipment to properly construct or repair the disposal system. This ability shall be demonstrated in a manner prescribed by the Health Authority. An approved permit application may include a statement by the Health Authority as to any restrictions relating to the components, type, or size system to be installed. The permit issued by the Health Authority shall be obtained prior to issuance of a building permit by the county or a municipality.

4-4-7.5 RESPONSIBILITY FOR PERMIT

It shall be the responsibility of the private sewage disposal system installation contractor to ensure that a permit has been issued before any construction or repair has begun on any system and to follow the conditions of said permit. In the event that the property owner is installing or repairing the disposal system, it shall be the responsibility of the property owner to ensure that a permit has been issued before any construction or repair has begun and to follow the conditions of the permit. Failure to ensure that said permit has been issued or to violate the conditions of said permit shall constitute a violation of this Ordinance, and penalty action may be taken.

4-4-7.6 PERMIT VALIDITY

The permit to construct or repair is valid for a period of twelve (12) months from the date of issuance. If construction or repair has not started within this period, the permit is void.

4-4-8 SPECIAL EVALUATIONS

The Health Department may conduct special evaluations concerning the operation of existing private sewage disposal systems or the feasibility of construction of new private sewage disposal systems. The evaluation of existing systems is generally done for real estate transactions or mortgage refinancing. Special evaluations are conducted on a consultative basis upon the request of the property owner or authorized agent. Payment of a fee is required in order to conduct a special evaluation. The appropriate fee is established by the Board of Health and is listed on the Health Department fee schedule.

4-4-9 ADDITIONAL REQUIREMENTS

Addition requirements are as stated below.

4-4-9.1 DISPOSAL SYSTEM CONTAINED ON PROPERTY

All components of any private sewage disposal system shall be located on the same property as the building it serves. In cases where any or all portions of a private sewage disposal system is or must be located on another property due to site limitations, an easement agreement must be executed and recorded with the Recorder of Deeds. Such easement shall designate a defined area and completely contain any and all portions of the disposal system on the other parcel. Restrictions on activities and access for servicing or repairs within the easement area shall be included in the easement agreement. The easement shall extend for the life of the disposal system, and the agreement shall be transferrable to subsequent property owners. If a disposal system or any portion thereof must be located on another property or parcel that is owned by the same person as the building lot, a legal document, alternative to an easement, shall be executed and filed with the Recorder of Deeds. This document must either: 1) bind the two parcels to a common owner when either lot is sold in the future, or 2) require that an easement agreement be executed and recorded if each lot is proposed to have a separate owner. Either option must meet the same requirements as stated above for an easement agreement.

4-4-9.2 MINIMUM SUBSURFACE SEEPAGE FIELD SIZING

The minimum equivalent trench bottom absorption area for a subsurface seepage field system serving any dwelling or building shall be 300 square feet unless an alternative type private sewage disposal system is used.

4-4-9.3 PIPING UNDER DRIVEWAYS

Building sewer piping and treatment unit effluent piping which are located under driveways, parking lots, or other vehicular traffic areas shall be constructed of Schedule 40 PVC or stronger and encapsulated within a second pipe of equal or greater strength to prevent crushing and to improve insulation against freezing.

4-4-9.4 CHAMBER AND GRAVELLESS SEEPAGE FIELDS

When a chamber or gravelless subsurface seepage field system is to be installed, the installation contractor shall advise the property owner of this fact prior to construction. In addition, the installation contractor shall install one or more access ports within the seepage field system on each elevation to facilitate inspection and cleaning. The access ports shall have risers of at least four (4) inches in diameter and shall be extended to the finished ground surface or higher and terminated with removable caps.

4-4-9.5 AEROBIC TREATMENT UNITS

All aerobic treatment units (ATU's) shall have in force, at all times, a service policy through: 1) either the manufacturer or distributor, or 2) the dealer, or 3) another person or agency qualified and duly licensed to perform the required semi-annual inspections and maintenance as well as additional necessary service for as long as the unit is in operation. A homeowner shall be permitted to perform inspection, maintenance, and service only if the owner can demonstrate the ability to properly perform and document the required tasks.

4-4-9.6 DISINFECTION

The effluent from any new, repaired, or replaced private sewage disposal system that is designed and approved to have a surface

discharge point shall be disinfected prior to discharge. The property owner or a person authorized by the property owner shall be responsible for assuring that a chlorine disinfection system has a constant supply of approved chlorine product at all times. For other approved disinfection processes or equipment, the property owner or authorized person shall assure that the disinfection device is operating properly.

