ORDINANCE AMENDING SECTION 4-2-7(H) OF THE VILLAGE CODE REGARDING SUBSURFACE SEEPAGE SYSTEM REQUIREMENTS

WHEREAS, the Village of Barrington Hills (the "Village") through the Village building and zoning enforcement officer and pursuant to Section 4-2-7 of the Village Building Code, regulates the disposal of private sewage to ensure the adequacy, proper location, and proper construction of septic systems in order to protect the public health, safety and general welfare of residents of the Village;

WHEREAS, the Village Board of Health, with the assistance of the Village Engineer's office, has recommended changes to Section 4-2-7(H)1.d., regarding evaluation of soil characteristics - percolation test results;

WHEREAS, the President and the Board of Trustees of the Village find and believe it to be in the best interest of the Village, that Section 4-2-7(H) of the Village Code, be amended as provided in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Barrington Hills, Cook, Kane, Lake and McHenry Counties, Illinois, as a home rule municipality, the following:

Section 1. Incorporation of Preambles. The Village Board hereby finds that the recitals contained in the preambles to this Ordinance are true and correct and does incorporate them into this Ordinance by this reference.

Section 2. Evaluation of Soil Characteristics - Percolation Test Results. Section 4-2-7(H)1.d., of the Village Code, shall be, and the same hereby is, deleted in its entirety and the following is inserted in lieu thereof:

> "d. Percolation Test Results: Soil producing an average percolation rate of under eighteen (18) minutes or over three hundred sixty (360) minutes shall be unsuitable for subsurface seepage systems and no permit shall be issued for a design relying on such percolation test results. Except in the case of repair to an existing system, no subsurface seepage field shall be located in areas with the following soil type: Harpster (67), Houghton Peat (97), Houghton Muck (103, 1103,1903), Sawmill (107), Drummer (157), Pella (153), Ashkum (232), Peotone (330), Beach Sand (367), Montgomery (465), Granby (513), Gravel Pit (GP), Marsh (MA), or any soils listed on in Exhibits C or D of Title 6 of this Code. Subsurface seepage fields shall not be located in any soils listed in Exhibits B or E of Title 6 of this code unless the depth of the seasonal high water table is found to be 48" or greater. (Ord. 09-___, 11-30-2009)"

Section 3. Validity. Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part declared to be invalid.

Section 4. Superseder and Effective Date. All resolutions, motions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded; and this Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED THIS 12st **day of** December**, 2009**

AYES: 7 **NAYS:** 0 **ABSENT:** 0.

APPROVED THIS 22nd **day of** December**, 2009**

ATTEST:

Village Clerk

Village President