



Madison County Government  
**Planning and Development Department**

Frank Miles • Administrator  
Madison County Planning Administration Building  
157 N. Main Street Suite 254 • Edwardsville, IL 62025-1964  
Phone (618) 692-7040 ext. 4468 • Fax (618) 692-8982

**Alan J. Dunstan**  
County Board Chairman

ORDINANCE #99-12

RESOLUTION  
AMENDING THE PRIVATE SEWAGE DISPOSAL ORDINANCE

**WHEREAS**, the Madison County Board adopted a Private Sewage Disposal Ordinance on October 1, 1976; and,

**WHEREAS**, the Ordinance was amended on June 17, 1998 by the Madison County Board to make it consistent with the Illinois Private Sewage Disposal Code; and,

**WHEREAS**, PURSUANT TO 225 ILCS 225/9, Madison County has continuously been designated by the Illinois Department of Public Health as an authorized agent of the State of Illinois in carrying out the enforcement of provisions of the Illinois Private Sewage Disposal Licensing Act and Code; and,

**WHEREAS**, Madison County has the authority under state law to adopt local rules and regulations that apply to its administration and enforcement of the Private Sewage Disposal Ordinance; and,

**WHEREAS**, Illinois Department of Public Health has requested modifications to Madison County's local rules and regulations to make them consistent with the State Code.

**NOW, THEREFORE, BE IT ORDAINED** by the Madison County Board, as follows:

**SECTION 1. ADOPTION OF ORDINANCE.** The Madison County Private Sewage Disposal Ordinance is hereby amended.

**SECTION 2. INCONSISTENT ORDINANCES REPEALED.** All Ordinances or parts of other ordinances in conflict with the provisions of this Ordinance shall to the extent of the conflict be, and are hereby repealed; provided that nothing herein shall in any way excuse or prevent prosecution of any previous or existing violation of any ordinance supersede hereby.

**SECTION 3. SAVING CLAUSE.** Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by the Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**SECTION 4. PASSAGE AND PUBLICATION.** This Ordinance shall be in full force and effect after its passage and publication by the County Clerk as provided by law.

**APPROVED AND ADOPTED** at a regular meeting of the County Board of Madison County and the State of Illinois, this 21<sup>st</sup> day of July, 1999.

CHAPTER 110: PRIVATE SEWAGE  
DISPOSAL CODE

Section

*Private Sewage Disposal*

110.01	Short Title
110.02	Purpose and Authority
110.10	Private Sewage Disposal Licensing Act adopted by reference
110.11	Incorporation of certain documents And information by reference
110.99	Penalty

*PRIVATE SEWAGE DISPOSAL*

§ 110.01 Short Title

This subchapter shall hereinafter be known as the “Madison County Private Sewage Disposal Ordinance” and may be so cited.

§ 110.02 Purpose

The County finds that the control and regulation of private sewage is desirable to prevent nuisances, protect public health, and to assure a minimum standard for design, construction, materials, operation and maintenance of private disposal systems.

*ADOPTION OF REGULATORY CODES*

§ 110.10 Private Sewage Disposal Licensing Act Adopted by Reference

(A)The County Board adopts the Illinois Private Sewage Disposal Licensing Act and Code, 225 ILCS 225 (P.A. 78-812) with all subsequent editions and amendments hereafter, by references as the Private Sewage Disposal code and ordinance of the county.

(B) Three copies of the documents listed in (A) of this division are on file in the County Clerk’s office for visual inspection.

§ 110.11 Incorporation of Certain Documents and Information by Reference

(A) The county has adopted all the necessary codes for construction in Madison County as authorized by 225 ILCS 225, P.A. 78-812.

(B) Along with the adoption of these necessary codes for guidelines, the county has found it necessary to make certain alterations to meet the county’s specific needs.

(C) All documents and information attached to this Ordinance and referred to in division (B) of this section are filed in the County Clerk’s office as public records, so that all interested parties will be aware of the specific amendments to the code as previously adopted.

