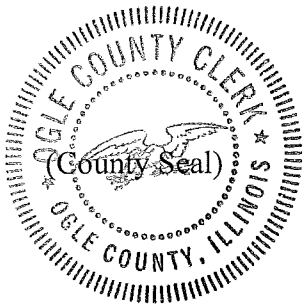




Rebecca Huntley
Ogle County Clerk & Recorder

June 2, 2015

The Ogle County Board, at their regular meeting held on Tuesday, May 19, 2015, Janes presents and moves to approve the petition of Dirksen East Trust, Judy L. Welty - Trustee, 1303 S. Chana Rd., Chana, IL for a Special Use Permit to allow a single-family dwelling for the daughter of the farm owner in the AG-1 Agricultural District on property described as follows and owned by Dirksen East Trust: Part of the E1/2 of the NW1/4 Section 10 Pine Rock Township 23N, R11E of the 4th P.M., Ogle County, IL, 6.491 acres, more or less. P.I.N.: Part of 17-10-100-001 - Common Location: 1300 Block S. Chana Rd. Bowers seconds. Welty will abstain due to conflict of interest as petitioner is a family member. The motion carries.(Placed on file)



Rebecca Huntley

Rebecca Huntley
Ogle County Clerk

The contents of this letter are a portion of the tentative Ogle County Board minutes pertaining to your zoning request. These minutes are subject to approval at the next Ogle County Board meeting.

STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2015-0501

AN ORDINANCE APPROVING A SPECIAL USE PERMIT ON PROPERTY
LOCATED IN THE 1300 BLOCK OF S. CHANA ROAD IN PINE ROCK TOWNSHIP

WHEREAS, Dirksen East Trust, Judy L. Welty - Trustee, 1303 S. Chana Rd., Chana, IL has filed a petition for a Special Use Permit in the AG-1 Agricultural District (Petition No. 1-15SU) to allow a single-family dwelling for the daughter of the farm owner on property located in the 1300 Block of S. Chana Road in Pine Rock Township and legally described as shown in Exhibit "A" attached hereto; and

WHEREAS, following due and proper notice by publication in the Ogle County Life at least fifteen (15) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least fifteen (15) days prior thereto, the Ogle County Zoning Board of Appeals conducted a public hearing on April 30, 2015, at which the petitioner presented evidence, testimony, and exhibits in support of the requested Special Use Permit, and no member(s) of the public spoke in favor of or in opposition to the petition; and

WHEREAS, the Zoning Board of Appeals, having considered the evidence, testimony and exhibits presented has made its findings of fact and recommended that the requested Special Use Permit be granted as set forth in the *Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals* dated April 30, 2015, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Planning & Zoning Committee of the Ogle County Board has reviewed the testimony and exhibits presented at the public hearing and has considered the findings of fact and recommendation of the Zoning Board of Appeals, and has forwarded a recommendation to the Ogle County Board that the requested Special Use Permit be granted; and

WHEREAS, the Ogle County Board has considered the findings of fact and recommendation of the Zoning Board of Appeals and the recommendation of the Planning & Zoning Committee, and has determined that granting the Special Use Permit in the AG-1 Agricultural District (Petition No. 1-15SU) to allow a single-family dwelling for the daughter of the farm owner would be consistent with the requirements established by Section 16-9-8C of the *Ogle County Amendatory Zoning Ordinance*;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF OGLE COUNTY, ILLINOIS, as follows:

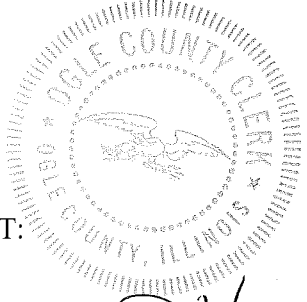
SECTION ONE: The report of the Ogle County Zoning Board of Appeals, Exhibit "B" attached hereto, is hereby accepted and the findings set forth therein are hereby adopted as the findings of fact and conclusions of the Ogle County Board.

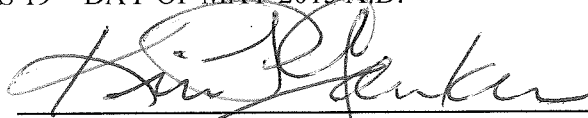
SECTION TWO: Based on the findings of fact set forth above, the petition of Dirksen East Trust, Judy L. Welty - Trustee, 1303 S. Chana Rd., Chana, IL for a Special Use Permit in the AG-1 Agricultural District (Petition No. 1-15SU) to allow a single-family dwelling for the daughter of the farm owner on property located in the 1300 Block of S. Chana Road in Pine Rock Township and legally described as shown in Exhibit "A" attached hereto, is hereby approved.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of Ogle County, Illinois and attestation by the Ogle County Clerk.

SECTION FOUR: Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 16-9-10 of the *Ogle County Amendatory Zoning Ordinance*.


PASSED BY THE COUNTY BOARD THIS 19TH DAY OF MAY 2015 A.D.





Kim P. Gouker, Chairman of the Ogle County Board

ATTEST:



Rebecca Huntley, Ogle County Clerk and
Ex Officio Clerk of the Ogle County Board

EXHIBIT "A"

LEGAL DESCRIPTION

Part of the East-half of the Northwest Quarter of Section 10, Township 23 North, Range 11 East of the Fourth Principal Meridian, bounded and described as follows:

Beginning at the Northwest Corner of the East-half of said Northwest Quarter; thence South 1 degree 27 minutes 40 seconds East along the West Line of said East-half, a distance of 1105.60 feet; thence North 88 degrees 33 minutes 26 seconds East, a distance of 255.57 feet; thence North 1 degree 27 minutes 40 seconds West, parallel with the West Line of said East-half. a distance of 1107.04 feet to the North Line of said East-half; thence South 88 degrees 14 minutes 07 seconds West along said North Line, a distance of 255.57 feet to the Point of Beginning, containing 6.491 acres, more or less, subject to that land being used for public road purposes and also subject to all easements, agreements, county codes and/or ordinances of record if any, all situated in the Township of Pine Rock, the County of Ogle and the State of Illinois.

Part of Property Identification Number 17-10-100-001
Common Location: 1300 Block of S. Chana Road

EXHIBIT "B"

**FINDINGS OF FACT AND RECOMMENDATION
OF THE ZONING BOARD OF APPEALS**

Ogle County Zoning Board of Appeals

911 W. Pines Road
Oregon, IL 61061
815.732.1190
Fax: 815.732.2229

FINDINGS OF FACT AND RECOMMENDATION OF THE OGLE COUNTY ZONING BOARD OF APPEALS

This is the findings of fact and the recommendation of the Ogle County Zoning Board of Appeals concerning an application of Dirksen East Trust, Judy L. Welty - Trustee, 1303 S. Chana Rd., Chana, IL, in case #1-15SU. The applicant is requesting a Special Use Permit in the AG-1 Agricultural District to allow a single-family dwelling for the daughter of the farm owner on part of Parcel Identification No. 17-10-100-001, a 6.491 acre parcel which is part of Section 10, Township 23N, Range 11E of the 4th Principal Meridian and is located in Pine Rock Township in the 1300 Block of S. Chana Road.

After due notice as required by law, the Zoning Board of Appeals held a public hearing in this case on April 30, 2015 in the County Board Room, 3rd Floor, Ogle County Courthouse, Oregon, Illinois and hereby report their findings of fact and their recommendation as follows:

SITE INFORMATION: See Staff Report (attached herewith).

ANALYSIS OF SIX STANDARDS: After considering all the evidence and testimony presented at the public hearing, this Board makes the following analysis of the six standards listed in Section 9.08(C) (Standards for Special Use Permits) of the *Ogle County Amendatory Zoning Ordinance* that must all be found in the affirmative prior to recommending granting of the petition.

1. That the proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public health, safety, morals, comfort or general welfare at large. **The proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public health, safety, morals, comfort or general welfare at large due to the nature of the use (being a dwelling for the daughter of the farm owner), the location of the parcel in the corner of the farm and the proximity of the parcel to the existing farmstead and other residential uses. STANDARD MET.**
2. That the location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:
 - a. The location, nature and height of building, structures, walls and fences on the site; and,
 - b. The nature and extent of proposed landscaping and screening on the proposed site.

The proposed special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the AG-1 zoning district regulations, as the site is in the corner of the farm in close proximity to the existing farmstead and other non-farm residential uses, and will not disrupt the agricultural use of the remainder of the farm or on adjacent land. STANDARD MET.

3. That off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations. **The site is large enough so that adequate off-street parking and loading areas can be provided. STANDARD MET.**
4. That adequate utilities, ingress/egress to the site, access roads, drainage and other such necessary facilities have been or will be provided. **Adequate utilities, ingress/egress to the site from S. Chana Road, access roads, drainage and other such necessary facilities have been or will be provided. STANDARD MET.**
5. That the proposed use can be operated in a manner that is not detrimental to the permitted developments and uses in the zoning district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of Ogle County. **The proposed use of a single-family dwelling can be operated in a manner that is not detrimental to the permitted developments and uses in the AG-1 zoning district, will be visually compatible with the area, and is deemed essential and desirable. STANDARD MET.**
6. That the proposed special use complies with all provisions of the applicable district regulations. **The proposed special use appears to comply with all provisions of the AG-1 district regulations. STANDARD MET. STANDARD MET.**

RECOMMENDATION: After considering all the evidence and testimony presented, this Board finds that the application meets all the standards as found in Section 6-9-8C of the *Ogle County Amendatory Zoning Ordinance*.

Therefore, the Zoning Board of Appeals hereby recommends that a Special Use Permit in the AG-1 Agricultural District be granted to allow a single-family dwelling for the daughter of the farm owner.

ROLL CALL VOTE: The roll call vote was 5 members for the motion to recommend granting, 0 opposed.

Respectfully submitted this 30th day of April 2015 by the Ogle County Zoning Board of Appeals.

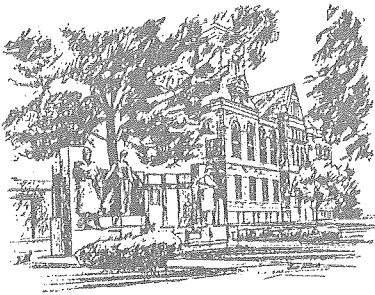
**Jason Sword, Chairman
Maynard Stivers
Randy Ocken
David Williams
Dennis Williams**

Jason Sword, Chairman

ATTEST:



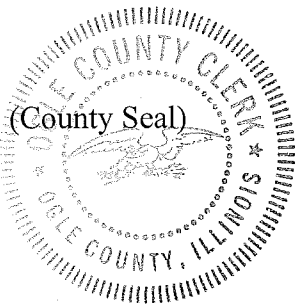
Michael Reibel, Secretary



Rebecca Huntley
Ogle County Clerk & Recorder

June 2, 2015

The Ogle County Board, at their regular meeting held on Tuesday, May 19, 2015, Welty presents and moves to approve the petition of John L. Knoll, 15922 E. Big Mound Rd., Lindenwood, IL for an Amendment to the Zoning District to rezone from AG-1 Agricultural District to IA Intermediate Agricultural on property described as follows and owned by the petitioner: Part of the E/12 of the SE1/4 of Section 30 and part of the NE1/4 of the NE1/4 of Section 31 Monroe Township 42N, R2E of the 3rd P.M., Ogle County, IL, 26.91 acres, more or less. P.I.N.: Part of 12-30-400-020 and 12-31-200-011 - Common Location: 15922 E. Big Mound Rd. Sparrow seconds and the motion carries.(Placed on file)



Rebecca Huntley

Rebecca Huntley
Ogle County Clerk

The contents of this letter are a portion of the tentative Ogle County Board minutes pertaining to your zoning request. These minutes are subject to approval at the next Ogle County Board meeting.

STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2015-0502

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT ON PROPERTY
LOCATED AT 15922 E. BIG MOUND ROAD IN MONROE TOWNSHIP

WHEREAS, John L. Knoll, 15922 E. Big Mound Rd., Lindenwood, IL has filed a petition for a Map Amendment (Petition No. 1-15AM) to re-zone from AG-1 Agricultural District to IA Intermediate Agricultural District on property located at 15922 E. Big Mound Road in Monroe Township, and legally described as shown in Exhibit "A" attached hereto; and

WHEREAS, following due and proper notice by publication in the Ogle County Life at least fifteen (15) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least fifteen (15) days prior thereto, the Ogle County Zoning Board of Appeals conducted a public hearing on April 30, 2015 at which the petitioner presented evidence, testimony, and exhibits in support of the requested Map Amendment. One (1) member of the public spoke in support of the petition, and no member(s) of the public spoke in opposition to the petition; and

WHEREAS, the Zoning Board of Appeals, having considered the evidence, testimony and exhibits presented has made its findings of fact and recommended that the requested Map Amendment be approved as set forth in the Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals dated April 30, 2015, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Planning and Zoning Committee of the Ogle County Board has reviewed the testimony and exhibits presented at the public hearing and has considered the Findings of Fact and recommendation of the Zoning Board of Appeals, and has forwarded a recommendation to the Ogle County Board that the requested Map Amendment be approved; and

WHEREAS, the Ogle County Board has considered the findings of fact and recommendation of the Zoning Board of Appeals and the recommendation of the Planning and Zoning Committee, and has determined that granting the Map Amendment would be consistent with the requirements established by Section 16-9-7G of the *Ogle County Amendatory Zoning Ordinance*;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF OGLE COUNTY, ILLINOIS, as follows:

SECTION ONE: The report of the Ogle County Zoning Board of Appeals, Exhibit "B" attached hereto, is hereby accepted and the findings set forth therein are hereby adopted as the findings of fact and conclusions of the Ogle County Board.

SECTION TWO: Based on the findings of fact as set forth above, the petition of John L. Knoll, 15922 E. Big Mound Rd., Lindenwood, IL for a Map Amendment (Petition No. 1-15AM) to re-zone from AG-1 Agricultural District to IA Intermediate Agricultural District on property located at 15922 E. Big Mound Road in Monroe Township, and legally described as shown in Exhibit "A" attached hereto, is hereby approved, and the Ogle County Zoning Map shall be amended to reflect said zone change.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of Ogle County, Illinois and attestation by the Ogle County Clerk.

SECTION FOUR: Failure of the owners of other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 16-9-10 of the *Ogle County Amendatory Zoning Ordinance*.

PASSED BY THE COUNTY BOARD THIS 19TH DAY OF MAY 2015 A.D.



