

## CHAPTER 18

## HEALTH CODE

## ARTICLE I – DEFINITIONS

**18-1-1 TERMS DEFINED.** As used in this Chapter, the following terms shall have the meanings indicated:

**"Board of Health"** shall mean the Monroe County Board of Health or its authorized representative(s). Authorized representative(s) shall be the employees of the Monroe County Health Department.

**"Diseased Animal"** shall mean an animal showing symptoms of a disease or having an illness or being in an unhealthy state. This shall include a vicious animal.

**"Domestic Sewage"** shall mean wastewater derived principally from dwellings, business or office buildings, institutions, food service establishments, and similar facilities.

**"Extermination"** shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, trapping, or by any other recognized and legal method of pest elimination approved by the Health Officer.

**"Garbage"** shall mean organic waste resulting from the preparation, processing, handling, and storage of food and all decayed or spoiled food from any source whatsoever.

**"Health Department"** shall mean the Monroe County Health Department, an agency of the Monroe County Board of Health.

**"Health Officer"** shall mean the Administrator of the Monroe County Health Department or his authorized representatives.

**"Homeowner Installed System"** shall mean a private sewage disposal system installed by a homeowner for his personal single-family residence.

**"Human Wastes"** shall mean undigested food and by-products of metabolism which are passed out of the human body.

**"Infestation"** shall mean the presence, within a dwelling of any insects, rodents, or other pests.

**"Junk Vehicle"** shall include any old, stripped, junked, and/or wrecked motor vehicle not in good and safe operating condition.

**"Manure"** shall mean the excrement of all domestic animals and fowl, and stable bedding.

**"Permit"** shall mean a written authorization issued by the Board of Health or its authorized representative.

**"Person"** shall mean any individual, group of individuals, association, trust, partnership, corporation, or person doing business under an assumed name in the State of Illinois or any Department thereof, or any other entity.

**"Private Sewage Disposal System Contractor"** shall mean any person engaged in the business of constructing, installing, maintaining, servicing, or cleaning of private sewage disposal systems or the hauling or disposal of waste removed therefrom. This definition shall include any person who repairs or constructs a segment of a private sewage disposal system.

**"Private Sewage Disposal System Contractor's Registration"** shall mean an annual Registration Certificate issued by the Monroe County Health Department to all private sewage disposal contractors engaged in the installation and/or servicing of private sewage disposal systems within the limits of Monroe County.

**"Private Sewage Disposal Systems"** shall mean any sewage handling or treatment facility receiving domestic sewage from less than **fifteen (15) people**, or population equivalent, and having a ground surface discharge or any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge.

**"Property Owner"** shall mean the person in whose name legal title to the real estate is recorded.

**"Refuse"** shall mean garbage, rubbish, ashes, sweepings, manure, dead animals, privy or cesspool contents, or litter.

**"Rodents"** shall mean rats and mice.

**"Rubbish"** shall mean combustible and noncombustible waste materials, except garbage. This term shall include such items as paper, broken boxes, twigs, dry grass, cans, broken crockery, broken glass, plastic, etc.

**"Sewage"** shall mean human or animal wastes and other liquid wastes from residences, business buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present.

**"Vermin"** shall mean roaches, bed bugs, fleas, lice or similar pest-like insects.

**ARTICLE II - FOOD SANITATION CODE**

**18-2-1**        **ADOPTION BY REFERENCE.** In addition to those provisions set forth in the **Monroe County Health Code, Article II, Food Sanitation Code**, this Article hereby adopts, by reference, the provisions set forth in the State of Illinois Department of Public Health, Division of Food and Drugs, FOOD SERVICE SANITATION RULES AND REGULATIONS; and the provisions set forth in the State of Illinois, Department of Public Health, Division of Food and Drugs, RETAIL FOOD STORE RULES AND REGULATIONS, 77 Illinois Administrative Code 750, and any subsequent amendments of revisions.

**18-2-2**        **CERTIFICATE OF COMPLIANCE REQUIRED; RENEWAL OF PERMIT.**

(A)            It shall be unlawful for any person to operate a food service establishment or Retail Food Store within the County of Monroe who does not possess a valid Certificate of Compliance issued to him by the Monroe County Health Department. Only a person who complies with the requirements of this Code and the Rules and Regulations adopted by the Board of Health shall be entitled to receive and retain such a Certificate of Compliance. Certificates of Compliance shall not be transferable from one person to another person; nor shall said certificates be applicable to any locations, buildings or places other than that which it is issued. A valid Certificate of Compliance shall be conspicuously posted in every food service establishment, or retail store.

(B)            The fee for a Certificate of Compliance shall be set by the Board of Health annually. (Facilities serving daily menus and that are open to the public as restaurant facilities will be changed according to risk.) Fees shall be made payable to the Monroe County Health Department annually.

(C)            **Failure to Renew Permit.** If a permit has not been renewed by the renewal date, then a late fee of **Twenty-Five Dollars (\$25.00)** per month will be added to the initial fee, If the permit has not been renewed within **seven (7) days** of the date of renewal, then the permit holder or operator may be issued a notice for operating an establishment without a valid Monroe County food service permit.

**18-2-3**        **VALIDITY.** A Certificate of Compliance is valid until revoked or suspended.

**18-2-4**        **EDUCATION.** To maintain standards of food sanitation, the Health Department will provide education and written guidelines to temporary food establishments as soon as the Health Department becomes knowledgeable of said temporary operations and as requested by them.

**18-2-5**        **APPLICATION FOR CERTIFICATE OF COMPLIANCE; INSPECTION.**

(A)            Any person desiring to operate a food establishment shall make a written application for a Certificate of Compliance on forms provided by the Health Department. Such application shall include: The applicant's full name and post office address and whether such applicant is an individual, firm, or corporation, the names and addresses of all officers of the corporation; the location and address of all officers of the corporation, the location and address and type of proposed food establishments, valid email address and the signature of the applicant.

(B)            Upon receipt of such application, the Health Officer shall make an inspection of the food establishment to determine compliance with the provisions of this Code and the Rules and Regulations adopted by the Board of Health. When inspection reveals that all applicable requirements of the Code and Rules and Regulations have been met, the Health Officer shall issue a Certificate of Compliance to the applicant.

(C)            The Certificate of Compliance shall be in such form as adopted and approved by the Health Department, but it shall contain a description of the food establishment and shall be valid only for the location, building or place described therein.

**18-2-6            SUSPENSION OF CERTIFICATE OF COMPLIANCE; NOTIFICATION.**

(A) Certificates of Compliance may be suspended temporarily by the Health Officer for failure of the holder to comply with the requirements of this Code.

(B) Whenever a Certificate of Compliance holder or operator has failed to comply with any notice issued under the provisions of this Code, the Certificate of Compliance holder or operator shall be notified, in writing, that the Certificate of Compliance is, upon service of the notice, immediately suspended, and that an opportunity for a hearing may be filed with the Board of Health at the request of the Certificate of Compliance holder.

