

**PUBLIC HEALTH ORDINANCE FOR
McHENRY COUNTY ILLINOIS**

McHENRY COUNTY DEPARTMENT OF HEALTH

ARTICLE I

GENERAL PROVISIONS

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ARTICLE I – GENERAL PROVISIONS**

§ 8.04.010 DEFINITIONS

“Accessible” as it pertains to a sanitary sewer means that the sewer is located in a public right-of-way or easement contiguous to the property. Further provided that the sewer or a service stub can be reached without excessive tunneling or boring under a roadway, building, or flowing stream, and that the sewer or service stub is not further than 300 feet from the residential property line or 1000 feet from the property line of the non-residential building to be served. It is not the intent for an individual to subsidize the extension costs of a sanitary sewer system; therefore, only an individual connection with an individual line will be required.

“Accessory Structure” means any structure with a roof that is not attached to the dwelling.

“Aerobic Treatment Unit” means a sewage treatment unit, which incorporates a means of introducing air into sewage so as to provide aerobic biochemical stabilization during a detention period.

“Animal” means every vertebrate creature, other than man.

“Animal, Companion” means any dog, cat, or other animal that is commonly considered to be, or is considered by the owner to be, a pet.

“Animal, Confinement” means the restriction of an animal at all times by the owner or the owner’s agent or the custodian to an escape-proof building, house, or other enclosure away from other animals and the public.

“Animal Control Administrator” means a person appointed pursuant to the Illinois Animal Control Act, 510 ILCS 5/1, et seq.

“Animal Control Facility” means any facility licensed by the Illinois Department of Agriculture and approved by the Animal Control Administrator for the purpose of enforcing this Ordinance and used as a shelter for seized, stray, homeless, abandoned or unwanted animals.

“Animal Control Officer” means any person hired by the Animal Control Administrator to perform duties as set forth in this Ordinance and/or state statutes pertaining to animals.

“Animal, Control or Restraint” means any owned animal that is either secured by a leash or lead, or within the premises of its owner, or confined within a crate or cage, or confined within a vehicle, or on the premises of another person with the consent of that other person.

“Animal, Exotic” shall include but is not limited to the following: *Felis concolor* (i.e. cougar, mountain lion, panther, puma, catamount, Florida panther); *Panthera species* (i.e. lion, tiger, leopard, jaguar, snow leopard); *Neofelis* (i.e. clouded leopard); *Acinonyx* (i.e. cheetah); *Felis wiedi* (i.e. margay); *Felis lynx* (i.e. lynx) *Felis rufus* (i.e. bobcat); *Leopardus pardalis* (i.e. Ocelot); *Puma yagouaroundi* (i.e. Jaguarundis); *Hyaenidae* (i.e. aardwolf, hyenas); *Canis lupus* (i.e. gray wolf, timber wolf, white wolf); *Canis rufus* (i.e. red wolf); *Alopex lagopus* (i.e. arctic fox, polar fox, white fox, blue fox); *Urocyon cinereoargenteus* (i.e. gray fox); *Canis latrans* (i.e. coyote);

Ursidae (i.e. black bear, brown or grizzly bear, polar bear); *Elephas sp.* and *Loxodonta sp.* (i.e. elephants); non-human primates; *Crocodylia* (i.e. crocodiles, alligators, caimans); all species of the following families or genera of Squamata (snakes and lizards): *Helodermatidae* (i.e. Gila monsters); *Elapidae* (i.e. cobras, coral snakes, mambas, kraits); *Hydrophiidae* (i.e. sea snakes); *Viperidae* (i.e. adders, vipers and pit vipers); *Atractaspididae* (i.e. burrowing asps); *Dispholidus typus* (i.e. boomslang snake); *Thelotornis kirtlandii* (i.e. twig snake); *Rhabdophis sp.* (i.e. keelback snakes); *Eunectes murinus* (i.e. green anaconda); *Python sebae* (i.e. African rock python); *Python molurus* (i.e. Burmese python); *Python reticulatus* (i.e. reticulated python); *Morelia amethystina* (i.e. Amethystine python); or any other animal or reptile deemed dangerous by the McHenry County Health Department, Illinois Department of Agriculture, or Illinois Department of Conservation.

“Animals, Farm” means species of fowl, sheep, goats, cattle, pigs, and equidae (i.e. horses, donkeys, mules).

“Animal, Inoculation against Rabies” is the injection of a rabies vaccine approved by the United States Department of Agriculture and administered by a licensed veterinarian.

“Animal Refuge” means any facility licensed by the United States Department of Agriculture and approved by the Animal Control Administrator, which accepts seized, stray, homeless, abandoned or unwanted exotic animals.

“Animal Shelter, Adequate” means a structurally sound, properly ventilated, sanitary and weatherproof shelter suitable for the species, condition and age of the animal, which provides access to shade from direct sunlight and regress from exposure to inclement weather conditions. The size of the shelter should allow adequate freedom of movement and normal postural adjustments. The condition of the shelter should be such as to not exacerbate existing weather conditions, e.g., a metal doghouse in the hot sun.

“Animal, Stray” means any domestic animal with an unknown owner that is not under control and restraint.

“Applicant” means the owner as defined herein or their authorized agent.

“Approved” as it pertains to a private sewage disposal system, means constructed and installed in compliance with the technical standards and requirements of this Ordinance. **“APPROVED”** installation does not imply or ensure that a system will perform satisfactorily.

“Authorized Constructor” means a person having a valid license under the Illinois Water Well and Pump Installation Contractor’s Act unless exempt under that Act.

“Available” as it pertains to a sanitary sewer, means that the property owner has a right to connect to the sanitary sewer, or the municipality is allowing the construction.

“Barrier” means a fence, a wall, a building wall or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

“Bedroom” for the purpose of establishing the rate of flow for domestic sewage, means any room containing a closet, which is suitable to regular use as a bedroom and which shares a common hallway with or is adjoining at least a 3/4 bath.

“Bedding Material” shall mean clean stone with no visible mud, silt or clay with particle size ranging from $\frac{3}{4}$ inch minimum to 4 inches maximum. For the purposes of this Ordinance, gravel and aggregate shall have the same meaning as bedding material.

“Biochemical Oxygen Demand” (BOD) means an empirical test that measures the oxygen required for the biochemical degradation of organic material and the oxygen used to oxidize inorganic material such as sulfides and ferrous iron.

“Bite” means seizure of a person with the jaws or teeth of any animal capable of transmitting rabies so that the person so seized has been wounded or pierced and further includes contact of the saliva of such animal with any break or abrasion of the skin.

“Board of Health Hearing Committee” means a committee of members of the Board of Health designated to hear appeals regarding orders, notices or suspension of permits issued by the Health Authority.

“Brush” means tree trunks, limbs, branches, and twigs.

“Business Day” means Monday through Friday from 8:00 a.m. to 4:30 p.m.

“Cat” means any member of the genus and species *Felis catus*.

“Caterer” means any person, firm or corporation who provides food service to an event or location usually for a single event or celebration whether the food is prepared at an approved facility or at the location of the event.

“Ceremonial Fire” means an outdoor fire larger than three feet by three feet by three feet (3’x3’x3’) which is used for entertainment purposes as part of a specifically scheduled public or private event and excludes leaves, grass or shrubbery clippings, cuttings or litter. For the purposes of this Ordinance, ceremonial fire and bonfire shall have the same meaning.

“Chemical Toilet” means a toilet structure equipped with a watertight impervious container, which receives waste, discharged through a hopper, seat, urinal or similar device and into which container may be placed disinfecting or deodorizing chemicals. For the purposes of this Ordinance, chemical toilet and portable toilet shall have the same meaning.

“Cesspool” means a lined and covered excavation in the ground, which receives the discharge of untreated domestic sewage so designed as to retain the solids but permitting the liquids to seep through the bottom and sides.

“Closet” means a small room or chamber used for storage. A closet does not include utility rooms limited to storage of a furnace, water heater, water softener or similar.

“Commissary” means a food catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored, and/or directly from which mobile food units or vending machines are serviced.

“Community Refrigerator” means a refrigerator, located in a permitted food establishment, where the public can readily access donated food products, free of charge, that are prepared, packaged and labeled from approved sources.

“Conditional Permit” means a permit issued to a food establishment when any condition other than those that require immediate abatement prohibits a regular permit from being issued.

“Continuous” as it pertains to Article VI, means something that is uninterrupted, unbroken, and persistent, not occurring in occasional or isolated instances.

“County” means the County of McHenry, Illinois.

“Critical Variance” as it pertains to a water well, means a variance which is granted for the separation distance between a new, replacement or modified water well to the components of an onsite wastewater treatment system or public sewer system or Class V injection well.

“Dangerous Dog” means a dog determined to be dangerous by the Animal Control Administrator following a dangerous dog investigation pursuant to this Ordinance.

“Department” means the McHenry County Department of Health.

“Deputy Animal Control Administrator” means a veterinarian licensed by the State of Illinois, appointed by the Animal Control Administrator.

“Discharge Rate” means the volume of effluent discharged from a low-pressure distribution system expressed as gallons per minute and applied as a rate either per perforation, per line, or per system.

“Distal End Pressure” means a measure of system pressure in a low-pressure distribution system made at the end of a lateral distribution pipe opposite the force main connection and expressed as feet of pressure head.

“Dog” means any member of the genus, species and subspecies *Canis lupus familiaris*.

“Dog Breeder” means any person who allows a male or female dog that they own to reproduce.

“Domestic Sewage” means wastewater derived principally from plumbing fixture drains in dwellings, business or office buildings, institutions, food establishments, and similar facilities. It shall not include industrial or commercial processing waste.

“Duly Authorized Enforcing Officer” means Department staff who have received specific training and have been delegated Ordinance enforcing authority by the Health Authority through assigned responsibilities as outlined in their job description.

“Educational Institution”, as it relates to exotic animals, is any facility licensed by the United States Department of Agriculture and which keeps exotic animals with the sole purpose and practice of educating people in regard to the species’ value and natural history.

“Effective Size” means the size of screen opening where 90 percent by weight of a sample of sand is retained on the screen and 10 percent passes through the screen. This size is usually expressed in millimeters.

“Effluent” means the outflow from a tank or other sewage treatment unit.

“Effluent Filter” means a device installed at the outflow of a septic tank, which screens solids ordinarily suspended in solution.

“Existing Square Footage” as it pertains to private sewage disposal systems, means the habitable square footage of the structure in place as of February 1, 2003.

“Extensively Remodeled” means conversion of any existing structure for use as a food establishment; and structural additions or alterations to existing establishments; changes, modifications and extensions of plumbing systems, excluding routine maintenance.

“Feral Cat” is a **cat** that (1) is born in the wild or is the offspring of an owned or feral cat and is not socialized, or (2) is a formerly owned cat that has been abandoned and is no longer socialized, or (3) lives on a farm and is not socialized.

“Festival” means a particular feast, holiday or celebration occurring each year at which food is served to the public for a period of no more than fourteen (14) days.

“Fixed Food Establishment” means a food establishment that is not a mobile food unit, a temporary food establishment, vending machine or vending machine location.

“Fixed Location, Drinks only” means a fixed food establishment that serves only beverages or beverages and pre-packaged snacks and/or frozen pizzas.

“Flood Elevation, Base” means the regulatory elevations established by the methods adopted by the McHenry County Storm water Management Ordinance and which establish the limit of intrusion or retainment of a “100 year flood event” or that flood having a one percent probability of occurring in any given year.

“Flood Hazard Area” means any area composed of floodplain land.

“Floodplain” means that land typically adjacent to a body of water with ground surface elevations at or below the base flood elevation or the 100-year frequency flood elevation. Floodplains may also include detached Special Flood Hazard Areas, ponding areas, etc. The floodplain is also known as the Special Flood Hazard Area.

“Food Pantry” means a public or private non-profit food establishment that distributes food at no cost to low income and unemployed households, including food from sources other than the Department of Agriculture, to relieve situations of emergency and stress.

“Garbage” means organic waste resulting from preparation, processing, handling and storage of food and all decayed or spoiled food from any source.

“Gravelless Seepage System” means the use of approved perforated 8 inch or 10 inch diameter, filter wrapped, plastic pipe, or chamber systems as approved by the Illinois Department of Public Health, in private sewage disposal systems, in lieu of 4 inch pipe and gravel, in subsurface fields and serial distribution systems.

“Guard Dog” means a dog specifically trained for guard duties, or a dog used in a commercial business for the purpose of protection and security, or a dog used by a county or municipal police department for the purposes of patrol and protection, or a dog used in agriculture for the purposes of protecting livestock.

“Habitable” means any room or enclosed floor space with electric and heat intended to be used for living, sleeping, working, public gathering or eating purposes including but not limited to bathrooms, hallways, and closets, businesses or places of work, but not including attics, garages or unfinished basements.

“Habitable Structure” means any structure with electric and heat intended to be used for living, sleeping, eating, or assembly purposes including but not limited to residences, multifamily dwellings, churches, schools, food establishments and industrial buildings.

“Health Authority” means the Public Health Administrator of the McHenry County Department of Health, or their designated agent.

“High-capacity well” means a private, semi-private, non-community or non-potable well where the rate or capacity of water withdrawal is equal to or in excess of 100,000 gallons during any 24-hour period.

“Hot Tub”, as it pertains to pool barriers, shall have the same meaning as spa (as defined).

“Hot Tub”, as it pertains to private sewage disposal systems, means an artificial container of water with a liquid capacity greater than 100 gallons and designed with a mechanical air injection system and/or recirculating device. These devices may filter and/or disinfect the water for reuse and are not intended to be drained between uses.

“Human Waste” means the normal excretory waste of the human body.

“Impounded” means an animal taken into the custody of the Animal Control Administrator and/or his or her authorized agent.

“Intact Animal” means an animal that has not been surgically spayed or neutered.

“Isolation” means the complete separation from others of a person or group of persons suffering from contagious or infectious disease.

“Landscape Waste” means all accumulation of grass or shrubbery cuttings, leaves, tree limbs, and other material accumulated as the result of the care of lawns, shrubbery, vines and trees. Christmas trees are excluded.

“Leaching Pit” means a pit or receptacle having porous walls which permit the contents to seep into the ground and which only receives effluent from a septic tank or other pre-treatment device.

“Leash” means a cord, rope, strap, or chain, which shall be securely fastened to the collar or harness of a dog, cat or other animal and shall be of sufficient strength to keep such dog, cat or other animal under control.

“Licensed Environmental Health Practitioner” means a person who is licensed as an environmental health practitioner per 225 ILCS 37.

“Licensed Veterinarian” means a veterinarian licensed by the State of Illinois to engage in the practice of veterinary medicine.

“Limiting Layer” means a horizon or condition in the soil profile or underlying strata which includes:

- a) A seasonal high water table, whether perched or regional, determined by direct observation of the water table or indicated by soil redoximorphic features where redox depletions comprise at least 2% to 20% of the soil in a progressive downward direction in the soil, whichever is more restrictive.
- b) Masses of loose rock fragments, including gravel, with insufficient fine soil to fill the voids between the fragments.
- c) Rock formation, other stratum or soil condition, which is so slowly permeable that it effectively limits downward passage of effluent.

“Liquid Capacity” means the internal volume of a tank below the invert of the outlet line.

“Litter” means any discarded, used or unconsumed substance or waste. Litter may include, but is not limited to, any garbage, trash, refuse, debris, rubbish, newspaper, magazines, glass, metal, plastic or paper

containers or other packaging construction material, motor vehicle parts, furniture, oil, carcass of dead animal, any nauseous or offensive matter of any kind, any object likely to injure any person or create a traffic hazard, potentially infectious medical waste, or anything else of an unsanitary nature, which has been discarded, abandoned or otherwise disposed of improperly.

“Lot” means a lot of record which is a part of a subdivision, the plat of which has been duly authorized and recorded in the Office of the Recorder of Deeds of McHenry County, Illinois, and which is intended to be used as a unit by one (1) principal building and its accessory buildings.

“Manure” means the excreta of livestock and poultry, which may contain some spilled feed, bedding or litter.

“Microchip” means a passive radiofrequency identification device placed by hypodermic injection under the skin of an animal for permanent identification.

“Mobile Food Unit” means a food establishment designed to be readily moveable and which returns each day to the commissary for cleaning and servicing.

“Natural Barrier” as it pertains to swimming pool barriers, means a non-seasonal lake, pond or stream greater than 20 feet in width.

“Neighboring residence” as it pertains to swimming pool barriers, means a one or two-family dwelling or a one-family townhouse not more than three stories in height, situated on improved property within 500 feet of a residential swimming pool.

“New Construction (structures)” as it pertains to water wells and private sewage disposal systems, means any of the following:

- A new structure; or
- When 50% or more of the habitable square footage of an existing structure is added; or
- When additional bedrooms are added to an existing structure; or
- When an addition to the structure will not meet required setback distances to water wells or the components of a private sewage disposal system; or
- When there will be an increase in the estimated domestic sewage flows (non-residential); or
- When a change in use will result in an anticipated increase in the strength of the domestic sewage entering the seepage system; or
- When a non-potable well will be converted to a potable water well; or
- When an existing water well will be converted to a high capacity water well; or
- When additional pumping capacity will require modification to the water well (nonresidential).

“Non-Critical Soils” means suitable soils (as defined) where the actual or estimated seasonal high groundwater or other limiting layer is a minimum of thirty (30) inches from the natural soil surface.

“Non-habitable Structure” means any structure not identified as habitable as defined and would include but is not limited to garages, sheds, barns, and swimming pools.

“Non-Residential Property” means any property that is not used for a single family home.

“Non-seasonal” Mobile Food Establishment” means a mobile food establishment that operates five (5) or more months per permit year.

“Noxious Weed” means Canada thistle (*Cirsium arvense*), perennial Sowthistle (*Sonchus arvensis*), Musk Thistle (*Carduus nutans*), and perennial members of the sorghum genus including Johnson grass (*Sorghum halepense*), and *Sorghum almum*, Kudzu (*Pueraria labata*) and within the corporate limits of cities, villages, and incorporated towns, Giant ragweed (*Ambrosia trifida* L.) and Common ragweed (*Ambrosia artemisiifolia* L.).

“NRCS” means Natural Resource Conservation Service.

“NSF” means NSF International, an independent testing laboratory.

“Nursing Home, Hospital, Other Institutions” as it pertains to food establishments means the primary fixed food establishment in a nursing home, hospital, long-term care facility or other similar institution. It includes satellite food dispensing areas on patient floors but does not include additional food establishments such as bars and restaurants throughout those facilities.

“Offal” means the intestines and discarded parts from the slaughter of animals.

“One For One Replacement” means a replacement structure of the same number of bedrooms (for commercial properties the same estimated domestic sewage flows and type of operation) and the same square footage of habitable space as of the adoption date of this Ordinance or indicated on the most recently issued construction permit.

“Open Burning” means the combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under the provisions of the Environmental Protection Act.

“Original Soil Surface” means the natural or native soil surface exclusive of fill material.

“Owner” means legal owner, or the person or persons in whose name(s) legal title to the real estate in question is vested as evidenced by the records contained in the McHenry County Recorder’s office, or any person having a right of property in an animal, or who keeps or harbors an animal, or who has an animal in his or her care, or acts as its custodian, or who knowingly permits a dog, cat or other animal to remain on or about any premises occupied by him or her. “Owner” does not include a feral cat “caretaker” participating in a trap, spay/neuter, vaccinate for rabies, and return program.

“Parcel” means an area of land described by metes and bounds or by division, making reference to the original government survey. For purposes of this ordinance, a parcel is not a LOT.

“Permeability” means the ease with which liquids move through a soil.

“Person” means any individual, group of individuals, association, society, trust, partnership, copartnership, firm, corporation, joint stock company, person doing business under an assumed name, municipal corporation or political subdivision, or any other legal entity, government and/or private, or its legal representative, agent or assigns.

“Physical Injury” means the impairment of a physical condition.

“Physical Injury, Serious” means a physical injury that creates a substantial risk of death or that causes death, serious disfigurement, protracted impairment of health, impairment of the function of any bodily organ, or requires plastic surgery.

“Plan Review, Major” means a food service plan review where the extensively remodeled area is greater than 250 square feet.

“Plan Review, Minor” means a foodservice plan review where the extensively remodeled area is less than or equal to 250 square feet.

“Planning & Development Department” means the McHenry County Department of Planning and Development.

“Porous Earth Fill” means mineral soil, not organic soil such as peat or muck. The organic matter content shall be less than 6%. Soil texture shall include silt loam, loam, or sandy clay loam, or sandy loam of a consistent USDA texture. Clay content shall range from 10% to 27%, and sand content shall range from 30% to 80%. The content of gravel (>2mm) shall be less than 5% by volume. Clods shall be less than 10% by volume and less than four (4) inches in size. The material shall be free of extraneous, non-soil material such as construction or vegetative debris.

“Portable Toilet” see CHEMICAL TOILET.

“Portable Sanitation Technician” means any individual who is certified by the Illinois Department of Public Health to be an employee for a portable sanitation business and who has completed the required Illinois Department of Public Health training.

“Portable Sanitation Technician Trainee” means any individual who is certified by the Illinois Department of Public Health as an employee for a portable sanitation business for less than one year.

“Portable Sanitation Technician or Trainee Permit” means a permit issued by the Department to a portable sanitation technician or portable sanitation technician trainee, allowing the cleaning or pumping of portable toilets in McHenry County or hauling and disposing of portable toilet waste in McHenry County.

“Potable” means generally fit for human consumption in accordance with accepted water supply principles and practices.

“Potentially Dangerous Dog” means a dog that is unsupervised and found running at large with 3 or more other dogs.

“Pre-packaged” means food that is bottled, canned, cartoned, bagged, or securely wrapped.

“Private Sewage Disposal System” means any sewage handling or treatment facility receiving domestic sewage for disposal on the property where it was generated, or on property where the same owner has legal access, and having no ground surface discharge there or on any parcel, lot or property. Private Sewage Disposal System shall also mean septic system and onsite wastewater treatment system.

“Private Sewage Disposal System Classified As A Class V Injection Well” means any private sewage disposal system considered to be a Class V injection well under the 35 Illinois Administrative Code Part 704.

“Private Sewage Disposal System in Acceptable Condition” means a septic tank or pre-treatment device that does not have actual or indications of sewage or effluent levels over the outlet pipe; pretreatment devices and electrical components and pumps or motors are operating properly, and an absorption area (mound, field, trench, chamber, etc.) that does not have actual or indications of sewage on the ground

surface, or ponding in the trench or seepage bed above the stone level, gravelless pipe or chamber or ponding above the sand within the basal area of a Type 5 system.

“Private Sewage Disposal Installation Contractor” means any person operating with a valid license from the Illinois Department of Public Health for the constructing, installing, repairing, modifying or maintaining private sewage disposal systems.

“Private Sewage Disposal System Pumping Contractor” means any person with a valid license from the Illinois Department of Public Health who cleans or pumps waste from a private sewage disposal system (excluding chemical toilets) or hauls or disposes of wastes removed therefrom.

“Private Sewage Disposal System Pumping Contractor Permit” means a permit issued by the Department to a private sewage disposal system pumping contractor, allowing the cleaning or pumping of private sewage disposal systems in McHenry County or hauling and disposing of domestic septage in McHenry County.

“Privy” means a structure allowing for the disposal of human excreta into a sealed vault in the ground.

“Property” means a parcel of land or lot for which legal title has been recorded.

“Public Charge” is any animal who becomes the financial responsibility of the County.

“Qualified Water Well Designer” means a Licensed Water Well Installation Contractor, Registered Professional Engineer (as that term is defined in 225 ILCS 325) or Licensed Private Sewage Disposal Installation Contractor (as that term is defined in 225 ILCS 25/3) or a Licensed Environmental Health Practitioner (as defined in 225 ILCS 37).

“Qualified Private Sewage Disposal System Designer” means a Registered Professional Engineer (as that term is defined in 225 ILCS 325) or Licensed Private Sewage Disposal Installation Contractor (as that term is defined in 225 ILCS 225/3) or Licensed Environmental Health Practitioner (as defined in 225 ILCS 37).

“Quarantine” means separating and restricting the movement of a person or a group of persons who were exposed to a contagious disease to monitor for illness.

“Reasonably Available” means that the Illinois Environmental Protection Agency approved public water supply shall be reasonably available for connection if

1. there are no local ordinances or restrictions preventing a property owner from connection, and
2. the public water supply is located in a public right-of-way or easement contiguous to the property and further provided that the water main can be reached without tunneling or boring under a roadway, building, or flowing stream for a distance no farther than 300 feet from the lot line of a residential building or 1000 feet to the lot line of a commercial/industrial building. It is not the intent for an individual to subsidize the extension costs of a public water system; therefore, only an individual connection with an individual line will be required.

“Reckless Dog Owner” means a person who owns a dog that while anywhere other than upon the property of the owner, and without justification, kills another dog that results in that dog being deemed a dangerous dog and who knowingly allows the dog to violate **§ 8.04.870** Public Nuisance, A. Running at Large on 2 occasions within 12 months of the incident for which the dog was deemed dangerous or is involved in another incident that results in the dog being deemed dangerous on a second occasion within 24 months of the original dangerous determination.

“Recreational Fire” means a temporary outdoor fire for warmth, cooking for human consumption, or for non-ceremonial purposes where the fire is not larger than three feet by three feet by three feet (3’x3’x3’) and excludes leaves, grass or shrubbery clippings, cuttings or litter.

“Redox Depletions” means localized zones of decreased pigmentation that are grayer, lighter, or less red than the adjacent soil matrix. Redox depletions have low chroma equal to or less than 2 and a value of 4 or more (Munsell Color Chart).

“Redoximorphic Features” means color patterns in a soil caused by loss (depletion) or gain (concentration) of pigment formed by the oxidation/reduction of iron and/or manganese.

“Repetitious violation” as it pertains to a food establishment, means any violation, which has been noted on two or more consecutive inspection reports.

“Residential Property” means a single family home intended for occupation as living quarters that is not used to conduct any business that generates wastewater or domestic sewage.

“Retail Food, No Food Preparation” means a fixed food establishment that provides only pre-packaged food and/or beverages for retail sale.

“Retail Food with Food Preparation” means a fixed food establishment whose primary business is providing pre-packaged foods and/or beverages for retail sale, but also includes food services such as a coffee station, soda dispenser, deli, bakery, etc.

“Running at Large” means any owned domestic animal that is not under control and constraint, or on its owner’s property.

“Sanitary Sewer” means a wastewater treatment facility permitted by the Illinois Environmental Protection Agency.

“Satellite Food Establishment” means a fixed food establishment which receives all prepared food from an approved food establishment or commissary. The service of prepared foods may take place at a satellite food establishment. Satellite food establishment does not include facilities that only provide a venue for private parties and all food is provided by a variety of caterers.

“Schools, Daycares, Churches” means a fixed food establishment located in a private or public school, daycare facility (child or adult) or church.

“Seasonal Food Establishment” means a fixed or mobile food establishment that operates less than five (5) months per permit year.

“Seasonal Temporary Food Permit” means a permit issued to a single temporary food vendor to operate multiple times at a single location throughout the permit year. A seasonal temporary food permit is not intended to replace a seasonal fixed food establishment permit for non-compliant facilities.

“Self-Contained Outdoor Burning Device” means a free standing or stationary apparatus that contains a burn chamber that prevents the products and emissions from combustion from immediately entering the ambient air by use of a chimney, flue, baffle, screen, grill, hood or other similar device.

“Septage” means the liquid and solid material removed from domestic septic tanks or other approved pretreatment systems, and specifically excluding wastes from portable toilets, holding tanks, grease traps and sewage treatment plant sludge material.

“Septic Restricted Areas” means those areas not considered suitable for septic system installation due to critical soils, excessive slopes, required setback distances, etc.

“Service Dog” means a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed must be directly related to the person’s disability.

“Sewage” means all of the domestic wastewater and all wastewater other than domestic derived from plumbing fixture drains in a dwelling, business or office building, food establishments, and similar facilities. It shall include industrial and commercial processing waste.

“Soil Boring” means an observation pit, dug by hand or backhoe, or an undisturbed soil core taken intact and undisturbed by a probe.

“Soil Classifier” means a certified soil classifier of the Illinois Soil Classifiers Association (ISCA) or a certified soil scientist certified by the Soils Certifying Board of the Soil Science Society of America.

“Soil Characteristics, Limiting” means those soil characteristics which preclude the installation of a Type 1 through Type 5 System (See § 8.04.460 - § 8.04.490 and Illustrations 1, 3, 4, 5 and 6 Appendix C) including but not limited to fill material, bedrock, soils with permeability of less than .2 inches per hour, actual or seasonal high groundwater tables, etc.

“Soil Saturation” means the state when all the pores in a soil are filled with water.

“Soil Textural Classification” where soil particle sizes or textures are specified in this Ordinance, means the soil textural classification in the USDA/NRCS Field Book for Describing and Sampling Soils.

“Spa, Portable, Non-portable, Hot tub”, as it pertains to pool barriers, means a non-permanent structure intended for recreational bathing in which all controls, water-heating and water-circulating equipment are an integral part of the product.

“Special Flood Hazard Area” means any area subject to flooding from a river, creek, intermittent stream, ditch or any other identified channel or ponding and shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map as Zone A, AO, A1-30, AE, A99, AH, VO, V30, VE, V, M, E, D, or X.

“Special Waste Holding Tank” means a watertight tank, which receives the wastewater discharge from fixtures or drains, which receive waste products such as automotive grease, oils, solvents and chemicals or any other processing or industrial wastewater that is not allowed to discharge into a private sewage disposal system.

“Structure” means the results of a man-made change to the land constructed on or below the ground, including the construction, reconstruction or placement of a building or any addition to a building; installing a manufactured home on a site; preparing a site for a manufactured home or installing a recreational vehicle or travel trailer on a site for more than one hundred eighty (180) consecutive days.

“Substantial compliance” as it pertains to a food establishment, means that there are no outstanding or repetitious Priority or Priority Foundation items at the food establishment.

“Suitable Soil” means undisturbed soil materials that meet the permeability and minimum separation distance requirements as indicated in Tables IA and 1B, Appendix B.

“Supplemental Health Permit” means a permit issued by the Health Authority to a fixed food establishment, in addition to the annual or seasonal health permit, which allows the outdoor grilling or cooking of food items and/or operation of an outdoor bar.

“Swimming Pool” means any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas.

“Swimming Pool, Indoor” means a swimming pool which is totally contained within a structure and surrounded on all four sides by walls of said structure.

“Swimming Pool, Outdoor” means any swimming pool, which is not an indoor pool.

“Temporary Food Establishment” means a food establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration. For the purposes of this Ordinance, “Temporary Food Events” and Temporary Food Establishments” shall have the same meaning. Temporary Food Establishments shall be classified into three categories as follows:

- a) Category I: Foods with extensive or complicated preparation of high-risk foods, or high-risk populations.
- b) Category II: Food with limited preparation or handling.
- c) Category III: Pre-packaged ice cream products.

“Tether” means to restrain by tying to an object or structure, including, without limitation, a house, tree, fence, post, garage, shed, or clothes line at a person's residence or business, by any means, including, without limitation, a chain, rope, cord, leash, or running line.

“Uniformity Coefficient” means a number obtained by dividing that size of sand in millimeters of which 60% by weight is smaller, by that size of sand in millimeters of which 10% by weight is smaller.

“USDA” means United States Department of Agriculture.

“Variation” means a written document, issued by the Health Authority, that authorizes a modification or waiver of one or more requirements of this Ordinance if, in the opinion of the Health Authority, a health hazard or nuisance will not result from the modification or waiver. For the purposes of this Ordinance, variation and variance shall have the same meaning.

“Vending Machine” means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation. Vending machines shall be classified into two categories as follows:

- 1. Category A: vending machines that vend in part or in total time/temperature control for safety foods and/or beverages into an open container.
- 2. Category B: vending machines that vend only gum or loose candy.

“Vicious Dog” is a dog that, without justification, attacks a person and causes serious physical injury or death or any individual dog that has been found to be a “dangerous dog” upon three (3) separate occasions.

“Wastewater” means all wastewater other than domestic sewage derived from plumbing fixture drains in a dwelling, business or office building, food establishment, and/or similar facility. It shall include industrial and commercial processing waste.

“Water Table” means the upper limit of the portion of the soil which is completely saturated with water. The seasonal high water table is the highest level to which the soil is saturated, as may be indicated by soil redoximorphic features (soil color patterns).

“Water Well In Acceptable Condition” means a water well that that has no apparent sanitary defects, is sampled for arsenic, total coliform, nitrates and E. coli and is confirmed, through sample analysis at a Certified Laboratory, to be negative for E. coli bacteria.

“Water Well Sanitary Defect” means any physical condition that may prevent the well from providing a reliable potable water source including but not limited to a missing or insecure well cap, well casing that is not intact, a well located in a pit that is not watertight, or similar.

“Wholesome Food” means in sound condition, clean, free from adulteration, and otherwise suitable for use as human food.

§ 8.04.020 INTENT AND PURPOSE

- **Title:** This ordinance shall be known as, referred to or cited as the Public Health Ordinance for McHenry County Illinois.
- **Purpose:** The purpose of this Ordinance is to:
 1. Promote the health, safety and general welfare of the people within McHenry County, IL.
 2. To prohibit, abate, suppress and prevent all acts, practices, conduct and uses of property and all other things detrimental or which may be detrimental to the health of the inhabitants of McHenry County, IL.
 3. To control and prevent nuisances of public health significance.
 4. To establish standards for food and sanitary facilities and controls in food establishments, to regulate the inspection of food establishments, and to provide for examination and condemnation of food.
 5. To establish a system of controls over the site review, design, construction, materials, installation, operation and maintenance of private sewage disposal systems and the disposal of residues therefrom, and the disposal of wastewater from structures served by private sewage disposal systems.
 6. To establish a system of controls over the site review, design, construction, materials, installation, operation and maintenance of private, semi-private, closed loop and non-community water wells.
 7. To protect residents of McHenry County from rabies by specifying preventive and control measures, to provide security to residents from annoyance, intimidation and injury from dogs and other animals, to protect animals from improper use, abuse, neglect, inhumane treatment and health hazards, to encourage responsible pet ownership, to educate residents regarding rabies and other animal related issues.
 8. To provide for assessment of penalties and fines for violations and enforcement and administration of this Ordinance.

- **Intent:**

1. The general intent of this Ordinance is to regulate all acts which may be necessary or expedient for the promotion of health or the suppression of disease; including but not limited to regulating public health nuisances; food establishments; vending of food and beverage; private, semi-private, closed loop and non-community water supplies; onsite wastewater treatment and disposal; public swimming beaches; housing; solid waste management; environmental health and safety and animal control.
2. It is intended that this Ordinance will protect the health of residents, businesses and transients; will secure safety from disease and pestilence; will further the healthful use of land and water resources of McHenry County, Illinois and its communities. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation. Unless otherwise stated, all Articles and Sections of this Ordinance apply to all areas within McHenry County, Illinois.

- **Severability Clause:** If any section, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- **Conflict:** In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, or safety ordinance or code in force or adopted subsequent to the effective date of this Ordinance, the more stringent provision, as determined by a court of competent jurisdiction, shall prevail.

§ 8.04.025 INCORPORATED MATERIALS: The following State administrative rules are adopted and incorporated by reference:

- The Illinois Administrative Code, Title 77: Public Health, Part 690, Control of Notifiable Diseases and Conditions Code, et seq., effective July 1, 1977 and as amended from time to time; and
- The Illinois Administrative Code, Title 77: Public Health, Part 693, Control of Sexually Transmissible Infections Code, et. Seq., effective May 27, 1988 and as amended from time to time; and
- The Illinois Administrative Code, Title 77: Public Health, Part 696, Control of Tuberculosis Code, et seq., effective June 5, 1998 and as amended from time to time.
- The Illinois Animal Control Act (510 ILCS 5/)

§ 8.04.030 ENFORCEMENT PROVISIONS

A. Powers and Duties of the Department:

1. To issue permits or registrations as required in this Ordinance.
2. To make such inspections as are necessary to determine satisfactory compliance with this Ordinance.
3. To cause investigations to be made when a violation of any provision of this Ordinance is reported to the Department.

4. To cause investigations for all mandated reportable infectious diseases as incorporated by IL Administrative Code, Section 690.30, a) and IL Administrative Code, Section 693.
 5. 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 this Ordinance; subject to constitutional restrictions on reasonable searches and seizures. If entry is refused or not obtained, the enforcing officer is authorized to pursue recourse as provided by law, which is typically through an administrative search warrant.
 6. To institute or cause to be instituted legal proceedings in the Circuit Court of McHenry County in cooperation with the State's Attorney's Office where a condition presents a hazard to the public health.
 7. To issue and enforce orders of quarantine, isolation or exclusion to a person or groups of persons, as incorporated by IL Administrative Code 690.30, c), d), e), Section 690.1300 – 690.1410, Section 693.60, and Section 696.180.
- B. Enforcing Officer:** Any duly authorized member or representative of the McHenry County Department of Health is hereby designated as an enforcing officer of this Ordinance. Any enforcing officer shall hereby be given specific power to make inspections and for that purpose may enter buildings, structures and premises at all reasonable times in order to enforce the provisions of this Ordinance and to that end shall make such orders, requirements, decisions and determinations as are necessary with respect to the enforcement of this Ordinance subject to ¶ A.5 above.
- C. Permits:** It shall be unlawful for any person to operate any establishment, business or operation, or conduct any activities within McHenry County, Illinois, requiring permits under this Ordinance, who does not possess a valid permit issued by the Health Authority. Only a person who complies with the requirements of this Ordinance shall be entitled to receive and retain such permit. Permits shall not be transferable from one person to another or from one place to another.
- D. Issuance of Permits:** Any person desiring to conduct any activity requiring a permit under this Ordinance shall make an application for a permit on forms provided by the Department. The application shall include all information required by this Ordinance. Upon receipt of such application, the Health Authority shall conduct the necessary evaluation and/or make an inspection of the referenced business, establishment, operation or property to determine compliance with all provisions of this Ordinance. When the applicable requirements of this Ordinance have been met and all permit fees and/or other outstanding fees due to the Department have been paid, a permit shall be issued to the applicant by the Health Authority.
- E. Notices of Violations:** Whenever the Department determines through inspection or other means that there is a violation of any provision of this Ordinance, the Department shall give notice of such alleged violation. Such notice shall:
1. Be in writing.
 2. Include a Statement of the reason(s) for its issuance which shall include a citation of the applicable Ordinance Section related to the violation.
 3. Allow a period of time not to exceed ten (10) calendar days to effect compliance with this Ordinance unless an extension of time has been granted by the Health Authority or the Public Health Ordinance specifically provides otherwise. Within said same ten (10) calendar days, the responsible person or their designated agent shall have the right to seek, in writing, a review by the Health Authority for McHenry County of the Notice or Order of Violation or

determination of a violation by its Enforcing Officer, with the exception of actions taken by the Animal Control Administrator specific to their authority as established in 510 ILCS 5/. The Health Authority shall provide a written response to that review within 10 business days of receipt.

4. Be served upon the owner, operator, occupant, licensee or permit holder, or their agent as the case may require. Such notice or order shall be deemed to have been properly served upon such owner, operator, occupant, licensee, permit holder or agent when:
 - i. a copy thereof has been sent by regular, registered or certified mail. Notices sent by mail shall be mailed to the last known address of the owner, operator, occupant, licensee or permit holder or their agent. An affidavit or testimony of the enforcing officer, who mails such notice, shall be prima facie evidence of the receipt of such notice by the owner, operator, occupant, licensee, permit holder or their agent; or
 - ii. when such notice has been posted on the property where the violation exists; or
 - iii. when such notice has been posted to the front door of the permit holder's establishment; or
 - iv. when such notice is posted or left at the owner's, operator's, occupant's or permit holder's residence; or
 - v. when such notice is personally delivered to the owner, operator, occupant, permit holder or licensee or person in charge.
 5. Contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this Ordinance.
 6. Explain the procedure for review or appeal of the alleged violation.
- F. Extension of Time:** Any person, firm or corporation affected by a notice which has been issued in connection with the enforcement of any provisions of this Ordinance, may request and may be granted a time extension, by the Health Authority, when circumstances warrant such an extension and it is in harmony with the general purpose of this Ordinance to safeguard and secure the public health, safety and welfare.
- G. Variations:** When circumstances exist, which make impractical full compliance with the requirements of this Ordinance, an applicant may request that the Health Authority grant a variation. Such request shall be made in writing, shall cite the relevant Ordinance requirement and shall accompany any other pertinent data which might support the request or which the Health Authority may require. An explanation of how the potential public health hazards and nuisances addressed by the relevant Sections of the Ordinance will be alternatively addressed shall be included. The Health Authority may grant the request for variance provided the variance does not conflict with the stated purpose of this Ordinance. The Health Authority may attach conditions to a variance and/or may require the owner to record the variance at the McHenry County Recorder of Deeds, as a covenant running with the land. Failure to adhere to the conditions of the variance represents a violation of the Public Health Ordinance.
- H. Appeal Permit Denial** Any permit applicant shall have the right to seek, in writing, a review by the Health Authority for McHenry County, of any denial of any permit application. The Health Authority shall provide a written response to that review within 10 business days of receipt.

