

**KENDALL COUNTY HEALTH DEPARTMENT**

PLAT DECLARATIONS AND SUGGESTED LANGUAGE FOR  
SUBDIVISION PUD AGREEMENT AND DECLARATION OF  
PROTECTAVE COVENANTS  
(MASTER LIST, REVISED 03/05/07)

# KENDALL COUNTY HEALTH DEPT. PLAT DECLARATIONS

Individual Private Sewage Disposal Systems

COUNTY HEALTH DEPARTMENT

STATE OF ILLINOIS:

SS

COUNTY OF KENDALL

Issuance of building permits shall be subject to lot by lot soil testing and site evaluation, demonstrating the ability to construct and operate a sewage disposal system capable of meeting or exceeding all applicable State and local rules and regulations.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Kendall County Health Department

Community Wastewater Treatment System (Subsurface Disposal)

COUNTY HEALTH DEPARTMENT

STATE OF ILLINOIS:

SS

COUNTY OF KENDALL

Issuance of building permits shall be subject to the issuance of a general permit to construct, and subsequent approval to operate, a community wastewater treatment system capable of meeting or exceeding all applicable State and local rules and regulations; and adherence to all conditions set forth in the Experimental Use Authorization for a Community Wastewater Treatment System, a copy of which has been recorded with the Final Plat.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Kendall County Health Department

Community Wastewater Treatment System (Surface Discharge/Disposal)

COUNTY HEALTH DEPARTMENT

STATE OF ILLINOIS:

SS

COUNTY OF KENDALL

Issuance of building permits shall be subject the issuance of a permit to construct and subsequent approval to operate a community wastewater treatment system in accordance with the Illinois Environmental Protection agency and Act.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Kendall County Health Department



## PUD AGREEMENT SUGGESTED LANGUAGE:

### **Suggested language under “Subdivision Improvements”**

#### **Section ( )**

- Each lot shall be served by a private water well and private sewage disposal system.

Where a mechanical sewage disposal system is required, the owner of said unit shall have in full force and effect at all times a service and maintenance agreement as established and required by the subdivision covenants, conditions and restrictions.

- **Prior to the commencement of any** earthwork on the premises and prior to the construction of the related subdivision improvements as shown on the approved final engineering plans, the OWNERS/DEVELOPER shall cause all proposed septic envelopes to be fenced off to protect them from the encroachment of equipment and materials during all phases of construction up to and including the construction of individual homes on each lot. Encroachment for the purposes of this agreement shall be defined as including the stockpiling and/or storage of any excavated or transported spoil or fill materials as well as the driving or parking of vehicles (including but not limited to construction equipment), on or over any such septic envelopes. Protection measures shall consist of snow fence or other comparable fencing of at least three feet (3') in height as approved by the Kendall County Health Department and installed around the limits of the septic field to cordon it off during construction. Removal of the fencing shall only be permitted on a lot by lot basis as each home is completed. *Failure to supply and maintain such sewage disposal system area protection measures in accordance with the requirements specified herein shall result in the issuance of a stop work order by the County and/or the withholding of permits until such time as the required protection measures have been established or re-established as the case may be.*
- With respect to individual sewage disposal system design and installation, DEVELOPER agrees to create and file with the Kendall County Planning, Building, and Zoning Office, Kendall County Health Department, and Kendall County Consulting Engineers a Septic Overlay Plan and related guidelines designed by a seasoned professional engaged in the practice of private sewage disposal system design, prior to recording of the Final Plat of Subdivision and incorporated herein as Exhibit “( )”. Said Septic Overlay Plan shall show potential private sewage disposal system sites (envelopes) on each lot. **(THE PRECEDING COMMENT TO BE USED ONLY IF DEVELOPER CHOOSES TO UTILIZE THE SERVICES OF A QUALIFIED SEPTIC SYSTEM DESIGNER)**
- The successful installation and ongoing operation of onsite wastewater disposal systems (septic systems) in this proposed subdivision may depend in part on the developer’s and septic contractor’s ability to effectively manage (i.e., lower) the seasonal high water table thus providing adequate subsurface zones or horizons of *unsaturated* soil capable of receiving, effectively treating, and disposing of

domestic wastewater. The developer has agreed to provide for the upfront installation of a subdivision-wide groundwater table management device. Said installation is to occur as part of the construction of the overall subdivision improvements. **(THE PRECEDING COMMENT TO BE USED ONLY IF DEVELOPER CHOOSES TO INSTALL SUBDIVISION-WIDE UNDERDRAIN SYSTEM)**

