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ARTICLE I. IN GENERAL

Sec. 20-1. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

Administrator shall mean the acting Public Health Administrator for the Whiteside County Health Department.

Dump shall mean areas in which nonputrefactive material is permitted to be deposited.

Farm: Where farms are exempt from the provisions of this chapter, they shall be defined as follows: A tract or tracts of land used in the production of food or fiber or other agricultural operations of such extent and character as generally prevail on farms and shall include farm residences, buildings, and other structures located on the farm, and being accessories to a farm operation. It shall be a farm in fact and not in name only.

Garbage shall mean any animal and vegetable matter such as that originating in houses, kitchens, restaurants and hotels, produce markets, food service and processing establishments, and greenhouses.

Health Officer shall mean the Public Health Administrator or their designee.

Inoperable motor vehicle shall mean any motor vehicle, regardless of age, on which the engine, wheels, steering apparatus or any other essential parts have been removed or altered or do not function properly so that such motor vehicle is incapable of operating properly and safely, or any motor vehicle, regardless of age or condition, which is not duly registered and licensed as required by the Illinois Vehicle Code, except an inoperable motor vehicle shall not include:

- A. Vehicles duly licensed and which bear current registration that have been rendered temporarily incapable of being driven under their own motor power because of wreck or damage and are awaiting repair;
- B. Vehicles temporarily stored in duly licensed commercial garages and storage yards;

C. Vehicles kept inside a fully enclosed garage or storage building

Liquid waste shall mean any discharge from all floor or basement drains, as well as that from other drainage fixtures.

Manure shall mean the excrement of all domestic animals and fowl and stable bedding.

Notice shall mean A formal announcement or message used to communicate information. A notice is properly served when it is delivered to the holder of the permit or license or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit or license.

Plot of ground shall mean a small piece of ground.

Refuse shall mean rubbish, garbage and grade wastes.

Rubbish shall mean combustible and noncombustible waste materials, except garbage; and the term shall include such as, but not limited to, rags, old clothes, leather, rubber, carpets, wood excelsior, paper, ashes, tree branches, yard trimmings, furniture, tin cans, glass, crockery, masonry and other similar materials.

Sanitary landfill shall mean a method of disposing of refuse by spreading and covering with earth to a depth of two feet on the top surface and one foot on the side of the bank.

Sewage shall mean the water-carried human wastes and other liquid wastes from residences, business buildings, industrial establishments or other places.

Solid waste disposal area shall mean a sanitary landfill or dumping site.

Well shall mean any hole or opening in the surface of the ground for the purpose of obtaining water, and also any artificial reservoir for the purpose of storing water.

Well pit shall mean a depression below the surface of the ground level immediately adjacent to a well opening.

(Res. of 9-9-69, Art. I)

Sec. 20-2. Health department. A health department is hereby established for the county. (Res. of 4-7-66)

Sec. 20-3. Board of health. The chairman of the county board is instructed to appoint a board of health consisting of eight members, in accordance with Section 13 of "An Act in relation to the establishment and maintenance of county and multiple-county health departments," approved July 9, 1943, as amended. (Res. of 4-7-66)

Sec. 20-4. Tuberculosis and school health programs. The tuberculosis and school health programs shall be an integral part of the county health department. (Res. of 3-16-72)

Sec. 20-5. Home health service.

(1) For the purpose of this section, unless the context otherwise requires:

- A. Board" means the board of health.
- B. "Department" means the county (or multiple-county) health department.
- C. "Home health agency" or "agency" means the health department of the county (or multiple-county) which is responsible for providing the "home health service" in accordance with the certification standards established by the state department of public health.
- D. "Home health service" means those items and services furnished to individuals, under the care of a physician, on a visiting basis in a place of residence used as such individual's home. These services are provided by the home health agency under a plan for furnishing such items and services to an individual, established and periodically reviewed by the patient's physician, and

includes part-time or intermittent nursing care provided by or under the supervision of a registered professional nurse, and the services of one or more of the following: physical, occupational, or speech therapy, medical social work, or part-time or intermittent services of a home health aide.

- (2) Pursuant to section 14 of "An Act in relation to the establishment and maintenance of county and multiple-county public health departments, approved July 9, 1943 , as amended, the board of health is authorized to collect fees for services rendered by the home health agency.
- (3) The board of health has the power to establish a fee schedule which shall not be more than the actual cost based on accepted cost accounting methods of rendering home health service and to collect such fees from those persons who receive these services or from public or private agencies which, pursuant to contract, agree to pay such fees on behalf of eligible persons.
- (4) The board of health is authorized to:
 - A. Accept gifts and bequests for the purpose of administering the home health service program and to expend such gifts and bequests, or invest such gifts and bequests and expend the income therefrom, for the maintenance of such home health service;
 - B. Deposit all gifts and bequests received which are not otherwise invested, the income from those gifts and bequests which are invested, and all fees collected, in the county health fund to the credit of the home health service. (Ord. of 5-5-66, §§ 1--4)

Sec. 20-6. Authority to set, charge and collect fees for special services. The board of health is authorized to set, charge and collect reasonable fees for specialized inspections, laboratory tests, specialized environmental testing and immunizations. (Res. No. 12, 9-18-90)

Editors Note: Res. No. 12, adopted Sept. 18, 1990, while intending that its provisions be included in the Code, did not provide for the exact nature of their inclusion; therefore, at the editor's discretion, Res. No. 12 has been included herein as a new § 20-6.

Secs. 20-7 through 20-19. Reserved

ARTICLE II. NUISANCES

Sec. 20-20. Right of entry. The department shall have the right to enter any property at any reasonable time to inspect any facility or condition thereon for the purpose of determining whether these regulations are being complied with.