I. Suspension of Permits:

1. The Health Authority may suspend any permit authorized by this Ordinance, upon violation by the property owner or permit holder of any of its terms in the manner set forth in the following paragraph:
2. Notwithstanding the provisions of this Ordinance, whenever the Health Authority finds conditions which in their judgment constitutes imminent danger to the public health, or the permit holder, owner or operator has ignored, neglected, or carelessly responded to notices to correct issued by the Department, or in any other way has blatantly jeopardized the public's health by their manner of response to such notice, said Health Authority may without warning, notice or hearing, issue a written notice to the permit holder, owner or operator, citing such conditions and such order shall state the permit is immediately suspended and all operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon a written petition to the Board of Health Hearing Committee, shall be afforded a hearing within thirty (30) calendar days unless mutually continued or extended.

J. Reinstatement of Suspended Permits: Any person whose permit has been suspended may, at any time, make application for a re-inspection for the purpose of reinstatement of the permit. Within two (2) business days following receipt of a written request, including a statement signed by the applicant that in their opinion the conditions causing suspension of the permit have been corrected, the Health Authority shall make a re-inspection. If the applicant is in compliance with the requirements of this Ordinance, the permit shall be reinstated.

K. Revocation of Permits: For serious or repeated violation of any of the requirements of this Ordinance, or for interference with the enforcing officer in the performance of their duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the Board of Health Hearing Committee. Prior to such action, the Health Authority shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of five (5) business days following service of such notice, unless request for a hearing is filed with the Board of Health, by the permit holder within such five (5) business day period. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

L. Emergency Abatement: Whenever, in the judgment of the Department, an emergency exists which requires immediate action to protect the Public Health, safety, or welfare, a court order may be requested without notice, conference, or hearing, directing the person, owner, occupant, operator, or agent to take such action as is appropriate to correct or abate the emergency. All expenses involved in abatement shall be borne by the owner.

§ 8.04.040 HEARINGS

Hearing: Any person, firm or corporation affected by an order or notice issued by an enforcing officer, or a denial of a permit application, after receiving a review by the Health Authority consistent with § 8.04.030 ¶ E3, may file in the office of the Department within ten (10) business days of the date of the Health Authority's review, a written Petition for a hearing before the McHenry County Board of Health Hearing Committee. Such a Petition to the said Board of Health Hearing Committee shall stay the order, notice of violation or order of suspension or revocation until the McHenry County Board of Health has determined and decided the appeal, except that situations requiring emergency abatement as provided in § 8.04.030 K. shall not be stayed. The Petitioner for the Hearing shall be notified of the time and place of the Hearing not less than three (3) days

prior to the date on which the Hearing is to be held. The Hearing shall be held within thirty (30) calendar days after the Petition is filed unless mutually continued or extended.

A. Petition: Whenever a Petitioner requests a Hearing before the McHenry County Board of Health Hearing Committee, the Petition shall:

1. Be in writing.
2. Be made to the McHenry County Department of Health
3. State the reason(s) for the appeal.

A. Hearing Process: The Board of Health Hearing Committee shall hear the petition, make a finding of fact, and make a recommendation to the Board of Health. The Board of Health shall consider the recommendation at their next regular meeting. The Health Authority shall notify the petitioner, in writing, of the findings of the Board of Health within ten (10) business days of the Board of Health meeting.

§ 8.04.050 PENALTIES

- A.** Any person, firm, or corporation who violates any of the provisions of this Ordinance shall be punished by a fine of not less than one-hundred dollars (\$100) nor more than one-thousand dollars (\$1,000) for the first and each subsequent violation. In addition, thereto, such persons may be enjoined from continuing such violations. Each day upon which such violation occurs shall constitute a separate violation.
- B.** In addition to penalties provided in subsection A above, the Department may maintain a complaint to enjoin all persons from maintaining or permitting a nuisance, and to abate same.
- C.** Other penalties and fees may apply, as stated in any later Article of this Ordinance.

**PUBLIC HEALTH ORDINANCE FOR
McHENRY COUNTY ILLINOIS**

McHENRY COUNTY DEPARTMENT OF HEALTH

ARTICLE II

PUBLIC HEALTH NUISANCE

Approved: July 21, 2026

Effective Date: August 1, 2026

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**PUBLIC HEALTH ORDINANCE FOR
McHENRY COUNTY ILLINOIS**

McHENRY COUNTY DEPARTMENT OF HEALTH

ARTICLE II – PUBLIC HEALTH NUISANCE

DEFINITIONS: See § 8.04.010 of Article I.

INTENT AND PURPOSE: See § 8.04.020 of Article I.

§ 8.04.080 REQUIREMENTS

The following are declared public health nuisances prejudicial to the public health:

- A.** To cause or suffer the carcass of any animal or any offal or filth to be collected, deposited or to remain in any place to the prejudice of others. Livestock waste disposed on agriculturally zoned land in compliance with State and local laws, ordinances, or regulations is exempt. Animal carcasses shall be properly disposed of within twenty-four (24) hours of a death of an animal.
- B.** Allowing accumulations of litter; human, animal, industrial, noxious or offensive waste; Provided, that, acceptable storage of livestock manure on a farm is permitted when this storage is in compliance with State and local laws, ordinances, and regulations.
- C.** Maintaining garbage containers, which are not vermin and rodent proof.
- D.** Allowing any infestation in a structure or on a property of pests or vermin that may be involved in transmission of communicable diseases or failing to remove conditions in a structure or on a property that may permit such infestation.
- E.** Failing to eradicate all noxious weeds within 150 feet of any property line.
- F.** Allowing occupancy of a building that is an exposed public hazard as a source of filth or in a condition prejudicial to the health and safety of the public.
- G.** Failing to remove or seal unoccupied buildings that are an exposed public hazard, as a source of filth or in a condition prejudicial to the health and safety of the public in such a manner as to prevent entry.
- H.** Failing to remove vehicles, refrigerators, freezers, stoves, and similar equipment, which have been abandoned to the potential peril of persons from the property.
- I.** Offering used mattresses, swimsuits, wigs, and other personal items for sale to the public unless these items are sanitized as approved by the Health Authority.
- J.** Failure of a personal care provider to sanitize multi-use personal care tools or equipment including but not limited to combs, hairbrushes, nail clippers, foot spa basins, etc. using an EPA approved sanitizer or disinfectant, per the label directions, after each use, between separate individuals.
- K.** Failing to provide a potable water supply sufficient in quantity and pressure to adequately serve all plumbing fixtures therein, in any building in which people live, work or assemble.

- L.** Operating a tanning facility without a valid permit issued by the Illinois Department of Public Health contrary to the provisions of the Illinois Tanning Facility Permit Act or the Illinois Department of Public Health Tanning Facilities Code.
- M.** Operating a tattoo and/or body piercing establishment without a valid registration issued by the Illinois Department of Public Health contrary to the provisions of the Illinois Tattoo and Body Piercing Establishment Registration Act or the Illinois Department of Public Health Body Art Code.

§ 8.04.090 OPEN BURNING OF LANDSCAPE WASTE

A. INTENT AND PURPOSE: Whereas, open burning creates a risk of losses due to fire and impairs air quality, regulation of open burning is necessary to protect the public health, safety, and welfare.

B. REQUIREMENTS

1. Exemptions

- a.** Subsections B.2.a. and B.2.b.; B.3. c.1-3.; and B.4.b. shall not apply to prescribed burns associated with ecologic restoration or natural landscape management, any burning of landscape waste for purposes of habitat reclamation, or firefighter training.
- b.** Subsections B.2.a. and B.2.b.; B.3.c.1-3.; and B.4.b. shall not apply to the burning of brush for purposes of cooking, heating or recreational fires in domestic fireplaces or self-contained outdoor wood-burning devices.
- c.** Subsections B.2.a. and B.2.b.; B.3.c.1-3.; and B.4.b. shall not apply to the open burning of brush for purposes of recreational fires.
- d.** B.2.a. and B.2.b.; B.3.c.1-3.; and B.4.b. shall not apply to the open burning of brush for purposes of ceremonial fires or bonfires provided that notice of any ceremonial fire or bonfire has been given to the fire protection district or fire department serving the area where the fire is to take place and a permit has been obtained from the McHenry County Department of Health. Permit applications shall be submitted to the Department at least 2 business days prior to the date of the ceremonial fire or bonfire. Failure to obtain a permit from the McHenry County Department of Health prior to conducting a ceremonial fire utilizing brush shall be deemed a violation of this article. Failure to notify the applicable fire protection district or fire department and obtain permission prior to conducting a ceremonial fire utilizing brush shall be deemed a violation of this article.
- e.** Subsection B.3.c.(1) shall not apply where the fire is located five hundred feet (500') or greater from a habitable structure.

2. Prohibition

- a.** Open burning of landscape waste shall not take place within one hundred feet (100') feet of a habitable structure.
- b.** Open burning of landscape waste shall not take place less than fifty feet (50') from any structure that is not habitable.
- c.** The burning of manure, garbage, litter or any materials other than landscape waste and/or brush is prohibited on any property in McHenry County.

- d. The Chairman of the County Board shall have the authority to prohibit all open burning of landscape waste in the event of emergencies that require shifting of staff priorities or conditions that may represent significant potential for fire safety issues.

3. Restrictions

- a. Any open burning in the County of McHenry shall be in accordance with the restrictions enumerated below:
- b. The open burning of landscape waste shall only occur on the property upon which the landscape waste was generated. The burning of any materials other than landscape waste is prohibited.
- c. The following restrictions upon the open burning of landscape waste on the property upon which it was generated shall prevail:
 - (1) Burning is permitted only on weekends, between dawn and dusk, during the months of October, November, April and May.
 - (2) Burning is not permitted when the wind is in excess of ten (10) miles per hour.
 - (3) Burning is not permitted of any material other than dry landscape waste and/or brush.
 - (4) Burning is not permitted on public or private roads, alleys, sidewalks or easements.
 - (5) Burning is not permitted when it is a visibility hazard on roadways, railroad tracks or airfields.

4. Conditions and Limitations of Open Burning

- a. All open burning must be supervised by an individual at least 18 years of age until the fire is extinguished.
- b. A fire extinguisher or garden hose or water source shall be available at the burning site.
- c. It is the responsibility of the individual conducting the burning and the owner of the property to comply with all conditions upon burning as noted above during any burning.
- d. It shall be unlawful for any person to cause or allow any open or uncontrolled burning of landscape waste and/or other materials in violation of the above regulations and restrictions.
- e. Any ceremonial fire (bonfire) or recreational fire must be supervised by an individual at least 18 years of age or older.
- f. The Chairman of the County Board shall have the authority to waive all or part of the requirements of this Ordinance in the event of emergencies resulting from natural phenomenon or civil strife.

5. Enforcement, Violations and Penalties

- a. McHenry County Department of Health shall be primarily responsible for the enforcement of this Ordinance. Any enforcement officer of the McHenry County Department of Health, law enforcement agency, fire department or fire protection district is hereby authorized to enforce the provisions of § 8.04.090.
 - b. The burning of any toxic material and any prior violations under this Section shall be considered factors in aggravation for purposes of the assessment of any fines.
6. This Ordinance does not supersede any requirements of a government entity that may be more restrictive.

§ 8.04.100 BARRIERS FOR RESIDENTIAL SWIMMING POOLS, SPAS AND HOT TUBS

A. INTENT AND PURPOSE:

1. The provisions of this document shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drowning and near drowning to children under the age of five (5) by restricting access to swimming pools, spas and hot tubs.
2. **Applicability:**
 - a. All residential swimming pools, spas and hot tubs, located in unincorporated McHenry County, that meet the requirements of § 8.04.100 B15 or § 8.04.100 B16 as of July 15, 2025 are subject to this Section. All other residential swimming pools, spas and hot tubs located in unincorporated McHenry County are subject to the applicable barrier regulation adopted by the McHenry County Board and enforced by the McHenry County Department of Planning & Development.
 - b. Residential swimming pools, spas and hot tubs located inside the boundaries of a municipality within McHenry County are subject to the relevant municipal pool barrier regulation.

B. REQUIREMENTS

1. Usage: In no case shall a swimming pool, hot tub or spa be put into use until it is in compliance with the following requirements and any applicable building code.
2. Outdoor swimming pool: An outdoor swimming pool, including an in-ground, aboveground or on-ground pool, hot tub or spa, shall be provided with a barrier which shall comply with the following:
3. Barrier: The top of the barrier shall be at least 48 inches above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be four (4) inches measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum

vertical clearance between the top of the pool structure and the bottom of the barrier shall be four (4) inches.

4. **Natural Barrier:** The barrier requirements are waived for the portion of the pool/spa/hot tub facing the natural barrier. On all other sides of the property, the barrier must extend to the legal (where established) or normal water level.
5. **Openings in barrier:** Openings in the barrier shall not allow passage of a four (4) inch diameter sphere.
6. **Solid barriers:** Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
7. **Barrier horizontal and vertical members less than 45 inches:** Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, spacing between the vertical members shall not exceed 1 ½ inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 ½ inches in width.
8. **Barrier horizontal and vertical members 45 inches or more:** Where the barrier is composed of horizontal and vertical members of 45 inches or more, spacing between vertical members shall not exceed four (4) inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 ½ inches in width.
9. **Mesh size for chain link:** Maximum mesh size for chain link fences shall be a 1 ¼ inch square unless the fence is provided with slats fastened at the top or bottom which reduce the openings to no more than 1 ½ inches.
10. **Barrier diagonal members:** Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than 1 ½ inches.
11. **Access gates:** Access gates shall comply with the requirements of subsections B.1 through B.10 above, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outwards away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate,
 - a. the release mechanism shall be located on the pool side of the gate at least three (3) inches below the top of the gate and
 - b. the gate and barrier shall have no opening greater than 1/2 inch within 18 inches of the release mechanism.
12. **An above ground pool structure used as a barrier:**
 - a. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps then:
 - (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access or

(2) the ladder or steps shall be surrounded by a barrier which meets the requirements of B.1. through B.11. above.

b. When the ladder or steps are secured, locked, or removed, any opening created shall not allow the passage of a 4-inch diameter sphere.

13. Moat used to obtain clearance: Where a moat is used to obtain the 48 inch clearance from ground surface to top of pool, it shall also be 48 inches from the outside rim of the moat to the top of the barrier (or rim of the pool).

14. Prohibited locations: Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

15. Exemptions:

a. A spa or hot tub with a solid lockable safety cover which complies with ASTM F1346-91 (Replaces ES 13-89) listed below shall be exempt from the provisions of this document. Swimming pools with safety covers shall not be exempt. ASTM F1346-91 (Replaces ES 1389). Emergency performance Specification for Safety covers and labeling requirements for covers for Spas and Hot Tubs.

b. Swimming pools/spas/ hot tubs located greater than 500 feet from neighboring residence and that have been in existence prior to January 1, 1992 shall be exempt from all requirements of § 8.04.100, until such time that a neighboring residence is located within 500 feet of the existing swimming pool.

c. The mesh size for chain link barriers in existence prior to October 18, 1994, that are no larger than 2 1/4 inches square, providing an opening of no more than 3 1/5 inches shall be exempt from subsection B.9. above.

d. Swimming pools/spas/hot tubs that have been in existence prior to January 1, 1992 and for which there exists an occupancy certificate issued by the County after August 21, 1990. This exemption shall only apply to pools, spas, and hot tubs that have been issued an occupancy certificate under the 1990 BOCA and that continue to be in compliance with the provisions of the 1990 BOCA National Building Code.

16. Variances:

a. **Intent:** it is the intent of **§ 8.04.100** of the McHenry County Public Health Ordinance that all swimming pools, spas and hot tubs have an effective barrier to discourage access of youngsters (less than 5 years of age). However, it is recognized that unique circumstances may exist that would preclude immediate compliance with all parts of **§ 8.04.100** for swimming pools/spas/hot tubs in existence prior to January 1, 1992.

b. **Standards for a Variance:** Variations from the regulations of this ordinance may be granted in each of the following instances:

(1) For the swimming pools/spas/hot tubs built prior to January 1, 1992, and that require measurement specifications as set forth in this Ordinance, may be granted a variance provided that the “as built” configuration does not deviate by more than 15% of the measurement specifications. The Petitioner shall be exempt from the notice requirements of subsection B.16.c. below.

(2)

(a) Furthermore, a Variance may be granted where evidence is presented and demonstrates:

- i. The swimming pools/spas/hot tubs have been built prior to January 1, 1992.
- ii. The swimming pools/spas/ hot tubs are located 200 feet to 500 feet from a neighboring residence or less than fifty feet from a natural barrier.
- iii. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located

(b) The Petitioner shall provide notice as set forth in B.16.c. below.

- c. Notice:** The Petitioner shall notify by means of certified mail-return receipt requested, all of the most recent real estate taxpayers of record of all property abutting the property designated in the petition for a variation. If said property designated in the Petition is bounded by a public road or street, alley or any other public way, such notice shall be sent to all of the most recent real estate taxpayers abutting the public road or street, alley or any other public way directly across the Petitioner's property. All such notices shall be mailed not more than thirty (30) days nor less than fifteen (15) days in advance of filing the petition for variance. The Petitioner shall file a sworn affidavit containing a copy of the notice, the names and addresses of all taxpayers entitled to notice and those who received notice.
- d. Issuance and Time Period:** The Department shall review the variation petition based on the Standards for a Variance. The Department shall, within 10 days from the date of filing the petition, approve or disapprove the petition, notifying the petitioner to that effect in writing. A variance shall be valid for five (5) years.
- e. Recording:** Where a petition is approved for a variance, within 10 days of said approval, the Petitioner shall file a record with the McHenry County Recorder's Office a notice of variance which shall prescribe the following information:
 - (a) Grantee(s) name – Owner(s)
 - (b) Grantee(s) Address
 - (c) Legal Description of the Property
 - (d) Property Index Number
 - (e) A statement of Variance and its Duration
 - (f) Name and Address of Preparer
- f. Appeals:** Appeals may be made in accordance with Article I of the McHenry County Public Health Ordinance.

17. Swimming pools, spas and hot tubs located in unincorporated McHenry County that no longer meet the requirements of § 8.04.100 B15 or § 8.04.100 B16 shall be provided with a barrier that complies with the current requirements for swimming pool, spa and hot

tub barriers, as enforced by the McHenry County Department of Planning & Development.

§ 8.04.110 Penalties Any person who violates any provision of this article shall be subject to the penalty and injunctive relief set forth in § 8.04.050 of Article I.

**PUBLIC HEALTH ORDINANCE FOR
McHENRY COUNTY ILLINOIS**

McHENRY COUNTY DEPARTMENT OF HEALTH

**ARTICLE III
FOOD**

Approved: July 21, 2026

Effective Date: August 1, 2026

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**PUBLIC HEALTH
ORDINANCE FOR**

McHENRY COUNTY ILLINOIS

**McHENRY COUNTY DEPARTMENT OF HEALTH
ARTICLE III – FOOD**

Purpose See § 8.04.010 of Article I.

§ 8.04.120 INCORPORATED MATERIALS

The Illinois Food Code, (Title 77, Illinois Administrative Code, Chapter I, Subchapter m, Part 750), effective March 22, 2024 and as amended from time to time, is adopted and incorporated by reference with the following additions, insertions, deletions and changes as approved by the McHenry County Board.

Definitions See § 8.04.010 of Article I.

§ 8.04.140 PERMIT REQUIREMENTS:

A.

1. No person, firm or corporation shall operate a food establishment or operate one or more food vending machines in McHenry County, unless they hold a valid operator's permit issued by the Health Authority in their name for the specific food establishment or vending machine. Category B vending machines and Category III Temporary Food Establishments are exempt from the permit and fee requirements; however, all other requirements of this Ordinance must be met. Operators of businesses, who invite or allow food establishments to operate at their site, are responsible to ensure that the food establishment is permitted per this section.
2. Food prepared for human consumption outside of McHenry County and transported into McHenry County shall conform to the standards and provisions of this Ordinance. To determine the extent of compliance with such provisions, the Health Authority may require/accept reports from responsible authorities where such establishments are located.

- B. Permit Renewal:** Every operating permit shall be issued for the period May 1 – April 30, unless sooner revoked or suspended and may be renewed for successive periods not to exceed 1 year. Any operating permit not renewed within five (5) business days after April 30, shall be considered delinquent. A single conditional permit may be issued within five (5) business days after April 30 provided that the request for the conditional permit is accompanied by the conditional permit fee specified in the Public Health Fee Ordinance. The conditional permit fee is in addition to the full permit renewal fee. Failure to obtain a conditional permit within 5 working days after April 30 will result in suspension of the permit until the permit renewal and permit reinstatement fees are paid. Any operating permit not renewed by the expiration of the conditional permit (May 31), will result in suspension of the permit until the permit renewal and permit reinstatement fees are paid.

- C. Condition for Permits:** The Health Authority is hereby authorized upon application thereof, to issue new operating permits and renewals in the names of the applicant, owners or operators of food establishments. Within thirty (30) days of receipt of the permit application, the Health Authority shall either issue the permit or provide written justification for the denial of the permit. No permit shall be issued unless said establishment is found upon inspection to be in substantial compliance with all the requirements of this Ordinance. When conditions exist that a regular permit cannot be issued a conditional permit may be issued. A conditional permit suspends the regular health permit. A conditional permit is not intended for new food establishments or for food establishments under new ownership.
- D. Conditional Permit:** A conditional permit is issued for a period not to exceed 30 days at which time either the regular permit is issued, or another conditional permit is issued if the conditions causing the conditional permit are not corrected. The cost of the conditional permit is due at the Health Department within 5 working days of receipt or the permit is suspended until such time that the fees have been received. A maximum of three (3) consecutive conditional permits will be issued in a permit year (May 1 – April 30.) A conditional permit suspends the regular health permit.
- E. Application for Permit:** No operating permit shall be issued or renewed unless the applicant, owner or operator has first made application therefore on an application form provided by the Health Authority. The Health Authority shall develop such forms and make them available to the public. Such application shall include:
1. Applicant's full name and post office address.
 2. Whether applicant is an individual, firm or corporation, and if a corporation or partnership, the legal name of the business entity and the names of the officers or partners, together with their addresses.
 3. Location of the commissary or commissaries where mobile units are supplied and cleaned or where vending machines are repaired or renovated.
 4. Type of Establishment.
 5. The identity and form of the products to be dispensed through Category A vending machines and the location and number of Category A vending machines operated in McHenry County, Illinois.
 6. Signature of the applicant or applicants.
 7. The name of the Certified Food Protection Manager.
- F. Permit Fee:** No operating permit shall be issued or renewed unless the completed application form is accompanied by a payment in accordance with the approved fee schedule contained in the Public Health Fee Ordinance approved by the McHenry County Board. The temporary food permit fee, and late fee, if applicable, must be submitted simultaneously with the permit application. Failure to do so shall prevent issuance of the temporary food permit to operate. A fee as contained in the Public Health Fee Ordinance shall be required for all replacement permits (i.e. due to loss, name changes, etc.).
- G. Permit Display:** The operator's permit, as provided by the Health Authority, shall be displayed and be readily visible in each food establishment, vending machine location or on each Category A vending machine operated by them.

- H. Variations:** When circumstances exist, which make impractical full compliance with the requirements of this Ordinance, as listed in this paragraph, an applicant may request that the Public Health Administrator grant a variance. Such request shall be made in writing, shall cite the relevant Section numbers, and shall accompany any other pertinent data which might support the request or which the Public Health Administrator may require. An explanation of how the potential public health hazards and nuisances addressed by the relevant Sections of this Ordinance will be alternatively addressed shall be included. A Hazard Analysis Critical Control Point (HACCP) Plan shall be included if required by the Code for the specific procedure or process for which the variance is being requested. The Public Health Administrator may grant the request for variance provided the variance does not conflict with the stated purpose of this Ordinance. Variations will be considered for items in this Ordinance that do not compromise the wholesomeness, storage, handling, or service of foods. The Public Health Administrator or their designated representative shall respond to all variation requests, in writing, within thirty (30) calendar days of receipt of the request. The Department may attach conditions to a variance to ensure that a variance does not result in creating a public health hazard or nuisance condition. Failure to continue to meet the conditions of a variance is a violation of this Ordinance and may result in the variance being rescinded.
- I. Outdoor Cooking:** Beer Gardens, pig roasts, fish boils, outdoor grilling, outdoor bars and other outdoor food service events that are held in conjunction with permitted establishments shall only be allowed with a valid Supplemental Health Permit or Temporary Food Permit issued by the Health Authority.

§ 8.04.150 INSPECTION OF FOOD ESTABLISHMENTS

- A.** The Health Authority shall inspect each food establishment located in the County of McHenry as follows:
1. Category I Facilities: three times annually
 2. Category II Facilities: one time annually
 3. Category III Facilities: one time annually
- B.** A HACCP training exercise, in-service training or virtual training session in another food service sanitation area provided to the Person-In-Charge at a Category I facility may be substituted for one routine inspection. It is the Department's intention to have at least two (2) separate contacts (i.e. 2 routine inspections or 1 routine inspection and 1 onsite training) with Category II food establishments per calendar year dependent upon staff resources.
- C.** The Health Authority shall inspect each food and/or beverage vending machine located in the County of McHenry as follows:
1. Category A Vending Machines: one annual inspection
 2. Category B Vending Machines: no annual inspections
- D.** The Health Authority shall make as many additional inspections as are necessary for the enforcement of this Ordinance. The Health Authority reserves the right to change the risk classification and thus increase or decrease the frequency for Category II and III operations.
- E. Access to Establishments:** The Health Authority, after proper identification, shall be permitted to enter, at any reasonable time, any food establishment, or upon any private or

public property where vending machines or commissaries are operated, or from which such machines are otherwise serviced, within the County of McHenry, Illinois, for the purpose of making inspections to determine compliance with this Ordinance. They shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received or sold, and persons employed. The operator shall make provisions for the Health Authority to have access, either in company with an employee or otherwise, to the interior of all Category A or Category B vending machines operated by them.

F. Inspection Reports: Whenever an inspection of a food establishment, vending machine, or commissary is made, the findings shall be recorded on an approved inspection report form. This inspection report form shall summarize the requirements of this Ordinance and shall delineate Core item, Priority Foundation item, Priority Item and Hazard Analysis Critical Control Point (HACCP) Plan deviations. Inspectional remarks shall be written to reference, by section number, the section violated and shall state the correction to be made. The procedure for review or appeal of any alleged deviation or violation shall be provided. A copy of the completed inspection report form shall be furnished to the person in charge of the establishment in person, via electronic mail, or regular mail at the conclusion of the inspection. The report form shall establish a specific and reasonable period of time for the correction of the violations found, in accordance with the following provisions:

- a. Priority items should be corrected immediately if possible, and shall be corrected in a time period not to exceed 72 hours.
- b. Priority Foundation or Hazard Analysis Critical Control Point (HACCP) Plan deviations shall be corrected within ten (10) calendar days.
- c. Core items shall be corrected by the next routine inspection.
- d. The Health Authority may approve a compliance schedule that extends beyond the time limits specified in Paragraph a through Paragraph c if a written schedule of compliance is submitted by the permit holder at least one business day prior to the scheduled reinspection date and no health hazard exists or will result from allowing an extended schedule for compliance.
- e. In the case of temporary food establishments, violations must typically be corrected prior to receiving the approval to operate, but within a specific period of time not to exceed 24 hours. Failure to comply with such notice shall result in immediate suspension of the permit.
- f. Second and subsequent re-inspections for the same violation will require a re-inspection fee specified in the Public Health Fee Ordinance. Whenever a permit to operate is suspended or revoked, a reinstatement fee specified in the Public Health Fee Ordinance shall be incurred by the permit holder.
- g. Re-inspection fees must be paid within fifteen (15) days of notice by the Department. Failure to pay will result in suspension of the permit to operate and an additional fee to reinstate the permit.
- h. The Health Authority may issue a Conditional Permit to operate when an inspection results in seven (7) or more Foodborne Illness Risk Factor item numbers with Priority or Priority Foundation violations; and/or when four (4) or

more Foodborne Illness Risk Factor item numbers with Priority or Priority Foundation violations remain uncorrected at the conclusion of an inspection.

G. Service of Notices: Notices 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 to the permit holder or licensee or person - in - charge, or when such notice has been posted to the front door of the permit holder's establishment, or by leaving such notice at their residence with some person of the family of the age of ten (10) years or upwards.

H. Examination and Condemnation of Food: Food may be examined or sampled by the Health Authority as often as may be necessary to determine freedom from adulteration or misbranding. The Health Authority may, upon written notice to the owner or person in charge, place a hold order on any food which they determine 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 Authority, and neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of, or destroyed without permission of the Health Authority except on order by a court of competent jurisdiction. The Health Authority 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 Ordinance: Provided, that such order of the Health Authority to denature or destroy such food or bring it into compliance with the provisions of this Ordinance shall be stayed if the order is appealed to a court of competent jurisdiction within three (3) days of the issuance of such order. Samples for the determination of adulteration and misbranding shall be taken and examined in accordance with the methods prescribed by the Association of Official Agricultural Chemists, the Food and Drug Administration, or by other standard methods, at the expense of the food establishment.

I. Food-borne Illness Investigation: When cases of food-borne illness are reported, an immediate epidemiological and laboratory investigation shall be made by the McHenry County Department of Health in an effort to determine the vehicle and the source, so as to prevent a recurrence. Any food suspected of being a vehicle in a food-borne disease outbreak shall be placed under a hold order pending laboratory examination.

§ 8.04.155 SUSPENSION OF PERMIT TO OPERATE: The Health Authority may suspend a permit to operate a food establishment if it determines through inspection, or examination of employees, food, records or other means, that an imminent health hazard exists. The Health Authority may suspend a permit to operate a food establishment for serious or repeated violations of this Ordinance or for interference with the Health Authority in the performance of their duties. Any person whose permit has been suspended may request a review of that permit suspension by the Health Authority consistent with § 8.04.030 ¶ E3 of Article I and seek a hearing before the Board of Health Hearing Committee consistent with § 8.04.040 of Article I. Upon reinstatement of the permit, a conditional permit will be issued. A conditional permit suspends the regular health permit. See § 8.04.140 ¶ D.

§ 8.04.160 PLAN REVIEW OF FUTURE CONSTRUCTION:

A. 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, remodeling or alteration, showing layout, arrangement, and construction materials of work areas, and the location, size, and type of fixed equipment

and facilities, shall be submitted to the Health Authority for approval before such work is begun.

- B.** Whenever plans and specifications are required to be submitted to the Health authority under § 8.04.160 of this Ordinance, the Health Authority shall inspect the food establishment prior to the start of operations, to determine compliance with the approved plans and specifications and with the requirements of this Ordinance.
- C.** A review fee shall be charged for all new or extensively remodeled food establishment(s). The review fee is specified in the Public Health Fee Ordinance. All work that starts without written approval of the Department shall have the review fee doubled.
- D.** The plan review shall be valid for a period of two (2) years from the date of approval. If construction has not commenced and significant progress is not achieved, the plan review shall expire unless an extension is granted by the Health Authority. Pending plan review applications that have been inactive for six (6) months shall be subject to cancellation after notification to the applicant.

§ 8.04.170 EMERGENCY OCCURRENCES: In the event of a situation that might result in the contamination of food, or that might prevent the safe handling of food, the person in charge shall immediately contact the health authority. These events shall include but are not limited to fire, flood, power outage, lack of potable water under pressure, lack of hot water, inability to clean and sanitize utensils and equipment, boil order, coliform bacteria positive water sample results, back up of sewage and malfunctioning private sewage disposal systems, and interruption to plumbed toilet/handwashing facilities for food employees. Upon receiving notice of this occurrence, the health authority shall take whatever action it deems necessary to protect the public health, including but not limited to immediate suspension of the health permit.

§ 8.04.180 FOOD SAMPLE DEMONSTRATIONS AND FOOD PROMOTIONS: Food sample demonstrations and food promotions shall comply with the applicable sanitation provisions of this Ordinance.

§ 8.04.190 CHANGE IN OWNERSHIP: When a food establishment undergoes a change in ownership, the lavatory facilities shall be brought into compliance with Section [5-203.11](#) of the US Public Health Services Food and Drug Administration (FDA) 2022 Food Code if they are not already, whether or not the facility will be extensively remodeled.

§ 8.04.210 TOILET FACILITIES (Replaces Section [6-202.14](#) of the 2022 US Public Health Services FDA Food Code.) Toilet rooms located in kitchen, food service, food preparation, ware washing, or food storage areas shall be completely enclosed and shall have tight fitting, self-closing doors. Such doors shall not be left open except during cleaning or maintenance.

§ 8.04.220 MOBILE FOOD UNITS

- A. Routes:** Mobile food operators shall provide a copy of their mobile routes to the Department upon request.

- B. Base of Operations:** When not in use, mobile food establishments shall be stored at a location where the mobile unit will be protected from contamination and the wholesomeness of the food products will not be compromised.
- C. Prior to Operation:** Prior to operation, an inspection of the mobile unit must be conducted by a licensed plumbing inspector, and the inspection report must be submitted to the Department. The operator of the mobile unit must provide copies of the report of the most recent inspection of the approved commissary, and the commissary agreement.

§ 8.04.230 TEMPORARY FOOD ESTABLISHMENTS:

A. Restricted Operations

1. All foods sold or handled by a temporary food establishment shall meet the requirements of this Ordinance for preparation, packaging, display, service, storage and transportation. Foods will be classified as to their relative risk to cause a food-borne illness.
2. Certain high-risk foods may be prohibited or may require that a food preparation plan be provided and approved. Foods shall be prepared and cooked on-site on the day of the event unless prior approval is provided in writing from the Department.
3. One temporary food event is allowed per sponsor per single location per calendar year unless the requirements of Paragraph B below are met.
4. All temporary food establishments shall provide only single-service articles for use by the consumer unless prior approval is provided in writing from the Department.

B. Renewals of Temporary Food Permits: Temporary food permits may be renewed and seasonal temporary food permits may be issued at a single location provided that all of the following requirements are met:

1. The temporary food establishment shall be under the operational supervision of a certified food protection manager during all times that the temporary food establishment is operating.
2. Past temporary food events by the same sponsor must have been in substantial compliance with Ordinance requirements; and
3. The appropriate application and fee must be submitted to the Department.
4. Seasonal temporary food permits are not renewable in a permit year (May 1- April 30).

C. Facilities at Temporary Food Establishments:

1. Enough refrigeration and hot holding facilities must be provided to maintain time/temperature control for safety foods at required temperatures.
2. For other than mechanical refrigeration or hot holding facilities, prior approval of the Department is required.

- D. Handwashing at Temporary Food Establishments:** A facility shall be provided for employee handwashing. Where water under pressure is unavailable, such facility shall consist of at least a food grade container of potable water, soap and individual paper towels. The container shall have a spigot at the bottom to allow a flow of water into a receiving container below.
- E. Warewashing:** Where warewashing is not easily accessible or available, a warewashing station shall be provided consisting of three basins for cleaning and sanitizing equipment and utensils. The basins shall be large enough to fully immerse the largest piece of equipment used by the temporary food establishment.

§ 8.04.240 CATERING FOOD SERVICE OPERATIONS

- A.** A catering food service operation shall comply with the requirements of this Ordinance. The Health Authority may impose additional requirements to protect against health hazards relating to the conduct of catering food service operations.
- B.** Catering food service operations whose base of operations is located outside of McHenry County must hold a valid Health Permit to operate from the appropriate regulatory authority. If the regulatory authority does not issue health permits, alternative documentation (i.e. inspection report) from that regulatory authority shall be provided.
- C.** Catering food service operations, that cater events which are open to the public, must obtain a valid Health Permit from the McHenry County Department of Health prior to operating.

§ 8.04.250 DELIVERY SERVICES: Delivery services shall be limited to prepackaged food items obtained from an approved location with proper equipment to maintain product temperature and maintain food in a sanitary manner.

§ 8.04.260 OUTDOOR GRILLING AT FIXED FOOD ESTABLISHMENTS

- A.** Cooking must be done on the premises immediately adjacent to the permitted fixed food establishment. All other food preparation and food service must be done within the facility, except that patrons or cooks may apply condiments and sauces from approved dispensers to immediate servings.
- B.** The grill and any other cooking equipment must meet the published standards of an American National Standards Institute (ANSI) accredited equipment certification program, or be approved by the Department.
- C.** The grill and any other cooking equipment must be located on a smooth and easily cleanable surface during use. Sealed concrete, mortared non-textured brick, commercially designed synthetic floor material, and asphalt are some recommended surface materials.
- D.** Grills and any other cooking equipment shall be effectively separated from public access and not in close proximity to waste receptacles or dumpsters.
- E.** At least one (1) hand washing lavatory with hot and cold water under pressure, and plumbed to an approved wastewater disposal system, shall be provided. The hand washing station

may be located inside the facility if it is easily accessible to the grilling area. Portable hand washing stations, which provide hot and cold running water under pressure, and meet the published standards of an American National Standards Institute (ANSI) accredited equipment certification program, may be utilized in lieu of a permanently plumbed hand sink. If a portable hand washing station is to be utilized, a procedure must be established by the food operator and accepted by the Department which assures that hot and cold running water will be available at all hours of operation, and the filling of the unit with potable water and emptying the domestic wastewater will be done in a sanitary manner.

- F. Products being grilled or cooked shall be protected from contamination. Acceptable protection shall include a closed grill cover, a canopy or a roofed area.
- G. Approved mechanical refrigeration must be provided if raw product is not immediately brought from inside the approved kitchen facility to the grill or other cooking equipment.
- H. All cooked time/temperature control for safety food products must be held and served inside the facility at 135 degrees F or above if not immediately consumed.
- I. A certified food protection manager shall be onsite at all times that foods are being grilled or cooked.
- J. Use of portable or chemical toilets is limited to the provisions of § 8.04.580 of Article IV.

§ 8.04.265 OUTDOOR BARS AT FIXED FOOD ESTABLISHMENTS.

- A. The outside bar shall be located under a roof or canopy and be located on a smooth and easily cleanable surface.
- B. The bar service and food (beverages, condiments, snacks, ice, etc.) storage areas must be located under the canopy or roof.
- C. Only beverages and pre-packaged, non-TCS foods shall be provided from the outside bar. The non-TCS foods may be dispensed from larger commercially prepackaged containers into individual portions. This does not preclude outdoor service of foods prepared inside the food establishment and served directly to the consumer.
- D. Liquor bottles shall have insect proof screen tops.
- E. Condiments shall be prepared inside the food establishment.
- F. A permanently plumbed foodservice hand sink or portable hand washing station which meets the published standards of an American National Standards Institute (ANSI) accredited equipment certification program, must be provided in the outdoor bar. Hot and cold running water must be available at the hand sink during all hours of operation of the outside bar. Filling the portable unit with potable water and emptying the unit of wastewater must be done in a sanitary manner. A portable hand washing station will not be considered without the approval of the local building authority.
- G. Warewashing of glassware (beverage containers), drink mixers, soda dispenser component parts, ice scoops and liquor bottle tops or similar may take place at the bar consistent with §4-401, §4-501, §4-602, §4-603, §4-701 of the FDA Retail Food Code. Glassware (beverage containers) must be stored in a way that protects against contamination, consistent with §4-903 of the FDA Retail Food Code.

- H.** The three-compartment sink or dishwasher must be permanently plumbed to the approved wastewater disposal system.
- I.** The ice bin must have a lid, and the lid must be closed between uses.
- J.** If not permanent, the ice bin must be returned daily to the fixed food establishment for cleaning and sanitizing.
- K.** An adequate number of covered garbage/refuse containers must be provided in and around the bar to prevent litter.
- L.** Waste drains of tap coolers are to be plumbed to the wastewater system or go directly to a covered container that is emptied daily into the facility's wastewater disposal system.
- M.** Utilization of a covered container in lieu of a direct connection cannot be considered without the approval of the local building authority.
- N.** If the facility is served by a private sewage disposal system, the entire facility, including the outside bar, must be operated within the design capacity of the private sewage disposal system. Portable toilets may be utilized consistent with §8.04.580 of Article IV. If portable toilets are provided, a portable hand washing station must be provided for customers within 20 feet of the portable toilets.
- O.** The bar must be constructed of smooth and easily cleanable surfaces.
- P.** The outside bar must meet all other applicable sections of this Article.

**PUBLIC HEALTH ORDINANCE FOR
McHENRY COUNTY ILLINOIS
McHENRY COUNTY DEPARTMENT OF HEALTH
ARTICLE IV
WASTEWATER AND SEWAGE TREATMENT AND DISPOSAL**

Approved: July 21, 2026

Effective Date: August 1, 2026

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**PUBLIC HEALTH ORDINANCE FOR
McHENRY COUNTY ILLINOIS**

McHENRY COUNTY DEPARTMENT OF HEALTH

ARTICLE IV – WASTEWATER AND SEWAGE TREATMENT AND DISPOSAL

PURPOSE: See § 8.04.020 of Article I.

§ 8.04.350 GENERAL PROVISIONS

- A. Title** This Ordinance shall be known and cited as "The McHenry County Private Sewage Treatment and Disposal Ordinance" (hereinafter the "Ordinance").
- B. General Rule** Construction of private sewage disposal systems shall not be permitted on property where a sanitary sewer is available and accessible. If a sanitary sewer is not available and accessible, every residence, business, building or enterprise shall have its own private sewage disposal system in conformance with the provisions set forth in this Ordinance.
- C. Applicability** After the effective date of adoption of this Ordinance, all private sewage disposal systems as defined herein shall only be constructed or modified in accordance with the provisions of this Ordinance.