## Section ( )

Private sewage disposal systems shall comply with the following conditions:

### Private Sewage Disposal System Required

- The owner of each lot upon which is constructed a dwelling is responsible, at his expense, for his own sewage treatment disposal system which must conform in every detail and construction to the applicable standards of the “Private Sewage Disposal Licensing Act and Code”, Illinois Department of Public Health, 2003, or the latest revision thereof, and the Kendall County Private Sewage Disposal Ordinance. Every such owner will maintain said system in good repair at all times.

### Private Sewage Disposal System Pre-Application Design Review

- Prior to application to the Kendall County Health Department for a private sewage disposal system construction permit, each building permit applicant shall submit its private sewage disposal system design, together with the Site Plan, to Development’s Architectural Review Committee hereinafter provided. Said design must comply with the Septic Overlay Plan and related Guidelines, Exhibit “( )” unless otherwise approved in writing by the Architectural Review Committee.  
**(THE PRECEDING COMMENT TO BE USED ONLY IF DEVELOPER CHOOSES TO UTILIZE THE SERVICES OF A QUALIFIED SEPTIC SYSTEM DESIGNER)**

### Installation of Private Sewage Disposal Systems

- All private sewage systems shall be installed by a professional private sewage disposal installation contractor properly licensed in accordance with state and county standards. Plans for each private sewage disposal system shall be submitted to the Developer, and then to the County, for approval. Each sewage disposal system shall be inspected at the required times as provided by the applicable state and county rules and regulations.

### Use and Maintenance of Mechanical Private Sewage Disposal Systems

- Each owner who uses a mechanical private sewage disposal system shall have in full force and effect, at all times, a service agreement with a reputable company providing for the proper and required servicing and maintenance of such system; and each such owner shall insure that the mechanical sewage disposal system is in good working order at all times. The Developer or Homeowner’s Association may take action to secure the services of a licensed private sewage disposal contractor, licensed septage pumper, and/or qualified mechanical private sewage

disposal system service contractor, to bring any sewage disposal system into compliance with all state and county rules and regulations, if found to be in violation. Any costs incurred, plus interest at 9% per annum, may be charged against the subject property, or a lien filed in favor of Developer or the Homeowners Association for the cost of recovery thereof.

Use of Common Areas for Private Sewage Disposal

- It is recognized that certain lots within this development, in reserving sufficient area for a secondary septic field, have been granted the ability to extend the proposed septic envelopes into specific portions of the adjoining common open space areas. Said areas so designated for this purpose are identified in Exhibit “( )” Septic Overlay and Guidelines. The affected property owner is authorized to enter said portions of the open space area so designated on the plat for the installation of the secondary septic absorption field, and is afforded a Maintenance Easement for the purpose of maintaining said absorption field. This Easement only extends to the area depicted on the approved Exhibit “( )” Septic Overlay and Guidelines as designated for this purpose. **(THE PRECEDING COMMENT TO BE USED ONLY IF DEVELOPER CHOOSES TO ALLOW COMMON ADJACENT OPEN SPACE TO BE UTILIZED FOR SECONDARY FIELD EXPANSION)**

**Suggested Language under “Exhibit List”**

- Exhibit “( )” - Septic Overlay Plan and Guidelines dated ( / / )