**18-2-7            NOTICE OF NONCOMPLIANCE.** Notwithstanding the other provisions of this Code, whenever the Health Officer finds unsanitary or other conditions in the operation of a food establishment which, in his judgment, constitute a substantial hazard to the public health, the Health Officer, without warning, notice or hearing, may issue a written notice to the Certificate of Compliance holder or operator citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken, and, if deemed necessary, such order shall state that the Certificate of Compliance is immediately discontinued. Any person to whom such an order is issued shall comply immediately herewith, but upon written petition to the Board of Health shall be afforded a hearing as soon as possible.

**18-2-8            REINSTATEMENT OF SUSPENDED CERTIFICATE OF COMPLIANCE.** Any person whose Certificate of Compliance has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the Certificate of Compliance. Within **ten (10) days** following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the Certificate of Compliance have been corrected, the Health Officer shall make a reinspection. If the applicant is complying with the requirements of this Code, the Certificate of Compliance shall be reinstated.

**18-2-9            REVOCAION OF CERTIFICATE OF COMPLIANCE.** For serious or repeated violations of any of the requirements of this Code, or for interference with the Health Officer in the performance of their duties, the Certificate of Compliance may be permanently revoked after an opportunity for a hearing has been provided by the Board of Health. Prior to such action, the Health Officer shall notify the Certificate of Compliance holder that the certificate is subject to revocation and advise that the Certificate of Compliance shall be permanently revoked at the end of **five (5) days** following service of such notice, unless a request for hearing is filed with the Board of Health by the Certificate of Compliance holder within such **five (5) day** period. The Certificate of Compliance may be suspended for cause pending its revocation of a hearing relative thereto.

**18-2-10          INSPECTIONS.** Inspections shall be conducted as frequently as required by state guidelines.

**18-2-11          PROPER IDENTIFICATION.** The Health Officer, after proper identification, shall be permitted to enter any food establishment within the County, or its jurisdiction, for the purpose of making inspections to determine compliance with this Code. He shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food supplies, purchases received, or used, and persons employed. A report of the findings will be left with the operator.

**18-2-12**      **INSPECTION RECORDS.** Whenever the Health Officer makes an inspection, he shall record his findings on an inspection report form provided for this purpose and shall furnish a copy of such inspection report form to the permit holder or operator. The current inspection report shall be posted in a conspicuous place in the establishment in view of the consuming public.

**18-2-13**      **ISSUANCE OF NOTICES.** Whenever the Health Officer makes an inspection of an establishment and discovers that any of the requirements of this Code have been violated, he may notify the permit holder or operator of such violations by means of an inspection report form or other written notice. In such notification, the Health Authority shall:

- (A)            Set forth the specific violations found;
- (B)            Establish a specific and reasonable period of time for the correction of the violations found in accordance with the enforcement procedure;
- (C)            State that failure to comply with any notice issued in accordance with the provisions of this Code may result in immediate suspension of the Certificate of Compliance; and
- (D)            State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the Health Officer within the period of time established in the notice of correction.

**18-2-14**      **SERVICE OF NOTICES.** Notices provided for under this Section shall be deemed to have been properly served when a copy of the inspection report form or other notice has been delivered personally to the Certificate of Compliance holder or person in charge, or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the Certificate of Compliance holder. A copy of such notice shall be filed with the records of the Health Officer.

**18-2-15**      **PLAN REVIEW OF FUTURE CONSTRUCTION.** When a food establishment is hereafter constructed or extensively remodeled, or when an existing structure is converted for use as a food establishment, properly prepared plans and specifications for such construction, materials of work areas, and the location, size and type of fixed equipment and facilities, shall be submitted to the Health Officer for approval before such work is begun.

**18-2-16**      **PROCEDURE WHEN INFECTION IS SUSPECTED.** When the Health Officer has reasonable cause to suspect possibility of disease transmission from any food establishment employee, the Health Officer shall secure a morbidity history of the suspected employee, or make such other investigation as may be indicated, then take appropriate action. The Health Officer may require any or all of the following measures:

- (A)            The immediate exclusion of the employee from all food establishments.
- (B)            The immediate closure of the food establishment concerned until, in the opinion of the Health Officer, no further danger of disease outbreak exists.
- (C)            Restriction of employee's services to some area of the establishment where there would be no danger of transmitting disease.
- (D)            Adequate medical and laboratory examinations of the employee, of other employees, and of his and their body discharges.

**18-2-17**      **EXAMINATION AND CONDEMNATION OF FOOD.** Food may be examined or sampled by the Health Officer as often as may be necessary to determine freedom from adulteration or misbranding. The Health Officer may, upon written notice to the owner or person in charge, place a hold order on any food which he determines or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order notice or tag placed on food by the

Health Officer, and neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of, or destroyed without permission of the Health Officer, except on order by a court of competent jurisdiction. The owner may request a hearing on the hold order with the Board of Health within **ten (10) days**, and after such hearing, and on the basis of evidence produced at such hearing, or in the event that a written request for a hearing received with said **ten (10) day** period, the Board of Health may vacate the hold order, or may, by written order, direct the owner or person in charge of the food which was placed under the hold order to denature or destroy such food or to bring it into compliance with the provisions of this Code, provided that such order of the Board of Health to denature or destroy such food or bring it into compliance with the provisions of this Code shall be stayed if the order is appealed to a court of competent jurisdiction within **three (3) days**.

### ARTICLE III - BED AND BREAKFAST CODE

**18-3-1**        **ADOPTION BY REFERENCE.** In addition to those provisions set forth in this Code, this Code hereby adopts, by reference, the provisions set forth in **Public Act 85-0399**, the "Bed and Breakfast Act", and any subsequent amendments or revisions thereto.

**18-3-2**        **DEFINITIONS.** The following definitions shall apply to terms used in the County Health Code:

(A)            **"Bed and Breakfast Establishment"** shall mean an operator-occupied residence providing accommodations for a charge to the public with no more than **five (5) guest rooms** for rent, in operation for more than **ten (10) nights** in a **twelve (12) month** period. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments.

(B)            **"Guest Room"** shall mean a sleeping room intended to serve no more than **two (2) transient guests** per night.

(C)            **"Operator"** shall mean the owner of the bed and breakfast establishment, or the owner's agent, who is required by this Act to reside in the bed and breakfast establishment, or on contiguous property.

**18-3-3**        **MINIMUM STANDARDS.** Bed and breakfast establishments which serve breakfast shall comply with the following minimum standards.

(A)            **Food Service.**

(1)            Food shall be clean, wholesome, free from spillage, free from adulteration and misbranding and safe for human consumption. Containers of food and food service articles shall be stored above the floor, on clean racks, shelves or other clean surfaces, in such a manner as to be protected from splash or other contamination. Unopened canned and bottled foods may be stored on the floor. Milk of only pasteurized Grade A may be used. Use of home canned food is prohibited except for jams and jellies.

