

TITLE 8 HEALTH AND SANITATION

CHAPTER 1 NUISANCES

8-1-1: NUISANCES PROHIBITED:

- A. Noise: It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others within the limits of the Village.
- B. Vicious Animals:
1. It shall be unlawful for a person to keep, harbor, or maintain any vicious animal or animals with vicious propensities in a manner which may or does endanger the safety of persons or property off his premises or lawfully on his premises.
 2. It shall be unlawful to own, harbor, keep or be in charge of any dog, cat or other animal which has been declared vicious by the local health or police authorities or to permit such animal to be on a public street or highway, or upon any premises other than those of the person owning such an animal or those of a person who has given permission to said owner to keep or harbor such animal on his premises.
 3. The owner or harbinger of any animal requiring veterinarian, impounding, licensing, destruction or disposition services as a result of any violations of this subsection B shall be responsible for all such expenses. Any such owner or harbinger shall reimburse the Village for any expenses incurred by the Village as a direct result of said violations. (Ord. 95-O-709, 11-6-1995)

8-1-2: NOISE CONTROL:

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Chapter, but said enumeration shall not be deemed to be exclusive:

- A. Horns Or Signaling Devices: The sounding of any horn or signaling device on any

automobile, motorcycle or other vehicle on any street or public place in the Village, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device, except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

- B. Radios, Instruments, Etc.: The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M. in such a manner as to be plainly audible at a distance of fifty feet (50') from the building, structure or vehicle on which it is located shall be prima facie evidence of a violation of this Section.
- C. Commercial Advertising: The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- D. Noisy Animals: The keeping of any animal which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity. (Ord. 73-O-187, 6-7-1973)
- E. Construction Or Demolition Activities: The erection (including excavating), demolition, alteration or repair of any building other than between the hours of seven o'clock (7:00) A.M. and six o'clock (6:00) P.M. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Commissioner, which permit may be granted for a period not to exceed three (3) days or less while the emergency continues and which permit may be renewed for a period of three (3) days or less while the emergency continues. If the Building Commissioner should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of six o'clock (6:00) P.M. and seven o'clock (7:00) A.M., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of six o'clock (6:00) P.M. and seven o'clock (7:00) A.M., upon application being made at the time the permit for the work is awarded or during the progress of the work. In this subsection, the term "weekdays" shall mean Monday through

Friday, inclusive.

F. Loud Appliances Or Equipment: The operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is accompanied by loud or unusual noise, between the hours of six o'clock (6:00) P.M. and seven o'clock (7:00) A.M. on weekdays. In this subsection, the term "weekdays" shall mean Monday through Friday, inclusive.

G. Open Air Discharges:

1. Exhausts: The discharge into the open air of the exhaust of any steam engine, stationery internal combustion machine, motor boat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

2. Defect In Vehicle Or Load: The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

H. Heavy Equipment:

1. Hours Prohibited: The operation of trucks, tractors, front-end loaders and such other similar heavy equipment between the hours of six o'clock (6:00) P.M. and seven o'clock (7:00) A.M. weekdays or any time on the weekends or holidays, in any place within the Village in which a majority of the buildings within a radius of one thousand feet (1,000') are used exclusively for residential purposes. In this subsection the term "weekdays" shall mean Monday through Friday, inclusive, the term "weekend" shall mean Saturday and Sunday and the term "holiday" shall be any day as defined or fixed in any statute now or hereafter in force in the State.

2. Exception By Permit: Provided, however, that any person, firm or corporation may make written application to the Village Board of Trustees for the issuance of a permit to operate such equipment during said prohibited time.

a. Said permit shall be authorized or denied by the Village Board in accordance with the applicable provisions of this Chapter and the regulations and conditions of the Code.

b. The application for a special equipment operating permit shall be acted upon by the Village Board after a public hearing has been held by the Village Board or a committee designated by the Village Board, following due notice to all adjacent property owners within three hundred feet (300').

Evidence of notice shall be: 1) certified return receipt, or 2) individual signed copy of notification.

3. Initiation: An application for a special equipment operating permit may be made by any

person, or by an office, department, board, bureau or commission requesting or intending to request a building permit.

4. Processing:

a. An application for a special equipment operating permit, in such form and accompanied by such information as shall be established from time to time by the Building Commissioner, shall be filed with the Village and thereafter processed in the manner prescribed heretofore for applications.

b. The village board or its designated committee shall hold the public hearing and forward its determinations in written form to the building commissioner within ten (10) days following the date of public hearing on each application, unless it is withdrawn by the applicant.

5. Evidence Of Necessity: The applicant shall provide to the hearing body evidence as to the necessity for such a permit. The evidence submitted must demonstrate the hardship the applicant will suffer if the permit is not issued.

6. Statement Of Hours: In each application, the applicant shall state the exact hours and days for which the permit is requested.

7. Minimizing Effects: The applicant must demonstrate what measures will be taken to alleviate or minimize the effect, if any, issuance of the permit will have on adjacent properties. (Ord. 94-O-668, 8-1-1994)

I. Commercial Planned Developments:

1. Except as provided herein, it shall be unlawful to pick up or deliver any goods, produce, merchandise, or refuse from a business established in a commercial planned development between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M.

2. The owner of any commercial planned development shall post signs detailing such prohibition at all delivery areas of the commercial planned development, as directed by the Kildeer police department.

3. The pick up or delivery of any goods or products required by emergency services for the immediate protection of building contents, or for the structural integrity of the building infrastructure, or any of its occupancies are exempt from this provision provided that prior notification of such a condition has been made to the village of Kildeer. (Ord. 02-O-862, 10-7-2002)

8-1-3: NUISANCES ON PUBLIC WAYS:

A. It shall be unlawful to throw, leave, place or deposit or to permit to be deposited any glass,

tacks, nails, building materials or any articles or debris on any street, alley, sidewalk or other public place in the village.

- B. It shall be unlawful to permit, cause or allow any mud, dirt or other earthen materials to fall from, be thrown from or laid down by, tires or from other parts of motor vehicles or construction equipment on any public street, alley, sidewalk or other public place in the village.
- C. It shall be unlawful to permit, cause or allow any grass, rubbish, trees, branches, construction materials or excavation materials to be dumped or deposited in any public street, alley or sidewalk or other public place in the village. (Ord. 73-O-187, 6-7-1973)

8-1-4: WEEDS, DECLARED A NUISANCE:

(Rep. by Ord. 91-O-588, 8-5-1991)

8-1-5: PENALTY:

Any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined as set forth in section 1-4-1 of this code. (Ord. 73-O-187, 6-7-1973; amd. Ord. 95-O-707, 11-6-1995)

CHAPTER 2 GARBAGE, REFUSE, RECYCLING AND LANDSCAPE WASTE

8-2-1: COMPLIANCE WITH EXCLUSIVE CONTRACT:

All residents within the village shall comply with all applicable provisions of a certain contract dated November 4, 1996, and entitled "contract for refuse collection and disposal, and collection of recyclables and landscape waste for delivery to permitted and/or approved facilities with the village of Kildeer" between the village and Waste Management-Northwest, and any extensions or amendments thereto. Said contract, as well as any extensions and amendments are on file at the village office.

- A. All garbage, refuse, recyclables and landscape waste will be picked up on Wednesday beginning six thirty o'clock (6:30) A.M.; when a holiday falls on Monday, Tuesday, or Wednesday, materials will be picked up on Thursday.
- B. No garbage, refuse, recyclables and/or landscape waste, or any refuse, whether or not in the proper container, shall be placed on any portions of any public or private road or right of

way earlier than six o'clock (6:00) P.M. of the night preceding pick up. Any such material placed for pick up earlier is hereby declared to be a public nuisance, and subject to enforcement and penalty.

- C. All solid waste materials (excluding recyclables and landscape waste) may be deposited for collection in conventional trash containers. In the alternative, residents may lease or purchase wheeled carts via the contracted hauler. (Ord. 96-O-736, 12-2-1996)

8-2-2: RECYCLING MANDATORY:

Solid waste recycling of recyclables (newspaper, mixed paper, aluminum, metal cans, glass, various plastics) is mandatory. All Kildeer property owners must contract for solid waste removal, including recyclables, with Kildeer's contracted hauler. All solid waste recyclables, excluding compost materials, shall be deposited for collection in approved recycling bins provided through the hauler. (Ord. 96-O-736, 12-2-1996)

8-2-3: REMOVAL OF RECYCLABLES BY SCAVENGERS:

It shall be unlawful for any person other than the contracted hauler to remove any recyclable materials from the approved bins. "Recyclable materials" shall mean and include newspaper, mixed paper, aluminum, metal cans, glass, various plastics, or any other matter which can be sold for recycling purposes. (Ord. 96-O-736, 12-2-1996)

8-2-4: YARD WASTE AND COMPOSTING:

"Yard waste" is defined, but not limited to, grass clippings, leaves, mulch, branches, twigs, shrubs or trees. Village residents are strongly encouraged to maintain their yards in an ecologically sound manner. They are encouraged to compost all compost materials on their homesites. They are equally encouraged, if they engage landscape contractors, to require that all yard waste, such as grass clippings be composted on or off site. Residents may also arrange for seasonal pick up of yard waste through the village's contract hauler on a cost per sticker basis. Yard waste should be bundled or deposited in appropriate containers or bags. It is unlawful to commingle yard waste and compost materials with other solid waste materials. (Ord. 96-O-736, 12-2-1996)

8-2-5: DUMPING AND ACCUMULATION OF GARBAGE OR REFUSE:

- A. Dumping: It shall be unlawful for any person to dump or deposit, or to aid, abet, assist, advise, encourage or permit the dumping or depositing of any garbage, refuse, junk, yard waste, or residential, commercial or industrial waste or obnoxious debris upon any land within the village.