4-4-10 INSPECTIONS

Subject to constitutional limitations, the Health Authority shall have the authority to enter any property or building at any reasonable time to inspect for sewage-related health and sanitation purposes to determine compliance with this Ordinance. It shall be the duty of the owner or occupant of a property to give the Health Authority free access to the property at reasonable times upon request of the Health Authority.

4-4-10.1 SAMPLE COLLECTION AND TESTING

The Health Authority shall be permitted to collect water or effluent samples or conduct any necessary tests, including dye tests, upon any property or any building thereon to determine compliance with the provisions of this Ordinance.

4-4-10.2 PRECOVER INSPECTIONS

The Health Authority shall be permitted to inspect the installation of a private sewage disposal system at any stage of construction. Before backfilling is started, but after complete installation of the disposal system or portion thereof, an inspection shall be made by the Health Authority to determine compliance with the provisions of this Ordinance. Any person who shall backfill or cover any portion of a private sewage disposal system without authorization by the Health

Authority shall be in violation of this Ordinance. In such case, the Health Authority may require the uncovering of the covered portion, and all costs incurred by such action shall be the responsibility of the violator. The permit holder or installer shall provide advance notice of at least one working day to the Health Department for a precover inspection.

4-4-10.3 APPROVAL OF INSTALLATION

If the Health Authority, upon inspection, finds that the specified work meets the requirements of this Ordinance, the Health Authority shall approve the installation, complete the inspection report form, and authorize backfilling to be done.

4-4-11 SUSPENSION OR REVOCATION OF PERMIT

Upon inspection by the Health Authority, if it is found that the permit holder or installer has violated any provisions of this Ordinance, the Health Authority shall notify the owner or installer to make such specified changes in the work to allow compliance with this Ordinance. If such changes are not made within a reasonable time as set forth by the Health Authority, said permit may then be suspended or revoked by the Health Authority, and it shall be unlawful to use such private sewage disposal system. A permit may also be suspended or revoked when a permit application is later found to be inaccurate.

4-4-12: UNSANITARY CONDITIONS

Each private sewage disposal system shall be maintained in sanitary condition and repair by the property owner. It shall be unlawful for any person to permit or cause human waste, raw or improperly treated domestic sewage, or the effluent from septic tanks, septic system seepage fields, or other component of a private sewage

disposal system that has not been subjected to approved sewage treatment and disposal, to be discharged, directly or indirectly, onto the ground surface, into any stream, ditch, river, pond, lake, any collector of water, farm tile, well, cistern, basement, cave, tunnel, sinkhole, or mine shaft, or to allow the contents of any privy, vault, septic tank, cesspool, or any other part of a private sewage disposal system to emit offensive odors or become dangerous or prejudicial to health, and all such acts or omissions are hereby declared violations of this Ordinance.

4-4-13 PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION CONTRACTOR'S LICENSE

No person, except as provided for in Section 4-4-13.1, shall engage in the construction, installation, extension, repair, maintenance, or servicing of private sewage disposal systems in Rock Island County unless such person possesses a valid Rock Island County Private Sewage Disposal System Installation Contractor's License issued by the Health Department.

4-4-13.1 EXCEPTIONS

Said license shall not be required of a resident property owner who may personally perform the aforementioned work on the owner's single family residence; this does not apply to builders of speculative homes. However, such exception does not relieve the property owner from obtaining a permit to install and from complying with the other requirements of this Ordinance.

4-4-13.2 APPLICATION FOR LICENSE

Application for a Rock Island County Private Sewage Disposal System Contractor's License shall be in writing and in such form as prescribed by the Health Department.

4-4-13.3 ISSUANCE OF LICENSE

Upon submission of the application for license, the Health Authority shall review: 1) information provided on the application, and 2) the applicant's work record with respect to previous compliance with provisions of this Ordinance (if applicable), and 3) other pertinent information regarding qualifications, experience, and equipment as deemed necessary by the Health Authority. The applicant shall also possess a valid Illinois Private Sewage Disposal System Installation Contractor's License. If the Health Authority determines that the applicant has the proper qualifications and equipment and has previously operated in compliance with provisions of this Ordinance (if applicable), and upon payment of the required fee, a license shall be issued to the applicant. Licenses are issued annually and shall expire May 31st of each year.