(D) Three copies of this information will be on file in the office of the County Clerk for visual inspection, as well as available in the offices of the county Building, Zoning and Environmental Department, and is hereby adopted and incorporated in this code as if fully set forth herein.

§110.99 Penalty

An person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists enforcement of any of the provisions of this chapter shall be fined an amount not to exceed \$500 for each violation. Each day on which a violations shall continue, after notification thereof, shall constitute a separate offense.

## **ADDITIONAL PRIVATE SEWAGE PERMIT REGULATIONS**

Madison County has adopted by reference the Illinois Private Sewage Disposal Licensing Act and Code. The information listed in this section is adopted in addition to these and other applicable county ordinances. Where regulations are in conflict with each other, the more strict regulation will apply.

### **I. APPLICATIONS, PERMITS AND ADMINISTRATION**

#### **PERMIT REQUIRED:**

(A) It shall be unlawful for any person to construct, alter or extend the individual sewage disposal systems within the County unless a valid permit has been issued by the Building, Zoning and Environmental Department stating the name of the person for which the specific construction, alteration or extension is proposed.

(B) All applications for permits shall be made on forms provided by the Building, Zoning and Environmental Department. Sufficient data shall be included to allow review and to determine whether the proposed application for permit meets requirements of the Madison County Private Sewage Disposal Ordinance.

#### **PERMIT SPECIFICATIONS:**

(A) A permit shall only be issued to a licensed private sewage disposal system contractor of the county or a home owner installing his own residential sewage disposal system except as provided for in divisions (B) and (C) of this Section. Aerobic wastewater treatment system may only be installed by a licensed sewage disposal contractor.

(B) A permit may be issued to, and the private sewage disposal system installed by, a contractor from another County, provided that the contractor is licensed by the State Department of Public Health.

(C) A permit may also be issued to a private sewage disposal system contractor who is licensed by a County that has had its private sewage disposal licensing act and code (sanitation ordinance) officially approved by the State Department of Public Health.

#### **APPLICATION FORMS FOR PERMITS:**

Permit application forms are available in the Building, Zoning and Environmental Department and all information requested on the forms must be completed.

#### **PRIVATE SEWAGE PLATS**

(A) The Land Use Committee requires that a approved private sewage subdivision plat be on file for all subdivisions approved under the authority of the Madison County

Subdivision Control Ordinance. Private Sewage System Permits will not be issued unless it is determined that the system is in compliance with the Private Sewage Subdivision Plat.

(B) At a minimum, all requirements of the Madison County Private Sewage Ordinance must be met as a condition of subdivision plat approval. Additional requirements may be placed on the subdivision by the Land Use Committee, in accordance with its authority set forth in the Subdivision Control Ordinance, to assure that the tract of land may be developed to further the objectives of the Ordinance.

(C) Where common discharge lines are proposed on private sewage plats, easements must be recorded allowing, and assigning responsibility for the property upkeep and maintenance of the common effluent lines. The applicant is responsible for installing the line properly, in accordance with the regulations, and properly recording a deed that assigns maintenance responsibility to one or more property owners.

#### THE LIMIT FOR ACTION ON APPLICATIONS:

The Building and Zoning Department of the County shall act upon all applications within 15 days of receipt thereof.

#### REFUSAL TO GRANT PERMIT:

The Building, Zoning and Environmental Department may refuse to grant a permit for the construction of a private sewage disposal system where the requirements of the Private Sewage Disposal Ordinance are not met.

#### FEE CHARGED:

(A) There shall be a fee charged for the initial construction permit or an alteration to private sewage disposal system. The fee is charged to the applicant of the building permit to cover the cost to the county for application processing, plan review and inspection of the common line.

(B) A waste water quality inspection will be made after occupancy of the structure. A sample of the effluent discharging from the system will be taken and tested in the county's Environmental Laboratory. A fee is charged for the laboratory analysis.

(C) A common line fee will be assessed for any proposed common discharge line. The fee is charged to cover the cost to the county for application processing, plan review and inspection of the common line.