ATTEST:

Rebecca Huntley
Rebecca Huntley, Ogle County Clerk and
Ex Officio Clerk of the Ogle County Board

Kim P. Gouker
Kim P. Gouker, Chairman of the Ogle County Board

EXHIBIT "A"
LEGAL DESCRIPTION

Part of the Southeast Quarter of Section 30 and part of the Northeast Quarter of Section 31, all in Township 42 North, Range 2 East of the Third Principal Meridian, bounded and described as follows:

Commencing at the Southeast Corner of the Southeast Quarter of said Section 30; thence South 88 degrees 39 minutes 10 seconds West along the South Line of said Southeast Quarter, a distance of 607.90 feet to a point on the centerline of a public road designated Big Mound Road and the beginning of a curve; thence Southwesterly along said centerline, said line being curved to the left, having a radius of 636.62 feet, a central angle of 6 degrees 47 minutes 41 seconds, a chord bearing of South 76 degrees 15 minutes 39 seconds West, a chord distance of 75.46 feet and an arc distance of 75.50 feet to the termination of said curve; thence South 72 degrees 51 minutes 49 seconds West along said centerline, a distance of 30.67 feet to the Point of Beginning of the hereinafter described parcel of land; thence continuing South 72 degrees 51 minutes 49 seconds West along said centerline, a distance of 364.23 feet to the beginning of a curve; thence Southwesterly to Northwesterly along said centerline, said line being curved to the right, having a radius of 458.37 feet, a central angle of 29 degrees 34 minutes 32 seconds, a chord bearing of South 87 degrees 39 minutes 05 seconds West, a chord distance of 233.99 feet and an arc distance of 236.61 feet to the termination of said curve; thence North 77 degrees 33 minutes 40 seconds West along said centerline, a distance of 19.96 feet to the Southerly projection of the West Line of the West-half of the Southeast Quarter of said Section 30; thence North 1 degree 14 minutes 24 seconds West along said Southerly projection, a distance of 122.98 feet to the Southwest Corner of the East-half of said Southeast Quarter; thence continuing North 1 degree 14 minutes 24 seconds West along the West Line of said East-half, a distance of 1435.51 feet; thence North 89 degrees 51 minutes 01 seconds East, a distance of 194.90 feet; thence North 3 degrees 43 minutes 16 seconds West, a distance of 125.09 feet; thence North 56 degrees 22 minutes 44 seconds East, a distance of 831.60 feet; thence South 1 degree 05 minutes 34 seconds East, a distance of 266.77 feet; thence South 88 degrees 39 minutes 10 seconds West, a distance of 414.97 feet; thence South 1 degree 05 minutes 34 seconds East, a distance of 314.72 feet; thence North 88 degrees 39 minutes 10 seconds East, a distance of 183.08 feet; thence South 1 degree 05 minutes 34 seconds East, a distance of 429.00 feet; thence South 40 degrees 43 minutes 06 seconds East, a distance of 51.74 feet; thence South 1 degree 05 minutes 34 seconds East, a distance of 670.00 feet; thence South 88 degrees 39 minutes 10 seconds West, a distance of 84.00 feet; thence South 1 degree 05 minutes 34 seconds East, a distance of 104.54 feet to the Point of Beginning, containing 26.191 acres, more or less, subject to that land being used for public road purposes and also subject to access easements as shown hereon and also subject to all easements, agreements, county codes and/or ordinances of record if any, all situated in the Township of Monroe, the County of Ogle and the State of Illinois.

Property Identification Numbers (PIN): Part of 12-30-400-020
Common Location: 15922 E. Big Mound Road

EXHIBIT "B"

**FINDINGS OF FACT AND RECOMMENDATION
OF THE ZONING BOARD OF APPEALS**

FINDINGS OF FACT AND RECOMMENDATION OF THE OGLE COUNTY ZONING BOARD OF APPEALS

This is the findings of fact and the recommendation of the Ogle County Zoning Board of Appeals concerning an application of John L. Knoll, 15922 E. Big Mound Rd., Lindenwood, IL, in case #1-15AM. The applicant is requesting a map amendment to change the zoning classification of part of Parcel Identification No. 12-30-400-020 and Parcel Identification No. 12-31-200-011 from AG-1 Agricultural District to IA Intermediate Agricultural District, a 29.91 acre parcel located in part of the E ½ SE 1/4 Section 30 and part of the NE 1/4 NE 1/4 Section 31, Township 42N, R2E of the 3rd P.M., Ogle County, IL, and located in Monroe Township at 15922 E. Big Mound Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on April 30, 2015 in the County Board Room, 3rd Floor, Ogle County Courthouse, Oregon, Illinois and hereby reports its findings of fact and recommendation(s) as follows:

SITE INFORMATION: See Staff Report (attached herewith).

ANALYSIS OF SIX STANDARDS: After considering all the evidence and testimony presented at the public hearing, this Board makes the following analysis of the six standards listed in Section 9.07(G) (Standards for Map Amendments) of the *Ogle County Amendatory Zoning Ordinance* that must all be found in the affirmative prior to recommending granting of the petition.

1. That the proposed amendment will allow development that is compatible with existing uses and zoning of nearby property. **Continued use of the site for large-lot residential and agricultural use is compatible with the existing uses and zoning of nearby property, as there are 12 non-farm dwellings within 1/4 mile of the site, several of which are adjacent to the site, and directly adjacent land is not in agricultural production. Standard met.**
2. That the County of Ogle and other service providers will be able to provide adequate public facilities and services to the property (including, but not necessarily limited to, schools, police and fire protection, roads and highways, water supply and sewage disposal), while maintaining adequate public facilities and levels of service to existing development. **Continued use of the site for large-lot residential and agricultural use will not create a burden on the County of Ogle and other public service providers due to its location on a seal coat surface road, relative proximity to public service providers, and the low density of development that will be generated on the site. Standard met.**
3. That the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject site or on the environment, including air, noise, stormwater management, wildlife and natural resources. **Little or no adverse impacts on other property in the vicinity of the subject site or on the environment, including air, noise, stormwater management, wildlife and natural resources are anticipated from the continued residential and agricultural uses of the site. Standard met.**

4. That the subject property is suitable for the proposed zoning classification. **The site is suitable for the IA zoning district, as it is predominately timber, bottomland and floodplain, is located in a rural agricultural area that contains several non-farm residential uses, is located on a seal coat surfaced Township road, is within 1.5 miles of the Village of Monroe Center, and has a low LESA score. Standard met.**

5. That the proposed zoning classification is consistent with the trend of development, if any, in the general area of the subject property including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification. **There is a trend of development in the vicinity of large-lot residential uses, and two sites in close proximity have been rezoned to R-1 in the past 16 years (one within the past 5 years). The proposed zoning classification of IA Intermediate Agricultural District is consistent with this trend. Standard met.**

6. That the proposed amendment is consistent with the public interest and not solely for the interest of the applicant, giving due consideration to the stated purpose and intent of the Amendatory Zoning Ordinance as set forth in Division 1 therein, the Land Evaluation and Site Assessment (LESA) findings (if applicable), and the recommendation(s) of the Ogle County Regional Planning Commission with respect to the *Ogle County Amendatory Comprehensive Plan*. **The proposed amendment is consistent with the public interest and not solely for the interest of the applicant as the LESA score indicates a low rating for protection, and the proposed amendment is consistent with the purpose and intent of the Amendatory Zoning Ordinance. The Zoning Board of Appeals has given due consideration that the Regional Planning Commission has recommended (approval/denial?). Standard met.**

RECOMMENDATION: We find that the proposed map amendment requested meets all the standards for recommending granting as found in Section 16-9-7G of the *Ogle County Amendatory Zoning Ordinance* and that such request is in the public interest. Therefore, the Zoning Board of Appeals hereby recommends that the zoning district classification of the property described above be changed from AG-1 Agricultural District to IA Intermediate Agricultural District.

ROLL CALL VOTE: The roll call vote was 5 members for the motion to recommend granting, 0 opposed.

Respectfully submitted this 30th day of April 2015 by the Ogle County Zoning Board of Appeals.

Jason Sword, Chairman
Maynard Stivers
Randy Ocken
Dennis Williams
David Williams

Jason Sword, Chairman

ATTEST:

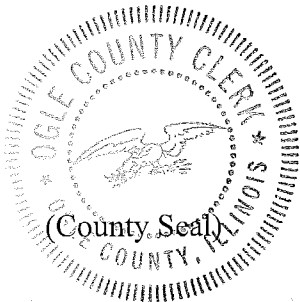

Michael Reibel, Secretary



Rebecca Huntley
Ogle County Clerk & Recorder

June 2, 2015

The Ogle County Board, at their regular meeting held on Tuesday, May 19, 2015, Welty presents and moves to approve the petition of Sammy L. & Nancy M. Triplett, 115 N. Terrace Park Dr., Byron, IL; and Douglas L. & Helen S. Triplett, 5047 E. Brooke Ct., Byron, IL for an Amendment to the Zoning District to rezone from AG-1 Agricultural District & R-2 Single Family Residential District to R-1 Rural Residential District on property described as follows, owned by Sammy L. & Nancy A. Triplett and being purchased by Douglas L & Helen S. Triplett: Lot 11 Block 2 of Rock River Terrace Subdivision of part of the West ½ of Section 11, Township 24 North, Range 10 East of the 4th P.M., and an unsubdivided part of the W ½ of the NE ¼ and E ½ of the of the NW ¼ Section 11 Rockvale Township 24N, R10E of the 4th P.M., Ogle County, IL, containing 4.71 acres, more or less. P.I.N.: Part of 09-11-126-009 - Common Location: 115 N. Terrace Park Dr. Bolin seconds and the motion carries.(Placed on file)



Rebecca Huntley

Rebecca Huntley
Ogle County Clerk

The contents of this letter are a portion of the tentative Ogle County Board minutes pertaining to your zoning request. These minutes are subject to approval at the next Ogle County Board meeting.

STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2015-0503

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT ON PROPERTY
LOCATED AT 115 N. TERRACE PARK DRIVE IN BYRON TOWNSHIP

WHEREAS, Sammy L. & Nancy M. Triplett, 115 N. Terrace Park Dr., Byron, IL and Douglas L. & Helen S. Triplett, 5047 E. Brooke Ct., Byron, IL have filed a petition for a Map Amendment (Petition No. 2-15AM) to re-zone from R-2 Single Family Residence District and AG-1 Agricultural District to R-1 Rural Residence District on property located at 115 N. Terrace Park Drive in Byron Township, and legally described as shown in Exhibit "A" attached hereto; and

WHEREAS, following due and proper notice by publication in the Ogle County Life at least fifteen (15) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least fifteen (15) days prior thereto, the Ogle County Zoning Board of Appeals conducted a public hearing on April 30, 2015 at which the petitioners presented evidence, testimony, and exhibits in support of the requested Map Amendment, and no member(s) of the public spoke in support of or in opposition to the petition; and

WHEREAS, the Zoning Board of Appeals, having considered the evidence, testimony and exhibits presented has made its findings of fact and recommended that the requested Map Amendment be approved as set forth in the Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals dated April 30, 2015, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Planning and Zoning Committee of the Ogle County Board has reviewed the testimony and exhibits presented at the public hearing and has considered the Findings of Fact and recommendation of the Zoning Board of Appeals, and has forwarded a recommendation to the Ogle County Board that the requested Map Amendment be approved; and

WHEREAS, the Ogle County Board has considered the findings of fact and recommendation of the Zoning Board of Appeals and the recommendation of the Planning and Zoning Committee, and has determined that granting the Map Amendment would be consistent with the requirements established by 16-9-7G of the *Ogle County Amendatory Zoning Ordinance*;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF OGLE COUNTY, ILLINOIS, as follows:

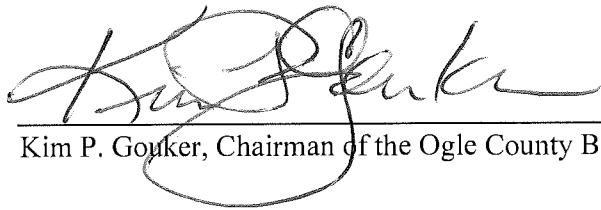
SECTION ONE: The report of the Ogle County Zoning Board of Appeals, Exhibit "B" attached hereto, is hereby accepted and the findings set forth therein are hereby adopted as the findings of fact and conclusions of the Ogle County Board.

SECTION TWO: Based on the findings of fact as set forth above, the petition of Sammy L. & Nancy M. Triplett, 115 N. Terrace Park Dr., Byron, IL and Douglas L. & Helen S. Triplett, 5047 E. Brooke Ct., Byron, IL for a Map Amendment (Petition No. 2-15AM) to re-zone from R-2 Single Family Residence District and AG-1 Agricultural District to R-1 Rural Residence District on property located at 115 N. Terrace Park Drive in Byron Township, and legally described as shown in Exhibit "A" attached hereto, is hereby approved, and the Ogle County Zoning Map shall be amended to reflect said zone change.

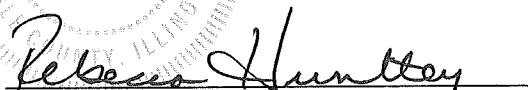
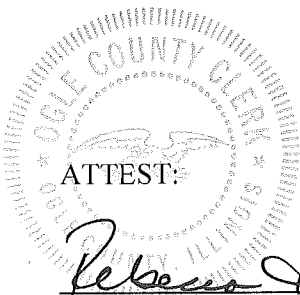
SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of Ogle County, Illinois and attestation by the Ogle County Clerk.

SECTION FOUR: Failure of the owners of other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 16-9-10 of the *Ogle County Amendatory Zoning Ordinance*.

PASSED BY THE COUNTY BOARD THIS 19TH DAY OF MAY 2015 A.D.



Kim P. Gouker, Chairman of the Ogle County Board



Rebecca Huntley, Ogle County Clerk and
Ex Officio Clerk of the Ogle County Board

EXHIBIT "A"
LEGAL DESCRIPTION

Part of the North 1/2 of Section 11, in Township 24 North, Range 10 East of the 4th P.M., described as follows: Beginning at the Northeast corner of the South 1/2 of the South West 1/4 of the South West 1/4 of the North East 1/4 of said Section 11, thence North 01° 12' 05" East on the East line of the West 1/2 of the South West 1/4 of the North East 1/4 of said Section 11, 825.42 feet to the Southeast corner of the North 1/2 of the North 1/2 of the North West 1/4 of the South West 1/4 of the North East 1/4 of said Section 11 being the POINT OF BEGINNING of the tract being described; thence North 30° 05' 04" West, 342.75 feet, thence North 89° 57' 12" West, 242.0 feet, thence South 88° 07' 27" West, 451.79 feet to a point on the Northeasterly line of Block 2 in Rock River Terrace, thence South 33° 02' 19" East on the Northeasterly line of Block 2, 377.83 feet to a point on the West line of the North East 1/4 of said Section 11, thence North 0° 27' 33" West on said West line, 46.30 feet to the Southwest corner of the North 1/2 of the North 1/2 of the North West 1/4 of the South West 1/4 of the North East 1/4 of said Section 11, thence South 88° 59' 52" East on the South line of said North 1/2 of the North 1/2 of the North West 1/4 of the South West 1/4 of the North East 1/4 of said Section 11, 659.83 feet to the point of beginning, in Ogle County, Illinois; AND, Lot 11 Block 2 Rock River Terrace Subdivision of part of the West 1/2 of Section 11, Township 24 North, Range 10 East of the 4th P.M., according to the Plat of said Subdivision, recorded in Book D of Plats, page 17, in Ogle County, Illinois.