(2)            Food shall be protected from contamination while being stored, prepared and served, and during transportation. Perishable foods shall be stored at temperatures that will protect them against spoilage. Potentially hazardous food shall be maintained at safe temperatures of **41°F** or below, or **135°F** or above, as appropriate, except during necessary periods of preparation and serving. Frozen food shall be kept at temperatures that will keep them frozen, except when being thawed for preparation. Potentially hazardous frozen food shall be thawed at refrigeration temperatures or below, quick thawed as part of the cooking process, or thawed by another method approved by the local Health Department. An indicating thermometer shall be located in each refrigerator. Raw fruits and vegetables shall be washed thoroughly before use. Stuffings, poultry, and pork products shall be cooked to heat all parts of the food at least **165°F** before being served. Salads made of meat, poultry, potatoes, fish, shellfish, or eggs and other potentially hazardous prepared food shall be prepared from chilled products with a minimum of manual contact. Portions of food once served to an individual may not be served again. Laundry facilities shall be separated from food preparation areas. Live animals shall be excluded from food preparation areas.

- (3) No person knowingly infected with a communicable disease that may be transmitted by food handling may work in a bed and breakfast establishment.
- (4) If the bed or breakfast operator suspects that any employee, family member or the operator himself or herself has a communicable disease, the operator shall notify the Health Department immediately.
- (5) All operators shall be certified. Certification shall be achieved by successfully completing an examination offered by the local Health Department or by an instructor approved to do so by the Illinois Department of Public Health as described in the current edition of the State of Illinois Food Service Sanitation Rules and Regulations.
- (6) Persons preparing or serving food or washing utensils shall wear clean outer garments and maintain a high degree of personal cleanliness. They shall wash their hands thoroughly before starting work and as often as necessary while working to remove soil and contaminants. After visiting a toilet room, persons shall wash their hands thoroughly in a lavatory but never in the kitchen sink.
- (7) No one, while preparing or serving food, may use tobacco in any form.
- (8) Utensils shall be kept clean and in good repair.
- (9) Multi-use eating and drinking utensils shall be thoroughly cleaned after each use. Facilities needed for the operations of washing, rinsing and sanitizing shall be provided.
- (10) Pots, pans and other utensils used in the preparation or serving of food or drink and all food storage utensils shall be thoroughly cleaned after each use. Cooking surfaces of equipment, if any, shall be cleaned at least once each day. Non-food contact surfaces of equipment shall be cleaned at intervals that will keep them in a clean and sanitary condition.
- (11) Residential sinks and home-style mechanical dishwashing machines are acceptable facilities for washing multi-use eating and drinking utensils. Utensils shall be air dried.
- (12) Immediately following either manual or mechanical washing of eating or drinking utensils, and pots, pans and other cooking utensils, these utensils shall be effectively sanitized by being submerged in a hypochlorite solution with a chlorine concentration continuously maintained in one hundred parts per million, or another approved sanitizing solution which shall be used at the concentration tested and approved by the local Health Department. Dishpans may be used to accomplish the final sanitizing rinse. Operators shall have the means to test sanitizing solutions to assure adequate concentration.
- (13) The reuse of single-service utensils is prohibited.
- (14) The Health Department shall inspect each bed and breakfast establishment's food service operations at least once each year prior to seasonal opening for purposes of issuing a Certificate of Compliance, without which it shall be unlawful to operate such an establishment within the County. **Sections 18-2-5 through 18-2-17 of Article II** of this Chapter are hereby adopted pertaining to the issuance of Certificates, notices, the control of disease in employees and the embargo of food suspected of being unsafe.

(B) **Linen.** Each person who is provided accommodations shall be provided individual soap and clean individual bath cloths and towels. Clean bed linen in good repair shall be provided for each guest who is provided accommodations and shall be changed between guests and as often as necessary. Clean linen shall be stored and handled in a sanitary manner.



**18-3-4**      **FIRE PREVENTION.** Bed and breakfast establishments shall meet the State Fire Marshal's requirements for one and two-family dwellings. In addition, the following standards shall be required:

- (A)            Manual extinguishing equipment shall be provided on each floor in accordance with NFPA 10 - Standards for the Installation of Portable Fire Extinguishers.
- (B)            All combustibles or flammable liquids shall be stored in approved metal containers. No combustible storage shall be permitted in and under stairways.
- (C)            All trash containers shall be metal.
- (D)            No cooking facilities shall be permitted in guest rooms.
- (E)            All hallways and stairways shall be adequately lighted.
- (F)            No portable heating devices shall be permitted in guest rooms.
- (G)            The operator shall submit a floor plan of the bed and breakfast establishment to the local Fire Department or Fire Protection District.
- (H)            Smoke detectors shall be provided in each guest room.

**18-3-5**      **LIABILITY INSURANCE.** The bed and breakfast establishment shall provide proof of at least **One Hundred Thousand Dollars (\$100,000.00)** in owner's, landlord's and tenant's liability insurance, including products, and submit evidence of renewal whenever required showing coverage while the establishment is in operation.

## ARTICLE IV - PRIVATE SEWAGE DISPOSAL SYSTEM CODE

**18-4-1 DEFINITIONS.** The following definitions shall apply to this Article:

**"Code"** shall mean Illinois Department of Public Health Private Sewage Disposal Licensing Act and Code.

**"Domestic Sewage"** shall mean wastewater derived principally from dwellings, business, or office buildings, institutions, food service establishments, and similar facilities.

**"Effluent Receiving Trench"** means a seepage line of gravel or gravel-less design used to receive the treated discharge from an aerobic treatment plant or sand filter prior to discharge to the ground surface or other location.

**"Health Department"** shall mean the Monroe County Health Department, an agency of the Monroe County Board of Health.

**"Health Officer"** shall mean the Administrator of the Monroe County Health Department or his authorized representative.

**"Homeowner Installed System"** shall mean a private sewage disposal system installed by a homeowner for his personal single-family residence.

**"Human Wastes"** shall mean undigested food and by-products of metabolism which are passed out of the human body.

**"Immediate Sinkhole Drainage Area"** shall mean any area that contributes surface water directly to the sinkhole(s); this does not include areas which contribute surface water indirectly to a sinkhole (via streams).

**"Lower Elevation Segments of Sinkholes"** shall include the floor of the sinkhole and the sides of the sinkhole up to a point where the slope of the sinkhole side is less than **five percent (5%)**.

**"NRCS"** shall mean the USDA Natural Resource Conservation Service.

**"NSF"** shall mean the National Sanitation Foundation.

**"Permit"** shall mean a written authorization issued by the Board of Health or its authorized representative.

**"Person"** shall mean any individual, group of individuals, association, trust, partnership, corporation, persons doing business under an assumed name in the State of Illinois or any Department thereof, or any other entity.

