

VILLAGE OF NORTH BARRINGTON

ORDINANCE NO. XXXX

**PRIVATE SEWAGE DISPOSAL SYSTEM
REQUIRED PERIODIC MAINTENANCE
ORDINANCE**

AN ORDINANCE AMENDING THE VILLAGE CODE

OF THE VILLAGE OF NORTH BARRINGTON

BY THE ADDITION OF SUBSECTION 9 TO CHAPTER 5 OF TITLE 4

PRIVATE SEWAGE DISPOSAL SYSTEMS

WHEREAS, the Village of North Barrington (“Village”) is a municipality in accordance with the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations establishing standards governing the design, construction, installation, maintenance, repair and operation of private sewage disposal systems and to protect the public health, safety, and welfare of its citizens, as well as the environmental, economic and aesthetic assets of the community; and

WHEREAS, this Ordinance establishes minimum standards and reporting requirements for the maintenance of private sewage disposal systems located within the Village; and

WHEREAS, the Village hereby finds that it is in the best interest of the Village, the public and the local environment to establish minimum standards and reporting requirements to achieve various beneficial goals, including: prevention and early detection of failing private sewage disposal systems; reduction of contamination risks to groundwater sources within the Flint Creek Watershed, which is within the Village; and the assurance that property owners understand their responsibility and the importance of servicing and maintaining their private sewage treatment equipment for the overall health of the community within the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of North Barrington as follows:

Section 1. Recitals. The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Adoption. The Village Code of the Village of North Barrington shall be amended by the addition of Subsection 9 of Chapter 5 to Title 4 providing as follows:

Subsection 4-5-9: REQUIRED PERIODIC MAINTENANCE OF PRIVATE SEWAGE DISPOSAL SYSTEMS

A. A History, Purpose and Scope.

History: Historically, North Barrington has addressed failing private sewage disposal systems within the Village through enforcement of current codes and regulations, during the abatement of complaints, or by providing assistance or variances to property owners who have experienced problems with their systems and have requested guidance.

Purpose: The purpose of this subsection is to protect the public health, safety, and natural environment by providing a program which establishes required periodic maintenance of private sewage disposal systems within the Village. Failing septic systems are expensive to repair or replace, and poor maintenance is a common cause of early system failures. The minimal amount of preventative maintenance that private sewage disposal systems require costs very little in comparison to the cost to replace one that has failed. Many of these problems and failures could have been prevented with proper maintenance.

The protection of the health of families, community and the environment is a benefit to all when private sewage disposal systems are maintained properly by property owners. When septic systems fail, inadequately treated household wastewater is released into the environment. Any contact with untreated human waste can pose significant health risks, and untreated wastewater from failing septic systems can contaminate nearby wells, groundwater and drinking water sources. It is important for homeowners to educate themselves about what should and should not be disposed of through a septic system and that their system should be regularly maintained and inspected.

Proper maintenance of a private sewage disposal system protects the economic health of the community. Failed septic systems can cause property values to decline. Building permits cannot be issued or real estate sales can be delayed for properties until the failed systems are repaired or replaced. Also, failed or inadequately maintained septic systems can contribute to the pollution of local creeks, streams, rivers, lakes, and shorelines that the community uses for commercial or recreational activities.

Scope: Owners of any property within the Village, upon which a private sewage disposal system is installed, whether the system is in use or is dormant, are subject to the provisions of this subsection.

B. Required Maintenance of Private Sewage Disposal Systems

The tank and field lines of all septic systems or other approved, private sewage disposal systems within the Village shall be regularly serviced every five [5] years as required herein.

Required maintenance or servicing of private sewage disposal systems within the Village may include pumping of the septic system's tank(s), cleaning filters, inspection of the tank inlet and outlet tees and drainage field, and any additional services or repairs to the tank, drainage field lines, or mechanical components of the system identified during the inspection. These services must be performed by qualified sewage disposal system maintenance service personnel licensed by the State of Illinois, including but not limited to, licensed private sewage pumping

contractors, etc. This maintenance can only ensure that the system was in proper operating condition on the date of the inspection, not for the duration of the operating permit.

C. Five Year Service Interval

The maximum service interval required for private sewage disposal systems within the Village shall not exceed five [5] years from the date of the last certified pumping, inspection and service. Maintenance service, pump-out, inspection and repairs shall be at the expense of the property owner.

D. Notification and Reporting Requirements

Ninety [90] days prior to the expiration of the five year service period, a "Notice for Service Due" shall be mailed by the Village to the property owner. A "Proof of Maintenance and Inspection" form will be included with the letter. This form shall be completed, signed and dated by the service personnel and property owner. The property owner shall provide the original form to the Village within ten [10] days of completion of pumping, inspection and service. Copy or facsimile transmissions will not be accepted. Failure of the Village to mail the forms does not negate the property owner's responsibility to perform the required maintenance as described herein.

E. Permit Required; Costs and Fines

The Village shall issue the property owner a private sewage disposal system operating permit after completion of the previous requirements. Operating permits shall be issued at a cost of \$25.00 per permit issued. Operating permits are issued at five-year intervals; however, they shall expire at any sale or transfer of property or at system malfunction or failure, for which the operating permits will be reissued upon proof of maintenance service prior to sale or proof that malfunctioning system has been repaired. The \$25.00 permit fee will cover the cost of administration and education needed for the program.

Failure to perform and report the required maintenance as described herein will result in a fine of \$1,000.00 per violation, levied by the Village upon the property owner of record.

F. Repairs

All repairs or alterations to an existing private sewage disposal system within the Village must be performed in accordance with Sections 4-5-1: Rules and Regulations, and Section 4-5-3: Permit to Construct or Alter Private Systems, established under this Chapter.

Maintenance service, pump-out and repairs of private sewage disposal systems shall be at the expense of the property owner.

G. Provision for Exemption or Waiver from this Requirement

Owners of any property within the Village, upon which a private sewage disposal system is installed, whether the system is in use or is dormant, will not be exempted from provisions of this subsection. Property owners whose sanitary sewers are connected to a municipality-owned sewer system are exempt from the requirements of this subsection.

Property owners shall be exempt from the initial service requirements if they are able to submit verification to the Village that their system was pumped out within 24 months prior to enactment of this Ordinance. Further routine maintenance may not be required until the subsequent due date as recorded by the Village, providing all other provisions of this Ordinance are satisfied. Proof of the pump out must be provided to the Village to establish the five [5] year service interval.

Property owners who have had maintenance performed on their systems before their regularly scheduled interval and without a "Notice for Service Due" from the Village, or who did not receive such notice and who would like to credit the procedure to the Village record by reporting this unscheduled service to the Village, can obtain a substitute form from the Village. Such certified completed service will establish the beginning of the five year service interval.

Section 3. Effective Date

This Ordinance shall take effect ten (10) days after its passage, approval and publication.

Passed this XXth day of XXXX, 2009, by roll call vote as follows:

	AYES	NAYS	ABSENT	ABSTAIN
Trustee Boland	X			
Trustee Farrell	X			
Trustee Kolar	X			
Trustee Koertner	X			
Trustee Pino	X			
Trustee Weiner	X			

APPROVED THIS XXth DAY OF XXXXX, 2009

Bruce J. Sauer, Village President

(SEAL)

ATTEST: _____

Deputy Village Clerk

Published this XXth day of XXXX 2009.