Property Identification Numbers (PIN): Part of 09-11-126-009

Common Location: 115 N. Terrace Park Drive

EXHIBIT "B"

**FINDINGS OF FACT AND RECOMMENDATION
OF THE ZONING BOARD OF APPEALS**

FINDINGS OF FACT AND RECOMMENDATION OF THE OGLE COUNTY ZONING BOARD OF APPEALS

This is the findings of fact and the recommendation of the Ogle County Zoning Board of Appeals concerning an application of Sammy L. & Nancy M. Triplett, 115 N. Terrace Park Dr., Byron, IL, and Douglas L. & Helen S. Triplett, 5047 E. Brooke Ct., Byron, IL in case #2-15AM. The applicants are requesting a map amendment to change the zoning classification of part of Parcel Identification No. 09-11-126-009, a 4.71 acre parcel, from R-2 Single Family Residence District and AG-1 Agricultural District to R-1 Rural Residence District. Said parcel is described as Lot 11 Block 2 Rock River Terrace Subdivision of part of the West ½ Section 11, Township 24N, Range 10E of the 4th Principal Meridian, and an unsubdivided part of the West ½ Northeast 1/4 and East ½ Northwest 1/4 Section 11, Township 24N, Range 10 East of the 4th Principal Meridian. The site is located in Rockvale Township at 115 N. Terrace Park Drive.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on April 30, 2015 in the County Board Room, 3rd Floor, Ogle County Courthouse, Oregon, Illinois and hereby reports its findings of fact and recommendation(s) as follows:

SITE INFORMATION: See Staff Report (attached herewith).

ANALYSIS OF SIX STANDARDS: After considering all the evidence and testimony presented at the public hearing, this Board makes the following analysis of the six standards listed in Section 9.07(G) (Standards for Map Amendments) of the *Ogle County Amendatory Zoning Ordinance* that must all be found in the affirmative prior to recommending granting of the petition.

1. That the proposed amendment will allow development that is compatible with existing uses and zoning of nearby property. **Use of the site for large-lot residential use is compatible with the existing uses and zoning of nearby property, as there are 54 non-farm dwellings within 1/4 mile of the site, land adjacent to the site is in similar large-lot residential use. Standard met.**
2. That the County of Ogle and other service providers will be able to provide adequate public facilities and services to the property (including, but not necessarily limited to, schools, police and fire protection, roads and highways, water supply and sewage disposal), while maintaining adequate public facilities and levels of service to existing development. **Use of the site for large-lot residential use will not create a burden on the County of Ogle and other public service providers due to its location on a seal coat surface road that accesses a County highway, relative proximity to public service providers, and the low density of development that will be generated on the site. Standard met.**
3. That the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject site or on the environment, including air, noise, stormwater management, wildlife and natural resources. **Little or no adverse impacts on other property in the vicinity of the subject site or on the environment, including air, noise, stormwater management, wildlife and natural resources are anticipated from residential use of the site. Standard met.**
4. That the subject property is suitable for the proposed zoning classification. **The site is suitable for the R-1 zoning district, as it is located in a predominately residential area that contains**

both small parcels and large residential parcels similar to the proposed use, is located on a seal coat surfaced Township road, is within 1.5 miles of the City of Byron, is not prime farmland and has a low LESA score. Standard met.

5. That the proposed zoning classification is consistent with the trend of development, if any, in the general area of the subject property including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification. **There is an established trend of development in the vicinity of residential uses and zoning. The proposed zoning classification of R-1 Rural Residence District is consistent with this trend. Standard met.**
6. That the proposed amendment is consistent with the public interest and not solely for the interest of the applicant, giving due consideration to the stated purpose and intent of the Amendatory Zoning Ordinance as set forth in Division 1 therein, the Land Evaluation and Site Assessment (LESA) findings (if applicable), and the recommendation(s) of the Ogle County Regional Planning Commission with respect to the *Ogle County Amendatory Comprehensive Plan*. **The proposed amendment is consistent with the public interest and not solely for the interest of the applicant as the LESA score indicates a low rating for protection, and the proposed amendment is consistent with the purpose and intent of the Amendatory Zoning Ordinance. The Zoning Board of Appeals has given due consideration that the Regional Planning Commission has recommended approval. Standard met.**

RECOMMENDATION: We find that the proposed map amendment requested meets all the standards for recommending granting as found in Section 16-9-7G of the *Ogle County Amendatory Zoning Ordinance* and that such request is in the public interest. Therefore, the Zoning Board of Appeals hereby recommends that the zoning district classification of the property described above be changed from R-2 Single Family Residence District and AG-1 Agricultural District to R-1 Rural Residence District.

ROLL CALL VOTE: The roll call vote was 5 members for the motion to recommend granting, 0 opposed.

Respectfully submitted this 30th day of April 2015 by the Ogle County Zoning Board of Appeals.

Jason Sword, Chairman
Maynard Stivers
Randy Ocken
Dennis Williams
David Williams

Jason Sword, Chairman

ATTEST:



Michael Reibel, Secretary

O-2015-0504

Ogle County Health Department

DIVISION 4

Sewage Disposal, Private Systems

Article A: Administrative Provisions

State Law Reference: **Title 77:** Illinois Administrative Code 905 October 2013
Title 77: Public Health
Chapter 1: Department of Public Health
Subchapter r: Water and Sewage
Part 905: Private Sewage Code

Adopted by Reference:

In addition to those provisions set forth in this code, this division shall interpret and enforce in accordance with provisions set forth in the following statutes, rules and regulations of the state of Illinois Department of Public health and subsequent amendments and revisions thereto, which publications are incorporated herein and adopted as they apply to commercial and public facilities.

- (1) NSF International/ANSI Standard 46, Evaluation of Components and Devices Used in Wastewater Treatment Systems (October 22, 2004). Referenced in State Code 905.40 and 905.120.
- (2) NSF International/ANSI Standard 40, Residential Wastewater Treatment Systems (August 2005). Referenced in State Code 905.00.
- (3) NSF International/ANSI Standard Non Liquid Saturated Treatment Systems (March, 2005). Referenced in State Code Section 905-100.
- (4) American Society for Testing and Materials (ASTM). Referenced in State Code sections 905.40, 905.60, 905.70.
- (5) ASTM Standards for Physical Properties and Characteristics of Gravel-less Drainage Pipe which may be obtained from ASTM D4632-08 (2008), ASTM D3786-09 (2009), ASTM D727-08 (2008), ASTM F662-86 (1992). Referenced in State Code Section 905.60(c)(2).
- (6) Standards Methods for Examination of Water and Wastewater (21st Edition). Referenced by State Code Section 905.110.
- (7) Glossary of Science Terms (2001) Soil Science Society of America. Referenced in Section 905.10.
- (8) Standards for the Use or Disposal of Sewage Sludge (40CFR 503) (2008). Referenced in State Code Section 905.170.
- (9) National Electrical Code (2005) NFPA. Referenced by State Code Section 905.20.
- (10) International Organization for Standardization (IOS) International Electrical Commission (IEC) Guide 65 (2006). Referenced by State Code 905.100.
- (11) Field Book for Describing and Sampling Soils ver. 2.0 (2002). Referenced in State Code 905.55.
- (12) Soil Taxonomy 1999 (2nd Edition). Referenced in State Code 905.55.
- (13) Soil Survey Manual 1993. Referenced in State Code 605.55.

- (14) Illinois Plumbing Code (77ILL.Admin.Code809). Referenced in State Code Sections 905.20, 905.140, 905.150 and Appendix A, Illustration C.
- (15) Recreational Code (77 ILL. Admin. Code 800). Referenced in State Code Section 905.150.
- (16) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).
- (17) Pollution Control Board Administrative Rules and Statutes.
 - A) Introduction (35 Ill. Adm. Code 301). Referenced in State Code Section 905.110.
 - B) Permits (35 Adm. Code 309). Referenced in State Code Section 905.110 and 905.170.
 - C) Waste Disposal (35 Ill. Adm. Code Subtitle G). Referenced in State Code 90520 and 905.140.
 - D) Classification of Injection Wells (35 ILL. Adm. Code 704.106). Referenced in State Code Appendix A Illustration D.
- (18) Illinois Department of Transportation Standards Specification for Road and Bridge. Referenced in State Code 905.95.
- (19) Illinois Highway Code (605.ILCS5.9-123). Referenced in State Code 905.110.
- (20) All Incorporated and referenced federal regulations not sited and future amendments as they apply.
- (21) All Incorporated State Codes referenced and not stated and future amendments as they apply.
- (22) Applicable State and Federal Code Amendments and Addendums as they apply.

SECTIONS:

10-4A-1: Definitions

10-4A-2: Interpretation and Purpose

10-4A-3: Ogle County Health Officer Inspections

10-4A-4: Variances

10-4A-5: Stop Work Order Provisions

10-4A-6: Violations, Provisions and Enforcement

10-4A-1: DEFINITIONS:

In addition to definitions contained in the Private Sewage Disposal Licensing Act [225ILCS225], and 77 Illinois Administrative Code 905, the following definitions shall apply:

“Absorption System”	Any private sewage disposal system that uses the soil for treatment of the effluent.
“Bedroom”	Any room 75 square feet or larger, excluding kitchen, dining room, living room, bath room, and utility rooms that have a closet are excluded. Rooms such as, but not limited to studies, libraries, sitting rooms and play rooms and dens having a closet shall be considered bedrooms for the purpose of septic system design.
BOD₅ BIOCHEMICAL OXYGEN DEMAND:	Is a five (5) day empirical test that measures the oxygen required for the biochemical degradation of organic material and oxygen used to oxidize inorganic materials such as sulfides and ferrous iron.
“Cesspool”	Receptacle which receives untreated sewage from a building or living unit and permits the liquid portion thereof to seep into the surrounding soil.

“Certified Soil Classifier”	Is a person who is certified through the Illinois Soil Classifier Association (ISCA) or through the American Registry of Soil Professionals is Agronomy, Crops and Soils. (ARCPACS)
“Discharge Point”	Means the point at which the treated effluent discharges from an approved sewage disposal system which is compliant with Section 905.110(a). of the Illinois State Code.
“Dosing Tank”	A watertight tank or receptacle used or intended for use, for the purpose of receiving and retaining effluents or overflow of a septic tank until discharged by an automatic siphon or pump.
“Exploration Pit”	An excavation to a minimum depth of (7) feet for the purpose of determining soil characteristics. If refusal occurs, (for example if bedrock is struck) prior to the 7 foot depth, the exploration pit is considered complete.
“Gravel less Seepage System”	Means the use of approved perforated 8-inch or 10-inch diameter filter-wrapped plastic pipe or standard or low-profile chamber system in lieu of 4-inch perforated pipe and gravel in a subsurface field and serial distribution systems.
“Health Officer”	The Director of Environmental Health and/or his designated representative for the purpose of inspections. Permits for installations, or variances to the code can be reviewed and granted by the Director of Environmental Health or the Health Department Administrator only.
“Holding Tank”	A water tight reservoir or tank receiving raw sewage for the purpose of storage before it can be removed for treatment or disposal in an approved method or location.
“Human Waste”	Normal excretory waste of the human body.
“Industrial Liquid Waste”	Liquid waste from industrial or manufacturing operations.
“Malfunction”	A condition whereby a) a private sewage disposal system discharges untreated or partially treated sewage to the ground surface, ground subsurface or any waterway and/or b) effluent backs up into a building from a private sewage disposal system.
“Property Owner”	Means the name of the person on which the legal title to the property is recorded.
“Scum”	Means the mass of sewage solids is floating at the surface of sewage.
“Seepage Bed”	Means a shallow covered pit with a level bottom wider than 3 feet containing gravel and distribution piping designed to allow septic tank effluents to seep into the ground. It is finished at the same depth as is recommended for seepage fields and intended for use and intended where there is insufficient space for a seepage field.
“Septic Tank”	A water tight, accessible covered receptacle designed and constructed to receive sewage from a building sewer, to settle solids from the liquid, to retain floating scum accumulations, to digest organic materials and store digested solids through a period of retention and allow the clarified liquids to discharge to other treatment units for final disposal.
“Sewer”	Any pipe or conduit used to convey sewage
“Shall”	Means that the stated provision is mandatory.
“Sludge”	Means accumulated solids settled from sewage.

“Subsurface Sand Filter”	A bed of sand with distribution piping and containing an under drain system for the purpose of collecting and disinfection of the effluent. All locations below the surface of the ground but arranged to discharge via gravity or with a pumping system.
“Subsurface Seepage Field”	An open jointed or perforated system of pipes or chambers to which the effluent from the septic tank or an aeration treatment unit is discharged and directs seepage into the soil.
“Test Boring”	Any exploration made to a minimum depth of 7 feet below the proposed finish grade for the purpose of determining soil type and limitations. If refusal, i.e. due to bedrock is reached prior to the 7 foot depth, the exploration shall be considered complete.

10-4A-2: INTERPRETATIONS AND PURPOSE:

The provisions of this Division shall be held to be the minimum requirements for the promotion of public health, safety and general welfare.

In any case where a provision of this division is found to be in conflict with a provision of any zoning, subdivision, building safety, or health ordinance or code in force in the incorporated areas of Ogle County existing on the effective date of this Division, the provision which establishes the highest standard for the promotion and protection of health and safety of the people of Ogle County shall prevail.

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

10-4A-3: OGLE COUNTY HEALTH OFFICER INSPECTIONS:

- A. **Inspections Required:** The Ogle County Health Officer is hereby authorized and directed to make inspections as are necessary to determine satisfactory compliance with this Division. In any case where a permit is required, whether new or alteration, no work shall be covered before it has been inspected by a representative of the Department.
- B. **Free Access Required:** It shall be the duty of the owner or occupant of the property to give the Ogle County Health Officer free access to the property between 8:00 a.m. and 5:00 p.m. for the purpose of making such inspections as are necessary to determine compliance with the requirements of this Division.

10-4A-4: VARIANCES:

When circumstances exist which make compliance with the requirements of this Division impossible, a permit applicant can make a request that the Director of Environmental Health grant a variance. Such requests shall be in writing and shall accompany the required permit information and any other information required by the Director of Environmental Health. Upon review of the Variance Request Information, the Director of Environmental Health may grant the Variance, request additional information, or disapprove the Variance. The Variance must be approved before any work may begin on the system. Any person who has been denied a Variance may appeal to the Department Administrator

for further consideration.