**"Private Sewage Disposal System Contractor's Registration"** shall mean a Registration Certificate issued by the Monroe County Health Department to all private sewage disposal contractors engaged in the installation and/or servicing of private sewage disposal systems within the limits of Monroe County.

**"Private Sewage Disposal System Installation Contractor"** shall mean any person excavating, constructing, repairing, installing, modifying, or maintaining a private sewage disposal system.

**"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 wastes removed therefrom.

**"Private Sewage Disposal Systems"** shall mean any sewage handling or treatment facility receiving domestic sewage from less than **fifteen (15) people** or population equivalent and having a ground surface discharge or any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge.

**"Property Owner"** shall mean the person in whose name legal title to the real estate is recorded.

**"Sewage"** shall mean either human waste or domestic waste or both.

**"Sinkhole"** shall mean any natural depression formed as a result of subsurface removal of soil or rock materials and causing the formation of collapse feature that exhibits internal drainage. The existence of a sinkhole shall be indicated by the uppermost closed depression contour lines on the USGS 7 1/2 minute quadrangle topographic maps or as determined by field investigations.

**"Soil Classifier"** means one of the following:

(A) A certified soil classifier of the Illinois Soil Classifiers Association (ISCA) or a certified soil classifier with the American Registry of Certified Professionals in Agronomy, Crops and Soils (ARCPACS) or

(B) A person who is an associate member of either the Illinois Soil Classifiers Association (ISCA) or the American Registry of Certified Professionals in Agronomy, Crops and Soils (ARCPACS) provided that direct supervision is provided to this person by an ISCA or ARCPACS certified soil classifier who accompanies the person on at least **twenty-five percent (25%)** of the soil investigations and reviews and signs all of that person's soil investigation reports.

**"Upper Elevation Segments of Sinkholes and Sinkhole Divides"** shall mean areas having slopes of less than **five percent (5%)** but does not include the bottoms of sinkholes or subsidiary sinkholes within compound sinkholes.

**"Zero Effluent Discharge Systems and Components"** shall mean private sewage treatment systems and components that emit absolutely no effluent. Systems and components that are **one hundred percent (100%)** self contained or that meet or exceed the soil classification requirements of this Chapter, and are approved by Illinois Department of Public Health as zero discharge, shall be accepted as such system.

**18-4-2 ADOPTION BY REFERENCE.** In addition to those provisions set forth in the Monroe County Health Code, this Chapter hereby adopts, by reference, the provisions set forth in the unabridged form of the current Private Sewage Disposal Licensing Act and Code, 77 Illinois Administrative Code 905 and 906, and any subsequent amendments or revisions thereto, which publication is incorporated herein and adopted by reference as part of this Chapter.

**18-4-3 PERMITS REQUIRED.** It shall be unlawful for any person to construct, alter or extend a private sewage disposal system within Monroe County unless he holds a valid permit issued by the Health Department stating the name of such person for which the specific construction, alteration, or extension is proposed. Said permit shall indicate a maximum permissible waste loading.

**18-4-4 OPERATION AND CONSTRUCTION OF FACILITIES.** All facilities for the disposal of human excreta or liquid sewage shall be so constructed, maintained, and operated, that there is:

(A) No access to this possible cause of sickness and source of filth by flies, rodents, or other vectors of disease or by persons or domestic pets;

(B) No unlawful pollution of any stream or other body of water;

(C) Adequate isolation to protect wells or other sources of water supply from contamination, and freedom from odor nuisance.

**18-4-5 OWNER'S/TENANT'S RESPONSIBILITY.**

(A) Property owners of all buildings or places where people live, work, or assemble shall provide for the sanitary disposal of all human waste and domestic waste. Human waste and domestic waste from each such building or place not disposed of by discharging into a sanitary sewer shall be disposed of into a private sewage disposal system in compliance with this Code.

(B) The owner of any property on which a private sewage disposal system or any of its components is located, shall maintain the system or components in a condition which does not pose a hazard to public health or safety, or a public nuisance.

(C) There shall be no discharge of untreated or inadequately treated sewage to the surface of the ground or to drain tiles, sinkholes, streams, rivers, lakes or other collectors of water. An action for violation of this Section may be brought against the owner, lessee, or a manager of the property wherein the violation occurs.

(D) When an existing system malfunctions, as defined in **Section 18-4-5**, the correction of which would require a permit from the Health Department and a sanitary sewer is reasonably available, connection to the sewer is mandatory. A sanitary sewer is considered reasonably available if it is located within **three hundred (300) feet** of a residential building, or within **one thousand (1,000) feet** of a commercial building. Operation of any private sewage disposal system shall be discontinued at that time.

(E) Under no circumstance shall any person maintain or operate a private sewage disposal system in such a manner that the Health Department, in its discretion, determines it to be an ongoing public nuisance or hazard to the public health or safety. Repeated pumping of a septic tank, which is defined as pumping more than once in a **sixty (60) day** time frame, to prevent such public nuisance or hazard is not an acceptable long term or ongoing remedy to a malfunctioning system.

**18-4-6 INDIVIDUAL SERVICE.** The use of a private sewage disposal system to serve more than **one (1) property** is prohibited, except where a common property is provided, under joint ownership of the users, or where the system is under public jurisdiction or managed by a district established for the maintenance of such systems. Any private sewage disposal system must be located on the same property as the building it serves.

**18-4-7 CONSTRUCTION OF SEWAGE PLANTS.** Nothing in these regulations shall prevent the construction of sewage treatment plants in accordance with approved plans, discharging treatment effluent to an approved outlet, and operated in such a manner that there is no menace to the public health, or unlawful pollution of waters of the State.

**18-4-8 PERMIT BY PROPERTY OWNER.** It shall be the responsibility of the property owner to obtain a Private Sewage Disposal System Permit before any construction is begun on the system. Failure of the property owner to obtain said permit before construction is begun shall constitute a violation of this Code and corrective action may be taken.

**18-4-9 RESPONSIBILITY OF CONTRACTOR.** It shall be the responsibility of the Illinois Licensed Private Sewage Disposal System Contractor to ensure that a Private Sewage Disposal System Permit has been issued and to follow the conditions of the permit. Failure of the Illinois Licensed Private Sewage Disposal System Contractor to ensure the permit has been issued or to violate the conditions of said permit shall constitute a violation of the Code, and penalty action may be taken.

**18-4-10 APPLICATIONS MADE TO THE BOARD OF HEALTH.** All applications for permits granted under the provisions of this Code shall be made to the Board of Health or its duly authorized representative. Sufficient data shall be included to allow review and to determine whether the proposed application for permit meets the requirements of this Code.

**18-4-11 FACILITIES NOT ALLOWED.** Private sewage disposal systems shall not be approved for treatment of automotive type waste or waste generated by car wash facilities.