Sec. 20-21. Disposal of garbage. No person shall discharge, deposit, place or permit the discharging, depositing, or placing of any premises, except the sanitary landfills in the county, of any garbage, filth, offal, or refuse accumulations of animal, fruit, or vegetable matter, other nauseous matter or substance or waste from sewage disposal facilities, which by reason of its quantity or decomposition would become foul, odorous, subject to spontaneous combustion, or otherwise become detrimental to public health or conducive to the spread of disease. It is unlawful to place garbage, rubbish in the streets, alleys, or roadways. Garbage, all empty food and beverage containers and refuse (including that subject to decay) must be placed in a closed container. This container must be rodent and fly resistant. This section applies to all zone districts, except AG-1, as defined by the county zoning ordinance. (Res. of 9-9-69, Art. II, § 1)

Sec. 20-22. Disposal of rubbish. No person shall deposit or place or permit the depositing or placing on any premises in the county, rubbish in such manner as to become a nuisance or otherwise become detrimental to public health or conducive to the spread of disease. (Res. of 9-9-69, Art. II, § 2)

Sec. 20-23. Hauling wastes and refuse. Any vehicle used for the purpose of carrying, carting, hauling or transporting garbage, rubbish or miscellaneous waste shall be so constructed and covered as to prevent any part of the contents thereof from falling, leaking or spilling therefrom. (Res. of 9-9-69, Art. II, § 3)

Sec. 20-24. Dead animals. It shall be unlawful for any person to allow the carcass of a dead animal to lie

about their premises. Such carcass shall be disposed of within twenty-four (24) hours by burying, burning or by disposing of it within such time, to a person licensed to so dispose it, provided that the health officer may prohibit the hauling or transportation of the carcass of any animal which has died of a highly contagious, infectious or communicable disease. (Res. of 9-9-69, Art. II, § 4)

Sec. 20-25. Manure. Any manure caused to accumulate within the county is to be removed by the property owner as often as is seen fit by the health officer. Farms are exempt from this section.

(Res. of 9-9-69, Art. II, § 5)

Sec. 20-26. Offal. It shall be unlawful:

- (1) To so negligently conduct any business or use any premises as to create such an offensive smell as may taint the air and render it unwholesome or disagreeable to the neighborhood;
- (2) To cause or suffer the carcass of any animal or any animal or vegetable matter, slop, suds, filth, garbage, stable drippings or offal of any kind to be collected, deposited, or to remain in any place in the county;
- (3) To throw or deposit, or cause to be thrown or deposited, any offal or any offensive matter, or the carcass of any animal, in any water, pond, spring, or well, or on land within the county;
- (4) To deposit any night soil, dead animal or other filthy, offensive substance upon any lot, street, alley, highway, park or other place. Farms are exempt from this section.

(Res. of 9-9-69, Art. II, § 6)

Sec. 20-27. Privies and vaults. Privies and vaults shall not be allowed to become offensive. The contents of any receptacle, cesspool, privy, catch basin, vault, or water closet shall not be allowed to become offensive or to become dangerous to health. (Res. of 9-9-69, Art. II, § 7)

Sec. 20-28. Weeds.

- (1) All noxious weeds are a menace to health, and bushes and heavy undergrowth which serve as breeding places for mosquitoes and rodents are a menace to health and hereby declared to be a public nuisance.
- (2) All such weeds, bushes and heavy undergrowth shall be cut or pulled and destroyed by the owner, lessee, tenant, occupant, or person in control of the plot of ground at least twice a year, or as often as deemed necessary by the health officer to abate the public nuisance.
- (3) The failure to destroy such weeds, bushes, and heavy undergrowth shall constitute a violation of this section. (Res. of 9-9-69, Art. II, § 8; Res. No. 26, 7-22-86)

Sec. 20-29. Unfit dwellings.

- (1) Before condemning any dwelling or dwelling unit, the health officer shall notify the supervisor of the township in which the dwelling is located of his intention to condemn.
- (2) The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwelling units shall be carried out in compliance with the following requirements:

Condemnation. Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the health officer:

- A. *Serious hazard to health.* One which is so damaged, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or the public.

- B. *Lacks illumination, ventilation or sanitation.* One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or the public.
 - C. *Unsanitary or dangerous condition.* One which because of its general condition is unsanitary, or otherwise dangerous, to the health and safety of the occupants or the public.
- (3) *Vacating premises.* Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the health officer, shall be vacated within a reasonable time as ordered by the health officer.
 - (4) *Written approval for occupancy.* No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard removed by the health officer. The health officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.
 - (5) *Placards not to be defaced or removed.* No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such except as provided in paragraph (4) of this Section
 - (6) *Hearing.* Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the health officer, under the procedure set forth in this Chapter.

(Res. of 8-13-70)

Sec. 20-30. Inoperable motor vehicles.

- (1) Any inoperable motor vehicle which is located for seven (7) days or more upon private or public property in Whiteside County, which is not completely enclosed from lateral view by a building on all sides is hereby declared to be a nuisance.
- (2) Any owner, possessor, lessee, tenant or any other persons in control of either the property or the vehicle who permits the nuisance as herein defined to exist or who maintains such nuisance shall be fined as provided by Section 1-11 of this Code. Each day the nuisance is permitted or maintained shall constitute a separate offense. Each motor vehicle which is permitted to exist as a nuisance shall be considered a separate nuisance and, therefore, also constitutes the basis for a separate offense.

(Res. of 6-18-85; Res. No. 6, 6/15/10)

Sec. 20-31. Enforcement. This chapter article shall be enforced by the county health department and may be enforced by the county sheriff's department or the county planning and zoning department.

(Res. No. 6, 6/15/10)

Sec. 20-32. Violations.

- (1) **Complaints:** Enforcement officers shall have the authority to issue non-traffic complaint tickets (notices to appear) to any person violating any of the provisions of this ordinance. This is not intended as the exclusive means of initiating an action.
- (2) **Violations.** Any person violating any provision of this article, upon conviction, shall be fined not less than \$100.00 nor more than \$1,000.00. Each day the violation continues shall constitute a distinct and separate offense.
- (3) **Injunctive relief.** Nothing herein shall be considered a waiver of the County's right to seek injunctive relief to prevent or abate a nuisance.

(Res. No. 6, 6/15/10)

Secs. 20-33 through 20-40. Reserved.