- B. Accumulation: It shall be unlawful for any owner, and also any person in possession or control, of any land in the village to permit or maintain the existence thereon of the accumulation of any garbage, refuse, junk, yard waste, or residential, commercial or industrial waste or obnoxious debris, or to permit said land to become or remain in such a condition as to be dangerous to the public health in any way. (Ord. 96-O-736, 12-2-1996)

8-2-6: PENALTY:

Any person violating any provision of this chapter shall be fined not less than two hundred dollars (\$200.00) nor more than the maximum as set forth in section 1-4-1 of this code for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 90-O-518, 1-2-1990; amd. Ord. 95-O-707, 11-6-1995; Ord. 96-O-736, 12-2-1996)

"Person", for the purposes of this chapter, shall mean and include any individual, corporation, association, partnership, or any other legal entity. (Ord. 90-O-518, 1-2-1990; amd. Ord. 96-O-736, 12-2-1996)

CHAPTER 3 RESTAURANTS AND FOOD STORES

8-3-1: DEFINITIONS:

The following definitions shall apply in the interpretation and enforcement of this Chapter (except as otherwise provided herein with respect to food vending machines):

EMPLOYEE: Any person who handles food or drink during preparation of serving, or who comes in contact with any eating or cooking utensils, or who is employed in a room in which food or drink is prepared or served.

FOOD and DRINK: Any cooked or uncooked article of food, drink, condiment, confection or any other substance, liquid or solid, including ice, used or intended to be used for human consumption.

FOOD STORE: Any grocery store or any place where food or drink is prepared, stored or offered for sale or sold.

HEALTH OFFICER: The Health Officer of the Village or his authorized representative.

RESTAURANT: Restaurant, coffee shop, cafeteria, short order cafe, luncheonette, tavern, sandwich stand, soda fountain and all other eating or drinking establishments, as well as kitchens

or other places in which food or drink is prepared for sale elsewhere.

UTENSILS: Includes any kitchenware, tableware, cutlery, utensils, containers or other equipment with which food or drink comes in contact during storage, preparation or serving.

8-3-2: LICENSE REQUIRED:

A. Application, Contents:

1. It shall be unlawful for any person to conduct or operate the business of food dispenser without first having obtained a license to do so.

2. Written application therefor, verified under oath, shall be filed with the Village Clerk. Such application shall set forth:

The name and address of the applicant (together with its partners or directors, officers and shareholders, where applicable);

The location where the business is to be conducted;

The nature, conditions and method of operation of same;

The equipment and facilities to be used;

The number of service accommodations to be provided;

The physical condition of the employees and the sanitary regulations and facilities for same; and

Such further information as may be requested by the Village President or corporate authorities.

3. The Village President shall cause an investigation to be made by the Health Officer and other officers and employees to determine whether the applicant complies with the requirements of all applicable laws and Village ordinances, as well as the rules and regulations promulgated by the Health Officer.

4. If the foregoing investigation shows proper sanitary conditions and compliance, the Village President shall issue a license to the applicant upon payment of the license fee provided therefor.

5. Upon the issuance of the license, the Village President shall cause periodic inspection to be made to maintain sanitary conditions and compliance, as aforesaid.

B. Expiration Date: Such food dispenser's license, as required by the preceding subsection, shall not be transferable and shall expire on June 30 of the year for which the same is issued.

C. Posting Of License: Every person licensed as a food dispenser shall immediately post the license upon the store door or window where such business is authorized to be conducted. (Ord. 69-0-149, 3-6-69; amd. 1981 Code)

8-3-3: LICENSE FEE:

The annual license fee of a "restaurant" or "food store", as defined under Section 8-3-1 hereof, shall be as follows:

Food store having 1,000 square feet or less, of retail floor space	\$100.00
Food store having more than 1,000 square feet of retail floor space	200.00
Restaurant seating 50 or fewer persons	100.00
Restaurant seating 51 persons or more	200.00

(Ord. 95-0-693, 4-3-95)

8-3-4: REVOCATION OF LICENSE:

The Village President may revoke a food dispenser's license at any time by notice in writing whenever it shall appear that the licensee has failed to maintain proper sanitary conditions and compliance with all applicable laws, ordinances, rules and regulations of the Village. (Ord. 69-0-149, 3-6-69; amd. 1981 Code)

8-3-5: HEALTH PERMIT:

It shall be unlawful for any person to operate the business of a food dispenser or food store in the Village who does not possess an unrevoked permit from the Health Officer. Only persons who comply with the requirements of this Chapter shall be entitled to receive and retain such a permit. Such a permit may be temporarily suspended by the Health Officer upon the violation by the holder of any of the terms of this Chapter or revoked after an opportunity for a hearing by the Health Officer upon serious or repeated violation. Application for such permit shall be made in conformity with the provisions of subsection 8-3-2A2 of this Chapter. Upon receipt of such application, the Health Officer shall investigate or cause to be investigated the place of business described in such application and the vehicles, methods and equipment intended to be used by such applicant. (Ord. 69-0-149, 3-6-69; amd. 1981 Code)

8-3-6: EXAMINATION OF FOOD:

Samples of food, drink and other substances may be taken and examined by the Health Officer as often as may be necessary for the detection of unwholesomeness or adulteration. (Ord. 69-0-149, 3-6-69; amd. 1981 Code)

8-3-7: INSPECTION OF PREMISES:

The Health Officer is hereby authorized to inspect every food establishment located or operating within the Village. One copy of the report of such inspection shall be given to the operator of the food establishment, and another copy shall be filed with the Village Clerk. The person operating the food establishment shall, upon request of the Health Officer, permit the examination and copying of all records of food and drink purchases and sales. (Ord. 69-0-149, 3-6-69; amd. 1981 Code)

8-3-8: SANITATION REQUIREMENTS:

All food establishments shall comply with all of the following items of sanitation:

- A. The floor of all rooms in which food or drink are stored or prepared, or in which utensils are washed, shall be smooth and of such construction as to be easily cleaned and shall be kept clean and in good repair. Floor drains shall be provided in all rooms where floors are subjected to flooding-type cleaning or where normal operations release or discharge water or other liquid waste on the floor.
- B. The walls and ceilings of all rooms in which food or drink are stored or prepared, or in which utensils are washed, shall be finished in a light color, with a washable surface up to the level reached by splash and spray and shall be kept clean and in good repair.
- C. When flies are prevalent, all openings into the outdoor area shall be effectively screened, and doors shall be self-closing, unless other effective means are provided to prevent the entrance of flies.
- D. All rooms in which food or drink are stored or prepared, or in which utensils are washed, shall be well lighted and well ventilated.
- E. Adequate and conveniently located toilet facilities shall not open directly into any room in which food, drink or utensils are handled or stored, and the doors of all such rooms shall be self-closing. Such rooms shall also be kept in a clean condition, in good repair, and well lighted and ventilated.
- F. Running water under pressure shall be easily accessible to all rooms in which food is prepared or utensils are washed. Adequate and convenient hand-washing facilities shall also be provided, including hot and cold running water, soap and individual cloth or paper towels. The use of a common towel is prohibited. An approved hand-drying device may be

used in lieu of towels.

