SANILAC COUNTY ENVIRONMENTAL HEALTH CODE

Adopted 1992
Amended 2006, 2007

ARTICLE I. TITLE, AUTHORITY, DEFINITIONS, JURISDICTION, AND ADMINISTRATION

SECTION I TITLE

1.1 These regulations shall be identified by the title "Sanilac County Environmental Health Code" and may be referred to as the code.

SECTION II AUTHORITY

2.1 This code is hereby adopted pursuant to authority conferred upon local health departments by Section 2441 (1) of the Michigan Public Health Code, Act 368, P.A. 1978 as amended.

SECTION III INTERPRETATION CLAUSE

3.1 When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular. The word "shall" is always mandatory, and not merely directory. Words, terms or expressions not defined herein shall be interpreted in the manner of their commonly accepted meanings, in accordance with standard English usage.

SECTION IV DEFINITIONS

4.1 "Approved"

4.2 "Board of Health" means the Board appointed by the Sanilac County Board of Commissioners to be the "Board of Health".

4.3 "Criteria" means standards by which decisions are made.

4.4 "Habitable Building" means any structure, dwelling, building, place, or portion thereof where persons live, sleep, reside, or are employed, or congregate, and which is occupied in whole or in part or which is designed or intended for such use.

4.5 "Health Department" means the Environmental Health Division of the Sanilac County Health Department, and may be referred to in this code as the "Department".

4.6 "Health Hazard" means an act or condition that has a documented and known potential for causing human disease, injury, or sickness.

4.7 “Health Officer” means the Administrator/Health Officer of the Sanilac County Health Department, and/or his or her authorized representatives.

4.8 “Imminent Danger” means a condition or practice which could reasonably be expected to cause death, disease, or serious physical harm immediately or before the imminence of the danger can be eliminated through enforcement procedures established in this code.

4.9 “Owner” means the title holder of record or the person occupying or in possession or control of any property or premise.

4.10 “Person” means any individual, firm, partnership, party, corporation, company, society, association, governmental entity, or other legal entity.

4.11 “Premise” means any tract or parcel of land including the buildings, dwellings, and structures thereon.

4.12 “Public Health Code” means Act 368, P.A. 1978, being Sections 333.1101 to 333.25211 of Michigan Compiled Laws, as amended (including its subsequent revisions).

SECTION V JURISDICTION

5.1 The Health Officer shall have jurisdiction throughout Sanilac County in all areas incorporated and unincorporated, which includes cities, villages, and townships for the administration and enforcement of this code.

5.2 This code shall control or prevail over a less stringent or inconsistent regulation enacted by a local governmental entity for the protection of public health.

5.3 Nothing contained herein shall be construed to restrict or abrogate the authority of any municipality in Sanilac County to adopt more restrictive regulations or codes.

SECTION VI INJUNCTIVE PROCEEDINGS

6.1 Not withstanding the existence and pursuit of any other remedy, the Health Officer, without posting bond, may maintain an action in a court of competent jurisdiction for an injunction or other process against any person to restrain or prevent violations of this code or to correct a violation or activity or condition which he/she believes adversely affects public health pursuant to the Public Health Code, Section 2465(1).

SECTION VII PENALTY

7.1 Any person who shall fail to comply with any provision of this code, criteria adopted under this code or a condition of a permit or final order issued pursuant to this code shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by fine of not more than one-thousand (1000) dollars, and/or imprisonment for not more than six (6) months in the county jail, and costs of prosecution. Each day a violation of

this code exists shall constitute a separate and distinct violation and may be cited as such. Any person aiding or abetting in the violation of this code shall be subject to the same penalties as prescribed herein. In addition to any other relief provided by this section the court may impose on any person who violates any provision of this code, to pay to the Department the costs of surveillance and enforcement incurred by the Department as a result of the violation.

SECTION VIII RIGHT OF INSPECTION

8.1 All premises affected by this code shall be subject to inspection by the Health Officer who, after proper identification and during reasonable hours, may conduct inspections, evaluations or tests, take photos or collect such samples for laboratory examination as he or she deems necessary to assure compliance with the provisions of this code.

8.2 It shall be unlawful for any person to molest, assault, willfully oppose or otherwise obstruct the Health Officer during the routine performance of his or her duties.