**18-4-12 APPLICATION INFORMATION.** Permit application forms provided by the Health Department shall be completed and signed by each applicant and shall include the following:

- (A) Name and address of the applicant and location of the proposed site of construction, alteration, or extension as proposed;
- (B) Complete plan of the proposed disposal facility, with substantiating data, if necessary, attesting to its compliance with the minimum standards of this Code; and

(C) Such other information as may be required by the Health Department to substantiate that the proposed construction, alteration, or extension complies with minimum standards of this Code.

**18-4-13**      **AVAILABILITY OF PUBLIC SEWER.** The Health Officer may refuse to grant a permit for the construction of a private sewage disposal system where a sanitary sewerage system is available. A sewer shall be deemed available when a sanitary sewer line is in place within any street, alley, right-of-way, or easement that adjoins or abuts the premises for which the permit is requested, or when the improvement to be served is located within a reasonable distance of a public sewer to which a connection is practical and is permitted by the controlling authority for the sewer. A reasonable distance for the purpose of this provision shall be deemed to be not greater than **three hundred (300) feet** for a single-family residence and not greater than **one thousand (1,000) feet** for a commercial establishment or multi-family dwelling.

**18-4-14**      **TERM OF CONSTRUCTION PERMIT.** The permit to construct is valid for a period of **twelve (12) months** from date of issuance. If construction has not started within this period, the permit is void unless a renewal has been requested and granted.

**18-4-15**      **SANITARY DISPOSAL FACILITIES.** No building, structure, area, or premise shall be constructed or maintained for human occupancy, use or assembly, without adequate facilities for the sanitary and safe disposal of all human excreta, together with all liquid and solid wastes that could hazard the public health or create objectionable nuisance conditions.

**18-4-16**      **CONTRACTOR'S REGISTRATION.** A contractor's registration shall be required by all private sewage disposal system installation contractors and all private sewage disposal pumping contractors operating within limits of Monroe County. Individuals who are licensed by the State of Illinois shall provide a copy of their state license to the Monroe County Health Department annually.

**18-4-17**      **COMPLIANCE AND PERFORMANCE.** All private sewage disposal systems within the limits of Monroe County shall be installed, modified or serviced by an individual with a valid private sewage disposal system installation contractor's certificate, and all such systems shall be pumped, cleaned, and the contents disposed of by individuals with a valid private sewage disposal system pumping contractor's certificate; provided, however, that a homeowner may install and/or service a private sewage disposal system which serves his own personal single-family residence.

**18-4-18**      **MINIMUM STANDARDS.** The minimum performance standards for private sewage disposal system installation contractors and for a homeowner who installs a private sewage disposal system for his personal residence shall be the same as the minimum performance standards promulgated under authority granted in the current Illinois Private Sewage Disposal Licensing Act and Code, except that chamber systems will not be allowed a reduction in size. **(225 ILCS 225/1 et seq.)**

**18-4-19**      **CHAMBER SYSTEMS.** Chamber systems shall be sized the same as gravel-based systems.

**18-4-20**      **SUBSURFACE SEEPAGE FIELDS.** Where a subsurface seepage field is installed as a component of a private sewage disposal system, the seepage areas provided shall be minimum of **two hundred (200) square feet** of seepage area, and, unless serial trenches are used, a minimum of **two (2)** individual seepage lines are required.

**18-4-21**      **ENFORCEMENT.** Private sewage disposal systems constructed prior to the effective date of this Code shall comply with any provisions of this Code when deemed necessary by the Health Officer. It may not be deemed necessary if the private sewage disposal system meets the requirements of the prior ordinance and is not a health hazard.

**18-4-22**      **INSPECTION FOR COMPLIANCE.** The Health Officer is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Code.

**18-4-23**      **ACCESS TO PROPERTY FOR INSPECTION.** It shall be the duty of the owner or occupant of a property to give the Health Officer free access to the property for the purpose of making such inspections as are necessary to determine compliance with the requirements of this Code.

**18-4-24**      **PROPERTY OWNER RESPONSIBILITY.** The owner or contractor shall give reasonable (minimum **twenty-four (24) hours**) advance notice to the Health Department before installation of any component of a private sewage disposal system. A private sewage disposal system which has been installed shall not be covered or placed in operation until the said installation shall have been inspected and written approval of the said system shall have been issued by the Health Department.

**18-4-25**      **INSPECTION OF INSTALLATION.** The Authorized Representative may make inspections during the course of the construction of any private sewage disposal system, to ensure compliance with this Code.

**18-4-26**      **FAILURE TO PERMIT INSPECTION.** If any homeowner or contractor who installs a private sewage disposal system shall backfill any portion of the system and/or cover the same which will prevent the same from being readily viewed to determine if the system meets all requirements of the Code before receipt of written approval by the Health Officer, the Health Officer may give **fifteen (15) days'** notice, in writing, to such homeowner or contractor so violating the provisions of the Code to uncover such backfilled or covered portions of the system.

**18-4-27**      **TIME LIMIT FOR UNCOVERING.** If, at the end of such **fifteen (15) days**, the homeowner or contractor shall not have uncovered the individual sewage disposal system, the permit is automatically invalidated and penalty action may be taken. The Health Officer may elect to have the system uncovered at the expense of the homeowner or contractor. Failure of the homeowner or contractor to pay such costs within **thirty (30) days** shall result in execution of a lien against the property.

**18-4-28**      **REPEATED VIOLATIONS; REVOCATION OF CERTIFICATE.** For serious or repeated violation of any of the requirements of this Code, or for interference with the Health Officer in the performance of his duties, the private sewage disposal contractor's Registration Certificate may be revoked after an opportunity for a hearing has been provided by the Health Officer. Prior to such action,

the Health Officer shall notify the contractor, in writing, stating the reasons for which the Registration Certificate is subject to revocation and advising that the certificate shall be revoked at the end of **five (5) days** following service of such notice, unless a request for a hearing is filed with the Health Officer, by the holder, within such **five (5) day** period. A Registration Certificate may be suspended for a cause pending its revocation or a hearing relative thereto.

**18-4-29**      **LIMITING LAYER.** Subsurface seepage systems receiving septic tank effluent shall have at least **two (2) feet** of vertical separation distance between the bottom of the subsurface seepage system and the top of the limiting layer. For soils in Design Group I-VI or with a loading rate of greater than **0.62 gallons** per day per square foot a vertical separation of **three (3) feet** between the bottom of the subsurface seepage system and the top of the limiting layer is required.