10-4A-5: STOP WORK PROVISIONS:

At any time during the construction or alteration of any private sewage disposal system, when a violation is noted, the Ogle County Health Officer may issue a “Stop Work Order”. Upon receipt of a “Stop Work Order”, the contractor or resident property owner must submit a plan of correction to the Department. If the plan of correction is acceptable to the Department, the “Stop Work Order” will be lifted and the contractor or resident property owner may then continue with the construction or alteration. If no action is taken to correct the noted violation, the Ogle County Health Officer shall be empowered to revoke the permit. If upon revocation of the permit, the contractor or resident property owner still refuses to make the proper corrections to the private sewage disposal system the Ogle County Health Officer shall proceed with the Provisions for enforcement outlined in Section 10-4A-6.

10-4A-6: VIOLATIONS, PROVISIONS AND ENFORCEMENT:

A. Ogle County Health Officer Notice of Violation for Licensed Private Sewage Disposal Contractor or Pumping Contractor:

- 1) Whenever the Ogle County Health Officer determines there are reasonable grounds to believe there has been a violation of the provisions to this Division, such Ogle County Health Officer shall give notice of such alleged violation(s) to the person to whom the license was issued as herein above provided.
- 2) Notice of Violation, Content of notice shall:
 - a. Be in writing;
 - b. Include a statement of the reason(s) for the issuance of the notice;
 - c. After reasonable time, as determined by the Ogle County Health Officer, for the purpose of performance of any act that is required, be served upon the operator or licensee as such case may require; provided such notice shall be deemed properly served upon such owner, operator or licensee when a copy thereof has been sent by registered or certified mail to the last known address, or when notice been served by any other method authorized by the laws of this State.
 - d. Contains an outline of the remedial action which is required to affect compliance with this Division and the rules and regulations established by this Division and the rules and regulations under this Chapter. In addition, the Ogle County Health Officer shall issue a time limit in which to comply with the remedial action(s).
- 3) Revocation or Suspension:

In the case of a revocation or suspension of license, this notice shall require the license to remove or abate such violations and unsanitary or objectionable conditions specified in such notice within five (5) days or within a longer period as may be allowed by the Ogle County Health Officer. If the licensee fails to comply with such terms and

conditions of the notice within the specified time or such extensions of the time granted, the Ogle County Health Officer shall revoke or suspend such licenses and may refuse the issuance of further licenses.

- 4) Hearing Provided: Such person has a right to a hearing before the Department Administrator as outlined in Section 10-1C-2 of Division 1.

B. Emergency Response Action(s):

Emergency response actions may be carried out by the Department when a property owner or responsible party fails to correct a violation of this Division that poses an immediate threat to Public health. Prior to the implementation of the response activity, the responsible property owner or violator shall be given a 24-hour written notice to correct the violation. If at the end of the 24-hour notice, no corrective action has taken place the Department Administrator may obtain services of an approved contractor to make the necessary repairs in order to protect the Public Health.

Upon completion of the repair(s), the Department shall seek cost recovery from the responsible property owner or violator who caused the response activity to occur. The cost recovery shall be the amount which was spent by the Department. In cases where the costs cannot be recovered the Department shall place a lien on the property where the emergency response occurred. In addition to the cost recovery process, the property owner or violator shall also be subject to penalties set forth in Section 10-1C-2 of Division 1.

Ogle County Health Department

DIVISION 4

Sewage Disposal, Private Systems

Article B. Licensing Provisions

SECTIONS:

10-4B-1: Permits Required, Fees

10-4B-2: Any System with Surface Discharge

10-4B-3: Licensing Requirements

10-4B-1: PERMITS REQUIRED, FEES:

- A. Permits Required:** it shall be unlawful for any person to construct, or make alterations to, a private sewage disposal system within Ogle County unless a valid permit has been issued by the Ogle County Health Officer in the name of such person for the specific construction or alteration proposed. Permits shall be issued only to persons licensed under the provisions of this code, and to resident owners, or intended resident owners who are to personally install the system for said owner's single family residence. This exception does not relieve the owner from obtaining a permit to install and from complying with the other provisions of these regulations. In addition, resident owners who intend on installing a private sewage disposal system shall be required to attend an educational training session provided by the Ogle County Health Officer. A fee shall be paid for this educational training session in accordance with the fee schedule outlined in Section 10-1D-2 of Division 1.
- B. Applications:** All applications for permits shall be accompanied by the property owner's name and address, the location or address of the property for which the application is being made, the location (County PIN number, if available) on which the system is to be installed, the General Contractor name and telephone number (if applicable), private sewage contractors name, address, and license number (if applicable), and a description of the planned installation which shall include:
- 1) For new construction of a private sewage disposal system: The type of facility, structure or dwelling (including plans or drawings of the dwelling including the number of bedrooms, or population served) which this system is intended to serve, the kinds of equipment (garbage disposal, hot tubs, water softeners, etc.) served by this system, and three (3) site specific soil borings, classified by a Certified Soil Classifier.

A site map drawn to scale, showing the property size, property dimensions, property lines, ground slope, locations of all existing and proposed buildings, wells, neighboring wells (within 100 feet of the property line) water lines, cisterns, septic tank(s), exploration pits of core borings, driveways, storm water or surface water drainage

systems, grease traps, existing private sewage disposal system(s), sewers and any other sewage facilities along with the designated location and specifications of the proposed private sewage disposal system components.

- 2) For alteration of an existing private sewage disposal system: The type of facility, structure or dwelling (including the number of bedrooms) which this system is currently serving, the kinds of equipment (garbage disposal, hot tubs, water softeners, etc.) served by the system, the site specific soil classification obtained by a 3 site soil survey conducted by a certified soil classifier.

A site map showing the property size, property dimensions, property lines, locations of existing buildings, wells, neighboring wells (within 100 feet of the property line), cisterns, septic tank(s), exploration pits and test borings, grease traps, existing private sewage disposal systems, sewers, and other sewage facilities along with design, location, and specifications of the proposed private sewage disposal system components. In addition, the site map shall also indicate the required distances between the proposed sewage disposal system components and well, abandoned well, waterline, stream, lake pond, dwelling, property line or farm tile (see Section 10-4D-3: D for exact isolation distances).

- C. **Issuance:** Issuance of a permit shall be based on a completed application which conforms to this Division. In situations where the limiting conditions of the site soils are severe or if the private sewage disposal system has been relocated, the **Ogle County** Health Officer may require additional information, (including, but not limited to additional borings, exploration pits, or an engineering plan) prior to or as a condition of the issuance of a permit. Permits shall be issued for a period of one year; if the system is not completed at the end of the one year period, a new permit will be necessary.
- D. **Fee:** The fee for each application for a permit filed with the **Ogle County Health** Department shall be in accordance with the fee schedule shown in Section 10-1D-2 of Division 1.

10-4B-2: ANY SYSTEM WITH SURFACE DISCHARGE

For private disposal systems discharging to the surface of the ground or to any pond, body of water, stream, river or water course in Ogle County either pre or post treatment, shall obtain a permit from the Illinois Environmental Protection Agency, in accordance with the provisions of the Environmental Protection Act and a copy shall be filed with the **Ogle County Health** Department. **(NPDES Form ILG62) Section 905.115 NPDES Permit Compliance.**

10-4B-3: LICENSING REQUIREMENTS:

A. License Required:

On and after the effective date of this Division, no person may construct, repair, alter, maintain

or service a private sewage disposal system or pump, transport and dispose of waste removed in such a manner that it does not comply with the requirements listed in this code and all private sewage disposal and installation contractors and private sewage disposal pumping contractors shall be licensed in accordance with this Division. If any person is found to be in violation of this paragraph they shall be subject to the penalties outlined in Section 10-1C-2 of Division 1.

B. Exemptions:

Resident Owners or intended resident owners who construct repair or alter a private sewage disposal system for said owner's single family residence are exempt from the licensing requirements of this Division.

C. Application:

Application for such license shall be in writing and on forms provided by the [Ogle County Health Department](#).

D. Issuance and Fee:

The Director of Environmental Health shall issue a private sewage disposal installation contractor license and/or a private sewage disposal system pumping contractor license to persons applying for such license who comply with the "minimum performance standards for a private sewage disposal installation contractor and private sewage disposal system pumping contractor" adopted by this Department and who pay the required annual fee (see fee schedule Section 10-1D-2 of Division 1). On and after the effective date of this paragraph, all new license applicants must present proof of having successfully passed the private sewage installation contractors and/or the private sewage disposal system pumping contractors test administered by the Illinois Department of Public Health. In addition to the state administered exam each new applicant shall show competence in interpretation and application of soils information contained in a soil report provided by a State Certified Soil Classifier and the Ogle County Private Sewage Disposal Code by successfully passing a soils exam administered by the Ogle County Health Department. The [Ogle County Health Officer](#) shall review and grade the exam and give notice of exam results to the applicant. No license shall be issued to an applicant who scores less than 80% on the exam. A fee for administering the exam shall be paid in accordance with the fee schedule Section 10-1C-2 of Division 1.

E. Revocation:

The [Ogle County Health Department Administrator](#) shall suspend or revoke any private sewage disposal system contractor or private sewage disposal system pumping contractor license if after a hearing, the Department Administrator finds incompetence, negligence, misrepresentation, or failure to comply with the provisions of these regulations.

Ogle County Health Department

DIVISION 4

Sewage Disposal, Private Systems

Article C. Sewage System Requirements

SECTIONS:

10-4C-1: Disposal Requirements

10-4C-2 Public Sewer Requirements

10-4C-3: Type of Waste

10-4C-4: Exposure of Sewage

10-4C-5: Effluent Limitations

10-4C-1: DISPOSAL REQUIREMENTS:

All buildings where people live, work or assemble shall be provided with a sewage disposal system joined and constructed to promote and safeguard the public health by prevention of contagion and the spread of infectious disease. **Private sewage systems are designed and licensed for each private residence individually unless specifically authorized by the Ogle County Health Department.** All systems shall be constructed in accordance with the provisions of these regulations.

10-4C-2: PUBLIC SEWER REQUIREMENTS:

A. Sanitary Sewer Connections:

The Ogle County Health Officer shall refuse to grant a permit for the construction of a private sewage disposal system where public sewer is reasonably available. A sewer shall be deemed available when a sanitary sewer line is placed within any street, ally, right-of-way or easement that adjoins or abuts the premises for which the permit is requested or when improvement to be served is located within a reasonable distance of sanitary sewer to which a connection is practical and permitted by the controlling authority for the sewer. A reasonable distance for the purpose of this provision shall be deemed as not greater **than three hundred feet (300 feet)** from a single family residence and not greater than one thousand feet (1000 feet) from a commercial establishment or a multi family dwelling flowing fifteen hundred gallons (1500 gallons) per day or greater. **Upon sanitary sewer connection, all abandoned septic tanks and seepage pits shall be emptied and placed in a condition where they will not hold water and filled with sand or gravel or similar material. When the sanitary sewer system becomes available to a property operating on a private system, connection to and use of such facility must be made in accordance with local directives if it is located within an incorporated city or town. If located outside an incorporated city or town, whenever major repairs are required to an existing system, or at the end of the operating life for a system as indicated by a failed seepage field, the system shall be connected to the public sewage system.**

B. Unapproved Systems:

Cesspools, dry wells, and seepage pits shall not be constructed. When alterations are required to be made to an unapproved system, or a major component replacement, the entire unapproved system must be replaced with a system that complies with this Division. Whenever an existing unapproved system becomes a nuisance, is malfunctioning, or is a potential hazard

to public health, alterations shall be made in accordance with this Division. Major renovation to residential structures, commercial properties or multi-family structure with an estimated cost of more than twenty five thousand (\$25,000.00) shall have an evaluation of their system and may be required to install a system that meets the requirements of this division, i.e., additional bedrooms, added seating or major menu changes.

C. Alternative Private Sewage Disposal Systems:

Where systems other than a subsurface absorption system are being considered, reference should be given to the requirements of Section 10-4B-2 of this code.

- 1) **Privies:** Privies are approved for use in forest preserves, parks, special use areas and camping areas. All privies which are used for the deposit of human waste shall be constructed and maintained in accordance with this Division and the State of Illinois Department of Public Health, Private Sewage Disposal Code.
- 2) **Sand Filters:** In areas with soil limitations which preclude the use of a subsurface seepage field or bed system, sand filters may be used. Installation in exact accordance with design criteria is necessary for the proper functioning of such systems. Sand Filters, where approved, shall be installed in accordance with the State of Illinois Public Health Private Sewage Disposal Code.
- 3) **Aeration Systems:** All Aeration Systems shall be constructed, Installed, operated and maintained in accordance with the Illinois Public Health Sewage Disposal Code with the following additional requirements:

Aeration units installed prior to 1992 were not required to have an annual inspection and service agreement. If a unit installed prior to 1992 requires major repair or upgrade requiring a permit from this Division, the system will be required to be brought into compliance with the current code. At that time, all inspection criteria and maintenance contracts will be required going forward.

For all non-exempt aeration systems (Those installed after 1992 and those that have been upgraded), the property owners, where aeration treatment or chemical systems are located, shall provide for biannual inspection and maintenance of that system in the form of a maintenance contract or policy with the manufacturer or distributor of the equipment installed. There shall be a five (5) month interval between each biannual inspection and maintenance activity. A copy of such agreements shall be placed on file with the Ogle County Health Department. Such agreement shall be maintained by the property owner for the life of the system. The contractor providing the required inspection and maintenance shall submit a written report to the Ogle County Health Department which shall include a statement of the condition of the system including the following:

- a. Aeration Motor – Operational Status, i.e. Is the motor operable?
- b. Trash Tank Capacity Status, i.e., Does the tank need pumping?
- c. Filters/clarifiers – Operational Status, i.e., Functioning properly?
- d. Chlorination/Disinfection Device- Operational Status?

- e. Alarm System – Operational Status?
- f. Laboratory Analysis – Submit results of analysis within thirty days of sampling.

The results of the laboratory analysis of the effluent quality of surface discharge units shall include no BOD₅, suspended solids, chlorine residue or other disinfection efficacy and fecal chloroform counts. The results of laboratory analysis of effluent quality of subsurface discharging units shall include BOD₅ and suspended solids.

A post chlorination sampling port shall be installed on all aeration treatment units that have a surface discharge to a surface seepage line. A sampling port shall be installed immediately after the aeration treatment unit. The aeration unit sampling port shall be maintained for the life of the unit. The sampling port shall be designed so the effluent may be easily collected.