4-4-13.4 LICENSE FEE

Payment of the license fee shall accompany each application. The appropriate fee is established by the Board of Health and is listed on the Health Department fee schedule.

4-4-14 PRIVATE SEWAGE DISPOSAL SYSTEM PUMPING CONTRACTOR'S LICENSE

No person shall clean or pump waste from septic tanks, aerobic treatment units, or other sewage treatment or disposal units or transport or dispose of such waste unless such person possesses a valid Rock Island County Private Sewage Disposal System Pumping Contractor's License issued by the Health Department.

4-4-14.1 APPLICATION FOR LICENSE

Application for a Rock Island County Private Sewage Disposal

System Pumping Contractor's License shall be in writing and in such form as prescribed by the Health Department. As part of the review process, the Health Authority shall be permitted to inspect all equipment, vehicles, and any septage disposal sites utilized by the applicant.

4-4-14.2 ISSUANCE OF LICENSE

Upon submission of the application for license, the Health Authority shall review: 1) information provided on the application, and 2) the applicant's work record with respect to previous compliance with provisions of this Ordinance (if applicable), and 3) other pertinent information regarding qualifications, experience, and equipment as deemed necessary by the Health Authority. The applicant shall also possess a valid Illinois Private Sewage Disposal System Pumping Contractor's License. If the Health Authority determines that the applicant has the proper qualifications and equipment and has previously operated in compliance with provisions of this Ordinance (if applicable), and upon payment of the required fee, a license shall be issued to the applicant. Licenses are issued annually and shall expire May 31st of each year.

4-4-14.3 LICENSE FEE

Payment of the license fee shall accompany each application. The appropriate fee is established by the Board of Health and is listed on the Health Department fee schedule.

4-4-15 PORTABLE SANITATION CONTRACTOR'S LICENSE

No person shall conduct a portable sanitation operation (as defined) in Rock Island County unless such person possesses a valid Rock Island County Portable Sanitation Contractor's License issued by the Health Department.

4-4-15.1 APPLICATION FOR LICENSE

Application for a Rock Island County Portable Sanitation Contractor's License shall be in writing and in such form as prescribed by the Health Department.

4-4-15.2 ISSUANCE OF LICENSE

Upon submission of the application for license, the Health Authority shall review: 1) information provided on the application, and 2) the applicant's work record with respect to previous compliance with provisions of this Ordinance (if applicable), and 3) other pertinent information regarding qualifications, experience, and equipment as deemed necessary by the Health Authority. The applicant shall also possess a valid Illinois Portable Sanitation Business License and employ Portable Sanitation Technicians or Portable Sanitation Technician Trainees who are certified by the Illinois Department of Public Health. If the Health Authority determines that the applicant has the proper qualifications and equipment and has previously operated in compliance with provisions of this Ordinance (if applicable), and upon payment of the required fee, a license shall be issued to the applicant. Licenses are issued annually and shall expire May 31st of each year.

4-4-15.3 LICENSE FEE

Payment of the license fee shall accompany each application. The appropriate fee is established by the Board of Health and is listed on the Health Department fee schedule. Licenses are issued annually and expire May 31st of each year.

4-4-16 SUSPENSION OR REVOCATION OF LICENSES

For serious or repeated violation of any of the requirements of this Ordinance, because of, but not limited to, incompetency,

negligence, or misrepresentation, or for interference with the Health Authority in the performance of its duties, the Rock Island County Private Sewage Disposal System Installation Contractor's License, the Private Sewage Disposal System Pumping Contractor's License, or the Portable Sanitation Contractor's License for this operator may be suspended or revoked after an opportunity for a hearing has been provided by the Health Department Administrator.

Prior to such action, the Health Department Administrator shall notify the operator in writing, stating the reasons for which the license is subject to suspension or revocation, and advising that such license shall be suspended or revoked at the end of five (5) days following service of notice unless a request for a hearing is filed with the Health Department Administrator by the license holder within such five (5) day period. However, any of the aforementioned licenses may be suspended without warning, notice, or hearing by the Health Authority if the licensee's actions pose a substantial hazard to the public health.

4-4-17 NOTICE OF VIOLATION

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 violation. Such notice shall:

1. Be in writing.
2. Include a statement of the reasons for the issuance of the notice.
3. Contain an outline of remedial action and allow a reasonable time to effect compliance with this Ordinance.