**18-4-30**      **SOIL SUITABILITY.** The guidelines in the USDA Soil Survey of Monroe County will be followed. Subsurface seepage fields will not be permitted unless the absorption capacity and treatment capabilities of the soil shall be determined by as follows:

(A)      **Soil Investigations.** Soil investigations shall be conducted as follows:

- (1) Determination of soil characteristics on sites proposed for development with private sewage disposal systems shall be based on soil boring data collected by a soil classifier.
- (2) There shall be a minimum of **three (3) borings** per soil absorption system site. The soil borings shall be at least **fifty (50) feet** apart, and the proposed subsurface seepage system shall be within the area where the soil borings were located. More soil borings may be necessary for accurate and appropriate evaluation of a site where there is some concern about the consistency of the soil materials or underlying geology. One of the borings shall be made at the lowest elevation of the proposed absorption field area. Borings shall extend a minimum of **sixty (60) inches** below the natural ground surface.
- (3) Observation and determination of soil characteristics may be also determined from a pit dug by a backhoe or other excavating equipment. The Department or local health authority may require soil pits (backhoe excavations) in cases where ground is frozen, where the soil materials are considerably varied in texture, where there has been previous or current fill material, cutting of soils, or where gravelly soils are encountered. Such soil pits shall be prepared at the perimeter of the expected soil absorption area to minimize damage to natural soil structure. Soil pits shall extend a minimum of **sixty (60) inches** below the natural ground surface.
- (4) Site characteristics to be described include zones of seasonal and permanent water saturation, USDA soil texture changes, USDA soil structural features, slope, compaction and depth, soil coloration, depth of limiting layer, depth of soil mottling (depth to low chroma equal to or less than 2 and a value of 4 or more - Munsell Color System), internal drainage classification, and permeability range, and other limiting soil characteristics that may reduce permeability.
- (5) When using soil suitability, private sewage disposal systems shall be sized based on Soils Suitability Index for On-Site Sewage Design shown in **Appendix A. (Appendix A is included as an attachment to this Chapter.)**

(B) Only those persons who meet the definition of soil classifier are qualified to conduct soil investigations.

(C) If conflicting soils investigation information is provided about a given site, an NRCS soil scientist may be requested to provide professional assistance.

**18-4-31**      **RESERVE AREA.** No private sewage disposal system shall be installed on property having insufficient replacement area to support a private sewage disposal system equal to the size and type of the original system. This replacement area shall be a separate area and shall not include the area between the trenches of a subsurface seepage system. This replacement area is intended for use only in the event of system failure. It is not intended to compensate for a building addition or change in use which results in increased flow of domestic waste. In all cases where commercial or industrial properties are proposed for development, there shall be room for a full-size replacement system. This replacement area shall be kept free of development, traffic or soil modification on all properties. This provision shall apply in all cases except where the subsurface seepage system is preceded by an aerobic treatment plan which complies with the requirements of IDPH Private Sewage Disposal Code.

**18-4-32**      **SITE SELECTION.**

- (A) No private sewage disposal systems or components will be permitted within the Lower Elevation Segments of Sinkholes.
- (B) Surface discharging private sewage disposal systems will not be permitted in areas where the drainage is directed towards sinkholes.
- (C) Subsurface seepage fields will not be permitted within **seventy-five (75) feet** of the point where the slope of a sinkhole side exceeds **five percent (5%)**.
- (D) Proven zero effluent discharge systems and components will be permitted within the Upper Elevation Segments of Sinkholes.

**18-4-33**      **SITE ACCESS.** The site selected shall be accessible for both installation and maintenance of all components.

**18-4-34**      **EFFLUENT DISCHARGES.**

- (A) Surface discharging private sewage disposal systems must be installed in accordance with the Illinois Department of Public Health Private Sewage Disposal Code.
- (B) Surface discharging private sewage disposal systems will not be permitted in areas where the drainage is directed towards sinkholes.
- (C) A system that discharges to Waters of the United States will be required to obtain a NPDES permit prior to the issuance of a private sewage disposal permit from the Monroe County Health Department.
- (D) The minimum distance allowed from any property line or road right-of-way for the end of the discharge line of any private sewage system discharging to the surface of the ground shall be **thirty (30) feet**.

**18-4-35**      **AERATION UNITS.**

- (A) Property owners shall maintain the aeration unit in accordance with the manufacturer specifications and maintain all records on the system for **five (5) years**.
- (B) Property owners shall be required to obtain and maintain at all times a continuing service policy with the manufacturer of the aeration unit, or a licensed installation contractor; or
- (C) System effluent testing.
  - (1) In lieu of a continuing service policy, the property owner shall have an independent certified laboratory test the system effluent every **six (6) months** for the following:
    - (a) BOD<sub>5</sub>.
    - (b) Suspended Solids.
    - (c) Color.
    - (d) Threshold Odor.



- (e) Oily Film.
  - (f) Foam.
  - (g) Chlorine Residual (if applicable).
  - (h) Fecal Coliform Count.
- (2) The effluent shall be in compliance with Code specifications.
- (D) Copies of the service contracts and copies of all test results shall be submitted to the Health Department annually.
- (E) Discharges entering waters of the United States will be required to have an NPDES permit with IEPA prior to installation.

**18-4-36 POWERS AND DUTIES OF THE DEPARTMENT.** In accordance with the provisions of the Chapter, the Department has the following powers and duties:

- (A) To make such inspections as are necessary to determine satisfactory compliance with the Private Sewage Disposal Code;
- (B) To cause investigations to be made when a violation of any provision of this Chapter is observed by or reported to the Health Department;
- (C) To enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the administration and enforcement of the Chapter; and
- (D) To institute or cause to be instituted legal proceedings in the Circuit Court of Monroe County in cooperation with the State's Attorney's Office in cases of noncompliance with the provisions of the Private Sewage Disposal Code.

**18-4-37 VIOLATION NOTICE.** Whenever the Health Department determines, through inspections or other means, that there is a violation of any provision of the Chapter, the Health Department shall give notice of such alleged violation. Such notice shall:

- (A) Be in writing;
- (B) Include a statement of the reasons for the issuance of the notice;
- (C) Contain an outline of remedial action and allow a reasonable time to effect compliance with this Chapter; and
- (D) Be served upon the owner, operator or resident as the case may require, provided that such notice shall be deemed to have been properly served when the notice has been personally delivered or sent by registered or certified mail.

**18-4-38 REVOCATION OR SUSPENSION OF PERMIT.** The Health Department shall have the authority to revoke or suspend permits when they are issued in error, or where the provisions of this Article are violated. The reason for the revocation or suspension of a permit shall be posted, in writing, at the site or mailed to the applicant at the address provided in the permit application.

**18-4-39 VARIANCES.** If conditions exist at a proposed installation which make impractical or impossible compliance with the requirements of this Chapter, a variance may be requested by submitting to the Monroe County Health Department, a written proposal which is to be used in lieu of compliance with this Chapter. Such written request shall include pertinent data such as soil conditions, water table elevations, drainage patterns and distances to water supplies in order to support the request. The capability of the system to comply with the intent of this Chapter will be the basis for approval or denial of the variances. The Department or local authority will notify the applicant, in writing, of its decision to either grant or deny the variance. A variance shall be requested and approved before construction begins.