ARTICLE III. WATER SUPPLY

Sec. 20-41. Adoption of state law. All private and non-community sources of drinking water, as well as the distribution system of water, shall be located, constructed and maintained in accordance with the standards of the state department of public health and all applicable state laws.

(Res. of 9-9-69, Art. III, § 1; Ord. No. 22, 6-20-89)

Sec. 20-42. Inspections.

- (1) *Right of entry.* The department shall have the right to enter any property at any reasonable time to inspect any facility or condition thereon for the purpose of determining whether these regulations are being complied with.
- (2) *Inspection required.* Before backfilling is started, but after complete installation of the system, an inspection shall be made by the department to determine if the provisions of this article have been complied with.
- (3) *Revocation or suspension of permit.* Upon inspection, if it is found that the permit holder has violated any provisions of this article, the department shall be empowered to revoke or suspend the permit, or he may notify the owner or installer to make such changes in the work as he shall specify, and if such changes are not made within a reasonable time, he shall then revoke the permit and it shall be unlawful to use such water for human consumption.
- (4) *Approval.* Upon final inspection, if the system is found to be in compliance with this article, the department shall so notify the owner, and then such work shall be covered and such system may be used.
- (5) *Analysis.* Upon completion and disinfection of a water well, the department will take a water sample and submit it to an approved laboratory for bacteriological and chemical analysis.

(Res. of 3-11-76; Ord. No. 22, 6-20-89)

Sec. 20-43. Irrigation wells. All future irrigation wells are required to obtain a permit from the department, supplying information showing the location, depth, pipe size and pump capacity and water elevation of each well. (Res. of 8-11-77; Ord. No. 22, 6-20-89)

Sec. 20-44. Permits for wells drilled for human consumption; expiration, fee; fee for late filing of application. All persons, firms or agents digging, drilling or driving wells for human consumption shall first secure a permit for each well and shall maintain a log of the specifications which shall be made for the health officer. This permit shall expire at the end of six (6) months and any excavation or installation at the end of six (6) months shall require an additional permit and an additional fee. At no time shall any permit fee be returned. An additional fee shall be paid to the department for late filing of any application.

(Res. No. 12b, 11-20-84; Ord. No. 22, 6-20-89; Ord. No. 12, 10-18-94)

Sec. 20-45. Violations. Any person violating any provision of this article, upon conviction, shall be fined not less than \$100.00 nor more than \$1,000.00. Each day the violation continues shall constitute a distinct and separate offense. (Ord. No. 22, 6-20-89)

Secs. 20-46 through 20-50. Reserved.

Article III.1 Geothermal Closed Loop Systems

Sec. 20-51. Definitions.

Bore Hole shall mean a drilled vertical column used to house closed loop piping.

Department shall mean the Whiteside County Health Department

Closed Loop Well shall mean a sealed, watertight loop of pipe buried outside of a building foundation intended to re circulate a liquid solution through a heat exchanger.

Geothermal Closed Loop System shall mean the entire system containing the horizontal closed loop well or wells, the vertical closed loop well or wells, and the horizontal header piping.

Geothermal Closed Loop System Contractor shall mean any person who installs geothermal closed loop systems for another person.

Geothermal Closed Loop Drilling Contractor shall mean any person who drills and grouts vertical closed loop wells for another person.

Geothermal Closed Loop Drilling Assistant shall mean any person who assists and works under the direct supervision of a Geothermal Closed Loop Drilling Contractor.

Horizontal Closed Loop Well shall mean closed loop piping installed horizontally, by trenching or directional boring, to a depth not to exceed 20 feet.

Temporary Casing shall mean casing temporarily installed to facilitate grouting that portion of the bore hole in unconsolidated material.

Vertical Closed Loop Well shall mean a network of bore holes containing closed loop piping (and grout) installed vertically to a depth that exceeds 20 feet.

(Ord. No. 6, Oct. 19th, 2010)

Sec. 20-52. Materials and Setback Distances.

- (1) Geothermal piping shall conform to Section 920.180 d) of the Illinois Water Well Construction Code. All plastic piping shall be water tight and conform to ASTM D2447-03, or D3035-08. All joints in plastic piping shall be heat fusion welded.
- (2) The geothermal closed loop system shall be pressured tested at a minimum pressure of 20 pounds per square inch by the Geothermal Closed Loop System Contractor after installation to ensure that there are no leaks in the piping or in the equipment system.
- (3) Geothermal coolant or the liquid pumped through the closed loop piping shall be methanol, ethanol, propylene glycol, calcium chloride, ethylene glycol or other coolants recognized by the industry as being effective and which pose no contamination risk to the environment. These fluids shall be used in concentrations of 20% or less. When copper piping is utilized, the refrigerant shall be R- 134a, R290, or equivalent.
- (4) The location of the vertical closed loop well shall be installed a minimum 200' from all water wells; minimum 75' when the owner of the private water well and the vertical closed loop well are the same. When USP food grade propylene glycol is used as the geothermal coolant the vertical closed loop well shall be installed a minimum 25' from all water wells.
- (5) A minimum 5' lateral separation shall be maintained between all horizontal closed loop well components and all components of an on-site sewage disposal system and reserved areas for future expansion of the disposal system; unless the installation of the closed loop system is completed using directional boring instead of trenching.

(Ord. No. 6, Oct. 19th, 2010)

Sec. 20-53. Casing and Grouting.

- (1) All permanent casing shall comply with the requirements of Section 92O.90 a) of the Illinois Water Well Construction Code. Temporary casing shall be used when bore holes are drilled with air or other techniques that may result in the erosion of subsurface material. When permanent casing is used the casing shall be installed in an oversize drill hole that is a minimum of three (3) inches greater than the outer diameter of the casing or coupling, whichever is greater. The permanent casing shall be grouted prior to the grouting of the geothermal piping inside of the permanent casing.
- (2) Each closed loop well bore hole shall be grouted as required in Section 92O.90 h) of the Illinois Water Well Construction Code. Additives (thermal transfer enhancers) can be added with the grouting material in compliance with the Illinois grouting guidelines and the American Standards Institute (ANSI). The entire column for each bore hole shall be filled with grout. If grout subsidence occurs after grouting the permanent casing, or after the temporary casing is removed, the annulus or bore hole shall be topped with additional bentonite to within 5' of the surface. When the grout has settled less than 20 feet, the annulus or bore hole can be grouted using bentonite chips. Each closed loop well shall be grouted in the same day as the closed loop well was constructed.