DEFINITIONS: See § 8.04.010 of Article I.

§ 8.04.370 GENERAL REQUIREMENTS

- A. Owner's Responsibility** 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 sewage. Human waste and domestic sewage from each such building or place not disposed of by discharging into a sanitary sewer, shall be disposed of in compliance with this Ordinance.
- B. Building Occupancy** No person shall occupy or permit occupancy of any building or structure not in compliance with Subsection A above.
- C. Rate of Flow for Domestic Sewage** Each unit of the private sewage disposal system shall be designed to treat the volume of domestic sewage discharged to it. The volume of sewage flow shall be determined from [§ 8.04.430 A-D](#) and Tables IA, IB, and II (See Appendix B).
- D. Type of Waste** A private sewage disposal system shall be designed to receive all domestic sewage from the buildings served. No cooling water, groundwater, discharge from roof drains, discharge from footing tile drains, swimming pool wastewater, or other clear water discharges shall be directed to the private sewage disposal system. Waste products, such as automotive grease, oils, solvents, and chemicals, shall not be discharged to a private sewage disposal system. These waste products shall be handled according to the rules for disposal of oil, gas and grease promulgated under the Environmental Protection Act, or according to 35 Ill. Adm. Code Subtitle G. Drains or fixtures receiving any wastewater other than domestic sewage shall be discharged to a special waste holding tank and not to a private sewage disposal system; (See [§ 8.04.730](#)).

E. Water Softener Backwash Backwash water from a water softener shall discharge to one of the following:

1. 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.
2. A separate building drain, in accordance with the Illinois Plumbing Code, that will discharge to a subsurface seepage system, provided that seepage field is designed to accommodate the flow from this device on a daily basis. The separate building drain from this device may bypass the septic tank in front of the seepage field. A septic tank is not required in front of a seepage field receiving flow from this device.

F. Hot Tub Wastewater Domestic sewage generated by a hot tub or other similar device located within the structure and connected to the plumbing system shall be discharged to one of the following:

1. A separate subsurface seepage system, provided 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.
2. The septic field serving the domestic sewage 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.

G. Clear Water Discharges Clear water wastes may be discharged directly to storm sewers, natural drainage areas, or to the ground surface without additional treatment provided that it does not conflict with any State or local drainage law. Such drainage shall not result in nuisance conditions which create an offensive odor, or which produce a stagnant wet area, or which produce an environment for the breeding of insects. Such drainage shall not be directed over or onto the components of a private sewage disposal system.

H. Swimming Pools Wastewater from swimming pools may not be discharged to a private sewage disposal system receiving domestic sewage. Wash or backwash water from swimming pool sand filters may be discharged to natural drainage areas, storm sewers, or to the ground surface provided that it does not conflict with any State or local drainage law. Diatomaceous earth filter wash or backwash water may be discharged to one of the above after treatment consisting of one of the following:

1. Passing the earth filter wash or backwash water through a separation tank designed for removal of the diatomaceous earth and suspended solids.
2. Settling the earth filter wash or backwash water in a tank, which is capable of holding the volume of one backwash. One backwash is defined as the amount of water generated from the backwash of the filters for a period of 2 minutes for diatomaceous earth filters, at the required backwash flow rate. The tank shall be dewatered after settling and prior to subsequent backwashes. Settled sludge shall be periodically removed to prevent flushing of solids during backwashing.

A separate private sewage disposal system designed and constructed in accordance with the applicable Sections of this Ordinance.

I. Off Site or Shared Private Sewage Disposal Systems Private sewage disposal systems to serve more than one property or on a property separate from the structure to be served, must meet one of the following conditions:

1. The private sewage disposal system is located on common property under joint ownership of the users and a deed restriction has been recorded with the McHenry County Recorder of Deeds ensuring the property will remain under common ownership; or

2. A private sewage disposal system easement has been established granting access to all users for installation, operation, repair, sampling and maintenance of the system. The easement must be recorded with the McHenry County Recorder of Deeds.

J. Water and Sewer Line Separation See Table IV, Appendix B.

K. Permit Required No private sewage disposal system shall be constructed, replaced, modified, altered, extended or repaired until a permit has been issued by the Health Authority. Applications for permits shall be in writing on forms provided by the Department and shall be signed by the owner or his authorized agent. Said permit to construct replace, modify, alter, extend or repair shall be valid for a period of two (2) years from date of issuance. If construction or repair is not completed within said period, the permit shall expire unless an extension is approved by the Health Authority. The permit can be renewed for a period of 6 (six) months for 1/2 of the prevailing permit fee, provided all the conditions of the original submittal remain valid. Where a private sewage disposal system is required for a structure, no building permit shall be issued without the prior or simultaneous issuance of a private sewage disposal system permit. No private sewage disposal system shall be put into use until it has been approved by the Health Authority.

L. Pending Permit Applications: Permit applications that are pending approval due to insufficient information or require revision due to non-compliance with Ordinance requirements, are subject to cancellation, after notification to the applicant, if the permit application is inactive for six (6) months.

M. No Permit Required No permit is required when the nature of a repair is so minor as to not influence the size or substantially alter the function of the system (i.e., broken vent pipe, settling of distribution box, replacement of solid piping).

N. New Construction In all cases of new construction, the private sewage disposal system shall either be in compliance with Article IV requirements or new septic plans approved for the new construction prior to the issuance of the building permit.

O. Exemptions

1. **Structure Destroyed or Unsound** In the event a structure is destroyed by 50% or more of the existing habitable square footage by fire, wind, or water, or 50% or more of the existing habitable square footage is determined by a Licensed Architect or Structural Engineer to be unsound; it shall be eligible for a replacement structure if the property cannot support a private sewage disposal system meeting Article IV new construction requirements. A replacement residential structure must be of the same number of bedrooms and can be up to 50% larger in habitable square footage than the original structure. The estimated and actual domestic sewage flow of a replacement non-residential structure may not exceed the estimated domestic sewage flow (See Table II, Appendix B) of the original structure. A Licensed Architect or Structural Engineer shall issue a certificate as to the condition of the structure to the Health Authority; or

2. **Additions Greater than 50% or Replacement Structures**

- a. When additions greater than 50% of the habitable square footage of the existing structure, or a replacement structure, and no new bedrooms are added; the private sewage disposal system must be in acceptable condition, as confirmed by an evaluation provided by an Illinois Licensed Engineer or Licensed Environmental Health Practitioner; or
- b. New private sewage disposal system plans must have been approved by the Department for the structure.

P. Other Restrictions The above exemptions do not supersede any local zoning or building restrictions (i.e. minimum size of structure and structure setbacks).

Q. Application for Permit Application for permits shall be in writing, shall be signed by the applicant and property owner, if the owner is not the applicant, and shall include the following unless not applicable to the application (i.e. abandonments):

1. Name and address of the applicant, and date and signature of owner, owner's agent or private sewage disposal system installation contractor.
2. The location and legal description of the property and permanent property index number (PPI) on which construction, repair, replacement, modification, alteration, abandonment or extension is proposed, and size (dimensions) and area of lot or building site. A plat of survey of the property shall be provided. No plat of survey is required for permit applications for private sewage disposal system abandonment only.
3. The number of bedrooms (for single-family residences) or the estimated domestic sewage flows from Table II, Appendix B (for non-residential structures).
4. A description including sizes of each unit of the proposed sewage treatment or disposal systems, and all calculations that entered into the sizing of the system(s).
5. Evidence to demonstrate that a public sewer is not available and accessible to the property line of the building for which a septic system is proposed.
6. Soil findings from on-site soil evaluation as required in [§ 8.04.420 A](#) through [§ 8.04.420 E](#).
7. One (1) copy of the design, not exceeding 24" by 36" in size, of the system drawn to scale (one inch equals 10', 20', or 30') and fully dimensioned, and specifications to fully describe the system. Multiple pages may be utilized and may be required if there is insufficient space for Department approval stamps and/or notes (i.e. conditions of permit approval). It shall show:
 - a. Lot boundaries and property dimensions;
 - b. Proper orientation of directions relative to the property in question
 - c. Locations of any underground utilities and water service lines;
 - d. Locations of any easements and/or septic restricted areas;
 - e. Locations and sizes of all drains, wells, storm water drywells, buildings, driveways, parking areas, sidewalks, decks, patios, and designated subsurface seepage and future replacement subsurface seepage areas, or any other improvement that has an established setback distance in Table IV, Appendix B, whether existing or proposed on the subject and adjacent properties;
 - f. The private sewage disposal system to be constructed, repaired, replaced, modified, altered or extended;
 - g. Locations of soil borings;
 - h. A clearly described benchmark which will be maintained throughout the construction period;
 - i. Any trees to remain within 10 feet of any part of the private sewage disposal system;
 - j. Existing and proposed topography in one foot contours;
 - k. A detailed plan of proposed tank(s) and effluent disposal system (both top and side view);

- l. All critical elevations, (e.g. top of foundation, invert of plumbing stub-out, inlet and outlet of tank, inlet of distribution box, seepage tile line, bottom of trench, etc.) referenced to the benchmark;
 - m. Private sewage disposal system design calculations (sizing, LPP calculations, etc.);
 - n. Building location with all lateral distances indicated, including distance from building served to system, from system to well(s) (list type of wells), adjoining systems, lot lines, lake, stream or other water-course;
 - o. Detail of lift station including tank size, dose, reserve capacity, pump specifications, access riser to 6 inches above grade, forcemain frost protection and high water alarm;
 - p. Trench detail showing a cross sectional view of the subsurface seepage area; and
 - q. A statement, which specifies whether or not the private sewage disposal system is designed to accommodate a hot tub or garbage grinder/garbage disposal or water softener; whether the system is located within the 100 year flood zone; and the impact of any fill (if applicable) and
 - r. Location of special waste holding tank on subject and neighboring properties.
- R.** All private sewage disposal system designs shall be drawn by or under the direct supervision of a Registered Professional Engineer (as that term is defined in 225 ILCS 325) or Licensed Private Sewage Disposal Installation Contractor (as defined) or a Licensed Environmental Health Practitioner (as defined). All private sewage disposal system designs shall be based on soil characterization information determined by a soil classifier, meeting the criteria in § 8.04.420 A through § 8.04.420 E. All copies of application forms and all pages of site plans shall bear the signature and license expiration date of the individual who performed or supervised the specific work. Any person who designs a private sewage disposal system shall be responsible for the accuracy of all information required by § 804.370 ¶ Q on that design.
- S. Permit Granted** When, upon review of the application, the proposed design meets the requirements of the Ordinance, the Health Authority shall grant written approval of said application. The Department may impose conditions on the permit approval (i.e., monitoring of actual water usage, conducting waste strength analysis after a specific operating period). Failure to fulfill the conditions of the permit approval represents a violation of this Ordinance.
- T. Permit Denial** When, upon review of the application, the Health Authority finds the information incomplete, inaccurate, or does not meet the requirements of this Ordinance, they shall deny approval of said application.
- U. Appeal of Review or Permit Denial** Any permit applicant may appeal the denial of any permit application through the provisions set forth in § 8.04.030 ¶ H of Article I of the Public Health Ordinance.
- V. Variances** When circumstances exist which make impractical full compliance with the requirements of this Ordinance, as listed in this paragraph, an applicant may request that the Health Authority grant a variance. Such request shall be made in writing and shall accompany the system plans. Any data which supports the request shall be submitted. The Health Authority may grant the request for variance, provided said variance does not conflict with the stated purpose of this Ordinance. (See Table VIII in Appendix B for general guidelines.)
- W. Variances for Existing Structures** When variations are granted for separation distances to water wells; separation from bottom of trench to limiting layers; location of the system in the flood hazard area or for sizing of the seepage area at less than required based upon Tables IA and IB in Appendix B for replacement private sewage disposal systems for existing structures, these restrictions must be recorded as covenant(s) running with the land with the McHenry County Recorder of Deeds.

X. Maintenance of Private Sewage Disposal Systems

1. Private sewage disposal systems installed after January 1, 2014 shall be maintained in compliance with Section 905.20q of the Illinois Private Sewage Disposal Code.
2. Private sewage disposal systems which are subject to flooding shall not be operated when floodwaters are covering the septic tank, lift station, pre-treatment unit or any portion of the seepage component.
3. Private sewage disposal systems which are subject to the influence of seasonal high groundwater shall be monitored and pumped as often as necessary by a qualified and permitted septic pumper to prevent a malfunction of the private sewage disposal system.
4. The area of the private sewage disposal system shall be maintained as indicated on the approved design including finished grading and vegetative cover over the seepage component.
5. Existing private sewage disposal system components, which are no longer accepted for new installations, including but not limited to cesspools, dry wells, or modified leaching pits, may not be repaired or modified, and shall be replaced with an approved private sewage disposal system in the event that it is damaged, structurally deteriorated or malfunctions.
6. Private sewage disposal systems shall be operated within the design capacity and maximum waste strength parameters of the approved design.
7. Malfunctioning private sewage disposal systems shall be repaired or replaced in compliance with this Ordinance.
8. All components of a private sewage disposal system shall be maintained in good working order. Components that are deteriorated, missing or otherwise in a condition which no longer functions properly, shall be repaired or replaced in compliance with this Ordinance.

- Y. Construction Impact Reviews** Prior to construction, a construction impact review (health review) must be completed when historical permit documentation is not available to confirm that the proposed construction of an addition, remodel, accessory structure, etc., will comply with Ordinance requirements related to private sewage disposal system(s). An application, on forms provided by the Department, must be submitted with a site plan detailing the work to be done and setback distances to water wells and private sewage disposal system components. A health review fee, as outlined in the Public Health Fee Ordinance, is required. Construction impact review applications that are pending approval due to insufficient information or require revision due to non-compliance with Ordinance requirements, are subject to cancellation, after notification to the applicant, if the application is inactive for six (6) months.

§ 8.04.380 EXPERIMENTAL SYSTEMS

- A. Experimental Systems – General** The Health Authority may issue an experimental use permit for a private sewage disposal system or component which is new or innovative, and is not described in this Ordinance. Written approval is also required from the Illinois Department of Public Health for such system.
- B. Experimental Permit Applications** Applications for experimental use permit shall be submitted in accordance with, and shall conform to, the permit requirements set forth in § 8.04.370 K and § 8.04.370 Q as well as the following additional criteria:
1. **Experimental Permit Details** The application shall specify the type of proposed system or component and be accompanied by plans, specifications per applicable sections and

engineering data to support the system's ability to comply with the system design requirements under § 8.04.420 and § 8.04.430.

- 2. Experimental Replacement System** The experimental system shall be replaced with an approved system if the experimental system fails to perform in accordance with any of the sections of this Ordinance or with criteria established as a condition to approval of the system.
- 3. Experimental Permit Review Process** Upon receipt of the information required in § 8.04.430, the Department will review the experimental system to assess the system's ability to conform to requirements of this Ordinance. The Department may request additional review by or consultative assistance from other qualified private sewage disposal system professionals. (See § 8.04.550). If approved, the Department will issue an "Experimental Use Permit" for the system and file a Certificate of Notice with the Office of the McHenry County Recorder, which shall indicate that the property's private sewage disposal system is an experimental system under evaluation by the Department. The Certificate of Notice shall remain on the title through the evaluation period. The performance of the experimental system shall be evaluated by the Department for a two- year period. The experimental system shall be in use throughout the evaluation period. At the end of the two-year evaluation period, the Department shall make a determination as to the system's acceptability. The system shall be unacceptable if sewage erupts from the ground, or if the system fails to meet the criteria established as condition to approval of the system. If acceptable, the experimental system shall become an approved private sewage disposal system for that specific site. If unacceptable, the experimental system shall not be approved and shall be replaced with an approved system. The Department shall notify the applicant in writing of its final determination. If acceptable, the Department shall record a release of the Certificate of Notice. If unacceptable, the Certificate of Notice shall remain on the title until an approved system has been installed.

§ 8.04.390 PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION

- A. Licensed Private Sewage Disposal Installation Contractor** No installation shall be made without a written permit from the Health Authority issued either to a Licensed Private Sewage Disposal Installation Contractor, or to the owner or lessee of the lot. All private sewage disposal system installations, repairs, alterations, extensions and modifications must be performed by a Licensed Private Sewage Disposal Installation Contractor. In order to operate in McHenry County, a contractor must be licensed by the Illinois Department of Public Health (IDPH) pursuant to 225 ILCS 225/4, of the Illinois Compiled Statutes.
- B. Installer Responsibilities** It is the responsibility of the licensed private sewage disposal installation contractor to install the private sewage disposal system per the approved design, and to notify the Health Authority of any discrepancies between the installation site and the approved private sewage disposal system design. Failure to install the private sewage disposal system per the approved design or to notify the Health Authority of such discrepancies constitutes a violation of this Ordinance by the Private Sewage Disposal Installation Contractor.
- C. Protection of Area** After the permit has been issued for a proposed private sewage disposal system, the area in which the system is to be installed shall be identified and shall not be cut, excavated, filled, or otherwise altered in any way except as specified in the approved plans. The permit holder shall protect the area from construction traffic and all other activities, which might compact the soil.
- D. Owner Responsibility** It shall be the responsibility of the property owner to protect all components and reserve areas of their private sewage disposal system from damage due to installation of utilities.

- E. Free from Encroachment** The area to be used for a private sewage disposal system shall be selected and maintained so that it is free from encroachment by driveways, decks, accessory buildings, swimming pools, parking areas, buried lawn sprinkling systems, underground utility services, patios, slabs, additions to the original structure or any other structure which limits free access to the system for maintenance, servicing or proper operation. Once installed, the private sewage disposal system shall remain free from encroachment.
- F. Construction Traffic** On sites where private sewage disposal system installation will be difficult (i.e. on small lots), the Health Authority will require that the location for material storage and a pathway for construction traffic be specified on the private sewage disposal system design.
- G. Tree Removal** Any removal of trees greater than or equal to six (6) inches in diameter shall be by cutting near the surface. Stumps may be removed by grinding or cutting, but shall not be uprooted.

§ 8.04.400 FEES

- A. Fee Schedule** No permit shall be issued until the appropriate permit fee, as set forth in the Public Health Fee Ordinance, has been paid. All fees double if work is started without a permit or registration.
- B. Miscellaneous Sewage Program Fees** The fee schedule is set forth in the Public Health Fee Ordinance for miscellaneous services.

§ 8.04.410 INSPECTIONS

- A. Department Access** The Department shall have access to any property at reasonable times seeking permit approval, site evaluation review, health review or is required to maintain a registration for a non-residential pre-treatment device or special waste holding tank, or to investigate a malfunctioning private sewage disposal system to determine satisfactory compliance with the provisions set forth in the Ordinance. Access shall be deemed essential for, but not necessarily limited to, the following:
 1. Performing soil investigations and witnessing soil borings.
 2. On-site layout review.
 3. Inspecting any stage of installation of the system including all system components prior to backfill and a final inspection following completion of the system installation.
 4. Inspection of a malfunctioning private sewage disposal system.
 5. Confirming the location(s) of the components of a private sewage disposal system.
 6. Inspections of non-residential pre-treatment devices or special waste holding tanks.
- B. Notice of Installation** The owner or contractor shall give 1 business day advance notice to the Department before beginning installation, modification, alteration, or extension or abandonment of any component of the private sewage disposal system. Inspection and approval by the Department is required prior to covering any portion of the system which will prevent the Department from viewing the system to determine compliance with this Ordinance. Additional inspections are required of Types 3, 4, and 5 systems, and any system incorporating low pressure pipe distribution. Refer to § 8.04.430 ¶ K and L and § 8.04.540 ¶ J and S for additional information.
- C. Order to Uncover** If any person constructs, installs, repairs, or modifies a private sewage disposal system without complying with any of the requirements of this Ordinance and backfills any portion of

the system or covers any portion of the system with earth, gravel, or any other material which will prevent the Department from viewing the system to determine compliance with this Ordinance, the property owner and/or private sewage disposal installation contractor shall uncover the backfilled or covered portions of the system for inspection by the Department, upon request of the Department.

§ 8.04.420 FIELD EXAMINATION OF SITE SOIL MATERIALS

- A. Soil Investigation** 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. Each property owner or applicant shall contract with a soil classifier, to identify soil characteristics and classifications for the purpose of reporting soil suitability potential for soil absorption systems. The Department shall utilize NRCS for periodic quality control sessions with all classifiers available for the performance of on-site soil evaluations, and for needed soils expertise to the Department in connection with the needs of this Ordinance.
- B. Boring Criteria** There shall be a minimum of three (3) suitable borings per soil absorption system site. More soil borings may be necessary for accurate and appropriate evaluation of a site where there is concern about the consistency of the soil materials. There shall be a minimum of one boring at the lowest elevation and one at the highest elevation of the seepage area. Such borings shall extend at least five (5) feet below the natural ground surface or greater if needed, based on the proposed system design. The proposed subsurface seepage system shall be located within the area of the soil borings. Soil borings shall be valid for one year after the test date, after which time an update is required by the soil classifier.
- C. Soil Pits** Observation and determination of soil characteristics may also be determined from a pit dug by a backhoe or other excavating equipment. Soil pits (backhoe excavation) shall be required in cases where ground is frozen, where the soil materials are considerably varied in texture, where there has been filling or proposed cutting of soils, or where trenches are proposed deeper than normally considered, etc. Such soil pits shall be prepared at the perimeter of the expected soil absorption area to minimize damage to natural soil distribution network that may be caused by settling after installation of the system. Soil pits shall be at least two (2) feet wide and five (5) feet deep.
- D. Site Characteristics** Site characteristics to be described include zones of seasonal and permanent water saturation, depth to bedrock, USDA/NRCS soil texture, USDA/NRCS soil structural features of note, slope, compaction and depth, soil coloration, depth of soil redoximorphic features, permeability range, and other limiting soil characteristics that may reduce permeability.
- E. County Review** The County reserves the right to review site soil characteristics with assistance from a certified NRCS soil classifier. In the process, the County reserves the right to witness any such tests. If conflicting soils investigation is provided about a given site, a certified NRCS soil classifier will be requested to provide professional information.
- F. Site Evaluation** Private sewage disposal systems may be utilized where lots or parcels are in compliance with the applicable County Ordinances in effect on the date of permit application and all of the criteria for site consideration in Tables IA and IB (See Appendix B) are satisfied.
- G. Minimum Depth to Limiting Layer** In no case shall the depth to any limiting layer be less than 12 inches from the natural soil surface. See Tables IA and IB, Appendix B.
- H. Setbacks** All setbacks and horizontal distances in Table IV, Appendix B shall be satisfied.
- I. Surface Water Overflow** The site of the installation shall not be subject to saturation from surface water overflow from natural or artificial drainage of ground surfaces, driveways, roads or roof drains.

- J. Flood Hazard Area** The land elevation at the site of the proposed system installation shall not be subject to flooding, (i.e. shall not be within the 100 year flood hazard area as defined by the base flood elevation of the closest stream or body of water). Such elevation shall be provided in USGS/MSL (United States Geological Survey Mean Sea Level) datum.
- K. Future Replacement Area – Non Residential Properties** In all cases where non-residential properties are proposed for development, an area for a full-size replacement private sewage disposal system shall be provided. The area shall be suitable for septic installation as confirmed by onsite soil investigation and designated for future septic system replacement. This replacement area shall be kept free from encroachment on all properties per § 8.04.390 ¶ E.
- L. Slope Restrictions** Private sewage disposal systems shall not be permitted on slopes exceeding 25% (reference Tables IA and IB, Appendix B on slope limitation).
- M. Septic Suitability on New Land Parcels** Parcels of less than 10 acres created on or after September 1, 1990 will be required to demonstrate (via on-site soils evaluation procedures) one-half acre of contiguous, non-critical soils within the boundaries of the parcel(s), or designated subsurface seepage and future replacement subsurface seepage areas, in noncritical soils, in compliance with § 8.04.650 Platting of New Subdivisions, before a permit will be issued for installation of a private sewage disposal system. The private sewage disposal system must be installed within an area of non-critical soils, or the designated subsurface seepage area. This is to ensure that all new parcels being created are being developed in a manner that is consistent with § 8.04.650. On all lots within a subdivision recorded after the date of February 1, 2003, the 1/2 acre of contiguous, non-critical soils, or the designated subsurface seepage areas on each lot shall not be altered or modified until a private sewage disposal system permit has been issued.
- N. Water Table Monitoring Wells** Water table monitoring may be utilized when the property owner feels that the results of the soil test conducted do not accurately reflect present day seasonal water tables. The following requirements will be used when a request is made to use observed water tables in lieu of soil borings. Monitoring in itself does not ensure approval to install a soil absorption system. Once monitoring is completed, a request for a variance from the use of soil redoximorphic features as an indicator of high groundwater or seasonal saturation must be made in writing to the Public Health Administrator.
- 1. Installation Approval** Written approval will be given by the Department after all the required data listed below has been received and reviewed. Construction of monitoring wells shall not start until this approval has been received.
 - 2. Soil Boring Logs** Detailed soil boring logs of the area to be monitored are to be submitted with the proposal.
 - 3. Number of Monitoring Wells** No less than two (2) monitoring wells shall be present in the area of the proposed private sewage disposal system. One (1) of the monitoring wells shall be located in the lowest portion of the proposed subsurface seepage area and one at the highest elevation. Monitoring wells shall be present to accurately portray seasonal groundwater conditions.
 - 4. Location and Design** The location and design of the monitoring wells shall be drawn to scale on a plot sheet. The design shall be based upon Illustration 2 (Appendix C) or other design as approved by the Department.
 - 5. Monitoring Data Format** The monitoring data shall be recorded by a licensed professional engineer or soil classifier.
 - 6. Monitoring Period** The wells will be required to be monitored for a period of one (1) year with precipitation amounts of plus or minus 15% of the average. Rainfall during the Spring season

(March 21 to June 21) must be equal to or greater than the normal amount for that period. The precipitation amounts will be taken from the closest reporting weather station.

- 7. Monitoring Frequency** The observations shall be made within two (2) weeks after the frost is absent and thereafter every seven (7) days until July 1st, after which, the frequency shall be once a month until the test year is complete. However, if there is a heavy rainfall (1/2 inch or more within a 24 hour period) the monitoring well shall be checked within 24 hours.
- 8. Monthly Precipitation Totals** Precipitation totals are to be recorded daily and reported with monitoring well levels monthly.
- 9. Site Approval** If no two (2) consecutive observations show the presence of water above the critical depth, the site will be considered acceptable.

§ 8.04.430 SOIL ABSORPTION SYSTEM REQUIREMENTS

- A. Design of Soil Absorption System** The construction of any private sewage disposal system requiring soil for ultimate treatment, shall conform to the requirements herein established. The private sewage disposal system design shall be prepared by a professional designer meeting the qualifications of [§ 8.04.370 R](#) experienced in the field of on-site private sewage disposal system design. The system shall be designed to receive all domestic sewage from the structure proposed to be served. Plans and specifications shall be in accord with the requirements in [§ 8.04.370 R](#) of this Ordinance.
- B. Basis of Design** Private sewage disposal systems shall be located within an area of suitable soil. Private sewage disposal system sizing is determined by the most restrictive soil boring in the area of the seepage field. (See Tables IA and IB, Appendix B). The Department will allow split sizing or a split seepage area detail based upon the most restrictive of two (2) soil borings which delineate the highest and lowest portion of the seepage field area. Split sizing or split trench details require separate trenches, at grade units or mound units for each separate design permeability range or seepage area detail.
- C. Soil Absorption System Sizing** The minimum design for a private sewage disposal system serving any non-residential structure or structures shall be based on the permeability range in inches per hour from Tables IA and IB (See Appendix B). This shall be used to determine the maximum sewage loading rate (gallons per square foot per day) for establishing bottom soil absorption area (square feet). When the sewage flow exceeds 1500 gal./day, and there is to be a surface discharge system, then approval shall be obtained from the Illinois Environmental Protection Agency (IEPA). Residential designs shall be based upon square footage per bedroom.
- D. Metered Water Use Data** The Department will consider, for non-residential properties, metered water use data in lieu of the estimated sewage flow set forth in Table II (See Appendix B). For metered flow considerations, the applicant shall provide authenticated monthly water use data, documenting water consumption for the most recent 12 month period for at least three (3) other establishments of like size operations engaged in the same type geographic environment, and which have approximately the same operating hours.
- E. Location and Installation** The private sewage disposal system shall be located in the same area where the soil investigation was conducted for which the system design was approved. All private sewage disposal systems shall be located and installed so that with proper maintenance, the system functions in a sanitary manner, does not create sanitary nuisances or health hazards and does not endanger the safety of any domestic water supply. Sewage waste and effluent from individual on-site private sewage disposal systems shall not be discharged onto the ground surface or into ditches, drainage structures, surface waters, or aquifers. The minimum distances between components of

private sewage disposal systems and water supplies, bodies of water, dwellings, property line and field drain tile listed in Table IV (See Appendix B) shall be observed.

- F. Artificial Drains** (Curtain drains, vertical drains or underdrains). The following high water table conditions may be capable of being altered when all of the following conditions can be satisfied:
1. Shallow, perched water table but not confined under pressure.
 2. Water table conditions are caused by laterally flowing groundwater.
 3. Groundwater table is in granular or coarse textured soils. High groundwater table conditions existing in level sites within soils which are saturated for periods of time are considered as being incapable of effective draining by these methods.
- G. Proposals to Lower Groundwater Table Levels** For any proposal for the use of these methods of attempting to lower existing groundwater table levels, hydraulic calculations shall be submitted. The proposal shall be acceptable provided that the hydraulic calculations support the ability of the drainage system to lower the existing groundwater table levels and the drainage system will meet the required setbacks outlined in Table IV. (See Appendix B).
1. **Monitoring Wells** A network of observation wells shall be installed on the site and periodic groundwater levels shall be recorded for at least one year subsequent to installation of the artificial drainage system (See § 8.04.430 F in accordance with § 8.04.420 N (Water Table Monitoring Wells)).
 2. **Discharge from Drainage System** Any proposed drainage system shall have an acceptable gravity outfall which shall not produce surface water or groundwater problems or nuisances. Discharge to roadside drainage ditches is not permitted without written permission from the responsible highway organization or entity.
- H. Installation in Existing Fill Material (sites filled on or before February 1, 2003)** Filled sites must be evaluated by means of soil pits for their ability to meet the requirements of § 8.04.420 G and Tables IA and IB (See Appendix B).
- I. Sizing in Existing Fill Material** The existing fill material shall meet the requirements of § 8.04.420 G and Tables IA & IB (Appendix B). Due to the unpredictability of fill material, all private sewage disposal systems installed in existing fill material, twelve (12) inches or greater in depth, shall be sized at the largest sizing category in Tables IA and IB, Appendix B. In addition, the sewage effluent shall be distributed by low pressure pipe distribution.
- J. Installation of Private Sewage Disposal Systems Which Require Fill** Whenever a private sewage disposal system design incorporates the addition of fill, the designer shall provide a written assessment of the impact of the fill on the retention or drainage of surface waters on the subject and adjacent properties.
- K. Site Preparation** Any preparation of the soil absorption area shall be conducted only when the soil is dry. Site preparation shall be conducted under the supervision of the licensed private sewage disposal system installation contractor as established in this Section. All sites shall be mowed and cleared of brush. Sites approved for private sewage disposal system types, 4 and 5 (See § 8.04.480 - § 8.04.490 and Illustration 1, Appendix C) shall be tilled prior to the placement of fill or gravel and shall be inspected and receive approval from the Department prior to the placement of fill or gravel. Tilling shall be done parallel to the site contour. Tillage shall be minimal to break the consistency of the sod; maximum depth of tilling shall be eight inches. After tilling, the site shall not be graded or smoothed.
- L. Fill Placement** The placement of fill material for private sewage disposal system types 3, 4 and 5 shall be as established in this section. Fill shall be approved coarse graded sand (FA1, FA2, FA3) except in the type 4 at-grade system where only gravel is required, but is handled and placed in the

same manner as fill; or porous earth fill (as defined) with certification from a soil classifier; and except that the top four (4) inches shall be top soil for the restoration of vegetation. The fill shall be placed according to the approved plan and shall be placed immediately after site preparation. The storage and transportation of fill shall be as specified on the approved plan; no traffic shall be allowed directly on the tilled area. Inspection and approval from the Department is required for final grading of Types, 4, and 5 private sewage disposal systems.

M. Method of Fill Placement Fill shall be placed only from the upslope or ends of the proposed soil absorption area as follows:

- 1. Using Backhoe** Material may be placed with a backhoe reaching into the soil absorption area; or
- 2. Using Low Compaction Equipment** Material may be pushed into the soil absorption area by low compression equipment maintaining a minimum of ten (10) inches of material beneath the equipment.

N. Installation in Fine Textured Soils To prevent soil smearing and excessive compaction, seepage fields shall not be installed within forty eight (48) hours of 1/2 inch or greater rainfall. Seepage fields which are partially or wholly above grade shall not be installed when there is any frost in the ground. Seepage fields which are wholly into grade shall not be installed when there is six (6) inches or more of frost in the ground. It is the responsibility of the private sewage disposal system installation contractor to evaluate site conditions and assure that the installation will not result in smearing of soils or excessive soil compaction.

O. Replacement Systems There shall be no limit on the number of additional conventional private sewage disposal systems installed as replacements for existing systems.

§ 8.04.440 PRIVATE SEWAGE DISPOSAL SYSTEMS TO SERVE NON-RESIDENTIAL PROPERTIES

A. Type of Waste: Only domestic sewage flows may be discharged into a private sewage disposal system.

B. Design Considerations: Design criteria shall consider those elements of the proposal which may impact the functioning and longevity of the private sewage disposal system including but not limited to waste strength, peak flows, removal of non-domestic wastewater, seasonal flow variations, soil or site limitations, adequate future replacement area, and elements of the proposal which may require special arrangements for access or maintenance. Wastewater constituents of concern are dependent upon the anticipated waste stream and include but are not limited to total suspended solids, fats, oils and greases, nutrients (i.e. nitrates, chlorides, phosphates) and biochemical oxygen demand and shall not exceed the following limits prior to entering the subsurface seepage system:

1. Biochemical Oxygen Demand (BOD₅) – 225 mg/l
2. Total Suspended Solids (TSS) – 155 mg/l
3. Fats, Oils and Greases (FOG) – 20 mg/l

Upon the applicant's request, the Health Authority will review any proposal for a private sewage disposal system to serve a non-residential property via a pre-design meeting with the designer prior to its submittal for approval. The prior proposal review shall be limited to 1 review per application prior to permit application. A prior proposal review fee is required as outlined in the Public Health Fee Ordinance.

When a pre-treatment unit, other than a septic tank, is proposed to serve a non-residential property, the manufacturer of that pre-treatment unit shall review the proposal and provide written confirmation that the pre-treatment unit is appropriate to the proposed use.

C. New Non-Residential Properties When a new or replacement private sewage disposal system is installed, to serve a non-residential property the following requirements shall apply:

- 1. Metered Water Usage** A water meter shall be installed on the water supply. The water meter shall measure water usage in increments of gallons or tens of gallons. A water meter is not required for private sewage disposal systems designed and used exclusively for private use by the property owner.
- 2. Monitoring Water Usage** The property owner shall monitor and record the water usage daily. These records shall be kept available for two (2) years for Department review.
- 3. Peak Domestic Wastewater Flows** Domestic sewage flows shall not exceed the design capacity of the private sewage disposal system.
- 4. Department Inspection and Sampling** Random inspection and/or sampling may be accomplished by the Department to ensure compliance with this Ordinance. Sampling may include, but not be limited, to BOD-5, total suspended solids, fats oils and greases and pH.
- 5. Type of Waste** Only domestic sewage flows are to be discharged into these types of systems.
- 6. Operational Waste Strength Testing:** Operational waste strength testing, when required, shall be the responsibility of the property owner and is required 30 – 60 days after the start of operations. All waste strength testing shall be performed by an Illinois Environmental Protection Agency (IEPA) certified laboratory. Copies of all operational waste strength testing results shall be submitted to the Department and designer of the private sewage disposal system, for review within ten (10) days of receipt. If waste strength exceeds design parameters, modification of the facility's operation or the private sewage disposal system will be required prior to approval of the installation. Required waste strength testing parameters, conditions and testing time frames shall be indicated on the approved septic system design.

D. Existing Non-Residential All non-residential properties constructed prior to February 1, 2003; and served by private sewage disposal systems shall adhere to the following:

- 1. Peak Domestic Wastewater Flows** Domestic sewage flows shall not exceed the design capacity of the private sewage disposal system.
- 2. Department Inspection and Sampling** Random inspection and/or sampling may be accomplished by the Department to ensure compliance with this Ordinance. Sampling may include, but not be limited to, BOD-5, suspended solids and pH.
- 3. Type of Waste** Only domestic sewage flows are to be discharged into these types of systems.

E. Non-Residential Pretreatment Device Registration All non-residential properties which utilize a pre-treatment devices (other than a septic tank) prior to the seepage system shall meet the following requirements:

- 1.** A registration shall be maintained with the Department. The property owner or lessee shall update the registration in the event of changes such as property ownership, contact information, etc.
- 2.** The registration shall be on forms provided by the Department.
- 3.** The pre-treatment device shall be subject to inspection by the Department a minimum of once every other year. Additional inspections shall be done as necessary to ensure compliance with Ordinance requirements (i.e. response to complaints, follow-up inspections, etc.) The owner or operator shall allow Department staff access to a non-residential pre-treatment device or a special waste holding tank for inspection within 2

business days of the request, unless an alternative, mutually agreed upon date and time has been established.

4. Inspection fees, as established in the Public Health Fee Ordinance, shall apply to Department inspections.
5. Any service records and sampling data required in the registration shall be maintained for two (2) years. The property owner shall provide this information to the Department upon request. Sampling data may include, but is not limited to daily flows, BOD5, fats, oils and greases, pH and total suspended solids.

§ 8.04.450 APPROVED PRIVATE SEWAGE DISPOSAL SYSTEMS

- A. **General Provisions** The following systems are approved for private sewage disposal when designed, constructed, operated, and maintained in accordance with the applicable section(s) in this Ordinance:
- B. **Septic Tank** (§ 8.04.520) or Aerobic Treatment Plants (§ 8.04.620) or Illinois Department of Public Health approved NSF 350 Pretreatment unit (§ 8.04.625) in addition to one of the following:
 1. Subsurface seepage field.
 2. Seepage Bed (See § 8.04.560 for restrictions).
 3. Gravelless seepage system which complies with all the requirements of the Illinois Private Sewage Disposal Code.
 4. Mound System designed in accordance with the Wisconsin Mound Soil Absorption System Siting, Design, and Construction Manual, Small Scale Waste Management Project, University of Wisconsin-Madison, January, 1990, and § 8.04.490.
 5. Wisconsin At Grade System designed in accordance with the Wisconsin At Grade Soil Absorption System Siting, Design and Construction Manual, Small Scale Waste Management Project, University of Wisconsin-Madison, January 1990, and § 8.04.480.
- C. Peat Filter System, followed by an approved subsurface seepage system sized at 2/3 the sizing required in Tables IA and IB (Appendix B).
- D. Vault privies, portable toilets, re-circulating toilets, incinerator toilets and compost toilets are approved for private sewage disposal of human wastes. Re-circulating toilets, incinerator toilets and compost toilets shall meet NSF Standard 41 and bear the NSF seal.
- E. Illinois Raised Filter Bed, preceded by a Class I batch treatment aeration system (See § 8.04.620), meeting the requirements of a Type 5 system as indicated in Tables IA and IB (Appendix B). The mantle shall be sized using the formula $A=QT/25$, where A = Mantle area, Q = Quantity of domestic sewage per day, and T is the percolation rate (min/inch). (See column 7 of Table 1B).
- F. Subsurface drip irrigation system in accordance with Section 905.60g of the Illinois Private Sewage Disposal Code, and meeting the requirements of a Type 5 system as indicated in Tables IA and IB (Appendix B), except that separation distances are measured from the bottom of the tubing.
- G. Any other systems for which a variance in accordance with § 8.04.370 V–§ 8.04.370 W has been issued or for which an experimental permit in accordance with § 8.04.380 has been issued.
- H. Holding tanks installed in accordance with § 8.04.590.
- I. **SYSTEM TYPES.** For the purpose of this ordinance, five (5) types of private sewage disposal systems have been established. The type of system which may be used is determined by the amount of suitable soil between the natural soil surface and limiting layers (See Tables IA and IB in Appendix B).