**18-4-40 FEE STRUCTURE.** The fee to be paid to the Health Department for installation permits shall be set by the Board of Health annually.

## ARTICLE V - WATER SUPPLY AND GEOTHERMAL WELL CODE

**18-5-1**        **ADOPTION BY REFERENCE.** In addition to those provisions set forth herein, this Code hereby adopts, by reference, the provisions set forth in the **Illinois Water Well Construction Code Rules and Regulations, 77 Illinois Administrative Code 920, and the Illinois Water Well Pump Installation Code Rules and Regulations, 77 Illinois Administrative Code 925, and the Drinking Water Systems Code, 77 Illinois Administrative Code 900, and the Public Area Sanitary Practice Code, 77 Illinois Administrative Code 895,** and any subsequent amendments or revisions thereto.

**18-5-2**        **PERMITS REQUIRED.** It shall be unlawful for any person to construct and/or reconstruct any individual water supply system or geothermal well within Monroe County unless he holds a valid permit issued by the Health Officer. The fee for a water supply permit shall be **One Hundred Dollars (\$100.00)**. The fee for geothermal wells shall be **One Hundred Dollars (\$100.00)** for up to **ten (10)** bore holes and **Ten Dollars (\$10.00)** for each additional bore hole. Fees shall be payable to the Monroe County Health Department.

**18-5-3**        **PERMIT PRIOR TO CONSTRUCTION REQUIRED.** It shall be the responsibility of the property owner to obtain a permit before any construction is begun on the system. Failure of the property owner to obtain said permit before construction is begun shall constitute a violation of this Code, and corrective action may be taken.

**18-5-4**        **CONTRACTOR'S RESPONSIBILITY FOR PERMIT.** It shall be the responsibility of the Illinois Water Well and/or Pump Installation Licensed Contractor or geothermal installer to ensure that a permit has been issued and to follow the conditions of the permit. Failure of the licensed contractor to insure the permit has been issued or to violate the conditions of the permit shall constitute a violation of this Code, and penalty action may be taken.

**18-5-5**        **APPLICATIONS TO BOARD OF HEALTH.** All applications for permits granted under the provisions of this Code shall be made to the Board of Health or its duly authorized representative. Sufficient data shall be included to allow review and to determine whether the proposed application for permit meets the requirements of this Code.

**18-5-6**        **APPLICATION INFORMATION.** Permit application forms provided by the Health Department shall be completed and signed by each applicant and shall include the following:

- (A) Name and address of the applicant and location of the proposed site of construction and/or reconstruction and
- (B) Such other information as may be required by the Health Officer to substantiate that the proposed construction and/or reconstruction complies with minimum standards of this Code.

**18-5-7**        **TERM OF PERMIT.** The permit to construct is valid for a period of **twelve (12) months** from date of issuance. If construction has not started within this period, the permit is void, unless a renewal has been requested and granted.

**18-5-8**        **ENFORCEMENT.** Individual water supply systems constructed prior to the effective date of this Code shall comply with any provision of this Code deemed necessary by the Health Officer.

**18-5-9**        **INSPECTIONS BY HEALTH OFFICER.**    The Health Officer is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Code.

**18-5-10**       **FREE ACCESS TO PROPERTY.**    It shall be the duty of the owner or occupant of a property to give the Health Officer free access to the property for the purpose of making such inspections as are necessary to determine compliance with the requirements of this Code.

**18-5-11**       **SYSTEM NOT TO BE COVERED.**    An individual water supply system shall not be covered or placed in operation until the said installation shall have been inspected and written approval of the said system shall have been issued by the Health Officer.

**18-5-12**       **INSPECTIONS DURING CONSTRUCTION.**    The Authorized Representative may make inspections during the course of construction of any individual water supply system, to ensure compliance with this Code.

**18-5-13**       **PENALTY ACTION.**    Failure of the homeowners to receive Health Officer's written approval before covering or placing an individual water supply system in operation can result in penalty action being taken.

**18-5-14**       **SAFE WATER SUPPLIES.**    All water supplies for human consumption which are available to the public shall be safe.

**18-5-15**       **CONTRACTOR'S REGISTRATION.**    Individual water well and/or pump installation contractors shall register annually with the Monroe County Health Department.

**18-5-16**       **REVOCATION OF CONTRACTOR'S REGISTRATION.**    For serious or repeated violations of any of the requirements of this Code, or for interference with the Health Officer in the performance of his duties, the Individual Water Well and/or Pump Installation Contractor's and/or Geothermal Contractor Registration Certificate may be revoked after an opportunity for a hearing has been provided by the Health Officer. A registration certificate may be suspended for a cause pending its revocation or a hearing relative thereto.

## ARTICLE VI - NUISANCE

**18-6-1**        **SCOPE.** The Board of Health is hereby authorized and empowered to inspect all buildings, lands, and places as to their condition affecting health and sanitation and, whenever any declared nuisance, or condition prejudicial to the public health is found to exist, the Board of Health shall have the power and the authority to order the owner, occupant, or agent thereof to make such alterations or changes necessary to correct and remove the nuisance, or condition prejudicial to public health, or to take action under **Article VIII** of the Monroe County Health Code.

**18-6-2**        **DECLARED NUISANCES.** The following are declared to be public nuisances prejudicial to public health, but are not inclusive of all conditions or acts that may rise to the creation or continued existence of a nuisance:

(A)            To cause to suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place, to the prejudice of others or carcasses of dead animals or any part of decaying animal matter not buried or destroyed or collected within **twenty-four (24) hours** after death;

(B)            To throw or deposit any offal or other offensive matter, or the carcass of any dead animal, in any water course, sinkhole, lake, pond, spring, well, or common sewer, street, or public highway;

(C)            To corrupt or render unwholesome or impure the water of any spring, river, stream, pond, or lake to the injury or prejudice of others;

(D)            Accumulations of manure, rubbish, garbage, refuse, junk vehicles, human and industrial or noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes;

(E)            The housing of animals or fowl **fifteen (15) feet** from the property line to residences, schools, hospitals, public buildings, playgrounds, parks, and other places, if said animals create sanitary or health problems to persons or property in close proximity to them;

(F)            To allow an abandoned refrigerator that does not have the doors, locks and/or latches removed to remain on any premises;

(G)            To allow any open dug or bored well, sewage lagoon, cistern hole or pit to remain open without suitable protection such as fencing, warning devices, cover or barricade;

(H)            To allow any abandoned building, mobile home, shed or other man-made structure to exist which is dangerous to public health because of its condition, faulty construction or lack of proper repair; or

(I)            To allow the spillage, scatter or loss of refuse from any vehicle used to transport refuse.