- G. All multi-use utensils and all show and table cases, windows, counters, shelves, tables, refrigerating equipment, sinks and other equipment or utensils used in connection with the operation of any food establishment shall be in accordance with N.S.L. requirements and shall be so constructed and located as to be easily cleaned and shall be kept in repair.
- H. All equipment, including display cases, windows, counters, shelves, tables, meat blocks, refrigerators, stoves, hoods and sinks shall be kept clean and free from dust, dirt, insects and other contaminating agents. All multi-use eating and drinking utensils shall be thoroughly cleaned and effectively subjected to an approved bactericidal process following the day's operation. Drying cloths, if used, shall be clean and used for a single purpose. No article, polish or other substance containing any cyanide preparation or other poisonous material shall be used in the cleaning and polishing of utensils.
- I. After bactericidal treatment, the utensils shall be stored in a clean, dry place, protected from flies, dust and other contamination, and shall be handled in such a manner as to minimize the opportunity for contamination. Single service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.
- J. Except when being prepared and served, all readily perishable food or drink shall be maintained at a temperature of not less than thirty five degrees (35) F., and not more than forty degrees (40) F. The temperature for hot liquid food or drink shall be maintained at not less than one hundred fifty degrees (150) F., and the temperature for frozen food shall be maintained at not more than thirty two (32) F.
- K. All food and drink shall be clean, wholesome, free from spoilage and so prepared as to be safe for human consumption. All milk products, ice cream and frozen desserts served or sold shall be pasteurized products, and milk and milk products shall be served in the individual, original containers in which they were received from the distributor, or from a bulk container with an approved dispensing device; provided, that this requirement shall not apply to cream, which may be served from the original bottle or from an approved dispenser.
- L. All food and drink shall be so stored, displayed and served as to be protected from dust, flies, vermin and pollution by rodents and any other kind or type of contamination. No live animals or fowls shall be kept in any room in which food or drink is prepared or stored.
- M. All employees shall wear clean, odorless garments and shall keep their hands and fingernails clean at all times while engaged in the handling of food, drink, utensils or equipment. Employees shall not expectorate or use tobacco in any form in rooms in which food is prepared.

- N. All premises shall be kept clean and free of litter or rubbish. No operation connected with a food establishment shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees, and soiled linens, coats and aprons shall be kept in containers provided for this purpose.
- O. It shall be the duty of every owner of a food establishment to instruct his employees as to the foregoing sanitation requirements and to supervise his employees to prevent their violation thereof. A legible copy of this Section 8-3-5 shall be posted prominently near washroom facilities used by such employees.

8-3-9: UNWHOLESOME FOOD:

It shall be unlawful for any person to sell or offer to sell any unwholesome or polluted food or drink of any kind.

8-3-10: EMPLOYEES:

- A. Diseased: It shall be unlawful for any person, engaged in the operation of a food establishment, to permit any employee who is afflicted with or a carrier of any contagious or epidemic disease to work on the food establishment premises. When the Health Officer has reasonable grounds to determine that any employee of a food establishment is afflicted with or a carrier of any contagious or epidemic disease, the Health Officer is authorized to take any and all of the following action:
 - 1. Immediately exclude the employee from all food establishments;
 - 2. Immediately close the food establishment; or
 - 3. Require adequate medical examination of the employee and such other employees as he may deem necessary and to continue any and all such action until no further danger of the outbreak of contagious or epidemic disease exists.
- B. Medical Examinations: All employees shall permit such medical examinations and submit such laboratory specimens as the Health Officer may require for the purpose of determining freedom from infection. Each employee shall be required to have a yearly chest x-ray and shall carry or have on file in the establishment where he works a card or letter stating that he has had a negative tubercular test or chest x-ray within the past year, and that this test or x-ray did not show signs of active tuberculosis¹⁽¹⁾. (Ord. 69-O-149, 3-6-1969; 1981 Code)

8-3-11: PENALTY:

Any person violating any provision of this Chapter shall be fined as set forth in Section 1-4-1 of this Code, and a separate offense shall be deemed to have occurred on each day on which a

violation occurs or continues. (Ord. 69-O-149, 3-6-1969; 1981 Code; amd. Ord. 95-O-707, 11-6-1995)

CHAPTER 4

INDIVIDUAL SEWAGE DISPOSAL SYSTEMS

8-4-1: DEFINITIONS:

APPROVED: Approved by the Lake County Health Department.

BEDROOM: Any room, whatever named, which is suitable to be used regularly as a bedroom, including den, library or study.

CHEMICAL TOILET: 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.

HEALTH OFFICER: The Director of the Lake County Health Department or his authorized representative.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM: A sewage disposal system other than a public system which receives either human excreta or liquid waste, or both, from one or more premises. Included within the scope of this definition are septic tanks, soil absorption systems, privies, chemical toilets and mechanical sewage treatment systems, up to one thousand five hundred (1,500) gallons per day flow rate.

PERMIT: A written permit issued by the Health Officer permitting the construction of an individual sewage disposal system under this Chapter.

PERSON: Any natural person, firm, club, corporation, association, partnership, company, organization or political subdivision.

SEASONAL WATER TABLE: A perched layer of water in the upper soil profile due to the slow run-off or depressional position in the landscape.

SEEPAGE PIT: A covered pit with open lining through which the septic or treated effluent may seep or leach into the surrounding porous soil.

SOIL DESCRIPTION: A description of soil as described in the Lake County Soil Survey, Report No. 88.

VILLAGE: The Village of Kildeer.

WATER CARRIAGE SEWAGE DISPOSAL SYSTEM: A system utilizing running water to carry fecal solids and other wastes from a dwelling or building to the sewage treatment device.

WATER TABLE: The upper limit of the sand or gravelly soils saturated with water in which a well could be constructed to supply water for human consumption.

8-4-2: RULES AND REGULATIONS:

The Health Officer of the Village, in order to protect the health and safety of the people of the Village and of the general public, is authorized and directed to promulgate rules and regulations establishing minimum standards governing the design, construction, installation and operation of individual sewage disposal systems. Such rules and regulations shall become effective upon approval of the Village Board and shall be filed with the Village Clerk as a public record.

- A. Rule I: The Village Board hereby adopts Rule I entitled "Individual Sewage Disposal System Rules and Regulations", as set forth in Section 8-4-17 of this Chapter.
- B. Rule II: The Village Board hereby adopts Rule II entitled "Subdivision Soil Test", as set forth in Section 8-4-17 of this Chapter.
- C. Table II: The Village Board hereby adopts Table II entitled "Use of Soils to Determine Suitability and Construction Details for Installing Subsurface Seepage Field", as set forth in Section 8-4-17 of this Chapter.

8-4-3: PERMITS:

- A. It shall be unlawful for any person to construct or make major alterations to individual sewage disposal systems within the Village unless he holds a valid permit issued by the Health Officer in the name of such person for the specific construction or major alteration proposed. The permit issued by the Health Officer is in addition to the building permit required and must be obtained prior to application for the building permit for the construction or major alteration proposed. (Ord. 80-O-301, 6-5-80)
- B. All applications for permits granted under the provisions of this Chapter shall be made to the Health Officer who, within a reasonable period of time after the receipt of an application for a permit and adequate review of the application, shall issue a permit upon compliance by the applicant with the provisions of this Chapter and any regulations adopted hereunder. The Health Officer or his authorized representative shall act upon all applications within fifteen (15) days of receipt thereof.

The Health Officer may refuse to grant a permit for the construction of an individual sewage disposal system where a public sewer is available. A sewer shall be deemed available when a public sewer line is in place within any street, alley, right of way or easement that adjoins

or abuts the premises for which the permit is requested, or when the improvement to be served is located within a reasonable distance of a public sewer to which a connection is practical and is permitted by the controlling authority for the sewer. A reasonable distance for the purposes of this provision shall be deemed to be not greater than three hundred feet (300') for a single-family residence and not greater than one thousand feet (1,000') for a commercial establishment or multi-family dwelling.

The construction or utilization of an individual sewage disposal system is hereby prohibited within any subdivision or planned unit development which is designed to be served or is actually served by a private sewage treatment plant facility. (Ord. 84-O-389, 5-7-84)

- C. Applications for permits shall be in writing on forms furnished by the Village Clerk and shall be signed by the applicant. No property shall be improved in excess of its capacity to properly absorb sewage effluents. Said permit to construct is valid for a period of eighteen (18) months from date of issuance. If construction has not started within this period, the permit is void.
- D. A permit shall not issue until the applicant files a copy of the septic plans as approved by the Lake County Health Department with the Zoning Administrator or the Building Inspector. All applications for permits shall be accompanied by a septic field plan approved by the Health Officer and the Lake County Health Department. No changes in the proposed septic plans shall be allowed unless and until reviewed and approved by the Health Officer and the Lake County Health Department and the Building Inspector.

8-4-4: REPAIRS OR MAJOR ALTERATIONS TO SEPTIC FIELD:

A permit shall be required for repairs or substantive alterations to individual sewage disposal systems. An application shall be made as otherwise set forth in Section 8-4-3 of this Chapter. An individual sewage disposal system repair plan must be submitted to and receive the approval of the Lake County Health Department and to the Health Officer prior to the issuance of the permit.

8-4-5: SOIL SUITABILITY:

All individual sewage disposal systems will be designed as to the soil type that is identified by the two (2) borings that will be done in the seepage field area. The soil type will be designated by that soil that most closely represents the typical soil profile as described in the Lake County Soil Survey. The Illinois Agricultural Experiment Station Soil Report No. 88. All soils must have a minimum of six inches (6") of permeable soil between the bottom of the trench and the mottled subsoil, and also must be protected so that the seasonal high water table will not rise closer than two feet (2') below the bottom of the seepage trench.