SECTION IX INTERFERENCE WITH NOTICE

9.1 No person shall remove, mutilate, or conceal any notice or placard posted by the Department, except with the permission of the Department.

SECTION X ABATEMENT OF AN IMMINENT DANGER OR HEALTH HAZARD

10.1 The Health Officer can order the immediate and complete abatement at a premise of an imminent danger, health hazard, or menace to the environment.

10.2 To eliminate an imminent danger or health hazard the Health Officer can declare a premise unfit for human habitation.

10.3 A premise which is found by the Health Officer to be an imminent danger, health hazard, or menace to the environment may be posted and ordered vacated. Such premises may only be used upon the proper repairs or corrections being made and written approval to occupy by the Health Officer.

SECTION XI SEVERABILITY

11.1 If any section, subsection, clause, or phrase of this code is for any reason declared unconstitutional or invalid, it is hereby provided that the remaining portions of this code shall not be affected.

SECTION XII AMENDMENTS

12.1 The Board of Health may amend, supplement, or change this code or portions thereof, subject to approval of the Board of Commissioners of Sanilac County.

SECTION XIII. OTHER LAWS AND REGULATIONS

13.1 These regulations are supplemental to the Michigan Public Health Code, and to other statutes duly enacted by the State of Michigan relating to public health and safety.

SECTION XIV REPEAL OF PREVIOUS REGULATIONS

14.1 The previous code titled "Sanitary Code", as adopted by the Health and Legislative committees of the Sanilac County Board of Supervisors and approved by the Sanilac County Board of Supervisors on April 19, 1956 including amendments, is hereby repealed.

14.2 No existing violation of the repealed code or portion thereof shall be made legal by virtue of adoption of this code.

SECTION XV APPROVAL AND EFFECTIVE DATE

15.1 This code was adopted by the Board of Health on February 18, 1992, and approved by action of the Sanilac County Board of Commissioners on June 10, 1992.

15.2 This code shall be in effect as of August 1, 1992.

SECTION XVI FEES

16.1 All fees (except fees for other agencies) collected by the Environmental Health Division shall be receipted for and deposited in the General Fund with the Treasurer of Sanilac County to the credit of the Sanilac County Health Department.

16.2 A schedule of fees for licenses and other services authorized by Section 2444(1) of the Public Health Code shall be adopted and revised periodically by the Board of Commissioners.

16.3 Fees paid for services or permits authorized by authority of the Public Health Code, shall be non-refundable unless requests for refunds are received within six months of receipt and prior to the commencement of actions by the Department pursuant to the requested services or permits.

16.4 All fee schedules existing prior to the adoption of this code shall remain in effect until revised by the Board of Health.

SECTION XVII POWER TO ESTABLISH CRITERIA

17.1 Authority to establish criteria not in conflict with this code, for the purpose of carrying out the responsibilities herein is delegated to the Health Officer with approval of the

Board of Health. Copies of criteria shall be written and available to the public for review upon request.

SECTION XVIII VARIANCES (FOR SINGLE AND TWO FAMILY DWELLINGS)

18.1 The Health Officer shall have the power in specific cases to authorize in writing variations or modifications when a literal enforcement of t his code would make their application a physical impossibility. The variations or modifications shall be in accord with the spirit and intent of this code and not create a hazard to the public health or environment, not violate any local, state, or federal low or be materially injurious to adjoining property. Variance requests shall be made prior to installation. Any variance allowed by the Health Officer under the provisions of this code shall be made in writing, including the conditions and facts upon which his or her judgment and action are based. The explanation of the variance shall be written on the permit or attached to it. The consideration of variances concerning sewage disposal systems serving other than single or two family dwellings shall follow the procedure outlined in the "Michigan Criteria for Subsurface Sewage Disposal".

SECTION XIX APPEALS

19.1 Applicability

When a person objects to a decision or determination made by the Department, pursuant to the rules of this code, that person shall have the right to file a petition with the Sanilac County Health Department Board of Appeals to hear his or her evidence pertaining to the specific case for which the appellant seeks a change. However, there shall be no appeal of the requirements of Article II, Sections 3.8 and 3.14 of this code. Appeals concerning sewage systems under the jurisdiction of the "Michigan Criteria for Subsurface Sewage Disposal' shall be made to the Water Resources Commission of the Department of Natural Resources or to the board, committee, department, or person designated by the Department of Natural Resources.