(Ord. No. 6, Oct. 19th, 2010)

Sec. 20-54. Geothermal Closed Loop System contractor licensing requirements.

- (1) No person shall install a geothermal closed loop system unless that person is licensed with the Department as a Geothermal Closed Loop System Contractor. To register with the Department, a person shall have a valid accreditation from the International Ground Source Heat Pump Association (IGSHPA) or can show that he or she has an equivalent accreditation.
- (2) The Geothermal Closed Loop System Contractor shall apply for a license annually with the Department. A license fee shall be established by the Department. The license shall expire on December 31 of the year of issue. The individual license fee will be \$75.00 and \$125.00 (corporate) for a business with more than one qualified individuals.

(Ord. No. 6, Oct. 19th, 2010)

Sec. 20-55. Geothermal Closed Loop well driller licensing requirements.

- (1) No person shall construct a vertical closed loop bore hole unless that person is a Geothermal Closed Loop Well Driller. A Geothermal Closed Loop Well Driller shall have a valid water well contractor's license issued under the Illinois Water Well and Pump Installation License Act (225 ILCS 345/) or shall have a valid certification for the drilling of closed loop wells from the National Ground Water Association (NGWA) or other nationally recognized certification.
- (2) The Geothermal Closed Loop System Driller shall apply for a license annually with the Department. A license fee shall be established by the Department. The license shall expire on December 31 of the year of issue. The license fee will be \$75.00 for each qualified individual. The individual license fee will be \$75.00 and \$125.00 (corporate) for a business with more than one qualified individuals.

(Ord. No. 6, Oct. 19th, 2010)

Sec. 20-56. Geothermal Closed Loop System permit requirements. No vertical or horizontal geothermal closed loop system shall be constructed, modified or repaired in Whiteside County except in accordance with these regulations, and it shall be unlawful to proceed with the construction or modification of a geothermal closed loop system without first applying for a permit.

(Ord. No. 6, Oct. 19th, 2010)

Sec. 20-57. Application for Permit.

- (1) A permit for a geothermal closed loop system shall be applied for using the application provided by the department. Every application shall be signed by the geothermal closed loop system contractor. The application shall be accompanied by a plan showing the location of all existing structures, on site and neighboring wells, on-site sewage disposal systems (and reserved areas), privies, sewers, lakes, ponds or streams on the applicant's property and on neighboring properties, if they are within 200 feet of the proposed geothermal exchange systems(s).
- (2) The application shall include a borehole layout. The borehole layout shall include borehole depth, grouting material, placement procedure and diameter of the geothermal pipe. The application shall identify the individual constructing the geothermal closed loop well. The application shall identify the type of liquid that will be pumped through the closed loop piping. At the time of installation, a placard identifying the type of liquid shall be attached to the HVAC equipment near the fill point. The placard shall be located so that it is clearly visible to persons inspecting or servicing the equipment.
- (3) Prior to the approval of the permit, the Department, at its discretion, may require additional information, and/or inspect the property and neighboring properties. Once approved, the application is effective for 12 months.
- (4) The permit fee for each individual geothermal system utilizing up to 20 vertical closed loop wells shall be \$200.00; and \$10.00 for each additional well after 20. The fee for each individual geothermal system utilizing a horizontal close loop well design shall be \$50.00. The review and inspection fee once submitted is non refundable.

(Ord. No. 6, Oct. 19th, 2010)

Sec. 20-58. Approval of Application. After an application to construct a geothermal closed loop system has been reviewed and approved, a notice to proceed shall be issued to the geothermal closed loop system contractor. After the application is approved and issued, no modifications shall be made without reapplying to the Department. Additional reviews will incur an additional cost. No construction of a geothermal closed loop system shall commence prior to approval of the application by the Department.

(Ord. No. 6, Oct. 19th, 2010)

Sec. 20-59. Notification. The Health Department shall be notified forty-eight (48) hours in advance by telephone or in writing before beginning construction of an approved geothermal closed loop system or the sealing of closed loop well. Further notification may be requested by the Health Department as they deem necessary to assure proper construction practices and methods, e.g., installation of geothermal piping, and grouting.

(Ord. No. 6, Oct. 19th, 2010)

Sec. 20-60. Inspections.

- (1) The Department shall have the authority to enter the property at any reasonable time for inspection purposes to determine compliance with this Ordinance.

- (2) A geothermal closed loop system shall not be placed into operation until the geothermal closed loop system has been inspected by the Department to verify compliance with this Ordinance and until written approval has been issued by the Department.

(Ord. No. 6, Oct. 19th, 2010)

Sec. 20-61. Closed Loop Well Abandonment. Geothermal loop tubing shall be abandoned in accordance with Section 920.180 e) of the Illinois Water Well Construction code. The Department shall be notified by telephone or writing at least forty-eight (48) hours prior to the commencement of any work to abandon a closed loop well.

(Ord. No. 6, Oct. 19th, 2010)

Secs. 20-62 through 20-70. Reserved.

ARTICLE IV. SEWAGE DISPOSAL

Sec. 20-71. Adoption of state law. The location, construction, alteration and repair of individual sewage disposal systems shall conform to the current standards of the Illinois Department of Public Health which are incorporated herein and made a part hereof by reference thereto.

Sec. 20-72. Permits.

