

McHenry County Department of Health
Summary of Proposed Significant Revisions to Public Health Ordinance
September 23, 2019

Article I General Provisions:

Throughout: Changes pronouns from “he” or “him” to “their” or “them” to be more gender neutral.

Throughout: Corrects minor wording for clarity.

Definitions. Defines the Board of Health Hearing Committee as a Committee of the Board of Health

8.04.040 A. Establishes the Board of Health Hearing Committee of the Board of Health, and clarifies that the appeal to the Board of Health Hearing Committee takes place after the review of the Public Health Administrator.

804.040 B. Clarifies that the Board of Hearing Committee will make a finding of fact and make a recommendation to the full Board of Health.

Article II Public Health Nuisance:

Throughout: Corrects minor wording for clarity.

8.04.060 Definitions:

- Revises the definition of landscape waste to be more correct and to reflect the definition in the county’s Unified Development Ordinance.
- Adds a definition of self-contained outdoor burning device.

804.090 B: Corrects previous citation errors and clarifies that fireplaces and self-contained outdoor burning devices are exempt from requirements specifically related to cooking, heating and recreational purposes.

Article III Food:

Throughout:

- Changes pronouns from “he” or “him” to “their” or “them” to be more gender neutral.
- Corrects minor wording for clarity and updates citations for incorporated materials.

8.04.130 Definitions:

- Removes the local definition of food establishment, and adopts the definition in the FDA Retail Food Code and the Illinois Food Code. This definition specifically exempts facilities that only offer pre-packaged foods that do not require temperature control from being considered a food establishment. We will no longer conduct plan reviews of those

new facilities or otherwise require that they meet Ordinance requirements. Currently we review the proposed plans, conduct an opening inspection and then exempt them from the annual permitting requirements.

- Modifies definitions of Temporary Food Establishment and Vending Machine categories to reflect the change in the definition of food establishment.

8.04.140 A Permit Requirements: Modifies the permit requirements to reflect the definition of food establishment.

804.140 B Permit Renewal: Updates the wording to better reflect the actual process. Clarifies when a permit renewal is delinquent and when the permit is suspended.

8.04.140 E Application for Permit: Clarifies the wording for commissaries related to mobile units and that information for food or beverage vending machines is only required for Category I machines.

8.04.150 Inspection of Food Establishments:

Paragraph B: Adds exceptions related to the inspection frequencies of food establishments. The two new proposals are to waive the second inspection for Category II facilities based upon performance (no Priority or Priority Foundation items in the Foodborne Illness Risk Factors section) during the first annual inspection of the year, and to reduce the number of routine inspections of Category I vending machines to one per year.

Paragraph G2h: Provides guidance for issuance of a conditional permit to operate based upon inspection findings. This replaces issuing conditional permits based upon numeric scores prior to 2018.

8.04.150 I Examination and Condemnation of Food: Clarifies that product testing to reverse a hold order is at the expense of the food establishment operator.

804.200 Ventilation Hoods: Removes this section as it is adequately covered in the 2017 FDA Retail Food Code, and local building departments and fire departments oversee the construction of ventilation hoods.

8.04.240 Catering Food Service Operation: Removes Paragraph D as it is redundant to the food safety guidelines of the FDA Retail Food Code.

8.04.270 Vending of Food and Beverages: Removes any additional requirements for vending machines and vending machine locations as it is redundant to the food safety requirements of the FDA Retail Food Code.

Article IV: Wastewater and Sewage Treatment and Disposal

Definitions. Clarifies the definition of habitable to apply to non-residential structures. Clarifies the definitions of non-critical and suitable soils. Adds definitions of Portable Sanitation Technician and Portable Sanitation Technician Trainee to be consistent with the Illinois Private Sewage Code. Adds Portable Sanitation Technician Trainee and Portable Sanitation Technician

Trainee permit trainee to the permit requirements to be consistent with Septage Management requirements.