§ 8.04.460 TYPE 1 and TYPE 2 SYSTEMS

Type 1 and Type 2 private sewage disposal systems shall be designed to minimum requirements as follows:

- A.** Pretreatment shall be by septic tank, Class I aeration device, or Illinois Department of Public Health approved NSF 350 pretreatment unit sized for the projected design flow.
- B.** Effluent distribution to the absorption trench may be by serial distribution, equal distribution, or low pressure pipe (LPP) distribution.
- C.** Lift stations, shall be installed in accordance with the requirements of [§ 8.04.500](#).
- D.** Distribution in the absorption trench shall be by perforated pipe.
- E.** No perforated pipe shall be located closer than three (3) feet to the distribution device.
- F.** The invert of the distribution pipe shall be a minimum of six (6) inches above the trench bottom.
- G.** The square footage of a gravel trench bottom shall be per Tables IA and IB, Appendix B.
- H.** Illinois Department of Public Health approved gravelless chamber systems will be per Table IX, Appendix B.
- I.** The maximum trench length shall be one hundred (100) feet from the distribution device (excluding the solid header).
- J.** The maximum trench width shall be thirty-six (36) inches; the minimum trench width shall be twelve (12) inches.
- K.** Trenches shall be separated by a minimum of five (5) feet of undisturbed soil. See Tables VI and IX, Appendix B.
- L.** The bottom of trench of a Type 2 system shall penetrate the original soil surface by a minimum of twelve (12) inches.
- M.** The minimum depth of gravel in the absorption trench shall be twelve (12) inches with six (6) inches of gravel beneath the distribution pipe and two (2) inches above. Gravel shall not be placed closer than three (3) feet to the distribution device.
- N.** Every Type 1 and Type 2 system shall be covered with a minimum of six (6) inches of earth cover.
- O.** Where distribution to and into a Type 1 or Type 2 system is by low pressure pipe (LPP), the applicable requirements of [§ 8.04.540](#) shall be met.
- P.** Seepage beds shall be sized at 1.5 times the absorption area specified in Tables IA and IB (Appendix B). See also [§ 8.04.560](#).
- Q.** Type 1 and Type 2 systems shall meet the requirements of all other applicable sections of the Ordinance.

§ 8.04.470 TYPE 3 SYSTEMS

Type 3 private sewage disposal systems shall be designed to minimum requirements as follows:

- A.** Pretreatment shall be by septic tank, Class I aeration device or Illinois Department of Public Health approved NSF pretreatment unit sized for the projected design flow.
- B.** The soil absorption area shall be prepared prior to placement of any fill in accordance with [§ 8.04.430 K -N](#). The fill material shall extend a minimum of five (5) feet beyond any absorption trench.

- C. Distribution to the absorption trench may be by serial distribution, equal distribution, or low-pressure pipe (LPP) distribution. LPP network piping shall be as specified in § 8.04.540.
- D. Lift stations shall be installed per the requirements of § 8.04.500.
- E. No perforated pipe shall be located closer than three (3) feet to the distribution device.
- F. The invert of the distribution pipe shall be a minimum of six (6) inches above the trench bottom.
- G. The square footage of a gravel trench bottom shall be per Tables IA and IB, Appendix B.
- H. Illinois Department of Public Health approved gravelless chamber systems shall be sized per Table IX, Appendix B.
- I. The maximum trench length shall be one hundred (100) feet from the distribution device (excluding the solid header).
- J. The maximum trench width shall be thirty-six (36) inches; the minimum trench width shall be twelve (12) inches.
- K. Trenches shall be separated by a minimum of five (5) feet of undisturbed soil. See Tables VI and IX, Appendix B.
- L. The bottom of trench of a Type 3 system shall penetrate the original soil surface by a minimum of six (6) inches.
- M. The minimum depth of gravel in the absorption trench shall be twelve (12) inches, with six (6) inches of gravel below the pipe and two (2) inches above.
- N. Gravel shall not be placed closer than three (3) feet to the distribution device.
- O. Every Type 3 system shall be covered with a minimum of six (6) inches of earth cover, and a maximum of twenty-four (24) inches.
- P. Seepage beds shall be sized at 1.5 times the absorption area specified in Tables IA and IB, Appendix B. See also § 8.04.560.
- Q. Type 3 systems shall meet the requirements of all other applicable sections of the Ordinance.

§ 8.04.480 TYPE 4 SYSTEMS

Type 4 At-Grade Absorption systems shall be designed to minimum requirements as follows:

- A. Pretreatment shall be by septic tank, Class I aeration device or Illinois Department of Public Health approved NSF 350 pretreatment unit sized for the projected design flow. If a septic tank is utilized, it shall be augmented by an effluent filter. When a Class I aeration device is utilized, the Type 4 system shall be designed and constructed to be at least 80% of the size determined necessary by estimated soil permeability.
- B. The soil absorption area shall be prepared in accordance with § 8.04.430 K -N.
- C. Distribution to and into the absorption area shall be by low pressure pipe (LPP) distribution. LPP network piping shall be as specified in this section and in § 8.04.540.
- D. The lift station shall be in accordance with § 8.04.500.
- E. The invert of the distribution lines shall be a minimum of six (6) inches above the original soil surface.
- F. The effective length of the absorption area is the actual length of the aggregate along the contour. The effective width on sloping sites is the distance from the distribution pipe to the downslope toe of

the aggregate and on level sites it is the width of the aggregate. See Illustrations 3 and 4, Appendix C. For the purpose of this Ordinance, any site with a slope greater than 1% shall be considered a sloping site.

- G. The square footage of absorption area shall be equal to the projected flow in gallons per day (GPD) (200 gallons per bedroom for residential properties, and per Table II for non-residential properties) divided by the assigned soil loading rate in gallons per day per square foot (See Tables IA and IB, Appendix B).
- H. The minimum length of the at-grade domestic wastewater absorption area parallel to the site contour shall be limited by the maximum linear loading rate. The linear loading rate is equal to the projected daily flow in gallons per day divided by the total length of the absorption area in feet, and shall be determined per Tables IA and IB, Appendix B.
- I. The minimum depth of gravel in the at-grade absorption area shall be twelve (12) inches, with six (6) inches of gravel beneath the pipe and a minimum of two (2) inches above.
- J. The gravel of an at-grade soil absorption system shall be covered with a minimum of six (6) inches of topsoil to support vegetative cover. Additional cover shall be placed as necessary to shed storm water.
- K. The gravel shall be completely covered with a geotextile fabric prior to the placement of the topsoil.
- L. The soil cover shall extend a minimum of five (5) feet beyond each side and end of the aggregate to tie the system into the existing soil surface. Multiple Type 4 systems may be utilized to provide the total seepage area required for a specific application. The minimum separation distance between the aggregate of multiple Type 4 systems shall be six (6) feet.
- M. Observation ports are optional.
- N. Separation distances from Type 4 systems to structures, water wells, bodies of water; etc. shall be measured from the closest portion of the aggregate.
- O. Type 4 at-grade systems shall meet all requirements of all other applicable sections of the Ordinance and shall comply with the provisions of Wisconsin At-Grade Soil Absorption System Siting, Design, and Construction Manual as incorporated in Appendix A.

§ 8.04.490 TYPE 5 SYSTEMS

Type 5 Mound Systems shall be designed to minimum requirements as follows:

- A. Pretreatment shall be by septic tank, augmented by an effluent filter, Class I aeration device or Illinois Department of Public Health approved NSF 350 pretreatment unit sized for the projected flow. When a Class I aeration unit is utilized, the Type 5 system shall be designed and constructed to be at least 80% of the size determined necessary by estimated soil permeability.
- B. The soil infiltration area shall be plowed and filled in accordance with [§ 8.04.430 K–N](#). The fill material shall cover the soil infiltration area, or basal area.
- C. Coarse sand fill shall have an effective diameter of .15 to 2.0 mm with a uniformity coefficient between 4 and 6, and have less than 5% silt and clay.
- D. Distribution to and into the application bed shall be by low pressure pipe (LPP). LPP network piping shall be as specified in this section and in [§ 8.04.540](#).
- E. The lift station shall be in accordance with [§ 8.04.500](#).
- F. The invert of the distribution line(s) shall be a minimum of six (6) inches above the fill material.

- G. The square footage of the application bed (absorption area) shall be equal to the projected daily flow in gallons per day (200 gallons per bedroom for residential properties, and per Table II for non-residential properties) divided by the loading rate of the coarse sand fill - one gallon per day per square foot (1 GPD/sq. ft.) or 1.2 GPD/sq. ft. where a Class I aeration device is proposed for pretreatment.
- H. The minimum length of the application bed parallel to the site contour shall be limited by the maximum linear loading rate. The linear loading rate is equal to the projected daily flow in gallons per day divided by the total length of the application bed in feet, and shall be determined per Tables IA and IB (Appendix B).
- I. The square footage of the infiltration area (basal area) shall be equal to the projected daily flow divided by the assigned soil domestic wastewater loading rate in gallons per day per square foot (Tables IA and IB, Appendix B).
- J. The basal area is defined based upon the slope of the site. See Illustrations 5 and 6. For the purpose of this Ordinance, any site with a slope greater than 1% shall be considered a sloping site.
- K. The minimum length of the basal area shall be equal to the minimum length of the application bed.
- L. The fill material shall be extended beyond the basal area, tapering to grade at a 3:1 slope.
- M. The minimum depth of gravel in the application bed shall be twelve (12) inches with six (6) inches of gravel beneath the pipe and two inches above.
- N. The minimum depth of coarse sand fill material covering the basal area shall be twelve (12) inches.
- O. The entire Type 5 Mound System shall be covered with a minimum of six (6) inches of topsoil to support vegetative cover. Additional cover shall be placed over the application bed at a slope in order to shed storm water.
- P. The gravel of the application bed shall be completely covered with a geotextile fabric prior to the placement of topsoil.
- Q. Multiple Type 5 systems may be utilized to provide the total seepage area required for a specific application. When utilizing multiple Type 5 systems, the minimum separation distance between the basal areas shall be the distance required for the fill material for each mound to taper back to original grade at a 3:1 slope, which shall be maintained to allow for appropriate drainage off of and between the mounds. With the exception that the minimum separation distance between the basal areas of multiple Type 5 systems, situated end (width) to end (width), shall be six (6) feet for a sloping or level design.
- R. Observation ports are optional.
- S. Leakage of domestic sewage from the toe of the mound at any time is unacceptable and considered to be a failure of the system.
- T. Separation distances from Type 5 septic systems to structures, water wells, bodies of water, etc. shall be measured from the closest portion of the sand fill.
- U. Type 5 Mound systems shall meet all requirements of all other applicable sections of the Ordinance and shall comply with the provisions of Wisconsin Mound Soil Absorption System Siting, Design and Construction Manual as incorporated in Appendix A.

§ 8.04.500 LIFT STATIONS AND PUMPS

- A. **Lift Stations** A lift station consists of a tank, pump, pump controls, and alarm system. The tank can be a separate unit, or it can have common wall construction with the pretreatment unit. The tank shall

have sufficient volume to provide the desired dosing volume, space for controls, space for setting the pump, plus a reserve volume. The reserve volume is the volume of the tank between the high water alarm switch and the invert of the inlet pipe; it provides storage during power outages or pump failure. A reserve capacity equal to the estimated daily domestic sewage flow is required. Duplex pump units can be used as an alternative to provide reserve capacity. No reserve capacity is necessary when siphons are used.

- B. Pumps** Where it is necessary to pump sewage to the system, a separate leak-proof sump and pump shall be required.
- C. Pump Specifications** Pumps shall meet the following requirements:
1. The pump shall be submersible, designed to handle domestic sewage and a minimum of 1/2 inch diameter solids, capable of delivering the required flow at the design total dynamic head.
 2. The discharge pipe shall be the same size or larger than the discharge of the pump.
 3. The pump shall be constructed of corrosion resistant materials. Performance curves and specification sheets indicating the above criteria have been met shall be submitted upon request.
- D. Pumping Chamber** The pumping chamber shall be watertight. Watertight shall consist of sealing all joints. The pumping chamber shall be filled with water after being installed and backfilled to prevent the pumping chamber from floating out of position due to hydrostatic pressures, unless the tank is installed in dry soil.
- E. Access Riser** An access riser with a minimum dimension (width or diameter) of 12 inches shall be installed on the pumping chamber, and extend at least 6 inches above the ground surface.
- F. Dosing Volume** The dosing volume shall be equal to the sum of the dose and drainback of the network. When multiple doses per day are proposed, the dosing volume delivered to the seepage system shall be equally divisible into the daily design capacity of the system and shall not exceed the daily design capacity of the system.
- G. Pump and Alarm Control** The pump control device shall be adjustable so that the required dosing volume is discharged during each pumping cycle. The control system for the pumping chamber shall consist of a control for operating the pump and an alarm system to detect when the system is malfunctioning. Pump controls shall allow flexibility in adjusting the on-off depth. An example of acceptable controls is shown in Appendix A: Illustration Q of the Illinois Private Sewage Disposal Code.
- H. Electrical Devices and Alarm Systems** A high water alarm shall be provided with audible and visual signals and a test function. The alarm shall be on a separate circuit and located outside the home or facility served. The alarm control device shall be a sealed float or diaphragm switch and shall be located to activate 2 to 3 inches above the pump turn-on level. Electrical devices installed after January 1, 2014 shall be provided with an electrical disconnect that is located within sight of, and not more than 50 feet away from, the device.
- I. Ancillary Equipment**
1. **Quick Disconnect** A quick disconnect device shall be included in the discharge piping to facilitate removal of the pump for inspection, repair, or replacement. The disconnect device shall be a threaded union, pitless adapter, or lift-out rail system.
 2. **Pump Cable** A corrosion resistant rope or cable of adequate strength shall be affixed to the pump to facilitate installation and removal, so that personnel need not enter the chamber to disconnect the pump.

3. Pump Control Device A pump control device must be adjustable so that the desired dosing volume can be discharged during each pumping cycle. The control device may consist of one or more sealed float or diaphragm switches, which may cooperate with a relay or contactor. Any separate control panels located outside the chamber must be protected from the weather and must provide no air path between the panel and the pump chamber.

4. Check Valve A check valve between the pump and the piping network shall not be allowed unless this piping system is below the frost line. A check valve is required when dual pumps are utilized.

- J. When a lift station is utilized for a chamber system, a splash block shall be provided under the discharge point in the first chamber.

§ 8.04.510 MALFUNCTIONING PRIVATE SEWAGE DISPOSAL SYSTEMS Any of the following conditions constitutes a malfunctioning private sewage disposal system, in violation of this Ordinance:

- A. Discharge of domestic sewage to any watercourse, drainage ditch, storm sewer, agricultural field tile, water well, ground surface or back-up into a structure.
- B. A system which fails to meet the criteria established as a condition of approval of the system.
- C. Inoperable mechanical or electrical devices including pumps, alarms and pre-treatment devices.
- D. Sewage and effluent levels above the ceiling of the component, whether or not the component is above or below grade.
- E. Septic tanks, lift stations, pre-treatment devices, sewer pipe or distribution devices which are no longer watertight.
- F. An experimental or alternative private sewage disposal system or component that fails to meet the conditions of the experimental or alternative approval.

§ 8.04.520 SEPTIC TANKS

- A. **Septic Tank Specification** All septic tanks shall conform to the specifications required in Section 905.40 of the Illinois Private Sewage Disposal Code.
- B. **Septic Tank Capacity** Septic tank capacity for residential property shall be sized in accordance with the provisions of Table III (See Appendix B). The minimum size septic tank for any installation shall be 1000 gallons. Septic tanks for non-residential properties shall be sized in accordance with the estimated flow determined from data provided in Table II (See Appendix B). The size of the septic tank shall be calculated as follows:
 - 1. The volume of the liquid level shall be one and one-half times the daily estimated flow.
 - 2. When the total flow exceeds 1350 gallons per day, two or more tanks in series, or a multi-compartment tank, shall be installed.
- C. **Septic Tank in Series** Whenever two or more septic tanks are to be used, they must be installed in series. If two tanks are used, the capacity of the first tank shall be at least one-half but not more than two-thirds of the total liquid capacity as calculated from either Table II or Table III, Appendix B.
- D. **Garbage Grinders/Garbage Disposals** When garbage grinders/garbage disposals are used in residential property, solids shall be retained by one of the following methods:
 - 1. **Solids Retention Tank** A solids retention tank constructed in accordance with Section 905.40 of the Illinois Private Sewage Disposal Code shall be placed between the domestic

sewage source and the septic tank to intercept solids from the garbage grinder. This tank shall receive waste from the garbage grinder(s) or the kitchen wastes only. No other fixtures shall discharge into this tank. The solids retention tank shall be at least 50% in liquid volume of the septic tank sized for the waste from the rest of the property, however, the minimum size tank to be used shall be 500 gallons.

2. **Septic Tank Sized Per Table III** A septic tank receiving all flows from the property sized in accordance with Table III (See Appendix B).

- E. **Septic Tank Access** Access to the interior of the tank shall be provided to allow inspection and maintenance. A manhole or access port extension collar or riser with a minimum dimension (width or diameter) of 12 inches shall be provided by the private sewage disposal contractor to bring access to the tank to the ground surface. The joint between the septic tank and the riser(s) shall be watertight. When the riser consists of multiple sections, all joints shall be watertight. If a 2 compartment tank is used and the tank has an opening over the wall between the compartments, the center opening shall have access provided within 12 inches of the ground surface. A tight-fitting durable lid shall be provided on all access openings.

F. SEPTIC TANK INSTALLATION

1. **Level Tank** The septic tank shall be set level and backfilled to prevent floatation or drifting of the tank. Level shall mean plus or minus one-half (1/2) inch in any direction (length or width or diameter of the tank).
2. **Watertight Openings** If the inlet, outlet or access openings are to be set at or below the seasonal high water table, all openings in the tank shall be made watertight using mastic, tar, silicone caulk, etc.
3. **Connections in Overdig** There shall be no connections such as joints, splices, or fittings within the area of overdig around the septic tank.
4. **Separation from Tank to Trench** There shall be a minimum of 5 feet of undisturbed earth between the septic tank and the nearest trench.

§ 8.04.530 OTHER SEPTIC SYSTEM COMPONENTS

- A. **Distribution Boxes** Distribution boxes may be installed between a septic tank or aerobic treatment plant and a subsurface seepage system for all gravity flow systems, which do not use serial distribution (See ¶P below). Distribution boxes shall be installed level on undisturbed earth (no fill beneath), and shall provide equal distribution of flow to the subsequent disposal system. A single solid header out of the distribution box with T connections to the individual trenches, is allowed provided that all lines are installed level. The solid headers out of the distribution box shall be Schedule 40. The elevation of the top of stone, chamber or gravelless pipe within the seepage trench shall be at least one inch lower than the invert of the septic tank or pre-treatment device outlet for gravity fed systems.
- B. **Connecting Pipe** The pipe connecting the pre-treatment or primary treatment component to the distribution box and the pipe connecting the distribution box to the subsurface seepage system shall be watertight.
- C. **Distribution Box Construction** Distribution boxes shall be constructed of a durable watertight, non-corrosive material. They shall be designed to accommodate the necessary distribution lines.
- D. **Distribution Box Access** Distribution boxes shall be provided with an opening which will serve as a ready access for inspection, cleaning, and general maintenance.

- E. Overdig Around Distribution Box** There shall be no connection such as joints, splices or fittings within the area of the overdig around the distribution box.
- F. Solid Header** Whenever a distribution box is installed for the purpose of obtaining equal distribution of effluent, a minimum of three-foot solid pipe shall be provided between the distribution box and the drainage tiles.
- G. Bedding Material** The bedding material shall extend the full width of the trench and to a depth of at least 6 inches below the bottom of the distribution line. The bedding material shall extend at least 2 inches above the top of the seepage line. The bedding material shall be covered by geotextile fabric, untreated building paper or other permeable and/or biodegradable material to support the backfill as the laying of the distribution line proceeds. Tar paper, plastic, or other impervious material shall not be used between the bedding material and the earth backfill.
- H. Looping Ends of Seepage Field** The ends of all seepage fields shall be looped except in serial or low pressure pipe distribution systems.
- I. Acceptable Pipe Materials** All piping located more than 5 feet from the building foundation, used to convey domestic sewage to a private sewage disposal system, shall be considered a part of the private sewage disposal system and shall be watertight. This piping shall be ductile iron or plastic pipe. Only plastic pipe shall be used from the septic tank and after the distribution box (where used). Solid piping shall be bedded utilizing up to two (2) inches of coarse graded sand or fine aggregate (1 mm to 1/8 inch in size). Perforated pipe shall be used only as provided in this Ordinance.
- J. List of Approved Pipe** Use of plastic pipe and fittings shall conform to the uses designated in Section 905. Appendix A, Illustration C of the Illinois Private Sewage Disposal Code, except that all solid plastic piping used in the private sewage disposal system shall be Schedule 40 or heavier.
- K. Pipe Size and Slope** All solid pipes carrying domestic sewage by gravity flow shall have a nominal diameter of at least 4 inches and a minimum slope of 12 inches per 100 feet. Solid header lines used for equal distribution shall be level.
- L. Pipe Length** Building sewers in excess of 100 feet in length which carry domestic sewage from the buildings served to the septic tank, or aeration treatment plant shall be provided with at least one clean-out every 100 feet that terminates at grade.
- M. Electrical Devices** All electrical devices shall be wired in accordance with the National Electrical Code or a municipal, county or local electrical code, whichever is more stringent.
1. Any component of a private sewage disposal system that is electrically activated shall be provided with a visible and audible warning device.
 2. Alarms installed after January 1, 2014 shall be located outside of the building served. The power supply for the alarm shall be on a dedicated circuit.
 3. Class I Aerobic Treatment Device alarms shall be designed to meet the requirements specified in Section 5.8 of NSF International/ANSI Standard 40.
 4. The alarm shall be housed in a weatherproof box.
 5. When electrical components are required, it is the responsibility of the private sewage system installation contractor to obtain any necessary electrical permits and to ensure that all electrical components are installed per the applicable electrical code.
- N. Abandoned Treatment Units** The owner of an abandoned treatment unit including a septic tank, cesspool, pit privy, aerobic treatment plant, Illinois Department of Public Health approved NSF 350 pretreatment unit, lift station and seepage pit which is no longer in use shall ensure that it is properly pumped and filled or removed within 30 days. The floor and walls shall be cracked or crumbled so

the tank will not hold water and the tank shall be filled with porous granular material or pea gravel. If the tank is removed from the ground, the excavation shall be filled with soil. Abandoned treatment units which are not concrete shall be completely removed and disposed in accordance with applicable regulations.

- O. Distribution Lines** Distribution lines shall be constructed of materials as approved in Section 905.20(f) of the Illinois Private Sewage Disposal Code. The lines shall be perforated. Perforated piping with the exception of 8 inch or 10 inch gravelless seepage systems, or chamber systems, shall have 1/2 to 3/4 inch diameter openings on 3 to 5 inch centers with a minimum of two rows. The openings in the pipe shall be placed downward.
- P. Serial Distribution** In serial distribution, adjacent trenches must be connected with a drop box or relief line arranged in a manner so that each gravel trench, gravelless pipe or chamber is completely filled with effluent to the full height of the gravel trench, gravelless pipe or chamber before effluent flows to the succeeding trench. All construction features of the serial distribution system shall be the same as the seepage field, but in addition, shall include the following:
- 1. Drop Boxes** A minimum three foot solid header shall be provided from the drop box to the start of the perforated tile or chamber. The invert of the overflow outlet of the first drop box shall be at least one inch lower than the invert of the septic tank or aerobic treatment unit outlet.
 - 2. Relief Line** The invert of the first relief line shall be at least one inch lower than the invert of the septic tank or pre-treatment device outlet. (See Appendix A: Illustration K of the Illinois Private Sewage Disposal Code.) Subsequent relief lines shall be installed so that each gravel trench, gravelless pipe or chamber is completely filled with effluent to its full capacity.
 - 3. Solid Header** A minimum three foot solid header shall be provided from the drop box to the start of the perforated tile.
 - 4. Level Trench Bottom** The bottom of each trench and its distribution line shall be level.
 - 5. Earth Cover** There shall be a minimum of 6 inches and a maximum of 24 inches of earth backfill over the bedding material or the gravelless pipe or chambers in the trenches.
 - 6. Installation Along Contours** The trench shall follow the ground surface contours so that variation in trench depth will be minimized.
- Q. Location** Location of various components of a private sewage disposal system shall comply with distances specified in Table IV (See Appendix B).
- R. Standards for Construction** Soil absorption systems shall meet the requirements in Tables IV, V, VI and IX (See Appendix B).
- S. Effluent Filters** Effluent filters shall be tested and listed by NSF International or a laboratory approved by ANSI to determine compliance with the requirements of ANSI/NSF Standard 46 Evaluation of Components and Devices Used in Wastewater Treatment Systems.
- T. Chamber Connections** All connections between chamber units shall be per the manufacturer's specifications and ensure that each chambers is fully utilized prior to overflowing when serial distribution is used.
- U. Gravelless Pipe/Chamber Location Devices:** A solid ferrous iron bar or rod (a minimum of 1/2 inch diameter and a minimum of 12 inches long), shall be installed at the start and end of each chamber or gravelless pipe, terminating within 24" of the finished grade, in seepage systems installed after the effective date of this Ordinance to facilitate locating the trenches in the future.

§ 8.04.540 LOW PRESSURE DISTRIBUTION

Distribution of domestic sewage into private sewage disposal systems by low pressure pipe (LPP) systems as required by this section shall be designed to minimum requirements, as follows:

- A.** Pretreatment of effluent shall include an effluent filter for septic tank effluent.
- B.** Minimum supply/manifold line diameter shall be 1.5 inches.
- C.** Minimum lateral domestic sewage distribution pipe diameter shall be one and one-quarter (1 1/4) inches on laterals 50 feet or longer. On laterals less than 50 feet long, the minimum pipe diameter shall be one (1) inch
- D.** Lateral length from the manifold shall not exceed 100 feet.
- E.** Laterals shall be connected to the manifold by cross or t-connections at the same elevation or with a short riser pipe with the lateral located higher than the manifold when pumping uphill or with a short riser pipe with the lateral located lower than the manifold when pumping downhill.
- F.** Minimum perforation size shall be 3/16 inches.
- G.** Minimum distal end pressure on the highest lateral shall be 1 foot of pressure head. Maximum distal end pressure on any lateral line shall be 5 feet of pressure head. The distal head pressure of subsequent lower laterals on sloping designs shall be calculated using the difference in elevation from the highest lateral plus the specified distal head pressure of the highest lateral. Systems with more than 4 feet of elevation difference between the highest and lowest lateral cannot be designed with a single manifold. Separate manifolds for the separate upper and lower portions must be used. These separate manifolds must also have their own pressure control valve located in the lift station for pressure adjustment of the highest lateral to be served by the individual manifold. See ¶ S below.
- H.** The discharge rate of distribution lines shall be a minimum of .10 gallons per minute per lineal foot (10 gpm for a 100 foot line), and shall be equal among all distribution lines to within plus or minus 5 percent.
- I.** Table X (Appendix C) shall be utilized for calculation of perforation discharge rates and Table XI (Appendix C) shall be used to calculate friction loss in schedule 40 plastic pipe. For values outside of Table X and XI, the Hazen-Williams formula may be utilized. See Table A-2 in Pressure Distribution Network Design by James Converse, January 2000.
- J.** The first and last holes within each lateral shall be drilled 1/2 the specified hole spacing interval for the lateral from each end of the lateral. Holes shall be deburred in a manner which maintains the required size. Holes within stone trenches shall be drilled in a straight line along the bottom of the lateral. The first and last holes within a chamber system shall be drilled on the bottom of the lateral to facilitate draining of the lateral, with a splash block provided. The remaining holes within a chamber system shall be drilled in the top half of the lateral at the 10 o'clock or 2 o'clock positions to prevent the scouring of the trench bottom or the effluent being directed against the chamber wall or center support. Inspection and approval of the hole spacing and hole placement is required by the Department prior to installation of the pipe in the seepage system.
- K.** The minimum dosing volume is the sum of the supply line volume and 5 times the volume of the lateral lines. When possible, dosing should be calculated for 2 to 4 times per day. When multiple doses per day are proposed, the dosing volume delivered to the seepage system shall be equally divisible into the daily design capacity of the system and shall not exceed the daily design capacity of the system.
- L.** Table XII (Appendix C) shall be utilized to determine storage capacity per 100 feet of PVC pipe.
- M.** Pumps shall be located on concrete blocks and/or be fitted with a pump stand within the pumping station at least 4 inches above the tank bottom to prevent pumping of any solids. Pumping chambers

shall be sized to accommodate the pump height, minimum dosing volume and required reserve capacity.

- N. The configuration of an LPP distribution system shall be such that the number of fittings is minimized.
- O. Only deep socket high pressure fittings shall be utilized.
- P. The end (opposite the supply line connection) of at least one lateral (including the lateral at the highest elevation on sloping sites) shall be equipped with a 90 degree turn-up elbow and riser pipe with a threaded cap to finished grade.
- Q. A gate or globe pressure adjustment valve shall be installed in the supply line within the pumping chamber to allow for final adjustment of the system pressure. All pressure head adjustment valves shall be located within the lift station.
- R. A $\frac{1}{4}$ inch siphon-breaker (weep) hole must be drilled in the bottom of the supply line within the lift station when pumping to a lower elevation.
- S. Distal pressure head must be adjusted to match the pressure specified in the design. The pressure head is measured as the height the liquid will rise above the 90 degree turn-up elbow within the lateral when the pump is running and the system is pressurized. During installation a riser pipe shall be installed and must extend at least to the specified distal pressure height elevation of the highest lateral. The adjustment valve within the lift station shall be adjusted to maintain the specified pressure of the laterals or highest lateral on a sloping design. On sloping designs the elevation difference of any subsequent lower laterals in relation to the highest lateral shall also be confirmed. Inspection and approval of the pressure head adjustment is required by the Department prior to approval of the installation of a low pressure pipe distribution system.
- T. Construction shall comply with all other applicable sections of the Ordinance.

§ 8.04.550 OTHER ON-SITE SYSTEMS REQUIRING SPECIAL APPROVAL

Special Approval General Provisions The Department may request additional review and/or consultative assistance from private sewage professionals to provide technical assistance and direction in regard to the private sewage disposal ordinance including the review of proposals for experimental systems.

§ 8.04.555 SHORT-TERM RENTAL PROPERTIES

- A. **Advertising** Property owners of short-term rental properties, served by private sewage disposal systems, shall advertise the number of bedrooms and/or occupancy of the rental unit, consistent with the design capacity of the private sewage disposal system.
- B. **Information** Literature indicating proper care of private sewage disposal systems shall be conspicuously posted or distributed to all renters. Information shall include items that should not be flushed (e.g. medications, feminine products, diapers, etc.) and a contact name and number in the event of a malfunction of the private sewage disposal system.

§ 8.04.560 SEEPAGE BEDS

- A. **General Provision** A seepage bed may only be installed when the permeability is moderately rapid or faster.

- B. Absorption Area** The total bottom absorption area required for a seepage bed shall be one and one-half times the absorption area specified in Tables IA and IB (See Appendix B).
- C. Design** Construction features shall conform to § 8.04.450 through § 8.04.470 and § 8.04.500 through § 8.04.540. Distribution lines shall be equally spaced with no more than six (6) feet center to center. Seepage beds shall be constructed so that construction equipment does not drive over the bottom of the bed.

§ 8.04.570 PRIVIES

- A. General Provisions** Privies are approved for the disposal of human wastes only where the use of the area is for a public park, campground, or other recreational area.
- B. Design and Construction Requirements** The vault privy is the only type of privy that can be used for the disposal of human wastes.
- C. Construction** The vault privy shall be durable and constructed to facilitate satisfactory maintenance. The vault shall be fly-tight and rodent-proof at all times.
- D. Watertight and Rodent-Proof** The vault privy must be watertight and a readily accessible cleanout shall be provided. The cleanout shall be so constructed to prevent the entrance of rodents, insects and surface water.
- E. Construction Specifications** All privies used for the deposit of human wastes shall be constructed and maintained in accordance with the following:
- 1. Minimum Capacity** The vault shall provide a minimum capacity of 50 cubic feet per seat. The vault shall be constructed of materials and in such a manner as to be able to endure the anticipated load and use and to withstand the local environmental conditions without deteriorating. The vault shall be constructed such that there shall be access to the vault for pumping and cleaning purposes.
 - 2. Floor and Seat Riser** The floor and seat riser shall be constructed of an impervious material and in a manner to exclude insects and rodents. The seat riser shall be constructed and bonded with the floor to prevent seepage through the riser onto the floor.
 - 3. Seat Opening** The seat opening shall be covered with a hinged lid that forms a tight seal.
 - 4. Vents** Each privy shall be provided with vents of at least 0.5 square foot area for each seat. The vault shall be vented to the outside through a vent which creates airflow out of the building, with a minimum cross-sectional area of 12 square inches. The vent opening shall be screened with 16 mesh screen to prevent the entry of flies and shall terminate through the roof.

§ 8.04.580 PORTABLE TOILETS (CHEMICAL TOILETS)

Portable toilets shall be used and operated in compliance with Section 905.135 of the Illinois Private Sewage Disposal Code with the following additions and restrictions:

- A. General Provisions** Portable toilets are approved for use of collection of human wastes under the following conditions:
- 1.** Where water carried sewage facilities are not provided or to supplement existing, plumbed restroom facilities, if allowed by the local plumbing authority and/or local building official; and

2. Provision is assured for treatment of sewage removed from the portable toilet at a facility operating under the jurisdiction of the Illinois Environmental Protection Agency.

B. Location of Portable Toilets

1. Portable toilets shall be conveniently located to prevent nuisance conditions and not compromise the wholesomeness or quality of food.
2. Portable toilets shall be located per the minimum separation distances specified in Table IV, Appendix B.
3. Portable toilets shall not be located less than twenty (20) feet from a temporary food establishment.

C. Portable Toilets at Food Establishments

1. Portable toilets and portable handwashing stations may not be utilized to replace permanent fixtures for foodservice employees at fixed food establishments.
2. **Handwashing Stations** Where foodservice is provided, an adequate number of properly equipped handwashing facilities must be provided within twenty (20) feet of the portable toilets.
3. Handwashing stations must have potable water under pressure, from a source approved by the Department, soap, a supply of disposable paper towels and covered waste receptacles.

D. Servicing of Portable Toilets Portable toilets shall be serviced by individuals licensed or certified per Section 905.135 of the Illinois Private Sewage Disposal Code and permitted by the McHenry County Department of Health.

E. Disposal of Portable Toilet Waste Disposal of waste from tank trucks shall be in accordance with Section 905.170(g) of the Illinois Private Sewage Disposal Code and [§ 8.04.630](#) of this Ordinance.

F. Removal of Portable Toilets: The Department may require removal of portable toilets in the event of repetitive violations of the Ordinance or in the event that the use of the portable toilet results in the creation of nuisance or unsanitary conditions.

G. Records Dates of service and the name of the service provider shall be maintained for fourteen (14) days after the event, and shall be made available to the Department upon request.

[§ 8.04.590](#) HOLDING TANKS

A. General Provisions Holding tanks are approved for private sewage disposal only under the following circumstances:

1. As a temporary measure while awaiting the availability of a sewer, provided, however, that a contract for installation of the sewer has been awarded and the agency responsible for sewer operation certifies that it will be available for service within 180 days. The temporary holding tank shall comply with [§ 8.04.590 ¶ B2](#) through [¶ B4](#) below. The property owner shall assume all risks of the sewer not becoming available. They may then install a private sewage disposal system in full compliance with this Ordinance, or vacate the property; **OR**
2. As a sanitary dumping station in campgrounds or marinas to receive the discharges from holding facilities on recreational vehicles or boats; and provision is assured for treatment of sewage removed from the holding tank at a facility operating under the jurisdiction of the Illinois Environmental Protection Agency.

3. As a temporary measure, when a permit has been approved by this Department and the present and near future weather conditions are unfavorable for the installation of a private sewage disposal system due to frozen ground or saturated soils.
- B. Temporary Domestic Sewage Holding Tanks** Temporary domestic sewage holding tanks will be allowed for properties under the following conditions:
1. The permit for the private sewage disposal system has been previously approved by this Department; and present and near future weather conditions (i.e. frozen ground, saturated soils) are unfavorable for the installation of a private sewage disposal system; and
 2. An application for temporary utilization of a domestic sewage holding tank is completed and the appropriate fee is paid at the Health Department. The application shall include the following items:
 - a. A contract for pumping the temporary domestic sewage holding tank with a licensed private sewage disposal system pumping contractor, who is permitted by the Department.
 - b. A contract with a sewage treatment plant to accept the waste; waste cannot be land applied.
 - c. A contract with a licensed private sewage disposal system installation contractor to complete the installation with an estimated cost and completion date specified.
 3. The temporary domestic sewage holding tank fee is approved by the McHenry County Board. The fee schedule is contained in the Public Health Fee Ordinance.
 4. **Audio/Visual Alarm** The temporary domestic waste holding tank shall have an audio/visual high-water alarm installed, and set at 2/3 of the temporary domestic waste holding tank capacity. The tank and alarm are to be inspected by the Department. Alarms installed after January 1, 2014 shall be located outside of the building served. The power supply for the alarm shall be on a dedicated circuit.
- C. Temporary Domestic Sewage Holding Tank Approval / Renewal** Temporary domestic sewage holding tank approval is for a period of time not to exceed six (6) months. If the private sewage disposal system is not installed within a six (6) month period, a renewal fee must be paid. Subsequent renewals of the original application shall be valid for a period of 30 days. A maximum of six (6) renewals will be allowed.
- D. Temporary Domestic Sewage Holding Tank Expiration** Failure to install the private sewage disposal system or renew the temporary holding tank application before the permit expiration shall be a violation of this Ordinance.
- E. Temporary Domestic Sewage Holding Tank Construction and Location** The holding tank shall be designed and constructed in compliance with [§ 8.04.520](#), except that the outlet shall be sealed. The holding tank shall be located in compliance with the requirements in Table IV (See Appendix B) for "Septic Tanks".
- F.** Failure to install the permitted private sewage disposal system or connect to community sewer prior to the expiration of the temporary holding tank permit shall result in the Department seeking injunctive relief to have the property vacated until the required work is completed.

§ 8.04.600 SANITARY DUMP STATIONS

- A. General Provision** Sanitary Dump Stations are approved for receiving domestic sewage only from holding tanks on recreational vehicles.

B. Design and Construction Requirements Sanitary dump stations shall provide holding capacity designed on the basis of 140 gallons per unsewered recreational vehicle site.

C. All Sanitary Dump Stations shall be designed and constructed in accordance with the following:

1. A concrete pad shall be constructed around the drain leading to the holding tank. The pad shall extend at least 2 feet in every direction from the drain and shall have a 2 inch high curb around the outside perimeter. In addition, the pad shall be sloped to the drain at least one-tenth inch per foot.
2. A foot-operated, self-closing cap which forms a tight seal with the drain shall be provided.
3. The sewer line from the drain to the tank shall be at least 4 inches in diameter and constructed in accordance with the provisions in the Illinois Plumbing Code. It shall be installed to maintain at least a 10 foot horizontal separation from any water line.
4. A water supply distribution tap for flushing the pad shall be provided. The water supply line to the tap shall comply in all respects with the Illinois Plumbing Code or the applicable local plumbing code if more stringent, and shall be provided with approved, properly installed back siphonage protection. A "stop and waste" valve shall not be provided on the tap. The water tap shall be painted yellow and posted "Not For Human Consumption. Use for Flushing and Cleaning Purposes Only".

§ 8.04.610 ON-SITE WASTEWATER SYSTEMS IN RAPID AND/OR VERY RAPIDLY PERMEABLE SOILS

Penetration into rapid or very rapidly permeable soils shall only be permitted with standard depth trenches. See also Tables IA and IB, Appendix B.

§ 8.04.620 AERATION DEVICES

A. Aerobic Treatment Plant Approval Aerobic treatment plants shall be tested and listed by NSF International or a laboratory approved by ANSI to determine compliance with the requirements of ANSI/NSF Standard 40, Residential Wastewater Treatment Systems, January 18, 1999. Standard 40 is a standard which covers an organized and coordinated system of components that functions to treat domestic sewage from individual residences. This Part shall allow approved aerobic treatment plants to serve a residential property which is occupied on a year-round or full time basis. Aerobic treatment plants shall not be used to serve a residential property which is used as a seasonal, weekend or part-time residence. Aerobic treatment plants considered for use to serve a non-residential property shall meet the requirements of Section 905.100 J 1-3 of the Illinois Department of Public Private Sewage Code.

B. Class II Effluent Aerobic treatment plants listed by NSF International or a laboratory approved by ANSI to determine compliance with ANSI/NSF Standard 40 for Class II effluent shall discharge to a subsurface seepage system designed and constructed in accordance with the requirements of [§ 8.04.420 – § 8.04.430](#).

C. Class I Effluent Aerobic treatment plants listed by NSF International or a laboratory approved by ANSI to determine compliance with ANSI/NSF Standard 40 for Class I effluent shall discharge to a Type 1, 2 or 3 system designed and constructed to be at least 2/3 the size determined necessary by estimated permeability or a Type 4 or 5 system designed and constructed to be at least 80% of the size determined necessary by estimated soil permeability.

D. Sizing Aerobic Treatment Plants Aerobic treatment plants which are listed by NSF International or a laboratory approved by ANSI to determine compliance with ANSI/NSF Standard 40 as Class I and rated at 500 gallons per day will be allowed for the treatment of domestic sewage from residential

property having up to and including 4 bedrooms. Other aerobic treatment plants that are listed by NSF International or a laboratory approved by ANSI to determine compliance with ANSI/NSF Standard 40 as Class I shall be sized as specified in Table VII (See Appendix B).