- (1) *Required.* Before any construction, installation, alteration or repair of any sewage disposal system or component is undertaken, a permit for such work must first be obtained from the department. Such permit shall be posted on the premises where the work permitted is being done, and unless revoked, shall not be removed until such work has been finally approved by the department.
- (2) *Application.* Application for permits under this article shall be in writing and in such form as prescribed by the department. Each application shall be accompanied by a plat showing the locations of all existing and proposed wells, sewers, septic tanks, seepage systems, privy vaults and other sewage disposal facilities, and by drawings, plans and specifications of all of the above units which are proposed to be installed. Results of the prescribed number of soil percolation tests shall accompany each application. The soil percolation test or soil classification may be performed by the department and a fee for such service shall be charged per lot. Applications shall be approved by the department and permits shall be issued before any construction or repair is undertaken and before the building permit is issued. An additional fee shall be paid to the department for late filing of any application.
- (3) *Fee.* A fee shall accompany each application under this section.

(Res. of 9-9-69, Art. IV, § 1; Res. of 3-11-76; Amend. No. 11, 4-19-83; Res. No. 12a, 11-20-84; Ord. No. 12, 10-18-94)

Sec. 20-73. Inspections.

- (1) *Right of entry.* The health authority shall have the right to enter any property at any reasonable time to inspect any facility or condition thereon for the purpose of determining whether this chapter is being complied with.
- (2) *Inspection required.* Before backfilling is started, but after complete installation of the system, an inspection shall be made by the department to determine if the provisions of this Article been complied with.
- (3) *Revocation or suspension of permit.* Upon inspection, if it is found that the permit holder has violated any provisions of this Article, the department shall be empowered to revoke or suspend the

permit, or he may notify the owner or installer to make such changes in the work as he shall specify, and if such changes are not made within a reasonable time, he shall then revoke the permit and it shall be unlawful to use such sewage disposal system.

- (4) *Approval.* Upon final inspection, if the system is found to be in compliance with this chapter, the department shall so notify the owner, and then such work shall be covered, and such system may be used. (Res. of 9-9-69, Art. IV, § 1)

Sec. 20-74. Connection to public systems required where available.

- (1) Where there is a public sewerage system available, a new residence shall be connected to the system for the disposal of domestic sewage.
- (2) Where there is a public sewerage system available, private sewerage disposal systems shall not be constructed.
- (3) Cesspools and dry wells shall not be constructed or maintained. (Res. of 9-9-69, Art. IV, § 3)

Sec. 20-75. Regulations.

- (1) *Toilet facilities required.* Every business establishment where one or more persons are employed or dwell shall be provided with at least one toilet, privy or other sewage disposal facility which shall meet the requirements of this chapter. Farms are exempt.
- (2) *Connection to disposal system.* Every plumbing fixture and every liquid waste drainage fixture not connected to a public sewer shall be connected to a private sewage disposal system. Drainage from footings or roofs shall not enter the system.
- (3) *Sewage disposal.* No sewage shall be deposited, collected, or disposed of and no sewage disposal system shall be installed, constructed, altered or repaired except in accordance with this Article.
(Res. of 9-9-69, Art. IV, § 4; Res. of 5-15-75; Res. of 3-11-76)

Sec. 20-76. Licensing of septic tank cleaners.

- (1) *Required.* No person shall engage in or carry on the business of cleaning or servicing septic tanks, seepage pits, cesspools or other sewage disposal unit unless such person is duly licensed by the health officer to perform such services. Farms are exempt so they may clean their own septic tanks. In order to obtain a license an individual must pass the examination for a private sewage disposal system pumping contractor's license given by the Illinois Department of Public Health.
- (2) *Application.* Applications for such licenses shall be in writing and in such form as prescribed by the health officer.
- (3) *Fee.* The fee for a septic tank cleaner's license shall be as set out in the current list of fees issued by the department, as approved by the county board, and shall accompany the application.
- (4) *Issuance.* If the health officer or his duly authorized agent, after such inspection of equipment and investigation as is deemed necessary, is satisfied that the applicant has the qualifications, experience, reputation and equipment to perform the services in a manner not detrimental to public health, and the site of disposal of sludge or other wastes from any septic tank, seepage pit, cesspool or other waste disposal unit is approved, a license shall be issued to the applicant upon payment of the required fee. Licenses shall expire December 31st of each year.
- (5) *Revocation.* The health officer may suspend or revoke any septic tank cleaner's license if, after a hearing, he shall find incompetency, negligence, misrepresentation or failure to comply with any of the provisions of this chapter.
- (6) *Vehicles.* All trucks or other vehicles used to transport sewage wastes shall be identified by such information as is deemed necessary when the application for license is made, and shall carry a sign on both sides of the vehicle in a conspicuous place in letters not less than two inches high, and in

a contrasting color to the vehicle, the words or abbreviations "Whiteside Co. Lic. # _____", which words or abbreviations shall be followed by the number of the license issued.

(7) *Late filing fee.* An additional fee be paid to the department for late filing of any application. (Res. of 9-9-69, Art. IV, § 5; Res. of 6-12-72; Res. No. 12a, 11-20-84; Res. No. 13, 5-20-86; Ord. No. 12, 12-20-94)

Sec. 20-77. Licensing of sewage disposal system installers.

- (1) *Required.* No person except as provided for below shall engage in or carry on the business of constructing, installing, altering or repairing of any sewage disposal system or component unless such person is duly licensed by the health officer to perform such services. In order to obtain a license an individual must pass the examination for a private disposal system installation contractor's license given by the Illinois Department of Public Health.
- (2) *Application.* Application for a license under this section shall be in writing and in such form as prescribed by the health officer.
- (3) *Fee.* The fee for a sewage disposal system installer's license shall be as set out in the current list of fees issued by the department, as approved by the county board. A license fee to install sewage disposal systems shall not be required of a resident owner or intended resident owner who may personally install a system for his own single-family residence. This does not apply to the builders of speculative homes. However, such exception does not relieve the installer from obtaining a permit to install and from complying with the other provisions of this Chapter.
- (4) *Issuance.* If the health officer, after such investigation as is deemed necessary, is satisfied that the applicant has the qualifications, experience, reputation and equipment to perform the services in a manner not detrimental to the public health and upon payment of the required fee, a license shall be issued to the applicant. Licenses shall expire on December 31st of each year.
- (5) *Revocation.* The health officer may suspend or revoke any sewage disposal system installer's license if, after a hearing, he shall find incompetency, negligence, misrepresentation or failure to comply with any of the provisions of this Chapter.
- (6) *Late filing fee.* An additional fee as set out in the current list of fees issued by the department, and approved by the county board, shall be paid to the department for late filing of any application. (Res. of 9-9-69, Art. IV, § 6; Res. of 8-13-70; Res. of 6-12-72; Res. No. 12a, 11-20-84; Res. No. 13, 5-20-86; Ord. No. 12, 10-18-94)

Sec. 20-78. Pollution of storm water drains.