8.04.370 E. Updates water softener discharge options to be consistent with the Illinois Private Sewage Code.

804.370 J. Removed and referenced to Table I.

804.370 L. Clarifies that a change in use in a non-residential structure may be new construction if it results in an increase in the waste strength.

8.04.370 N. Adds replacement structures to the exemptions for additions.

8.04.370 P. Allows septic designs to be as large as 24 inches by 36 inches.

8.04.370 Q. Allows the Department to place conditions on the permit approval such as for monitoring water usage or waste strength testing, which requires additional time.

8.04.390 D, E and F. Removes redundant requirements covered in Tables I and IV.

8.04.410 A. Clarifies that Department staff may access properties to complete evaluations for health reviews, site evaluations and registrations.

8.04.420 G. Removes redundant language contained in Table I.

8.04.430 B. Clarifies when split sizing is acceptable.

8.04.430 J. Provides the date for the acceptability of existing fill.

8.04.440. Adds the existing waste strength parameters that we have used for approximately 15 years, by policy, into the ordinance.

8.04.450 E and F. Clarifies that an Illinois Raised Filter Bed or Drip Irrigation System must meet the separation distances to groundwater or other limiting layer as specified in Table I.

8.04.450 H. Proposes that an NSF 350 Pretreatment Unit may be used with a seepage system sized at 50% of the required seepage area.

8.04.460 G, 8.04.470 G, 8.04.480G and 8.04.490 J and V: Removes redundant language and references Table I.

8.04.480 A. Proposes to allow a size reduction of 20% for a Type 4 System when a Class I Aeration Unit is utilized.

8.04.480 K. Proposes to reduce the amount of earth cover over a Type 4 system to 6 inches.

804.490 A. Proposes to allow a size reduction of 20% for a Type 5 System when a Class I Aeration Unit is utilized.

8.04.490 O. Proposes to reduce the amount of earth cover over a Type 5 system to 6 inches.

8.04.530 J. Removes the requirement to sleeve solid pipe under driveways or parking areas.

8.94.530 N. Adds that treatment units no longer in use must be abandoned within 30 days, and only concrete treatment units may be left in place.

8.94.530 P. Clarifies that, in serial distribution, all lines and chamber units must fill completely before overflowing to the next trench or chamber.

8.04.530 T. Adds clarification for connection of chamber units.

8.04.540 Updates the entire Low Pressure Pipe Distribution (LPP) section to reflect all of the relevant requirements out of the guidance document and removes the guidance document from the incorporated materials.

8.04.620 K. Updates the Class I aeration unit section for non-residential properties to reflect that inspections will take place every other year and imposes an inspection fee in lieu of an annual registration fee.

8.04.625 Proposes that an NSF 350 Pretreatment Unit may be used with a seepage system sized at 50% of the required seepage area.

8.04.630. Updates the section to include Portable Toilet Technician and Portable Toilet Technician Trainee requirements to be consistent with the Illinois Private Sewage Code.

8.04.650 – 8.04.670. Clarifies suitable versus non-critical soils in new subdivisions.

8.04.730. Updates the Special Waste Holding Tank section to reflect that inspections will take place every other year and imposes an inspection fee in lieu of an annual registration fee.

Appendix A – Incorporated Materials – No longer incorporates the Design and Installation of Low Pressure Pipe Waste Treatment Systems. Requirements already included in Article IV.

Appendix B – Table I – Incorporates the design requirements in more detail which allows elimination of redundant language within the Ordinance.

Appendix B - Table II – Updates estimated domestic sewage flows to include reduced numbers for uses which have been confirmed via water meter data in the past.

Appendix B – Table IV – Includes required lateral separation distances in more detail and allows elimination of redundant language within the Ordinance.

Appendix C – Removes the design checklist. An updated checklist will be provided on the website.