## **DECLARATION OF PROTECTIVE COVENANTS**

### **SUGGESTED LANGUAGE:**

#### **Suggested language under “Article (\_\_\_), General Restrictions”**

##### **Utilities**

- Any utility lines on property shall be installed underground. It is the intent of the Architectural Control Committee and the County to provide that all public utility connections be made at each lot as designated on the Subdivision Engineering Plan, and as approved by the Committee in writing prior to the Owner of a lot seeking a Building Permit from the County. All water well locations shall conform to the Illinois Department of Public Health (IDPH) Water Well Construction Code, Kendall County Potable Water Supply Ordinance or any applicable state and county codes and ordinances and shall be shown in relation to the private sewage disposal systems on all plans submitted to the Kendall County Health Department as part of all water well construction permit applications.
- It is also recognized that certain lots within this development, in reserving sufficient area for a secondary (or backup) private sewage disposal system absorption field, have been granted the ability to extend the proposed private sewage disposal system envelopes into specific portions of the adjoining common open space areas. Said areas so designated for this purpose are identified on the Final Plat. The affected property owner is authorized to enter said portions of the open space area so designated on the plat for installation of a secondary absorption field, and is afforded a Maintenance Easement for the purpose of maintaining said absorption field. This Easement only extends to the area depicted on the approved Final Plat as designated for this purpose. **(THE PRECEDING COMMENT TO BE USED ONLY IF DEVELOPER CHOOSES TO ALLOW COMMON ADJACENT OPEN SPACE TO BE UTILIZED FOR SECONDARY FIELD EXPANSION)**

##### **Plant Diseases and Noxious Insects**

- No plants or seeds or other things or conditions, harboring or breeding infectious plants, plant diseases or noxious insects shall be introduced upon any lot or portion thereof. In the event a lot is purchased and not built upon, the owner must keep said lot mowed so that grass and weeds do not exceed six inches (6") at any given time. If said lot is not mowed, either the Developer or the Homeowners Association may obtain the services of a contractor to mow said lawn and to file a lien against the subject premises for the actual cost of mowing plus 9% interest per annum.

##### **Garbage and Refuse Disposal**

- Garbage or refuse shall be kept in sanitary containers so as not to be seen from neighboring dwelling units. Garbage or refuse shall not be allowed to accumulate

and shall be regularly removed from the property.

## **Suggested Language under “ARTICLE (\_\_\_), INDIVIDUAL SEWAGE DISPOSAL AND TREATMENT SYSTEM”**

### **Individual Septic Systems shall comply with the following conditions:**

#### Private Sewage Disposal System Required

- The owner of each lot upon which is constructed a dwelling is responsible, at his expense, for his own sewage treatment disposal system which must conform in every detail and construction to the applicable standards of the “Private Sewage Disposal Licensing Act and Code”, Illinois Department of Public Health, 2003, or the latest revision thereof, and the Kendall County Private Sewage Disposal Ordinance. Every such owner will maintain said system in good repair at all times.

#### Private Sewage Disposal System Pre-Application Design Review

- Prior to application to the Kendall County Health Department for a private sewage disposal system construction permit, each building permit applicant shall submit its private sewage disposal system design, together with the Site Plan, to Development’s Architectural Review Committee hereinafter provided. Said design must comply with the Septic Overlay Plan and related Guidelines, Exhibit “(\_\_\_)” unless otherwise approved in writing by the Architectural Review Committee. **(PRECEDING LANGUAGE TO BE USED ONLY WHEN DEVELOPER CHOOSES TO REQUIRE ARCHETECTURAL REVIEW COMMITTEE APPROVAL FOR INDIVIDUAL SYSTEM DESIGNS [i.e. Whitetail Ridge])**

#### Installation of Private Sewage Disposal Systems

- All private sewage systems shall be installed by a professional private sewage disposal installation contractor properly licensed in accordance with state and county standards. Plans for each private sewage disposal system shall be submitted to the Developer, and then to the County, for approval. Each sewage disposal system shall be inspected at the required times as provided by the applicable state and county rules and regulations.