- (1) It shall be unlawful for any person to connect or cause to be connected, any drain carrying, or to carry, any toilet, sink, basement, septic tank, cesspool, industrial waste, or any fixture or device discharging polluting substances, to any storm water drain in the county.
- (2) Any person violating this section shall be fined not less than \$200.00, nor more than \$500.00 for each offense, and in addition shall be fined \$25.00 per day for each day such violation exists. (Res. of 5-16-74, §§ I, II)

Sec. 20-79 through 20-90. Reserved.

ARTICLE V. FOOD AND FOOD HANDLERS

Sec. 20-91. Goal and scope. The goal and scope of this article is to protect the health of the consumer by assuring that food and food products provided by retail food establishments and bed and breakfast establishments operating within both the incorporated and unincorporated area of the county are protected against contamination by infectious agents or adulteration by toxic materials. (Res. No. 7, § A, 10-16-90)

Sec. 20-92. Additional Definitions. The following specific definitions shall apply in the interpretation and enforcement of this article:

- (1) *Bed and breakfast:* An operator-occupied residence providing accommodations for a charge to the public with no more than five guest rooms for rent in operation for more than ten nights in a 12-month period. Breakfast may be provided to guests only.
- (2) *Cash register:* A device for recording the amount of cash received, usually having an automatic adding machine and a money drawer.
- (3) *Confectionery:* Any business whose food is only popcorn, commercially packaged candies and other commercially packaged, non-potentially hazardous foods which do not require preparation.
- (4) *Day care center:* Any child care facility which regularly provides day care and functions as a food service establishment for less than twenty-four (24) hours per day for more than eight (8) children in a family home or more than three children in facility other than a family home.
- (5) *Prepare:* The act of physically manufacturing or assembling or adding characterizing ingredients to create a finished product for human consumption.
- (6) *Retail food establishment:* Any food service establishment or retail food store.
- (7) *Seasonal retail food establishment:* Any retail food establishment where food and food products are offered to the consumer fewer than six (6) months out of the year. This does not include periodic food service during the off-season.
- (8) *Sell:* To dispose of for a price, possessions and holding of any food article for sale, and the sale, dispensing and giving of any such food article, and the supplying or applying of any such food article in the conduct of any food-type establishment; to offer for sale, expose for sale, have in possession for sale, barter, trade, distribute, market, or traffic in food in any matter.
- (9) *Serve:* The act of distributing food, the act of heating and/or cooling prepackaged food with no food preparation or offer to or have available for human consumption.
- (10) All other definitions shall be as contained in the Illinois Department of Public Health Rules and Regulations for Food Service Sanitation and Retail Food Stores. (Res. No. 7, § B, 10-16-90)

Sec. 20-93. Adoption by reference of state rules and regulations. In addition to those provisions set forth herein, this article hereby adopts by reference the provisions set forth in the "State of Illinois, Department of Public Health, Division of Food, Drug, and Dairies, Food Service Sanitation Rules and Regulations," the provisions set forth in the "State of Illinois, Department of Public Health, Division of Food, Drugs, and Dairies, Retail Food Store Sanitation Rules and Regulations" and the "Bed and Breakfast Act," and any subsequent amendments or revisions thereto, one copy of each of which shall be on file in the office of the county clerk. (Res. No. 7, § C, 10-16-90)

Sec. 20-94. Permit provisions.

- (1) *General provisions.* It shall be unlawful for any person or persons who do not possess a valid permit issued by the department to operate a retail food store, temporary food service establishment, or bed and breakfast establishment within the county. Only a person who complies with the requirements of this article shall be entitled to receive and retain such a permit. Permits shall not be transferable. A valid permit shall be posted in every retail food establishment, temporary food service establishment, or bed and breakfast establishment so as to be clearly visible to all customers. A valid permit is one that is not suspended, revoked or expired.
- (2) *Terms.* The annual permit term shall be January 1 through December 31 of each calendar year, except temporary food service establishment permits which shall have an expiration date of not longer than fourteen (14) days after the date of issuance.

- (3) *Fees not refundable; proration fee.* Permit fees shall not be refundable. Retail food establishments and bed and breakfast establishments opening or changing ownership prior to July 1 will pay 100 percent of the appropriate annual fee. Establishments opening or changing ownership after July 1 will pay 50 percent of the appropriate annual fee for the remainder of the calendar year.
- (4) *Fee schedule.* Fees shall be assessed each permitted establishment and collected by the department. The annual fee schedule shall be as set out in the current list of fees issued by the department, as approved by the county board.
- (5) *Issuance of permits.* A person desiring to operate a retail food establishment, bed and breakfast establishment or temporary food service establishment shall make written application for a permit on forms provided by the department. Information requested on the application will include the name and address of the applicant; the location and type of establishment, the name of the person certified in food service sanitation (if applicable) and his/her certificate number, and the proposed hours of operation. If the application is for a temporary food establishment, the information requested on the application will also include the proposed menu of foods to be served and hours to be served.
- (6) *Renewal.* Annual renewal of permits shall be required for continued operation of retail food establishments or bed and breakfast establishments. Any permit holder desiring to renew their permit shall make proper application on renewal forms provided by the department and pay the appropriate fee.
- (7) *Late payment penalty.* All permit renewal forms received after December 15 will be assessed an additional late fee as set out in the current list of fees issued by the county health department and approved by the county board. All permits that have not been renewed prior to February 1 shall be suspended.
- (8) *Permit suspension.*
 - A. At any time the department determines that a permit holder or operator is not in substantial compliance with the provisions of this article, a notice shall be issued under the provisions of this article to the permit holder or operator. Such notice shall state the nature of the violation and a reasonable time in which corrective action must be taken.
 - B. In the event that such violation constitutes an immediate imminent hazard to the public's health, the department may require the immediate suspension of food preparation and sales.
 - C. Any person whose permit has been suspended may make application for a reinspection for the purpose of reinstatement of the permit. Within ten days following receipt of the written request, including a signed statement by the applicant that in their opinion the conditions causing suspension have been corrected, the department shall make a reinspection. If the applicant is found to be in compliance with this article, the permit shall be reinstated.
- (9) *Revocation.* For repeat violations of those provisions of this article which in the opinion of the department creates the possibility of a direct health hazard to the public or for interference with the department in the performance of its duties, the permit may be permanently revoked. Prior to such action, the department shall notify the permit holder that the permit is subject to revocation and advise that the permit shall be permanently revoked at the end of ten days following service of such notice via certified mail unless a request for a hearing is filed in accordance with provisions within such ten-day period. (Res. No. 7, § D, 10-16-90; Ord. No. 12, 10-18-94)