8-4-6: WORKERS TO BE LICENSED:

- A. Licensed Contractor: Every individual sewage disposal contractor working in the Village shall have a valid license from the State of Illinois and be registered with the Lake County Health Department. No contractor shall work in the Village unless he is licensed and registered. At the request of the Health Officer, but not more often than once per year, the contractor or an employee representative of the contractor shall successfully complete a course in individual sewage disposal conducted by the Lake County Health Department.
- B. Licensed Pumper: Every individual sewage disposal pumper working in the Village shall have a valid license from the State of Illinois and be registered with the Lake County Health Department.

8-4-7: INSPECTIONS:

No individual sewage disposal system shall be used until it has been inspected and approved by the Lake County Health Department.

The Health Officer is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Chapter and the rules and regulations hereunder. It shall be the duty of the owner or occupant of any property to give the Health Officer free access to the property at reasonable times for the purpose of making such inspections as are necessary to determine compliance with the requirements of this Chapter and the rules and regulations promulgated hereunder.

8-4-8: STATE AND COUNTY REQUIREMENTS:

Compliance with this Chapter does not release the applicant from compliance with all pertinent Illinois Statutes and Lake County ordinances and regulations governing individual sewage disposal systems.

8-4-9: FEES AND COSTS:

Fees and costs shall be charged according to the current fee schedule adopted by the Village.

8-4-10: OCCUPANCY PERMITS:

No occupancy permit shall issue for a residential or commercial structure unless and until the owner or the owner's contractor shall file with the Health Officer and the Lake County Health Department a set of as-built plans for the individual sewage disposal system which shall accurately indicate the actual location of all the system components.

8-4-11: EXPOSURE OF SEWAGE:

No person shall discharge or cause to be discharged untreated sewage, the effluent from any septic tank, disposal field, mechanical treatment plant or the contents of a privy vault or chemical toilet directly or indirectly to any stream, ditch, storm sewer, field tile, ground surface or abandoned well, or maintain or operate an individual sewage disposal system in such a manner that it becomes offensive, dangerous or prejudicial to the public health.

8-4-12: UNSUITABLE SOILS:

If the application for an individual sewage disposal system permit has been denied because the soil is identified as unsuitable or for other reasons, the applicant may present a plan for specialized sewage disposal system that overcomes the limitation of the lot.

8-4-13: PERMIT DENIAL; HEARING:

If the Health Officer refuses to issue a permit for construction or major alteration of an individual sewage disposal system, the applicant for the permit may file in the office of the Village Clerk a written request for a hearing; the hearing shall be conducted by the Village Board within thirty (30) days of said request. (Ord. 80-O-301, 6-5-1980)

8-4-14: FAILURE OF FACILITIES; NOTICE TO VILLAGE:

It shall be the duty of any operator, owner, lessee, and all other parties in possession of a private sewer treatment plant facility within the Village to give written notice to the Village by delivering the same to the Village Clerk whenever any of the following occurs:

- A. The sewer treatment plant facility becomes nonoperational for a period in excess of two (2) hours.
- B. It is determined that the sewer treatment plant facility is not functioning or probably is not functioning in accordance with established standards promulgated by the Illinois Environmental Protection Agency, the Federal Environmental Protection Agency and all standards of any and all governmental agencies having jurisdiction over the construction or operation of private sewer treatment plant facilities.

The failure to give notice as set forth in this Section to the Village by any operator, lessor, lessee, or other party in possession of sewer treatment plan facilities shall be considered a violation of this Section. (Ord. 80-O-308, 11-6-1980)

Any person, or other legal entity, which violates any provisions of this Section shall be fined a sum as set forth in Section 1-4-1 of this Code, and a separate offense shall be deemed to have

occurred for each day in which a violation occurs or continues. (Ord. 80-O-308, 11-6-1980; amd. Ord. 95-O-707, 11-6-1995)

8-4-15: PENALTIES:

Any person who violates this Chapter or any rule or regulation adopted by the Village or who violates any determination or order of the Health Officer under this Chapter shall be fined a sum not less than one hundred dollars (\$100.00) nor more than the maximum as set forth in Section 1-4-1 of this Code per occurrence; and a separate offense shall be deemed committed for each day that a violation occurs. The Village Attorney shall bring such action in the name of the Village and may, in addition to other remedies provided in this Chapter, bring an action for an injunction to restrain such violation, or to enjoin the operation of any such establishment. (Ord. 80-O-301, 6-5-1980; amd. Ord. 95-O-707, 11-6-1995)

8-4-16: INTERPRETATION, PURPOSES AND CONFLICT:

The purpose of this Chapter is to establish minimum standards for the promotion of public health, safety and general welfare of the citizenry of the Village. In the event that there are standards presently existing in any other Village ordinances which impose stricter standards than those included herein, the stricter standards shall prevail. In addition, in the event the Village Board adopts ordinances subsequent hereto which contain more stringent standards than those included herein, the more stringent standards shall prevail. It is the intention of the Village Board that this Chapter shall not repeal, either expressly or by operation of law, any and all other ordinances presently in effect. (Ord. 80-O-301, 6-5-1980)

8-4-17: RULES, REGULATIONS AND TABLES:

RULE I INDIVIDUAL SEWAGE DISPOSAL SYSTEM RULES AND REGULATIONS

Every individual sewage disposal system shall be designed and constructed in accordance with the minimum standards as specified in the following regulations: (Ord. 80-O-301, 6-5-1980)

Regulation A. Septic Tank Capacity

1. The minimum capacity for a residence shall be 1,500 gallons. The septic tank must consist of 2 compartments. An additional 250 gallon capacity shall be required for each bedroom in excess of 4. An additional 500 gallons of capacity shall be required for a residence in which a garbage disposal is to be installed.
2. For building other than residence, tank capacity shall be at least 750 gallons. With flows between 500 and 1,500 gallons per day, a capacity of 1 1/2 days' sewage flow is

required. With flows greater than 1,500 gallons per day, the volume shall be 1,125 gallons plus 75 percent of the daily sewage flow.

3. Flow Rate. See Table I.

Regulation B. Septic Tank Construction

1. If a tank lid is buried more than 24 inches below the ground surface, manholes to a point 8 inches below ground surface level shall be installed over the ports. Inspection ports shall have a minimum of 8 inches; manholes shall have a minimum dimension of 20 inches. If tank is more than 24 inches deep, all cover and inspection ports must be made watertight.

If the tank cover is cast monolithically with the sides of the tank, a manhole with a minimum dimension of 20 inches shall be provided. This manhole may be used as an inspection port if it is located over a baffle or a T.

2. Location: Septic tanks shall be located in accordance with the table listed in Item C-35 of these specifications.

3. All septic tanks must have approval number of the State Department of Public Health, and must be constructed of either poured cement concrete or precast concrete. (Ord. 82-O-342, 4-14-82)

Regulation C. Sewer and Seepage Field Construction

1. Sewer lines shall be firmly sealed at all connections with the septic tank and distribution or drop boxes. (Ord. 80-O-301, 6-5-80)

2. Sewer lines and the line from the tank to the distribution or drop boxes shall be constructed of cast iron pipe with lead and okum joints. (Ord. 82-O-342, 4-14-82)

3. Sewer lines shall be 4 inch inside diameter or larger.

4. Drop box, drop T, pressure or serial distribution shall be used where the fall of the ground surface in the field exceeds approximately 6 inches.

5. Distribution boxes, when used, shall be constructed of concrete of good quality with inlet at least 2 inches above outlets and outlets at least 1 inch above bottom. The box shall have a removable cover. The end of the lines must be tied together. (Ord. 80-O-301, 6-5-80)

6. Minimum width of trench 24 inches.

(Ord. 82-O-342, 4-14-82)

7. Maximum width of trench 36 inches.
8. Seepage trenches shall be cut level. Trenches shall not be excavated when the soil is so wet as to smear easily. (Ord. 80-O-301, 6-5-80)
9. Minimum distance between trenches (center to center) - 3 times trench width, except that the absolute minimum shall be 9 feet. (Ord. 82-O-342, 4-14-82)
10. Maximum length of each tile line 100 feet.
11. Minimum depth of gravel or stone under tile 6 inches.
12. Minimum depth of gravel or stone over tile 2 inches.
13. Trench fill shall be crushed stone or gravel. Stone or gravel shall be free of dust, sand, clay or fine material. Fill may vary from 1/2 to 1 1/2 inch in size. Fill must be uniformly spread and level.
14. Upper halves of clay tile joints are to be covered with asphalt treated paper.
15. After placing rock or gravel over tile, cover same with untreated building paper or straw and backfill trench with a minimum of 6 inches of soil solidly tamped.
16. Slope of seepage lines level.
17. Minimum inside diameter of tile 4 inches.
18. Minimum space between tiles 1/4 inch.
19. Maximum space between tiles 1/2 inch.
20. Maximum depth of trench (see Table II as to soil type). (Ord. 80-O-301, 6-5-80)
21. Piping in the seepage field shall be limited to perforated plastic pipe. Joints shall be minimized in that full lengths of pipe shall be utilized whenever possible. (Ord. 82-O-342, 4-14-82)
22. All trenches shall be backfilled as soon after inspection as practicable. Adequate precaution shall be taken to protect the septic tank, sewage disposal field, drop boxes and tile lines. (Ord. 80-O-301, 6-5-80)
23. The minimum total bottom area of seepage trench per bedroom and bedroom additions shall be determined by the soil type that is identified by the 2 borings that are done in the proposed seepage field area. Table II designates the suitability and construction details for each soil type based on controlled percolation tests, permeability tests, and clay content of the subsoil. In no event, however, shall the septic field consist of less than 1,000 lineal feet for a residential use. An additional 200 lineal feet shall be

required for each bedroom in excess of 4 bedrooms. (Ord. 82-O-342, 4-14-82)

24. For system other than single-family residences, use Table I to determine design sewage flow. Table I does not allow for wastes from garbage grinders and automatic washing machines. Discharge from these appliances calls for extra capacity of 20% and 40%, respectively, over the calculated absorption area values. Use Table II to calculate square feet required. No septic system designed for more than 1,500 gallons per day is allowed in severe soils.

