

**ORDINANCE NO. 969**

**HEALTH ORDINANCE  
Of Champaign County, Illinois**

WHEREAS, the Champaign County Public Health Department was created by referendum passed on November 4, 1996;

WHEREAS, the Champaign County Board adopted Resolution Number 3812, *Resolution Establishing a County Health Department* on April 15, 1997 and the Champaign County Board has appointed a Board of Health;

WHEREAS, the County Board is empowered to “do all acts and make all regulations which may be necessary or expedient for the promotion of health or the prevention of disease...” by Section 5/5-1052 of the Illinois Counties Code (55 ILCS 5/5-1052);

WHEREAS, the County Board adopted Ordinance No. 573, *Health Ordinance of Champaign County, Illinois*, on September 30, 1998, and amended the Health Ordinance through the adoption of Resolution 7146 on October 20, 2009 and Ordinance 936 on November 21, 2013;

WHEREAS, that since the adoption of Ordinances 573 and 936 and Resolution 7146, there have been statutory and administrative code changes which necessitate the revision of that Ordinance; and

WHEREAS, Ordinance 573, as amended, should be replaced in its entirety by this Ordinance so that the County Health Department is compliant with the latest revisions made by the Illinois legislature and the Illinois Department of Public Health;

NOW THEREFORE BE IT ORDAINED by the County Board of Champaign County, Illinois as follows:

That Ordinances 573 and 936 are hereby rescinded;

That Resolution 7146 is hereby rescinded; and

That the following be adopted as the Health Ordinance of Champaign County, Illinois:

CHAPTER 1. TITLE, AUTHORITY, AND EFFECTIVE DATE

1.1 TITLE

This Ordinance shall be known and may be cited as the *Champaign County Health Ordinance*.

## 1.2 AUTHORITY

### 1.2.1 Illinois Counties Code

This Ordinance is adopted pursuant to the authority granted to the Champaign County Board by the *Illinois Counties Code* (55 ILCS 5/5-1052 and 55 ILCS 5/5-25001 *et seq.*).

### 1.2.2 Other Statutes and Rules

The scope of the County's authority is further defined by:

- A. The *Department of Public Health Act* (20 ILCS 2305/1.1 *et seq.*);
- B. The *Civil Administrative Code of Illinois* (20 ILCS 2310/2310-1 *et seq.*);
- C. The *Private Sewage Disposal Licensing Act* (225 ILCS 225/1 *et seq.*);
- D. The *Illinois Water Well Construction Code* (415 ILCS 30/1 *et seq.*);
- E. The *Illinois Water Well Pump Installation Code* (415 ILCS 35/1 *et seq.*);
- F. The *Illinois Groundwater Protection Act* (415 ILCS 55/9);
- G. The *Sanitary Food Preparation Act* (415 ILCS 650/11.01 *et seq.*);
- H. The *Food Handling Regulation Enforcement Act* (410 ILCS 625/0.01 *et seq.*);
- I. The *Illinois Food, Drug and Cosmetic Act* (410 ILCS 620/1 *et seq.*);
- J. The *Local Health Protection Grant Rules* (77 Ill. Adm. Code 615.100 *et seq.*);  
and
- K. The *Illinois Food Service Sanitation Code* (77 Ill. Adm. Code 750 *et seq.*)

## 1.3 JURISDICTION

### 1.3.1 Subject Matter

This Ordinance constitutes the regulations of Champaign County with respect to:

- A. The control of infectious diseases;
- B. The preparation, manufacture, packing, storing or distributing of food except for establishments governed by the *Meat and Poultry Inspection Act* (225 ILCS 650/2.5);
- C. The handling, storage, transportation, and disposal of sewage from private sewage disposal systems;
- D. The provision of water supplies for drinking, culinary and sanitary purposes; and
- E. The operation of the Champaign County Health Department and of the Champaign County Board of Health.

### 1.3.2 Geographic Limitations

This Ordinance shall govern the subject matter described in Subsection 1.3.1 throughout Champaign County, including areas falling within the corporate limits of municipalities, except for the following areas:

- A. Areas falling within the *Champaign-Urbana Public Health District*; and

- B. Areas falling within the corporate limits of any municipality which maintains a local health department meeting the minimum requirements of Division 5-25 of the *Illinois Counties Code* (55 ILCS 5/5-25008).

#### 1.4 EFFECTIVE DATE

This Ordinance shall be in force from the 1<sup>st</sup> day of September, 2015 and shall remain in force in this form until amended or repealed.

### CHAPTER 2. PURPOSE

#### 2.1 PURPOSE GENERALLY

This Ordinance is intended for, and its terms and provisions shall be liberally construed so as to further, the purpose of promoting the public health and suppressing disease and of protecting the public safety and welfare by:

- A. Implementing a comprehensive infectious disease control program;
- B. Minimizing factors which may cause food-borne illness and safeguarding public health by providing consumers with food that is safe, unadulterated and prevent illness caused from ingesting food;
- C. Promoting the provision of safe, potable, and adequate supplies of water for drinking, culinary and sanitary purposes;
- D. Reducing the risk of preventing the transmission of disease organisms, environmental contamination, and nuisances resulting from the improper handling, storage, transportation and disposal of sewage from private sewage disposal systems;
- E. Providing efficient and effective procedures for enforcing the regulations contained herein; and
- F. Establishing procedures that protect the rights to property, equal protection and due process of the citizens of Champaign County.

#### 2.2 COMPLIANCE WITH ILLINOIS COMPILED STATUTES AND ILLINOIS ADMINISTRATIVE CODE

The adoption of this Ordinance is intended to establish a program to further the purposes set forth in Section 2.1 that will enable the Champaign County Health Department to:

- A. Seek and accept delegation of powers and duties of the Illinois Department of Public Health and enter into delegation agreements with the Department pursuant Article 2310 of the *Civil Administrative Code of Illinois* (20 ILCS 2310/2310-1et seq.).
- B. Apply for, obtain and renew status as a Certified Local Health Department for the Champaign County Health Department pursuant to Section 600.210 of the *Certified Local Health Department Code* (77 Ill. Adm. Code 600.210); and
- C. Meet the minimum requirements of the *Illinois Local Health Protection Grant Rules* (77 Ill. Adm. Code 615).

### CHAPTER 3. DEFINITIONS AND RULES OF CONSTRUCTION

#### 3.1 RULES OF CONSTRUCTION AND INTERPRETATION

##### 3.1.1 Definitions Specified

Certain words and terms are defined in Section 3.3 and shall have that meaning when capitalized in the text of this Ordinance. When such terms are not capitalized, they have their usual and common meaning. Any pertinent word or term not listed but vital to the interpretation of this Ordinance shall have its usual and common definition unless defined by a statute or rule herein incorporated as provided by Subsection 3.21.

##### 3.1.2 Organization

The Ordinance is organized in descending order into numbered Chapters, Sections and Subsections; Paragraphs designated by capital letters; and subparagraphs designated by numbers. Subparagraphs may be further divided into un-named subdivisions.

##### 3.1.3 Rules of Construction

The following rules of construction shall determine interpretation and application of the provisions herein:

- A. The present tense includes the future tense;
- B. The masculine gender includes the feminine and the neuter;
- C. The singular number includes the plural, and vice versa;
- D. The word “shall” is always mandatory, and the word “may” is always permissive;
- E. A more specific provision shall govern over a more general provision; and
- F. The body text of the Ordinance shall govern over any title, subtitle or heading.

##### 3.1.4 Interpretation to Complement Other Provisions

This Ordinance is intended to complement provisions of the Statutes, rules and standards cited or incorporated herein. The provisions of this Ordinance shall be construed in a manner consistent with them subject to the provisions of Section 3.2

#### 3.2 PROVISIONS INCORPORATED BY REFERENCE OR CITATION

##### 3.2.1 Definition and Interpretation of Terms

The definitions of terms and rules of construction contained in the Statutes and administrative rules cited herein are hereby incorporated by reference and shall govern the interpretation of any of their provisions cited or incorporated into this Ordinance subject to the provisions of Subsections 3.2.2.

##### 3.2.2 Conflict between Ordinance and Provisions Incorporated or Cited

Whenever any provisions of this Ordinance, any other Ordinance of Champaign county or any provisions incorporated herein by reference or citation conflict, the more restrictive provision, definition or interpretation shall govern, except where the authority of Champaign County is pre-empted by any statute of the State of Illinois, in which case the statutory provisions shall govern.

### 3.3 TERMS DEFINED

- 3.3.1 ABANDONED WELL: A WATER WELL or monitoring well which is no longer used to supply water, or which is in such a state of disrepair that the well or boring has the potential for transmitting contaminants into an aquifer or otherwise threatens the public health or safety.
- 3.3.2 ADULTERATED: The condition of any food described in the *Illinois Food, Drug and Cosmetic Act* (410 ILCS 620/10).
- 3.3.3 APPROVED or APPROVAL: Acceptable to the HEALTH OFFICER based on a determination of conformity with accepted public health principles, practices and recognized industry standards.
- 3.3.4 BOARD OF HEALTH: The Champaign County Board of Health.
- 3.3.5 CERTIFIED LABORATORY: A laboratory operated or given certification approval by the Illinois Department of Public Health for analyzing samples of water for potable use.
- 3.3.6 CLOSED LOOP WELL: A sealed, watertight loop of pipe buried outside of a building foundation intended to recirculate a liquid solution through a heat exchanger but is limited to the construction of the bore hole, piping in the bore hole, heat exchange fluid, and the grouting of the bore hole and does not include the piping and appurtenances used in any other capacity. "Closed loop well" does not include any horizontal closed loop well systems where grouting is not necessary by law or standard industry practice.
- 3.3.7 COMMUNITY WATER SYSTEM: A PUBLIC WATER SYSTEM which has at least 15 service connections used by residents, or regularly serves 25 or more residents daily for at least 60 days a year, and is regulated by the Illinois Environmental Protection Agency, as defined by 415 ILCS 55/9.
- 3.3.8 COMPONENT: An integral part of a PRIVATE SEWAGE DISPOSAL SYSTEM that is necessary for the satisfactory design, construction and operation of the system.
- 3.3.9 CONTINENTAL BREAKFAST: A meal limited to coffee, tea and/or juice, and commercially prepared sweet baked goods only.

- 3.3.10 COUNTY BOARD: The County Board of Champaign County, Illinois.
- 3.3.11 CRITICAL VIOLATION: A condition prohibited, action proscribed or failure to take an action mandated by a provision of this Ordinance so as to create a likelihood of food contamination, illness or an environmental health hazard.
- 3.3.12 DISCHARGE POINT: The point at which treated EFFLUENT discharges from an approved PRIVATE SEWAGE DISPOSAL SYSTEM.
- 3.3.13 DOMESTIC SEWAGE: WASTE WATER derived principally from dwellings, business or office buildings, institutions, food establishments and similar facilities.
- 3.3.14 EFFLUENT: Treated or partially treated liquid discharged from a PRIVATE SEWAGE DISPOSAL SYSTEM or a COMPONENT.
- 3.3.15 FOOD SERVICE ESTABLISHMENT: Any place where food is prepared and intended for, though not limited to, individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare foods intended for individual portion service and retail food stores where food and food products are offered to the consumer and intended for, though not limited to, off-premises consumption. The term does not include lodging facilities serving only a continental breakfast (a continental breakfast is one limited to coffee, tea and juice and commercially prepared sweet baked goods), private homes or a closed family function where food is prepared or served for individual family consumption, establishments that handle only prepackaged spirits, roadside markets that offer only fresh fruits and fresh vegetables, or the location of food vending machines.
- 3.3.16 GREY WATER: WASTEWATER such as dishwater, laundry waste, and other WASTEWATER not containing fecal matter.
- 3.3.17 HEALTH DEPARTMENT: The Champaign County Health Department.
- 3.3.18 HEALTH OFFICER: The Executive Officer of the Champaign County Health Department or his/her authorized representatives.
- 3.3.19 HOMEOWNER: A person who holds legal title to a residential structure which is to be used or is used for his or her personal, single family residence.
- 3.3.20 HUMAN WASTES: Undigested food and by-products of metabolism which are passed out of the human body.

- 3.3.21 **IMMINENT HEALTH HAZARD:** A significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation to prevent injury based on the number of potential injuries and the nature, severity, and duration of any anticipated injury.
- 3.3.22 **LABEL:** A display or written, printed or graphic matter upon the immediate container of an article.
- 3.3.23 **LICENSED PEST CONTROL PERSONNEL:** A PERSON licensed by the State of Illinois to apply pesticides in a food service area.
- 3.3.24 **MAINTAINED AND SERVICED:** The tasks, procedures and inspections required by the manufacturer of the component/system or the Illinois Department of Public Health for the private sewage disposal system to operate within the parameters and requirements of the Private Sewage Disposal Code and any other restrictions established as part of the system approval or as part of a variance.
- 3.3.25 **MISBRANDED:** The condition of any food, LABEL, or food container or any representation made with respect to any food described in Section 11 of the *Illinois Food, Drug and Cosmetic Act* (410 ILCS 620/11).
- 3.3.26 **NPDES PERMIT:** Any general or individual National Pollutant Discharge Elimination System permit issued by the Illinois Environmental Protection Agency or the United States Environmental Protection Agency.
- 3.3.27 **NON-COMMUNITY WATER SYSTEM:** A PUBLIC WATER SYSTEM which is not a COMMUNITY WATER SYSTEM, that has at least 15 service connections used by non-residents, or regularly serves 25 or more non-resident individuals daily for at least 60 days per year.
- 3.3.28 **OWNER:** The PERSON or PERSONS who lawfully possess or control any establishment, facility or equipment regulated by this Ordinance. The owner may also, but does not necessarily, hold title to the regulated establishment, facility or equipment or to the real estate upon which it is located.
- 3.3.29 **PERCOLATION TEST:** A SUB-SURFACE SEEPAGE test performed at the depth of a proposed PRIVATE SEWAGE DISPOSAL SYSTEM to determine the water absorption capability of the soil.
- 3.3.30 **PERMIT, CONSTRUCTION:** Written authorization issued by the HEALTH OFFICER to construct, install, repair or modify any facility, structure or equipment regulated by this Ordinance.