- E. Installation** All components of aerobic treatment plants shall be installed at the time of the original installation. There shall be a minimum of 5 feet of undisturbed earth between the aerobic treatment plant and the nearest trench.
- F. Accessibility For Inspection and Maintenance** The plant shall be equipped with one or more grade-level access manholes located to permit periodic physical inspection and maintenance of all compartments and component parts. Component parts include submerged bearings, moving parts, tubes, intakes, slots, filters, and other devices. Grade level access manholes with tight fitting, durable lids shall be provided on all access openings and shall be installed in a manner to prohibit the entry of soil, water and dirt into the unit.
- G. Effluent Standards** are those currently enforced in the State of Illinois Private Sewage Disposal Licensing Act and Code.
- H. Service Contract** A service contract shall be maintained on all aeration devices. All service shall be by a licensed private sewage disposal installation contractor who is familiar with the unit and utilizes manufacturer approved replacement parts.
- I. Service Operation and Maintenance** Service operation and maintenance shall adhere to standards established by the Illinois Private Sewage Disposal Code.
- J. Non-functional Aeration Units** If an aeration device is non-functional, the non-functional parts must be replaced so as to be maintained per the manufacturer's specifications. When the unit can no longer be maintained per the manufacturers specifications, the unit must be replaced with an approved Class I aeration device.
- K. Non-Residential Properties** See [§8.04.440 ¶ E](#).

§ 8.04.625 NSF 350 PRETREATMENT DEVICE

An approved subsurface seepage system sized at 50% of the sizing determined by the onsite soil conditions as required in Tables IA and IB (Appendix B) may be installed after an Illinois Department of Public Health NSF 350 Pretreatment Device for all system types.

§ 8.04.630 COLLECTION, STORAGE, TRANSPORTION, DISPOSAL AND USE OF SEPTAGE, PORTABLE TOILET WASTE, AND DOMESTIC WASTE REMOVED FROM A HOLDING TANK, PRIVY VAULT OR SANITARY DUMP STATION

General Provisions – Permit Requirements

- A.** Any person who collects, stores, transports, disposes or uses septage, portable toilet waste, or domestic sewage removed from a holding tank, privy vault or sanitary dump station in McHenry County, shall be licensed by the Illinois Department of Public Health (IDPH) as a private sewage disposal system pumping contractor, or portable sanitation technician or portable sanitation technician trainee, permitted by the Department, and knowledgeable of the requirements of this section.
- B.** The collection, storage, transportation, disposal and use of septage, portable toilet waste, or domestic sewage removed from a holding tank, privy vault, or sanitary dump station in McHenry County shall meet all the requirements of this Section, the Illinois Private Sewage Disposal Licensing Act and Code, and Title 40 of the Code of Federal Regulations, Part 503 “Standards for the Use or Disposal of Sewage Sludge” (40 CFR Part 503).

- C. Whenever the Department determines, through inspections or other means, that there is a violation of any provision of this Section, the Department may, without any further notice, institute or cause to be instituted legal proceedings in the Circuit Court of McHenry County in cooperation with the State's Attorney's Office.
- D. The Department shall issue a Private Sewage Disposal System Pumping Contractor Permit or Portable Sanitation Technician Permit to persons applying for such permit who have met the requirements of this Section and all other applicable regulations and who pay the required annual permit fee in an amount established in the Public Health Fee Ordinance. A permit issued under this Section must be renewed annually and shall expire on January 31 of the year following issuance. The Department may suspend or revoke any permit for a violation(s) of this Ordinance. An appeal of such suspension or revocation and any penalty for activities after permit suspension or revocation shall be as established by the Ordinance. Application for a Private Sewage Disposal System Pumping Contractor Permit or Portable Sanitation Technician Permit shall require completion of an application form provided by the Department. Any person who submits false information in an application for a Private Sewage Disposal System Pumping Contractor Permit or Portable Sanitation Technician Permit shall be in violation of this Ordinance. In the application, the contractor or technician shall submit information including, but not limited to, the following:
1. Company Name.
 2. Owner and Operator Name.
 3. Owner and Operator Home and Mailing Addresses.
 4. Company Telephone Number.
 5. Full name, and IDPH Private Sewage Disposal System Pumping Contractor or Portable Sanitation Technician or Portable Sanitation Technician Trainee license number for each individual engaged in the collection, storage, transportation, disposal or use of septage, portable toilet waste, or domestic sewage removed from a holding tank, privy vault, or sanitary dump station.
 6. Number of vehicles used to collect, store, transport, dispose or use septage, portable toilet waste, or domestic sewage removed from a holding tank, privy vault, or sanitary dump station.
 7. Address and permanent index number(s) (PIN) for all sites where septage, portable toilet waste, or domestic sewage removed from a holding tank, privy vault, or sanitary dump station has been stored, disposed or used.
 8. A description of all the types of waste that the contractor collects, transports, stores, disposes or uses.
 9. A description of disposal or use methods for septage or any other waste, and any other records required to be maintained by State or Federal law pertaining to the collection, transportation, storage, disposal or use of septage, portable toilet waste, or domestic sewage removed from a holding tank, privy vault, or sanitary dump station.
 10. Rate/quantity, in gallons per acre per month, and per 365 day period, that septage was land applied at any site in McHenry County.
- E. **Disposal Methods** Septage, portable toilet waste, or domestic sewage removed from a holding tank, privy vault, or sanitary dump station shall be disposed or used in McHenry County only by the methods established in this Section:
1. Sewage Treatment Facility: Discharge to a municipal sanitary sewer system is approved when the municipality has approval from the Illinois Environmental Protection Agency (IEPA)

to receive septage from private sewage disposal systems and the contractor has written approval from the municipality to discharge septage into the system.

2. **Application to Agricultural Land:** Septage shall be applied to land only as specifically established in this Section. No person shall land apply portable toilet waste, or domestic sewage removed from a holding tank, privy vault, or sanitary dump station in McHenry County.
3. **Other Approved Methods:** Septage may be disposed of by other methods subject to the approval of that method by the Illinois Environmental Protection Agency, the Illinois Department of Public Health and the McHenry County Department of Health.

F. Septage Management Site Permit No person shall store, dispose or use septage at any site in McHenry County, other than an IEPA permitted sewage treatment plant, without a valid permit issued by the Department.

The Department shall issue a Septage Management Site Permit to persons applying for such permit who have met the requirements of ¶ G – ¶ N below, and all other regulations and who pay the required annual permit fee in the amount established in the Public Health Fee Ordinance. A permit issued under this section must be renewed annually and shall expire on January 31 of the year following issuance. The Department may suspend or revoke any permit for a violation(s) of the Ordinance. Any appeal of such suspension and any penalty for continued use of a site after permit suspension shall be as established by the Ordinance. A permit is required for each site where septage is stored, disposed or used.

G. Land Application Site Requirements No person shall apply septage to land in McHenry County in a manner that does not meet the requirements of this Ordinance, the requirements of the Illinois Private Sewage Disposal Licensing Act and Code, and the requirements of 40 CFR Part 503. No person shall land apply holding tank waste or portable toilet waste in McHenry County.

1. **Municipality notification:** No Septage Management Site permit shall be issued within the boundaries of a municipality without the applicant submitting documentation of having provided written notification to the municipality's corporate authority.
2. **Water table:** No person shall apply septage to land where the depth to the seasonal high ground water table or to fractured limestone formations is less than 4 feet below the ground surface.
3. **Floodplain:** No person shall apply septage to land that is at or below the 100-year floodplain elevation.
4. **Slope:** No person shall apply septage to land having greater than five percent (5%) slope.

H. Land Application Site Setback Requirements All land used for the land application of septage shall be offset as established by this Section.

1. **Water Wells:** No septage shall be land applied within 300 feet of a water well.
2. **Public Roads:** No septage shall be land applied within 100 feet of a public road.
3. **Residential, Commercial or Industrial Areas:** No septage shall be land applied within 500 feet of homes, commercial, or industrial buildings, where people live, work, or assemble.
4. **Surface Waters:** No septage shall be land applied within 200 feet of any surface water, pond, lake, stream, river, creek, wetland or surface inlet to subsurface drains.

I. Land Application Site Management

1. **Site boundaries:** The boundaries and restricted areas of all septage land application sites shall be marked by clearly visible stakes or other method approved by the Department.
 2. **Even application:** Septage shall be applied evenly over the application area. No person shall apply septage to land with water or septage ponded upon it.
 3. **Rainfall:** No person shall apply septage to land which has received rainfall of 1/2 inch or more during the 24 hour period preceding the application time.
- J. Land Application Rates** No person shall apply septage to land in excess of the application rate established in the Illinois Private Sewage Disposal Licensing Act and Code or the annual application rate established in 40 CFR Part 503. Septage shall be land applied in accordance with the lowest (most stringent) application rate established by State and Federal regulations.
- K. Recordkeeping** When septage is applied to land, the person who applies the septage shall develop the following information and retain the information for five (5) years. The information shall be made available to the Department for inspection or copying upon request.
1. The location, by either street address or permanent property index number, of each site on which septage is applied.
 2. The number of acres in each site on which septage is applied.
 3. The date and time septage is applied to each site.
 4. The nitrogen requirement for the crop or vegetation grown on each site during a 365 day period.
 5. The rate/quantity, in gallons per acre per month and also per 365 day period, at which septage is applied to each site.
 6. Certification statement pertaining to pathogen and vector reduction requirements as described in 40 CFR Part 503.
 7. A description of how pathogen and vector attraction reduction requirements as described in 40 CFR Part 503 are met.
- L. Nuisance Conditions** Where it is determined by the Department that nuisance conditions exist which create an offensive odor, produce a stagnant wet area or produce an environment for the breeding of insects, septage shall be immediately incorporated into the soil.
- M. Spillage** No person shall cause or allow the release or discharge of septage, portable toilet waste, or domestic sewage removed from a holding tank, privy vault, or sanitary dump station onto any public road or right-of-way.
- N. Vehicles And Equipment** All vehicles used for the collection and transportation of septage, portable toilet waste, or domestic sewage removed from a holding tank, privy vault, or sanitary dump station shall be in compliance with the Illinois Private Sewage Disposal Licensing Act and Code.
- O. Inspections**
1. **Land Application Sites:** The Health Authority shall inspect any site utilized for the land application of septage for compliance with this Ordinance not less often than one time per year.
 2. **Vehicles and Equipment:** All vehicles and equipment used for the collection, transportation, storage, disposal or use of septage, portable toilet waste, or domestic sewage removed from a holding tank, privy vault, or sanitary dump station shall be subject to inspection and approval by a representative of the Department at any reasonable time. Upon request of the Department such vehicles and equipment shall be made available for

inspection at a designated location. The Department shall inspect all vehicles used for septage management for compliance with this Ordinance at least one time per year.

- P. Enforcement** The Department may perform inspections, issue notices and orders requiring action, and initiate legal action as may be necessary to assure compliance with this Section.
- Q. Other Regulations** The requirements established by this Ordinance do not preclude compliance with any applicable State or Federal regulation.
- R. Conflict** Whenever the provisions of this Section conflict with any applicable ordinance, regulation, or rule, the most stringent requirement shall be applied.

§ 8.04.640 ADMINISTRATION

- A. Powers And Duties of The Department** In accordance with the provisions of the McHenry County Private Sewage Treatment and Disposal Ordinance, the Department has the following powers and duties:
 - 1. To make such inspections as are necessary to determine satisfactory compliance with the Private Sewage Disposal Ordinance.
 - 2. To review and comment on soil evaluations and issue permits.
 - 3. To investigate when a violation of any provision of the Wastewater and Sewage Treatment and Disposal Ordinance is reported to the Department.
 - 4. 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 Wastewater and Sewage Treatment and Disposal Ordinance.
 - 5. To institute or cause to be instituted legal proceedings in the Circuit Court of McHenry County in cooperation with the State's Attorney's Office in cases of non-compliance with the provisions of the Wastewater and Sewage Treatment and Disposal Ordinance.
- B. Violations** Whenever the Department determines through inspections or other means, that there is a violation of any provision of the Ordinance, the Department shall give notice of such alleged violation. Such notice shall be issued consistent with § 8.04.030 of Article I.
- C. Revocation or Suspension of Permit** The Health Authority shall have the authority to revoke or suspend permits when they are issued in error, or where the provisions of this Ordinance 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, by certified mail, return receipt requested.
- D. Penalty** See § 8.04.050 of Article I.
- E. Invalidity** Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid.
- F. Conflicting Ordinances** In any case where a provision of this Ordinance is found to be in any conflict with a provision of any other Ordinance or code in force, or adopted subsequent to the effective date of this Ordinance, the more stringent provision shall prevail.

§ 8.04.650 PLATTING OF NEW SUBDIVISIONS

- A. General** The McHenry County Department of Health is required by Illinois Compiled Statutes 765 ILCS 205/2 to sign off on all plats of subdivision within McHenry County if any part of the subdivision will not be served by a public sewer system. The Department will evaluate all incorporated and unincorporated plats of subdivision by the criteria in this Section.
- B. Subdivision Review Fee** A fee schedule established by the McHenry County Board will apply to the new platting of land in McHenry County. The fee for the subdivision plat review in incorporated areas shall be paid at the time of the submittal to the Department for review. The fee schedule is available in the Public Health Fee Ordinance. Review fees for subdivisions in unincorporated areas are paid to the McHenry County Department of Planning and Development.
- C. Options For Platting** Subdivisions shall be platted providing for sewage disposal based upon one of the following methods:
 - 1. Each lot shall contain $\frac{1}{2}$ acre of contiguous, non-critical soils (as defined) as confirmed by onsite soil mapping; or
 - 2. Each lot shall contain a designated full size private sewage disposal system area and full septic system replacement area in non-critical soils (as defined) as confirmed by onsite soils evaluation; or
 - 3. The proposed subdivision shall be served by an Illinois Environmental Protection Agency (IEPA) permitted sewage disposal system (i.e. land treatment system or onsite package plant).

§ 8.04.660 SUBDIVISIONS PROVIDING $\frac{1}{2}$ ACRE OF NON-CRITICAL SOILS

- A. Soil Classifier** Soil mapping based upon onsite determination of soil characteristics shall be conducted to determine soil suitability for private sewage disposal systems. Soil survey and mapping shall be by a Soil Classifier.
- B. Number of Borings** There shall be a sufficient number of soil borings throughout the proposed acreage for platting so as to allow intensive mapping of soil characteristics and limiting factors related to suitability for private sewage disposal systems. The mapping and overlay of such characteristics shall be of sufficient detail to minimize the potential for inclusions and to determine the existence of at least $\frac{1}{2}$ acre of contiguous, non-critical soils on each proposed lot. There shall be at least one boring on each acre of the proposed subdivision. The location of all borings shall be shown on the soil map overlay.
- C. 200 Foot Grid System** A 200 foot grid system shall be established and one boring at each grid point shall be performed. In addition, sufficient additional borings shall be completed to adequately identify each soil mapping unit as well as variations within mapping units as far as depth to limiting layer.
- D. Department Notification** The Department shall be notified at least 24 hours before commencement of onsite borings so that the Department may observe the borings and sampling procedures, if it so desires. Any boring conducted without the Department being notified may not be acceptable.
- E. Soil Classifiers Report** A map and log of each soil series mapped on the site shall be prepared and included in the Soil Classifier's report. Specific boring logs shall be submitted in a format as required by the Department. These reports shall include, at a minimum, soil texture and permeability classifications by depth, along with the depth to any limiting layer.
- F. Soil Update** The date(s) of all fieldwork shall be indicated. Soil borings shall be valid for one year after the test date, after which time an update is required by the soil classifier.

- G. Soil Mapping** The entire subdivision area shall be mapped showing soil types present with boundaries of each defined, considering areas of transition. This mapping shall be coordinated with site topography, and shall be of the same scale as the tentative and final subdivision plats.
- H. Soil Boundaries** The map shall also depict areas of seasonal high groundwater or other limiting layers as determined by the Soil Classifier's observation of the drainage characteristics of the soil. Long-term monitoring of observation wells approved by the Department may be used to supplement this information (See § 8.04.420 N). Boundaries of the following areas shall be defined:
1. Actual or seasonal high groundwater or other limiting layer at less than 18 inches from the natural soil surface.
 2. Actual or seasonal high groundwater or other limiting layer at 18 inches to 30 inches from the natural soil surface.
 3. Actual or seasonal high groundwater or other limiting layer at 30 inches to 42 inches from the natural soil surface.
 4. Actual or seasonal high groundwater or other limiting layer at 42 inches to 60 inches from the natural soil surface.
 5. Actual or seasonal high groundwater or other limiting layer greater than 60 inches from the natural soil surface.
- I. Map Of Boring Locations** A detailed map showing the soils present and locations of borings shall be provided. The signature(s) of the Soil Classifier(s) by whom the soil mapping was done and the report prepared, must be affixed to both the report and the soil map.
- J. Topography** The topography of the subdivision shall be shown in one (1) foot contours.
- K. Restricted Soils** Soils not considered non-critical shall not be included in the 1/2 acre of required soils, and in addition, shall be indicated as being restricted for private sewage disposal systems on the tentative and final subdivision plats.
- L. Tanks in Septic Restricted Areas** Septic tanks, lift stations, aeration devices and Illinois Department of Public Health approved NSF 350 pretreatment units will be allowed in septic restricted areas if not prohibited by another restriction including but not limited to flood plain, easements, and surface water flow provided that provisions are made to ensure that the inlet and outlet inverts, tops of tanks, pretreatment units, lift stations and aeration devices are water tight.
- M. Usable Size And Configuration** The developer must prove to the satisfaction of the Department that each lot on the tentative and final subdivision plats has at least 1/2 acre of non-critical soil in a continuous area and of usable size and configuration.
- N. Building Sewer/Forcemain Easements** When access to the septic suitable area will require the crossing of easements, lot lines or roadways, building sewer or forcemain easements shall be designated and provisions for protecting the forcemain or building sewer (i.e. sleeving) shall be specified.

§ 8.04.670 SUBDIVISIONS WITH DESIGNATED PRIVATE SEWAGE DISPOSAL AND FUTURE SEPTIC SYSTEM REPLACEMENT AREAS WITHIN NON-CRITICAL SOILS

- A. Soil Evaluation** Soils evaluation for proposed lots which will have designated private sewage disposal and future private sewage disposal system replacement areas, shall be consistent with § 8.04.420 A - § 8.04.420 M of the Ordinance.

- B. Tank Outside Designated Areas** Septic tanks, lift stations, aeration devices and Illinois Department of Public Health approved NSF 350 pretreatment units will be allowed in areas which are not included in the designated private sewage disposal and future septic system replacement areas if not prohibited by another restriction including but not limited to floodplain, easements and surface water flow and does not conflict with minimum required lateral setbacks, provided that provisions are made to ensure that the inlet and outlet inverts, tops of tanks, pretreatment units, lift stations and aeration devices are water tight.
- C. Minimum Number Of Borings** A minimum of three (3) soil borings shall define the designated area with one boring each at the high, middle and lowest elevations of the area.
- D. Topography** The topography of the designated private sewage disposal system area and future septic system replacement areas shall be provided in one (1) foot contours.
- E. Sizing of Designated Septic Areas** The designated areas shall be sized per Tables IA and IB (Appendix B) requirements. The designated private sewage disposal system and future system replacement areas must be clearly shown on the tentative and final subdivision plats.
- F. Design Exhibits.** Each designated private sewage disposal area and future septic system replacement area requires a design exhibit, prepared by a qualified designer, and submitted at the tentative and final subdivision plat stages. Design exhibits shall provide the following information, at a minimum, whether existing or proposed.
1. Lot boundaries and property dimensions.
 2. Proper orientation of directions relative to the property in question.
 3. Locations of any underground utilities.
 4. Locations of any easements and/or septic restricted areas.
 5. Locations of curtain drains, field tiles, wells, designated well areas, storm water drywells, and designated private sewage disposal system and future septic system replacement areas.
 6. The layout of the absorption areas (trenches) to determine the designated area configuration.
 7. Locations of relevant soil borings.
 8. A clearly described benchmark.
 9. Existing and proposed topography in 1 foot contours.
 10. Elevations of the bottom of the absorption areas referenced to the benchmark.
 11. Absorption area design calculations.
- G. Free From Encroachment** The designated private sewage disposal system and future septic system replacement areas shall remain free from encroachment per § 8.04.390 ¶ E.
- H. Building Sewer/ Forcemain Easements** When access to the designated private sewage disposal and/or future septic system replacement areas will require the crossing of easements, lot lines or roadways, building sewer and/or forcemain easements shall be designated and provisions for protecting the forcemain or building sewer (i.e. sleeving) shall be specified.
- I. Designated Septic System Areas To Serve More Than One Property** Septic systems serving more than one property shall comply with § 8.04.370 ¶ I.

§ 8.04.680 SITES UTILIZING IEPA PERMITTED TECHNOLOGY: Within the unincorporated areas of the county, sites utilizing IEPA permitted technologies shall provide a copy of the approved IEPA Construction Permit and documentation confirming that the permitted system has sufficient capacity to receive and treat the domestic wastewater for the number of lots proposed in the subdivision.

§ 8.04.690 OTHER SUBDIVISION REQUIREMENTS

- A. Slope Restriction** No area which exceeds the maximum allowable slope per Table I, Appendix B, shall be included in the 1/2 acre of non-critical soils or the designated septic system and future replacement areas.
- B. Required Setbacks** The 1/2 acre of non-critical soils and the designated septic system and future replacement areas shall be exclusive of all areas which fall within the setback distances listed in Table IV, Appendix B.
- C. Storm water Drywells** There shall be a 200 foot well restriction from all existing and proposed storm water drywells (Class V injection wells) shown on the tentative and final subdivision plats.
- D. Designated Locations** Designated locations of water wells and private sewage disposal systems shall be shown on relevant lots (on the tentative and final subdivision plat), where applicable, to eliminate future conflicts between wells and private sewage disposal systems.
- E. Easements** The 1/2 acre of non-critical soils, and areas designated for private sewage disposal systems and replacement private sewage disposal systems, are exclusive of all easements (i.e. drainage, road construction, utility, landscape, etc.).
- F. Flood Hazard** Land designated as Flood Hazard is not acceptable for the installation of a private sewage disposal system and cannot be included as part of the 1/2 acre of non-critical soils, or the designated private sewage disposal system and future replacement areas. All areas within the subdivision which are located within the Flood Hazard area shall be designated on the final subdivision plat.
- G. Dimensions** All dimensions, linear, curvilinear, and angular, necessary to properly re-survey, shall be shown, with linear dimensions in feet and decimals of a foot.
- H. Scale Of Subdivision Plats** Tentative and final subdivision plats shall be drawn at a scale of 1 inch to 100 feet or larger.
- I. Community Sewer And Water** Documentation shall be provided to the Department that community water and sewer are not available and accessible to the property.
- J. Cutting/Filling Of Soils** All areas of filling and/or cutting must be clearly delineated on an engineering plan. It should be known that this may influence septic suitability and additional soil work may be required.
- K.** The use of fill and/or cutting of soils is strongly discouraged and usually results in at least as critical if not more critical soil limitations for onsite private sewage disposal systems. The primary controlling factor to be considered is that the natural soils must be unencumbered by a limiting layer within 30 inches of the natural soil surface. Fill can only be used if that criterion is met. In this event, fill would have to be limited to carefully controlled situations, accompanied by detailed engineering. The lower portion, if not all of the sewage disposal system, must be a minimum of six inches into natural (undisturbed), uncompacted soils and no deeper than thirty- six (36) inches from a final grade. At the time, the separation below the trench bottom to the top of the limiting layer shall be maintained as required in Tables IA and IB (Appendix B).
- L. Made Land** Removal of native soils and replacement with fill shall be considered a “made land” situation, and is not usually acceptable for on-site private sewage disposal systems. Any such

consideration of this approach should be only after consultation with Department personnel prior to preparing any plans. In addition to the normal soils evaluation in areas of made lands, the following factors will also influence soil suitability: length of time fill has been in place; degree of compaction; stratification of soil texture; re-establishment of soil structure and depth; predictable extent of materials; and integrity of the fill/natural soil interface.

M. Artificial Drains Use of artificial drains to lower seasonal high groundwater tables shall be in compliance with [§ 8.04.430 F](#).

N. Hydrogeological Assessment The proposal shall comply with [§ 8.04.610](#) of this Ordinance. When rapid or very rapid permeable soils are present in the top thirty six (36) inches of a proposed subdivision utilizing subsurface domestic wastewater disposal, a hydrogeological investigation report will be required. This report shall be completed by a licensed professional geologist or licensed professional engineer and contain, at a minimum, the following information:

1. An evaluation as to the availability of sufficient quantity of water to serve the proposed subdivision; and
2. Shallow groundwater depth(s) and flow direction(s) at the proposed subdivision.
3. An evaluation of upgradient negative groundwater influences on the proposed subdivision. Potential influences for consideration shall include but not be limited to known groundwater contamination sites and upgradient land uses which may impact groundwater quality;
4. An evaluation of downgradient negative groundwater influences by the proposed subdivision. The cumulative impact of chlorides, nitrates, phosphates and bacteria on groundwater, and any downgradient sensitive environments (i.e. surface water, wetlands, fens, etc.) shall be evaluated at a minimum, and
5. Recommended actions to minimize impact of upgradient groundwater on the subdivision or the subdivision's impact on downgradient groundwater.

§ 8.04.700 SUBDIVISION REVIEW PROCESS

Plats of Subdivision shall be submitted for review in a two-step process:

- A. Tentative Plat of Subdivision
- B. Final Plat of Subdivision

§ 8.04.710 TENTATIVE SUBDIVISION PLAT STAGE

- A. The Tentative Plat of Subdivision shall depict the proposed lot lines, streets, easements, existing structures within the boundary, engineering improvements, existing topography, locations of all boundary, all private sewage disposal system and/or well restriction areas, and/or designated private sewage disposal and future private sewage disposal system replacement areas.
- B. **Soil Map And Soil Logs** The soil map and soil boring logs shall be submitted with the Tentative Plat of Subdivision.
- C. **Net Square Footage of Non-Critical Soils** For all subdivisions providing $\frac{1}{2}$ acre of non-critical soils per lot, the net square footage of contiguous, non-critical soils per lot shall be shown on the tentative plat of subdivision.
- D. **Delineating Septic Restricted Areas** Septic restricted areas shall be shaded consistently (with a corresponding legend) on the tentative and final plats of subdivision for clarity.

§ 8.04.720 FINAL SUBDIVISION PLAT STAGE

- A.** All private sewage disposal system requirements of the Tentative Plat of Subdivision stage must continue to be met at the Final Plat of Subdivision stage. The Final Plat of Subdivision shall depict the lot lines, streets, easements, engineering improvements, all well and/or private sewage disposal system restricted areas, and/or the designated private sewage disposal system and future private sewage disposal system replacement areas.
- B. Final Engineering.** A copy of the engineering plans for any engineering improvements shall be submitted for review with the final plat of subdivision. Where site specific engineering has been approved, the engineering plans must include details of such engineering.
- C. Soil Stockpiling And Traffic Routes.** Soil stockpiling areas and heavy vehicular traffic routes shall be designated in the final engineering plans or on the final plat of subdivision.
- D. Notes and Restrictions.** The following notes and/or restrictions shall be provided on the final plat of subdivision, as applicable:

- 1. General

- a. Any recommended actions to minimize the impact of upgradient groundwater on the subdivision or the subdivision's impact on downgradient groundwater based upon a hydrogeological study per § 8.04.690 ¶ N.
- b. Any provisions to protect forcemains and building sewers within easements, and when crossing easements, lot lines or roadways.

- 2. Designated Private Sewage Disposal Areas

- a. Private sewage disposal system absorption areas shall be installed within the designated areas as provided.
- b. Private sewage disposal systems must meet the standards in place at the time of the permit application.
- c. Designated private sewage disposal and future septic system replacement areas shall remain free from development or encroachment from water wells, water service lines, structures, decks, patios, driveways, swimming pools, stormwater structures and underground utilities.

- E. Public Health Administrator's Certificate.** The Plat Act, as amended January 1, 1988, requires the local Health Authority to sign a plat of subdivision with respect to sewage disposal systems if any part of the platted land will not be served by a public sewer system. The following signature certificate shall be provided on the final plat of subdivision:

No public sewer system exists to serve this subdivision. This plat of subdivision is approved with respect to onsite sewage disposal and the acreage involved has been reviewed in accordance with established soil suitability evaluation procedures.

Public Health Administrator

Date

- F. Recording of Final Plat of Subdivision.** If the Final Plat of Subdivision is not recorded at the McHenry County Recorder's Office within six (6) months of the date of the Public Health Administrator's signature, the plat of subdivision shall be invalid.

Plat of Amendment. A plat of amendment is required for subdivisions platted after September 1, 1990, whenever changes are proposed or made to the private sewage disposal system restriction lines, designated private sewage disposal system areas or future replacement septic system area locations or when the ½ acre of contiguous non-critical

soils has been reduced in size due to lot line or easement changes. The Plat of Amendment shall comply with § 8.04.650 – § 8.04.720 F of this Ordinance.

§ 8.04.730 SPECIAL WASTE HOLDING TANKS

- A. General** Wastewater not disposed of by discharging into a sanitary sewer, shall be disposed of in compliance with this section. Compliance with this Section does not relieve the property owner or lessee from adhering to any additional federal, state or local regulations in this matter.
- B. Permit Required.** No Special Waste Holding Tank shall be installed until a permit has been issued by the Health Authority. Applications for permits shall be in writing on forms provided by the Department and shall be signed by the owner or their authorized agent. Said permit to construct or repair shall be valid for a period of two (2) years from date of issuance. If construction or repair is not completed within said period, the permit shall expire unless an extension is approved by the Health Authority. The permit can be renewed for a period of 6 (six) months for 1/2 of the prevailing permit fee, provided all the conditions of the original submittal remain valid. Where a Special Waste Holding Tank is required for a structure, no building permit shall be issued without the prior or simultaneous issuance of the Special Waste Holding Tank permit. No Special Waste Holding Tank shall be put into use until it has been inspected and approved by the Health Authority.
- C. Construction.** The Special Waste Holding Tank shall be designed and constructed in compliance with § 8.04.520, except that the outlet shall be sealed, and the tank shall have an audio/visual alarm installed at 2/3 capacity of the tank.
- D. Location.** The Special Waste Holding Tank shall be located in compliance with the requirements in Table IV (See Appendix B).
- E. Base Flood Elevation.** The land elevation at the site of the proposed special waste holding tank shall not be subject to flooding (i.e. shall not be within the 100 year flood hazard area as defined by the base flood elevation of the closest stream or body of water.) Such elevation shall be provided in USGS/MSL (United States Geological Survey Mean Sea Level) datum.
- F. Minimum Size.** The minimum size of a special waste holding tank shall be 1000 gallons.
- G. Abandoned Special Waste Holding Tank.** Special Waste Holding Tanks which are no longer in use shall be completely pumped by a special waste hauler and shall be removed per the requirements of the Illinois Environmental Protection Agency and State Fire Marshal. A Department permit is required to abandon a special waste holding tank.
- H. Licensed Contractor.** No installation of a special waste holding tank shall be made without a written permit from the Health Authority issued either to a licensed private sewage disposal installation contractor or to the owner or lessee of the location, on the condition that the owner or lessee provides evidence of contracting a licensed private sewage disposal installation contractor to perform the installation.
- I. Free From Encroachment.** The area to be used for the special waste holding tank shall be maintained so that it is free from encroachment by driveways, decks (except as allowed in Table IV, Appendix B), accessory buildings, swimming pools, parking areas, buried lawn sprinkling systems, underground utility services, patios, slabs, additions to the original structure which limits free access to the system for maintenance, servicing or proper operation. Once installed the special waste holding tank shall remain free from encroachment.
- J. Access.** Access to the interior of the special waste holding tank shall be provided to allow inspection and maintenance. A manhole or access port extension collar or riser with a minimum dimension (width or diameter) of twelve (12) inches shall be provided by the private sewage disposal installation contractor to bring access to the tank to the ground surface. The joint between the special waste

holding tank and the riser(s) shall be watertight. When the riser consists of multiple sections, all joints shall be watertight. A tight fitting, durable lid, which is labeled "Special Waste" shall be provided on all access openings.

K. Handling of Waste Water. The waste from Special Waste Holding Tanks shall be handled according to the rules for disposal of oil, gas and grease promulgated under the Environmental Protection Act, or according to 35 Ill Administrative Code Subtitle G. Note: Also see Illinois Plumbing Code (77 Ill. Adm. Code 890.)

L. Special Provisions. All properties which have Special Waste Holding Tanks shall meet the following requirements:

1. A registration shall be maintained with the Department. The property owner or lessee shall update the registration in the event of changes such as property ownership, contact information, etc.
2. The registration shall be on forms provided by the Department.
3. The property owner shall maintain information including the type and amount of waste being discharged to the holding tank, results of any laboratory analysis done on the wastewater, the name of the special waste hauler removing and transporting the wastewater, and the ultimate destination of the wastewater for two (2) years. The property owner or lessee shall provide this information to the Department upon request.
4. The Special Waste Holding Tank shall have the outlet sealed with an operable audio/visual high water alarm installed at 2/3 capacity of the tank. Alarms installed after January 1, 2014 shall be located outside of the building served. The power supply for the alarm shall be on a dedicated circuit.
5. The Special Waste Holding Tank shall be subject to inspection by the Department a minimum of once every other year. Additional inspections shall be done as necessary to ensure compliance with Ordinance requirements (i.e. response to complaints, follow-up inspections). The owner or operator shall allow Department staff access to a special waste holding tank for inspection within 2 business days of the request, unless an alternative, mutually agreed upon date and time has been established.
6. Inspection fees, as established in the Public Health Fee Ordinance shall apply to Department inspections.

APPENDIX A - INCORPORATED MATERIALS

The following materials are incorporated as a part of this Ordinance for reference purposes:

- A. Illinois Private Sewage Disposal Licensing Act (225 ILCS 225/1 et seq.) and Illinois Private Sewage Disposal Code (Title 77 Illinois Administrative Code, Chapter I, Subchapter r, Part 905)
- B. Wisconsin Mound Soil Absorption System Siting, Design, and Construction Manual, Small Scale Waste Management Project, University of Wisconsin-Madison, January, 1990

Wisconsin At Grade Soil Absorption System Siting, Design and Construction Manual, Small Scale Waste Management Project, University of Wisconsin-Madison, January

APPENDIX B

- A. Table I-A - Soil Suitability for On-site Waste Water Disposal
- B. Table I-B – System Sizing Soil Application Rates for Onsite Wastewater Disposal
- C. Table II - Estimated Domestic Sewage Flows
- D. Table III - Minimum Liquid Capacities For Septic Tanks Serving Residential Units
- E. Table IV - Minimum Lateral Separation Distances
- F. Table V - Standards for Seepage Field Construction
- G. Table VI - Size and Spacing for Seepage Field Construction
- H. Table VII - Sizing of Aerobic Treatment Plants
- I. Table VIII - Variance Guidelines
- J. Table IX – Spacing and Sizing for Gravelless Chamber Systems

APPENDIX B - TABLE I-A
SOIL SUITABILITY FOR ON-SITE WASTEWATER DISPOSAL

(See Also Corresponding Notes Below (1-5), Sections 8.04.460 -490, Table I B and Illustration 1)

Permeability Range (in/hr)	Associated USDA Soil Textures	Minimum Separation to Seasonal High Ground Water Table from Natural Soil Surface (1) (inches)	Allowable System Types in Relation to Column 3	Type 1-3 Minimum Separation to Seasonal High Ground Water from Bottom of Trench (inches)	Type 4 Minimum Separation to Seasonal High Ground Water from Bottom of Stone (inches)	Type 5 Minimum Separation to Seasonal High Ground Water from Bottom of Sand (inches)	Type 1-5 Minimum Separation to Slowly Permeable or Loose Rock Fragment Limiting Layers from Natural Soil Surface (1) (inches)	Type 1-5 Minimum Required Separation to a More Restrictive Soil Loading Permeability Rate (1) (inches)	Maximum Allowable Slope %
Very Rapid (2) Greater than 20	Gravelly Sand, Coarse Sand	66 or greater		48	48 (2)(4)	48 (2)(4)	48 (2)	43 (2)	25 (2)
		60-65							
		54-59	3, 4, 5						
		24-53	4, 5 (4)						
		12-23	N/A						
Rapid 6 to 20	Loamy Coarse Sand, Sand	>66		48	48 (4)	48 (4)	48	48	25
		50-65							
		54-59	3, 4, 5						
		24-53	4, 5 (4)						
		12-23	N/A						
Moderately Rapid 2 to 6	Fine Sand, Gravelly Loam, Gravelly Sandy Loam, Sandy Loam, Loamy Sand Fine	54 or greater		36 (3)	24	24	36	36	20
		48-53	1 (3), 2, 3, 4, 5						
		42-47	1 (3), 2(3), 3, 4, 5						
		24-41	3 (3),4,5						
		12-23	N/A						
Upper Moderate 1 to 2	Very Fine Sandy Loam, Loam Very Fine Sand, Silt Loam, Loam, Sandy Clay Loam, Silty Clay Loam, Clay Loam	42 or greater		24 (3)	18	12	24	24	15
		36-41	1 (3), 2, 3,4, 5						
		30-35	2 (3), 3, 4, 5						
		18-29	3 (3), 4, 5						
		12-17	5						
Lower Moderate .6 to 1	Clay Loam, Silty Clay Loam, Silt Loam	42 or greater		24 (3)	18	12	24	24	15
		36-41	1 (3), 2, 3, 4, 5						
		30-35	2 (3), 3, 4, 5						
		18-29	3 (3), 4, 5						
		12-17	5						
Moderately Slow (5) .2 to .6	Silty Clay Loam, Clay Loam, Silty Clay, Clay (Dense Loam Tills)	42 or greater		24 (3)	18	12	24	24	10
		36-41	1 (3), 2, 3, 4, 5						
		30-35	2 (3), 3, 4, 5						
		18-29	3 (3), 4, 5						
		12-17	5						

NOTES CORRESPONDING TO TABLE I-A

1. Required separation is measured from the bottom of trench in a type 1, 2 or 3 system, bottom of aggregate in a type 4 system or bottom of sand fill in a type 5 system.
2. Not suitable for development. A variance will be considered when demonstrated that treatment will reduce the groundwater Nitrate levels to less than 10 milligrams per liter leaving the property or the density of domestic wastewater disposal is less than or equal to 1 per 1.5 acres, and the effluent meets the requirements of NSF standard 40.
3. When low pressure piping distribution is utilized for a type 1, 2 or 3 system the required separation from the bottom of trench to seasonal high groundwater can be reduced to 18" in moderate soils and 24" in moderately rapid soils.
4. The required separation from bottom of aggregate in a type 4 system or sand fill in a type 5 system to seasonal high ground water can be reduced to 24 inches when seasonal high ground water is 24-53 inches from the natural soil surface and with treatment capacity to reduce the groundwater Nitrate levels to less than 10 milligrams per liter leaving the property and the effluent meets the requirements of NSF standard 40.
5. Systems must be pressurized utilizing a pump and indexing valve or duplex pumps alternating to each half of the seepage field or by low pressure piping distribution as specified in section 8.04.540.

APPENDIX B – TABLE I-B
SYSTEM SIZING SOIL APPLICATION RATES FOR ON-STIE WASTEWATER DISPOSAL
(See Also Table I A, Sections 8.04.460-490)

Permeability Range (in/hr)	Pretreatment Type	Type 4 & 5 Systems Assigned Soil Loading Rate	Type 4 & 5 Systems Assigned Linear Loading Rate gpd/sf	Type 1-3 Residential Assigned Loading Rate sf/br	Type 1-3 Non-Residential Assigned Loading Rate gal/sf	Illinois Raised Filter Bed Mantel Sizing
Very Rapid (1) Greater than 20	Septic Tank	0.8	10	200	1	NA
	Class I	1	12.5	134	1.5	10
	NSF 350	1.6	20	100	2	NA
Rapid 6 to 20	Septic Tank	0.8	10	200	1	NA
	Class I	1	12.5	134	1.5	10
	NSF 350	1.6	20	100	2	NA
Moderately Rapid 2 to 6	Septic Tank	0.6	8	275	0.8	NA
	Class I	0.75	10	184	1.2	30
	NSF 350	1.2	16	137.5	1.6	NA
Upper Moderate 1 to 2	Septic Tank	0.4	6	350	0.7	NA
	Class I	0.5	7.5	234	1.05	60
	NSF 350	0.8	12	175	1.4	NA
Lower Moderate .6 to 1	Septic Tank	0.3	4	480	0.5	NA
	Class I	0.45	5	320	0.75	100
	NSF 350	0.6	8	240	0.25	NA
Moderately Slow (2) .2 to .6	Septic Tank	0.2	3	700	0.3	NA
	Class I	0.25	3.75	467	0.45	125
	NSF 350	0.4	6	350	0.60	NA

- (1) Not suitable for development. A variance will be considered when demonstrated that treatment will reduce the groundwater nitrate levels to less than 10 milligrams per liter leaving the property or the density of domestic wastewater disposal is less than or equal to 1 per 1.5 acres, and the effluent meets the requirements of NSF standard 40.
- (2) Systems must be pressurized utilizing a pump and indexing valve or duplex pumps alternating to each half of the seepage field or by low pressure piping distribution as specified in Section 8.04.540.

