

ORDINANCE NO. 1191- A

**AN ORDINANCE AMENDING CHAPTER 5 OF TITLE 4 OF THE VILLAGE CODE
OF THE VILLAGE OF NORTH BARRINGTON
BY THE ADDITION OF A NEW SECTION 4-5-9
(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 Village of North Barrington, including but not limited to 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 that:

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 is hereby amended by adding Section 4-5-9 of Chapter 5 of Title 4 providing as follows:

SECTION 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 (“Septic Systems”) within the Village through enforcement of current codes and regulations, during the abatement of complaints, or by providing assistance or variances to those who have experienced problems with their systems and have requested guidance.

Purpose: The purpose of this Section is to protect the public health, safety, and natural environment by providing a program which establishes required periodic maintenance of Septic

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 Septic 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. When Septic Systems fail, inadequately treated household wastewater is released into the environment. Contact with human waste that is not treated or is inadequately treated can pose significant health risks, and untreated wastewater from failing septic systems can contaminate nearby wells, groundwater and drinking water sources. It is important that residents of the Village educate themselves about what should and should not be disposed of through a Septic System and that their Septic Systems should be regularly maintained and inspected.

Proper maintenance of a Septic 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 Septic Systems are repaired or replaced. Also, failed or inadequately maintained Septic Systems can constitute a nuisance to nearby properties and contribute to the pollution of local creeks, streams, rivers, lakes, and shorelines that the community uses for commercial or recreational activities.

Scope: All property within the Village, upon which a Septic System is installed, whether the system is in use or is dormant, is subject to the provisions of this Section 4-5-9.

B. Required Maintenance of Private Septic Systems

The tank and field lines of all Septic Systems within the Village shall be regularly serviced every five [5] years as required herein.

Required maintenance or servicing of private Septic Systems shall 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 necessary 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 Septic System maintenance service personnel licensed by the State of Illinois, including but not limited to, licensed private sewage pumping contractors. It is recognized that while such maintenance may indicate that the system was in proper operating condition on the date of the inspection and maintenance, there is no assurance that the system will remain in proper operating condition for the duration of the operating permit.

C. Five Year Service Interval

All Septic Systems shall be serviced as provided in Section 4-5-9B at least every five (5) years.

D. Notification and Reporting Requirements

Not less than ninety [90] days prior to the date which is five (5) years after the prior maintenance as provided for in Section 4-5-9B, a "Notice for Service Due" shall be mailed by the Village to the owner or occupant of such property at the address to which real estate tax bills are sent. The

owner or occupant shall provide proof of inspection, service or pumping to the Village within thirty [30] days after the expiration of the 90 day notice period. A valid copy, e' mail or facsimile transmissions will be accepted. Failure of the Village to mail the notice does not release any owner or occupant of responsibility to perform the required maintenance as described herein.

E. Permit Costs

The Village shall issue to the owner or occupant a private sewage disposal system operating permit after completion of the required maintenance upon payment of a fee of \$25.00 per permit issued. Notwithstanding that operating permits are issued for a term of five (5) years, they shall expire upon a Septic System malfunction or failure. The operating permits will be reissued upon proof of maintenance service or upon proof that malfunctioning system has been repaired.

F. Repairs

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

All required maintenance and repairs of private Septic Systems shall be at the expense of the owner or occupant.

G. Provision for Exemption or Waiver from this Requirement

Owners or occupants whose sanitary sewers are connected to a sewer system owned by a municipality or the Wynstone Property Owners Association are exempt from the requirements of this Section 4-5-9.

Owners and occupants shall be exempt from the initial service requirements if they are able to submit verification to the Village that their Septic System was pumped out on or after April 1, 2010 and the maintenance requirements of this Section 4-5-9 shall begin on the date which is five (5) years after the date of such service occurring after April 1, 2010. 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.

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, may submit their documentation at any time.

A permit shall be issued at five year intervals based on the documentation of this maintenance service and the payment of the \$25 permit fee.

H. Penalties

Failure of an owner/occupant to renew or have in effect a current septic system permit shall be punishable by a fine of \$250 and/or further legal action

Section 3: This Ordinance shall be in full force and effect upon passage, approval, and publication pursuant to law and acceptance as provided herein by the petitioners. This Ordinance shall be published in pamphlet form

Passed this 25th day of August, 2010 by roll call vote as follows:

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Edmund P. Boland	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Trustee Ginger Das Gupta	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Trustee Camille Koertner	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Trustee Mark Kolar	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Trustee Albert R. Pino	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Trustee Lawrence Jay Weiner	<u> </u>	<u> </u>	<u> X</u>	<u> </u>

APPROVED THIS 25TH DAY OF AUGUST, 2010

Bruce J. Sauer, Village President

(SEAL)

ATTEST: _____
Kris Lennon, Deputy Village Clerk

PUBLISHED: August 25, 2010