#### Use and Maintenance of Mechanical Private Sewage Disposal Systems

- Each owner who uses a mechanical private sewage disposal system shall have in full force and effect, at all times, a service agreement with a reputable company providing for the proper and required servicing and maintenance of such system; and each such owner shall insure that the mechanical sewage disposal system is in good working order at all times. The Developer or Homeowner’s Association may take action to secure the services of a licensed private sewage disposal contractor, licensed septage pumper, and/or qualifies mechanical private sewage disposal system service contractor, to bring any sewage disposal system into compliance with all state and county rules and regulations, if found to be in violation. Any costs incurred, plus interest at 9% per annum, may be charged

against the subject property, or a lien filed in favor of Developer or the Homeowners Association for the cost of recovery thereof.

#### Use of Common Areas for Private Sewage Disposal

It is recognized that certain lots within this development, in reserving sufficient area for a secondary septic field, have been granted the ability to extend the proposed septic envelopes into specific portions of the adjoining common open space areas. Said areas so designated for this purpose are identified in Exhibit “( )” Septic Overlay and Guidelines. The affected property owner is authorized to enter said portions of the open space area so designated on the plat for the installation of the secondary septic absorption field, and is afforded a Maintenance Easement for the purpose of maintaining said absorption field. This Easement only extends to the area depicted on the approved Exhibit “( )” Septic Overlay and Guidelines as designated for this purpose. **(THE PRECEDING COMMENT TO BE USED ONLY IF DEVELOPER CHOOSES TO ALLOW COMMON ADJACENT OPEN SPACE TO BE UTILIZED FOR SECONDARY FIELD EXPANSION)**

#### Protection of Area Reserved for Private Sewage Disposal

- The area used for a private sewage disposal system, including are proposed to be used for future expansion of the primary private sewage disposal system (i.e., secondary (or backup) absorption field), shall be maintained free from encroachment by driveways, accessory buildings, swimming pools, parking areas, buried lawn sprinkler systems, and underground utility services, patios, decks, slabs, additions to the original structure or any other structure which limits free access to the system for maintenance, servicing or proper operation. Soils within an area supporting an existing or reserved for the future expansion of a private sewage disposal system drain field shall be protected and maintained free from compaction and/or excavation.

#### Hot Tubs

- The waste disposal needs of a hot tub must conform to all related requirements set forth in the most current editions of the Illinois Department of Public Health’s Private Sewage Disposal Licensing Act and Code and the Kendall County Private Sewage Disposal Ordinance.

For purposes of this section, a hot tub shall be defined as an artificial container of water with a liquid capacity greater than 100 gallons and designed with a mechanical air injection system and/or re-circulating device. These devices may filter and/or disinfect the water for reuse and are not intended to be drained between uses.

#### Kitchen Garbage Grinders

- The waste disposal needs of a kitchen garbage grinder must conform to all related requirements set forth in the most current editions of the Illinois Department of Public Health’s Private Sewage Disposal Licensing Act and Code and the Kendall County Private Sewage Disposal Ordinance.

**Suggested Language under “ARTICLE ( ), POTABLE WATER SUPPLY/PRIVATE WATER WELL PROVISION”**

**Water supply**

- All premises intended for human habitation or occupancy shall be furnished with a potable water supply. Potable water is defined as water that is suitable for human consumption and which meets public health standards for drinking water.
- Each lot owner shall be responsible for securing his/her own potable water supply via the construction and maintenance of a private water well. Said well shall be installed, constructed and maintained at the owner’s sole expense. Each water well shall conform in design, construction and materials to the standards of all applicable state and local rules and regulations.
- The potable water supply shall not be connected to non-potable water and shall be protected against backflow and backsiphonage in accordance with the requirements of the "Illinois Plumbing Code." Each potable water supply shall provide quantities of water that are sufficient for drinking, culinary, and sanitary needs of the dwelling or premises served. A minimum system pressure of 20 pounds per square inch shall be maintained throughout each potable water supply.

**Suggested Language under “EXHIBIT LIST”**

- Exhibit “( )” - Septic Overlay Plan and Guidelines dated ( / / )