25. The seepage field area may not be cut or filled unless shown on the plan approved by the Lake County Health Department.

26. Garages, driveways, patios, swimming pools and like structures and improvements shall not be placed on seepage field or reserve area.

27. Gas lines, electric line and underground trenching shall not be installed in seepage field area or reserve seepage area.

28. No work shall be covered before it has been inspected and approved by a representative of the Lake County Health Department.

29. No system shall be put into use before it has been inspected and approved by the Lake County Health Department.

30. Subsurface seepage fields or seepage pits shall not be constructed in an area where the water is less than 4 feet below the trench or pit at all times. Seasonal water table must be lowered to 2 feet below the seepage trench by approved drainage.

31. Septic tanks and seepage fields shall be located at least 50 feet from the shores of lakes or streams and at least 10 feet from an open ditch, bank of stream, road cuts, edge of fill, farm tile or other clear water drains.

32. No in-ground swimming pool may be constructed within 20 feet of the seepage field or reserve seepage field area.

33. Laundry wastes and other liquid basement wastes, except as noted, must be discharged to the treatment system. Where it is necessary to pump such wastes to the system, a separate leakproof sump and pump shall be provided for such purpose exclusively.

34. Drainage from foundation footing drains, water softener, air conditioner, humidifier, downspouts, and other clear waterdrains shall not be discharged to the sewage disposal system or above the septic field area.

35. Location: The individual units of the sewage disposal system shall be located in

accordance with the following table. The distances shown are minimum:

Disposal System Component	Well or Buried Suction Line	Water Service or Pressure Supply Line	Dwelling or other Structure	Property Line
Building Sewer	25"(1) 50'(2)	10'	---	---
Septic Tank	50'	10'	10'	10'
Soil Absorption				
Field	75'	25'	20'	10'
Seepage Pit	100'	25'	30'	20'

(1) Sewer shall be cast iron with mechanical or leaded joints.

(2) Sewer pipe with watertight joints.

Regulation D. Seepage Pits

Seepage pits are a less desirable method of disposal than an absorption field and they shall only be used where there is no likelihood of contaminating underground waters, where it is not possible to construct an absorption field, and only when soil types are suitable for this use. The bottom of seepage pit must be located at least 4 feet above the ground water table. The following are the minimum requirements governing seepage pit construction:

1. Absorption area requirements are listed in Item C-27 of these Design Specifications.
2. Soil Series 93, 323, 325, 327, 696, 698 and 706 can be used for seepage pits if soil is sandy at 2 feet below the bottom of the proposed pit.
3. In determining the available absorption area per pit, the effective absorption area of the seepage pit shall be the gross vertical wall area of previous strata; the bottom area shall not be included.
4. Seepage pits shall be separated by a distance equal to 3 times the diameter of the largest pit as measured between the near walls of adjacent pits. The area of the lot shall be large enough to maintain this distance between pits while still allowing room for additional pits if the original design should prove inadequate.
5. Location: The location of seepage pits shall comply with the table shown in Regulation C, Item 35.
6. Pit Construction: All seepage pits shall be lined with masonry, unmortared below the inlet and mortared above, this lining shall be carried to within 12 inches of the ground

surface and capped with a reinforced concrete cover designed for a dead load of 150 pounds per square foot and provided with a manhole and watertight cover. On larger diameter pits the lining above the inlet may be corbeled to reduce the size and span of the pit cover.

An annular space of approximately 6 inches shall be provided between the lining and the pit wall; this space shall be filled with clean gravel or crushed stone ranging in size from 1/2 inch to 2 1/2 inches.

Regulation E. Unsuitable Soils

When an application for on-site sewage disposal permit has been denied because the soil on the lot is verified by the Health Officer as unsuitable for use for subsurface seepage field, the Health Officer shall not issue a permit for the construction of an individual sewage disposal system unless an individual plan that provides for overcoming the limiting conditions, without violating any local or County ordinance or regulation, or State law, has been submitted and approved by the Department.

Regulation F. Privies

1. No new privy will be permitted for any premises having a domestic water supply under pressure; where an existing privy on such premises fails or requires replacement, it shall be replaced only by a water carriage system, when such system can be expected to function satisfactorily, as determined by the provisions of this Chapter.
2. Every privy shall be built, repaired and maintained to be in accordance with the requirements of the Illinois State Department of Public Health Private Sewage Disposal Licensing Act and Code 4.005, a copy of which shall be on file in the office of the Lake County Health Department.
3. Every privy shall be kept in a clean and sanitary condition and be maintained insect and rodent proof.

Regulation G. Application for Permit

Before a septic system may be installed, an application, drawn to scale showing all details of the system, must be submitted and approved by the Lake County Health Department.

TABLE I -- QUANTITIES OF SEWAGE FLOWS

Gallons Per Person Per Day

Type of Establishment	(Unless Otherwise Noted)
Airports (per passenger)	5
Bathhouses and swimming pools	10
Bowling alley with bar (per alley)	225

Camps:	
Campground with central comfort stations	35
With flush toilets, no showers	25
Construction camps (semi-permanent)	50
Day camps (no meals served)	15
Resort camps (night and day) with limited plumbing	50
Luxury camps	100
Church - per seating	2
Churches and part-time assembly halls	7.5
Country clubs (per resident member)	100
Country clubs (per nonresident member present)	25
Dwellings:	
Boarding houses	50
additional for nonresident borders	10
Luxury residences and estates	150
Multiple-family dwellings (apartments)	75
Rooming houses	40
Factories (gallons per person, per shift, exclusive of industrial wastes)	35
Hospitals (per bed space)	250+
Hotels with private baths (2 persons per room)	60
Hotels without private baths	50
Institutions other than hospitals (per bed space)	125
Laundries, self-service (gallons per wash, i.e., per customer)	50
Mobile home parks (per space)	250
Motels with bath, toilet and kitchen wastes (per bed space)	50
Motels (per bed space)	40
Picnic parks (toilet wastes only) (per picnicker)	5
Picnic parks with bathhouses, showers and flush toilets	10
Restaurants, paper service, per seat	25
Restaurants, other, per seat	35-125
Restaurants, additional for bars and cocktail lounges	2
Schools:	
Boarding	100
Day, without gyms, cafeterias or showers	15
Day, with gyms, cafeterias and showers	25
Day, with cafeteria, but without gyms or showers	20
Service stations, per island	400
Stores, per toilet room	400

Swimming pools and bathhouses	10
Tavern, per seat	20
Theaters:	
Movie (per auditorium seat)	5
Drive-in (per car space)	5
Travel trailer parks without individual water and sewer hook-ups (per space)	50
Travel trailer parks with individual water and sewer hook-ups (per space)	100
Workers:	
Construction (at semi-permanent camps)	50
Day, at schools and offices (per shift)	15
Other facilities (unlisted) - water meter reading may be used with a 25% increase allowed for range of variations.	

RULE II. SUBDIVISION SOIL TESTS

The adequacy of proposed subdivision sites utilizing individual soil absorption sewage disposal systems shall be determined from the results of the soil type that is identified by the required borings on the proposed lot. The soil type shall be designated by the soil properties that most closely represent the typical soil profile as described in the Lake County Soil Survey, the Illinois Agricultural Experiment Station Soil Report No. 88. All soils must have a minimum of 6 inches of permeable soil between the bottom of the trench and the mottled subsoil, and also must be protected so that the seasonal high water table will not rise closer than 2 feet below the bottom of the trenches.

Every lot served by an individual sewage disposal system shall have a suitable area equivalent to 2 times the minimum requirement of the Lake County Health Department as to soil type and type of development.

SECTION I

1.1 Number and Location of Test Holes: Sufficient borings to a minimum depth of 4 feet shall be made in the proposed field area. The number and location of test holes shall be determined by the Lake County Health Department. The borings shall be left open until inspected and evaluated by the Department.