- 3.3.31 PERMIT, OPERATING: The document issued by the HEALTH OFFICER that authorizes a PERSON to operate a FOOD SERVICE ESTABLISHMENT for a specified period.
- 3.3.32 PERSON: Any individual, group of individuals, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust estate, person doing business under an assumed name, municipality or any political subdivision or department hereof, the State of Illinois or any Department thereof, or any other entity.
- 3.3.33 PERSON IN CHARGE: The individual present at a food establishment who is responsible for operation at any given time.
- 3.3.34 POPULATION EQUIVALENT: An average waste loading equivalent to that produced by one person that is defined as 100 gallons per day.
- 3.3.35 POTABLE WATER: Water that is suitable for human consumption and which meets public health standards for drinking water.
- 3.3.36 PREMISES: A building or part of a building or other area specifically described in a CONSTRUCTION or OPERATING PERMIT issued under this Ordinance.
- 3.3.37 PRIVATE SEWAGE DISPOSAL SYSTEM: Any SEWAGE handling or treatment facility:
- A. Having a ground surface discharge and receiving DOMESTIC SEWAGE from less than 15 people or POPULATION EQUIVALENT, or
  - B. Having no ground surface discharge and receiving any amount of DOMESTIC SEWAGE.
- 3.3.38 PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION CONTRACTOR: Any PERSON constructing, installing, repairing, modifying, altering, or maintaining PRIVATE SEWAGE DISPOSAL SYSTEMS except HOMEOWNERS performing such work on systems which serve only the single family residence in which they reside.
- 3.3.39 PRIVATE SEWAGE DISPOSAL SYSTEM PUMPING CONTRACTOR: Shall mean any PERSON who cleans or pumps waste from a PRIVATE SEWAGE DISPOSAL SYSTEM or hauls or disposes of waste removed therefrom.
- 3.3.40 PUBLIC SEWER SYSTEM: Any SEWAGE handling or treatment facility operating and maintained under permit from the Illinois Environmental Protection Agency.
- 3.3.41 PUBLIC WATER SYSTEM: A system for the provision to the public of piped water for human consumption that has at least 15 service connections or regularly serves an average of at least 25 individuals daily for at least 60 days per year.



Public Water Systems include both COMMUNITY WATER SYSTEMS and NON-COMMUNITY WATER SYSTEMS.

- 3.3.42 SEMI-PRIVATE WATER SYSTEM: A water supply which is not a PUBLIC WATER SYSTEM, yet which serves a segment of the public other than an owner-occupied single family dwelling.
- 3.3.43 SEPTAGE: The solid and liquid wastes removed from PRIVATE SEWAGE DISPOSAL SYSTEMS.
- 3.3.44 SEWAGE: Human or animal wastes and other liquid waste from residences, business buildings, industrial establishments, or other places together with such ground water infiltration and surface waters as may be present.
- 3.3.45 SPECIAL FLOOD HAZARD AREA: Any area subject to inundation by a flood having a one percent probability of being equaled or exceeded in any given year based upon the elevation of the ground surface and an estimate of the highest elevation of such flood. Special flood hazard areas are generally but not necessarily coextensive with areas labeled as "Zone A" on applicable Flood Insurance Rate Maps for communities participating in the National Flood Insurance Program.
- 3.3.46 SUBDIVISION: Any immediate, prospective or contingent division of any interest in any real state, or any other development which would require that a plat be approved by a municipal government or the COUNTY BOARD pursuant to the *Illinois Plat Act* (765 ILCS 205/.01 *et seq.*) or any local ordinance.
- 3.3.47 VENDING MACHINE: Any self-service device which upon insertion of a coin, coins, or tokens or other similar means, dispenses unit servings of food either in bulk or in packages without the necessity of replenishing the device between each vending operation.
- 3.3.48 WASTEWATER: All DOMESTIC SEWAGE, including GREY WATER discharged to a PRIVATE SEWAGE DISPOSAL SYSTEM.
- 3.3.49 WATER WELL: Any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial re-charge, or acquisition of ground water, except monitoring wells.

#### CHAPTER 4. INFECTIOUS DISEASES

##### 4.1 ACTS PROHIBITED

- 4.1.1 No PERSON shall obstruct any investigation undertaken pursuant to the provisions of this Chapter.
- 4.1.2 No PERSON shall fail to provide the HEALTH OFFICER any report or information required by this Ordinance or required by any Statute or by any rule adopted by the Illinois Department of Public Health.
- 4.1.3 No member of the BOARD OF HEALTH, employee or contractor of the HEALTH DEPARTMENT, or any other employee, contractor or official of CHAMPAIGN COUNTY shall violate the confidentiality of any PERSON or release any confidential information in the possession of the HEALTH DEPARTMENT except in conformance with the provisions of Subparagraph 615.300(c)(16) of the *Local Health Protection Grant Rules* (77 Ill. Adm. Code 615.300(c)(16)).

#### 4.2 STANDARDS AND REGULATIONS

The BOARD OF HEALTH shall undertake a comprehensive infectious disease prevention program in accordance with the standards contained in the following regulations which are hereby incorporated by reference together with any regulations or standards incorporated therein, subject to the provisions of Section 3.2:

- A. *Control of Communicable Diseases Code* (77 Ill. Adm. Code 690).
- B. *Control of Sexually Transmissible Diseases Code* (77 Ill. Adm. Code 693).
- C. *Control of Tuberculosis Code* (77 Ill. Adm. Code 696).
- D. *HIV/AIDS Confidentiality and Testing Code* (77 Ill. Adm. Code 697).

#### 4.3 PROGRAMS

In addition to, or in conjunction with, any programs and activities required of it by the regulations cited in Section 4.2, the BOARD OF HEALTH shall conduct the following programs and activities.

##### 4.3.1 Services

The BOARD OF HEALTH shall, within its jurisdiction:

- A. Provide counseling and partner notification services for cases involving HIV, sexually transmitted diseases and blood borne diseases as required by Subparagraphs 615.300(c)(2) and (3) of the *Local Health Protection Grant Rules* (77 Ill. Adm. Code 615.300).
- B. Ensure provision of the therapy and preventive therapy required by Subparagraphs 615.300(c)(4) and (5) and in accord with Paragraph 615.300(e) of the *Local Health Protection Grant Rules* (77 Ill. Adm. Code 615.300).
- C. Conduct public health infectious disease clinics in accord with Subparagraph 615.300(c)(6) of the *Local Health Protection Grant Rules* (77 Ill. Adm. Code 615.300(c)(6)).

- D. Develop and maintain ongoing immunization clinics as required by Subparagraph 615.300(c)(9) of the *Local Health Protection Grant Rules* (77 Ill. Adm. Code 615.300(c)(9)).
- E. Distribute and use biologics provided by the Illinois Department of Public Health in accordance with Subparagraph 615.300(c)(11) of the *Local Health Protection Grant Rules* (77 Ill. Adm. Code 615).

#### 4.3.2 Investigations

The BOARD OF HEALTH shall, within its jurisdiction:

- A. Investigate within one working day, all reported or suspected cases of Class I diseases listed in Section 690.100 of the *Control of Communicable Diseases Code* (77 Ill. Adm. Code 690.100);
- B. Investigate within three working days, all reported or suspected cases of Class II diseases listed in Section 690.100 of the *Control of Communicable Diseases Code* (77 Ill. Adm. Code 690.100); and
- C. Investigate all known adverse events following administration of vaccines and complete and submit to the Illinois Department of Public Health a Vaccine Adverse Events Reporting System form for each event.

#### 4.3.3. Information Collecting and Reporting

The BOARD OF HEALTH shall, within its jurisdiction:

- A. Implement and maintain a system to monitor the status of Class I and Class II infectious diseases listed in Section 690.100 of the *Control of Communicable Diseases Code* (77 Ill. Admin. Code 690.100), including reporting, and a system to estimate the incidence, prevalence and demographic characteristics or cases that occur;
- B. Conduct screening for tuberculosis and HIV as required by Subparagraph 615.300(c)(8) of the *Local Health Protection Grant Rules* (77 Ill. Adm. Code, 615.300(c)(8));
- C. Develop and implement a program to survey the immunization status of the population, and assist and support the completion of annual surveys of selected populations;
- D. Report to the Department of Public Health immediately (within 3 hours) any reports from primary reporters as identified in Section 690.200(a)(1) as to the following diseases: Anthrax; Botulism (foodborne); Brucellosis (if suspected to be part of an outbreak); Diphtheria; Influenza A, Novel Virus; Plague; Poliomyelitis; Q-fever (if suspected to be part of an outbreak); Severe Acute Respiratory Syndrome; Smallpox; Tularemia (if suspected to be part of an outbreak); any suspected bioterrorist threat or event (77 Ill. Adm. Code 690.100);
- E. Report to the Department of Public Health as soon as possible during normal business hours, but within 24 hours, any reports from primary reporters as identified in Section 690.200(a)(1) as to the diseases listed in Section 690.100(b) of the *Control of Communicable Diseases Code* (77 Ill. Adm. Code 690); and

- F. Report to the Department of Public Health as possible during normal business hours, but within 7 days, any of the diseases listed in Section 690.100(c) of the *Control of Communicable Diseases Code* (77 Ill. Adm. Code 690.100(c)).

#### 4.4 PROGRAM ADMINISTRATION

##### 4.4.1 Administration Generally

In addition to or in conjunction with any program administration requirements contained in the regulations cited in Section 4.2, the BOARD OF HEALTH and HEALTH OFFICER shall administer the programs provided pursuant to Section 4.3 in accord with the requirements of the *Local Health Protection Grant Rules* (77 Ill. Adm. Code 615) and Chapter 8 of this Ordinance.

##### 4.4.2 Specific Requirements

The BOARD OF HEALTH shall:

- A. Establish a goal, in conjunction with the Illinois Department of Public Health every five years, for a maximum incidence per 10,000 people for each Class I or Class II disease listed in Section 690.100 of the *Control of Communicable Diseases Code* (77 Ill. Adm. Code 690.100).
- B. Account monthly for biologics provided by the Illinois Department of Public Health;
- C. Implement procedures to assure that the amount of State-supplied vaccine unaccounted for or wasted annually is less than three percent;
- D. Ensure that qualified persons are available to conduct activities provided for in this Chapter in accord with Subparagraph 615.300(c) (15) of the *Local Health Protection Grant Rules* (77 Ill. Adm. Code 615.300(c) (15)); and
- E. Document activities conducted pursuant to this Chapter as required by Paragraph 615.300(f) of the *Local Health Protection Grant Rules* (77 Ill. Adm. Code 615.300(f)).

### CHAPTER 5. FOOD SANITATION

#### 5.1 ACTS PROHIBITED

- 5.1.1 No PERSON shall store, process, prepare, sell or serve any food except in compliance with the terms of this Ordinance.
- 5.1.2 No PERSON shall operate a FOOD SERVICE except in compliance with the terms of this Ordinance.
- 5.1.3 No PERSON shall manufacture, sell, deliver, hold or receive any ADULTERATED or MISBRANDED food or ADULTERATE or MISBRAND any food.

## 5.2 STANDARDS AND REGULATIONS

### 5.2.1 State Regulations Incorporated

FOOD SERVICE ESTABLISHMENTS shall be constructed, operated and maintained in accord with the *Illinois Food Service Sanitation Code* (77 Ill. Adm. Code 750), as amended November 20, 2014 which is hereby incorporated by reference together with any regulations or standards therein incorporated subject to the provisions of Section 3.2.

### 5.2.2 Application of Pesticides

Any pesticides applied in any FOOD SERVICE ESTABLISHMENT shall be applied only by LICENSED PEST CONTROL PERSONNEL.

## 5.3 FACILITY AND OPERATING PLANS

### 5.3.1 When Required.

The OWNER shall submit to the HEALTH OFFICER plans and specifications prepared in accord with the provisions of Subsection 5.3.2 for review and approval before:

- A. The construction of a FOOD SERVICE ESTABLISHMENT or a RETAIL FOOD ESTABLISHMENT;
- B. The conversion of an existing structure for use as a FOOD SERVICE ESTABLISHMENT;
- C. The remodeling of a FOOD SERVICE ESTABLISHMENT or a RETAIL FOOD ESTABLISHMENT or a change of type of FOOD SERVICE ESTABLISHMENT; or
- D. The transfer of ownership of an existing permitted establishment.

### 5.3.2 Contents of the Plans and Specifications

The plans and specifications for a FOOD SERVICE ESTABLISHMENT shall include, based on the type of operation, type of food preparation, and foods prepared, the following information to demonstrate conformance with the provisions of this Ordinance:

- A. Intended menu;
- B. Proposed layout, mechanical schematics, construction materials, and finish schedules; and
- C. Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications.

### 5.3.3 Pre-operational Construction Inspection and Approval

The HEALTH OFFICER shall conduct one or more pre-operational inspections to verify that the FOOD SERVICE ESTABLISHMENT is constructed and equipped in accordance with the APPROVED plans and APPROVED modifications of those plans and is in compliance with law and this Ordinance.

## 5.4 OPERATING PERMITS

### 5.4.1 Operating Permit Required

No PERSON shall operate a FOOD SERVICE without a valid OPERATING PERMIT issued by the HEALTH OFFICER.

### 5.4.2 Submission of Application: Timing

The OWNER shall submit an application for an OPERATING PERMIT at least 30 calendar days before:

- A. The date planned for opening a FOOD SERVICE ESTABLISHMENT;
- B. The expiration date of the current OPERATING PERMIT for an existing permitted establishment;
- C. The date of remodeling of an existing establishment;
- D. The date of changing the type of establishment; or
- E. The date of transfer of ownership of an existing permitted establishment.

### 5.4.3 Submission of Application: Form

A PERSON desiring to operate a FOOD SERVICE ESTABLISHMENT shall submit to the HEALTH OFFICER a written application for an OPERATING PERMIT on a form provided by or approved by the HEALTH OFFICER.

### 5.4.4 Submission of Application: Conditions

No application for an OPERATING PERMIT shall be accepted unless:

- A. The OPERATING PERMIT application is signed by the OWNER, or officer of the legal ownership, of the FOOD SERVICE ESTABLISHMENT. Such signature shall evidence:
  - 1. If signed by the OWNER'S agent, a representation by the applicant that he or she is authorized to act on behalf of the OWNER and to obligate the OWNER to all responsibilities imposed by this Ordinance;
  - 2. The agreement of the OWNER to comply with the requirements of this Ordinance; and
  - 3. The agreement of the OWNER to allow access to the FOOD SERVICE ESTABLISHMENT and to provide all required information as specified under Sections 5.6 and 9.1;
- B. All information required by Subsection 5.4.5 is submitted; and
- C. The applicable OPERATING PERMIT fee is submitted.