Appendix C – Table X – Expands the Perforation Discharge rates to additional in-line pressure and perforation diameters for Low Pressure Pipe (LPP) design.

Appendix C – Table XII – Provides the storage capacity of Schedule 40 PVC pipe for Low Pressure Pipe (LPP) design.

Illustrations – Removes Illustration 2 because it is not current.

Article V: Private, Semi-Private, Closed Loop, and Non-Community Water Supplies

8.04.740 D. Clarifies that a closed loop or irrigation well may be installed where community water is available if the owner of the community supply does not object.

Definitions. Adds definitions for critical variance, qualified designer, and potable.

Definitions - Reasonably Available. Clarifies the requirement for connection to community water. Increases the distance from a residential lot line to a community water line from 200 – 300 feet. Also adds that it is not the responsibility of an individual to subsidize the cost of extending a public water system. This will be consistent with the Sewage Ordinance.

8.04.780 A. Corrects the language for bacteriological sampling of new water wells.

804.780 A. Adds the requirement to test new, replacement or modified water wells for arsenic.

804.780 C. Clarifies that 2 water samples are required for new, replacement of modified water wells, when a variance has been granted.

804.780 D. Clarifies that a water sample is not required for a non-potable water well.

804.790 C. Adds a requirement for water well plans to be prepared by qualified designers.

804.790 C. Adds a requirement to provide a plat of survey with a water well permit application.

804.790 D. Includes the additional hydrogeological assessment criteria that we currently require, as previously approved by the Illinois Department of Public Health, to review a proposed high capacity water well.

804.790 H. Adds a requirement to record critical variances (separation distances to sewage components or Class V injection wells) on the deed. This will be consistent with the requirements in the Private Sewage Ordinance.

804.790 J. Adds a requirement for well drillers to provide notice to the Department prior to setting the casing and grouting a single well so that we can complete the required comprehensive inspection.

804.790 K. Clarifies that staff must be present for well sealings conducted by homeowners or environmental consultants.

804.795. Adds a requirement for owners of non-potable water wells to be registered with the Department, and allows staff to conduct periodic inspections of those wells.

804.800. Increases the maximum fine from \$500 - \$1000 to be consistent with Article I.

Article VI Public Animal Control:

8.04.820 General Provisions: Additional provision for good husbandry practices

8.04.830 Definitions: Adds a definition for Potentially Dangerous Dog.

8.04.840 Permits, Fees, Licenses, Registration: Adds cats to all related sections. Adds a definition for Medical exemption referring to a separate process for registering animals that are exempt per the attending veterinarian.

8.04.860 Dangerous, Potentially Dangerous, & Vicious: Adds potentially dangerous dog determination for dogs off their owners property that have been a public safety concern in circumstances where a member of the public has felt in fear of bodily harm to himself or his companion animal or the injuries to the victim have been minor in nature. Allows to specific restrictions including microchipping and training.

8.04.870 Public Nuisance:

- Impoundment: Better defines the redemption process. Allows for the disposition of unowned animals for transfer, adoption or euthanasia in a shorter timeframe.
- Barking Dogs: the purpose is to allow the public more opportunity to rectify public nuisance barking issues.
- Nuisance wildlife: let's the public know that nuisance wildlife is handled by the Illinois Department of Natural Resources and licensed wildlife removal services.

8.04.920 Cruelty to Animals: Provides specific guidelines under Owner's Duties, Sheltering, Extreme Weather Conditions, and Tethering.

8.04.930 Violations of 8.04.920: Allows McHenry County Animal Control to request posted security for the duration of court cases for violations of the above.

8.04.940 Penalties, Fines and Remedies:

- Power to control nuisances. Allows McHenry County Animal Control the right to request follow up inspections and animal limitations after judicial or administrative findings of guilt. Adds Reckless Dog Owner declaration.
- Per the Illinois Animal Control Act (510 ILCS 5/1, owners of biting animals are to remit a \$25 public safety fine to the County.