Sec. 20-95. Inspections.

- (1) *Frequency.* The department shall conduct on-site inspections for each retail food establishment and bed and breakfast at least once every six (6) months and shall make as many additional inspections

or reinspections as necessary for the enforcement of this article. The department shall provide consultation and/or on-site inspections for each temporary food service establishment at least once for each permit issued and shall make as many additional inspections or reinspections that are necessary for the enforcement of this Article.

- (2) *Right of entry.* The department shall be permitted to enter any retail food establishment, bed and breakfast establishment or temporary food service establishment at any reasonable time for the purpose of making inspections to determine compliance with this article. "Reasonable time," for the purposes of this section, shall mean at all times the establishment is open to the public. Reasonable time shall also be taken to mean any time food is being handled.
- (3) *Report.* Whenever an inspection is made, the findings shall be recorded on an inspection report. One copy of the inspection report form shall be furnished to the person in charge. The inspection report shall summarize the requirements of this article and shall set forth a weighted point value for each requirement. Inspectional remarks shall be written to reference the violation by item number, shall state the violation and shall state the recommended correction to be made. The rating score of the establishment shall be the total weighted point values for all violations, subtracted from 100. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law. (Res. No. 7, § E, 10-16-90)

Sec. 20-96. Examination and condemnation of food and/or equipment.

- (1) Food may be examined or sampled by the department to determine freedom from adulteration or misbranding. The department may, upon written notice to the permit holder, condemn or embargo any food which is determined, or for which there is probable cause to believe, to be unwholesome or otherwise adulterated or misbranded. Condemned or embargoed food may be permitted to be suitably stored unless storage is not possible without risk to the public health; in which case, immediate destruction shall be ordered and accomplished. It shall be unlawful for any person to remove or alter a condemnation or embargo order, notice or tag placed on food or food containers by the department, and neither such food nor containers thereof shall be re-labeled, replaced, reprocessed, altered, disposed of or destroyed without the permission of the department, except on order by a court of competent jurisdiction. If the permit holder requests a hearing as provided within the provisions of this article, and on the basis of evidence produced at such hearing, the department may vacate the condemnation or embargo order.
- (2) Any potentially hazardous food found by the department to be 45 degrees Fahrenheit to 140 degrees Fahrenheit during an inspection will be subject to immediate condemnation. The condemned food shall be held under embargo until it has been proved satisfactory for human consumption by a certified laboratory at the expense of the permit holder if the food product is not voluntarily destroyed immediately. This does not apply to food during necessary periods of preparation.
- (3) Where equipment used in the preparation of food products is found to be in a state of disrepair, unsafe, unsanitary or unsuitable for use in the preparation, display or service of food, such equipment shall be taken out of use and a hold order placed on such equipment by the department. Such equipment may not be put back into service until written permission is obtained from the department. It shall be unlawful for any person to remove or alter a hold order, notice or tag placed on equipment by the department. Such equipment will not be altered, disposed of or destroyed without permission of the department, except on an order of a court of competent jurisdiction.
- (4) The department shall be permitted to examine the invoices of the business to obtain pertinent information pertaining to food and supplies purchased, received, or used.
- (5) In the event of a fire, flood (including sewage backup), power outage or similar event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures, the permit holder or person in charge shall contact the department. Upon receiving notice of this occurrence, the department shall take whatever action it deems necessary to protect the public health. (Res. No. 7, § F, 10-16-90)

Sec. 20-97. Adulterated food. No retail food establishment, bed and breakfast establishment or temporary food service establishment shall offer or keep for sale any food intended for human consumption which is adulterated or violates any rule or regulation provided herein. (Res. No. 7, § G, 10-16-90)

Sec. 20-98. Employee health. When the department has reasonable cause to suspect the possibility of disease transmission by any retail food establishment, bed and breakfast establishment, temporary food service establishment or any employee thereof, the department shall make such investigation as may be indicated, including the morbidity history of suspected employees and take appropriate action. The department may require any or all of the following measures:

- (1) The immediate exclusion of the employee from any food handling activities.
- (2) Restriction of the employee to some area of the establishment where there will be no danger of transmitting disease.
- (3) Adequate medical and laboratory examinations of the employee and, if deemed necessary, other employees and their body discharges.
- (4) No employee shall be allowed to return to work in the establishment until the department certifies that the condition of the employee no longer presents a health hazard.
- (5) The immediate closing of the food service establishment concerned until, in the opinion of the department, no further danger of disease outbreak exists.
- (6) Any person to whom such an order is issued shall comply immediately therewith. Failure to comply with such an order shall entitle the department to petition the circuit court for an order seeking compliance with any or all of the above measures. The department shall be permitted to examine employee records to obtain pertinent information required to prevent the possibility of disease transmission. (Res. No. 7, § H, 10-16-90)

Sec. 20-99. Food outside jurisdiction. Food from establishments outside the jurisdiction may be sold in the county if such establishments conform to the provisions of this article or to substantially equivalent provisions. To determine extent of compliance with such provisions, the department may accept reports from responsible authorities and other jurisdictions where such establishments are located. (Res. No. 7, § I, 10-16-90)

Sec. 20-100. Plan review.