### 5.4.5 Submission of Application: Contents

The application shall include:

- A. The name, mailing address, telephone number, and signature of the person applying for the OPERATING PERMIT and the name, mailing address, and location of the FOOD SERVICE ESTABLISHMENT and indication of whether he or she is the OWNER or the OWNER's agent;
- B. Information specifying whether the FOOD SERVICE ESTABLISHMENT is owned by an association, corporation, individual, partnership, or other legal entity;
- C. A statement specifying whether the food establishment is mobile or stationary and temporary or permanent;
- D. The name, title, address, and telephone number of the certified food service sanitation manager directly responsible for the FOOD SERVICE ESTABLISHMENT as provided in Section 750.540 of the *Food Service Sanitation Code* (77 Ill. Adm. Code 750.540);
- E. The names, titles, and addresses and telephone numbers of:
  - 1. The OWNERS or officers of the legal ownership as specified under Paragraph B, and
  - 2. The local registered agent if one is required based on the type of legal ownership;
- F. The name, address and telephone number of the owner of the premises where the establishment is located if different from the OWNER;
- G. A statement signed by the applicant that:
  - 1. Attests to the accuracy of the information provided in the application, and
  - 2. Affirms that the OWNER will:
    - a. Comply with this Ordinance, and
    - b. Allow the HEALTH OFFICER access to the establishment and to records as provided in Sections 5.6 and 9.1; and
- H. The fee specified by the BOARD OF HEALTH.

#### 5.4.6 Classification of Food Service Establishment - Frequency of Inspection

- A. Upon submission of a complete application, the HEALTH OFFICER shall categorize the FOOD SERVICE ESTABLISHMENT as a Class I, Class II or Class III facility pursuant to Paragraph 615.310(b) of The *Illinois Local Health Protection Grant Rules* (77 Ill. Adm. Code 615.310(b)). This categorization shall apply to the establishment until the OPERATING PERMIT is renewed or the HEALTH OFFICER determines that changes in the operation warrant reclassification of the establishment.
- B. Based upon the categorization of the food establishment, the HEALTH OFFICER shall specify in the OPERATING PERMIT the minimum inspection frequency for the facility in accord with the provisions of Subparagraph 615.310(b)(4) of The *Illinois Local Health Protection Grant Rules* (77 Ill. Adm. Code 615.310(b)(4)).

#### 5.4.7 Issuance of Operating Permit - New, Converted, or Remodel Establishments and Change of Ownership

- A. The HEALTH OFFICER shall issue OPERATING PERMITS for FOOD SERVICE ESTABLISHMENTS or issue an OPERATING PERMIT to new OWNERS of existing establishments that are required to submit plans under Subsection 5.3.1 when and only when:
  - 1. A properly completed application is submitted;
  - 2. The required fee is submitted;
  - 3. The required plans, specifications, and information are reviewed and approved; and
  - 4. A pre-operational inspection shows that the establishment is built or remodeled in accordance with the APPROVED plans and specifications, and that the establishment is in compliance with this Ordinance.
- B. OPERATING PERMITS shall be issued only in the name of the OWNER.

#### 5.4.8 Operating Permit Renewal

The HEALTH OFFICER may renew an OPERATING PERMIT for an existing FOOD SERVICE ESTABLISHMENT only after a properly completed application is submitted, reviewed, and approved, the fees are paid, and an inspection shows that the establishment is in compliance with this Ordinance.

#### 5.4.9 Term of Operating Permit

- A. OPERATING PERMITS shall expire on the 30<sup>th</sup> day of November except in the case of OPERATING PERMITS for TEMPORARY FOOD SERVICE ESTABLISHMENTS, in which case the OPERATING PERMIT shall be valid only for the period specified in it.
- B. The provisions of Paragraph A notwithstanding OPERATING PERMITS shall expire upon the occurrence of any event specified in Subsection 5.4.2.
- C. The OWNER shall apply for renewal of the OPERATING PERMIT no less than 30 days prior to the date of expiration or cease operation of the food establishment upon expiration of the OPERATING PERMIT.

#### 5.4.10 Conditions of Operating Permit Retention - Notice to Owner

- A. At the time an OPERATING PERMIT is first issued, the HEALTH OFFICER shall provide to the OWNER a copy of this Ordinance, as it is published in pamphlet form, so that the OWNER is notified of the compliance requirements, and the conditions of retention, specified under Subsection 5.4.11, that are applicable to the OPERATING PERMIT.
- B. Issuance of the OPERATING PERMIT alone shall be deemed notice to the OWNER of the requirements for retaining the OPERATING PERMIT, the provisions of Paragraph A notwithstanding. The failure of HEALTH OFFICER to provide the information specified in Paragraph A of this section does not prevent the HEALTH OFFICER from taking authorized action or seeking remedies if the OWNER fails to comply with this Ordinance or an order, warning, or directive of the HEALTH OFFICER.



#### 5.4.11 Conditions of Operating Permit Retention - Responsibilities of the Owner

Upon acceptance of the OPERATING PERMIT issued by the HEALTH OFFICER, the OWNER, in order to retain the OPERATING PERMIT, shall:

- A. Post the OPERATING PERMIT in a location in the food establishment that is conspicuous to consumers;
- B. Immediately discontinue operations and notify the HEALTH OFFICER if an IMMINENT HEALTH HAZARD may exist as specified under Subsection 5.8.1;
- C. Allow representatives of the HEALTH OFFICER access to the food establishment as specified under Section 5.6;
- D. Replace existing facilities and equipment with facilities and equipment that comply with this Ordinance if:
  - 1. The HEALTH OFFICER directs the replacement because the facilities and equipment constitute a public health hazard or nuisance or no longer comply with the criteria upon which the facilities and equipment were APPROVED;
  - 2. The HEALTH OFFICER directs the replacement of the facilities and equipment because of a change of ownership; or
  - 3. The facilities and equipment are replaced in the normal course of operation.
- E. Comply with the directives of the HEALTH OFFICER including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the HEALTH OFFICER in regard to the OWNER'S food establishment or in response to community emergencies;
- F. Accept notices issued and served by the HEALTH OFFICER according to law;
- G. Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with this Ordinance or a directive of the HEALTH OFFICER, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives; and
- H. Apply for renewal or change of the OPERATING PERMIT in timely manner as specified in Subparagraph A.2 of Subsection 5.4.2.

#### 5.4.12 Operating Permits Not Transferable

An OPERATING PERMIT may not be transferred from one PERSON to another PERSON, from one FOOD SERVICE ESTABLISHMENT to another, or from one type of operation to another, if the food operation changes from the type of operation specified in the application under Subsection 5.4.5 and the change in operation is not APPROVED.

#### 5.4.13 Denial of Application for an Operating Permit

If an application for an OPERATING PERMIT is denied, the HEALTH OFFICER shall provide the applicant with a notice that includes:

- A. The specific reasons for the denial, including citations to this Ordinance and, if applicable, to specific standards incorporated herein;

- B. The actions, if any, that the OWNER must take to qualify for an OPERATING PERMIT; and
- C. Advisement of the OWNER's right of Appeal and the process and time frames for Appeal that are provided in Section 10.1.

## 5.5 INSPECTIONS AND CORRECTIONS OF VIOLATIONS

### 5.5.1 Minimum Inspection Interval

- A. Except as specified in Paragraph B of this Section, the HEALTH OFFICER shall inspect a food establishment at least as often as specified by Subparagraph 615.310(b)(4) of the *Illinois Local Health Protection Grant Rules* (77 Ill. Adm. Code 615.310(b)(4)) based upon the minimum inspection frequency established pursuant to Paragraph B of Section 5.4.6.
- B. The HEALTH OFFICER shall periodically inspect throughout its OPERATING PERMIT period a TEMPORARY FOOD ESTABLISHMENT that prepares, sells, or serves unpackaged potentially hazardous food.

## 5.6 ACCESS

### 5.6.1 Access Required

The PERSON IN CHARGE of any FOOD SERVICE ESTABLISHMENT shall permit the HEALTH OFFICER access to the PREMISES for purposes of conducting inspections and access to any records necessary for establishing compliance with this Ordinance as provided in Section 9.1.

### 5.6.2 Refusal, Notification of Right to Access, and Final Request for Access

If the PERSON IN CHARGE denies access to the HEALTH OFFICER, the HEALTH OFFICER shall:

- A. Inform the PERSON IN CHARGE that:
  - 1. The OWNER is required to allow access to the HEALTH OFFICER as specified under Subsection 5.6.1 of this Ordinance;
  - 2. Access is a condition of the acceptance and retention of a food establishment OPERATING PERMIT as specified under Paragraph 5.4.11.C, and;
  - 3. If access is denied, an order issued by the Circuit Court may be obtained;and
- B. Make a final request for access.

### 5.6.3 Refusal, Reporting

The HEALTH OFFICER shall provide details of the denial of access on an inspection report form if the PERSON IN CHARGE continues to refuse access, after the HEALTH OFFICER presents credentials and provides notice as specified under Section 9.1 and takes the actions provided for in Subsection 5.6.2.

## 5.7 REPORT OF FINDINGS

### 5.7.1 Documenting Information and Observations

The HEALTH OFFICER shall document on an inspection report form:

- A. Administrative information about the food establishment's legal identity, street and mailing addresses, type of establishment and operation as specified under Subsection 5.4.5, inspection date, and other information such as type of water supply and SEWAGE disposal, status of the OPERATING PERMIT, and personnel certificates that may be required; and
- B. Specific factual observations of conditions that violate or deviate from any provisions of this Ordinance that require correction by the OWNER including:
  - 1. Nonconformance with critical items of this Ordinance;
  - 2. Failure of the appropriate food employees to demonstrate their knowledge of, and ability to perform in accordance with, the procedural, monitoring, verification, and corrective action practices required by the HEALTH OFFICER;
  - 3. Failure of the PERSON IN CHARGE to provide records required by the HEALTH OFFICER for determining conformance with this Ordinance.

### 5.7.2 Specifying Time Frame for Corrections

The HEALTH OFFICER shall specify on the inspection report form the time frame for correction of the violations as specified under Subsections 5.8.1, and Sections 5.9 and 5.10.

### 5.7.3 Issuing Report and Obtaining Acknowledgement of Receipt

At the conclusion of the inspection the HEALTH OFFICER shall provide a copy of the completed inspection report and the notice to correct violations to the OWNER or to the PERSON IN CHARGE, and request a signed acknowledgement of receipt.

### 5.7.4 Refusal to Sign Acknowledgement

The HEALTH OFFICER shall:

- A. Inform the OWNER or PERSON IN CHARGE who declines to sign an acknowledgement of receipt of inspection findings as specified in Subsection 5.7.3 that:
  - 1. An acknowledgement of receipt is not an agreement with findings,
  - 2. Refusal to sign an acknowledgement of receipt will not affect the OWNER's obligation to correct the violations noted in the inspection report within the time frames specified, and
  - 3. A refusal to sign an acknowledgement of receipt is noted in the inspection report and conveyed to the HEALTH DEPARTMENT'S historical record for the food establishment; and

- B. Make a final request that the OWNER or PERSON IN CHARGE sign an acknowledgement of receipt of inspection findings.

## 5.8 IMMINENT HEALTH HAZARD

### 5.8.1 Ceasing Operations and Reporting

The OWNER or PERSON IN CHARGE shall immediately discontinue operations and notify the HEALTH OFFICER if an IMMINENT HEALTH HAZARD may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, SEWAGE backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, violations of 77 Ill. Adm. Code 750, or other circumstance that may endanger public health.

### 5.8.2 Resumption of Operations

If operations are discontinued as specified under Subsection 5.8.1 or otherwise according to law, the OWNER shall obtain approval from the HEALTH OFFICER before resuming operations.

## 5.9 CORRECTION OF VIOLATIONS

### 5.9.1 Critical Violations

- A. Except as specified in Paragraph B of this Subsection, the OWNER shall at the time of inspection correct a CRITICAL VIOLATION of this Ordinance. After observing at the time of inspection a correction of a CRITICAL VIOLATION or deviation, the HEALTH OFFICER shall enter the violation and information about the corrective action on the inspection report.
- B. Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the HEALTH OFFICER may agree to or specify a longer time frame to correct the CRITICAL VIOLATION, not to exceed 10 calendar days after the inspection. After receiving notification that the OWNER has corrected a CRITICAL VIOLATION, or at the end of the specified period of time, the HEALTH OFFICER shall verify correction of the violation, document the information on an inspection report, and enter the report in the HEALTH DEPARTMENT'S records.

### 5.9.2 Non-critical Violations

The OWNER shall correct noncritical violations by a date and time agreed to or specified by the HEALTH OFFICER.

## 5.10 PREVENTION OF FOODBORNE DISEASE TRANSMISSION BY EMPLOYEES

### 5.10.1 Obtaining Personal Information

- A. The HEALTH OFFICER shall act when she or he has reasonable cause to believe that a food employee:
1. Has possibly transmitted disease;
  2. May be infected with a disease in a communicable form that is transmissible through food;
  3. May be a carrier of infectious agents that cause a disease that is transmissible through food;
  4. Is affected with a boil, an infected wound, or acute respiratory infection.
  5. Has violated any provision of 77 Ill. Adm. Code 750 of the *Food Sanitation Code*.
- B. Such action may include:
1. Securing a confidential medical history of the employee suspected of transmitting disease or making other investigations as deemed appropriate; and
  2. Reporting appropriate medical examinations, including collection of specimens for laboratory analysis, of a suspected employee and other employees.

### 5.10.2 Restriction or Exclusion of Food Employee

Based on the findings of an investigation related to an employee who is suspected of being infected or diseased, the HEALTH OFFICER may issue an order to the suspected employee or OWNER instituting one or more of the following control measures:

- A. Restricting the employee's services to specific areas and tasks in a food establishment that present no risk of transmitting the disease;
- B. Excluding the employee from a food establishment; or
- C. Closing the food establishment by summarily suspending an OPERATING PERMIT in accordance with law.