If any deficiency is observed during the inspection of the system, or if the effluent quality of the grab samples collected for laboratory analysis of effluent in Paragraph C3 above does not comply with the effluent standards set forth in the Illinois Department of Public Health Private Sewage Disposal Code, the property owner shall take action to immediately bring the system into compliance with this paragraph and with the Illinois Department of Public Health Private Sewage Disposal Code. The property owner or responsible operator of the system shall comply with this paragraph or be subject to penalties outlined in Section 10-1C-2 of Division 1.

- 4. Other Alternative Private Sewage Disposal Systems:** Other alternative Sewage Disposal Systems or individual components of an alternative private sewage disposal system shall be considered for construction by the Ogle County Health Officer upon receipt of the completed Ogle County Private Sewage Disposal System Application and fees, if the following conditions have been met:
 - a. The alternative private sewage disposal system or component has been approved by Illinois Department of Public Health through the Illinois Private Sewage Disposal Code through an experimental permit issued by the Illinois Department of Public Health or through other documents issued by the Illinois Department of Public Health, and
 - b. Any Alternative System that generates a surface discharge shall also meet the maintenance agreement requirements and discharge effluent standards set forth in Section 10-4C-2(c)(3) above, and
 - c. Any Alternative System that generates a surface discharge shall also have an approved permit for installation from the Illinois Environmental Protection Agency. (NPDES Permit) (ILG62) 77ILLINOIS 905. 115.
- 5. Chamber Systems Sizing:** When sizing a chamber system for use as a sub surface seepage field, the square foot area calculation shall be the same as set forth in the Illinois Department of Public Health Private Sewage Disposal Code. The area calculation is based on the chamber width equivalent multiplied by the trench length times a code established multiplier.

10-4C-3: TYPE OF WASTE:

The system shall be designed to receive all domestic sewage from the building served. No cooling water, ground water, discharge from roof drains, discharge from footing drains, or other clear water discharges shall be directed to the private sewage disposal system.

10-4C-4: EXPOSURE TO SEWAGE:

No person shall discharge or cause to be discharged raw or partially treated sewage, the effluents from any septic tank, subsurface disposal field, malfunctioning private sewage disposal system or the contents of any privy, vault or chemical toilet directly or indirectly into any river, stream, ground surface, field tile, storm sewers, village tiles, or abandoned wells or maintain or operate a private sewage disposal system in such a manner that it becomes offensive, dangerous, or prejudicial to the public health. If any person is found to be in violation of this paragraph they shall be subject to the penalties outlined in Section 10-1C-2 of Division 1.

10-4C-5: EFFLUENT LIMITATIONS:

- A. Limitations:** Effluent from any private sewage disposal system shall not discharge into any well or any opening into an underground mine, cave or tunnel. Effluent surface discharges shall be prohibited on parcels where subsurface systems are allowable for construction under this paragraph. Effluent surface discharge shall not exceed a density of one every five (5) acres. Effluent surface discharges shall not be permitted on parcels created after the effective date of this paragraph. **New systems with anticipated surface discharge requirements must receive approval from the Illinois Environmental Protection Agency. (NPDS Permit)(ILG62)**
- B. Disinfection:** All approved effluents discharged to the ground surface or to a watercourse must be disinfected with chlorine or other disinfectant as approved by the Department. A disinfectant residue between .2 and 1.5 milligrams per liter shall remain following thirty (30) minute contact period.

Ogle County Health Department

DIVISION 4

SEWAGE DISPOSAL PRIVATE SYSTEMS

ARTICLE D. CONSTRUCTION REGULATIONS

SECTIONS:

10-4D-1: Septic Tank Construction Requirements

10-4D-2: Septic Tank Capacity

10-4D-3: Sewage Lift Station Construction Requirements

10-4D-4: Locations

10-4D-5: Soil Suitability and System Sizing

10-4D-6: Distribution Box

10-4D-7: Quantities of Sewage Flow

10-4D-8: Subsurface Seepage System, Design and Construction Requirements

10-4D-9: Subdivision Plat: Private Sewage Disposal Feasibility Review

10-4D-10: Sanitary Evaluation

10-4D-1: SEPTIC TANK CONSTRUCTION REQUIREMENTS:

- A. All pre-fabricated septic tanks must be approved by the Illinois Department of Public Health in accordance with 77 Illinois Administrative Code 905, Section 905.40 Septic Tanks. An approved tank must bear the manufacturer's approval number and the internal liquid capacity of the tank as specified by the Illinois Department of Public Health.
- B. Septic Tanks shall water tight and constructed of sound and durable materials not subject to excessive corrosion, decay, frost damage, cracking or buckling due to settlement or backfilling. All tanks shall be so designed to support a top load of not less than five hundred pounds per foot square (500lbs/ft²). If additional loading is anticipated the design load shall be adjusted accordingly.
- C. Plans for site constructed tanks must be approved by this department and must meet the state requirements of 77 Illinois Administrative Code 905, Section 905.40 Septic Tanks.
- D. Inlet, outlet and baffle arrangements of the septic tank must be in accordance with 77 Illinois Administrative Code 905, Appendix A, Illustrations E, Exhibits A, B or C.
- E. Maintenance and inspection covers for the septic tank(s) shall be in accordance with 77 Illinois Administrative Code 905.40.
- F. Access ports for access to the tank for cleaning, or for tanks with an installed filter, shall terminate at least six (6) inches above ground level for servicing. Outlet filtration devices may also serve as the outlet baffle as long as they are installed in accordance with the manufacturer's instructions. These access ports shall be water tight. The filter shall be installed in accordance with the manufacturer's specifications.

- G. Outlet filters may also be installed anywhere between the septic tank outlet and the field. An access port must be provided for this filter and it shall terminate a minimum of six (6) inches above the ground surface for servicing.
- H. Septic System License Installer(s) shall provide the septic tank sizing and specifications, along with servicing instructions for cleaning the filter, if applicable, to the property owner following installation.

10-4D-2: SEPTIC TANK CAPACITY:

Ogle County requires a minimum septic tank capacity, regardless of the number of bedrooms or other sizing requirements, of one thousand two hundred (1200) gallons. All other septic tank capacity requirements for residential purposes shall be in accordance with 77 Illinois Code 905 Section 905 Appendix A, Illustration F.

Septic tanks used for any establishment other than residential property shall be sized in accordance with the estimated flow provided in Appendix A, Illustration A and as provided in subsection (c)(2) of 77 Illinois Administrative Code 905, Section 905.

For additional bedrooms, add 250 gallons liquid capacity for each. With a garbage grinder installed, the septic tank size shall be increased by fifty percent (50%).

When the total capacity exceeds one thousand five hundred (1500) gallons, two tanks in series shall be installed with at least one half (1/2) but no more than two thirds (2/3) of the total capacity provided in the first tank.

Septic tanks for any establishment other than residential units shall be sized in accordance with the flow provided in Appendix A, Illustration A as provided in paragraph (c)(2) of 77 Illinois Administrative Code 905 Section 905.

10-4D-3: SEWAGE LIFT STATION CONSTRUCTION REQUIREMENTS:

Lift stations shall be constructed in accordance with 77 Illinois 905 Section 905.125 Pumps, Pumping/Dosing Chambers and Ancillary Equipment. And with the following additional requirements:

- A. The lift station shall dose the system a maximum of four (4) times per day at design flow.
- B. Lift Stations shall comply with the 77 Illinois Division 905 and pumps and alarms shall be installed in accordance with the National Electrical Code and shall be sized to provide the designed dose in no more than twenty (20) minutes. Systems with design flows in excess of one thousand (1000) gallons per day shall have alternating pumps to provide dosing to the system at the proper flow rate.
- C. Access to the Lift Station shall be through a twenty four inch (24") manhole. The manhole riser or the top of the lift station shall extend a minimum of six inches (6") above grade and/or six

inches (6") above the highest known water level in wet areas. If a riser is utilized, it shall be water tight and have a water tight access cover. Access by children shall be prevented by a cover that is secured by devices requiring tools for entry or by a lock.

- D. Lift Stations shall be designed so the pump(s) may be electrically disconnected and removed without requiring physical entry into the lift station.
- E. Lift station tanks shall be designed to have sufficient volume to meet the dosage requirements stated in Paragraph A plus a reserve volume. The reserve volume shall be the volume of the tank between the high water alarm switch and the invert of the inlet pipe. The reserve capacity shall be greater than or equal to one half (1/2) of the estimated daily wastewater flow calculated for this private sewage disposal system.
- F. Any components of a private sewage disposal system that are electrically energized to operate shall have an indicating light to show when they are activated. High water alarms and other warning devices shall have visible and audible alarms. Alarms shall be located external to the house and/or buildings and in the vicinity of the lift station. Alarm circuits shall be separate circuits from the pump(s) circuitry.

10-4D-4: LOCATION:

The location of a private sewage disposal system shall be selected with consideration to the location(s) of the nearest well(s) or other sources of water supply, topography, existing private sewage disposal systems on this or adjacent properties, water table, soil characteristics, available area, expected volumes of domestic sewage, and shall comply with all provisions of 77 Illinois Administrative Code 905, Section 905 and the requirements of this Division regarding design.

- A. There shall be at least four feet (4') of soil between the bottom of the subsurface seepage field and bedrock. In situations where these conditions cannot be met, the sewage disposal contractor may utilize Section 905, Appendix A, Illustration M, Exhibit A of 77 Illinois Administrative Code Section 905 as a guide for the minimum separation to a limiting layer (Bedrock) or the private sewage disposal contractor may submit an engineering plan (in accordance with Section 10-4D-4(B) of this Department.
- B. When a property consists entirely of soils having severe limitations for the construction of a private sewage disposal system as determined by the results of onsite test borings or exploration pits, such data, may be used as a basis for denial of approval of a private sewage disposal system permit. The private sewage disposal contractor or property owner may consider utilizing an alternative private sewage disposal system (as described in Section 10-4C-2 C of this Division) in order to overcome the severe limiting soil condition. In all cases where a permit has been denied, the private sewage disposal contractor or property owner shall be permitted to appeal the permit denial by submitting an engineering plan.

The Engineering Plan shall be submitted to the Ogle County Health Department and provide specific solutions for the limiting conditions. The submitted Engineering Plan shall include a

scaled site plan, private sewage disposal system design specifications, calculations and be “Sealed” by a professional engineer certifying that: a) It is possible to install a private sewage disposal system at the subject property pursuant to the requirements provided in this Division, b) That the design submitted will not interfere with or potentially contaminate existing water supplies wells and, c) That the Engineering Plan will overcome the existing soil limitations. The Ogle County Health Officer shall review the Engineering Plan and determine if it meets the requirements of this Division. A fee shall be paid for the review of the Engineering Plan in accordance with the fee schedule outlined in Section 10-1D-2 of Division I. If the Engineering Plan is acceptable, a sewage permit shall be issued.

- C. The Ogle County Health Department shall review permit applications for private sewage disposal systems located in the local flood plain (100 year frequency flood elevation or Special Hazards Area) on a case by case basis. New septic system installations in the Flood Plain have been greatly limited by state regulations. Refer to latest IDNR and EPA Restrictions.
- D. The individual units of the private sewage disposal system shall be located in accordance with 77 Illinois Administrative Code 905 Section 905, Illustration D Location of Components of Private Sewage Disposal Systems.

The Division imposes the following added restrictions:

- 1) Separation between the septic tank and/or the septic system below ground septic field and an above ground pool shall be a minimum of ten (10) feet.
- 2) Separation between a septic tank and or the septic system below ground septic field and an in-ground pool shall be a minimum of 25 feet.
- 3) The building sewer line or surface discharge effluent line may be located to within 10 feet of the well or suction line from the pump to the well when cast iron with mechanical joints or Schedule 40 PVC pipe with water tight joints is used for the building sewer line or surface discharge effluent line.
- 4) The line from the septic tank to the distribution box must be schedule 40 PVC. This line must have a cleanout connection every 50 feet. These cleanouts shall be exposed above the ground by six inches (6”).
- 5) The Ogle County Health Officer may increase separation distances for any specified component after reviewing the soil properties, the slope and the specific hazard. (i.e., the separation distance of 150 feet should be maintained between the distribution box or the subsurface absorption field and the well or water pump suction line when the site specific soil sample results indicate a loading rate (below the absorption field trench bottom) equal to or greater than 1 gallon per day per square foot (GPD/ft²).

10-4D-5: SOIL SUITABILITY AND SIZING:

A. Criteria for Soil Suitability

- 1) Soil analysis conducted using exploration pits and or borings to seventy two inches (72") or to refusal, analyzed by a person who meets the requirements of 77 Illinois 905 is the only method used in Ogle County to determine private sewage disposal system sizing.
- 2) Prior to constructing a private sewage disposal system, the [Ogle County Health Department](#) shall require at least three (3) on site exploration pits or soil borings in the immediate area where the proposed location of the subsurface absorption system will be located. The on-site exploration pits of soil borings shall be analyzed by a person who meets the requirements outlined in 77 Illinois 905. An analysis of the soils shall be submitted to the Department signed by a Certified Soil Classifier or a person who meets the requirements of 77 Illinois 905.
- 3) Soil borings and/or exploration pits shall be conducted in a triangle configuration with a maximum separation of 100 feet for private single lots. Soil borings and/or exploration pits for sub-divisions with multiple lots where a wide range survey is being conducted, the separation of the pits or borings may be increased to one hundred and fifty feet (150') and may be done on a square grid pattern. In areas with shallow bedrock or severely limited soils the [Ogle County Health Officer](#) may specify a smaller separation distance.
- 4) 200 gallons per day shall be used for sizing calculations for residential private sewage disposal systems. The flow chart of 77 Illinois 905 shall be used for all other flow calculations.
- 5) Soil reports shall contain the following information:
 - a) Scale drawing indicating the location of each soil boring and/or exploration pit.
 - b) Soil description to a depth of seven feet or to the depth of refusal for each soil boring and/or exploration pit.
 - c) Depth to bedrock if determined.
 - d) Depth to observed saturation.
 - e) Depth to seasonal saturation.
 - f) Soil series, sample method, soil texture, mottling description and permeability range for each boring of exploration pit.
- 6) Prior to alteration or repair to an existing private sewage disposal system a soil survey may be required. The [Ogle County Health Officer](#) shall specify the general location and the number of soil borings and/or exploration pits required. In some instances, based on available documentation, existing soil surveys may be used.
- 7) Building permits for major renovations that include additional bedrooms or changes of commercial use may require an analysis of the private sewage disposal system. If the installed system does not meet the design criteria for the new flow rates, a

modification or replacement system may be required by the [Ogle County Health Officer](#) prior to authorizing the building permit.