(D) A reinspection fee will be charged for all building permit inspections where the system failed the initial inspection.

The fees shall be collected by the Building, Zoning and Environmental Department at the time an application for permit is submitted. In the case of a re-inspection, the fee will be collected prior to the scheduling of the inspection. The fees are non-refundable.

(E) The fee schedule is as follows:

(1) Building Permit Fee/Lateral Field	\$200
(2) Lab Analysis Fee	\$50
(3) Reinspection Fee	\$30
(4) Above Ground Discharge Fee	\$200
(5) Common Line	\$60

**PERMIT VALID FOR 12 MONTHS:**

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

**VARIANCES:**

Variances from these requirements may be granted consistent with Section 905.20 (1) of the State Private Sewage Disposal Licensing Act.

**INSPECTIONS:**

(A) Private sewage disposal systems constructed prior to the effective date of this chapter shall be renovated to meet the current code if it is found to be failing or in violation the current code.

(B) The Department is authorized and directed to make inspections as are necessary to determine satisfactory compliance with the ordinance.

(C) Upon receipt of a notification by the applicant, a designated member of the Department of Building, Zoning and Environmental of the County shall, within two days, inspect the installed or partially installed private sewage disposal system of the personal installing the system.

(D) It shall be the duty of the owner or occupant of property to give the Department free access to the property at reasonable times for the purpose of making the inspections as are necessary to determine compliance with the requirements in this ordinance.

(E) A private sewage disposal system which has been installed by a home owner for his personal residence shall not be covered or placed in operation until the installation shall be inspected and written approval of the system shall have been issued by the Department.

(F) If any home owner who installs his own private sewage disposal system shall backfill any portion of the system and/or cover same with earth, cinders, gravel, shale or

any other material which will prevent same from being readily viewed to determine if the system meets all requirements of this chapter, and before receipt of written approval by the Department, the Department may give 15 days notice in writing to the home owner so violating the provision of the ordinance, to uncover the backfill or covered portions of the system.

(G) If, at the end of the 15 days, the homeowner has not uncovered the individual sewage disposal system, the permit is automatically invalidated and legal action may be taken. The Department may elect to have the system uncovered at the expense of the home owner. Failure of the home owner to pay the costs within 30 days shall result in execution of a lien against the property.

#### NOTICE OF VIOLATION:

Whenever the Building, Zoning and Environmental Department determines that a violation of any provision of this chapter has occurred, the Department shall give notice to the person responsible for the violation. The notice shall:

- (A) Be in writing;
- (B) Include a statement of the reasons for issuance of the notice;
- (C) Allow reasonable time as determined by the Building, Zoning and Environmental Department for performance of any act it required;
- (D) Be served upon the person responsible for the violation; provided that the notice shall have been properly served upon the person responsible for the violations when a copy thereof has been sent to his last known address as furnished to the Department or when he has been served with the notice by any other method authorized by laws of this state; and
- (E) Contain an outline of remedial action which is required to effect compliance with this ordinance.

#### APPEALS:

- (A) Any person aggrieved by the decision of the Building, Zoning and Environmental Department, is entitled to a hearing held in accordance with this section. A person may file in the office of the Building, Zoning and Environmental Department a written request for a hearing at a time and place designed by the Department within 30 days of the date on which the written request was filed.
- (B) The petitioner for the hearing shall be notified of the time and place of the hearing not less than five days prior to the date on which the hearing is to be held.
- (C) The Environmental Committee of the County Board may stay or modify the decision by the Building, Zoning and Environmental Department, consistent with the regulations set forth in this ordinance.
- (D) The Environmental Committee of the Board shall render a decision within ten days after the date of the hearing which shall be reduced to writing a copy