### 5.10.3 Restriction or Exclusion Order

Based on the findings of the investigation as specified in Subsection 5.10.1 and to control disease transmission, the HEALTH OFFICER may issue an order of restriction or exclusion to a suspected employee or the OWNER without prior warning, notice of a hearing, or a hearing if the order:

- A. States the reasons for the restriction or exclusion that is ordered;
- B. States the evidence that the employee or OWNER shall provide in order to demonstrate that the reasons for the restriction or exclusion are eliminated;
- C. States that the suspected employee or the OWNER may request an Appeal hearing by submitting a timely request as provided in Section 10.1; and
- D. Provides the name and address of the HEALTH DEPARTMENT representative to whom a request for an Appeal hearing may be made.

### 5.10.4 Release of Employee from Restriction or Exclusion

The HEALTH OFFICER shall release an employee from restriction or exclusion according to law upon determining that the employee no longer presents a risk of transmitting a foodborne disease and shall document the basis of making such a determination.

## 5.11 EMBARGO AND DETENTION OF ADULTERATED OR MISBRANDED FOOD

### 5.11.1 Examination of Food Items

Any item of food, food container, LABEL, or food contact equipment may be examined or sample by the HEALTH OFFICER at reasonable times as often as may be necessary to determine that the food is not ADULTERATED or MISBRANDED or that the equipment does not create a health hazard.

### 5.11.2 Hold Order

The HEALTH OFFICER may, upon written notice to the OWNER or PERSON IN CHARGE, place a hold order on any food item or food contact equipment which he or she has probable cause to believe to be unwholesome, ADULTERATED, MISBRANDED, or to otherwise create a health hazard or violate a provision of this Ordinance.

### 5.11.3 Hold Order - Tagging and Marking

If the HEALTH OFFICER shall issue a hold order, he or she shall affix to the subject food article or food contact equipment a tag or other appropriate marking giving notice that the food article or food contact equipment is or is suspected of being ADULTERATED or MISBRANDED or otherwise in violation of this Ordinance and has been detained or embargoed. The tag or marking shall also warn all PERSONS not to use, remove or dispose of such food article or food contact equipment by sale until permission for removal or disposal is given by the HEALTH OFFICER or by court having jurisdiction.

### 5.11.4 Effect of Hold Order

Any food item or food contact equipment subject to a hold order shall be suitably stored. It shall be unlawful for any PERSON to remove, or alter a tag or marking placed on any food or food contact equipment, as provided in Subsection 5.11.3. Neither such food nor the container thereof shall be relabeled, repacked, reprocessed, altered, disposed of, or destroyed without the permission of the HEALTH OFFICER, except on order of a court of competent jurisdiction.

### 5.11.5 Condemnation of Embargoed or Detained Food or Equipment

Upon embargo or detention of any food or equipment, the HEALTH OFFICER shall determine whether the food is in fact ADULTERATED or MISBRANDED, and shall:

- A. Upon determining that such food is ADULTERATED or MISBRANDED petition the Circuit Court for a libel for condemnation and take such other action as is provided in Section 6 of the *Illinois Food, Drug and Cosmetic Act* (410 ILCS 620/6); or
- B. Upon determining that such food is not ADULTERATED or MISBRANDED shall vacate the hold order and remove the tag or marking attached under Subsection 5.11.3.

## CHAPTER 6. PRIVATE SEWAGE DISPOSAL SYSTEMS

### 6.1 ACTS PROHIBITED

6.1.1 No PERSON shall discharge DOMESTIC SEWAGE or WASTEWATER to the environment except by means of a PUBLIC SEWER SYSTEM or by a PRIVATE SEWAGE DISPOSAL SYSTEM permitted, constructed, operated and maintained in accordance with the requirements of this Ordinance.

6.1.2 No PERSON shall construct, install, repair or modify a PRIVATE SEWAGE DISPOSAL SYSTEM except in compliance with the terms of this Ordinance.

6.1.3 No PERSON shall offer for sale, deliver or install a PRIVATE SEWAGE DISPOSAL SYSTEM that does not conform to all applicable requirements of this Ordinance.

6.1.4 No PERSON shall operate, maintain or fail to maintain a permitted PRIVATE SEWAGE DISPOSAL SYSTEM in a manner that contravenes any provision of this Ordinance.

6.1.5 No PERSON shall service or clean a PRIVATE SEWAGE DISPOSAL SYSTEM or collect, transport or dispose of SEPTAGE except in compliance with the terms of this Ordinance.

6.1.6 No PERSON shall construct, occupy, use or make available to another for occupancy or use by any means, a premises for the purpose of human occupancy served by a PRIVATE SEWAGE DISPOSAL SYSTEM, except in compliance with the terms of this Ordinance.

### 6.2 STANDARDS AND REGULATIONS

#### 6.2.1 *Illinois Private Sewage Disposal Code* Incorporated

The discharge of DOMESTIC SEWAGE and WASTEWATER, the sale, construction, installation, repair, maintenance, modification, cleaning and servicing of PRIVATE

SEWAGE DISPOSAL SYSTEMS and the collection, transportation and disposal of SEPTAGE shall be governed by the *Private Sewage Disposal Code* (77 Ill. Adm. Code 905) which is hereby incorporated by reference, together with any regulations or standards therein incorporated, subject to the provisions of Section 3.2.

#### 6.2.2 Installation by Licensed Private Sewage Disposal System Installation Contractor

No PERSON shall construct, install, repair or modify a PRIVATE SEWAGE DISPOSAL SYSTEM unless they possess a valid license as a PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION CONTRACTOR, except that a HOMEOWNER may do so for a system that serves only the single family dwelling in which he or she resides provided requirements of this Ordinance are met.

#### 6.2.3 Sewage Disposal Required

All premises intended for human occupancy shall provide for the sanitary disposal of HUMAN WASTES and DOMESTIC SEWAGE by discharging into a PUBLIC SEWER SYSTEM or PRIVATE SEWAGE DISPOSAL SYSTEM constructed, installed, repaired, maintained and serviced in compliance with this Ordinance.

#### 6.2.4 Limited Use Systems

Privies, chemical toilets, and recirculating toilets shall not provide the required means of SEWAGE disposal for any premises except that they may be permitted for premises occupied on a temporary basis only under the following conditions:

- A. Construction sites during the time that the local permit authorizing construction is in effect; and
- B. Premises used for temporary public gatherings or other events during the time that any local permit or license authorizing such event is in effect.

#### 6.2.5 Location: Public Sewer System Availability

- A. No CONSTRUCTION PERMIT shall be issued for construction of a PRIVATE SEWAGE DISPOSAL SYSTEM where a PUBLIC SEWER SYSTEM is available unless a physical barrier or local ordinance exists which prevents connection to the PUBLIC SEWER SYSTEM. Local ordinances which establish conditions for, but do not prohibit, new connections shall be deemed not to prevent connection.
- B. A PUBLIC SEWER SYSTEM shall be deemed available when:
  - 1. A public sewer line is in place within any street, alley, right of way, or easement that adjoins or abuts the PREMISES for which the CONSTRUCTION PERMIT is requested; or
  - 2. The improvement to be served is located within a reasonable distance of a PUBLIC SEWER SYSTEM to which a connection is practical which, for the purpose of this provision, shall be deemed to be not greater than:



- a. 300 feet for a single family residence or a non-residential property with a SEWAGE flow less than 1,500 gallons per day; or
  - b. 1,000 feet for a non-residential property with a SEWAGE flow greater than or equal to 1,500 gallons per day .
- C. For the purposes of Paragraph B of this subsection, distances shall be measured by the shortest air line distance from the property line of the subject PREMISES to the nearest point at which a connection to a PUBLIC SEWER SYSTEM is practical.

#### 6.2.6 Location: Special Flood Hazard Area

No PRIVATE SEWAGE DISPOSAL SYSTEM shall be located in a SPECIAL FLOOD HAZARD AREA unless:

- A. The requirements of Subparagraph 905.20(j)(1) of the *Private Sewage Disposal Code* are met (77 Ill. Adm. Code 905.20(j)(1)); and
- B. Any mechanical or electrical components of the system that are subject to damage by inundation are located no less than one foot above the estimated elevation of the one percent annual probability base flood elevation.

#### 6.2.7 Design and Construction

- A. No PRIVATE SEWAGE DISPOSAL SYSTEM shall discharge into any ditch or drainage structure installed for street or highway drainage purposes without the approval of the authority having jurisdiction over such street or highway, and, effective February 10, 2014, unless in compliance with a NPDES PERMIT.
- B. No PRIVATE SEWAGE DISPOSAL SYSTEM shall discharge directly to any farm drainage tile except that systems permitted to have a surface discharge may utilize a farm tile that serves only the OWNER'S property and discharges to the surface on the PREMISES on which such system is located, and, effective February 10, 2014, unless in compliance with a NPDES PERMIT.
- C. No PRIVATE SEWAGE DISPOSAL SYSTEM shall discharge directly or indirectly to any farm field in such a way as to impair agricultural practices or create a nuisance.
- E. A PRIVATE SEWAGE DISPOSAL SYSTEM shall be designed to receive all WASTEWATER from the buildings served, except:
  - 1. No SUB-SOIL DRAINAGE, discharge from roof drains or swimming pool WASTEWATER shall be directed to the PRIVATE SEWAGE DISPOSAL SYSTEM.
  - 2. WASTEWATER generated by a hot tub or similar device shall be discharged to one of the following:
    - a. A separate SUBSURFACE SEEPAGE SYSTEM, provided that 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 seepage field serving the domestic WASTEWATER 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.
3. Backwash water from a water softener or similar device shall be discharged to one of the following:
  - a. A separate SUBSURFACE SEEPAGE SYSTEM, provided that the seepage field is designed to accommodate the liquid capacity of the water softener on a daily basis. A septic tank is not required in front of a seepage field receiving flow from this device.
  - b. 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. A septic tank is not required in front of a seepage field receiving flow from this device.
4. Waste products, such as automotive grease, oils, solvents and chemicals shall not discharge to a PRIVATE SEWAGE DISPOSAL SYSTEM.

#### 6.2.8 . Occupancy of Premises served by a Permitted System

No PREMISES served by a PRIVATE SEWAGE DISPOSAL SYSTEM for which a CONSTRUCTION PERMIT has been issued by the HEALTH DEPARTMENT shall be occupied or used until a Certificate of Approval has been issued for the PREMISES by the HEALTH OFFICER except for CONSTRUCTION PERMITS issued to repair or replace systems serving PREMISES which are lawfully occupied on the date of application for the CONSTRUCTION PERMIT.

### 6.3 NPDES PERMIT FOR SURFACE DISCHARGING PRIVATE SEWAGE DISPOSAL SYSTEMS

#### 6.3.1 When Required

Effective February 10, 2014, prior to obtaining a CONSTRUCTION PERMIT from the HEALTH OFFICER for the installation, replacement, and operation of a new or replacement surface discharging PRIVATE SEWAGE DISPOSAL SYSTEM, it shall be the responsibility of the OWNER to obtain a NPDES PERMIT for the new or replacement surface discharging PRIVATE SEWAGE DISPOSAL SYSTEM.

### 6.4 CONSTRUCTION PERMITS

#### 6.4.1 When Required

- A. Except as provided in Paragraph B, a CONSTRUCTION PERMIT shall be obtained from the HEALTH DEPARTMENT prior to commencing any work related to constructing, repairing, altering, extending or replacing any part of a PRIVATE SEWAGE DISPOSAL SYSTEM, except for:
  - 1. Surveying or staking the location of the proposed site, or
  - 2. Conducting soil investigations or PERCOLATION TESTS; and
- B. Provided that all work is done in a manner complying with the requirements of this Ordinance, CONSTRUCTION PERMITS shall not be required for:
  - 1. Routine cleaning of disposal system components,
  - 2. Replacing septic tank covers, or
  - 3. Rodding out inlets and outlets.

#### 6.4.2 Responsibility of Owner and Contractor

- A. It shall be the responsibility of the OWNER to obtain a CONSTRUCTION PERMIT before any construction, installation or alteration of a PRIVATE SEWAGE DISPOSAL SYSTEM is initiated. Failure of the OWNER to obtain a CONSTRUCTION PERMIT before construction or installation of a PRIVATE SEWAGE DISPOSAL SYSTEM is initiated shall constitute a violation of this Ordinance.
- B. It shall be the responsibility of the Illinois Licensed PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION CONTRACTOR to insure that a CONSTRUCTION PERMIT has been issued for said construction, installation or alteration prior to commencing any work, except as provided in Subsection 6.3.1, and to follow all conditions of the CONSTRUCTION PERMIT.
- C. Effective January 1, 2013, the OWNER of the property on which a new or replacement PRIVATE SEWAGE DISPOSAL SYSTEM is installed shall be responsible for the service and maintenance of the PRIVATE SEWAGE DISPOSAL SYSTEM in accordance with the *Illinois Private Sewage Disposal Licensing Act* (225 ILCS 225) and the *Illinois Private Sewage Disposal Code* (77 Ill. Adm. Code Park 905), and shall complete an Affidavit for Homeowner's Compliance with *Illinois Private Sewage Disposal Licensing Act* and *Code* on a form provided by the HEALTH DEPARTMENT.

#### 6.5 CONSTRUCTION PERMIT APPLICATIONS

##### 6.5.1 Timing

CONSTRUCTION PERMIT applications shall be submitted prior to commencing any work, except as provided in Subsection 6.3.1.

##### 6.5.2 Form

CONSTRUCTION PERMIT applications shall be made in writing on forms provided or approved by the HEALTH OFFICER and shall be filed at such location or locations as the HEALTH OFFICER may designate.

### 6.5.3 Conditions

No application for a CONSTRUCTION PERMIT shall be accepted unless:

- A. The CONSTRUCTION PERMIT application contains the signature of the OWNER, or an officer of the legal ownership entity, or the signature of the designated agent of the OWNER. Such signature shall evidence:
  - 1. If signed as the OWNER's agent, a representation by the applicant that he or she is authorized to act on behalf of the OWNER and that the agent has the authority to obligate the OWNER to all responsibilities imposed by this Ordinance;
  - 2. The agreement of the OWNER to comply with the terms of this Ordinance; and
  - 3. The agreement of the OWNER to allow access to the PREMISES by the HEALTH DEPARTMENT and to provide required information as provided in Sections 6.7 and 9.1.
- B. All information required by Subsection 6.5.4 is submitted; and
- C. The applicable fee is submitted.