10-4D-6: DISTRIBUTION BOX:

A distribution box may be provided to receive effluent from the septic tank to ensure equal distribution to each individual line of the disposal field. The distribution box shall be constructed of water tight material and not subject to corrosion or decay and must be placed in such a manner that it will remain level. It should be placed on un-disturbed soil. The pipe connecting the septic tank to the distribution box shall be water tight and Schedule 40 PVC or equivalent. The distribution box shall be located seven feet or more from the septic tank. Lines going to the field or to secondary distribution boxes must be connected by rigid, non-perforated Schedule 40 PPVC or equivalent for a minimum of three feet (3') and shall have sealed connections. These lines shall be level and resting on un-disturbed soil. All connections from the septic tank to the distribution box and to the field shall be sealed. The lined to the distribution box(s) and from the distribution box(s) shall not be counted as a part of the seepage field.

10-4D-7: QUANTITIES OF SEWAGE FLOW:

The calculations specified by 77 Illinois 905 shall be used calculating residential private sewage disposal systems flow. 77 Illinois 905, Section 905, Illustration A will be used for calculating sewage flow for non-residential private sewage disposal systems.

10-4D-8: SUBSURFACE SEEPAGE SYSTEMS< DESIGN AND CONSTRUCTION REQUIREMENTS:

- A. Seepage Field:** The bottom of each trench and its distribution lines shall be level and there shall be a minimum of six inches (6") and a maximum of twenty four inches (24") of ground cover over the gravel fill in the trenches. Each trench shall follow as close as possible the ground contour so that variations in trench depth will be minimized. The area to be used for the seepage field shall be maintained free from encroachment by driveways and ancillary buildings, paved playgrounds, parking lots and other pave areas and any vehicular traffic.
- B. Seepage Beds:** Where a seepage bed is being used in lieu of a seepage field, the total bottom area of the seepage bed required shall be one and one half (1-1/2) times the absorption area specified in Section 10-4D-4 of this Division. Seepage beds shall meet the requirements of a seepage field except the excavation is more than 3 feet wide and has more than one distribution line. Distribution lines in a seepage bed shall be uniformly spaced and no more than six feet (6') apart and no less than three feet (3') apart and no more than three feet (3') from a side wall. The minimum width of a seepage bed is nine feet (9').
- C. Absorption Area:** The absorption area of either an absorption field or absorption bed shall be computed by using the bottom area only. Seepage fields or beds shall be configured so that no line will be a dead end, but the system shall be complete circuit connections of distribution lines and adjacent trenches shall be tight joint "T's", ninety degrees (90°) elbows or a corner box or drop box arrangement. Variations of this requirement are subject to approval by the [Ogle County Health Officer](#).

D. Smearred Soils: Seepage Fields or beds shall be excavated when the soil is not so wet as to cause smearing. All smearred or compacted soil shall be scarified to the depth of the compaction and the loose material removed.

E. Minimum Standards for Seepage Field: (See Section 906.60)

1. Lines per field (Minimum number)	2
2. Individual Lines (Maximum length)	100 ft
3. Trench Bottom (Minimum width)	36 in.
4. Seepage Tile (Minimum diameter)	4 in.
5. Seepage Trench (Minimum separation)	6 ft.
6. Seepage Time lines (Maximum slope)	None Must be level

F. Size and Spacing:

In accordance with 77 Illinois 905 Section 905.60

G. Soil Requirements-Bedding Materials:

In accordance with 77 Illinois 905 Section 905.60

H. Serial Distribution:

Design requirements as specified in 77 Illinois 905.60

I. Dosing Tank:

As specified in 77 Illinois 905 Section 905.60

J. Perimeter Drainage:

Where seasonal saturation of other limiting factors exist that prevent the proper installation of a private sewage disposal system, a perimeter drain can be installed around the proposed submerged seepage field. A perimeter drain shall not be installed where soil absorption rates are greater than or equal to .91 GPD/ft².

The perimeter drain shall be maintained at a ten foot (10ft) horizontal distance from the subsurface seepage field or any other source of contamination. The perimeter drain shall at a two foot (2ft) vertical depth below the subsurface absorption field. If a lift station is installed as part of the perimeter drainage system, it shall have an installed alarm system.

K. Approved Personnel On Site:

The Licensee or an authorized representative shall be on site at all times during construction, renovation or removal of a private sewage disposal system. At a minimum, the authorized representative shall possess a current state license as a private sewage disposal contractor. A copy of the construction, renovation or removal permit shall be available on site during the

construction, renovation or removal process. In addition, the contractor shall submit a list of personnel to the Ogle County Health Department indicating who the authorized representative is.

- L. Construction features not covered by this Division shall meet the minimum requirements of the Illinois Private Sewage Disposal Codes, 77 Illinois 905, the Illinois Electrical Code and any associated codes referenced at the beginning of this division.

10-4D-9: SUBDIVISION PLAT: PRIVATE SEWAGE DISPOSAL FEASIBILITY REVIEW:

Subdivision Review:

The Division utilizes Chapter 14.0, Division 13, Section 5.03 B (Ogle County Subdivision Regulations) and this Division in order to conduct a compliance review and make construction recommendations for subdivision preliminary plats. The Ogle County Health Department shall assess a fee to review a preliminary or final plat and conduct a site visit. The fee shall be in accordance with the fee schedule outlined in Section 10-1A-1 of Division 1.

In addition, when a subdivision storm drainage plan is developed, it shall take into consideration the maximum trench depth of the proposed private sewage disposal system and any seasonal saturation issues so that no storm water can migrate back to the seepage field via the storm water removal. Any design that utilizes a storm water retention and or detention basin (utilized for either storm water control or de-watering of a sub division) shall take into account the maximum water elevation of the retention/detention basin. The developer/engineer shall design the retention/detention basin so the maximum water elevation of the retention/detention basin is established at a lower elevation than the deepest private sewage disposal system or curtain drain.

The developer/engineer shall provide a written private sewage disposal plan (that will become a part of the subdivision construction plat) that describes how the integrity of the reserve areas for primary and secondary subsurface seepage systems is to be protected during the property development. The plan shall specify how the original native soils intended for private sewage disposal are to be protected from the following activities: vehicular compaction, site grading, site excavation, soil staging, site leveling, filling and coring. The plan shall also state that the reserve areas will be marked and flagged off in order to prevent the above activities from disturbing the original soil conditions.

10-4D-10: SANITARY EVALUATION:

At the request of the owner of the property or the representative of the owner, the Ogle County Health Department shall conduct a visual sanitary evaluation of a property in order to determine general compliance with this Division. The Division shall charge a fee for this service in accordance with the fee schedule outlined in Section 10-1A-1 of Division 1.

Ogle County Health Department

DIVISION 4

SEWAGE DISPOSAL, PRIVATE SYSTEMS

Article E. Disposal Cleaners

SECTIONS:

10-4E-1: Licensing

10-4E-2: Vehicle Identification

10-4E-3: Vehicle Construction and Equipment

10-4E-4: Inspection of Equipment

10-4E-5: Sludge Disposal Site

10-4E-6: Repeal and Date of Effect

10-4E-1: LICENSING:

No person or private sewage disposal system contractor shall engage in or carry on the business of cleaning or servicing septic tanks, seepage pits, portable toilets, cesspools or other disposal units unless such a person has a license under Section 10-4B-3 of the Chapter. Approved personnel shall be on site during the pumping, transportation and land application of septage. For this Division, approved personnel shall mean: any person that possesses a valid Illinois State Private Sewage Disposal System Pumping Contractors License. If any person is found to be in violation of Division 4 – Article E, they shall be subject to penalties outlined in section 10-1C-2 of Division 1 and /or the Division may take action in accordance with Section 10-4A-6 (License Revocation Procedure).

10-4E-2: VEHICLE IDENTIFICATION:

All trucks and other vehicles used to transport sewage wastes shall have signage placed on the vehicle before the license can be issued. The signage shall be on both sides of the vehicle in a conspicuous location. The signage shall have letters no less than 8 inches. The signage must be in a contrasting color to the truck so it is visible. The words Ogle County License No., along with the letters and numbers associated with the license number shall be on both sides of the truck. The name of the company and the company address shall be on both sides of the truck.

10-4E-3: VEHICLE CONSTRUCTION AND EQUIPMENT:

Each vehicle used for the collection and transport of waste shall be equipped with a leak proof and fly tight tank for sludge hauling. The interior and exterior sections of all portable containers, pumps, hoses, tools and other implements which have been contaminated shall be rinsed clean after each use. Trucks and tanks must comply with the following:

- A. The vehicle shall be equipped with either a vacuum pump or other type of pump which will not allow any leakage or seeping and which is self-priming.
- B. Following use, each sewage hose on the truck shall be thoroughly rinsed, drained and stored in such a manner that the contents will not pose a hazard or a nuisance.
- C. The discharge nozzle shall be located so there is no flow or drip onto any portion of the truck.
- D. The discharge nozzle shall be capped when not in use.

10-4E-4: INSPECTION OF EQUIPMENT:

Equipment shall be subject to inspection and approval by the Ogle County Health Officer upon request, at any reasonable time, and shall be available for inspection at a designated location.

For annual inspection requirements, companies that are based outside the county, a copy of the annual inspection conducted by that county will be used as the inspection of record and these inspection forms shall be forwarded to this Department.

10-4E-5: SLUDGE DISPOSAL SITE:

Each licensed contractor engaged in sludge disposal shall file with this Department, on a yearly application form, a statement of the place and method(s) of disposal of domestic sewage sludge. Each disposal site shall be inspected and approved prior to the issuance of land application permit. Methods of disposal of domestic septage shall be in accordance with the Illinois Department of Public Health Sewage Disposal Licensing Act and Code. In addition, locations utilized for disposal of domestic sludge shall meet the minimum requirements set forth in the Illinois Department of Public Health's Private Sewage Disposal Licensing Act and Code.

All new land application sites must be inspected and approved prior to being used for the disposal of domestic septage. A fee for the original land application review shall be paid to the Ogle County Health Department prior to operation. In addition, an annual fee to operate the land application site for domestic septage disposal shall be paid to the Ogle County Health Department. All fees paid to the Department shall be in accordance with the fee schedule shown in Section 10-1D-2 of Division 1.

10-4E-6: REPEAL and DATE OF EFFECT:

The Division shall be in full force and effect from and after June 1, 2015. At that time, all resolutions and parts in conflict with this Division are hereby repealed.

Passed and adopted this 19th day of May, 2015 by the Ogle County Board

Attest: Rebecca Huntley
Ogle County Clerk

[Signature]
Ogle County Board Chairman



ORDINANCE RELATING TO EMERGENCY MANAGEMENT AGENCY (EMA)

WHEREAS, Ogle County presently has an Emergency Services and Disaster Agency pursuant to ordinance adopted December 14 1982, pursuant to the Illinois Emergency Services and Disaster Act of 1975; and

WHEREAS, said Act has now been superseded by the Illinois Emergency Management Agency Act; and

WHEREAS, the present county ordinance is required by law to be updated to comply with the Illinois Emergency Management Agency Act;

NOW, THEREFORE, BE IT ORDAINED by the County of Ogle, a body politic and corporate, acting by and through its County Board in regular meeting assembled as follows:

Section I. Establishment; Purposes; Membership; Statutory Authority.

A. There is hereby created within the County governmental organization an entity to be known as the Emergency Management Agency, hereinafter referred to as the EMA. This entity shall be responsible for the coordination of all emergency management programs within its jurisdiction and with private organizations, other political subdivisions, and the State and Federal governments in accordance with the provisions of the Illinois Emergency Management Agency Act (20 ILCS 3305), hereinafter "the Act".

B. The purpose of the EMA shall be the coordination of emergency services functions which may be necessary or proper to prevent, minimize, repair and alleviate injury and damage resulting from any natural or technological causes.

C. The EMA shall consist of the Director and such additional members as may be selected by the Director and approved by the County Board

D. All emergency services functions of the EMA shall at all times be in accordance with the provisions of the Act and all rules and regulations promulgated thereunder.

Section II. Limitations.

Nothing in this Ordinance shall be construed to:

(a). Interfere with the course or conduct of a labor dispute, except that actions otherwise authorized by this ordinance or other laws may be taken when necessary to

mitigate imminent or existing danger to public health or safety;

(b). Interfere with dissemination of news or comment of public affairs; but any communications facility or organization (including but not limited to radio and television stations, wire services, and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster;

(c). Affect the jurisdiction or responsibilities of police forces, fire fighting forces, units of the armed forces of the United States, or of any personnel thereof, when on active duty; but State and political subdivision emergency operations plans shall place reliance upon the forces available for performance of functions related to emergency management;

(d). Limit, modify, or abridge the authority of the Governor to proclaim martial law or exercise any other powers vested in the Governor under the constitution, statutes, or common law of this State, independent of or in conjunction with any provisions of this Act; limit any home rule unit; or prohibit any contract or association pursuant to Article VII, Section 10 of the Illinois Constitution.

Section III. Definition.

A. "Director" means the staff assistant to the principal executive officer of a political subdivision with the duty of coordinating the emergency management programs and response of that political subdivision.

B. "Disaster" means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or technological cause, including but not limited to fire, flood, earthquake, wind, storm hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, or hostile military or paramilitary action.

C. "Disaster Training Exercise" means a planned event designed specifically to simulate an actual disaster which will provide emergency operations training for emergency response personnel. Actual response by EMA volunteers to local emergency situations not qualifying as disasters, as defined in this Section, is considered a disaster training exercise. Provided, however, that performance of the usual and customary emergency functions of a political subdivision (eg., police, fire or emergency medical services) is not included within this definition of a disaster training exercise.

D. "Emergency Management" means the efforts of the State and the political subdivisions to develop, plan, analyze, conduct, implement and maintain programs for disaster mitigation, preparedness, response and recovery.

E. "Emergency Management Agency" means the agency established by ordinance within a political subdivision to coordinate the emergency management program within that political subdivision and with private organizations, other political subdivisions, and the State and Federal governments.

F. "Emergency Operations Plan" means the written plan of the State and political subdivisions describing the organization, mission, and functions of the government and supporting services for responding to and recovering from disasters

G. "Emergency Services" means the coordination of such functions by the State and its political subdivisions, other than functions for which military forces are primarily responsible, as may be necessary or proper to prevent, minimize, repair and alleviate injury and damage resulting from any natural or technological causes. These functions include, without limitation, firefighting services, police services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken or threatened areas, emergency assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to protecting life or property.

H. "Illinois Emergency Management Agency" or "IEMA" means the agency established by this Act within the executive branch of State Government responsible for coordination of the overall emergency management program of the State and with private organizations, political subdivisions and the Federal government

I. "Mobile Support Team" means the utilization of personnel to be dispatched by the Governor or, if the Governor so authorizes the Director, by the Director to supplement local political subdivisions for emergency management programs in response to a disaster~

J. "Municipality" means any city, village or incorporated town.

K. "Political Subdivision" means any county, city, village, incorporated town or township if the township is in a county having a population of more than 2,000,000.