1.2 Reporting of Results: The location of the boring shall be shown on the engineering plat of subdivision. A detailed soil description showing the different depth of each change of color and texture, as to the U.S. Department of Agriculture textural classification, is required. This information is to be furnished by a registered professional engineer, land surveyor, sanitarian licensed to practice in Illinois, or a trained soil tester or soil scientist.

1.3 Suitable Lots: A minimum of 70% of the lots in any proposed subdivision or unit of a

proposed subdivision utilizing individual soil absorption sewage disposal systems shall meet the requirements of this Chapter.

1.4 Unsuitable Lots: All unsuitable lots must be recorded on the final plat. If more than 30% are unsuitable at the time of their evaluation, a sufficient number of unsuitable lots must be upgraded so that 70% of the total lots are suitable for individual sewage disposal installation. An engineering solution must be submitted and approved for each of the remainder of the lots. This information is to be furnished by a registered professional engineer licensed to practice in Illinois.

TABLE II
LAKE COUNTY HEALTH DEPARTMENT

Division of Environmental Health

USE OF SOILS TO DETERMINE SUITABILITY AND CONSTRUCTION
DETAILS FOR INSTALLING SUBSURFACE SEEPAGE FIELDS

The Soil Survey, Lake County, Illinois, prepared by the Soil Conservation Service, U.S. Department of Agriculture, provides detailed information about the soils of Lake County. The table on the following pages is based on these data and establishes the criteria to be used in determining the suitability of specific soils for use and details for constructing and sizing subsurface seepage fields. Field confirmation of soil type is required. It is possible that the locations of the line on the soil map separating 2 differing types is not precise and small areas of a differing soil type may exist within a larger area shown on the map to be uniform.

Special Requirements. Special construction requirements are required in order to overcome specific limitations or the slight difference in soil series.

Size of seepage field, square feet, bottom area of trench, is determined by the controlled percolation rate and the number of bedrooms in the dwellings or the average daily flow in other structures.

Maximum trench depths are specified for certain soils that are underlain with dense clay or are subject to seasonal high water tables. The bottom of the trench must be 6 inches above the slow permeable subsoil indicated by the mottled coloring.

Curtain drains are required in certain soils when ground water seasonally rises close to the surface. They are used to intercept the lateral movement of ground water above the seepage field. Tile is installed about 3 feet deep, backfilled close to the surface with gravel and discharges to a suitable lower point such as a road ditch. The drain may not be closer than 10 feet to a seepage line and the final 10 feet must be of one-piece construction.

Subsurface Drainage: Soils having seasonal high water table will be drained in accordance with the "Drainage Guide for Illinois", U.S. Department of Agriculture, AENG 881,

or other recommended drainage standards.

Filling: Suitable fill may be placed on certain soils in order to level off a low area or in order to raise the system a suitable height above the seasonal high water table or slow permeable subsoil.

Unsuitable Soils: Soils with very severe limitations are unsuitable for use of subsurface seepage fields under the existing conditions. Septic tanks and drain fields will not be considered on these soils except on an individual basis where an engineering plan that provides specific solutions for the limiting conditions has been submitted.

See Table in Code book on file in the Clerk's office

CHAPTER 5

RESTAURANT REGULATIONS¹⁽²⁾

8-5-1: DEFINITIONS:

For the purposes of this Chapter, the following definitions shall apply:

CUSTOMER: Any person physically on the premises of the restaurant who is not an employee or owner of the restaurant.

EMPLOYEE: Any individual who performs labor or other services at the restaurant for either wages or salary.

PERSON: Any individual, partnership, corporation, association, or any other legal entity.

RESTAURANT: Any restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, sandwich stand, soda fountain, or any other place which serves food for public consumption. (Ord. 83-O-356, 2-7-1983)

8-5-2: HOURS OF OPERATION:

No restaurant shall be open for business nor serve any customers between the hours of ten o'clock (10:00) P.M. and five o'clock (5:00) A.M. (Ord. 83-O-356, 2-7-1983)

8-5-3: PROHIBITION:

No person shall be allowed within any restaurant premises during the hours in which the restaurant, by the terms of this Chapter, cannot be open to the public, unless said person is an

employee or owner of the restaurant. (Ord. 83-O-356, 2-7-1983)

8-5-4: EXCEPTION:

This Chapter shall not apply to any restaurant situated within the Village which has a valid liquor license to serve alcoholic beverages in conjunction with the restaurant operation. (Ord. 83-O-356, 2-7-1983)

8-5-5: SEPARABILITY:

It is the intention of the Village that this Chapter and every provision thereof shall be considered separable and the invalidity of any section, clause, provision, or a part or portion of any section, clause or provision of this Chapter shall not affect the validity of any other portion of this Chapter. (Ord. 83-O-356, 2-7-1983)

8-5-6: PENALTY:

Any person who fails to comply with or violates any of the provisions of this Chapter shall be subject to a fine as set forth in Section 1-4-1 of this Code, and a separate offense shall be deemed committed for each day upon which the violation occurs or continues. (Ord. 83-O-356, 2-7-1983; amd. Ord. 95-O-707, 11-6-1995)

**CHAPTER 6
SEWER TAP-ON FEES**

8-6-1: TAP-ON FEES (RESIDENTIAL):

A sewer tap-on fee shall be paid to the village prior to issuance of a building permit for any residential lot situated in a subdivision, planned unit development or other development which is served or designed to be served by a sewage system, or if the property is not within the village limits, but will be connected to a village transmission system. In any of the foregoing instances, the fee shall be paid and allocated as follows:

Tap-on fee for connection to Lake County or	\$1,650.00
deposit for eventual connection to Lake County	
Administrative fee to the village	350.00

Tap-on fee for connection to the Lake Zurich transmission system 4,375.00

Tap-on fee for out of district connection to Kildeer transmission system 1,250.00

Note: The above fees are cumulative.

(Ord. 04-O-919, 11-1-2004)

8-6-2: TAP-ON FEES (NONRESIDENTIAL):

Sewer tap-on fees or deposits shall be paid to the village prior to the issuance of a building permit for any nonresidential principal structure situated in a subdivision, planned unit development, or otherwise, which is served or designed to be served by a sewage treatment plant, or if the property is not within the village limits, but is connected to a village transmission system. In any of the foregoing instances the fee shall be paid and allocated as follows:

A. Fees To Village:

1. Base administrative fee to village \$500.00
2. Additional fee according to use (in district):
 - a. Office use - per square foot of habitable area 0.25
 - b. Other commercial uses - per square foot of habitable area 0.05
3. Additional fee according to use (out of district):
 - a. Office use - per square foot of habitable area 0.50
 - b. Other commercial uses - per square foot of habitable area 0.10

Note: 1, 2 and 3 are cumulative.

B. Fees To Other Agencies: In addition to the nonresidential fee above, the following may apply:

1. Fee for connection to Lake Zurich trunk line - see Lake Zurich ordinance 94-06-668 amending section 7-5-8-1 of the Lake Zurich municipal code related to water and sewer connection fees, which may be amended from time to time.
2. Fee for connection to the Lake County regional system - see Lake County agreement for

sewage disposal which may be amended from time to time. (Ord. 01-O-822, 1-17-2001)

8-6-3: DISBURSEMENT OF FEES:

The tap-on fee deposits shall be deposited in the general corporate fund. (Ord. 90-O-539, 5-7-1990)

8-6-4: CREDIT APPLIED TO PROPERTY:

All deposits shall be credited to the property for which the deposit is paid. This credit shall transfer to successor owners. At the time of tap-on, the then current owner of the property shall be responsible to pay the then existing tap-on fee charged by the appropriate governmental jurisdictions, less a credit for any deposits previously paid on behalf of that particular property. (Ord. 90-O-539, 5-7-1990)

8-6-5: PERMIT FEES:

Sewer tap-on fees shall be a factor of the permit fees, payable as a condition of permit issuance (see section [4-2-2](#) of this code). (Ord. 01-O-822, 1-17-2001)

8-6-6: NOTICE OF OBLIGATION FOR USER FEES:

Sewer user fees shall be paid for each user who is connected to, directly or indirectly a wastewater system, which is owned, operated, or contracted for by the village, as set forth in the annual budget, or such amended schedule of fees, as may be approved by the village board from time to time (see [title 8, chapter 7](#) of this code). (Ord. 01-O-822, 1-17-2001)

CHAPTER 7 SEWER USER FEES

8-7-1: SEWER USER FEES:

Sewer user fees shall be paid for each user who has been issued a permit, and who is connected to, directly or indirectly, a wastewater system, which is owned, operated, or contracted for by the village, as set forth in the annual budget, or such amended schedule of fees, as may be approved by the village board, from time to time. (Ord. 01-O-822, 1-17-2001)

8-7-2: SEWER NONOPERATIONAL COSTS FEES:

Sewer nonoperational costs fees shall be paid for each property which has been issued a permit and which is connected to or is designated by the village to be served by, directly or indirectly, a wastewater system, as set forth in the annual budget, or such amended schedule of fees, as may be approved by the village board, from time to time. These fees are based on the nonoperational costs of the facility such as, but not limited to, capital replacement costs, and necessary sinking funds. (Ord. 01-O-822, 1-17-2001)

8-7-3: SEWER DEBT SERVICE FEES:

Sewer debt service fees shall be paid for each property that has been issued a permit and that the village determines is benefited, to provide for principal and interest payments for the extension or improvement of a specific sewage system, as set forth in the annual budget, or for payment for other sewer related debt as may be approved by the village board, from time to time. The fee shall be allocated and determined by the nature of the specific project and its relation to present and future users. (Ord. 01-O-822, 1-17-2001)

8-7-4: BILLING:

All sewer user fees, nonoperational costs fees, and debt service fees shall be billed quarterly, in advance of service rendered. All bills shall be due and owing within thirty (30) days of mailing. All bills shall incur a ten percent (10%) penalty if prompt payment is not made within the thirty (30) day period. All bills shall be mailed to the last known owner of record. The property owner shall be responsible for all such fees. (Ord. 91-O-591, 9-4-1991)

8-7-5: DISCONNECTION:

In the event that any bill is not paid within sixty (60) days of mailing, the village shall send a final notice of intent to disconnect services to the last known owner of record or occupant. The notice shall provide that the recipient has the right to appeal by filing a written notice of appeal with the village clerk within three (3) business days of the mailing of the notice. Any such appeal shall be heard by the village administrator and director of public works, whose decision shall be a final administrative decision. In the event that payment is not made thereafter, including any penalties, the services may be shut off and disconnected at any time five (5) days after the mailing of the notice of intent to disconnect. (Ord. 91-O-591, 9-4-1991; amd. 10-7-1991)

8-7-6: RECONNECTION:

In the event that service is disconnected for nonpayment, there shall be a reconnection fee before service can be restored equal to two hundred fifty dollars (\$250.00) plus all costs incurred by the

village in disconnecting and reconnecting the service. (Ord. 91-O-591, 9-4-1991)

8-7-7: LIEN:

In the event that any bill is not satisfied within sixty (60) days of mailing, such fees shall be deemed and are declared to be delinquent, and shall constitute liens upon the real estate for which such bill was issued. The village clerk is hereby authorized and directed to file sworn statements showing such delinquencies with the office of the recorder of deeds of Lake County. The village may file an appropriate action in equity or law to enforce any such lien, and shall be entitled, pursuant to statute, to an award of reasonable attorney fees incurred. (Ord. 91-O-591, 9-4-1991)

8-7-8: INTEREST:

All delinquent bills shall accrue interest at the rate of twelve percent (12%) per annum until satisfied in full. (Ord. 91-O-591, 9-4-1991)

**CHAPTER 8
DUTCH ELM DISEASE**

8-8-1: DUTCH ELM DISEASED TREES DECLARED A PUBLIC NUISANCE:

Trees of all species and varieties of elm, zelkova and planera affected with the fungus *Ceratostomella ulmi* as determined by laboratory analysis and/or field inspection are hereby declared to be a public nuisance, and shall be removed and burned within ten (10) days following notification of the discovery of such infection. (Ord. 93-0-647A, 9-7-93)

8-8-2: ELM BARK BEETLE BREEDING PLACES DECLARED A PUBLIC NUISANCE:

Trees or parts thereof of elm, zelkova or planera in a dead or dying condition that may serve as a breeding place for the European Elm Bark Beetle, *Scolytus Multistriatus*, are hereby declared to be public nuisances, and it shall be unlawful for the person, firm or corporation owning property whereon the same is situated to possess or keep the same. (Ord. 93-0-647, 8-2-93)

8-8-3: ENFORCEMENT BY VILLAGE DEPARTMENT OF PUBLIC

WORKS:

The Department of Public Works, using a certified arborist, is charged with enforcement of this Chapter, and to that end, may enter upon private property at all reasonable hours for purposes of inspecting trees thereon, and may remove such specimens as are required for purposes of analysis to determine whether or not the same are infected. It shall be unlawful for any person, firm or corporation to prevent the Village Department of Public Works or its representative from entering on private property for purposes of carrying out its duties hereunder, or to interfere with such Village Department of Public Works or its representative in the lawful performance of its duties. (Ord. 93-0-647, 8-2-93)

8-8-4: REMOVAL OF INFECTED TREES:

The Director of Public Works shall serve notice on the owner of premises containing trees infected with Dutch Elm Disease, said notice to be in conformance with 65 Illinois Compiled Statutes 5/11-20-12 of the Illinois Municipal Code. The notice shall be served by registered mail or personally on the person to whom was sent the tax bill for general taxes on said property for the last preceding year and the notice shall be delivered or sent not less than thirty (30) days prior to the removal of the tree(s). In the event the tree is not removed within said thirty (30) day period, the Village shall proceed to remove the tree(s), charge the cost to the owner, and in the event of nonpayment, file a lien against the property in accordance with 65 Illinois Compiled Statutes 5/11-20-12 of the Illinois Municipal Code. In the event a tree is particularly infectious because of its proximity to other elm trees or because of the time of year the disease is discovered, then the notice shall be five (5) days instead of thirty (30) days. The Department of Public Works shall determine when the conditions exist warranting the imposition of the shorter notice period based on the foregoing standards. (Ord. 93-0-647, 8-2-93)

CHAPTER 9 TOBACCO PRODUCTS

8-9-1: DEFINITIONS:

The following terms shall, for the purpose of this chapter, have the meanings herein ascribed to them:

MINOR: A person less than eighteen (18) years of age.

TOBACCO PRODUCT: Any item, product, or substance containing tobacco leaf, including, without limitation, cigarettes, cigars, snuff, pipe tobacco, chewing tobacco, and dipping

tobacco. (Ord. 95-O-695, 5-1-1995)

8-9-2: SALE TO MINORS PROHIBITED:

It shall be unlawful for any person to sell, give away, offer to sell, offer to give away, or deliver any tobacco product to a minor. It also shall be unlawful for any person to cause or allow any minor to purchase any tobacco product within the corporate limits of the village. (Ord. 95-O-695, 5-1-1995)

8-9-3: SALE BY MINORS PROHIBITED:

It shall be unlawful for any minor to sell any tobacco product within the corporate limits of the village. (Ord. 95-O-695, 5-1-1995)

8-9-4: PURCHASE BY MINORS PROHIBITED:

It shall be unlawful for any minor to purchase any tobacco product within the corporate limits of the village. (Ord. 95-O-695, 5-1-1995)

8-9-5: POSSESSION BY MINORS PROHIBITED:

It shall be unlawful for any minor to possess any tobacco product within the corporate limits of the village. (Ord. 95-O-695, 5-1-1995)

8-9-6: FREE DISTRIBUTION PROHIBITED:

It shall be unlawful for any person to distribute, give away, or deliver any tobacco product free of charge to any person on any public right of way or any village owned property for the purpose of advertising or promoting any tobacco product. (Ord. 95-O-695, 5-1-1995)

8-9-7: SALES PROHIBITED IN CERTAIN LOCATIONS:

It shall be unlawful for any person to sell, give away, offer to sell, offer to give away, or deliver any tobacco product within one hundred feet (100') of the property of any school or the property on which a building is located and used for education or recreational purposes or programs involving minors. (Ord. 95-O-695, 5-1-1995)

8-9-8: RESPONSIBILITY FOR AGENCY OR EMPLOYEE:

Every act constituting a violation of this chapter by an agency or employee of any person shall be deemed and held to be the act of such person, and such person shall be punishable in the same

manner as if such act had been done by such person personally. (Ord. 95-O-695, 5-1-1995)

8-9-9: PENALTY:

Any person who violates any provision of this chapter shall be fined not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense. (Ord. 95-O-695, 5-1-1995)

CHAPTER 10 OPEN BURNING

8-10-1: INCORPORATION OF PROVISIONS:

- A. Fire Prevention Code: The 1993 BOCA Fire Prevention Code, chapter 4, section F-403.0 is hereby expressly incorporated in the Village Code as if fully set forth herein. Copies of said provisions are available for purchase or inspection at the Village office during normal business hours.
- B. Provisions: The above noted code provisions include, but are not limited to:
 - 1. Open burning is not allowed unless in accordance with the code.
 - 2. Open burning is defined as the burning of any materials where smoke and fumes are emitted directly into the air without passing through a chimney or duct.
 - 3. Open burning is allowed without prior notification for recreational fires and leaves.
 - 4. All other open burning (i.e., brush, etc.) requires notification/permission from the specific fire protection district in which the property is located. Application should be made in advance during working hours, and should include such information as: type of burn, date, time, location, and any such information as the fire district may require. The fire protection district may prohibit or order the extinguishment of any open burning which creates or adds to a hazardous or objectionable situation.
 - 5. Open burning shall not be permitted less than fifty feet (50') from any structure.
 - 6. Open burning may not be utilized for waste disposal purposes. (Open burning is permitted for yard waste, not construction and other miscellaneous debris.)
 - 7. Open burning shall be constantly attended until the fire is extinguished, and a fire extinguisher, water supply, or other extinguishing material must be available.