### 6.5.4 Contents

CONSTRUCTION PERMIT applications shall, at a minimum, include the following:

- A. Name, address and telephone number of the applicant;
- B. Name, address and telephone number of the OWNER if different than the applicant;
- C. Name, address and telephone number of the OWNER of the property on which the PRIVATE SEWAGE DISPOSAL SYSTEM will be located if different than the OWNER;
- D. Name, address and telephone number and license number of the PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION CONTRACTOR if any;
- E. Name, address and telephone number of any professional engineer, sanitarian, soil scientist or other PERSON responsible for the design of the system or for the collection or analysis of any information used in designing the system;
- F. An accurate description of the location of the property on which the construction, alteration, or extension is proposed;
- G. The maximum waste loading capacity and an explanation of the basis on which it is estimated;
- H. All results of all soil investigations or PERCOLATION TESTS conducted on the property;
- I. Complete plans drawn to scale of the proposed disposal facility in accord with requirements of Subparagraph 905.190(b)(1) of the *Private Sewage Disposal Code* (77 Ill. Adm. Code 905.190(b)(1));
- J. All additional information required by Paragraph 905.190(b) of the *Private Sewage Disposal Code* (77 Ill. Adm. Code 905.190(b));
- K. The fee specified by the BOARD OF HEALTH.

#### 6.5.5 Soil Investigations and Percolation Tests

- A. All soil investigations and PERCOLATION TESTS shall be conducted in accordance with Section 905.55 of the *Private Sewage Disposal Code* (77 Ill. Adm. Code 905.55).
- B. The HEALTH OFFICER shall determine the validity of any soil investigation or PERCOLATION TEST. The HEALTH OFFICER may deny issuance of a CONSTRUCTION PERMIT if the results of any part of a soil investigation or PERCOLATION TEST included in the CONSTRUCTION PERMIT application are determined to be invalid.
- C. The HEALTH OFFICER shall determine which results shall prevail when any parts of the results of any soil investigations or PERCOLATION TESTS are in conflict.

#### 6.6 ISSUANCE OF CONSTRUCTION PERMIT

##### 6.6.1 Qualified Construction Permit Holders

CONSTRUCTION PERMITS shall be issued in the name of the OWNER only to:

- A. A PERSON possessing a valid Illinois license as a PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION CONTRACTOR; or
- B. A HOMEOWNER or his or her agent for work on a system located on and serving only the premises on which the HOMEOWNER resides.

##### 6.6.2 Inspection Prior to Construction Permit Issuance

The HEALTH OFFICER may investigate conditions on the proposed site prior to issuance of a CONSTRUCTION PERMIT.

##### 6.6.3 Determination of Location with Respect to Special Flood Hazard Areas

- A. If in the judgment of the HEALTH OFFICER the site of a proposed PRIVATE SEWAGE DISPOSAL SYSTEM is or may be located in a SPECIAL FLOOD HAZARD AREA, the CONSTRUCTION PERMIT shall not be issued until a determination is made that the site is not located in a SPECIAL FLOOD HAZARD AREA or that the proposed PRIVATE SEWAGE DISPOSAL SYSTEM meets the requirements of Subsection 6.2.6.
- B. If required by the HEALTH OFFICER, the OWNER, at his or her expense, shall obtain a determination as to whether the proposed PRIVATE SEWAGE DISPOSAL SYSTEM is located in a SPECIAL FLOOD HAZARD AREA from the local official responsible for administering the local flood plain regulations, the Illinois State Water Survey, or an Illinois licensed professional engineer.
- C. If the location of a proposed PRIVATE SEWAGE DISPOSAL SYSTEM is determined to be in a SPECIAL FLOOD HAZARD AREA, the HEALTH OFFICER may require that additional information be provided to determine that

the proposed installation complies with the requirements of Subsection 6.2.6 including but not limited to the following:

1. An assessment by a soil scientist regarding the effect of periodic inundation;
2. An estimate of the elevation of the 100 year recurrence interval flood from the local official responsible for administering the local flood plain regulations, the Illinois State Water Survey, or an Illinois licensed professional engineer; and
3. A determination by an Illinois licensed surveyor of the elevation of the location of the proposed PRIVATE SEWAGE DISPOSAL SYSTEM.

#### 6.6.4 Decision on Construction Permit Application

Within fifteen days of the receipt of all required information, the HEALTH OFFICER shall issue or deny the CONSTRUCTION PERMIT. In the event the CONSTRUCTION PERMIT is denied the reasons for such denial shall be provided in writing to the applicant.

#### 6.6.5 Limits of Authority Granted by Construction Permit

- A. A CONSTRUCTION PERMIT, when issued, shall authorize only the specific work described in the CONSTRUCTION PERMIT application. The CONSTRUCTION PERMIT shall not:
  1. Authorize any other work;
  2. Authorize work at any other location;
  3. Authorize construction to be performed by any PERSON other than as identified in the application;
  4. Authorize construction to be performed in any manner other than as described in the CONSTRUCTION PERMIT application; or
  5. Authorize use of the permitted PRIVATE SEWAGE DISPOSAL SYSTEM to serve any facility or any use other than as specified in the CONSTRUCTION PERMIT application.
- B. The OWNER shall amend the CONSTRUCTION PERMIT application and obtain the approval of the HEALTH OFFICER prior to deviating from any aspect of the application on which the CONSTRUCTION PERMIT was issued.

#### 6.6.6 Term

CONSTRUCTION PERMITS shall be valid for a period of twelve months from the date of issuance. The CONSTRUCTION PERMIT shall expire and have no further force or effect:

- A. If the work described on the CONSTRUCTION PERMIT has not been commenced within twelve months. In such case, the CONSTRUCTION PERMIT shall be cancelled by the HEALTH OFFICER unless extended as provided in Subsection 6.6.7. Written notice of cancellation shall be given to the OWNER together with notice that further work as described on he cancelled

CONSTRUCTION PERMIT shall not proceed until a new CONSTRUCTION PERMIT is issued; or

- B. Upon issuance of a Certificate of Approval as provided in Section 6.78.

#### 6.6.7 Extension

CONSTRUCTION PERMITS may be extended for such additional period as is set forth in the application for the CONSTRUCTION PERMIT or in an application for an extension of the CONSTRUCTION PERMIT as the time necessary to complete the construction. Such extension may be granted only upon a determination by the HEALTH OFFICER that the need for additional time is occasioned by the scope of the proposed construction, unique features of the site or design, work stoppages not under the control of the CONSTRUCTION PERMIT holder or other practical necessity and not for lack of due diligence by the CONSTRUCTION PERMIT holder. Such extension shall be granted for the minimum amount of time needed to complete the project, but in no case shall such extension be granted for a period exceeding one hundred and eighty days.

#### 6.6.8 Revocation or Suspension

If it is determined by the HEALTH OFFICER that work is proceeding in a manner other than described in the CONSTRUCTION PERMIT application or that any material fact in the CONSTRUCTION PERMIT application was misrepresented or inaccurately stated, the HEALTH OFFICER may, in writing, revoke the CONSTRUCTION PERMIT or suspend the CONSTRUCTION PERMIT for a specified time.

### 6.7 INSPECTIONS

#### 6.7.1 Right of Access

The OWNER shall permit the HEALTH OFFICER access to the PREMISES for purposes of conducting inspections as provided in Section 9.1.

#### 6.7.2 Inspection Prior to Completion

No work on any PRIVATE SEWAGE DISPOSAL SYSTEM shall be deemed complete nor the conditions of any CONSTRUCTION PERMIT met until the installation of the system and its components have been inspected by the HEALTH OFFICER and determined to be in compliance with applicable provisions of this Ordinance.

#### 6.7.3 Notice Prior to Commencing Work

OWNERS or PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION CONTRACTORS shall provide notice to the HEALTH DEPARTMENT no less than forty-eight hours prior to commencing any work described in the CONSTRUCTION PERMIT.

#### 6.7.4 Exposing Work

- A. If work shall have proceeded without a required inspection in such a way as to make it impractical to perform a necessary inspection the HEALTH OFFICER may order the OWNER, in writing, that backfill material be removed or that the work be otherwise uncovered, so as to permit the necessary inspection within fifteen days.
- B. If, at the end of such fifteen days, the OWNER shall not have uncovered the PRIVATE SEWAGE DISPOSAL SYSTEM as ordered by the HEALTH OFFICER, the CONSTRUCTION PERMIT may be suspended or revoked as provided in Section 6.6.8, and the HEALTH DEPARTMENT may enter upon the property and may, at the OWNER's expense, uncover the system and complete the necessary inspection.
- C. In the event that the HEALTH DEPARTMENT must uncover the work to complete a required inspection, the CONSTRUCTION PERMIT shall not be reinstated or a Certificate of Approval issued, until the OWNER shall have reimbursed the HEALTH DEPARTMENT for all costs incurred in uncovering the work.

#### 6.8 CERTIFICATE OF APPROVAL

##### 6.8.1 Completion of Work and Compliance with Regulations

When the HEALTH OFFICER has determined that all work described in the CONSTRUCTION PERMIT is complete and has been conducted in compliance with the provisions of this Ordinance and of the CONSTRUCTION PERMIT, the HEALTH OFFICER shall issue a Certificate of Approval.

##### 6.8.2 Issuance of Certificate of Approval

The HEALTH OFFICER shall retain the original Certificate of Approval and shall provide one copy to the OWNER, duly signed.

##### 6.8.3 Construction Permit Invalidated

The issuance of a Certificate of Approval shall invalidate the CONSTRUCTION PERMIT issued for work conducted on the PREMISES involved.

#### 6.9 TRANSPORTATION AND DISPOSAL OF SEPTAGE

##### 6.9.1 Transportation and Disposal by Licensed Contractor Required

- A. No PERSON shall collect, store, transport or dispose of SEPTAGE unless they possess a valid license as a PRIVATE SEWAGE DISPOSAL SYSTEM PUMPING CONTRACTOR issued by the Illinois Department of Public Health.



- B. No PERSON shall employ or otherwise permit any PERSON who does not possess a valid license as a PRIVATE SEWAGE DISPOSAL SYSTEM PUMPING CONTRACTOR to collect, store, transport or dispose of any SEPTAGE from any PRIVATE SEWAGE DISPOSAL SYSTEM which they own, possess or control.

#### 6.9.2 Compliance with Private Sewage Disposal Code

No PERSON shall dispose of SEPTAGE except in compliance with all applicable provisions of Section 905.170 of the *Private Sewage Disposal Code* (77 Ill. Adm. Code 905.170).

#### 6.9.3 Disposal in Special Flood Hazard Areas Prohibited

No PERSON shall dispose of SEPTAGE in any SPECIAL FLOOD HAZARD AREA.

#### 6.9.4 Notice of Disposal Site

- A. No PERSON shall dispose of any SEPTAGE unless they have first notified the HEALTH DEPARTMENT in writing of the location and manner of the proposed disposal.
- B. A separate notice shall be made annually for each site utilized on forms supplied or approved by the HEALTH OFFICER. At a minimum, such notice shall contain the following information:
1. An accurate description of the site including the administrative township, township, range, section and quarter section and the address if any;
  2. The name, address and telephone number of the owner of the property;
  3. The purpose for which the property is otherwise used;
  4. An estimate of the annual total gallons of SEPTAGE disposed of at the site; and
  5. A description of the methods of disposal at each site.

#### 6.9.5 Truck and Equipment Washing: Disposal of Rinsings

No PERSON shall dispose of any water used to rinse or clean any surfaces that normally come in contact with SEPTAGE of any vehicle or equipment used to collect, store, transport or dispose of SEPTAGE in a manner or at a location other than as permitted for the disposal of SEPTAGE.

### CHAPTER 7. POTABLE WATER SUPPLIES

#### 7.1 ACTS PROHIBITED

- 7.1.1 No PERSON shall construct, deepen, or modify a WATER WELL or CLOSED LOOP WELL except in compliance with the terms of this Ordinance.

7.1.2 No PERSON shall abandon or seal a WATER WELL or CLOSED LOOP WELL except in compliance with the terms of this Ordinance.

7.1.3 No PERSON shall operate a private water supply, NON-COMMUNITY WATER SYSTEM or SEMI-PRIVATE WATER SYSTEM except in compliance with the terms of this Ordinance.

7.1.4 No PERSON shall construct, occupy, use or make available to another by any means a premises for the purpose of human occupancy, except in compliance with the terms of this Ordinance.

## 7.2 STANDARDS AND REGULATIONS

### 7.2.1 State Regulations Incorporated

The location, construction, modification, operation, abandonment and sealing of a WATER WELL or CLOSED LOOP WELL shall be governed by the following regulations which are, hereby incorporated by reference together with any regulations or standards therein incorporated, subject to the provisions of Section 3.2:

- A. *Water Well Construction Code* (77 Ill. Adm. Code 920); and
- B. *Illinois Water Well Pump Installation Code* (77 Ill. Adm. Code 925).

### 7.2.2 Potable Water Supply Required

All premises intended for human habitation or occupancy shall be provided with a POTABLE WATER supply. The POTABLE WATER supply shall not be connected to non-POTABLE WATER and shall be protected against backflow and back siphonage in accordance with the requirements of Subpart I of the *Illinois Plumbing Code* (77 Ill. Adm. Code 890). Each POTABLE WATER supply shall provide quantities of water that are sufficient for the drinking, culinary, and sanitary needs of the dwelling or PREMISES served.

### 7.2.3 Public Water Supply Use

- A. In those locations where a PUBLIC WATER SYSTEM is reasonably available, that system shall be the sole source of water for drinking and culinary purposes. A PUBLIC WATER SYSTEM shall be deemed reasonably available when:
  - 1. The subject property is located within 200 feet of the PUBLIC WATER SYSTEM;
  - 2. Connection to the PUBLIC WATER SYSTEM is practical; and
  - 3. Connection is permitted by the controlling authority for the PUBLIC WATER SYSTEM.
- B. For the purposes of Paragraph A of this Subsection distances shall be measured by the shortest air line distance from the property line of the subject PREMISES to the nearest point at which a connection to a PUBLIC WATER SYSTEM is practical.

#### 7.2.4 Occupancy of Permitted Premises

No PREMISES served by a WATER WELL for which a CONSTRUCTION PERMIT has been issued by the Champaign County Public HEALTH DEPARTMENT shall be occupied or used until a Certificate of Approval has been issued by the HEALTH OFFICER except for CONSTRUCTION PERMITS issued to repair, modify or replace systems serving PREMISES which are lawfully occupied on the date of application for the CONSTRUCTION PERMIT.