L. "Principal Executive Officer" means chairman of the county board, supervisor of a township if the township is in a county having a population of more than 2,000,000, mayor of a city or incorporated town, president of a village, or, in their absence or disability, the interim successor as established pursuant to Section 7 of the Emergency Interim Executive Succession Act.

Section IV . Functions Statutory Responsibilities.

A. Each county shall maintain an EMA which has jurisdiction over and serves the entire county, except as otherwise provided in the Act.

B. The County EMA shall not have jurisdiction within a political subdivision that has its own emergency services and disaster agency, but shall cooperate with the emergency services and disaster agency of a city, village or incorporated town within the County's borders.

C. The County EMA shall work with the liaison appointed by each municipality within its jurisdiction which is not required to and does not have an emergency services and disaster agency in order to facilitate the cooperation and protection of that municipality with the County EMA in which it is located in the work of disaster mitigation, preparedness, response and recovery.

D. The Principal Executive Officer of the county shall notify the Illinois Emergency Management Agency of the manner in which the political subdivision is providing or securing emergency management, identify the executive head of the EMA and furnish additional information relating thereto as the Illinois Emergency Management Agency requires.

E. The EMA shall prepare and keep current an emergency operations plan for its geographic boundaries. It shall be submitted to the IEMA for review and approval, in accordance with paragraph g of Section 10 of the Act.

F. The EMA shall prepare and distribute to all appropriate officials in written form a clear and complete statement of the emergency responsibilities of all local departments and officials and of the disaster chain of command.

G. The EMA shall coordinate emergency management functions within the territorial limits of the political subdivision within which it is organized as are prescribed in and by the State Emergency Operations Plan and programs, orders, rules and regulations as may be promulgated by the Illinois Emergency Management Agency, and, in addition, shall conduct such functions outside of those territorial Limits as may be required pursuant to such mutual aid agreements and compacts as are entered into under subparagraph 5 of paragraph c of Section 6 of the Act.

H. The County, upon advice from the EMA Director, may enter into contracts and incur obligations necessary to place it in a position effectively to combat such disasters in order to protect the health and safety of persons and to protect property, and to provide emergency assistance to victims of those disasters. If such a disaster occurs, the County may exercise the powers vested under this section in the light of exigencies of the disaster and , excepting mandatory constitutional requirements, without regard to the procedures and formalities normally prescribed by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, and the appropriation, expenditure, and disposition of public funds and property.

I. The EMA personnel who, while engaged in a disaster or disaster training exercise, suffer disease, injury or death, shall, for the purposes of benefits under the Workers' Compensation Act or Workers' Occupational Diseases Act only, be deemed to be employees of the State, if (1) the claimant is duly qualified and enrolled (sworn in) as a volunteer of the Illinois Emergency Management Agency or an emergency management agency accredited by the Illinois Emergency Management Agency; and (2) if the claimant was participating in an actual disaster as defined in paragraph (e) of Section 4 of the Ad or the exercise participated in was specifically and expressly approved by the Illinois Emergency Management Agency. The Illinois Emergency Management Agency shall use the same criteria for approving an exercise and utilizing State volunteers as required for any political subdivision. The computation of benefits payable under either of those Acts shall be based on the income commensurate with comparable State employees doing the same type work or income from the person's regular employment, whichever is greater.

J. Prior to conducting a disaster training exercise, the Principal Executive Officer of the County or his designee shall provide area media with written notification of the disaster training exercise. Such notification shall indicate that information relating to the disaster training exercise shall not be released to the public until the commencement of the exercise. The notification shall also contain a request that the notice be so posted to ensure that all relevant media personnel are advised of the disaster training exercise before it begins. During the conduct of such disaster training exercise, all messages, two-way radio communications, briefings, status reports, news releases, and other oral or written communications shall begin and end with the following statement: "This is an exercise message."

Section V. EMA Director; Office

A. The EMA shall have a Director who shall be appointed by the Principal Executive Officer of the County in the same manner as are the heads of regular governmental departments

B. The EMA Director shall have direct responsibility for the organization, administration, training and operation of the EMA, subject to the direction and control of the Principal Executive Officer.

C. The EMA shall have an office and the County is authorized to designate space in a county building, or elsewhere, as may be provided for the EMA.

Section VI. Compensation; State Reimbursement.

A. EMA members who are paid employees or officers of the County, if called for training by the State Director, shall receive for the time spent in such training the same rate of pay as is attached to the position held; members who are not such County employees or officers shall receive for such training such compensation as may be established by the County Board.

B. The State Treasurer may receive and allocate to the appropriate fund any reimbursement by the State to the County for expenses incident to training members of the EMA prescribed by the State Director, compensation for services and expenses of members of a Mobile Support Team while serving outside the County in response to a call by the Governor or State Director, as provided by law, and any other reimbursement made by the State incident to EMA activities as provided by law.

Section VII. Local Disaster Declarations.

A. A local disaster may be declared only by the Principal Executive Officer of the County, or by the Principal Executive Officers interim emergency successor, as provided in Section 7 of the Emergency Interim Executive Succession Act (5 ILCS 275n et seq.). It shall not be continued or renewed for a period in excess of 7 days except by or with the consent of the governing board of the County. Any order or proclamation declaring, continuing, or terminating a local disaster shall be given prompt and general

B. The effect of a declaration of a local disaster is to activate the emergency operations plan of the County and to authorize the furnishing of aid and assistance thereunder.

Section VIII. Testing of Disaster Warning Devices.

A. The EMA shall be allowed to test disaster warning devices including outdoor warning sirens on the first Tuesday of each month at 10 o'clock in the morning.

B. The EMA may also test disaster warning devices including outdoor warning sirens during disaster training exercises that are specifically and expressly approved in advance by the Illinois Emergency Management Agency.

Section IX. Mutual Aid between Political Subdivisions.

A. The EMA Director may, in collaboration with other public agencies within his immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions within this State for reciprocal disaster response and recovery assistance in case a disaster is too great to be dealt with unassisted. Such mutual aid shall not, however, be effective unless and until approved by each of such political subdivisions. Such arrangements shall be consistent with the State Emergency Operations Plan and State emergency management program, and, in the event of such a disaster as described in Section 4 of the Act, it shall be the duty of the EMA to render assistance in accordance with the provisions of such mutual aid arrangements.

B. The EMA Director may, subject to the approval of the Director of the Illinois Emergency Management Agency, assist in the negotiation of mutual aid agreements between this and other states.

Section X. Immunity.

Neither the State, nor any political subdivision of the State, nor, except in cases of negligence or willful misconduct, the Governor, the Director, the Principal Executive Officer of a political subdivision, nor the agents, employees, or representatives of any of them, engaged in any emergency management response or recovery activities, while complying with or attempting to comply with the Act or any rule or regulations promulgated pursuant to the Act, are liable for the death of or any injury to persons, or damage to property, as a result of such activity. This Section does not, however, apply to political subdivisions and principal executive officers required to maintain emergency services and disaster agencies that are not in compliance with Section 10 of the Act, notwithstanding provisions of any other laws. This Section does not, however, affect the right of any person to receive benefits to which that person would otherwise be entitled under this Act under the Workers' Compensation Act or the Workers' Occupational Diseases Act, or under any pension law, and this Section does not affect the right of any such person to receive any benefits or compensation under any Act of Congress.

Section XI. Authority to Accept Services Gifts Grants or Loans.

A. Whenever the Federal government or any agency or officer thereof or whenever any person, firm or corporation shall offer to the County services, equipment, supplies, materials, or funds by way of gift or grant, for purposes of emergency management, the County, acting through the Principal Executive Officer, may accept such offer and, upon such acceptance, may authorize an officer of the County to receive such services, equipment, supplies, materials or funds on behalf of the County.

B.The County, acting through the Principal Executive Officer, shall have the authority to establish a special fund if needed to accept such gifts, grants or loans. The establishment of such a special fund shall be in accordance with all County ordinances relating to this subject manor and the laws of the State of Illinois. All services, gifts, grants or loans accepted pursuant to the Section shall be subject to County auditing procedures.

Section XII. Orders: Rules and Regulations.

A.The County Board shall have the authority to promulgate orders, rules and regulations upon the advice of the EMA Director for the purpose of emergency management and in times of disaster.

B. The EMA shall execute and enforce such orders, rules and regulations as may be made by the Governor under the authority of the Act. The EMA shall have available for inspection at its office all orders, rules and regulations made by the Governor, or under the Governor's authority, and which have been provided by the Illinois Emergency Management Agency.

Section XIII. Utilization of Existing Agency, Facilities, and Personnel.

A. The EMA acting through it's Principal Executive Officer may utilize the services, equipment, supplies, and facilities of existing departments, offices and agencies within it's jurisdiction to the maximum extent practical, and the officers and personnel of all such departments, offices and agencies are directed, upon request, to cooperate with and extend such services and facilities as may be needed.

Section XIV. Oath.

Every person appointed to serve in any capacity in the County EMA organization shall, before entering upon that person's dunes, subscribe to the following oath, which shall be filed with the EMA Director:

"I,__, do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been, a member of any political party or organization that advocates, the overthrow of the government of the United States or of this State by force or violence; and that, during such time I am affiliated with the (name of political

subdivision), I will not advocate or become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence."

Section XV. No Private Liability.

A. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for Me purpose of sheltering persons during an actual or impending disaster, or a disaster training exercise, together with his successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for negligently causing loss of, or damage to, the property of such person.

B. Any private person, firm or corporation and employees and agents of such person, firm or corporation in the performance of a contract with and under the direction of the County under the provisions of Me Act shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct.

C. Any private person, firm or corporation, and any employee or agent of such person, firm or corporation, who renders assistance or advice at the request of the County under the Act during an actual or impending disaster, shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct.

Sec6on XVI. Prohibition of Political Activity.

The EMA established by this Ordinance shall not be employed, directly or indirectly, by any person for political purposes~

Section XVII. Severability.

If any provision of this Ordinance after its effective date is held invalid, such invalidity shall not affect other provisions which shall be given effect without the invalid provision, and to this end the provisions of this ordinance are severable, unless otherwise provided by law.

Section XVIII. Effective Date.

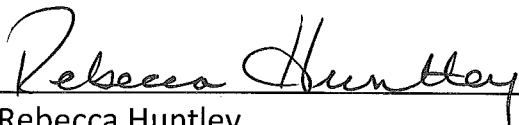
This ordinance as provided by law shall be in force from and after its passage and approval, as provided by law.

PASSED, APPROVED, AND ADOPTED this 19th day of May, 2015.

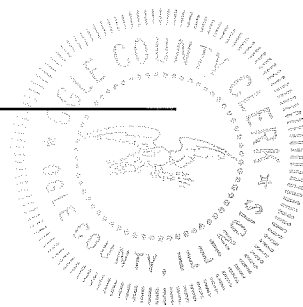


Kim P. Gouker
Chairman, Ogle County Board

ATTEST:



Rebecca Huntley
Ogle County Clerk



STATE OF ILLINOIS)
) ss.
COUNTY OF OGLE)

O-2015-0506

OGLE COUNTY HAZARDOUS MATERIALS ORDINANCE

WHEREAS, the cost of providing emergency response to incidents involving the actual or potential discharge of hazardous materials and to mitigate the effects of the discharge of hazardous materials within the County of OGLE, Illinois, has increased rapidly in recent years; and

WHEREAS, State statute, specifically 55 ILCS 5/5 - 1052, authorizes the Ogle County Board to "...do all acts and make all regulations which may be necessary or expedient for the promotion of health..." of the citizens of Ogle County; and

WHEREAS, the County of Ogle must acquire and maintain specialized equipment, provide specialized training to the Ogle County personnel and participate with area response teams to respond to emergencies involving hazardous materials to prevent or mitigate the effects of the discharge of hazardous materials on the health, safety and welfare of Ogle County residents and property on the ecological balance of the environment; and

WHEREAS, in order to obtain sufficient funds to provide emergency response to incidents involving the actual or potential discharge of hazardous materials and to mitigate the effects of the discharge of hazardous materials, it is necessary to require those individuals or entities requiring such emergency services to reimburse the County of Ogle for such services; and

WHEREAS, the Ogle County Board finds that it is in the best interest of the County of Ogle, its residents, business and property owners to provide specific regulations regarding the actual or potential discharge of hazardous materials and to require reimbursement for emergency services involving hazardous materials.

BE IT ORDAINED by the County of Ogle acting by and through the Ogle County Board, Ogle County, Illinois, (hereinafter referred to as "the County" as follows:)

SECTION 1: The foregoing recitals are incorporated herein as if fully set forth.

SECTION 2: DEFINITIONS: As used in this Ordinance, the following terms shall have the following meanings:

No action taken this month

COSTS: All costs and expenses of the County incurred with the emergency response to, prevention, clean up or abatement of the actual or potential release of hazardous materials and shall include, but shall not be limited to: actual labor costs of the County and law enforcement or other emergency response organization personnel involved in the emergency response to, prevention, clean up or abatement of the actual or potential discharge of hazardous materials (including workmen's compensation benefits, fringe benefits, pension costs and administrative overhead); cost of equipment operation, damage and loss; cost of materials obtained directly by the County and the cost of any contract labor and materials.

EMERGENCY RESPONSE ORGANIZATIONS: Ogle County emergency response organizations shall include, but are not limited to, the Emergency Management Agency (EMA), County Fire Departments, Sheriff's Department, Health Department, Highway Department, Coroner's Office or any other organization that assists in bringing the incident to a close.

FACILITY: Any building, structure, installation, equipment, pipe or pipeline including, but not limited to, any pipe into a sewer or publicly owned treatment works, well, pond, lagoon, impoundment, ditch, landfill, storage container, tank, motor vehicle, truck trailer, rolling stock or aircraft. Also, any site or area where a hazardous material has been deposited, stored, disposed of, abandoned, placed or otherwise come to be located.

HAZARDOUS MATERIALS: Any substance or materials which, due to its quantity, form, concentration, location or other characteristic, is determined by the Ogle County Emergency Management Director, Coordinator or other emergency response organization personnel to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, which as toxic, flammable, corrosive, explosive, carcinogenic or radioactive including, but not limited to, any substance or material which is designated a hazardous material pursuant to the "Hazardous Materials Transportation Act" (49 U.S.C.A. section 1801, et seq.) or any other federal or state law or regulation. This definition shall also include substances believed to be hazardous, but later determined to be non-hazardous through the efforts of emergency actions.

MUTUAL AID: Any action taken by the County pursuant to an intergovernmental agreement.

PERSON: Any individual, business, firm, partnership, corporation, association, trust, estate, joint venture or other legal entity, or their legal representative, agent or assign.

RELEASE: Any spilling, leaking, pumping, pouring, emitting, escaping, emptying, discharging, injecting, leaching, dumping or disposing of a hazardous material into or on any land, air, water, well, stream, sewer or pipe so that such hazardous material or any constituent thereof may enter the environment.