APPENDIX B - TABLE II
ESTIMATED DOMESTIC SEWAGE FLOWS

TYPE OF ESTABLISHMENT	UNIT (PER)	GALLONS PER DAY
Permanent Dwellings		
Board Houses	person	50
Boarding Schools	person	150
Institutions, other than hospitals	bed	125
Mobile Homes, individual	bedroom	200
Mobile Home Parks	space	400
Multi Family Dwellings	bedroom	200
Rooming Houses	resident	40
Single Family Dwellings	bedroom	200
Kennels	run or cage	30
Travel and Recreational Facilities		
Airports, Railway Station, Bus Stations	passenger	5
Campgrounds		
Campgrounds w/Mobile Homes	site	150
Comfort Station w/toilets & showers	space	35
Comfort Station w/toilets, no showers	space	25
Day Camps, no meals	person	25
Day Camps w/meals	person	35
Travel Trailer parks with water and sewer hook-ups	space	50
Cottages and/or Small Dwellings with seasonal occupancy	bedroom	150
Country Clubs	member	25
Highway Rest Areas	traveler	5
Hotels and Motels	bed	50
Picnic Parks	person	10
Places for Public Assembly	person	5
Swimming Pools and Bathing Beaches	person	10
Youth Camps without Cafeteria	person	50
Youth Camps with Cafeteria	person	60
Migrant Labor Camps	person	150
Sanitary Dump Station for Unsewered Site	site	20
Campgrounds with Central Bath and Toilet Facilities	space	35
Theaters		
Movie	seat	5
Drive-in	car space	10
Commercial, Industrial, and Miscellaneous		
Churches	seat	3
Churches w/kitchens	seat	6
Factories With toilets and showers	person	35
Factories With toilets, no showers	person	20
Hospitals	bed	250
Hospitals, Medical	employee	15

APPENDIX B - TABLE II
ESTIMATED DOMESTIC SEWAGE FLOWS

TYPE OF ESTABLISHMENT	UNIT (PER)	GALLONS PER DAY
Commercial, Industrial, and Miscellaneous - continued		
Hospitals, Mental	bed	150
Hospitals, Mental	employee	15
Long-Term Care Institutions	bed	125
Long-Term Care Institutions	employee	15
Prison	inmate	150
Prison	employee	15
Laundries	customer	50
Offices and other day workers	Person	15
Office and other day workers (less than 4.5 hours per day)	Person	7.5
Restaurants, with seating	seat	25
Additional for bars and cocktail lounges	Seat	5
Restaurants without seating	meal	3
Taverns	seat	20
Restaurants 24 hour	seat	50
Restaurants – additional for gas pumps	Day	1000
Event Venues Fully Catered	Person/Event	12.5
Event Venues Fully Catered with Liquor Service	Person/Event	17.5
Schools Without cafeterias or showers	person	15
Schools With cafeterias and showers	person	25
Schools With cafeterias, no showers	person	20
Service Stations	vehicle served	10
Shopping Centers	per 1000 square feet of floor area	250
Stores General	toilet	400
Retail Food Store	per 1000 square feet of floor area	250
Retail Food Store, with food preparation	per 1000 square feet of floor area	400
Retail Food Store – additional for gas pumps	day	1000

APPENDIX B – TABLE III
MINIMUM LIQUID CAPACITIES FOR SEPTIC TANKS SERVING RESIDENTIAL UNITS

Number of Bedrooms	Minimum Liquid Capacity of Tank (Gallons)	Minimum Liquid Capacity Of Tank (Gallons) When Garbage Grinder Is Used
2 or less	1000	1500
3	1250	2000
4	1500	2200
5	1750	2600
6	2000	3000
7	2250	3375

APPENDIX B - TABLE IV
MIMIMUM LATERAL SEPARATION DISTANCES (1)

NOTE: all measurements are in feet

Component Part of System	Well or Suction Line (7) from PUMP to Well	Water Supply Line Pressure	Lake, Stream, Retention Pond or other Surface Body of Water	Habitable Building With or Without Attached Garage	Covered Porches	Property Line	Field Drain Line/ Curtain Drain	Storm Water Conduit or Pipe	Drainage or Storm Water Detention Easements	Inground Swimming Pool or Hot Tub	On Ground/ Above Ground Swimming Pool or Hot Tub	Accessory Structures	Driveways or Parking Areas (5)	Under-ground Utilities	Sealed Wells	Landscape Retaining Walls Below Natural Grade or Used to Retain Fill Around Seepage Field	Fences	Decks and Patios
Solid Piping (schedule 40 or greater)	10	N/A	25	N/A	N/A	N/A	10	N/A	25	25	5	N/A	N/A	5 (7)	5	5	No Encroachment	N/A
Existing Solid Piping (schedule 40)	50	10	25	N/A	N/A	N/A	10	10	25	25	5	N/A	5	5 (7)	5	5	No Encroachment	N/A
Septic Tank, Lift station, Aerobic Treatment Plant or Other Pre-treatment Tank	50	10	25	5	5	5	10	10	25	25	5	5	5	5	5	5	No Encroachment	See note 6
Special Waste Holding Tanks	50 (3)	10	25	5	5	5	10	10	25	25	5	5	5	5	5	5	No Encroachment	See note 6
Distribution or Drop Box	75	25	50 (8)	20	20	5	20	15	25	25	10	10	5	5	5	5	No Encroachment	No Encroachment
Subsurface Seepage System (2)	75	25	50 (8)	20	20	5	20	15	25	25	10	10	5	5	5	5	No Encroachment	No Encroachment
Subsurface Seepage System Classified as a Class V Injection Well (2)	200 (4)	25	50 (8)	20	20	5	20	15	25	25	10	10	5	5	5	5	No Encroachment	No Encroachment
Sand Filter (2)	75	25	50 (8)	20	20	5	20	15	25	25	10	10		5	5		No Encroachment	No Encroachment
Chemical Toilet	10	N/A	25	5	5	5	N/A	N/A	25	10	N/A	5	N/A		N/A	N/A	N/A N/A	N/A
Privy	75	N/A	25	20	20	5	10	N/A	25	25	10	10	N/A	N/A	N/A	N/A	No Encroachment	N/A

NOTES CORRESPONDING TO TABLE IV

- (1) These distances have been determined for use in clay and loam soils only. The minimum distances required for use in sand or other types of soil shall be determined for the proposed private sewage disposal system and approved by this Department. Such approval will be given where the Department determines that the soil will provide treatment of the sewage.
- (2) Separation distances are measured from the bottom of trench or aggregate of a type 1, 2, or 3 system, the aggregate of a type 4 system or the sand fill of a type 5 system.
- (3) The minimum separation distance shall be 200 feet if the special waste holding tank meets the criteria of a potential secondary source as defined.
- (4) A lesser separation distance (75') may be obtained with approval or a waiver from the IEPA.
- (5) A drive way or parking area may be closer than 5', provided a permanent barrier to prevent trafficking over the septic system is provided and is not located over any portion of the septic system.
- (6) Decks shall be allowed over septic tanks, aeration devices and lift stations provided that access is maintained at each access point for maintenance and repair, and that the deck does not encroach upon the soil absorption or designated expansion areas. Piers or posts supporting decks may not be located on top of the septic tank, pre-treatment unit or lift station. For decks greater than or equal to five (5) feet above the ground surface, the space below the deck will be considered the access. Patios shall be allowed over septic tanks, aeration devices and lift stations provided that free access to all of the portals is provided.
- (7) A force main, manifold or building sewer may be located less than 5 feet from a utility conduit, provided the force main, manifold or building sewer is sleeved within a larger diameter Schedule 40 or heavier solid pipe for any portion less than 5 feet from the utility.
- (8) In regard to detention and retention ponds, the 50-foot separation is required from the normal water level. A 25-foot separation is required from the high water level.

APPENDIX B – TABLE V
STANDARDS FOR SEEPAGE FIELD CONSTRUCTION

Trench length, maximum length from point of discharge into seepage trench	100 feet
Trench bottom, minimum width	12 inches
Trench bottom, maximum width	36 inches
Trench bottom, minimum depth	18 inches
Trench bottom, maximum depth	36 inches
Trench bottom, slope	level
Distribution line, minimum diameter	4 inches ¹
Distribution line, minimum earth cover	6 inches
Distribution line, maximum earth cover	24 inches
Distribution line, maximum slope	level
Distribution line, maximum length (from header line)	100 feet

¹. Unless system is fed by means of pressurized distribution

APPENDIX B – TABLE VI
SIZE AND SPACING FOR GRAVEL SEEPAGE FIELD CONSTRUCTION

Width of Trench at Bottom (inches)	Minimum Center to Center Spacing of distribution Lines (feet)	Effective Absorption Area Per Lineal Foot of Trench (square feet)
12	6.0	1.0
18	7.0	1.5
24	7.0	2.0
30	8.0	2.5
36	9.0	3.0

APPENDIX B – TABLE VII
SIZING OF AEROBIC TREATMENT PLANTS

Bedrooms	Minimum Rated Treatment Capacity – Gallons
1	500
2	500
3	500
4	500
5	750
6	900
7	1000
8	1200
9	1350
10	1500

APPENDIX B - TABLE VIII
VARIANCES TYPICAL FOR PRIVATE SEWAGE DISPOSAL SYSTEMS TO SERVE NEW CONSTRUCTION

When circumstances exist which make impractical full compliance with the requirements of the Ordinance, an applicant may request a variance. Each variance request is reviewed in conjunction with the specific on-site conditions. It should not be assumed that a variance will automatically be granted. The following table provides general guidelines for variances which may be considered for private sewage disposal systems for new construction:

All measurements are in feet

System Component	Minimum Separation with a Variation Granted					
	Water Line Under Pressure	Dwelling	Property Line	Accessory Structure, Above or on ground Pool or hot tub	Fences	Criteria
Building Sewer	See Table IV	N/A	N/A	2.5	Above ground floating fence panels may encroach provided support piers and post footings do not	Amount of area available, location of adjacent dwellings, water wells, etc.
Septic Tank, Pretreatment Device or Lift Station	5	5	2.5	2.5	Above ground floating fence panels may encroach provided support pier and posts or footings are not located on the tank and panels do not restrict access to the tank lids	Amount of area available, location of adjacent dwellings, water wells, etc.
Distribution or Drop Box	12.5	10 (1)	2.5	5	No Variance	Amount of area available, soil permeability, site topography, locations of adjacent dwellings, water wells, etc.
Subsurface Seepage System	12.5	10 (1)	2.5	5	Above ground floating fence panels may encroach provided support piers and post footings do not	Amount of area available, soil permeability, site topography, locations of adjacent dwellings, water wells, etc.

Note: 1. Typically granted in moderate soil permeabilities where space is limited. Typically not granted in moderately rapid or rapid soil permeabilities, or when the septic system is upgradient of the dwelling.

APPENDIX B - TABLE IX
SIZE AND SPACING FOR GRAVELLESS CHAMBER SEEPAGE FIELD CONSTRUCTION

Chamber Dimensions – Average Inside Bottom Dimension	Minimum Center to Center Spacing of Distribution Lines	Effective Absorption Area Per Lineal Foot of Trench (square feet)
1.6 ft. – 2.42 ft.	9.0 feet	3.0
2.43 ft. or greater	9.0 feet	4.0

APPENDIX C

- A. Table X – Perforation Discharge Rates
- B. Table XI – Friction Loss in Schedule 40 Plastic Pipe
- C. Table XII – Storage Capacity of Schedule 40 Plastic Pipe
- D. Illustrations

APPENDIX C - TABLE X
PERFORATION DISCHARGE RATES IN GALLONS PER MINUTE VERSUS
PERORATION DIAMETER AND IN-LINE PRESSURE

In-Line Pressure (ft)	Perforation Diameter (in)					
	3/16"	1/4"	5/16"	3/8"	7/16"	1/2"
1.0	0.42	0.74	1.15	1.66	2.26	2.95
1.1	0.44	0.77	1.20	1.73	2.36	3.08
1.2	0.45	0.80	1.25	1.81	2.46	3.21
1.3	0.47	0.84	1.31	1.88	2.56	3.35
1.4	0.48	0.87	1.36	1.96	2.66	3.48
1.5	0.50	0.90	1.41	2.03	2.76	3.61
1.6	0.52	0.93	1.45	2.09	2.85	3.72
1.7	0.54	0.96	1.50	2.15	2.93	3.83
1.8	0.55	0.98	1.54	2.22	3.02	3.95
1.9	0.57	1.01	1.59	2.28	3.10	4.06
2.0	0.59	1.04	1.63	2.34	3.19	4.17
2.1	0.60	1.07	1.67	2.40	3.27	4.27
2.2	0.62	1.09	1.71	2.45	3.34	4.37
2.3	0.63	1.12	1.74	2.51	3.42	4.46
2.4	0.65	1.14	1.78	2.56	3.49	4.56
2.5	0.66	1.17	1.82	2.62	3.57	4.66
2.6	0.67	1.19	1.85	2.67	3.64	4.75
2.7	0.68	1.21	1.89	2.72	3.71	4.84
2.8	0.70	1.24	1.92	2.77	3.77	4.92
2.9	0.71	1.26	1.96	2.82	3.84	5.01
3.0	0.72	1.28	1.99	2.87	3.91	5.10
3.1	0.73	1.30	2.02	2.92	3.97	5.18
3.2	0.74	1.32	2.05	2.96	4.03	5.26
3.3	0.75	1.34	2.09	3.01	4.10	5.35
3.4	0.76	1.36	2.12	3.05	4.16	5.43
3.5	0.77	1.38	2.15	3.10	4.22	5.51
3.6	0.78	1.40	2.18	3.14	4.28	5.59
3.7	0.79	1.42	2.21	3.18	4.34	5.66
3.8	0.81	1.43	2.24	3.23	4.39	5.74
3.9	0.82	1.45	2.27	3.27	4.45	5.81
4.0	0.83	1.47	2.30	3.31	4.51	5.89
4.1	0.84	1.49	2.33	3.35	4.57	5.96
4.2	0.85	1.51	2.36	3.39	4.62	6.03
4.3	0.87	1.52	2.38	3.44	4.68	6.11
4.4	0.88	1.54	2.41	3.48	4.73	6.18
4.5	0.89	1.56	2.44	3.52	4.79	6.25
4.6	0.90	1.58	2.47	3.56	4.84	6.32
4.7	0.91	1.60	2.49	3.60	4.89	6.39
4.8	0.92	1.61	2.52	3.63	4.94	6.45
4.9	0.93	1.63	2.54	3.67	4.99	6.52
5.0	0.94	1.65	2.57	3.71	5.04	6.59

APPENDIX C - TABLE XI
FRICTION LOSS IN SCHEDULE 40 PLASTIC PIPE
(Feet of Head Loss per 100 feet)

Flow (gpm)	Pipe diameter (inch)				
	1 1/4	1 1/2	2	3	4
10	1.46	0.70	0.21		
11	1.77	0.84	0.25		
12	2.09	1.01	0.30		
13	2.42	1.17	0.35		
14	2.74	1.33	0.39		
15	3.06	1.45	0.44	0.07	
16	3.49	1.65	0.50	0.08	
17	3.93	1.86	0.56	0.09	
18	4.37	2.07	0.62	0.10	
19	4.81	2.28	0.68	0.11	
20	5.23	2.46	0.74	0.12	
25		3.75	1.10	0.16	
30		5.22	1.54	0.23	
35			2.05	0.30	0.07
40			2.62	0.39	0.09
45			3.27	0.48	0.12
50			3.98	0.58	0.16
60				0.81	0.21
70				1.08	0.28
80				1.38	0.37
90				1.73	0.46
100				2.09	0.55
125					0.85
150					1.17
175					1.56

APPENDIX C - TABLE XII
STORAGE CAPACITY OF SCHEDULE 40 PVC PIPE

Pipe Diameter (inches)	Storage Capacity (gallons per 100 feet)
1	4.1
1.25	6.4
1.5	9.2
2	16.3
2.5	25.5
3	36.7

ILLUSTRATIONS

- A. Illustration 1: System Types
- B. Illustration 2: Water Table Observation Well Construction
- C. Illustration 3: At Grade System Design Sloping Site
- D. Illustration 4: At Grade System Design Level Site
- E. Illustration 5: Mound Design on a Level Site
- F. Illustration 6: Mound Design on a Sloping Site

ILLUSTRATION 1 SYSTEM TYPES

Also see Table 1 and Corresponding Notes

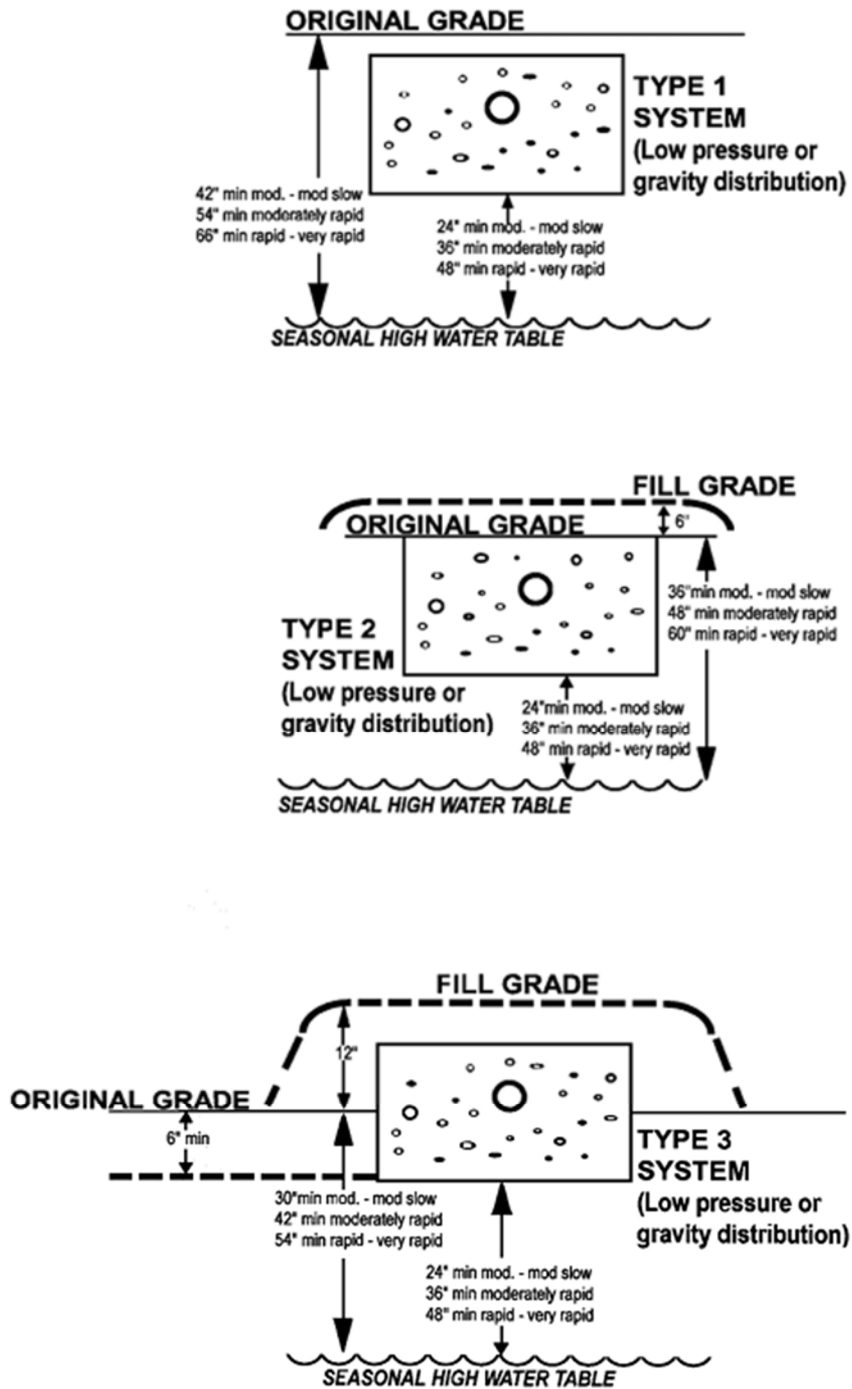


ILLUSTRATION 2 – WATER TABLE OBSERVATION Well Construction

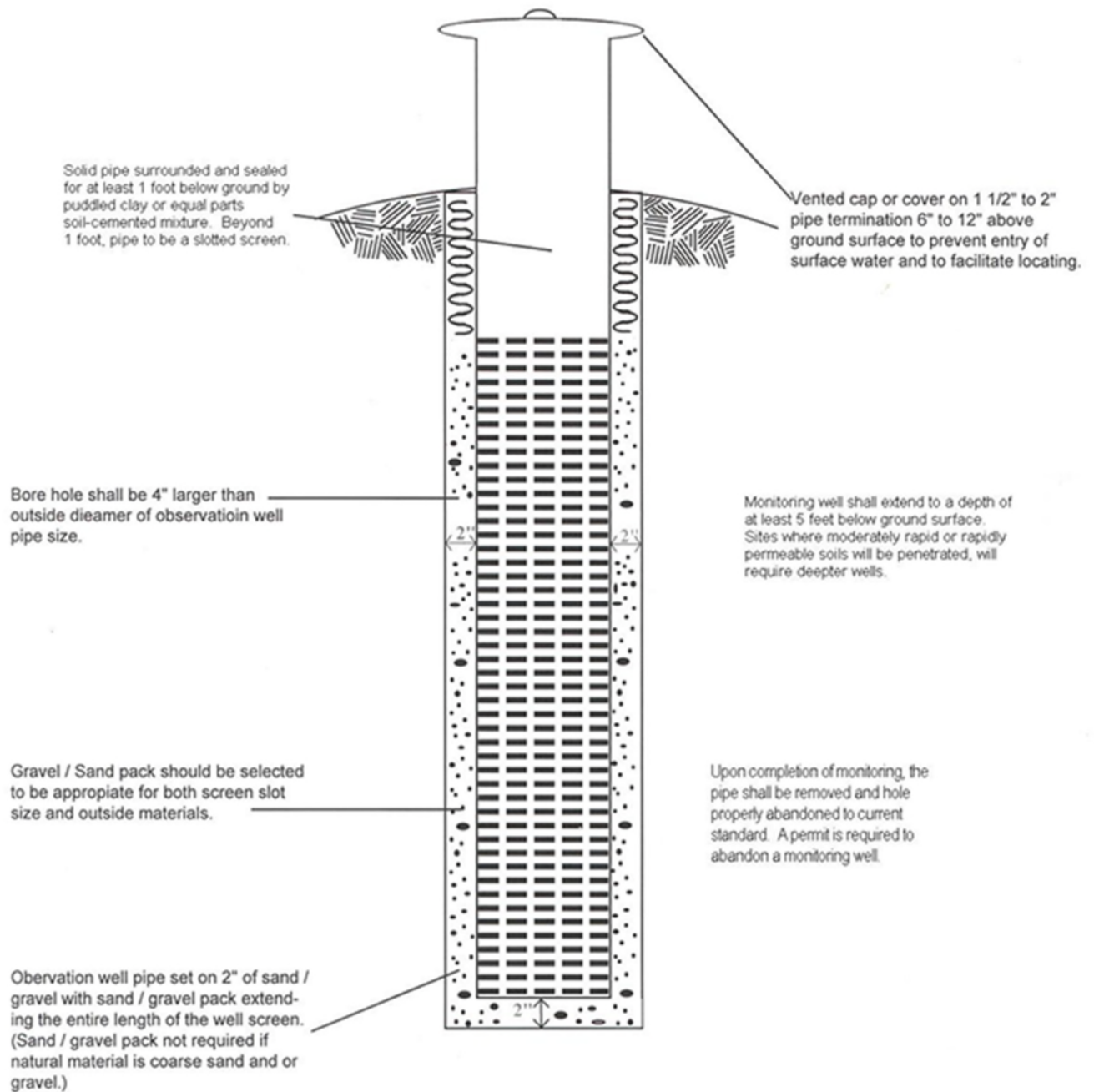
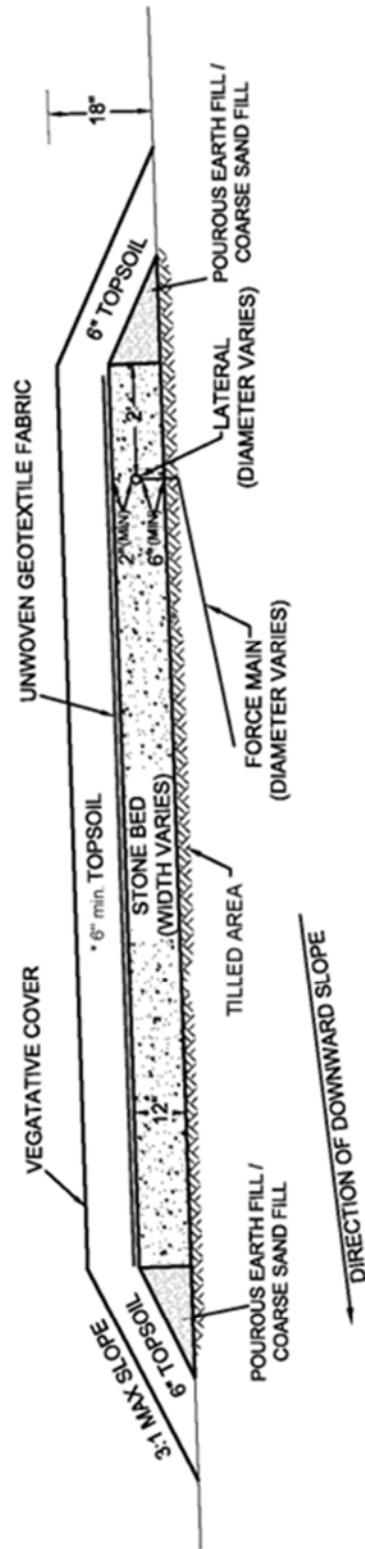
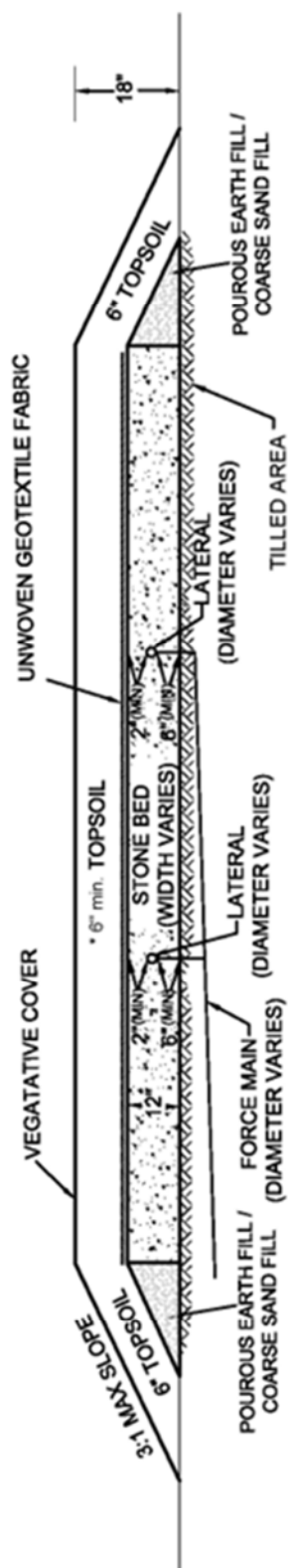


ILLUSTRATION 3
TYPE IV AT GRADE SYSTEM ON SLOPING SITE
(NOT TO SCALE)



*Additional topsoil as required to provide drainage

ILLUSTRATION 4
TYPE IV AT GRADE SYSTEM ON LEVEL SITE
(NOT TO SCALE)



• Additional topsoil as required to provide drainage

ILLUSTRATION 5
TYPE V MOUND SYSTEM ON LEVEL SITE
(NOT TO SCALE)

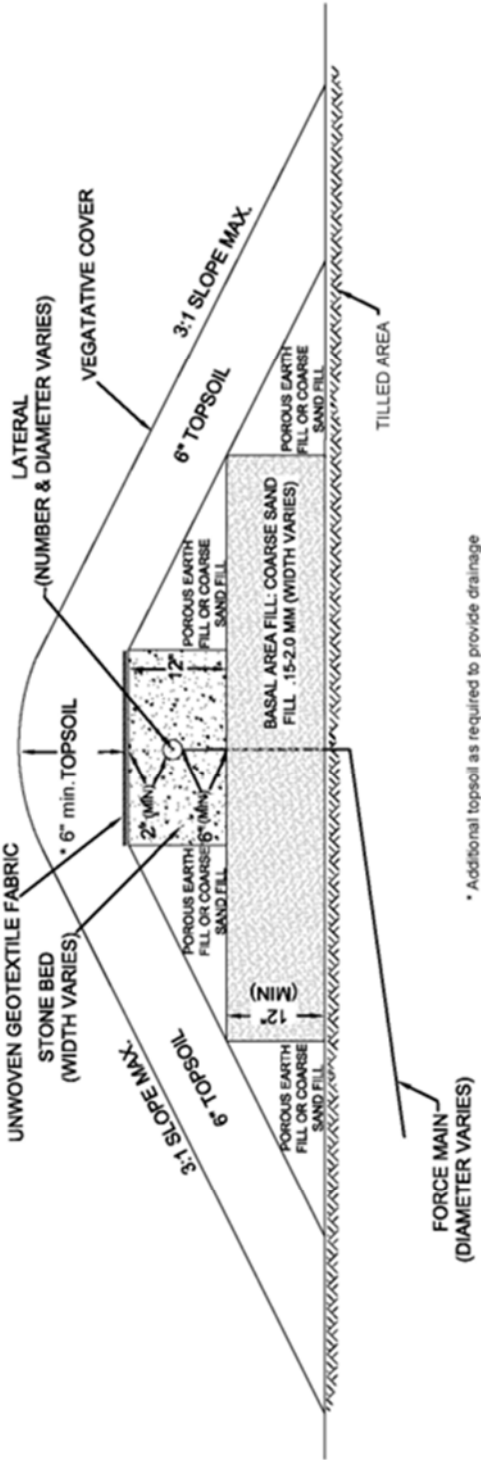
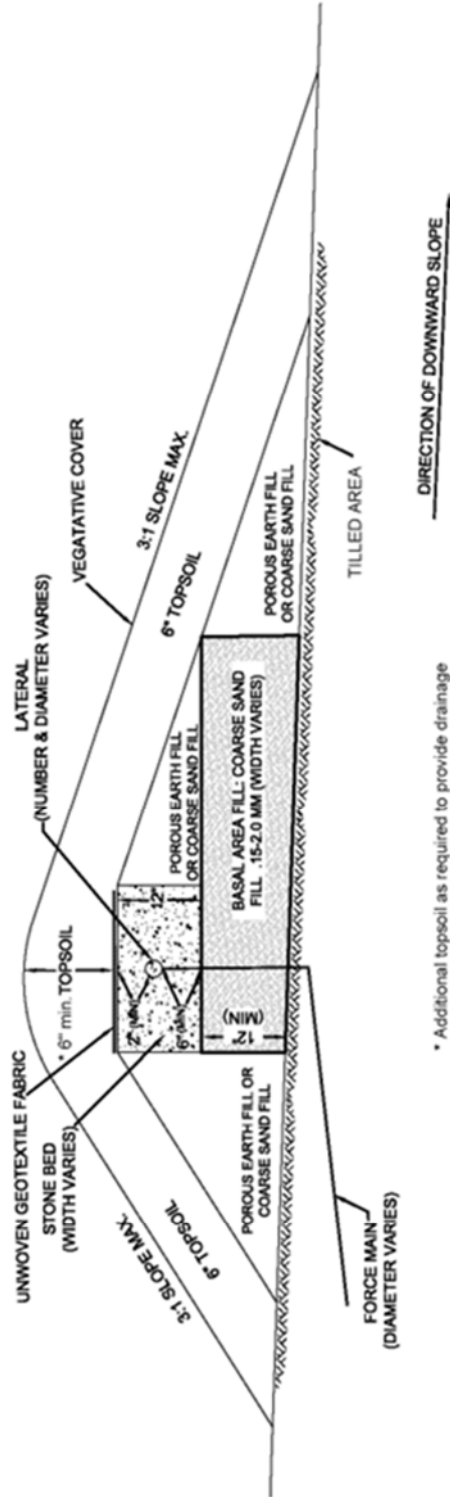


ILLUSTRATION 6
TYPE V MOUND SYSTEM ON SLOPING SITE
(NOT TO SCALE)



**PUBLIC HEALTH ORDINANCE FOR
McHENRY COUNTY ILLINOIS**

McHENRY COUNTY DEPARTMENT OF HEALTH

ARTICLE V

PRIVATE, SEMI-PRIVATE, CLOSED LOOP, AND NON-COMMUNITY

WATER WELLS

Approved: July 21, 2026

Effective Date: August 1, 2026

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PUBLIC HEALTH ORDINANCE FOR

McHENRY COUNTY ILLINOIS

McHENRY COUNTY DEPARTMENT OF HEALTH

ARTICLE V - PRIVATE, SEMI-PRIVATE, CLOSED LOOP, AND NON-COMMUNITY WATER WELLS

§ 8.04.740 GENERAL PROVISIONS

- A. Title.** This Ordinance shall be known and cited as “The McHenry County Private, Semi-Private, Closed Loop and Non-Community Water Well Ordinance” (hereinafter the “Ordinance”).
- B. General Rule.** Construction of a potable water well shall not be permitted on property where a community public water supply is reasonably available. If a community public water supply is not reasonably available, then every residence, business, habitable building, or enterprise shall be provided with a water well in conformance with the provisions set forth in this Ordinance.
- C. Closed Loop or Irrigation Well.** A permit may be issued for a closed loop or irrigation well, when a community public water supply is reasonably available, provided that the owner/operator of the community public water supply provides written confirmation of no objection.

Definitions: See § 8.04.010 of Article I.

§ 8.04.760 INCORPORATED MATERIALS

This Ordinance adopts by reference the Illinois Water Well Construction Code effective August 30, 2022 and as amended from time to time, and the Illinois Water Well Pump Installation Code effective April 1, 1998 and as amended from time to time.

§ 8.04.770 GENERAL REQUIREMENTS

- A. Owners Responsibility.** The owner of each property where people live, work, or assemble shall provide a potable water supply sufficient in quantity and pressure to adequately serve all plumbing fixtures. No water well shall be put into use until it has been approved by the Health Authority.
- B. Building Occupancy.** No person shall occupy or permit occupancy of any building not in compliance with Paragraph A above.
- C. Authorized Constructor Responsibilities:** It is the responsibility of the Authorized Constructor to install the well per the approved design, and to notify the Health Authority of any discrepancies between the installation site and the approved design. Failure to install the well per the approved design or to notify the Health Authority of such discrepancies constitutes a violation of this Ordinance by the Authorized Constructor.

D. Off-Site Water Wells: A potable private, semi-private or non-community well or a closed loop well located on a separate property from the structure or structures to be served, must meet one of the following conditions:

- a. The well is located on common property under joint ownership of the users and a deed restriction has been recorded with the McHenry County Recorder of Deeds ensuring the property will remain under common ownership; or
- b. A well easement has been established granting access to all users for installation, operation, repair, sampling, disinfection, and maintenance of the water well. The easement must be recorded at the McHenry County Recorder of Deeds.

E. Shared Wells: In addition to meeting the requirements of § 8.04.770 ¶ D above, a shared well, serving more than one property, shall meet the following conditions:

- a. Separate pumps, pitless adaptors, electrical services and water service lines shall be installed for each of the properties to be served by the water well.
- b. Confirmation must be provided from the licensed water well installation contractor or a licensed geologist that the estimated yield of the water well will be sufficient to serve each of the structures utilizing the water well.
- c. All shared water well users shall be notified prior to disinfection of the shared water well.

F. New Construction: Water wells to serve new construction, as defined, shall be in compliance with the requirements of Article V for new water wells or new well plans approved for the new construction prior to the issuance of the building permit or modification of the water well.

G. Exemptions:

1. Structure Destroyed or Unsound: In the event a structure is destroyed by 50% or more of the existing habitable square footage by fire, wind, or water; or 50% or more of the existing habitable square footage is determined by a Licensed Architect or Structural Engineer to be unsound; it shall be eligible for a replacement structure if the property cannot support a water well meeting Article V new construction requirements. A replacement residential structure must be of the same number of bedrooms and can be up to 50% larger in habitable square footage than the original structure. A Licensed Architect or Structural Engineer shall issue a certificate as to the condition of the structure to the Health Authority.

2. Additions Greater Than 50% or Replacement Structures:

- a. Construction of an addition greater than 50% of the habitable square footage of the existing structure, or a replacement structure with no additional bedrooms, requires the water well serving the structure to be in acceptable condition, as defined, as confirmed by an evaluation provided by a Licensed Water Well Installation Contractor, Licensed Professional Engineer or Licensed Environmental Health Practitioner; or
- b. New well plans must have been approved by the Department for the structure.

- H. **Construction Impact Reviews:** Prior to construction, a construction impact review (health review) must be completed when historical permit documentation is not available to confirm that the proposed construction of an addition, remodel, accessory structure, etc., will comply with Ordinance requirements related to private, semi-private, non-community and non-potable water wells. An application, on forms provided by the Department, must be submitted with a site plan detailing the work to be done and setback distances to water wells and private sewage disposal components. A health review fee, as outlined in the Public Health Fee Ordinance, is required.
- I. **Maintenance:** All components of a water well shall be maintained in good working order. Components that are deteriorated, missing or otherwise in a condition which no longer functions properly, shall be repaired or replaced in compliance with this Ordinance.

§ 8.04.780 FINISHING AND TESTING

- A. **Water Samples.** After a well has been constructed, modified or repaired, the property owner shall be responsible to ensure a water sample is submitted to the Department or other laboratory approved by the Illinois Department of Public Health and analyzed within 30 days after the pump is installed. Laboratory analysis shall include at least a test for Total Coliform bacteria, *E. coli* bacteria, Nitrates (quantified if over 10 mg/l), arsenic, and total chlorine (quantified). A copy of all laboratory analyses performed shall be provided to the Department prior to the final approval of the well. The sample analysis form shall include sample location and the name of the person taking the sample. Prior to final approval of the well installation, modification or repair, an *E. coli* negative water sample is required. The Department will provide the property owner with information and recommendations for nitrate levels above 10 parts per million; arsenic levels above 10 parts per billion; and the presence of total coliform bacteria.
- B. The Department reserves the right to require additional parameters be tested if groundwater contamination is suspected. The Department also reserves the right to take water samples from any or all locations for which water well permit applications have been submitted.
- C. After a well has been drilled for which a variance has been issued, the property owner shall be responsible to ensure two water samples are submitted to the Department or other laboratory approved by the Illinois Department of Public Health and analyzed for the parameters listed in Paragraph A above. The first sample shall be submitted within 30 days after the pump is installed; the second sample shall be submitted within 60 days after start-up of the pump, but not less than 30 days after collection of the first sample. An arsenic analysis is not required for the second sample.
- D. A water sample is not required after the installation of a non-potable water well.

§ 8.04.790 PERMIT REQUIREMENTS

- A. No person shall construct, deepen, modify, cap, or seal a water well until a permit has been issued by the Department. Applications for permits shall be in writing on forms provided by the Department and shall be signed by the applicant and property owner if different from the applicant.
- B. **Permit fee.** No permit shall be issued until the appropriate permit and inspection fees, as set forth in the Public Health Fee Ordinance, have been paid.
- C. **Application Requirements:** Application for permit to construct, modify or seal a well shall be accompanied by a plan, prepared by a qualified designer, as defined, and drawn to scale and fully dimensioned with specifications as necessary to fully describe the system. The plan shall bear

the signature, license number and license expiration date of the qualified designer. The qualified designer shall be responsible for the accuracy of all of the information provided on the plan. The plan shall show the locations of the following (whether existing or proposed) and all other sources of contamination and an indication of the type of contamination source:

1. Existing and/or proposed well;
 2. Lot boundaries;
 3. Direction of slope;
 4. Underground utilities;
 5. Overhead utilities that may impact well placement;
 6. Trees that may impact well placement;
 7. Abandoned wells;
 8. Storm water structures;
 9. Private sewage disposal system components;
 10. Sanitary and storm sewer line(s);
 11. Buildings;
 12. Driveways;
 13. Vehicular barriers, if required;
 14. Sidewalks and patios;
 15. Location and type of private sewage disposal system components within 200 feet of the proposed water well and sewer lines within 50 feet of the proposed water well; and
 16. Plat of Survey (not required for well sealing only permit applications).
- D. Evidence to demonstrate that a community water supply is not reasonably available to the property.
- E. **Pending Permit Applications:** Permit applications that are pending approval due to insufficient information or require revision due to non-compliance with Ordinance requirements, are subject to cancellation, after notification to the applicant, if the permit application is inactive for six (6) months.
- F. **Vehicular Barriers:** Water wells (excluding closed loop wells) located within five (5) feet of a parking area of driveway shall be protected by a permanent barrier to prevent vehicle traffic from damaging the well.