### 7.3 CONSTRUCTION PERMITS

#### 7.3.1 When Required

No WATER WELL or CLOSED LOOP WELL shall be constructed, modified, deepened or sealed unless a CONSTRUCTION PERMIT has first been obtained from the HEALTH DEPARTMENT. CONSTRUCTION PERMITS are not required for the following:

- A. A well that does or will serve a COMMUNITY WATER SYSTEM provided that all applicable requirements of the *Environmental Protection Act* (415 ILCS 5/1 *et seq.*) and Parts 601 through 611 of the *Illinois Environmental Protection Code* (35 Ill. Adm. Code 601-611) are met;
- B. A well that does or will serve a NON-COMMUNITY WATER SYSTEM provided that approval is obtained from the Illinois Department of Public Health; or
- C. A well that does or will function as a monitoring well provided that all applicable provisions of Section 920.170 of the *Illinois Water Well Construction Code* (77 Ill. Adm. Code 920.170) are met

#### 7.3.2 Responsibility of Owner and Contractor

- A. It shall be the responsibility of the OWNER to obtain a CONSTRUCTION PERMIT before any construction or deepening of a WATER WELL or CLOSED LOOP WELL is initiated. Failure of the OWNER to obtain a CONSTRUCTION PERMIT before any construction or deepening of a WATER WELL or CLOSED LOOP WELL is initiated shall constitute a violation of this Ordinance.
- B. It shall be the responsibility of the WATER WELL or CLOSED LOOP WELL Contractor to insure that a CONSTRUCTION PERMIT has been issued before any construction or deepening of a WATER WELL or CLOSED LOOP WELL is initiated and to follow the conditions of said CONSTRUCTION PERMIT. Failure of the WATER WELL or CLOSED LOOP WELL Contractor to insure said CONSTRUCTION PERMIT has been issued or to violate the conditions of said CONSTRUCTION PERMIT shall constitute a violation of this Ordinance.

### 7.4 CONSTRUCTION PERMIT APPLICATIONS

#### 7.4.1 Timing

CONSTRUCTION PERMIT applications shall be submitted prior to commencing any work.

#### 7.4.2 Form

CONSTRUCTION PERMIT applications shall be made in writing in forms provided or approved by the HEALTH OFFICER and shall be filed at such location or locations as the HEALTH OFFICER may designate.

#### 7.4.3 Conditions

No application for a CONSTRUCTION PERMIT shall be accepted unless:

- A. The CONSTRUCTION PERMIT application contains the signature of the OWNER or office of the legal ownership of the WATER WELL or CLOSED LOOP WELL, or the signature of the designated agent of the OWNER. Such signature shall evidence:
  - 1. If signed as OWNER'S agent, a representation by the application that he or she is authorized to act on behalf of the OWNER and obligate the OWNER to all responsibilities imposed by this Ordinance;
  - 2. The agreement of the OWNER to comply with the terms of this Ordinance; and
  - 3. The agreement of the OWNER to allow access to the PREMISES and to provide required information as provided in Subsection 7.6.2, Section 7.7 and Section 7.8.
- B. All information required by Subsection 7.4.4 is submitted; and
- C. The applicable fee is submitted.

#### 7.4.4 Contents

CONSTRUCTION PERMIT applications shall, at a minimum, include the following:

- A. Name, address and telephone number of the applicant;
- B. Name, address and telephone number of the OWNER if different from the applicant;
- C. Name, address and telephone number of the owner of the property on which the WATER WELL or CLOSED LOOP WELL is or will be located if different from the OWNER;
- D. Name, address, telephone number and license number of the of the WATER WELL or CLOSED LOOP WELL contractor;
- E. An accurate legal description of the location of the property on which the construction, alteration, or extension is proposed;
- F. Description of the property or properties, and of all buildings or other facilities to be served by the well;

- G. An accurate description of the location of the WATER WELL or CLOSED LOOP WELL including a site plan containing the information required by Subparagraph 920.130(b)(1) of the *Water Well Construction Code* (77 Ill. Admin. Code 920.130(b)(1));
- H. All additional information required by Paragraph 920.130(b) of the *Water Well Construction Code* (77 Ill. Adm. Code 920.130(b));
- I. Such other information as may be required by the HEALTH OFFICER to substantiate that the proposed construction, alteration, or extension complies with minimum standards of this Ordinance; and
- J. The fee specified by Subsection 12.2.2.

## 7.5 ISSUANCE OF CONSTRUCTION PERMIT

### 7.5.1 Qualified Construction Permit Holders

CONSTRUCTION PERMITS shall be issued only to:

- A. A PERSON possessing a valid license issued under the Illinois Water Well and Pump Installation Contractor's License Act, (225 ILCS 345/1 et seq.);
- B. The WATER WELL or CLOSED LOOP WELL OWNER.

### 7.5.2 Inspection Prior to Construction Permit Issuance

The HEALTH OFFICER may investigate conditions on the proposed site prior to the issuance of a CONSTRUCTION PERMIT.

### 7.5.3 Decision on Construction Permit Application

Within 15 days of the receipt of all required information the HEALTH OFFICER shall issue or deny the CONSTRUCTION PERMIT in accord with the provisions of Paragraph 920.130(e) of the *Illinois Water Well Construction Code* (77 Ill. Adm. Code 920.130(e)). In the event the CONSTRUCTION PERMIT is denied the reasons for such denial shall be provided in writing to the applicant.

### 7.5.4 Limits of Authority Granted by Construction Permit

- A. A CONSTRUCTION PERMIT, when issued, shall authorize only the specific work described in the CONSTRUCTION PERMIT application. The CONSTRUCTION PERMIT shall not:
  - 1. Authorize any other work;
  - 2. Authorize work at any other location;
  - 3. Authorize construction to be performed by any PERSON other than as identified in the application;
  - 4. Authorize construction to be performed in any manner other than as described in the CONSTRUCTION PERMIT application; or

5. Authorize use of the WATER WELL to serve any use or any property building or facility other than as specified in the CONSTRUCTION PERMIT application.
- B. The OWNER shall amend the CONSTRUCTION PERMIT application and obtain the approval of the HEALTH OFFICER prior to deviating from any aspect of the application on which the CONSTRUCTION PERMIT was issued.

#### 7.5.5 Term

CONSTRUCTION PERMITS shall be valid for a period of twelve months from the date of issuance. The CONSTRUCTION PERMIT shall expire and have no further force or effect if:

- A. The work described on CONSTRUCTION PERMIT shall not have been commenced within twelve months, unless extended as provided in Subsection 7.5.6. In such case, the CONSTRUCTION PERMIT shall be canceled by the HEALTH OFFICER. Written notice of cancellation shall be given to the OWNER together with notice that work described on the canceled CONSTRUCTION PERMIT shall not proceed until a new CONSTRUCTION PERMIT is issued; or
- B. A Certificate of Approval has been issued by the HEALTH OFFICER.

#### 7.5.6 Extension

CONSTRUCTION PERMITS may be extended for such additional period as is set forth in the application for the CONSTRUCTION PERMIT or in an application for an extension of the CONSTRUCTION PERMIT as the time necessary complete the construction. Such extension may be granted only upon a determination by the HEALTH OFFICER that the need for additional time is occasioned by the scope of the proposed construction, unique features of the site or design, work stoppages not under the control of the OWNER or other practical necessity and not for lack of due diligence by the OWNER. Such extension shall be granted for the minimum amount of time needed to complete the project, but in no case shall such extension be granted for a period exceeding 180 days.

#### 7.5.7 Revocation or Suspension

If it is determined by the HEALTH OFFICER that work is proceeding in a manner other than described in the CONSTRUCTION PERMIT application or that any material fact in the CONSTRUCTION PERMIT application was misrepresented or inaccurately stated the HEALTH OFFICER may, in writing, suspend or revoke the CONSTRUCTION PERMIT.

### 7.6 INSPECTIONS

#### 7.6.1 Inspection Prior to Operation

No WATER WELL or CLOSED LOOP WELL shall be placed into operation until the installation of the WATER WELL or CLOSED LOOP WELL and its components has been approved in writing by the HEALTH OFFICER.

#### 7.6.2 Notice Prior to Commencing Work

The HEALTH DEPARTMENT shall be notified at least 48 hours prior to commencing the construction or deepening of a WATER WELL or CLOSED LOOP WELL for which a CONSTRUCTION PERMIT has been issued.

#### 7.6.3 Exposing Work

To the degree practical and permitted by the HEALTH OFFICER the completed installation shall remain uncovered and accessible for inspection purposes until approval by the HEALTH OFFICER.

### 7.7 FINAL APPROVAL

#### 7.7.1 Disinfection

All components of a new WATER WELL construction and/or modification shall be thoroughly disinfected with a strong chlorine solution which will yield a dosage of at least 100 parts per million to the water in the well.

#### 7.7.2 Water Sample

After purging the system of any chlorine residual, a water sample shall be taken and satisfactory bacteriological results, as confirmed by a CERTIFIED LABORATORY, shall be obtained prior to utilizing the WATER WELL for drinking and culinary purposes.

#### 7.7.3 Failure to Comply

Upon inspection by the HEALTH OFFICER, if it is found that any provisions of this Ordinance or any CONSTRUCTION PERMIT specifications for a stated property have not been met, the HEALTH OFFICER shall notify the WATER WELL or CLOSED LOOP WELL contractor or OWNER, to make specified changes in the work to insure compliance with the provisions of this Ordinance and the CONSTRUCTION PERMIT. If such changes are not made within the time specified by the HEALTH OFFICER, said CONSTRUCTION PERMIT may be suspended or revoked, and it shall be unlawful to place the WATER WELL or CLOSED LOOP WELL into operation.

#### 7.7.4 Certificate of Approval

When the HEALTH OFFICER has determined that all work described in the CONSTRUCTION PERMIT is complete, has been conducted in compliance with the

regulations and standards of this Ordinance, and, if an existing well is abandoned in conjunction with construction of a new well that the work also meets the requirements of Section 7.8, the HEALTH OFFICER shall issue a Certificate of Approval.

#### 7.7.5 Issuance of Certificate of Approval

The HEALTH OFFICER shall retain the original Certificate of Approval and provide one copy to the OWNER, duly signed.

#### 7.7.6 Construction Permit Invalidated

The issuance of a Certificate of Approval shall invalidate the CONSTRUCTION PERMIT issued for work conducted on the WATER WELL or CLOSED LOOP WELL involved.

### 7.8 ABANDONED WELLS

#### 7.8.1 Compliance with *Water Well Construction Code*

Wells that are abandoned shall be sealed in a manner prescribed by Section 920.120 of the *Water Well Construction Code* (77 Ill. Adm. Code 920).

#### 7.8.2 Notice Required Prior to Sealing

The HEALTH DEPARTMENT shall be notified at least 48 hours prior to sealing of an ABANDONED WELL at which time a date for inspection will be arranged.

#### 7.8.3 Inspection of Abandoned Wells

The HEALTH OFFICER shall inspect ABANDONED WELLS which have been sealed to determine compliance with this Ordinance.

## CHAPTER 8. ADMINISTRATION

### 8.1 BOARD OF HEALTH

#### 8.1.1 Administration by Board of Health

Administration and enforcement of this Ordinance shall be vested in the CHAMPAIGN COUNTY BOARD OF HEALTH created by Resolution No. 3812, *Resolution Establishing County Health Department*.

#### 8.1.2 Appointment

The BOARD OF HEALTH shall be comprised of eight persons meeting the requirements of Section 5/55-25012 of the *Illinois Counties Code* (55 ILCS 5/5-25012), and one



member of the Champaign County Board. The members shall be appointed by the Chair of the COUNTY BOARD with the approval of the COUNTY BOARD.

#### 8.1.3 Term

Board Members shall serve a term of three years except as provided in Section 5/55-25012 of the Illinois *Counties Code* 55 ILCS 5/5-25012. Members appointed to fill vacancies on the Board shall be appointed to a full term.

#### 8.1.4 Removal for Cause

The Chair of the COUNTY BOARD may remove any member of the BOARD for cause, with the consent of the COUNTY BOARD. Such removal shall not become effective for at least 10 days after written notice of the proposed removal is provided to the member specifying the charges made against him or her. Within such 10 day period the member proposed to be removed may request, in writing, a hearing to answer any charges brought against him or her. In such case, a hearing shall be scheduled no more than 30 days from the date that such request is received in the office of the COUNTY BOARD. If a hearing is requested the removal of such member shall not become effective until after the next regular COUNTY BOARD meeting following the conclusion of such hearing.

#### 8.1.5 Compensation

Members of the BOARD OF HEALTH shall serve without compensation except for reimbursement of actual necessary expenses incurred in performance of their duties. Such reimbursable expenses shall include reimbursement of travel expenses at a rate not to exceed that established for other Champaign County officials.

### 8.2 POWERS OF THE BOARD OF HEALTH

#### 8.2.1 Powers Conferred

The Board, shall have the powers explicitly conferred or implied by Division 5-25 of the Illinois *Counties Code* (55 ILCS 5/5-25001 *et seq.*) and is hereby delegated, to the extent required and permitted by law and consistent with the provisions of this Ordinance, such powers of the COUNTY BOARD necessary to effectively administer and enforce this Ordinance. The Board shall also have the power to:

- A. Seek and accept delegation of powers and duties of the Illinois Department of Public Health and enter into a delegation agreement with the Department pursuant to Section 2310 of the *Civil Administrative Code of Illinois* (20 ILCS 2310/2310-1 *et seq.*);
- B. Apply for, obtain and renew status as a Certified Local Health Department for the HEALTH DEPARTMENT pursuant to Section 600.210 of the *Certified Local Health Department Code* (77 Ill. Adm. Code 600.210); and

- C. Apply for, receive and enter into a grant agreement with the Illinois Department of Public Health as provided in the *Local Health Protection Grant Rules* (77 Ill. Adm. Code 615).

#### 8.2.2 Delegation of Powers of the Board

The Board may, to the extent permitted by law, delegate any of its powers to an appointed employee or contractor except as provided in Subsection 8.2.3.