8. There are special provisions and permitting procedures for bonfires/ceremonial purposes.
- C. Guidelines: Specifics and guidelines are available through the appropriate rural fire protection district and the Village office. (Ord. 96-O-720, 4-1-1996)

8-10-2: LOCAL BURNING RESTRICTIONS:

- A. Notwithstanding the provisions of Section 8-10-1 of this Chapter, any and all open burning within the Village shall be permitted only during the following parameters:
 1. Leaf Burning: No permit required:
 - a. Ten o'clock (10:00) A.M. to sunset;
 - b. Days with even number dates;
 - c. October 1 through June 1.
 2. Landscape Waste: Fire Protection District permit required:
 - a. Ten o'clock (10:00) A.M. to sunset.
 - b. Permit will specify dates; seasonal permit may be obtained with provisions for call-in for specific burn dates. (Ord. 96-O-720, 4-1-1996)

CHAPTER 11 SEWER SERVICE

8-11-1: FACILITY PLAN:

Sewer service shall be organized in accordance with the provisions for sewer districts and subareas as outlined in the wastewater facility plan dated February 1988, and updated January 1996. (Ord. 98-O-762, 1-5-1998)

8-11-2: ADDITIONS TO SEWER DISTRICT:

The village may add subareas to existing sewer districts in accordance with the facility plan. The village shall hold a public hearing to consider such addition. Notice of the hearing shall be mailed to each property owner in the subarea to be added. Inclusion in a sewer district may, at the sole determination of the village, be subject to payment of recapture to the village or a developer, or provisions for receipt of recapture from future additions. (Ord. 98-O-779,

9-8-1998)

8-11-3: TRUNK LINE:

A. Lake Zurich-East Cuba Road trunk line:

1. Any subarea, or building or lot owner in a subarea, within the central sewer district desiring to connect to the village's one hundred thousand (100,000) gallons per day capacity in the Lake Zurich-East Cuba Road trunk line to the Lake County sewer system and facilities shall be charged and shall pay to the village a pro rata share of the one hundred sixty three thousand five hundred dollar (\$163,500.00) cost of obtaining said capacity. This fee shall be based on PE (population equivalents) as determined solely by the corporate authorities of the village. The fee shall be a factor of the permit fees, payable as a condition of permit issuance.

2. Any subarea, or building or lot owner within a subarea, desiring inclusion and connection to the Lake Zurich-East Cuba Road trunk line shall pay to the village the pro rata cost of obtaining additional capacity. The fee shall be a factor of the permit fees, payable as a condition of permit issuance.

B. Kildeer-Long Grove Road trunk line:

1. Any subarea, or building or lot owner in a subarea within the south sewer district as of the date of special assessment 2 shall, by virtue of the special assessment, have the right to capacity reserved for connection. (Ord. 01-O-822, 1-17-2001)

2. Any subarea, or building or lot owner in a subarea desiring inclusion and connection to the Kildeer-Long Grove Road trunk line shall pay to the village one hundred fifty percent (150%) of the pro rata share of the two million five hundred thousand dollar (\$2,500,000.00) special assessment. The special assessment for a residential unit (3.5 PE) was eleven thousand dollars (\$11,000.00) per unit. The special assessment for a nonresidential property was eleven thousand dollars (\$11,000.00) per acre. The village board may, at its discretion, waive the additional fifty percent (50%), or some portion thereof. (Ord. 04-O-897, 4-5-2004)

C. Sewer service fees: May be used as recapture for funds the village general fund has expended on behalf of a sewer district, to obtain additional sewer capacity, or to provide for extension, rehabilitation, maintenance and/or operation of a sewer district. (Ord. 01-O-822, 1-17-2001)

8-11-4: PAYMENT OF FEES REQUIRED PRIOR TO CONNECTION:

No connection shall be made to a sewer district and/or a trunk line, unless and until sewer

service and/or tap-on fees ¹⁽³⁾ are paid. The fee shall be a factor of the permit fees, payable as a condition of permit issuance. (Ord. 01-O-822, 1-17-2001)

CHAPTER 12

HAZARDOUS SUBSTANCES

8-12-1: FINDINGS AND DETERMINATIONS:

It is hereby found and determined that providing emergency services to mitigate the effects of hazardous substances is a cost to the Village. In order to obtain sufficient funds to pay the costs involved, it is necessary to establish fees and charges to be paid by those requiring emergency services relating to hazardous substances. (Ord. 98-O-786, 12-15-1998)

8-12-2: DEFINED:

"Hazardous substance" is defined as any substance or mixture of substances which is toxic, corrosive, an irritant, strong sensitizer, flammable, combustible or which generates pressure through decomposition, heat or other means and which may cause substantial personal injury or illness during or as a proximate result of any customary or reasonably anticipated handling or use including reasonably foreseen injection by children and also includes any radioactive substance if the Director of Public Health of the State of Illinois has determined by regulation that the substance is sufficiently hazardous to require labeling in order to protect the public health. All other terms herein shall be defined as set forth in section 430 Illinois Compiled Statutes 35/2 et seq., (Public Safety) (current edition) or in the absence of definitions therein, shall retain their common meanings. (Ord. 98-O-786, 12-15-1998)

8-12-3: REIMBURSEMENT ESTABLISHED:

Any person or entity possessing, maintaining, using or selling any hazardous substance which requires emergency services from the Village, the Lake Zurich Rural Fire Protection District, or the Long Grove Rural Fire Protection District, their departments, agencies or representatives, shall reimburse the Village for any and all reasonable costs and expenses incurred, directly or indirectly, arising out of providing said emergency services as aforesaid. Said reimbursement shall extend to all reasonable medical treatment or expense incurred by the Village, its employees and agents and arising out of said emergency services. A minimum charge for providing emergency services for any occurrence involving hazardous substances shall be one hundred dollars (\$100.00).

Upon a determination by the Village that emergency services have been required involving

hazardous materials, the Village shall provide the person or entity possessing, maintaining, using or selling such hazardous materials an itemized statement of the costs and expense as aforesaid, allow a period of ten (10) business days for reimbursement, and, failing same, shall at any time thereafter be authorized to obtain judicial enforcement, including all court costs and attorney fees, for collection of said costs and expenses. (Ord. 98-O-786, 12-15-1998)

CHAPTER 13

MOSQUITO CONTROL

8-13-1: FINDINGS AND DETERMINATIONS:

It is hereby found that certain mosquito borne diseases, including West Nile virus and St. Louis encephalitis, are a serious public health concern. In order to protect the public health it is necessary that the village provide and administer a program to control mosquito borne diseases. (Ord. 03-O-874, 5-5-2003)

8-13-2: MOSQUITO CONTROL PROGRAM:

The village shall, at all times verified by the center for disease control, provide a program for control of mosquito borne diseases. Said program may include: survey and mapping, surveillance and monitoring, larval control, and adult control as necessary. Any such program shall be administered by an independent contractor hired by the village and having expertise in mosquito control. (Ord. 03-O-874, 5-5-2003)

8-13-3: RIGHT OF ENTRY AND PROGRAM IMPLEMENTATION:

The officers, agents, employees and independent contractor hired by the village are hereby authorized and directed to enter on and upon private property for the sole purpose of survey, mapping, surveillance, monitoring, larval control, and/or adult control as necessary for the interest of public health. (Ord. 03-O-874, 5-5-2003)

8-13-4: NOTICE OF PROGRAM TO BE PROVIDED:

The independent contractor will provide information to the village for distribution via website, newsletter and other means. Said information will include the contractor's phone number and the manner in which residents may request exclusion from any such program. However, in the interest of public health, a resident's ability to be excluded from any such program may be denied. (Ord. 03-O-874, 5-5-2003)

8-13-5: REFUSAL TO ALLOW ENTRY:

Any owner or occupant of private property who refuses to allow the village's officers, agents, employees and independent contractor to enter on and upon such private property for the sole purpose of carrying out the program(s) stated in the information provided by the village shall be in violation of this chapter. (Ord. 03-O-874, 5-5-2003)

8-13-6: PENALTY FOR VIOLATION:

Any person, firm, or corporation violating the provisions of this chapter shall be guilty of a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense. Any person, firm, or corporation who shall be convicted of a violation of this chapter shall be fined not less than one hundred dollars (\$100.00) and not more than seven hundred fifty dollars (\$750.00) for each offense. (Ord. 03-O-874, 5-5-2003)

Endnotes

1 (Popup - Popup)

See [Section 8-3-5](#) of this Chapter for required health permits.

2 (Popup - Popup)

See [Title 8, Chapter 3](#) of this Code.

3 (Popup - Popup)

See [chapter 6](#) of this title.