## II. ADDITIONAL REQUIREMENTS

### APPROVED SYSTEMS:

Aeration treatment systems and shall be in accordance with 905.100 (a) of the Private Sewage Disposal Code. Disinfection systems shall be in accordance with 905.120 of the same code. In addition, systems must also be approved by the Madison County Building, Zoning and Environmental Department. Before any new system may be placed on a list of approved Madison County Aeration Systems, it must first obtain approval. The purpose of this is to verify that the final discharge of effluent to the environment in Madison County is in compliance with those standards set forth in this ordinance. A maximum of two systems will be tested to determine whether the effluent meets the minimum waste water quality requirements set forth in section 3- Water Quality of Effluent in this ordinance and the effluent quality guidelines of the Illinois Private Sewage Disposal Licensing Act and Code, Section 905.110 (d).

The test for BOD's and Suspended Solids shall be a composite sample taken daily on seven consecutive days. The fecal coliform test shall be a grab sample taken daily on seven consecutive days. The sample shall be taken at the sample port or discharge line end.

The results of each daily composite sample will be recorded and the arithmetic mean of all seven samples must not exceed 45 milligrams per liter for BOD's or Suspended Solids. The results of each fecal coliform test must show that not more than 400 colony forming units (C.F.U.) per 100 milliliters exist in the sample. If either of these two tests fail, then the system will not be approved. In addition, the system will fail if any sample must contains settleable solids; the color, odor and turbidity is above discernable levels; or, the effluent shall contains floating debris, visible oil, grease, scum or sludge.

Upon satisfactory compliance with these regulations, the system will be placed on the approved list. In the event that an Aerobic wastewater treatment system and/or disinfection system fails any item of testing, that system may be repaired and retesting will be done by Madison County.

### UNAPPROVED SYSTEMS:

The following systems shall not be approved for installation as private sewage disposal systems, and allowing the following to exist shall constitute a violation of this code:

- (A) Septic tanks discharging to farm tiles, storm sewers, village tiles, roadside ditches, drainage ditches, railroad ditches, ground surface, rivers, lakes, streams or intermittent waterways.
- (B) Cesspools.

## CONNECTIONS TO PUBLIC SEWER REQUIRED:

The owner of all houses, buildings or properties used for human residence, occupancy, employment or recreation, situated within the County and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer, is required at his expense, to connect the facilities directly with the proper public sewer in accordance with the provisions of this chapter, provided that the public sewer is within 300 feet (91.44 meters). In addition, any new subdivision, in accordance with the subdivision control ordinance, must extend public sewers to the subdivision provided a public sanitary sewer system is reasonably accessible and is not excess of 600 feet from any part of the proposed subdivision.

## DISPOSAL FIELD REQUIREMENTS:

(A) Lot size. An area of suitable ground shall be provided for a second subsurface seepage field of a size equal to the minimum subsurface seepage field required by this chapter.

(B) Setbacks. Private Sewage Disposal System must be installed to meet the setbacks listed in Attachment "D".

## III. AERATION SYSTEM REQUIREMENTS

### SPECIFICATIONS FOR AERATED TREATMENT SYSTEMS:

Prior to the installation of an aerated treatment system, plans and specifications shall be submitted to the Building, Zoning and Environmental Department for approval. Specifications for aerated treatment systems shall include the following:

- (A) Chlorinator. Chlorine feed systems and contact chambers shall contain chlorine to properly disinfect the effluent from the aerobic unit.
- (B) The aeration unite must have a trash collecting section.
- (C) The aeration unit must be guaranteed to treat at least 500 gallons of domestic sewage per day.
- (D) A clearly labeled warning light or buzzer must be provided that warns the owner of the failure of any electrical or mechanical component of the system.
- (E) A service contract must be available to which the homeowner may subscribe if he so desires. A replacement policy governing all mechanical and electrical component parts shall be furnished by the manufacturer to each owner.
- (F) All mechanical and electrical component parts must be guarded against defects in materials and workmanship.
- (G) The aeration unit shall not have an effluent discharge directly to the surface of the ground unless it complies with the effluent standards found in the section Water Quality of Effluent. If the operation of a system results in an unsatisfactory effluent, then additional treatment shall be installed as required by the Building and Zoning and Environmental Department.