#### 8.2.3 Powers Reserved to the Board

Certain powers shall be reserved to the Board and shall not be delegated to any appointed employee or contractor including the power to:

- A. Appoint the HEALTH OFFICER;
- B. Submit the annual budget of the HEALTH DEPARTMENT to the COUNTY BOARD or seek any amendments thereto;
- C. Submit the annual report to the COUNTY BOARD;
- D. Establish and carry out any programs or services with an annual cost in excess of \$1,000 except for response to emergencies;
- E. Adopt any plans or goals specified by statute or rule;
- F. Seek and accept delegation of powers and duties of the Illinois Department of Public Health or enter into a delegation agreement with the Department;
- G. Apply for, obtain or renew status as a Certified Local Health Department for the HEALTH DEPARTMENT;
- H. Apply for, receive and enter into a grant agreement with the Illinois Department of Public Health;
- I. Exercise any powers to lease or acquire real property or to incur debt in any form provided in Section 5/5-25016 of Division 25 of the Illinois *Counties Code* (55 ILCS 5/5-25016);
- J. Establish fees for permits, licenses, programs or services as provided by Section 2310 of the *Civil Administrative Code of Illinois* (20 ILCS 2310/2310-1 *et seq.*) and Section 25013 of Division 25 of the Illinois *Counties Code* (55 ILCS 5/5-25013);
- K. Hear and decide Appeals where it is alleged there is an error in any order, requirements, decision, or determination made by the HEALTH OFFICER in the administration and enforcement of this Ordinance as provided in Section 10.1;
- L. Adopt rules necessary to the conduct of the Board and of any administrative proceedings provided for in this Ordinance;
- M. Employ the HEALTH OFFICER and such other professional and non-professional employees as it deems necessary;
- N. Establish policies to govern the recruitment, employment, compensation; supervision and discipline of any employees; and
- O. Exercise any powers expressly granted to the Board elsewhere in this Ordinance.

#### 8.2.4 Revenues and Expenditures

In the performance of its duties, the BOARD may receive funds and incur expenses as authorized by law and provided for in its budget

### 8.3 DUTIES OF THE BOARD OF HEALTH

#### 8.3.1 Duties Established

The Board, shall take or cause to be taken call lawful actions necessary to effectively administer and enforce this Ordinance including all duties created or implied by Division 5-25 of the Illinois *Counties Code* (55 ILCS 5/5-25001 *et seq.*). The Board shall also have the duty to:

- A. Enforce all rules and regulations adopted by the Illinois Department of Public Health for preservation and improvement of the public health within its jurisdiction as provided in Section 2 of the *Department of Public Health Act* (20 ILCS 2305/2);
- B. Apply for, obtain, maintain and renew status as a Certified Local Health Department for the HEALTH DEPARTMENT pursuant to Section 600.210 of the *Certified Local Health Department Code* (77 Ill. Adm. Code 600.210);
- C. Apply for, receive and enter into a grant agreement with the Illinois Department of Public Health as provided in the *Local Health Protection Grant Rules* (77 Ill. Adm. Code 615);
- D. Prepare and submit to the Illinois Department of Public Health all assessments, plans, goals, or evaluations required of it by any statute or rule administered by the Department; and
- E. Submit, in a timely manner, its annual budget and annual report to the COUNTY BOARD.

#### 8.3.2 Budget and Fiscal Year

- A. The fiscal year of the BOARD OF HEALTH and the HEALTH DEPARTMENT shall be the same as that of the COUNTY, January 1 through the following December 30.
- B. The BOARD OF HEALTH shall submit its proposed budget to the COUNTY BOARD no later than July 31 preceding the fiscal year for which the budget is proposed.

#### 8.3.3 Annual Report

- A. The BOARD OF HEALTH shall prepare an annual report for each fiscal year. The annual report shall be submitted to the COUNTY BOARD at a regular time each year falling no later than July 31.
- B. At a minimum the annual report shall contain the following information regarding the preceding 12 months;
  - 1. Description of all activities, programs and services conducted;
  - 2. Where applicable, a statistical summary of such activities, programs and services including comparisons with previous years;

3. A copy of any reports submitted to the Illinois Department of Public Health;
4. A copy of any assessments, plans, goals, or evaluations adopted or amended together with any response received in such regard from the Illinois Department of Public Health;
5. A copy of any delegation agreement entered into, amended or renewed;
6. A copy of any grant agreement entered into, amended or renewed;
7. A description of each Appeal heard and decided by the BOARD OF HEALTH;
8. A description of each Variance granted by the HEALTH OFFICER;
9. A copy of any contract for services or subcontract thereto, entered into;
10. A statement of all expenditures made, revenues received and services rendered pursuant to any contract for service;
11. A description of any debt instrument entered into or purchase of any real estate made; and
12. Any other information specifically requested by the COUNTY BOARD.

#### 8.4 HEALTH OFFICER

##### 8.4.1 Executive Officer of the Champaign County Health Department

The operations of the HEALTH DEPARTMENT shall be overseen by the HEALTH OFFICER appointed by the BOARD OF HEALTH who shall be executive officer of the HEALTH DEPARTMENT.

##### 8.4.2 Minimum Qualifications

The HEALTH OFFICER shall be a Medical HEALTH OFFICER or Public Health Administrator and shall possess the minimum qualifications established by Subpart C of the *Certified Local Health Department Code* (77 Ill. Adm. Code 600).

##### 8.4.3 Appointment

The HEALTH OFFICER shall be appointed by the BOARD OF HEALTH and may be employed directly or by contract. If employed directly the recruitment, employment, compensation, supervision and discipline of the HEALTH OFFICER shall be in accord with written policies established by the BOARD OF HEALTH. If employed by contract with another agency or unit of government recruitment, employment, compensation, supervision and discipline of the HEALTH OFFICER shall be in accord with the personnel policies of such agency or unit of government.

#### 8.5 POWERS AND DUTIES OF THE HEALTH OFFICER

##### 8.5.1 Powers of the HEALTH OFFICER

The Board shall employ a HEALTH OFFICER, directly or by contract, to whom shall be delegated, except as provided in Subsection 8.2.3, powers and duties of the Board to administer and enforce this Ordinance, including the following:

- A. Render interpretations of this Ordinance;
- B. Receive and issue, deny, revoke, reinstate or extend any permit required by this Ordinance;
- C. Conduct any investigations provided for by this Ordinance;
- D. Embargo or detain any ADULTERATED or MISBRANDED food and seek an order of the Circuit Court to condemn such food;
- E. Issue or deny any certificate required by this Ordinance;
- F. Inspect any facility or installation as required to determine compliance with the terms of this Ordinance;
- G. Order that work be uncovered or otherwise provide for uncovering work as required to undertake inspections required by this Ordinance;
- H. Designate a place or places for receipt of applications for required permits, Appeals, and petitions for variances;
- I. Receive and investigate complaints alleging violations of this Ordinance;
- J. Conduct such inspections or investigations as are necessary to determine whether any complaint or allegation substantiates a finding of a violation;
- K. Seek search warrants or orders of the Circuit Court if necessary in order to conduct such inspections or investigations;
- L. Issue notices of violation and any orders to any and all PERSONS as provided for in this Ordinance;
- M. Request that the State's Attorney's Office file a quasi-criminal or other complaint or take other action to enforce this Ordinance;
- N. Request the assistance of any other County Official in the enforcement of this Ordinance;
- O. Refer complaints to and otherwise cooperate with other local, state or federal agencies potentially having jurisdiction with respect to any complaint or allegation of violation;
- P. Propose amendments to this Ordinance as may be required from time to time;
- Q. provide comments and make recommendations with respect to proposed SUBDIVISIONS; and
- R. Delegate any or all of his or her power or duties to designated subordinates.

#### 8.5.2 Duties of the Health Officer

The HEALTH OFFICER shall take or cause to be taken all lawful actions which in his or her judgment are necessary to effectively administer and enforce this Ordinance and shall have the following duties:

- A. Render interpretations of this Ordinance when so requested;
- B. Receive and investigate complaints, alleging violation of this Ordinance;
- C. issue notices of violation or such orders as may be necessary to enforce the provisions of this Ordinance;

- D. Maintain permanent records of the adoption, amendment, administration and enforcement of this Ordinance in accordance with the Illinois *Local Records Act* (50 ILCS 205/1 *et seq.*);
- E. Release any records created under this Ordinance to the public in accord with the Illinois *Freedom of Information Act* (5 ILCS 140/1 *et seq.*) and the policies and procedures established by the BOARD OF HEALTH;
- F. Ensure the confidentiality of any record or information in the possession of the HEALTH DEPARTMENT pursuant to the provisions of Subparagraph 615.300(c)(16) of the Local Health Protection Grant Rules (77 Ill. Adm. Code 615.300(c)(16)) to the extent permitted by the Illinois *Freedom of Information Act* (5 ILCS 140/1 *et seq.*);
- G. Assist the BOARD OF HEALTH and the COUNTY BOARD in any and all proceedings regarding the adoption, amendment, administration or enforcement of this Ordinance;
- H. Assist the State's Attorney, Sheriff, or other County officials in investigations, prosecutions or other actions taken to enforce this Ordinance;
- I. Make such periodic reports to the Illinois Department of Public Health as are required by any statute or rule;
- J. Make such reports to the BOARD OF HEALTH with respect to administration and enforcement of this Ordinance as the Board may request;
- K. Provide information and consultation to the public on matters relating to the purposes or specific provision of this Ordinance;
- L. Provide comments and make recommendations with respect to proposed SUBDIVISIONS when so requested by the authority having jurisdiction over the SUBDIVISION approval; and
- M. Any such other duties prescribed by statute or rule or by the BOARD OF HEALTH.

## CHAPTER 9. ENFORCEMENT

### 9.1 INSPECTION AND INVESTIGATION

#### 9.1.1 Right of Inspection

The HEALTH OFFICER, after providing identification and giving notice of his or her purpose may enter at reasonable times any private or public property or vehicle for the purpose of investigating conditions relating to the administration and enforcement of this Ordinance. The OWNER or occupant of said property or vehicle, or the PERSON IN CHARGE thereof, shall give the HEALTH OFFICER free access to all parts of the said property or vehicle at all reasonable times for the purpose of investigating conditions relating to the administration and enforcement of this Ordinance. Upon refusal by the OWNER or PERSON IN CHARGE to grant such access, the HEALTH OFFICER may seek an order from the Circuit Court of Champaign County allowing access.

#### 9.1.2 Provision of Documents, Records, and Information

When provided by this Ordinance the HEALTH OFFICER may direct that the OWNER, occupant, or the PERSON IN CHARGE of any premises, establishment or vehicle, provide any documents, records or other information necessary for determining compliance with this Ordinance. Upon refusal by the OWNER, occupant or PERSON IN CHARGE to provide such documents, records or information the HEALTH OFFICER may seek an order from the Circuit Court of Champaign County compelling the surrender of such documents, records or information.

#### 9.1.3 Revealing Work

When provided by this Ordinance the HEALTH OFFICER may direct that the OWNER, occupant, or the PERSON IN CHARGE of any premises or establishment to uncover or reveal any work to permit inspection necessary for determining compliance with this Ordinance as provided in Subsections 6.6.4 6.7.4 and 7.6.3. Upon refusal by said OWNER, occupant or PERSON IN CHARGE to reveal any work the HEALTH OFFICER may undertake to uncover such work at the OWNER'S expense or may seek an order from the Circuit Court of Champaign County compelling the OWNER to reveal such work.

#### 9.1.4 Record

The HEALTH OFFICER shall make a record of the conditions found by all inspections that substantiate a violation including identification of any violations of this Ordinance and subsequent actions taken with respect to the violation.

#### 9.1.5 Reinspection

The HEALTH OFFICER may conduct additional inspections as deemed necessary to verify the continued existence or abatement of a violation.

### 9.2 NOTICE

#### 9.2.1 Issuance of Notice

Whenever the HEALTH OFFICER determines that a violation of any provision of this Ordinance has occurred, the HEALTH OFFICER shall give notice to the PERSON responsible for such violation. Unless stated elsewhere in the Ordinance, the notice shall be in writing and shall:

- A. Include a statement of the reasons for issuance of the notice;
- B. Allow reasonable time for performance of any act the HEALTH DEPARTMENT requires;
- C. Be served upon the PERSON responsible for the violation(s), by certified mail (return receipt requested) to his or her last known address as furnished to the HEALTH DEPARTMENT, personal service or by positing on the premises where the violation is located;

- D. Include an order stating the remedial action which is required to effect compliance with this Ordinance;
- E. State that an opportunity for Appeal from any notice or inspection findings will be provided if a written request is filed within the time period set by Subsection 10.1.3.

#### 9.2.2 Additional Notice

The HEALTH OFFICER may serve additional notices subsequent to the original notice or serve notice to other PERSONS or rescind notices served on any or all PERSONS. The issuance of any subsequent or additional notice shall not diminish the effect or validity of any prior notice unless specifically stated in such subsequent or additional notice.

### 9.3 COMPLAINTS

#### 9.3.1 Response to Complaints

Any PERSON may file a complaint with the HEALTH OFFICER alleging violations of this Ordinance, orally, in writing or by other means. The HEALTH OFFICER shall investigate all complaints within 10 working days except that complaints regarding foodborne illnesses shall be investigated within 24 hours, provided however, that anonymous complaints made about subjects other than foodborne illnesses need not be investigated until the next scheduled inspection.

#### 9.3.2 Complainant Confidentiality

Complainants shall not be required to reveal their identity, place or residence or employment or any other personal or identifying information. No member of the BOARD OF HEALTH, employee or contractor of the HEALTH DEPARTMENT or any employee or official of Champaign County shall reveal the identity of a complainant, without his or her consent, to PERSONS not directly involved in administering or enforcing this Ordinance except as required by law.

#### 9.3.3 Logging Complaints

All complaints received by the HEALTH OFFICER shall be logged with respect to the date received, location of the premises complained of and the nature of the alleged violation.

### 9.4 AGREEMENTS TO CORRECT VIOLATIONS

The HEALTH OFFICER may enter into an agreement with the OWNER, PERSON IN CHARGE or other responsible PERSON or PERSONS providing for correction of a violation over a specified period of time provided that any agreement extending for a



period exceeding 30 days shall be executed in writing. No agreement shall extend for a period exceeding 180 days.

## 9.5 REFERRAL FOR PROSECUTION

### 9.5.1 Referral to State's Attorney

If any violation is not corrected in the time specified in any notice or agreement the HEALTH OFFICER may refer the violation to the Champaign County State's Attorney and request that the State's Attorney file a quasi-criminal or other complaint, or request an injunction or take other action to enforce this Ordinance.