- G. High Capacity Water Wells:** When a high capacity water well is proposed, a hydrological assessment shall be provided by a Licensed Professional Geologist or Licensed Professional Engineer to confirm that the proposed water well complies with Section 920.40 d of the Illinois Water Well Construction Code. The assessment shall include the following information at a minimum:
1. Availability of sufficient water quantity.
 2. Estimated potential area of influence at a maximum sustained draw from the proposed well.
 3. Any potential negative influences from the proposed well on surrounding water wells in the estimated area of influence with regards to water quantity or quality. Potential negative influences for consideration shall include but not be limited to insufficient water quantity and documented ground water contamination sites and remediation efforts within the influenced area.
 4. The potential impact to any water fed sensitive receiving environments (i.e. wetlands, fens, etc.) within the estimated area of influence.
 5. Recommendations for the construction and location of the proposed well to safely and responsibly furnish the desired water quantity.
- H. Water well plan or blueprint:** When a well plan or blueprint is submitted for review, one copy is required.
- I. Completion of Work:** Once initiated, all work proposed under an approved permit application shall be completed within 12 months unless an extension has been granted by the Department.
- J. Extension of Permit:** A six-month extension may be granted, prior to expiration of the permit, upon written request from the permit applicant, and payment of the fee established in Article VII.
- K. Permit Approval:** The Department shall grant permit requests which meet the requirements of the Act and this Part.
- L. Critical Variances:** When a critical variance (as defined) is granted for a new, replacement or modified water well, the critical variance(s) must be recorded as covenant(s) running with the land with the McHenry County Recorder of Deeds.
- M. Inspections.** Department personnel shall have access to the property any time after a permit application has been filed in order to determine satisfactory compliance with the provisions set forth in this Ordinance. Access shall be deemed essential for, but not limited to, the following:
1. On-site layout review
 2. Any stage of construction or modification of a system; and
 3. Final inspection.
- N. Water Well Sealings by Homeowners and Environmental Consultants:** Department staff shall be present when a water well is sealed by a homeowner or environmental consultant.

- O. Notification.** Any person who constructs, deepens, modifies, or seals a water well, for which a permit has been issued under this Ordinance, shall notify the Department by telephone or in writing at least two days prior to commencement of the work.
- P.** The Department may impose conditions on a permit approval (e.g. temporary water wells to be sealed, ensuring access for maintenance, etc.) Failure to fulfill the conditions of the permit approval represents a violation of this Ordinance.

§ 804.795 NON-POTABLE WATER WELLS

The following are required for every non-potable water well:

- A.** The owner of every non-potable water well shall maintain a registration of that well on forms provided by the Department.
- B.** Upon receipt of a non-potable water well registration, Department staff shall conduct an inspection of the non-potable water well to confirm the following:
 - 1.** The location of the water well in relationship to property lines, structures, and potential sources of contamination.
 - 2.** That the water well is operable.
 - 3.** That the water well has no sanitary defects.
 - 4.** That the water well is physically isolated from the potable water supply unless a backflow prevention device is provided, if allowed by and installed per the Illinois Plumbing Code. Staff may request inspection assistance from a licensed plumbing inspector.
 - 5.** If any plumbing fixtures or equipment are attached to the non-potable water well, the well shall have approved backflow prevention devices or vacuum breakers in compliance with the Illinois Plumbing Code.
- C.** At least once every three (3) years, the owner of every non-potable water well shall have the water well inspected by a licensed water well installation contractor. An inspection report shall be completed, using an inspection form provided by the Department. At a minimum, the inspection shall confirm compliance with the requirements of § 8.04.795 ¶ B above. The inspection report shall be submitted to the Department within 30 days after the inspection is completed.

§ 8.04.800 SHORT-TERM RENTAL PROPERTIES

Owners of short-term rental properties, served by individual water wells, shall ensure that the water well is sampled at least annually. Analysis of the sample shall be conducted by a laboratory approved by the Illinois Department of Public Health. Laboratory analysis shall include a test for coliform bacteria, *E. coli* bacteria and nitrates (quantified if over 10 mg/l.) Positive coliform, *E. coli* results, or elevated nitrate levels shall be posted at the site until the condition is remediated.

§ 8.04.805 ADMINISTRATION

- A. Powers and duties of the Department**

1. To make such inspections as are necessary to determine satisfactory compliance with this Ordinance.
2. To cause investigations to be made when a violation of any provision of this Ordinance is reported to the Department.
3. 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 this Ordinance.
4. To institute or cause to be instituted legal proceedings in the Circuit Court of McHenry County, in cooperation with the State's Attorney's Office, where a condition presents a hazard to the public health or represents a violation of this Ordinance.

B. Violations: Notices of Violation shall be issued per §8.04.030 ¶ E of Article I.

C. Revocation or Suspension of Permit. The Department shall have the authority to revoke or suspend a permit when it is issued in error or where any provision of this Ordinance is 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.

D. Penalty. Any person who violates this Ordinance or who violates any determination or order of the Health Authority under this Ordinance shall be subject to the penalties and injunctive relief per §8.04.050 of Article I.

E. Invalidity. Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

F. Conflicting Ordinances. In any case where a provision of this Ordinance is found to be in any conflict with a provision of any zoning, building, or safety Ordinance or Code in force or adopted subsequent to the effective date of this Ordinance, the more stringent provision, as determined by a court of competent jurisdiction, shall prevail.

G. Effective Date. This Ordinance shall be in full force and effect from the date of its adoption.

§ 8.04.810 FEE STRUCTURE

The fee structure is set forth in the Public Health Fee Ordinance.

**PUBLIC HEALTH ORDINANCE FOR
McHENRY COUNTY ILLINOIS**

McHENRY COUNTY DEPARTMENT OF HEALTH

ARTICLE VI

ANIMAL CONTROL

APPROVED DATE: July 21, 2026

EFFECTIVE DATE: August 1, 2026

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**PUBLIC HEALTH ORDINANCE FOR
McHENRY COUNTY ILLINOIS**

McHENRY COUNTY DEPARTMENT OF HEALTH

ARTICLE VI – ANIMAL CONTROL

§ 8.04.820 GENERAL PROVISIONS See § 8.04.010 Article I

A. Scope: This Ordinance shall include the following provisions:

1. Duties of owners to control all animals, domestic, exotic, or zoo animals, in their custody;
2. Duties of owners to vaccinate all dogs or cats four months of age and older in their custody against rabies;
3. Duties of owners to register all dogs or cats in their custody with the Department;
4. Duties of the Animal Control Administrator in cases of dog and cat quarantine;
5. Provisions for impoundment or confinement of biting animals, dangerous or vicious dogs, animals running at large, animals owned by reckless dog owners, abandoned or cruelly treated animals, and/or animals that otherwise constitute either a public health and/or safety threat, a public nuisance, or public charge; and
6. Provisions for penalties and fines for owners who cruelly treat or neglect animals in their possession.

B. This Ordinance references the Illinois Animal Control Act, 510 ILCS 5/1 and the Illinois Humane Care for Animals Act, 510 ILCS 70/1 and as amended from time to time.

C. Nothing in this Ordinance affects normal, good husbandry practices utilized by any person in the production of food, companion or work animals, or in the extermination of undesirable pests. (510 ILCS 70/13).

§ 8.04.830 DEFINITIONS See § 8.04.010 Article I

§ 8.04.835: APPOINTMENTS

- A. The appointment of the (Animal Control) Administrator** shall be made by the County Board Chairman with the consent of the County Board. Appointments shall be made as necessary to keep this position filled at all times. The Administrator may appoint as many Deputy Administrators and Animal Control Officers to aid him or her as authorized by the Board. The compensation for the

Administrator, Deputy Administrators, and Animal Control shall be fixed by the Board. The Administrator may be removed from office by the County Board Chairman, with the consent of the County Board. The Board shall provide necessary personnel, training, equipment, supplies, and facilities, and shall operate pounds or contract for their operation as necessary to effectuate the program. The Board may enter into contracts or agreements with persons to assist in the operation of the program.

1. The Board shall be empowered to utilize monies from their General Corporate Fund to effectuate the intent of the Animal Control Act.
2. The Board is authorized by ordinance to require the registration and microchipping of dogs and cats and shall impose an individual animal and litter registration fee. All persons
3. selling dogs or cats or keeping registries of dogs or cats shall cooperate and provide information to the Administrator as required by Board ordinance, including sales, number of litters, and ownership of dogs or cats.

§ 8.04.840 PERMITS, LICENSES, REGISTRATIONS

A. County Dog or Cat Registration:

1. Every owner (except for Animal Control Facilities licensed by the Illinois Department of Agriculture) of a dog or cat four months or more of age shall register such dog or cat and shall pay an annual registration fee for said dog or cat to the McHenry County Department of Health. Upon payment of the required fee, as set forth in the Public Health Fee Ordinance, and compliance with **§8.04.890** of this Ordinance, a registration tag shall be issued. All registration tag sales are final, and no refunds will be issued.
2. When an owner fails to register his or her dog or cat, McHenry County Animal Control shall cause the registration fee and late fee to be collected from the owner.
3. Whenever a dog or cat owner has a Veterinarian's Certificate indicating that a three (3) year rabies vaccine recognized by the United States Department of Agriculture has been administered, that dog or cat owner may elect to purchase a one-year or three-year registration tag at a fee designated in the Public Health Fee Ordinance.
4. If a licensed veterinarian determines in writing that a rabies vaccination would compromise an animal's health, then the animal shall be exempt from the rabies vaccination requirement, but the owner is still responsible for obtaining a registration tag and paying the registration fee. That dog or cat owner may only purchase a one-year registration tag.

B. Registration Tags - Unlawful Possession: Registration tags shall not be transferred from one dog or cat to another, nor shall a person affix a registration tag to a dog or cat other than the animal for which the tag was issued. A person shall not counterfeit, alter, obliterate, or attempt to counterfeit, alter, or obliterate any rabies registration tag or vaccination certificate.

C. Late Registration: Failure of an owner to register his or her dog or cat within 30 days of rabies vaccination will result in an additional late fee as specified in the Public Health Fee Ordinance.

D. Medical exemption: If a licensed veterinarian establishes in writing that a rabies inoculation would compromise a dog or cat's health, and it is determined that the dog or cat is exempt from the rabies inoculation requirement, then the owner must register the dog or cat as medically exempt within 30 days after the determination. The McHenry County Animal Control will furnish the owner with a medically exempt registration tag, which shall be valid for a period of one year.

- E. New County Resident:** When a person moves into McHenry County and has a current vaccination and registration tag from the County from which they moved, that person shall register his or her dog or cat with McHenry County within 60 days of the date he or she moved to McHenry County. Such registration may be obtained at the cost of a replacement tag as designated in the Public Health Fee Ordinance. Registration tags issued are based on the vaccination date, but in no case shall tags issued at the replacement tag cost be valid for more than 12 months.
- F. Former County Resident:** When a person moves from McHenry County, that person shall notify Animal Control in order to remove his or her dog or cat registration information from the database.
- G. Change of Ownership:** When the ownership of a dog or cat changes, the new owner shall register the dog or cat within thirty (30) days of the change of ownership. Change of ownership may be proven by a bill of sale, evidence of the previous registration or letter from the previous owner transferring the ownership of the dog or cat.
- H. Registration Tags:** Rabies vaccination tags approved by the Illinois Department of Agriculture shall bear the following inscription: Rabies Vaccination; tag number _____; Illinois Department of Agriculture; name of County and year. This tag shall also serve as the registration tag and no dog or cat shall be deemed officially rabies vaccinated unless the owner has obtained this tag along with the official vaccination certificate signed by a veterinarian. Such tags shall be worn on the collar or harness of the dog for which the tag and certificate was issued except when confined. Each year will be distinguished by a tag of a color prescribed by the Illinois Department of Agriculture.
- I. Breeder Registration:** An individual breeder's registration and each individual breeding dog or cat may be registered annually with the Department on the forms provided and fee paid per the schedule detailed in the Public Health Fee Ordinance. The exception to this requirement would be if the owner of multiple intact animals elects to purchase registration tags under **§ 8.04.840** of this Ordinance.
- J. Schedule of Fees:** The Animal Control Administrator of McHenry County may waive or reduce any fee detailed in the McHenry County Department of Health Public Health Fee Ordinance for any of the following:
 - 1. Inability to pay (financial hardship)
 - 2. Community-wide promotion
 - 3. Public health emergency or community disaster
 - 4. Animal census exceeds shelter capacity

§ 8.04.850 INSPECTIONS

- A. Access to Premises:** For the purpose of carrying out the provisions of this Ordinance and making inspections hereunder, the Animal Control Administrator, or his or her authorized agent, or any officer of the law may enter upon private premises, subject to constitutional restrictions on reasonable searches and seizures.
- B.** If entry is refused or not obtained, the Animal Control Administrator or authorized agent is authorized to pursue recourse as provided by law. Entry shall not be made into any building that is a person's residence, to apprehend a straying dog or other animal, a dangerous or vicious dog or other animal, or a dog or other animal thought to be infected with rabies. If after a request for entry is made, the owner of such dog or other animal refuses to deliver the dog or other animal to the officer, the owner shall be in violation of this Ordinance and the Illinois Animal Control Act.

§ 8.04.860 DANGEROUS, VICIOUS, AND POTENTIALLY DANGEROUS DOGS; AND RECKLESS DOG OWNER

A. Dangerous Dog Determination:

1. The Animal Control Administrator or his or her authorized agent may initiate a dangerous dog investigation to determine whether a dog is dangerous. A dog may be deemed dangerous if it is:
 - a. any individual dog anywhere other than upon the property of the owner or custodian of the dog and un-muzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or companion animal; or
 - b. a dog that, without justification, bites a person and does not cause serious physical injury.
2. No dog shall be deemed a "dangerous dog" unless shown to be a dangerous dog by a preponderance of the evidence. In order to have a dog deemed dangerous, the Animal Control Administrator, or his or her authorized agent, must:
 - a. Send, within ten (10) business days of the Animal Control Administrator becoming aware of the alleged infraction, notifications of the alleged infractions to the owner, and of the initiation of an investigation by the Department into the allegations.
 - b. For the duration of the investigation the owner will be required to contain the dog in a manner in one or more of the following as deemed appropriate under the circumstances and necessary for the protection of the public:
 - (1) Direct supervision by an adult eighteen (18) years of age or older and with proper restraint, as defined in [Article I](#) of this ordinance, whenever the animal is on public premises;
 - (2) That the dangerous dog be muzzled whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration;
 - (3) That the dangerous dog not leave the premises of its owner unless under control by leash or other recognized physical control method;
 - c. Afford the owner an opportunity to meet with the Animal Control Administrator prior to the making of a determination that a dog is deemed dangerous;
 - d. Conduct a thorough investigation, in which he or she may gather any medical or veterinary evidence and interview witnesses. The owner of a dog under investigation or the Department may provide testimony of a certified applied behaviorist, a board- certified veterinary behaviorist, or other recognized expert who may be relevant to the determination of whether the dog's behavior was justified pursuant to the provisions of this Section;
 - e. Make a detailed written report, which shall be referred to as the Animal Control Administrator's Decision and Order, recommending a finding whether or not the dog be deemed dangerous; and

- f. Immediately send the owner, by personal service or by registered or certified mail, notification that his or her dog has been deemed dangerous by the Animal Control Administrator; including a complete description of the appeal process; and including orders to the owner of the dangerous dog as to any penalties, and dangerous dog fees to be paid.
3. The owner of a dog deemed dangerous shall be subject to: the Animal Control Administrator's Decision and Order, and the requirements of this **§ 8.04.860**; the penalties as outlined in **§ 8.04.860**; and the dangerous dog fee as outlined in the Public Health Fee Ordinance. The owner shall bear all costs incurred in following such requirements.

B. Dangerous Dog Exemptions: A dog shall not be declared dangerous if the Animal Control Administrator, or his or her authorized agent, determines the conduct of the dog was justified because either:

1. The threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog or was committing a willful trespass or other tort upon the premises or property occupied by the owner of the animal;
2. The threatened person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring;
3. The injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring; or
4. The dog was responding to pain or injury or was protecting itself, its owner, custodian, or a member of its household, kennel, or offspring.

C. Dangerous Dog Restrictions:

1. If deemed dangerous, the Animal Control Administrator, or his or her authorized agent, shall order the dog to be spayed or neutered within fourteen (14) days of the Decision and Order at the owner's expense, and microchipped, if not already, and the following for the protection of the public:
 - a. Evaluation of the dog by a certified applied behaviorist, a board-certified veterinary behaviorist, or another recognized expert in the field and completion of training or other treatment as deemed appropriate by the expert. The purpose of this evaluation is to identify and attempt to mitigate any behavioral issues that may have contributed to the dog's dangerous dog designation, as a condition to maintaining ownership of the dog. The evaluation and any subsequent training is not intended as a means to challenge the dangerous dog designation. A list of potential certified behaviorist and training guidelines can be found attached to the Decision and Order. McHenry County reserves the right to speak directly with the behaviorist and trainer. The owner is responsible for providing both the written evaluation and training plan to the Department. The owner of the dog shall be responsible for all costs associated with evaluations and training ordered under this subsection;
 - b. Direct supervision by an adult eighteen (18) years of age or older and with proper restraint, as defined in **Article I** of this ordinance, whenever the animal is on public premises;
 - c. That the dangerous dog be muzzled whenever it is on public premises , , in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration;

- d. That the dangerous dog not leave the premises of its owner unless under control by leash or other recognized physical control method;
 - e. Prohibit the owner or keeper of a dangerous dog from selling or giving away the dog, without providing notification, including the new owner's name and address, to the Animal Control Administrator. Whenever an owner of a dangerous dog relocates, he or she shall notify both the Animal Control Administrator and McHenry County Animal Control where he or she has relocated within five (5) days of change of address.
- 2. Failure by the owner to do as ordered by the Animal Control Administrator and as outlined in this Ordinance is a violation of this Ordinance and the Animal Control Administrator may take legal or equitable action against the owner, including but not limited to filing for injunctive relief. If the owner of a dog deemed dangerous fails to comply with these requirements, McHenry County Animal Control shall impound the dog and the owner shall pay a five hundred dollar (\$500.00) fine. Additional impoundment fees will be due to McHenry County Animal Control.
- 3. Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard or police owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently vaccinated for rabies in accordance with **§ 8.04.890** of this Ordinance, be registered with McHenry County and performing duties as expected. It shall be the duty of the owner of the exempted dog to notify the Animal Control Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Animal Control Administrator advised of the location where such dog will be stationed.

D. Dangerous Dog Appeal:

- 1. The owner of a dog found to be a dangerous dog pursuant to this Ordinance by the Animal Control Administrator may file a complaint against the Animal Control Administrator in the circuit court of McHenry County within thirty-five (35) days of receipt of notification of the determination, for a de novo hearing on whether the dog meets the dangerous dog definition under this Ordinance. The proceeding shall be conducted as a civil hearing before the judge pursuant to the Illinois Rules of Evidence and the Code of Civil Procedure, including the discovery provisions. After hearing both parties' evidence, the court may make a determination of dangerous dog if the Animal Control Administrator meets his or her burden of proof of a preponderance of the evidence. The final order of the circuit court may be appealed pursuant to the civil appeals provisions of the Illinois Supreme Court Rules.

Until the order has been reviewed and at all times during the court review process, the owner shall comply with the requirements set forth by the Animal Control Administrator or the court.

E. Vicious Dog Determination:

- 1. In order to have a dog deemed "vicious," the Animal Control Administrator must:
 - a. Give notice of the infraction that is the basis of the investigation to the owner;

- b. Conduct a thorough investigation, including interviewing any witnesses, and the owner, gathering existing medical records, veterinary medical records, and behavioral evidence if provided;
 - c. Make a detailed report recommending a finding that the dog is a vicious dog; and
 - d. Give the report to the State's Attorney's Office and the owner.
- 2. The Animal Control Administrator, State's Attorney, or any citizen of the county in which the dog exists may file a complaint in the circuit court in the name of the People of the State of Illinois to deem a dog to be a vicious dog. The petitioner must prove the dog is a vicious dog by clear and convincing evidence. If the burden of proof has been met, the court shall deem the dog to be a vicious dog. The judge has the discretion to order a vicious dog to be euthanized.
- 3. The Animal Control Administrator shall determine where the animal shall be confined during the investigation and may continue to order the animal to be confined during the pendency of the case. The owner shall bear all expenses relating to the confinement.
 - a. Any confinement under this section shall be considered an impoundment. The owner shall have 7 business from the date of impoundment to appeal the decision to the Animal Control Administrator. The Animal Control Administrator has the sole discretion to release any dog back to the owner or an acceptable alternative housing.

F. Vicious Dog Exemptions:

- 1. A dog may not be declared vicious if the court determines the conduct of the dog was justified because:
 - a. The threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog, or was committing a willful trespass or other tort upon the premises or property owned or occupied by the owner of the animal;
 - b. The injured, threatened, or killed person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring, or has in the past tormented, abused, assaulted, or physically threatened the dog or its offspring; or
 - c. The dog was responding to pain or injury, or was protecting itself, its owner, custodian, or member of its household, kennel, or offspring.
- 2. No dog shall be deemed "vicious" if it is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed.
- 3. Testimony of a certified applied behaviorist, a board certified, veterinary behaviorist, or another recognized expert may be relevant to the court's determination of whether the dog's behavior was justified.
- 4. Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard or police owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently vaccinated for rabies in accordance with of this Ordinance, be registered with McHenry County and performing duties as expected. It shall be the duty of the owner of the exempted dog to notify the Animal Control Administrator of changes of address. In the case of a sentry or guard dog,

the owner shall keep the Animal Control Administrator advised of the location where such dog will be stationed.

G. Vicious Dog Restrictions:

1. If a dog is found to be a vicious dog, the owner shall:
 - a. Have the dog spayed or neutered within ten (10) days of the finding at the expense of its owner, and microchipped, if not already;
 - b. Confine the dog in an enclosure approved by the Animal Control Administrator, or his or her authorized agent. If the dog is in the custody of Animal Control, any dog found to be vicious shall not be released to the owner until the Animal Control Administrator, or his or her authorized agent, approves the enclosure. The enclosure shall be a fence or structure of at least 6 feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog within the enclosure. Additional measures to ensure the animal is not able to escape by digging under the fence line should be taken. If the enclosure is a room within a residence, it cannot have direct ingress from or egress to the outdoors unless it leads directly to an enclosed pen, and the door must be locked. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure. A vicious dog may be allowed to move freely within the entire residence if it is muzzled at all times.
2. If an owner fails to comply with these requirements, McHenry County Animal Control shall impound the dog and the owner shall pay an applicable fine as indicated in **§8.04.940 Penalties, Fines, and Remedies**. A five hundred dollar (\$500.00) impoundment fee due to McHenry County Animal Control will also be assessed.
3. No owner or keeper of a vicious dog shall sell or give away the dog without approval from the Animal Control Administrator or court.
4. Whenever an owner of a vicious dog relocates, he or she shall notify both the Animal Control Administrator and McHenry County Animal Control of the address where he or she has relocated within five (5) days of change of address.
5. The owner of a dog which has been declared a “vicious dog” by the court shall pay a vicious dog status fee to the Department as indicated in the Public Health Fee Ordinance. The owner of any dog which has been found to be vicious must pay the status fee within sixty (60) days of notification of such declaration. No refunds will be issued for any reason.

H. Vicious Dog Enclosure Exceptions: It shall be unlawful for any person to fail to have any dog which has been found to be a vicious dog in an approved enclosure. The only times a vicious dog may be allowed out of the enclosure are:

1. If it is necessary for the owner or keeper to obtain veterinary care for the dog;
2. In the case of an emergency or natural disaster where the dog's life is threatened; or
3. To comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a leash not exceeding 6 feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence.

- I. Impoundment of Vicious Dog:** Any dog which has been found to be a vicious dog and which is not confined to an approved enclosure shall be impounded by the Animal Control Administrator, or his or her authorized agent, or the law enforcement authority having jurisdiction in such area.
1. If the owner of the dog has not appealed the impoundment order to the McHenry County Circuit Court within fifteen (15) business days, the dog may be euthanized.
 2. Upon filing a notice of appeal, the order of euthanasia shall be automatically stayed pending the outcome of the appeal. The owner shall bear the burden of timely notification to the Animal Control Administrator in writing.
- J. Posting Security Pending Vicious Dog Determination:** If McHenry County Animal Control or a facility designated by McHenry County Animal Control has custody of the dog, the Animal Control Administrator, or his or her authorized agent, may file a petition with the court requesting that the owner be ordered to post security. The security must be in an amount sufficient to cover payment of all reasonable expenses expected to be incurred by Animal Control or its designee in caring for and providing for the dog pending the determination. Reasonable expenses include, but are not limited to, estimated medical care and boarding of the animal for thirty (30) days. If security has been posted in accordance with this Section, the Animal Control Administrator, or his or her authorized agent, may draw from the security the actual costs incurred by Animal Control in caring for the dog.
1. Upon receipt of a petition, the court must set a hearing on the petition, to be conducted within five (5) business days after the petition is filed. The petitioner must serve a true copy of the petition on the defendant.
 2. If the court orders the posting of security, the security must be posted with the clerk of the circuit court within five (5) business days after the hearing. If the person ordered to post security does not do so, the dog is forfeited by operation of law and Animal Control must dispose of the animal through humane euthanasia.
- K. Reckless Dog Owner; Complaint; Penalty**
1. The Administrator, State's Attorney, Director, or any citizen may file a complaint in circuit court to determine whether a person is a reckless dog owner as defined in Article I. If an owner is determined to be a reckless dog owner by clear and convincing evidence, the court shall order the immediate impoundment and forfeiture of all dogs the reckless dog owner has a property right in. Forfeiture may be to any licensed shelter, rescue, or sanctuary. The court shall further prohibit the property right ownership of a dog by the person determined to be a reckless dog owner for a period of at least 12 months, but not more than 36 months for the first reckless dog owner determination.
 - a. A dog's history during ownership by a person found to be a reckless dog owner shall not be considered conclusive of the dog's temperament and qualification for adoption or transfer. The dog's temperament shall be independently evaluated by a person qualified to conduct behavioral assessments and, if the dog is deemed adoptable, the receiving facility shall make a reasonable attempt to place the dog in another home, transfer the dog to rescue, or place the dog in a sanctuary.
 - b. A person who refuses to forfeit a dog under this Section is in violation which carries a public safety fine of \$500 for each dog. The fine shall be deposited into the Pet Population Control Fund. Each day a person fails to comply with a forfeiture or prohibition ordered under this Section shall constitute a separate offense.
- L. Potentially Dangerous Dog:** A dog found running at large and unsupervised with three (3) or more other dogs may be deemed a potentially dangerous dog by the animal control warden or

administrator. Potentially dangerous dogs shall be spayed or neutered and microchipped within fourteen (14) days of reclaim. The designation of "potentially dangerous dog" shall expire twelve (12) months after the most recent violation of this Section. Failure to comply with this Section will result in impoundment of the dog or a fine of five hundred dollars (500).

8.04.870 PUBLIC NUISANCE

Any animal or animals which molests or attacks passers-by or passing vehicles; attacks another animal; trespasses on school ground; is found running at large; damages private or public property; or barks, whines or howls in an excessive, continuous, and/or untimely fashion so as to disturb the peace and quiet of any person, place or neighborhood shall be considered a public nuisance.

A. Running At Large: Dogs, cats and other animals running at large are prohibited.

1. No owner of a dog, cat, or other animal shall cause or permit such animal to run at large, at any time, in any area, public or private, without the property owner's consent in McHenry County. All dogs, cats and other animals kept in any area in McHenry County shall be restrained and/or controlled, as defined by Article I of this Ordinance, in such a manner as to prevent such dog, cat or other animal from running at large. Any dog, cat or other animal found running at large in violation hereof, is hereby declared a public nuisance and shall be apprehended and impounded in the manner provided by this Ordinance.

The Animal Control Administrator, or his or her authorized agent, shall capture and impound any such animal. The Animal Control Administrator, or his or her authorized agent, shall, immediately upon impounding any dog, cat or other animal make complete registry and enter therein the breed, color and sex of such dog, cat or other animal.

2. A dog, cat, or other animal found running at large contrary to the provisions of this Ordinance a second or subsequent time must be spayed or neutered and microchipped within thirty (30) days after being returned to the owner, unless already spayed or neutered and microchipped; and failure to comply shall result in impoundment of the dog, cat or other animal.

B. Running at Large Exemptions: A dog that is actively engaged in a legal hunting activity, including training, is not considered to be running at large if the dog is on land that is open to hunting or on land on which the person has obtained permission to hunt or to train a dog. A dog that is in a designated dog-friendly area or dog park is not considered to be running at large if the dog is monitored or supervised by a person.

C. Impoundment:

1. When dogs, cats or other animals are apprehended and impounded by the Animal Control Administrator, or his or her authorized agent, they must be scanned for the presence of a microchip. The Animal Control Administrator shall make every reasonable attempt to contact the owner as soon as possible. The Animal Control Administrator shall give notice of not less than seven (7) business days to the owner. Such notice shall be mailed to the last known address of the owner. An affidavit or testimony of the Animal Control Administrator, who mails such notice, shall be prima facie evidence of the receipt of such notice by the owner of such animal.
2. In case the owner of any impounded dog, cat, or other animal desires to make redemption thereof, they may do so by complying with the following:

- a. Presenting proof of ownership;

- b. Presenting proof of rabies vaccination and registration, if applicable;
 - c. Paying for the rabies vaccination of the dog or cat and registration, if applicable (see section E. **Redemption or Adoption and Vaccination** below);
 - d. Paying Animal Control for the boarding of the dog or cat or other animal for the period that it was impounded, per the fee schedule in the Public Health Fee Ordinance;
 - e. Paying Animal Control an additional impound fee as prescribed in the Public Health Fee Ordinance and all other costs incurred; and
 - f. Paying for microchipping and registration if not already done. All companion cats and dogs will be microchipped at redemption if not already done.
3. The payments required for redemption under this Section shall be in addition to other penalties invoked under this Ordinance, the Illinois Animal Control Act, and the Illinois Public Health and Safety Animal Population Control Act.
 4. If no owner is known through the display of a McHenry County rabies tag, microchip identification or other form of identification, the stray dog or cat shall be held for a period of seven (7) business days. Stray animals other than dogs or cats, shall be held for a period of three (3) calendar days. Feral cats as defined in § 8.04.010 Article I of the McHenry County Public Health Ordinance, may be transferred to an approved TNR program or adopted through a barn program immediately. If after that time no owner has come forward or been identified, the animal becomes the property of the County and may be disposed of in accordance with the provisions of this Ordinance.
 5. Stray livestock shall be handled in a manner consistent with the Illinois Domestic Animals Running at Large Act.
 6. Any animal on any public way or public place, or which has strayed onto private premises, and which appears to be injured or severely diseased and for which care is not being provided by the owner shall be removed, if possible, by the Animal Control Administrator or his or her authorized agent, or any law enforcement agency. If immediate removal is not practical or possible, or if the animal is in critical condition, such animal may be deprived of life by the most humane method available, unless the owner comes forward beforehand and assumes responsibility for immediate removal and care.
 7. The Animal Control Administrator need not maintain animals for the above time if they are determined by a licensed veterinarian to be diseased or critically ill or critically injured.

D. Non-Redemption/Adoption/Spaying or Neutering:

1. When not redeemed by the owner, agent, or caretaker within seven (7) business days after notice of impoundment is received by the Owner or if no owner is determined, an animal that has been impounded in accordance with the provisions of this Ordinance shall be forfeited by operation of law and offered for adoption or made available to a licensed humane society or rescue group. If no placement is available, the animal may be euthanized in accordance with the Illinois Euthanasia in Shelters Act.
2. Live animals shall not be used for research purposes, nor released to any individual, organization or educational institution for research or experimental purposes or sold, transferred or held for such purposes.

3. An unredeemed dog or cat shall not be released for adoption unless the animal has been microchipped and spayed or neutered. A person wishing to adopt an animal prior to the surgical procedure shall have executed a written agreement promising to have such service performed within 30 days of adoption. Failure to fulfill the terms of the agreement shall result in seizure and impoundment of the animal by the Animal Control Administrator, or his or her authorized agent. Additional penalties may be imposed.

E. Redemption or Adoption and Vaccination:

1. An owner redeeming an unvaccinated dog or cat over four (4) months of age, or any person adopting a dog or cat over four (4) months of age which has been impounded, shall cause such dog or cat to be officially vaccinated against rabies within ten (10) days after removing such animal from McHenry County Animal Control. Dogs or cats under four (4) months of age which are redeemed or adopted shall be caused by the owner to be vaccinated against rabies within thirty (30) days after reaching four (4) months of age.
2. This Ordinance shall not prevent humane societies from engaging in activities set forth by their charters, provided, they are not inconsistent with provisions of this Ordinance and other existing laws. Any person purchasing or adopting such a dog or cat with or without charge or a donation must pay for the rabies vaccination of such dog or cat and registration if applicable.

F. Animals on Public Property: It shall be unlawful for any dog, cat or other animal even though on a leash, to be present at or upon any school premises, public playground, public park, public beach or public swimming pool, unless permission is granted by the agency which has jurisdiction over same. The provisions of this Section shall not apply to working support dogs or police dogs.

G. Female Animals in Heat: All dogs and cats in heat (estrus) shall be confined in a building or secure enclosure and attended in such a manner that such female cat or dog cannot come into contact with a male of the same species except for planned breeding.

H. Damage to Property: The owner of any dog, cat or other domestic animal shall not permit such dog, cat or other domestic animal to injure, destroy or carry any vegetable, plant, fruit, shrub, tree, flower or other thing which may be on or which may be planted or seeded on the property of another or on public property. These provisions do not exclude any civil liability for damage to property by a dog, cat or other domestic animal.

I. Accumulation of Feces: No person shall allow any dog, cat, or other companion animal's excrement or waste to accumulate in any yard, pen or premises in or upon which a dog, cat, or other companion animal shall be confined or kept so that it becomes offensive to those residing in the vicinity or a health hazard to the residing dog, cat, or other companion animal.

J. Removal of Feces: No person shall fail to remove animal waste deposited by their dog, cat, or other companion animal, except support dogs, upon the public ways, or within the public places of the County, or upon the premises of any person other than the owner without that person's consent.

K. Barking Dogs: No owner or person in unincorporated McHenry County in the possession, custody or control of a dog, shall allow the dog to bark, whine, howl or emit loud noises day or night in an excessive, continuous manner and/or at an untimely hour so as to disturb the peace and quiet of any person, place or neighborhood. Any dog emitting such noises shall be deemed and considered to be a public nuisance. Any person who shall fail, neglect or refuse to abate such nuisance after notice thereof, shall, be deemed to have committed a violation of this Ordinance and be subject to like penalty as such.

L. Destruction of Livestock: Any owner seeing his or her livestock, (including but not limited by enumeration to: sheep, goats, cattle, horses, mules, swine or poultry) being pursued, chased, worried, wounded, or killed by a dog, not accompanied by, or not under the supervision and control of, its owner, may pursue and kill such dog while it is presenting a threat.

M. Claims for Destruction of Livestock:

1. Any owner having sheep, goats, cattle, horses, mules, swine, or poultry or other livestock killed or injured by a dog shall, according to the provisions of the Illinois Animal Control Act and upon filing claim and making proper proof, be entitled to receive reimbursement for such losses from the Animal Control Fund, provided the owner is a resident of this State and such injury or killing is reported to the Animal Control Administrator within twenty-four (24) hours after such injury or killing occurs, and the owner provides an affidavit stating the number of such animals or poultry killed or injured, the amount of damages and the name of the owner of the dog causing such killing or injury, if known. The damages referred to in this Section shall be substantiated by the Animal Control Administrator through prompt investigation and by not less than two (2) witnesses. The Animal Control Administrator shall determine whether the provisions of this Section have been met and shall keep a record in each case of the names of the owners of the animals or poultry, the amount of damages proven, and the number of animals or poultry killed or injured.
2. The Animal Control Administrator shall file a written report with the County Treasurer as to the right of the owner of sheep, goats, cattle, horses, mules, swine, or poultry or other livestock killed, to be paid out of the Animal Control Fund, and the amount of such damages claimed. The County Treasurer shall, on the first Monday in March of each calendar year, pay to the owner of the animals or poultry, the amount of damages to which he is entitled.

N. Claims for Destruction:

1. The damages allowed for grade animals or poultry shall not exceed the following amounts:
 - a. For goats killed or injured, \$30.00 per head.
 - b. For cattle killed or injured, \$300.00 per head.
 - c. For horses or mules killed or injured, \$200.00 per head.
 - d. For swine killed or injured, \$50.00 per head.
 - e. For turkeys killed or injured, \$5.00 per head.
 - f. For sheep killed or injured, \$30.00 per head.
 - g. For all poultry, other than turkeys, \$1.00 per head.
 - h. Other livestock species: \$50.00 per head
2. The maximum amounts herein set forth may be increased fifty percent (50%) for animals for which the owner can present a certificate of registry of the appropriate breed association or organization. However, if there is not sufficient monies in the portion of the fund set aside as provided in (510 ILCS 5/7) (from Ch. 8, par. 357) Sec. 7. of the Illinois Animal Control Act to pay all claims for damages in full, then the County Treasurer shall pay to such owner of animals or poultry their pro rata share of the monies available.

3. If there are funds in excess of amounts paid for such claims for damage in that portion of the Animal Control Fund set aside for this purpose, this excess shall be used for other costs of the program as set forth in this Ordinance.

O. Dead Animals: Any person having a dead animal or parts of a dead animal, within their possession or control or upon any premises owned or occupied by such person shall dispose of said animal or animal parts, in compliance with the Illinois Dead Animal Disposal Act within twenty-four (24) hours.

P. Managed Feral Cat Colony:

1. It is unlawful for any person to intentionally provide food, water, or other forms of sustenance to a feral cat or feral cat colony unless the feral cat is maintained in an approved managed feral cat colony under a department approved organization.
2. In order to be an approved managed feral cat colony, the person caring for the cats must:
 - a. Register the colony with a department approved organization, licensed by the Illinois Department of Agriculture. The approved organization must file reports including but not limited to location of colonies with Animal Control as requested.
 - b. Provide adequate shelter, which provides protection from the elements, and have photographs available of the site upon request.
 - c. Shall be required to humanely capture and provide for:
 - (1) Health examination; Rabies vaccination; Left ear-tipping; Microchipping to the approved organization; and Sterilization.
 - (2) Removal of kittens and adoptable adult newcomers;
 - d. Have written educational material, which shall be provided for all caregivers. This shall include uniform standards and procedures for colony maintenance, as well as public health, occupational safety and environmental issues.
 - e. Provide notification to Animal Control as requested the street a colony is located.
 - f. All cages, traps and carriers used for colonies must be clearly marked with organization's name and phone number.
 - g. Remove sick or injured cats from the colony and euthanize, provide medical care, isolate indoors or put in a barn cat program.
 - h. Not relocate any cat to another colony within McHenry County.

Q. Removal of Colony by Animal Control:

1. The Department has the right to seize and remove all, or parts of, any colony for any reason including but not limited to:
 - a. Public health and public safety concerns including rabies, other epizootic and certain zoonoses identified by the Department.
 - b. In the event the caretaker and/or approved organization fails to comply with the requirements of this section.

- c. Any and all fees and fines incurred as a result of the Department having to trap, remove, board or provide other services are the responsibility of the approved organization.
2. When feasible the colony manager and the approved organization will be notified by the Department at least 48 hours before removal of any animal from the colony.

R. Nuisance wildlife

1. Any person wishing to remove nuisance wildlife from his or her property must obtain a license or permit from the Illinois Department of Natural Resources or hire a properly licensed or permitted individual or corporation for nuisance wildlife removal.
2. This section does not apply to furbearer trapping as regulated by the Illinois Department of Natural Resources.

§ 8.04.880 BITING ANIMALS

A. Biting Dogs, Cats or Other Animals: It is unlawful for any person having direct knowledge that any person has been bitten by a dog, cat or other animal capable of transmitting rabies, to refuse to notify the Animal Control Administrator immediately of the identity and contact information of the victim(s) and owner(s) of such biting dog, cat, or other animal, if known

1. It is unlawful for the owner of such biting dog, cat, or other animal to euthanize, sell, give away, or otherwise dispose of any such dog, cat, or other animal known to have bitten a person, until it is released by the Animal Control Administrator.
2. It is unlawful for the owner of such biting dog, cat, or other animal to refuse or fail to comply with the written or printed instructions made by the Animal Control Administrator. If such instructions cannot be delivered in person or left at the owner's residence, they shall be mailed to the owner by regular mail. The affidavit or testimony of the Animal Control Administrator delivering or mailing such instruction is prima facie evidence that the owner of such dog, cat, or other animal was notified of his or her responsibilities.
3. Any expense incurred in the handling of any dog, cat, or other animal under this Section shall be borne by the owner. For the purpose of this Section, the word "immediately" means telephone, in person, email, or by other than use of ground mail.
4. A first offense bite fine of fifty dollars (\$50) shall be assessed to the owner of a biting animal. If the biting animal inflicts another bite on a person, a second offense bite fine of one hundred dollars (\$100) with a third and subsequent biting offense fine of two hundred dollars (\$200) up to five hundred dollars (\$500). Failure to pay the bite fine is a separate violation of the ordinance and will result in an additional fine.

B. Physician Verification: It is within the scope of this Ordinance that the Animal Control Administrator may request physician verification of the reported bite.

1. If the victim of a reported bite later states that the bite was not in fact a bite, but a scratch or puncture from something other than a tooth, the victim must have a physician send a written statement or notification for the cause of injury.