- (H) Each aeration unit may be followed by one of the following secondary treatment systems:
- (1) Subsurface seepage field.
  - (2) Sand filtration with effluent chlorination.
  - (3) Waste stabilization pond with effluent chlorination.
- (I) Type of pipe. Aerobic system shall be constructed with Schedule 40 type pipe throughout system including discharge pipe.
- (J) Discharge pipe shall be capped with a perforated cover.
- (K) Discharge pipe shall be maintained properly and be readily accessible to allow for sanitary sampling purposes of effluent discharge.
- (L) Effluent draining from discharge pipe shall immediately empty into a “rock filter bed” constructed as follows: (See attachment “C”)
- (1) Rock size:  $\frac{3}{4}$  inch (pea gravel is prohibited).
  - (2) Trench size:
    - (a) Minimum length, six feet.
    - (b) Minimum width, 18 inches.
    - (c) Minimum depth, 12 inches.
- (M) End of discharge pipe must be located a minimum of 25 feet (more if possible) inside property boundary line with proper “rock filter bed” as described above. (See Attachment “C”)
- (N) Type of pipe. Aerobic systems shall be constructed with Schedule 40 type pipe throughout system including discharge pipe.
- (O) Discharge pipe shall be capped with a perforated cover.
- (P) Discharge pipe shall be maintained properly and be readily accessible.
- (Q) Effluent draining from discharge pipe shall immediately empty into a “rock filter bed” constructed as follows:
- (1) Rock size:  $\frac{3}{4}$  inch (pea gravel is prohibited). (See Attachment C)
  - (2) Trench size:
    - (a) Minimum length, six feet.
    - (b) Minimum width, 18 inches.
    - (c) Minimum depth, 12 inches.
- (R) End of discharge pipe must be located a minimum of 25 feet inside property boundary line with proper “rock filter bed” as described above.
- (1) All discharge points from aeration or sand filtration systems must be a minimum of 235 feet from any other aeration or sand filtration discharge point.
- (S) Minimum distances allowable from aerobic system discharges are as follows:

	Well	Water supply (pressure)	Lake Stream body of water (feet)	Dwelling	Property line	Field drain tile
Aerobic	50	10	50	5	10	10
Sand Filter	100	25	75	10	10	10

(T) Common collector line must be located on recorded easements and constructed according to specifications located in attachment "B".

**AERATION TREATMENT EFFLUENT DISCHARGE REQUIREMENTS:**

Approval for aeration treatment systems with a surface discharge may be granted provided that:

- (A) Effluent from an aerobic type unit is required to drain into the following:
  - (1) 150 sq. ft. minimum absorption trench. (see attachment A) If property size prohibits 1-150 sq. ft. trench, shorter trenches totaling 150 sq. ft. are permitted.
- (B) Absorption Trenches are to be constructed as follows:
  - WIDTH: 3 FT.
  - DEPTH: 2 FT. MINIMUM – 3 FT. MAXIMUM
- (C) Trenches are required to terminate as follows:

Well	Line	Lake Stream, Field, Water	title	Water Supply (pressure)	Dwelling
50	10	50	10	10	5

- (D) Approved graveless and/or chamber systems may be substituted for gravel systems.

**WATER QUALITY OF EFFLUENT:**

The purpose of this section is to verify that the final effluent quality discharged to the environment in Madison County meets the effluent quality guidelines of this Code and the Illinois Private Sewage Disposal Licensing Act and Code, Section 905.110 d).