REMEDIAL ACTION: Any action consistent with permanent remedy taken instead of, or in addition to, removal actions in the event of a release or threatened release

No action taken this month

of a hazardous materials into the environment to prevent or minimize the release of hazardous materials so that they do not migrate to cause a substantial present or potential hazard to human health, property or the environment. The term includes, but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches or ditches, clay cover, neutralization, cleanup of released hazardous materials or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, provision of alternate water supplies, and any monitoring reasonably required to assure that such actions protect the public health and welfare and the environment. This also includes any actions deemed necessary by the Emergency Management Agency Director, Coordinator or other emergency response organization personnel to prevent a discharge of hazardous materials from occurring at the scene of an accident or incident to which and emergency response organization has been summoned.

REMOVAL: The cleanup or removal of released hazardous materials from the environment, such actions, as may be necessary or appropriate to monitor, assess and evaluate the release or threat of release of hazardous materials, the disposal of removed material, or the taking of such action as may be necessary to prevent, minimize or mitigate damage to public health or welfare of the environment. The term includes, but is not limited to, security fencing, provision of alternative water supplies, and temporary evacuation of threatened individuals.

RESPONSE: Any removal or remedial action by personnel and/or equipment of the County, or other emergency service providers and contractors utilized by the County in relation to any accident, incident or location within the boundaries of the County where hazardous materials are being used, stored, transported, manufactured or dumped and such accident or incident has created an increased potential for discharge of hazardous materials beyond the normal use, storage, transportation or manufacture of the products or incidents where an actual discharge has occurred.

SECTION 3: PROHIBITED ACTS: No person shall cause, threaten or allow the release of hazardous materials into the environment unless such release is in accordance with an appropriate permit granted by the Illinois Environmental Protection Agency or other State or Federal agency having primary jurisdiction over the release and such release is in such place and manner as will not create a substantial present or potential hazard to human health, property or the environment. It shall be unlawful, whether intentional or unintentional for any person to discharge any hazardous material into the environment or create a condition or situation where the potential for a release requires emergency response by the County, except as otherwise provided and exempted in Section 6 herein.

SECTION 4: RESPONSE AUTHORITY:

A. The Ogle County emergency response organization and the ranking emergency response organization personnel or law enforcement officer first on the scene shall have authority to respond to any release or threatened release of hazardous materials within the County or affecting the public water supply, wells or sewage treatment works located

within the County. This authority includes, but is not limited to, remedial action and removal.

B. The ranking emergency response organization personnel or law enforcement officer first on the scene shall have primary authority as the incident commander to respond to any release or threatened release of hazardous materials as described above. The ranking emergency response organization personnel or law enforcement officer first on the scene shall report any release or threatened release of hazardous materials to the Director or Coordinator of Ogle County Emergency Management Agency as soon as possible following any substantial release of hazardous materials. The ranking emergency response organization personnel or law enforcement officer first on the scene shall relinquish his response authority at such time as the Director or Coordinator of Ogle County Emergency Management Agency arrives at the scene and has assumed responsibility for response to the release or threatened release.

C. The ranking emergency response organization personnel or law enforcement officer first in the scene during such time as response authority is vested in him, shall be authorized to request County personnel and equipment through the County Emergency Operations Center (EOC) if activated, or the Emergency Management Agency (EMA) to take such remedial or removal action as he / she may deem necessary or appropriate to respond to the release or threatened release of hazardous material including the use of material and in accordance with any Mutual Aid Box Alarm System (MABAS) and/or Illinois Law Enforcement Alarm System (ILES) Agreements.

D. All responding personnel shall cooperate with and operate under the direction of the ranking emergency response organization personnel or law enforcement officer first on the scene or the Director or Coordinator of Ogle County Emergency Management Agency then exercising response authority under this ordinance until such time as the person exercising such response authority has determined that the response is complete or responsibility for response is assumed by the Federal, State or local public health, safety or emergency agency having primary jurisdiction over the release or threatened release.

E. The person exercising response authority under this ordinance shall coordinate and/or cooperate with other Federal, State or local public health, safety or emergency agencies involved in response to the release or threatened release of hazardous materials.

SECTION 5: LIABILITY FOR COSTS:

A. Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in Section 6 hereof, the following persons shall be jointly and severally liable for all costs or removal and remedial action incurred by the County as a result of a release or threatened release of a hazardous material.

1. The owner and operator of a facility or vessel from which there is a release or substantial threat of release of a hazardous material.

2. Any person, who, at time of disposal, transport, storage or treatment of a hazardous material, owned or operated the facility or vessel used for such disposal,

No action taken this month

transport, treatment or storage from which there was a release or substantial threat of a release of any such hazardous material.

3. Any person who by contract, agreement, or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous materials owned, controlled or possessed by such person at a facility owned or operated by another party or entity from which facility there is a release or substantial threat of a release of such hazardous materials.

4. Any person who accepts or accepted any hazardous materials for transport to disposal, storage or treatment facilities or sites from which there is a release or a substantial threat of release of such hazardous substances.

SECTION 6: DEFENSES: There shall be no liability under Section 5 hereof for a person otherwise liable who can establish by a preponderance of the evidence that the release or substantial threat of release of hazardous materials and the damages resulting therefrom were caused solely by:

- A. An act of nature over which he or she had no control;
- B. An act of war; or
- C. Any combination of the foregoing.

There shall further be no liability under this Ordinance for acts of emergency response personnel, law enforcement personnel, or other county personnel who respond to such release or threatened release of hazardous materials and who aggravate such situation or actually create a new or further release of hazardous materials in the course of responding to that situation.

SECTION 7: COSTS AND PENALTIES:

A. Any person who is liable for the release or threatened release of a hazardous material who fails without sufficient cause to pay for or provide removal or remedial action upon or in accordance with a notice and request of the County, or in accordance with any order of any court having jurisdiction on the matter, shall be liable to the County for any costs incurred by the County as a result of such failure to provide or take such removal or remedial action, together with the costs of any removal or remedial action taken by the County in accordance with the ordinance, and all attorney fees and related legal costs incurred in connection therewith.

B. In addition, any such person shall be guilty of a violation of this ordinance and shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense. A separate offense shall be deemed committed for each day on which a violation occurs or continues. Where such violation is found to be the result of willful and/or wanton conduct or gross negligence or the person committing such violation attempts to evade responsibility hereunder by leaving the scene of the occurrence or by other means, that person shall be subject to a fine as provided for above

No action taken this month

or a fine in an amount equal to three times the costs, including attorney's fees and legal costs, for which it is liable under Paragraph A, whichever is greater. Penalties shall only apply when responsible party fails to report or remediate an incident

C. Charges for removal or remedial action when rendered by the County or any agency in accordance with any mutual aid agreement shall be as follows:

1. The costs of vehicles as determined by the current FEMA fee schedule, but in no case less than \$25.00 per hour per vehicle, and
2. The cost of all personnel, including any overtime cost to the County or to any responding agency as determined by the current FEMA fee schedule, incurred as a result of the removal or remedial action, but in no case less than \$10.00 per hour, and
3. The cost or replacement of all materials and equipment used, expended, depleted, destroyed or removed from service in accordance with federal, state or local ordinances as a result of the mitigation or containment operations if or at the request of the County or any responding agency, and
4. The costs of services and/or goods provided by a private or public entity which are used, expended, depleted or destroyed as a result of the response.
5. All responding agencies shall submit to EMA on an EMA provided form a schedule of equipment and personnel on scene, equipment used or destroyed, and other costs. The EMA will then tabulate and verify costs and forward one itemized invoice to the responsible party.
6. No responding agency or firm shall invoice or attempt to collect charges directly from the responsible party.

D. Payment & Costs Challenge. The person or persons, firm, corporation or other entity responsible for and liable for the costs of such hazardous materials incident shall submit payment for the invoice to the Ogle County Emergency Management Agency (EMA) within thirty (30) days of receipt of the invoice. Upon receipt of invoice, the responsible party shall have 14 days to contact the Director or Coordinator of EMA to dispute and discuss charges. The Director or Coordinator of EMA shall provide the responsible party all supporting documents related to the invoice amounts. Failure of the responsible party to pay the invoice in full within thirty (30) days shall cause the County to seek enforcement of the debt through collection; or civil lawsuit; or property lien; or any combination of the foregoing. The responsible party shall assume all costs for the enforcement of this debt, including court costs and attorney's fees in addition to the original charges and any interest that may have accrued.

SECTION 8: SEVERABILITY: Should any court of competent jurisdiction determine that any section, or portion thereof, of this Ordinance to be unconstitutional, illegal or invalid, the remaining portions of the Ordinance shall remain in full force and effect.

No action taken this month

SECTION 9: CONFLICT: This Ordinance shall be in full force and effect upon its adoption and shall supercede any ordinances, resolutions or motions, or parts thereof, in conflict with any part herein, and any such ordinances, resolutions or motions, or parts thereof, are hereby repealed to the extent of any conflict.

SECTION 10: EFFECTIVE DATE: This Ordinance shall be published in pamphlet form and shall be in full force and effect from and after passage, approval and publication as required by law.

Passed and approved this 19th day of May, 2015.

Kim P. Gouker, Chairman
Ogle County Board

Attest: _____
Rebecca Huntley
Ogle County Clerk

PASSED this 19th day of May, 2015

APPROVED this 19th day of May, 2015

PUBLISHED this 19th day of May, 2015

O-2015-0507

AN ORDINANCE AMENDING CHAPTER 4, DIVISION 2, OF THE ORDINANCES OF OGLE COUNTY, ILLINOIS TO ESTABLISH A GOLF COURSE LIQUOR LICENSE

BE IT ORDAINED BY THE OGLE COUNTY BOARD THAT CHAPTER 4, DIVISION 2, OF THE ORDINANCES OF OGLE COUNTY, ILLINOIS BE AMENDED BY THE ADDITION OF THE FOLLOWING SECTIONS:

4-2A-1: DEFINITIONS

GOLF COURSE: A public or private golf course which has a clubhouse and a minimum of one hundred (100) total acres for an 18-hole or greater course or minimum of fifty (50) total acres for a 9-hole course. This definition excludes facilities commonly known as "miniature golf courses."

4-2C-5

A: Control of Number of Licenses

Class H 3

B: Classification and Fees Established

11. Class H License: A Class H license shall be for golf courses as defined herein and shall authorize the retail sale of alcoholic liquor on the premises specified of all alcoholic liquors for consumption on the premises, as well as other retail sales of such liquor. The permitted hours for sale of alcoholic liquor shall be the same as a Class A-1 license, and in addition from March 15th to October 31st of each year a Class H license holder shall be allowed to sell alcoholic liquor on Sundays between 10:00 a.m. and 12:00 noon. The annual fee for such license shall be one thousand five hundred dollars (\$1,500.00), payable in advance.

Any golf course holding a Class A-1 license at the time that that the Class H license is enacted shall be permitted to apply to convert their license classification from Class A-1 to Class H for the cost of the annual fee previously paid for the Class A-1 license for the remainder of the term of their current Class A-1 license.

4-2D-1

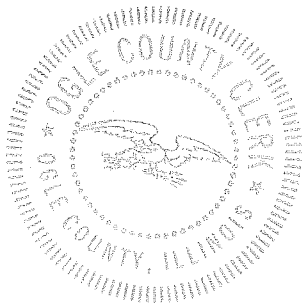
Class H license:

All hours applicable to a Class A-1 license, and in addition from March 15th to October 31st of each year a Class H license holder shall be allowed to sell alcoholic liquor on Sundays between 10:00 a.m. and 12:00 noon.

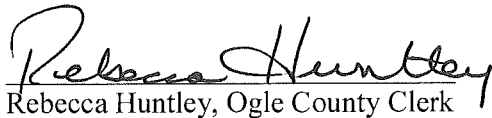
PASSED AND APPROVED this 19th day of May, 2015.



Kim P. Gouker
Ogle County Board Chairman



ATTEST:



Rebecca Huntley, Ogle County Clerk

O-2015-0508

AN ORDINANCE AMENDING CHAPTER 4, DIVISION 2, OF THE ORDINANCES OF OGLE COUNTY, ILLINOIS TO ESTABLISH CATERER AND OUTSIDE CATERER LIQUOR LICENSES

BE IT ORDAINED BY THE OGLE COUNTY BOARD THAT CHAPTER 4, DIVISION 2, OF THE ORDINANCES OF OGLE COUNTY, ILLINOIS BE AMENDED BY THE ADDITION OF THE FOLLOWING SECTIONS:

4-2C-5

A: Control of Number of Licenses

Class I	5
Class I-1	5

B: Classification and Fees Established

12. Class I. Caterer License. A Class I license shall authorize the sale of alcoholic liquor where the alcoholic liquor is both delivered and served by the licensee on premises located either inside or outside of the corporate limits of Ogle County, whether the location is licensed or unlicensed, as an incidental part of food service where prepared meals and alcoholic liquors are sold at a package price agreed upon under contract. The permitted hours of sale shall be the same as a Class A-1 license. The annual fee for such license when no other license hereunder is held, shall be seven hundred fifty dollars (\$750.00), payable in advance. For holders of a Class A, Class A-1, Class C, Class C-1, Class F or Class H license hereunder there shall be no additional fee for a Class I license.

13. Class I-1. Outside Caterer License. A Class I-1 license shall authorize the sale of alcoholic liquor by a caterer who holds a caterer liquor license from another local jurisdiction and a caterer liquor license from the State of Illinois to sell alcoholic liquor where the alcoholic liquor is both delivered and served by the licensee on premises located inside the corporate limits of Ogle County, whether the location is licensed or unlicensed, as an incidental part of food service where prepared meals and alcoholic liquors are sold at a package price agreed upon under contract. In

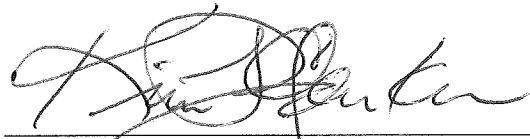
the event that there is a conflict between the regulations of Ogle County and the regulations of the local jurisdiction issuing the caterer's license the regulations of Ogle County shall be controlling. The permitted hours for sale shall be the same as a class A-1 license. The annual fee for such license shall be five hundred dollars (\$500.00), payable in advance.

4-2D-1:

Class A-1, B-1, B-1(W), C-1, I and I-1 licenses:

All hours applicable to classes A, B and C, and additionally on Sunday the licensed establishment may be open from twelve o'clock (12:00) noon to eleven o'clock (11:00) P.M.

PASSED AND APPROVED this 19th day of May, 2015.



Kim P. Gouker, Ogle County Board Chairman

ATTEST:




Rebecca Huntley, Ogle County Clerk