### 9.5.2 Referral to Other Authority

The HEALTH OFFICER shall refer for enforcement to the Illinois Department of Public Health or other relevant state or federal agency having jurisdiction any apparent violation of any statute, or rule adopted pursuant to a statute, listed in Subsection 1.2.2 of which he or she may become aware in the normal course of his or her duties, to the extent such determination s within his or her competence, and may file a formal complaint with such agency.

## CHAPTER 10. APPEALS AND VARIANCES

### 10.1 APPEALS

#### 10.1.1 Standing to Appeal

Except as provided in Section 6.3, any PERSON affected by a decision, notice or order issued by the HEALTH OFFICER in connection with the administration or enforcement of this Ordinance, may file a written request for a hearing before the BOARD OF HEALTH appealing such decision, order or notice.

#### 10.1.2 Form of Appeal

Appeals shall be filed in writing on forms prepared or approved by the HEALTH OFFICER, in the office of the HEALTH DEPARTMENT together with the fee specified by the BOARD OF HEALTH.

#### 10.1.3 Time Limits for Filing

The BOARD OF HEALTH shall not hear appeals filed more than 30 days from the date of the action or receipt of the decision of the HEALTH OFFICER.

#### 10.1.4 Powers of the Board of Health

The BOARD OF HEALTH may, upon application and after providing notice to the affected parties and conducting a hearing and so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the decision, order or notice appealed from.

#### 10.1.5 Duty of the Health Officer

The HEALTH OFFICER shall transmit to the BOARD OF HEALTH all the papers and other materials constituting the record upon which the action appealed from was taken.

#### 10.1.6 Stay of Enforcement

An appeal, if filed, shall stay all proceedings to enforce the action appealed unless the HEALTH OFFICER certifies to the BOARD OF HEALTH after the appeal has been filed that by reason of facts stated in the certificate a stay could cause imminent hazard to the public health or safety in which case the proceedings shall not be stayed except by an order of the BOARD OF HEALTH.

#### 10.1.7 Hearing

- A. The BOARD OF HEALTH shall hold a hearing within thirty days from the date on which the written request for such hearing was filed. The appellant 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.
- B. The appellant may appear in person, or be represented by agent or counsel and may give evidence orally or in writing and may question any other party.
- C. The HEALTH OFFICER may appear or be represented by agent or counsel and may give evidence orally or in writing and may question any other party.

#### 10.1.8 Decision

- A. The BOARD OF HEALTH shall find in favor of the appellant only upon making specific findings that the evidence set forth in the appeal or otherwise entered into the record supports the determination that:
  - 1. Strict compliance with the order, notice or decision of the HEALTH OFFICER, would cause undue hardship on the appellant;
  - 2. That the public health would be adequately protected; and
  - 3. Substantial justice would be done to all parties by varying or withdrawing the order, notice or decision of the HEALTH OFFICER.
- B. All documents, testimony and exhibits, submitted with the appeal, adduced in the hearing or produced by any party thereafter shall constitute the record on which the decision on an appeal shall be based.
- C. The findings of the BOARD OF HEALTH shall be supported by reference to specific evidence entered into the record of the case and shall be set forth in writing.

- D. The findings and final determination of the BOARD OF HEALTH shall be tendered to the appellant in writing within 10 days after the hearing is concluded.
- E. The HEALTH OFFICER shall retain and keep on file the complete record of any Appeal decision.
- F. The HEALTH OFFICER shall provide copies of the findings and final determination of all appeal decisions to the Illinois Department of Public Health.

## 10.2 VARIANCES

### 10.2.1 Permitted Variances

Any PERSON who owns a facility, establishment or installation or conducts a business or operation governed by the provisions of this Ordinance may request a variance from the strict application of any provision contained herein except for the provisions of Chapter 5, the provisions of Section 6.3, or where prohibited by statute or rule or where the authority for granting such variance is reserved to the Illinois Department of Public Health or other agency by a State statute, rule or by an Ordinance of a local government.

### 10.2.2 Petition Required

A variance may be requested by filing a petition with the HEALTH DEPARTMENT on forms prepared by the HEALTH OFFICER. Such petition shall contain, at a minimum, the following:

- A. The name, address and telephone number of the petitioner;
- B. A description of the premises, facility, installation, business or operation from which the variance is sought including, if relevant:
  - 1. The address of the affected premises;
  - 2. A legal description of the site;
  - 3. A site plan or building plan showing the existing or proposed facility, establishment, or installation including any information required by Paragraph 905.20(1) of the *Private Sewage Disposal Code* (77 Ill. Adm. Code 905.20(1)) or Subparagraph 920.30(c)(1) of the *Water Well Construction Code* (77 Ill. Adm. Code 920.30(c)(1));
- C. A description of the variance requested including a citation of the specific provision or provisions of this Ordinance or any incorporated statute, rule or standard to be varied;
- D. An explanation of how specified conditions, circumstances or operations would be made impractical or impossible by strict application of the provisions that are sought to be varied;
- E. An explanation, together with any technical information or other evidence, of how the alternative location, design, means of construction, operation or other aspect of the proposal will ensure that no health hazard or nuisance will result;
- F. Affirmation by the petitioner that all representations made in the petition are, to his or her knowledge, true or correct; and
- G. The fee specified by the BOARD OF HEALTH.

### 10.2.3 Criteria for Granting a Variance

No variance shall be granted by the HEALTH OFFICER unless the HEALTH OFFICER shall find that:

- A. The proposed facility, installation, business or operation would be made impractical or impossible by strict application of the provisions that are sought be varied;
- B. The alternative location, design, means of construction, operation or other aspect of the proposal, will ensure that no health hazard or nuisance will result;
- C. For variances from the provisions of Chapter 6, any additional criteria contained in Paragraph (l) of Section 20 of the *Private Sewage Disposal Code* (77 Ill. Adm. Code 905.20(l)) are met;
- D. For variances from the provisions of Chapter 7, any additional criteria contained in Subparagraphs (c)(3) and (c)(4) of Section 30 of the *Illinois Water Well Construction Code* (77 Ill. Adm. Code 920.30(c)(3) and (c)(4)) or Paragraph (b) of Section 30 of the *Illinois Water Well Pump Installation Code* (77 Ill. Admin. Code, Part 925(30)(b)) are met; and
- E. Any other relevant criteria applicable to the grant of variances of any incorporated statute, rule or standard are met

### 10.2.4 Decision

- A. Upon receipt of an application the HEALTH OFFICER may request additional information from the petitioner, inspect the affected premises, equipment or installation, or undertake other investigations to determine whether the requested variance meets the criteria specified in Section 10.2.3. The application shall be deemed complete only when any additional information requested from the petition is submitted to the satisfaction of the HEALTH OFFICER.
- B. Within 30 days of the receipt of a complete petition for a variance the HEALTH OFFICER shall render a decision as to whether to grant or deny the variance requested, grant a lesser variance or grant the requested variance subject to conditions.
- C. The HEALTH OFFICER shall find in favor of the petition only upon finding that the evidence set forth in the petition or otherwise entered into the record supports the determination that the criteria contained in Subsection 10.2.3 have been met
- D. All documents, testimony and exhibits, submitted with the petition or produced by any party thereafter shall constitute the record on which the decision on a variance shall be based.
- E. The findings of the HEALTH OFFICER shall be supported by reference to specific evidence entered into the record of the case and shall be set forth in writing.
- F. The findings and final determination of the HEALTH OFFICER shall be tendered to the petitioner in writing within the time specified in Paragraph B.
- G. The HEALTH OFFICER shall retain and keep on file the complete record of any variance decision.

- H. The HEALTH OFFICER shall provide copies of the findings and final determination of all variance decisions to the Illinois Department of Public Health.

## CHAPTER 11. VIOLATIONS AND PENALTIES

### 11.1 VIOLATIONS

#### 11.1.1 Proscribed Action and Failure to Take Action

Any PERSON who acts in a manner proscribed by any provision of this Ordinance or who fails to take any action mandated by this Ordinance shall be guilty of a violation of this Ordinance and, upon conviction, shall be subject to the penalties set forth herein.

#### 11.1.2 Each Day a Separate Offense

Each day a condition constituting a violation exists or is allowed to exist after the notice of the violation has been served on the PERSON responsible shall be deemed a separate offense subject to penalties under this Ordinance.

### 11.2 PENALTIES

Any PERSON who violates any provision of this Ordinance shall be subject to a fine of no less than \$100 and no more than \$500 for each offense except as provided below:

- A. Violations which constitute a violation of Section 8 of the Illinois *Sanitary Food Preparation Act* (410 ILCS 650/8) shall be a Petty Offense and shall be subject to a fine of no more than \$25; and
- B. Violations which would also violate Section 13 of the Illinois *Sanitary Food Preparation Act* (410 ILCS 650/13) shall constitute a Class B Misdemeanor.

### 11.3 INJUNCTIONS

The State's Attorney of Champaign 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.

### 11.4 REMEDIES CUMULATIVE

Nothing in this Ordinance shall be construed so as to limit or detract from other remedies permissible by law, regulation or ordinance, nor be construed so as to legalize conditions which are violations of any other law, County Ordinance, or municipal ordinance or which are nuisances at common law or to preclude any remedies available at common law or in equity.

## CHAPTER 12. FEES

## 12.1 SCHEDULE OF FEES

### 12.1.1 Established by Board of Health

The BOARD OF HEALTH shall establish a schedule of fees for the services provided and for actions required to administer and enforce this ordinance.

### 12.1.2 Fees Required

The BOARD OF HEALTH may establish a fee for any service provided or action required to administer and enforce this Ordinance. At a minimum the Board shall establish fees for the following:

- A. OPERATING PERMITS required by Section 5.4;
- B. CONSTRUCTION PERMITS required by Section 6.3;
- C. Appeals as provided by Section 10.1;
- D. Petitions for Variances as provided by Section 10.2.

### 12.1.3 Review of Fee Schedule

The BOARD OF HEALTH shall annually, prior to preparation of its annual report, review the fee schedule to determine its sufficiency and its efficacy in promoting the purposes of this ordinance with respect to the criteria established in Subsection 12.2.1.

## 12.2 AMOUNT OF FEES

### 12.2.1 Recovery of Costs

Except where specified by Statute, the BOARD OF HEALTH shall set fee amounts that recover, on average and in the aggregate, as much as possible of the full cost, including fully apportioned indirect expenses, incurred in providing a specific service or of administering and enforcing specific provisions of this ordinance, without the fees being, in the judgment of the BOARD OF HEALTH, unduly burdensome or so high that they would discourage compliance or conflict with the purposes of this ordinance.

### 12.2.2 Fees for Construction Permits for Water Wells

Fees for CONSTRUCTION PERMITS for WATER WELLS required by Section 7.3 shall be \$100 as specified by Section 6 of the *Illinois Water Well Construction Code* (415 ILCS 30/6).

## 12.3 REFUNDING FEES

### 12.3.1 Permits

Fees for OPERATING or other CONSTRUCTION PERMITS shall be refunded if the permit is denied.

### 12.3.2 Services

Fees for other services may be refunded as provided by rule established by the BOARD OF HEALTH.

### 12.3.3 Appeals and Variances

Filing fees for appeals may be refunded upon the withdrawal of the appeal prior to the start of any hearing on the matter. Filing fees for variance petitions may be refunded upon the withdrawal of the petition prior to the rendering of a decision on the matter. Filing fees for appeals or petitions for variances shall not be refunded after a hearing has begun or a decision on the matter has been rendered.

## 12.4 FEE EXEMPTIONS

### 12.4.1 Fee Waivers for Operating Permits

Fees for OPERATING PERMITS shall be waived for organizations that are exempt from paying sales taxes pursuant to the *Retailers' Occupation Tax Act* (35 ILCS 120/1 *et seq.*). A certificate issued in accordance with the Act verifying the exemption, presented at the time of the application, shall establish eligibility.

### 12.4.2 Fee Waivers for Temporary Operating Permits

Temporary OPERATING PERMITS shall be issued at no charge to: (a) school or school-related organizations operating a fund-raising food service for the benefit of student programs, (b) youth organizations operating a fund-raising food service for their programs, and (c) a fund-raising food service for the purpose of paying otherwise unpaid medical expenses.

### 12.4.3 Fee Waivers for Certain Non-profit Organizations

The BOARD OF HEALTH may waive the health permit fee on an individual basis during the annual application for waiver for non-profit organizations engaging in food service for a public service purpose. The non-profit organization requesting the waiver shall provide information the BOARD OF HEALTH requests in order to make an individualized determination.

## CHAPTER 13. AMENDMENTS, SEVERABILITY AND NON-INTERFERENCE

### 13.1 AUTHORITY TO INITIATE AMENDMENTS

The BOARD OF HEALTH, HEALTH OFFICER or COUNTY BOARD may propose amendments to this Ordinance. Any amendment proposed by the HEALTH OFFICER or

COUNTY BOARD shall be referred to the BOARD OF HEALTH for comment before any further action is taken on the proposal.

### 13.2 EFFECTIVE DATE OF AMENDMENTS – ILLINOIS PUBLIC HEALTH DEPARTMENT REVIEW

No Amendment to this Ordinance shall become effective until it has been submitted to and approved by the Illinois Department of Public Health.

### 13.3 SEVERABILITY

Should any part of this Ordinance be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this Ordinance.

### 13.4 NON-INTERFERENCE

It is not intended by this Ordinance to interfere with, or abrogate or annul any contracts, easements, restrictions, covenants or agreements between parties, not to interfere with or abrogate or annul any Ordinances of any municipality or other unit of government. Rules, regulations, or PERMITS previously adopted or issued, and not in conflict with any provisions of this Ordinance, or which shall be adopted or issued shall remain in effect except that where this Ordinance imposes a greater restriction the provisions of this Ordinance shall control.

That the County Clerk shall cause notice to be published, in a newspaper of general circulation within the County, that this Ordinance has been adopted including the effective date and a summary of its contents and giving notice that a copy of the Ordinance together with the regulations incorporated by reference is on file and available for inspection at the office of the County Clerk.

PRESENTED, ADOPTED, APPROVED and RECORDED this 19<sup>th</sup> day of November 2015.

ATTEST:



Patti Petrie, Chair  
Champaign County Board



Gordy Hulten, County Clerk and ex-officio  
Clerk of the County Board