C. Rabies Observation Period:

1. When the Animal Control Administrator receives information that any person has been bitten by an animal the Animal Control Administrator shall either:
 - a. Impound the biting animal at the discretion of the Animal Control Administrator or his or her designee; or
 - b. Require the owner to confine the biting animal under the direction of a licensed veterinarian for a period of ten (10) days beginning within twenty-four (24) hours of the biting incident; or
 - c. Require hospital confinement if:
 - (1) The biting animal is more than four (4) months of age and is not currently vaccinated against rabies; or
 - (2) The biting animal inflicts a serious bite to a person; bites a person while on home confinement for a prior bite; is on home confinement and is reported to be running at large, or not adequately restrained by its owner; or requires confinement as deemed necessary by the Animal Control Administrator.
 - d. Allow the biting animal to be confined on the premises of its owner in a manner that will prohibit it from biting any person if the Animal Control Administrator or a licensed veterinarian finds:
 - (1) The biting animal is currently vaccinated for rabies; or
 - (2) The biting animal is an unvaccinated dog or cat under the age of four (4) months; or
 - (3) Hospital confinement is not practical or feasible. When a licensed veterinarian finds hospital confinement is not practical or feasible, he or she shall confer with the Animal Control Administrator.
2. When confinement of the biting animal is allowed in the home of the owner, the owner shall present the animal to a veterinarian for a rabies observation examination within twenty-four (24) hours of the bite; and return the animal to the veterinarian on the 10th day after the rabies observation. The animal's health shall be reported by the veterinarian to the McHenry County Department of Health's Animal Control on the first and tenth day of the observation period for rabies. All biting animals must be microchipped on the 10th day of the rabies observation period unless the owner has requested euthanasia of the biting animal. Such veterinarian shall report the clinical condition of the dog, cat or other animal immediately, with confirmation in writing to the Animal Control Administrator within twenty-four (24) hours after the dog, cat or other animal is presented for examination, giving the owner's name, address, the date and location of confinement, the animal's name, the breed description, age, microchip number, and sex of such dog, cat or other animal, on appropriate forms approved by the McHenry County Department of Health.
3. The Department may permit the confinement period to be reduced to less than ten (10) days following a bite when:
 - a. It is deemed advisable for humane reasons, i.e., injury, health or disease conditions; or
 - b. The owner has requested euthanasia of the biting animal; or

- c. The animal is deemed a stray by the Animal Control Administrator.
4. When an animal is confined for a period of less than ten (10) days, for one of the above three reasons, it shall be euthanized, and the brain submitted directly to a recognized laboratory for diagnostic testing.

D. Non – Compliance with Rabies Quarantine:

1. Failure to submit the biting animal to a veterinarian for rabies observation within one (1) business day constitutes a violation of this Ordinance. Each day of non-compliance will constitute a separate offense subject to fines.
2. Failure to return a biting animal under home observation to a veterinarian for examination will constitute a violation of this Ordinance. Each day of non-compliance will constitute a separate offense subject to fines.
3. It is a violation of this Ordinance for an owner, or his or her agent, to sell, kill, give away, or otherwise dispose of any animal that is known to have bitten a person within a ten (10) day period of the bite.
4. No person shall remove from any place of confinement any animal which has been confined as authorized by the Animal Control Administrator without the consent of the Animal Control Administrator.

- E. Dogs in Law Enforcement:** When a person has been bitten by a police dog, the police dog may continue to perform its duties for the peace officer or law enforcement agency and any period of rabies quarantine may be under the supervision of a peace officer. The supervision shall consist of the dog being locked in a kennel, performing its official duties in a police vehicle, or remaining under the constant supervision of its police handler. In the event the dog dies before the conclusion of the ten (10) day rabies quarantine period, the Animal Control Administrator must be informed of the event and the dog's body must be made available for diagnostic testing.

§ 8.04.890 RABIES - RABIES VACCINATION

- A. Vaccination Requirement:** Every owner of a dog or cat four (4) months or more of age, within the County of McHenry, Illinois, shall cause such dog or cat to be vaccinated by a licensed veterinarian with a prophylactic rabies vaccine approved by the United States Department of Agriculture and the Illinois Department of Agriculture.
1. Any veterinarian vaccinating an animal for rabies shall record the vaccination on the National Association of State Public Health Veterinarians Form 51, or a form substantially equivalent as determined by the Animal Control Administrator or his or her designee, and sign the document.
 2. Any veterinarian who vaccinates an animal for rabies shall send a copy of the vaccination certificate to the Department.
- B. Rabies Vaccine:** Rabies vaccine for use on animals shall be sold or distributed only to, and used only by, licensed veterinarians. Such rabies vaccine shall be licensed by the United States Department of Agriculture and approved by the Department and used in accordance with the manufacturer's recommendations.

C. Exposed Animals: Whenever reasonable probability exists that a domestic animal has been exposed to a known or suspected rabid animal, the exposed animal shall be handled in a manner as recommended by the National Association of State Public Health Veterinarians.

D. Dog or Cat Quarantine:

1. Whenever the number of dogs or cats suffering from rabies, or dogs and cats running at large within the County of McHenry, Illinois, shall be such as to endanger the public health, public safety or general welfare, the Animal Control Administrator, upon the recommendation of the Chairman of the Board of McHenry County, shall apply to the Illinois Department of Agriculture for a quarantine. A proclamation of the Chairman containing such declaration shall be published at least once in a newspaper of general circulation in the County of McHenry, Illinois. After the first publication of such proclamation by the Chairman, it shall be unlawful for the owner or custodian of any dog or cat to permit such dog or cat to be at large contrary to the terms of such proclamation. The Illinois Department of Agriculture may order that all dogs or other animals in the locality be kept confined within an enclosure, be kept muzzled and restrained by leash, all owners or keepers of dogs or other animals take prophylactic measures as deemed necessary to prevent the spread of rabies, and other measures as may be necessary to control the spread of rabies.
2. The Illinois Department of Agriculture may determine the area of the locality in which, and the period of time during which, such orders shall be effective.
3. The Animal Control Administrator, during the first week after the quarantine order is issued, shall take proper measures to inform the citizens of McHenry County of the quarantine order and of the penalties attached to the violation of the order. The quarantine order shall apply to all dogs and cats whether vaccinated and registered according to the provisions of this Ordinance or not, and shall be confined in the home of the owner of the animal or be under direct control of a competent person.
4. Any dog or cat or other animal subject to such quarantine found uncontrolled shall be impounded. Dogs or cats and other animals subject to rabies which are impossible to capture or impound after the exercise of reasonable efforts and diligence, shall be destroyed if the Illinois Department of Agriculture Health Authority so designates.

E. Animal with Rabies:

1. The owner of any dog, cat or other animal which exhibits clinical signs of rabies, whether or not the animal has been vaccinated for rabies, shall immediately notify the Animal Control Administrator, and shall promptly confine the animal, or have it confined, under suitable observation, for a period of at least ten (10) days, unless officially authorized by the Animal Control Administrator, in writing, to release it sooner. Any animal in direct contact with such dog, cat or other animal, whether or not the exposed animal has been vaccinated for rabies, shall be confined as recommended by the Animal Control Administrator.
2. Any owner or veterinarian who suspects that a dog, cat or other animal died from rabies shall immediately report such fact to the Animal Control Administrator and the animal's body made available for diagnostic testing.

§ 8.04.900 EXOTIC ANIMALS – WILDLIFE

- A. Exotic Animal:** No person shall own or keep in their custody any exotic or crossbred or hybrid exotic animals in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge.
- B. Domestication No Defense:** It is no defense to a violation of this Ordinance that the keeper of any animal which is prohibited by this Ordinance has attempted to domesticate such animal.
- C. Wildlife Domestication:** No person shall keep, or permit to be kept, or domesticate any wildlife contrary to Federal, State and local laws, and regulations.
- D. Indigenous Wildlife:** No person shall be permitted to own, harbor or keep in his or her custody any wildlife indigenous to the State of Illinois for the purpose of selling, giving or trading the animal as a pet, irrespective of holding a fur-bearing mammal permit or game breeders permit from the Illinois Department of Natural Resources. Fur-bearing farms are exempt from this requirement provided that the operation meets the requirement of state and county regulations.
- E. Wildlife Hybrids:** No person shall own or keep in their custody any domestic animal-wildlife hybrid such as coy dogs, wolf dogs, domestic cats bred to wild cats (e.g. Asian leopard cat, Geoffrey's cat, and bobcat) or any other wild canine or feline hybrid, in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory or veterinary hospital.
- F. Rabies Vaccination of Wildlife:** It is unlawful to vaccinate any wildlife or wildlife hybrid against rabies unless the vaccine manufacturer indicates a recommendation for that species. However, this is not construed to prohibit the use of a bait type rabies vaccine restricted for use by state and federal rabies control programs.

§ 8.04.910 FARM ANIMALS

Farm Animals in Estate Areas: No person shall keep, or cause to be kept, farm animals or fowl other than household pets including animals or fowl ordinarily permitted in the house unless such person has met the following requirements:

- A.** Has met all applicable requirements of the McHenry County or Local Zoning Ordinance rules and regulations, and
- B.** Has provided adequate shelter and area adequate enough to affect normal good husbandry practices so as to preclude public health nuisance or cruelty to animals, and
- C.** Has provided fences, pens, shelters, corrals or similar enclosures of sufficient height and strength to retain the animals on his or her own premises, and
- D.** Has roofed shelters structured to prevent run-off from draining into the shelter.

§ 8.04.920 CRUELTY TO ANIMALS

- A. Cruel Treatment:**
 - 1. No person or owner may beat, cruelly treat, torment, starve, overwork or otherwise abuse an animal.

2. No owner may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure.

B. Owner's Duties: No person or owner shall fail to provide any animal in their charge or custody as owner or otherwise, with the following:

1. Sufficient quantity of good quality, wholesome, food that is appropriate for the species to maintain good health and fresh, drinkable water (outdoor animals must have a constant supply of fresh water available);
2. Adequate shelter as all animals are to be kept in a clean, sanitary and healthy manner and are not confined so as to be forced to stand, sit or lie in its own excrement; and protection from the weather including quarters that are protected from excessive heat and cold;
3. Regular and sufficient veterinary care to prevent suffering and maintain health; provide the required rabies vaccination and if diseased or injured, or exhibiting symptoms of disease, provides proper veterinary care; and
4. Humane care and treatment: pens, kennels and runs must be of sufficient size to permit the animal to exercise and move about freely.

C. Sheltering: When a person or owner chooses to keep a companion dog confined outside, it must be in accordance with Owner's Duties (as listed above). A person or owner shall provide the dog with constant access to fresh, drinkable water and appropriate shelter. The dog shelter shall allow the dog to remain dry and protected from elements. The shelter shall have 4 sides, a solid roof sloped away from the entrance, and a dry floor raised above the ground. The shelter shall be placed to provide shade from the sun and protection from the weather.

During bouts of extreme cold the shelter must be just large enough for the dog to stand up and turn around when fully grown and allow retention of body heat, the entrance must be covered by a flexible wind-proof material, self-closing door or other form of wind block, and must contain clean, dry bedding, which must consist of an insulated material that does not retain moisture, such as straw or woodchips, of sufficient depth for the dog to burrow and nest. During bouts of extreme heat, the shelter must be shaded by trees, a tarp, or a tarp-like device to provide protection from weather related injuries.

D. Extreme Weather Conditions: No person or owner shall allow a companion dog to remain outdoors, tethered, or penned during a period of extreme weather. All dogs shall be provided access to a temperature-controlled shelter in accordance with Sheltering (see above), during cases of extreme weather as indicated above. In no instance shall a dog remain outdoors, tethered, or penned at or under the age of 6 months or while sick, injured or in distress.

E. Transporting Animals: No person or owner driving a motor vehicle shall transport any animal in the back of the vehicle in a space intended for any load unless the space is enclosed or has side and tail racks to a height of at least 46 inches extending vertically from the floor, or the animal is cross tethered to the vehicle, or is protected by a secured container or cage in a manner which will prevent the animal from falling, jumping or being thrown from the vehicle.

F. Tethering: To lawfully tether a dog outdoors, an owner must ensure that the dog:

1. Meets all requirements as laid out in the Illinois Humane Care for Animals Act, (510 ILCS 70/3) Section 3.b.; and
2. is not permitted while tethered to bark, whine, howl or make excessive noises so as to cause a nuisance; and

3. is not tethered if an unsupervised dog in estrus; and
4. is not tethered at a vacant structure or premises for any purpose or time when it is not monitored by a competent adult who is present at the property for the duration of such tethering.

G. Confinement in Motor Vehicle:

1. No person or owner shall confine any animal in a motor vehicle in such a manner that places it in a life or health-threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation, or other protection from such heat or cold.
2. In order to protect the health and safety of an animal, an animal control officer, law enforcement officer, or Illinois Department of Agriculture licensed humane investigator who has probable cause to believe that this Section is being violated shall have authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or other person responsible.

H. Abandonment:

1. No person or owner shall abandon any domestic animal on their own property without daily care, or by abandonment off the owner's premises, where it may suffer injury, hunger, exposure, or become a public charge. A public charge means any animal that becomes the financial responsibility of the County.
2. No person or owner shall release any domestic rabbit, ferret, prairie dog, hedgehog or other mammal, reptile or bird not native to this area, expecting it to fend for itself for food, shelter and protection.

I. Poisoning:

1. No person or owner shall knowingly set out poison(s) or cause to be poisoned any dog, cat or other domestic animal except by expressed permit from the Illinois Department of Agriculture.
2. This Section does not prohibit the use of a euthanasia drug by a euthanasia agency for the purpose of animal euthanasia, provided that the euthanasia drug is used by or under the direction of a licensed veterinarian or certified euthanasia technician, all as defined in and subject to the Humane Euthanasia in Animal Shelters Act.

J. Entertainment, Fighting or Baiting Animals: No person may own, operate, manage, maintain, charge admission to, or be a patron at any place used for the purpose of fighting or baiting any bull, bear, dog, cock or other animal.

§ 8.04.930 VIOLATION OF § 8.04.920.

- A. Violation:** When a violation of **§ 8.04.920** of this Ordinance has been committed, an Animal Control Officer will furnish the violator, if known, with a notice of violation, and state what action is necessary to come into compliance with this Ordinance, and that a maximum of forty-eight (48) hours may be granted in which to take corrective action.

B. Impounding Animals:

1. In the event that the Animal Control Administrator finds that a violation of this Ordinance has rendered an animal in such a condition that no remedy or corrective action by the owner is possible, the Animal Control Administrator may impound the animal(s).
2. If a violator fails or refuses to take corrective action necessary for compliance with **§ 8.04.920** of this Ordinance, the Animal Control Administrator may impound the animal(s).
3. If the animal is impounded, it shall be impounded at a location where the elements of good care can be provided, and where such animal shall be examined and treated by a licensed veterinarian, or if the animal is severely injured, diseased, or suffering, humanely euthanized.
4. Emergency impoundment may be exercised in a life-threatening situation and the subject animal shall be conveyed directly to a licensed veterinarian for medical services necessary to sustain life or to be humanely euthanized as determined by the veterinarian.
5. All costs relating to the impoundment of the animal shall be borne by the owner.

C. Notice of Impoundment:

1. A notice of impoundment shall be given by the Animal Control Administrator to the violator, if known, in person or sent by certified or registered mail. If the Department is not able to serve the violator in person or by registered or certified mail, the notice shall be given by publication in a newspaper of general circulation in the county in which the violator's last known address is located. The notice of impoundment shall include the following: listing of deficiencies noted, an accurate description of the animal or animals involved, the date on which the animal or animals were impounded, the signature of the investigator, and a statement that the violator may request an appeal of the impoundment pursuant to McHenry County Public Health Ordinance, Article I, **§ 8.04.040** within seven (7) business days after notice of impoundment of the animal(s).
2. Return to the owner may be denied or withheld until the owner has made full payment for all expenses incurred and for any accrued charges, including any fees, fines, or tickets owed by the owner(s) as defined in Article I of this Ordinance, of the subject animal
3. If the impoundment is not appealed, within seven (7) business days of the notice of impoundment, the animal is forfeited by operation of law and the Animal Control Administrator may lawfully and without liability provide for adoption of the animal, or the animal may be made available to a licensed humane society or rescue group, or it may be humanely euthanized in accordance with the Illinois Euthanasia in Shelters Act. The person who forfeited the animal or a person dwelling in the same household as the person who forfeited the animal may not adopt it.
4. No matter what the disposition of the animal in the appeal, the owner is subject to, and responsible for, any and all violations and expenses which may ensue.

D. Posting Security for the duration of the appeal process: If McHenry County Animal Control or a facility designated by McHenry County Animal Control has custody of the animal(s), the Animal Control Administrator, or his or her authorized agent, may file a petition with the court requesting that the owner be ordered to post security. The security must be in an amount sufficient to cover payment of all reasonable expenses expected to be incurred by Animal Control or its designee in caring for and providing for the animal(s) pending the determination. Reasonable expenses include,

but are not limited to, estimated medical care and boarding of the animal for thirty (30) days. If security has been posted in accordance with this Section, the Animal Control Administrator, or his or her authorized agent, may draw from the security the actual costs incurred by Animal Control in caring for the animal(s).

1. Upon receipt of a petition, the court must set a hearing on the petition, to be conducted within five (5) business days after the petition is filed. The petitioner must serve a true copy of the petition on the defendant.
2. If the court orders the posting of security, the security must be posted with the clerk of the circuit court within five (5) business days after the hearing. If the person ordered to post security does not do so, the dog is forfeited by operation of law.

§ 8.04.940 PENALTIES, FINES, AND REMEDIES

A. Fines:

1. Any person violating any provision of this Ordinance, or aiding in or abetting a violation, or counterfeiting or forging any certificate or tag, or making any misrepresentation in regard to any matter prescribed by this Ordinance, or resisting, obstructing or impeding the Animal Control Administrator or his or her designated agents in enforcing this Ordinance shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00).
2. Each day upon which such violation continues shall constitute a separate violation.
3. Power to control nuisances
 - a. Inspections after or Limiting defendant's domestic animals after:
 - (1) a judicial or administrative finding of guilt, for any of the offenses in this Article;
 - (2) a guilty plea, whether entered in judicial or administrative proceedings, to any of the offenses in this Article;
 - (3) any impoundment of any animal for a violation of § 8.04.920; or
 - (4) a settlement of a violation of this Article.
 - b. Inspections: At the discretion of the judge, McHenry County Animal Control shall be entitled to one or more inspections every 3 months of the property of any defendant convicted of any animal nuisance, animal cruelty, dangerous or vicious dog declaration, or other Reckless Owner violation as defined in **Article I Definitions**.
 - c. Limiting: Upon recommendation of the Animal Control Administrator, the court may, in its discretion, set the number of domestic animals that a defendant may care for during the three years following an outcome as listed above.
4. The minimum fine for failure to register a dog or cat in accordance with the requirements of this ordinance shall not be less than one hundred dollars (\$100.00) for the first offense and no less than two hundred dollars (\$200.00) for the second offense and increasing up to one thousand dollars (\$1,000.00) for each subsequent offense. Each day upon which a violation is not rectified constitutes a separate violation.

5. The minimum fine for failure to vaccinate a dog or cat in accordance with the requirements of this ordinance shall not be less than two hundred dollars (\$200.00) for the first offense and no less than three hundred dollars (\$300.00) for the second offense and increasing up to one thousand dollars (\$1,000.00) for each subsequent offense. Each day upon which a violation is not rectified constitutes a separate violation.
6. The minimum fine for an animal running at large on school property or at a daycare facility shall be not less than four hundred dollars (\$400.00) for the first offense and no less than five hundred dollars (\$500.00) for the second offense and increasing up to one thousand dollars (\$1,000.00) for each subsequent offense. Each day upon which a violation is not rectified constitutes a separate violation.
7. The minimum fine for a dog, cat or other animal running at large (except dog parks) when an Animal Control Officer intervenes shall be no less than one hundred fifty dollars (\$150.00) for the first offense, no less than three hundred dollars (\$300.00) for the second offense and increasing up to one thousand dollars (\$1,000.00) for each subsequent offense. Each day upon which a violation is not rectified constitutes a separate violation.
8. The minimum fine for all dogs, cats or other animals reported to be running at large (except dog parks) with no Animal Control Officer intervention shall be not less than one hundred dollars (\$100.00) for the first offense, no less than two hundred dollars (\$200.00) for the second offense and increasing up to one thousand dollars (\$1,000.00) for each subsequent offense. Each day upon which a violation is not rectified constitutes a separate violation.
9. The minimum fine for any dog that has been declared potentially dangerous, dangerous or vicious running at large shall be no less than two hundred dollars (\$200.00) for the first offense, no less than four hundred dollars (\$400.00) for the second offense and increasing up to one thousand dollars (\$1,000.00) for each subsequent offense. Each day upon which a violation is not rectified constitutes a separate violation.
10. The minimum fine for any dog that has been declared potentially dangerous, dangerous or vicious violating the Animal Control Administrator's order as outlined in this ordinance shall be no less than five hundred dollars (\$500.00) for the first offense, no less than eight hundred dollars (\$800.00) for the second offense and increasing up to one thousand dollars (\$1,000.00) for each subsequent offense. Each day upon which a violation is not rectified constitutes a separate violation.
11. The minimum fine for any dog that has been declared potentially dangerous, dangerous or vicious out of compliance with the requirements of **§ 8.04.840 (county dog registration)** shall not be less than three hundred dollars (\$300.00) for the first offense, no less than four hundred dollars (\$400.00) for the second offense and increasing up to one thousand dollars (\$1,000.00) for subsequent offenses. Each day upon which a violation is not rectified constitutes a separate violation.
12. The minimum fine for any dog that has been declared potentially dangerous, dangerous or vicious out of compliance with the requirements of **§ 8.04.890 (dog rabies vaccination)** shall not be less than five hundred dollars (\$500.00) for the first offense and no less than six hundred dollars (\$600.00) of the second offense and increasing up to one thousand dollars (\$1,000.00) for each subsequent offense. Each day upon which a violation is not rectified constitutes a separate violation.
13. The minimum fine for failure to comply with the rabies initial observation or release requirements in **§ 8.04.880** of this Ordinance shall be no less than two hundred dollars

(\$200.00) for each offense. Each day upon which a violation is not rectified constitutes a separate violation.

14. Failure to pay the bite fine of fifty dollars (\$50.00) within thirty (30) days of request shall constitute a separate violation of the Ordinance. The minimum fine for failure to remit payment of a bite fine in accordance with the requirements in **§ 8.04.880** of this Ordinance shall not be less than one hundred fifty dollars (\$150.00) for the first offense and no less than two hundred fifty dollars (\$250) second offense and increasing up to one thousand dollars (\$1,000.00) for each subsequent offense. Each day of which a violation is not rectified constitutes a separate violation.

B. Remedies:

1. In addition to any other remedy that may be available to the Department in this Ordinance or in any State Statute, the Department may issue a ticket in those instances where any person violates, or aids in or abets the violation of, any provision of this Ordinance. Said ticket shall require the offender to pay the minimum fine as set forth herein.
2. In lieu of a ticket, or if such ticket remains unpaid, a Notice to Appear in the McHenry County Circuit Court may be served on any person who violates, or aids in or abets, the violation of, any provision of this Ordinance. The Animal Control Administrator, or his or her designee, shall serve as the Code Enforcement Officer, as that term is used in Illinois Supreme Court Rules regarding ordinance violations, and may sign and deliver any such Notices to Appear. Service of the Notices to Appear may be done via hand delivery, first-class mail, or certified mail.
3. For any violation of this Ordinance in which the Animal Control Administrator determines that an Owner's continued failure to comply with a provision of the Ordinance constitutes either a public health and/or safety threat, a public nuisance, or public charge, the Department is authorized to impound the animal. All costs relating to the impoundment of the animal shall be borne by the owner.
 - a. A notice of impoundment shall be given by the Animal Control Administrator to the violator, if known, in person or sent by certified or registered mail. If the Department is not able to serve the violator in person or by registered or certified mail, the notice shall be given by publication in a newspaper of general circulation in the county in which the violator's last known address is located. The notice of impoundment shall include the following: listing of the violation(s) at issue, an accurate description of the animal or animals involved, the date on which the animal or animals were impounded, the signature of the investigator, and a statement that the violator may request an appeal of the impoundment pursuant to McHenry County Public Health Ordinance, Article I, **§ 8.04.040** within seven (7) business days after notice of the impoundment of the animal(s).
 - b. Return to the owner may be denied or withheld until the owner has made full payment for all expenses and fees incurred and remedied the violation for which the animal(s) has been impounded
 - c. If the impoundment is not appealed, within seven (7) business days of notice of the impoundment, the animal is forfeited by operation of law and the Animal Control Administrator may lawfully and without liability provide for adoption of the animal, the animal may be made available to a licensed humane society or rescue group, or it may be humanely euthanized in accordance with the Illinois Euthanasia in

Shelters Act. The person who forfeited the animal or a person dwelling in the same household as the person who forfeited the animals may not adopt it.

- d. No matter what the disposition of the animal in the appeal, the owner is subject to, and responsible for, any and all violations and expenses which may arise from the violation(s).
- e. If McHenry County Animal Control or a facility designated by McHenry County Animal Control has custody of the animal(s), the Animal Control Administrator, or his or her authorized agent, may file a petition with the court requesting that the owner be ordered to post security. The security must be in an amount sufficient to cover payment of all reasonable expenses expected to be incurred by Animal Control or its designee in caring for and providing for the animal(s) pending the determination. Reasonable expenses include, but are not limited to, estimated medical care and boarding of the animal for thirty (30) days. If security has been posted in accordance with this Section, the Animal Control Administrator, or his or her authorized agent, may draw from the security the actual costs incurred by Animal Control in caring for the animal(s).
- f. Upon receipt of a petition, the court must set a hearing on the petition, to be conducted within five (5) business days after the petition is filed. The petitioner must serve a true copy of the petition on the defendant.
- g. If the court orders the posting of security, the security must be posted with the clerk of the circuit court within five (5) business days after the hearing. If the person ordered to post security does not do so, the animal is forfeited by operation of law.

§ 8.04.950 MISCELLANEOUS PROVISIONS

- A. Partial Invalidity:** If any provision of this Ordinance or the application to any person or circumstances is held invalid, such validity shall not affect other provisions or applications of this Ordinance, which can be given effect without the invalid portion or application, and to this end, the provisions of this Ordinance are declared to be severable.
- B. Responsibility:** The Animal Control Administrator or his or her duly authorized representative or anyone enforcing the provisions of this Ordinance shall not be held unreasonably responsible for any accident or disease which may affect any dog, cat or other animal which may occur as a result of enforcing the provisions of this Ordinance.

McHENRY COUNTY DEPARTMENT OF HEALTH

ARTICLE VII – FEES

Approved: July 21, 2026

Effective: August 1, 2026

§ 8.04.960 FEE SCHEDULE.

INTENT AND PURPOSE: Fees charged for services, permits and penalties issued by the McHenry County Department of Health are determined each fiscal year by recommendation of the Board of Health and adoption by the County Board to offset the cost of public health programs and services. Fees are in effect from December 1 through November 30 of the following year or until modified by the County Board.

Vital Records Fees*

Birth Certificates

First Copy	\$ 12.00
Additional Copies purchased at the same time	\$ 4.00

Death Certificates

First Copy	\$ 16.00
Additional Copies purchased at the same time	\$ 8.00

*Any reissued or corrected certificates shall be subject to the same fees listed above.

Environmental Health Fees

Food Service Establishments

Fixed Location – Foodservice/Commissary/Caterer

Risk Classification I	\$ 410.00
Risk Classification II	\$ 345.00
Risk Classification III	\$ 280.00

Fixed Location – Seasonal

Risk Classification I	\$ 150.00
Risk Classification II	\$ 115.00
Risk Classification III	\$ 80.00

Schools, Daycares, Churches

Risk Classification I	\$ 155.00
Risk Classification II	\$ 125.00
Risk Classification III	\$ 105.00
Satellite Foodservice	\$ 80.00
Milk Machines Only	\$ 35.00

Institutions (nursing homes, hospitals, food pantries with food preparation)

Risk Classification I	\$ 300.00
Risk Classification II	\$ 240.00
Risk Classification III	\$ 175.00

Retail Food - No Food Preparation

Risk Classification II and III	
1 Check-out Counter	\$ 175.00
2 Check-out Counter	\$ 240.00
3 or more Check-out Counters	\$ 300.00

Retail Food with Food Preparation

Risk Classification I	\$ 425.00
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Risk Classification II	\$ 355.00
Risk Classification III	\$ 240.00
Retail Food with Multiple Food Service Departments (deli, meat, coffee, etc.)	\$50 for each additional department
Food Vending Machine	
Risk Classification I	\$ 31.00
C-Store (Vending Kiosk)	\$ 100.00
Seasonal Mobile Food Establishment	
Risk Classification I	\$ 150.00
Risk Classification II	\$ 115.00
Risk Classification III	\$ 80.00
Non-Seasonal Mobile Food Establishment	
Risk Classification I	\$ 300.00
Risk Classification II	\$ 240.00
Risk Classification III	\$ 175.00
Supplemental Health Permit	\$ 105.00
Miscellaneous Food Program Fees	
Replacement Permit	\$ 25.00
Conditional Permit	\$ 65.00
Reinstatement after permit suspension/revocation	\$ 95.00
2nd and Subsequent Re-inspections for same violation	\$ 95.00
Off Site Food Storage Facility	\$ 100.00
Cottage Food/Food Pantries	
Cottage Food Annual Registration	\$ 50.00
Cottage Food Complaint Inspection	\$ 125.00
Food Pantry	\$ 0.00
Community Refrigerator	\$ 0.00
Temporary Food Establishments	
Risk Classification I	\$ 70.00
Risk Classification II	\$ 45.00
Seasonal Temporary Food Establishment (single location)	
Risk Classification I (5 months)	\$ 255.00
Risk Classification II (5 months)	\$ 180.00
Risk Classification II (8 months)	\$ 360.00
Farmers Markets	
7 up to 15 Vendors (single location)	\$ 460.00
Up to 6 Vendors (single Location)	\$ 250.00
Each vendor over 15	\$ 15.00
Winter Market	\$ 100.00
Festival (Temporary Food Establishments)	
Up to 10 stands	\$ 440.00
Each stand over 10	\$ 35.00
Temporary Permit Late Fee (received < 5 days before event)	\$ 25.00
Food Establishment Construction Plan Review - Major	
Risk Classification I	\$ 400.00
Risk Classification II	\$ 275.00
Risk Classification III	\$ 200.00
Food Establishment Construction Plan Review – Minor	\$ 125.00
2nd and Subsequent Plan Review Resubmittal	\$ 75.00
Food Establishment Variance Review	\$ 100.00

Potable Water

Permit Fees

Construct New Well	\$ 100.00
Alteration, extension or modification	\$ 100.00
Well Sealing (\$50.00 if done at time of new well installation)	\$ 100.00
Inspection Fee (new, extended, modified, replaced, abandoned water wells and geothermal wells.)	\$ 175.00
Closed Loop Well Boreholes (up to 10 on a single parcel or lot)	\$ 100.00
Each additional closed loop borehole on a single parcel or lot	\$ 10.00

Laboratory Fees

Drinking Water - Bacterial Analysis	
Presence/Absence Total Coliform/E.coli	\$ 25.00
Quanti-tray (most probable number)	\$ 30.00
Other Water Analysis	
Arsenic (analysis by private lab)	Actual Cost
Nitrate Screen	\$ 10.00
Nitrate Quantitative Screen (analysis by private lab)	\$ 23.00
Nitrite Screen	\$ 10.00
Nitrite Quantitative Screen (analysis by private lab)	\$ 23.00
Residual Chlorine	\$ 5.00
Public Beaches	
Surface Water Bacterial Sampling and Analysis (quantitray) Season	\$ 750.00
Routine Beach Inspection (if not participating in pick-up/analysis program)	\$ 100.00
Follow-Up Beach Inspections (if not participating in pick-up/analysis program)	\$ 50.00
Miscellaneous Laboratory Fees	
Water Sample Pick-Up Charge	\$ 60.00

Private Sewage

Permit Fee Schedule

Residential (single family dwelling)	\$ 400.00
Non-Residential	
Flows up to 500 gallons a day	\$ 400.00
Flows 501 to 1000 gallons a day	\$ 525.00
Flows greater than 1000 gallons a day	\$ 815.00
Pre-Design Meeting	\$ 100.00
Alteration or repair – installation, repair or replacement of a septic tank, lift station or special waste holding tank, pre-treatment unit and/or 15% or less of the existing seepage system.	\$ 155.00
Temporary Holding Tank	\$ 150.00
Temporary Holding Tank Renewal	\$ 100.00
Septic Component Abandonment (i.e. Holding Tank, Septic Tank, Aeration Device, Lift Station, Special Waste Holding Tank, Seepage Pit, Vault Privy) (no charge if done with new tank installation)	\$ 155.00
Permit Fee Extension (6 months)	\$ 75.00
Designer Fee for Blueprints (rejection for errors, omissions or revisions)	\$ 55.00

Miscellaneous Water/Sewage Program Fees

Sewer Feasibility Letter	\$ 35.00
Septic and/or Well Policy Letter	\$ 35.00
Septic and/or Well New Construction Letter	\$ 35.00

Review of Soil Borings for Septic Suitability	\$ 175.00
Construction Impact Review Fee (e.g., decks, pools, additions, accessory structures, ZBA petitions)	\$ 200.00
Blueprint Printing Fees	
18" x 24" Black & White	\$ 4.00
18" X 24" Color	\$ 8.00
24" X 36" Black & White	\$ 8.00
24" X 36" Color	\$ 12.00
Monitoring Fee (water meter, experimental use, delayed waste strength testing, etc.)	\$ 100.00
Sale of Property Evaluation	
Private Water Supply and Private Sewage Disposal System	\$ 245.00
Private Water Supply Only	\$ 200.00
Private Sewage Disposal System Only	\$ 200.00
Subdivision Plat Review for Septic Suitability (Incorporated Areas)	
1 to 3 Lots	\$ 300.00
Each lot over 3	\$ 90.00
Septage Management	
Portable Toilet Waste Pumping Contractor	\$ 150.00
Private Sewage Disposal System Pumping Contractor Permit	\$ 150.00
Septage Management Site Permit	\$ 350.00
Septage Management Site Evaluation	\$ 150.00
Biennial Inspections	
Non-Residential Pre-Treatment Device	\$ 100.00
Special Waste Holding Tank	\$ 100.00
Single Property with Special Waste Holding Tank and Pre-Treatment Device	\$ 150.00

The Health Authority may waive or reduce any laboratory fee: 1) When waterborne illness is suspected. 2) For special or routine water studies. 3) Due to inability to pay. 4) For community-wide drinking water promotions. 5) For quantity discounts based upon actual cost. 6) In the event of a public health emergency such as widespread flooding of water wells.

Upon written request, a refund of the well inspection fee may be issued if the permit application is cancelled prior to any Department inspection and prior to expiration of the permit.

Upon written request, a refund of the permit or other application fee may be issued if the permit application is cancelled prior to Department review of the application.

Upon written request, a refund of 1/2 of a septic system permit fee may be issued if a permit application is denied. Fees for cancelled reviews of septic suitability of soil borings, septic permits, and/or construction impact reviews are non-refundable once the Department has completed its initial review of the file.

Non-seasonal food establishments that open on or after November 1st will pay ½ of the annual permit fee for that permit year.

Upon written request a refund will be issued in the amount of ½ of the annual health permit fee for food establishments that close prior to November 1st.

Temporary health permit fees or late fees are not refundable or transferable.

A food establishment plan review can be renewed for a period of six (6) months for ½ of the prevailing plan review fee, provided that all of the conditions of the original submittal remain valid.

Nursing Fees*

Procedure/Screening

Nursing Evaluation	\$ 12.30
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Laboratory

Blood Specimen Collection – Capillary	\$ 5.00
Blood Specimen Collection – Venipuncture	\$ 6.20
Chlamydia/Gonorrhea	\$ 49.15
Hemoglobin	\$ 5.00
Hepatic Function Panel	\$ 8.00
Hepatitis B Testing (HBsAG)	\$ 10.35
Hepatitis B Titer (HBsAB)	\$ 17.35
Hepatitis B (HBsAG) Confirmation	\$ 25.00
Hepatitis C (HCAb)	\$ 28.55
Hepatitis C (RNA)	*Our Cost
Human Immunodeficiency Virus (HIV 1/2)	\$ 13.75
Interferon-Gamma Release Assay (IGRA)	\$ 81.30
Lead Testing	\$ 12.00
Measles (IgG)	\$ 20.15
Mumps (IgG)	\$ 12.70
Pregnancy Test	\$ 6.05
Rubella (IgG)	\$ 9.05
Syphilis	\$ 8.00
TB Skin test (per step)	\$ 15.00
Rabies Titer	\$ 50.00
Varicella Titer	\$ 94.45
CBC with Differential	\$ 11.50
CMP	\$ 10.40
Fasting Lipid Panel	\$ 9.40
Glucose (Reagent Strip) Quantitative	\$ 3.95
Syphilis Confirmation Testing	*Our Cost

Vaccines

Specific Vaccines	*Our Cost
Vaccine administration	\$ 23.85

*Nursing Division fees are based on current Illinois Medicaid/Medicare reimbursement rates and direct contracted costs for services (laboratory and vaccine); therefore, fees are subject to change. Income-based sliding scale discounts are available.

Community Health Fees

Procedure/Screening

Cholesterol Health Screening	\$ 30.00
A1C Screening	\$ 30.00
Cholesterol and A1C Screening Combined	\$ 50.00
Hearing Screening	\$ 7.00
Vision Screening	\$ 7.00
Hearing/Vision Rescreen	\$ 7.00
CPR	\$ 50.00
N95 Fit Testing	\$ 20.00

Animal Control Fees

Registration Fees - not refundable for any reason

Annual cat and dog registration (sexually intact 6 months or older)	\$ 45.00
Annual cat and dog registration (sterilized)	\$ 15.00
Three-year cat and dog registration (sexually intact)	\$ 125.00
Three-year cat and dog registration (sterilized)	\$ 35.00
Replacement cat and dog registration tag	\$ 2.00
Cat or dog breeder registration	\$ 40.00
Each cat or dog belonging to a registered breeder, annual registration	\$ 30.00
Registration late fee after 30 days	\$ 10.00
Reckless dog owner fee	\$ 200.00
Potentially dangerous dog fee	\$ 75.00
Dangerous dog fee	\$ 300.00
Vicious dog fee	\$ 500.00

Impoundment and Redemption Fees

Stray animal with identification, first offense	\$ 45.00
Stray animal with no identification, first offense	\$ 95.00
Stray animal, second offense	\$ 90.00
Stray animal, third and subsequent offense	\$ 175.00
Animal impounded under § 8.04.920	\$ 100.00
Redemption pocket pet, rabbit, bird etc.	\$ 15.00
Boarding for pocket pet, rabbit, bird, etc. per day	\$ 5.00
Vet Service Fee	TBD
Boarding, per day	\$ 15.00

Relinquish Fees

Dog < 6 months	\$ 50.00
Dog 6 months and older	\$ 75.00
Cat	\$ 50.00
Pocket pet, rabbit, bird etc.	\$ 15.00
Owner requested euthanasia (plus disposal fee)	\$ 125.00

Miscellaneous Service Fees

Annual rabies vaccination	\$ 15.00
Three-year rabies vaccination	\$ 30.00
Microchipping	\$ 20.00
Rabies observation/release (As approved by the Administrator) Each Process separate fee plus board	\$ 175.00
Animal Control Officer Assist Fee	\$ 50.00
Animal Control Officer Assist Fee (After Hours)	\$ 50.00
Animal Control Officer transport, rabies specimen	\$ 25.00
Disposition Fee, Trapped Cat delivered to Animal Control (If space allows)	\$ 35.00
Disposal per animal, less than 15 lbs.	\$ 15.00
Disposal per animal over 15 lbs.	\$1.00/lb.
Rabies specimens – prepared under 5 lbs.	\$ 15.00
Rabies specimens – prepared over 5 lbs	\$ 25.00
Rabies specimens – unprepared under 15 lbs.	\$ 25.00
Rabies specimens – unprepared over 15 lbs.	\$ 50.00
Boxing Fee	\$ 50.00
Courier surcharge for expedited Friday delivery to rabies lab	Our Cost

Adoption Fees and Transfer Agreements

Adoption fee includes age-appropriate preventive vaccines, Rabies vaccination, registration tag, sterilization surgery, Microchip, heartworm test for dogs and FeLV/FIV test for cats. If the animal is not old enough for rabies vaccination or sterilization surgery at the time of adoption, it may be returned to McHenry County Animal Control after three months of age for a free one-year rabies vaccination and registration tag and sterilization surgery. Adoption fees may be adjusted for cause at the discretion of the Director of McHenry County Animal Control.

Dog adoption fee, under 6 months	\$175.00
Dog adoption fee, 6 months and older	\$125.00
Cat under 6 months	\$125.00
Cat six months and older	\$100.00
Dog or cat transfer to another shelter or agency, as is with no veterinary services	N/C
Dog or cat transfer to another shelter or agency, with vaccines and/or veterinary services provided	Our cost, up to full adoption fee