19.2 Written Petition

An appellant's petition shall be in writing to the Health Officer and indicate the nature of the change sought and the reason for the request, along with data and information which the appellant believes supports his request or that may be required by the Department (see Article II, Section 3.7).

19.3 Fee

The appellant may be charged a fee according to Article I, Section XVI of this code.

19.4 File Information

The Health Officer shall transmit the appellant's petition to the Board of Appeals along with a summary report and the file pertaining to the subject of the appeal.

19.5 Board of Appeals

The Board of Health or the board appointed by the Board of Health shall comprise the Sanilac County Board of Appeals. The Board of Health shall adopt rules concerning the

Board of Appeals, however no person may hear an appeal that has a special interest or would benefit either directly or indirectly from the appeal.

19.6 Technical Assistance
The Board of Appeals may request the technical assistance of governmental agencies and/or other experts in the appeals hearing.

19.7 Decision
The final decision of the Board of Appeals to either reverse, modify or affirm the decision or determination made by the Department shall be in writing and concurred in by two—thirds of the appointed board members. Any deviation granted an individual by the Appeals Board as a result of an appeal shall be in accord with the spirit and intent of this code and not create a hazard to the public health or environment, not violate any local, state or federal law, or be materially injurious to adjoining property.

19.8 Hearings

a. The Board of Appeals shall set a reasonable time, not to exceed thirty (30) days from the date the petition was received for the hearing and shall give due notice thereof to interested parties. The 30 day time limit may be extended upon written application of either party to the appeal based upon good cause shown.
b. The decision of the Board of Appeals in all cases is final and shall he subject to judicial review as may be provided for by law.
c. The Board of Appeals shall meet at such times as the board may determine. There shall be a fixed place of meetings, a notice of the hearing shall be put in the local paper, and all meetings shall be open to the public. Said meeting shall be conducted in accordance with the "Open Meetings Act" in effect in the State of Michigan. The Board of Appeals shall adopt its own rules or procedures and shall keep a record of its proceedings.
d. The Board of Appeals shall send notice of the hearing to the adjoining landowners surrounding a parcel of land in question. Such notice shall be hand delivered or sent by first class certified mail to the last known address of the owner of record of that particular parcel.

ARTICLE II ON-SITE SEWAGE DISPOSAL SYSTEM REGULATION

SECTION I DEFINITIONS

1.1 "Absorption Field" means a method of distributing septic tank effluent below the ground surface by means of a series of lines of drain pipe with holes laid in a bed of screened washed aggregate so as to allow the effluent to be absorbed by the surrounding soil, e.g. trench or bed.

1.2 “Absorption Field Aggregate (stone)” means clean, hard, inert washed properly sized aggregate used in an absorption field.

1.3 “Absorption Field Failure” means an absorption field for which one or more or the following conditions exist.

a. Effluent does not flow from the septic tank.
b. Effluent seeps or is drained to the ground surface or surface water.
c. Areas over the absorption field become damp and spongy.
d. Effluent contaminates a source of drinking water.
e. The septic tank or other chambers receive backflow from the absorption field.

1.4 “Alternative Sewage Disposal Facility” means a facility which employs design features, processes, or operational methods significantly different from those which apply to a conventional sewage disposal facility.

1.4.1 “Benchmark” means a designated reference point established to compare relative elevations or levels at a construction site. Its uses include the following:

a. determining the elevation of the absorption field.
b. Determining the elevations of the septic tank and the sewer outlet from the building.
c. Determining the amount of fill needed.

1.5 “Deep Cut System” means an on-site sewage disposal system where the impermeable upper layers of the soil profile are removed and replaced with granular material down to permeable soil below.

1.6 “Distribution Pipe” means pipe constructed and approved for use in absorption fields.

1.7 “Distribution Pipe Invert” means the bottom of the distribution pipe.

1.8 “Distribution Box” means a watertight receptacle, used for the purpose of assuring the equal distribution of septic tank effluent, which has a footing to prevent movement by frost and has outlets which are on the same horizontal plane.

1.9 “Dosing Tank” means a watertight receptacle used for the purpose of retaining the overflow of effluent from the septic tank pending its automatic discharge to a selected point by means of a pump, siphon, or other means.