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 or if the owner, operator, or resident acknowledges receipt of such notice.

4-4-18 HEARING BEFORE THE HEALTH DEPARTMENT ADMINISTRATOR

Any person affected by any order or notice issued by the Health Department in connection with the enforcement of any section of this Ordinance may file in the office of the Health Department a written request for a hearing before the Health Department Administrator. The Health Department Administrator shall hold a hearing at a time and place designated by him/her within thirty (30) days from the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held. If, as a result of the hearing, the Health Department Administrator finds that strict compliance with the order or notice would cause undue hardship on the petitioner and that the public health would be adequately protected and substantial justice done by varying or withdrawing the order or notice, the Health Department Administrator may modify or withdraw the order or notice, and as a condition for such action may make requirements which are additional to those prescribed in this Ordinance for the purpose of properly protecting the public health. The Health Department Administrator shall render a decision within ten (10) days after the date of the hearing which shall be reduced to writing and placed on file in the office of the Health Department,

and a copy thereof shall be sent to the petitioner. Any person aggrieved by the decision of the Health Department Administrator may seek relief therefrom through a hearing before the Board of Health.

4-4-19 HEARING BEFORE THE BOARD OF HEALTH

Any person aggrieved by the decision of the Health Department Administrator, rendered as the result of a hearing held in accordance with Section 4-4-18, may file in the office of the Health Department a written request for a hearing at the next regular Board of Health meeting, if the agenda allows. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held. If, as a result of the hearing, the Board of Health finds that strict compliance with the decision of the Health Department Administrator would cause undue hardship on the petitioner and that the public health would be adequately protected and substantial justice done by granting a variance from the decision of the Health Department Administrator, the Board of Health may grant a variance, and as a condition for such variance, may make requirements which are additional to those prescribed by this Ordinance, all for the purpose of properly protecting the public health. The Board of Health shall render a decision within ten (10) days after the date of the hearing which shall be reduced to writing and placed on file in the office of the Health Department, and a copy thereof shall be sent to the petitioner.

4-4-20 PENALTIES

Any person who violates any provision of this Ordinance, which violation constitutes a violation of the Private Sewage Disposal

Licensing Act and Code, or any rule, regulation, order or determination of the Department of Public Health of the State of Illinois, adopted or made by said Department pursuant to said Act, shall be guilty of a Class A misdemeanor and fined not less than \$100. Each day's violation constitutes a separate offense.

In addition to any other penalty provided under this Ordinance, the Health Authority in an administrative proceeding, or the court in an action brought under Section 4-4-21 of this Ordinance, may impose upon any person who violates any provision of this Ordinance, or any determination or order of the Health Authority or the Department of Public Health of the State of Illinois, pursuant to the Private Sewage Disposal Licensing Act and Code, a civil penalty not exceeding \$1,000 for each violation plus \$100 for each day that the violation continues.

4-4-21 INJUNCTIONS

The State's Attorney of Rock Island County may bring action for an injunction to restrain any violation of this Ordinance or to enjoin the operations of any such establishment causing such violation.

4-4-22 CONFLICT OF ORDINANCE

In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of Rock Island County existing on the effective date of this Ordinance, the provision which, in the judgment of the Health Authority, establishes the higher standard for the promotion and protection of the health and safety of the people shall be deemed to prevail, and such other ordinance or codes are hereby declared to be repealed to the extent that they may be found in conflict of this Ordinance.

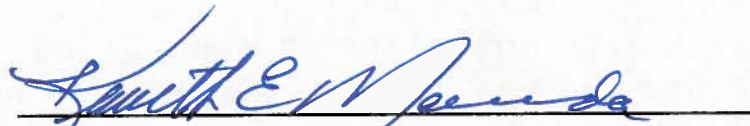
4-4-23 SEPARABILITY OF PROVISIONS

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and, to this end, the provisions of the Ordinance are hereby declared to be severable.


4-4-24 EFFECTIVE DATE:

This Ordinance shall be in full force and effective immediately upon its adoption as provided by law. Previously adopted ordinances pertaining to the same subject are repealed.

The above and foregoing resolution was adopted on the 22ND day of MARCH, 2016.



Chairman of the County Board of the
County of Rock Island, Illinois



Clerk of the County Board of the
County of Rock Island, Illinois