**(See Chapter 25 – Nuisances)**

## ARTICLE VII - SOLID WASTE CODE

**18-7-1**      **CONFORMANCE WITH PROVISIONS REQUIRED; UNLAWFUL DUMPING.**

All dumping of refuse within the County shall conform to the provisions of the **State of Illinois, Environmental Protection Act, Title V: Land Pollution and Refuse Disposal**, copies of which shall be on file in the Monroe County Health Department Office. Except in accordance with those provisions, it shall be unlawful to dump or deposit or permit to remain upon the ground within the limits of this County, any garbage, cans, rubbish, or other offensive matter that may attract or harbor flies, rodents, vermin, or mosquitoes. **(See 415 ILCS 5/20 et seq.)**

**18-7-2**      **PROHIBITED ACTS.**

No person shall place, leave, dump, or accumulate any garbage, rubbish or other refuse in any building, or on any premises, improved or vacant, or upon any open lot or alley or road in the County. No person shall burn garbage out of doors in the County except in a device approved by the Air Pollution Control Board which provides for complete combustion without smoke or odor. A copy of a permit received from the Board to use such a device must be on file with the Board of Health.

**18-7-3**      **UNLAWFUL ACCUMULATION AND STORAGE.**

No person shall accumulate or store on any premises, improved or vacant, or on any open lot or roadway in the County any of the following materials:

(A)      **Salvage Material** shall mean any refuse, or waste, discharged or salvage materials, including junk autos, except in a junk yard; and/or

(B)      **Unusual Materials** shall mean any materials other than those ordinarily associated with the use for which the premises are regularly intended.

**18-7-4**      **INSPECTION.**

The Health Officer shall have the right to enter any property to inspect any facility or condition thereon for the purpose of determining whether these regulations are being complied with. Refusal, by said owner, of right of entry shall cause the Health Officer to seek the permission of the court for right of entry.

**ARTICLE VIII - ADMINISTRATIVE PROCEDURES**

**18-8-1**        **RIGHT OF INSPECTION.** The Health Officer or authorized representative, after identification and subject to constitutional limitations, may enter at reasonable times upon private or public property for the purpose of investigating conditions relating to the administration and enforcement of this Code. The owner or occupant of the premises or the person in charge thereof shall give the Health Officer free access to all parts of the premises at all reasonable times for the purpose of investigating conditions relating to the administration and enforcement of these standards.

**18-8-2**        **ISSUANCE OF NOTICE.** Whenever the Health Department determines that a violation of any provision of this Code has occurred, the Health Department shall give notice to the person responsible for such violation, unless stated elsewhere in this Code, the notice shall be in writing and shall:

- (A)            Include a statement of the reasons for issuance of the notice;
- (B)            Allow reasonable time as determined by the Health Department for performance of any act it requires;
- (C)            Be served upon the person responsible for the violation(s); provided that such notice shall have been properly served upon the person responsible for the violations when a copy thereof has been sent by registered or certified mail to his last known address as furnished to the Health Department or when he has been served with such notice by any other method authorized by laws of the State of Illinois, and contain an outline of remedial action which is required to effect compliance with this Code.

**18-8-3**        **HEARINGS BEFORE HEALTH OFFICER.**

(A)            Any person affected by any order or notice issued by the Health Department in connection with the enforcement of any Section of this Code may file in the office of the Health Officer a written request for a hearing before the Health Officer within **thirty (30) days** of receipt of violation notice.

(B)            Unless stated elsewhere in this Code, the Health Officer shall hold a hearing at a time and place designated by him within **thirty (30) days** from the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than **five (5) days** prior to the date on which the hearing is to be held. If, as a result of the hearing, the Health Officer finds that strict compliance with the order or notice would cause undue hardship on the petitioner, and that the public health would be adequately protected and substantial justice done by varying or withdrawing the order or notice, the Health Officer may modify or withdraw the order or notice and as a condition for such action may, where he deems it necessary, make requirements which are additional to those prescribed in this Code for the purpose of properly protecting the public health. The Health Officer shall render a decision within **ten (10) days** after the date of the hearing which shall be reduced to writing and placed on file in the Office of the Health Officer as a matter of public record. Any person aggrieved by the decision of the Health Officer may seek relief therefrom through a hearing before the Board of Health.

**18-8-4**        **HEARINGS BEFORE BOARD OF HEALTH.**

(A)            Any person aggrieved by the decision of the Health Officer rendered as the result of a hearing held in accordance with this Section may file in the Office of the Health Officer a written request for a hearing before the Board of Health within **thirty (30) days** of the date of the decision. At a time and place designated by the Secretary of the Board of Health, a hearing shall be held within **thirty (30) days** of the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than **five (5) days** prior to the date on which the hearing is to be held. If as a result of facts elicited as a result of the hearing the Board of Health finds that strict compliance with the decision of the Health Officer would cause undue hardship on the

petitioner, and that the public health would be adequately protected and substantial justice done by granting a variance from the decision of the Health Officer, the Board of Health may grant a variance and as a condition for such variance, may, where it deems necessary, make requirements which are additional to those prescribed by this Code, all for the purpose of properly protecting the public health.

(B) The Board of Health shall render a decision within **ten (10) days** after the date of the hearing which shall be reduced to writing and placed on file in the Office of the Health Officer, and a copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail.

(C) A certified transcript of the record shall be provided at the expense of the person requesting the hearing. All witnesses called shall be required to testify under sworn oath.

(D) An appeal from a decision of the Board of Health may be made to the Circuit Court of Monroe County, pursuant to the provisions of the "Administrative Review Act" in force and effect at that time in the State of Illinois.

**(See 735 ILCS 5/3-101 et seq.)**

**18-8-5 CHARGES FOR CLEANUP AND EXTERMINATION.** In case the owner, agent, or occupant of any premises or lot neglects or fails to clean up and remove all garbage, rubbish, and other refuse, after due notice and time specified by the Health Officer, the Health Officer may arrange for removal of such materials, and the expense incurred shall be billed to the owner, agent, or occupant. In case the owner, agent, or occupant of any premises or lot neglects or fails to exterminate any infestations of vermin or rodents after due notice and time, as specified by the Health Officer, the Health Officer shall cause such vermin or rodents to be exterminated, and the expense incurred shall be billed to the owner, agent, or occupant. If the charge for cleanup, extermination remains unpaid, it shall be made a special lien against the property at the next tax roll.

**18-8-6 VIOLATIONS AND PENALTIES.** Any person who shall violate any provision of the Monroe County Health Code shall, upon conviction, be punished by a fine of not less than **One Hundred Dollars (\$100.00)** or more than **One Thousand Dollars (\$1,000.00)**, and each day's failure to comply with any such provision shall constitute a separate offense.

**ARTICLE IX - MISCELLANEOUS PROVISIONS**

**18-9-1**        **CONFLICT WITH OTHER ORDINANCES.** In any case where a provision of this Code is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance, or code of Monroe County, existing on the effective date of this Code, the provision which, in the judgment of the Health Officer, establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this Code is found to be in conflict with a provision of any other ordinance or code of Monroe County existing on the effective date of this Code which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Code shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Code.