All surface discharges from private sewage disposal systems shall comply with United States Environmental Protection Agency Secondary Treatment Guidelines for BOD and suspended solids:

- (A) BOD:
  - (1) Arithmetic mean of all effluent samples collected in a period of 30 consecutive days 30 milligrams per liter and 85% removal.
  - (2) Arithmetic mean of all effluent samples collected in a period of seven consecutive days 45 milligrams per liter.
- (B) Suspended solids:
  - (1) Arithmetic mean of all effluent samples collected in a period of 30 consecutive days 30 milligrams per liter and 85% removal.
  - (2) Arithmetic mean of all effluent samples collected in a period of seven consecutive days 45 milligrams per liter.
- (C) No effluent shall contain settleable solids.
- (D) Color, odor and turbidity must be reduced to below discernable levels.
- (E) No effluent shall contain floating debris, visible oil, grease, scum or sludge solids.
- (F)
  - (1) A fecal coliform bacteria concentration not exceeding 400 colony forming units (C.F.U) per 100 milliliters except where chlorination is not required.
  - (2) Samples shall be analyzed in accordance with the "Standard methods fro the Examination of Water and Wastewater."

#### CHLORINATION OF EFFLUENT:

- (A) All effluent discharged to the ground surface or to a watercourse must be disinfected with chlorine. A disinfectant residual between 0.2 and 1.5 milligrams per liter shall remain following 30 minute contact period. The homeowner or service agent shall have the responsibility to assure that chlorine is present.
- (B) The Building, Zoning and Environmental Department shall have authority to make periodic sampling and testing of all chlorination units installed in the County at a reasonable and proper time. The sample shall be taken at the sample port or discharge line end.
- (C) Disinfectant equipment shall be continuous feeding.
- (D) Sample Port: A 4 inch Schedule 40 PVC sample port shall be installed on all aeration systems. It shall be located above the absorption trench and after chlorination.

#### IV. CONTRACTOR'S REGISTRATION:

##### REGISTRATION:

- (A) An annual contractor's registration license fee shall be required of all private sewage disposal system installation contractors and all private sewage

disposal systems pumping contractors operating within the limits of this County.

- (B) The Building, Zoning and Environmental Department shall issue a private sewage disposal system installation contractor registration certificate or a private sewage disposal system pumping contractor registration certificate to persons applying for such certificate who pass the written examination given by the state for the certificate desired.
- (C) A license issued under this section shall expire on December 31 of the year issued, except that an original license issued after October 1 and before December 31 shall expire on December 31 of the following year.
- (D) Each person who holds a currently valid plumbing license issued under the state plumbing license law as now or hereafter amended shall not be required to pay the annual license fee required by this section, but such license person shall comply with all other provisions of this chapter, including the requirement for examination for licensure.
- (E) The Building, Zoning and Environmental Department shall reinstate a license which expires while a licensee is in the active military service of the United States upon application to the Department by the former licensee within two years after termination of such military service, payment of the annual license fee, and submission of evidence of such military service. Such license shall be reinstated without examination and without payment of the reinstatement fee.
- (F) A private sewage disposal system pumping contractor or a disposal system installation contractor whose license has expired for a period of less than three years may apply to Building, Zoning and Environmental Department for reinstatement of the license. The Environmental Department shall issue the renewed license provided the applicant pays a reinstatement fee of \$25 for each year the license fee was not paid.
- (G) A license which has expired for more than three years may be restored only by reapplying to take and successfully passing the written examination. All applicants shall be tested and required to attain a passing grade prescribed by the state on examination which evaluates the applicant's general knowledge of design, installation, operation, maintenance and serving onsite wastewater disposal systems.
- (H) Applications for examination shall be in the process and form prescribed by the state.

#### REVOCAION OF CONTRACTOR'S REGISTRATION:

For serious or repeated violation of any of the requirements of this chapter, or for interference with Building and Zoning and Environmental authority in the performance of his duties, the private sewage disposal contractor's registration certificate may be revoked after an opportunity for a hearing has been provided by the Environmental authority. Prior to the action, the Environmental Department shall notify the contractor in writing, stating the reasons for which the registration certificate is subject to revocation and advising that the certificate shall be revoked at the end of five days following service

of such notice, unless a request for a hearing is filed with the Environmental authority, by the holder, within the five-day period. A registration certificate may be suspended for a cause pending its revocation or a hearing relative thereto.