- (1) *Generally.* Whenever a retail food establishment or bed and breakfast establishment is hereafter constructed, or remodeled or whenever an existing structure is converted to use as a retail food establishment or bed and breakfast establishment, properly prepared plans and specifications for such construction, remodeling or conversion shall be submitted to the department for review and approval before construction, remodeling or conversion may begin. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans and construction materials of work areas and the type and model of proposed fixed equipment and facilities. The department shall approve the plan and specifications, if they meet the requirements of this article. No retail food establishment or bed and breakfast establishment shall be constructed, remodeled or converted except in accordance with plans and specifications approved by the department.
- (2) *Pre-opening inspections.* Whenever plans and specifications are required by this article, the department shall inspect the food establishment or bed and breakfast establishment prior to the beginning or resumption of operations to determine compliance with the approved plans and specifications and with the requirements of this article prior to the issuance of a permit to operate. (Res. No. 7, § J, 10-16-90)

Sec. 20-101. Retail food service sanitation annual permit fee.

- (1) *Definitions.* The following definitions shall apply to this section in addition to those specifically listed or adopted by reference in section 20-92:

- A. *Beverage and ice dispensing facility*: A retail food establishment that only prepares non-potentially hazardous beverages or foods requiring very limited preparation such as snack foods, carbonated beverages, or cocktails.
- B. *High risk facility*: A retail food establishment that employs any of the following food handling techniques:
 - 1. The cooling of potentially hazardous foods as a part of the food handling operations; or
 - 2. The holding of prepared potentially hazardous food for more than 12 hours before serving; or
 - 3. The reheating of previously prepared potentially hazardous foods; or
 - 4. The preparing of potentially hazardous food for off-premises service for which time-temperature requirements during transportation, holding and service are relevant; or
 - 5. The complex preparation of foods or extensive handling of raw ingredients with hand contact for ready-to-eat foods; or
 - 6. Vacuum packaging or other forms of reduced oxygen packaging performed at the retail level; or
 - 7. The preparation of food specifically intended to be served to an immunocomprised group or population.
- C. *Medium risk facility*: A retail food establishment that is not a high risk facility that employs any of the following food handling techniques:
 - 1. The preparation of potentially hazardous foods maintained at a serving temperature for less than 12 hours restricted to same day service; or
 - 2. The preparation of foods from raw ingredients using only minimal assembly; or
 - 3. The complex preparation of food using foods (whether canned, frozen, or fresh) obtained from approved food processing plants or retail food establishments.
- D. *Seasonal*: Open or operational eight months or fewer out of the year, not including periodic food service during the off-season.
- E. *Vending machines*: Mechanical devise which dispenses prepackaged potentially hazardous foods.

(2) *Food permit fee schedule*: See Appendix to the Whiteside County Code

Secs. 20-102 through 20-149. Reserved.

ARTICLE VI. BODY ART ESTABLISHMENTS AND OPERATORS

(Repealed: Motion of November 17th, 2009)

ARTICLE VII. ENFORCEMENT

Sec. 20-150. Notices, orders and hearings.

- (1) *Notices*. Whenever the health officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter or any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person responsible therefor, as hereinafter provided. No notice or hearing as provided by this article is required or a necessary

precedent to the filing of any legal action to require compliance with this chapter or the filing of any legal proceeding, civil or criminal.

- (2) *Hearing shall be granted upon request.* Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter, or any rule or regulation adopted pursuant thereto as provided in this chapter, may request and shall be granted a hearing on the matter before the health officer; provided that such person shall file in the office of the health officer a written petition requesting such hearing and setting forth a brief statement of the grounds thereof within ten days after the notice was served.
- (3) *Health officer shall set time and place for hearing.* Upon receipt of such petition the health officer shall set a time and place for such hearing, and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard, and to show why such notice should be modified or withdrawn; provided that upon application of the petitioner, the health officer may postpone the date of the hearing for a reasonable time beyond such ten-day period, if in his judgment the petitioner has submitted a good and sufficient reason for such postponement.
- (4) *Notice becomes an order.* Any notice served pursuant to this section shall automatically become an order if a written petition for a hearing is not filed in the office of the health officer within ten days after such notice is served.
- (5) *Proceedings to be summarized for public record.* The proceedings of such hearing, including the findings and decision of the health officer, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the health officer. Such record shall also include a copy of every notice or order issued in connection with the matter.
- (6) *Emergency orders.* Whenever the health officer finds an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing issue an order reciting the existence of such an emergency and requiring such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the health officer shall be afforded a hearing as soon as possible. After such hearing, depending upon his findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with, the health officer shall continue such order in effect, or modify it or revoke it.

(Res. of 9-9-69, Art. VI, § 1)

Sec. 20-151. Promulgation of rules and regulations authorized. The county board may adopt by ordinance such rules and regulations as may be necessary for the proper interpretation of the provisions of this chapter by the health officer. After adoption by the county, such rules and regulations shall have the same effect and force as the provisions of this chapter, and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this chapter as hereinafter provided. (Res. of 9-9-69, Art. VI, § 2)

Sec. 20-152. Violations. Any person who shall violate or refuse to obey any provision of this chapter shall, upon conviction, be fined not exceeding \$500.00 for each offense, or imprisoned in the county jail not to exceed six months, or both, in the discretion of the court. Each day a violation continues shall constitute a separate offense. (Res. of 9-9-69, Art. VI, § 3; Res. No. 10, 12-19-95)

Sec. 20-153. Limitation of powers. Nothing contained in this chapter shall be construed to limit in any way the reasonable exercise of powers granted to the health officer or his duly authorized agents under provisions of the common law, or statutes of the state, or by ordinance, or by rules and regulations of the county board.

(Res. of 9-9-69, Art. VI, § 4)

END OF CHAPTER 20. PUBLIC HEALTH