1.10 “Dwelling” means any home, building, structure, tent, mobile home, watercraft, shelter, trailer or vehicle or portion thereof which is occupied or was heretofore occupied, or will be occupied in whole or in part as a home residence, living, or sleeping place for one or more human beings either permanently or transiently.

1.11 “Effluent” means sewage unless the context in which it is used implies otherwise.

1.12 “Inert” means not subject to decomposition through chemical, physical, or biological processes.

1.13 “Infiltrative Surface” means that portion of the interface between a soil absorption field and surrounding soils which is intended to conduct effluent away from the absorption field into the surrounding soil.

1.14 “Installer” means a properly licensed and registered sewage disposal system installer.

1.15 “Michigan Criteria for Subsurface Sewage Disposal” means a Michigan Department of Public Health publication adopted by the Michigan Water Resources Commission as a policy statement to provide minimum standards for the underground disposal of sewage up to 10,000 gallons per day. The criteria apply to subsurface sewage disposal systems for commercial and other than single or two family dwellings. Copies are available from the Department on request.

1.16 “Mottled Soil” means a soil that has spots or blotches of contrasting color which is usually caused by saturation for some period during a normal year.

1.17 “Permeable” means for purposes of this code any soil which will percolate one (1) inch of water in no more than sixty (60) minutes using standard percolation tests.

1.18 “Public Sewer” means a sewage disposal system for which the ownership and responsibility for maintenance and operation resides with a governmental entity and is under the jurisdiction of Act 98, Public Acts of 1913 as amended.

1.19 “Replacement Area” means a suitable area permanently reserved on the premise to accommodate one replacement system equivalent in size to the initial system meeting the requirements of this regulation without utilization or disruption of the initial installation.

1.20 “Sand Mound System” means an on site sewage disposal system where fill sand is used to elevate the absorption field in an attempt to achieve acceptable effluent disposal where soils have poor permeability and/or are subject to periodic saturation or ponding.

1.21 “Septage” means stabilized sludge accumulations removed from a septic tank as part of the routine maintenance of the septic tank after several months of usage.

1.22 “Septic Tank” means a water tight covered receptacle fabricated of non-corrosive materials receiving sewage and having an inlet and outlet designed to permit the separation and retention of solids in suspension from such wastes and to permit such retained solids to undergo decomposition therein, releasing the liquid effluent or outflow for disposal.

1.23 “Sewage” means a combination of the domestic liquid or semi-solid wastes conducted away from a habitable building. This includes human excreta, garbage disposal wastes, dishwater, bath and shower water, lavatory water, laundry water, but excludes roof runoff water, water softener discharge, floor drains, footing water and storm or surface water.

1.24 “Sewage Disposal System” means an on-site system for a habitable building other than a pubic sewer system which receives sewage. Included within the scope of this definition are septic tanks, soil absorption systems, lagoons, privies, composting toilets or any other device or system approved by the Department.

1.25 “Sewer” means for purposes of this code the pipe carrying sewage from a habitable dwelling to the septic tank and from the septic tank to the absorption field.

1.27 “Site Evaluation” means an on-site investigation to evaluate the suitability of a site to support an absorption field for on-site sewage disposal. The evaluation may include but is not limited to the following:

a. Soil permeability based upon soil texture and structure to a depth of at least four *(4)* feet below the ground surface.
b. A determination of the seasonal high water table.
c. Slope or topography limitations.
d. Location of the site in relation to flooding.
e. Availability of sufficient area to install a disposal system and a replacement system which comply with the requirements of this regulation.
f. Drinking water supply

1.28 “Surface Water” means a body of water whose surface is exposed to the atmosphere, including marshes, a flowing body, ponds or lakes either natural or constructed, or a seasonally flooded area.

1.29 “Permeability” means the characteristics of a soil formation that affect the rate of water movement through the soil. Permeability is determined by soil texture and structure.

1.30 “Water Table” (High, Elevated or Seasonal) means the highest level or elevation to which the soil is saturated as may occur during the normally wet periods of the year. The high water table is commonly interpreted by the presence of color mottles.

1.31 “Other Definitions” other technical definitions not described herein but which may be used shall mean the most commonly recognized interpretation or description of the technical term used in the environmental health profession.

SECTION II APPROVED SEWAGE DISPOSAL SYSTEM REQUIRED FOR ALL PREMISES

2.1 It shall be unlawful for any person to occupy or permit to be occupied any premise not provided with an approved sewage disposal system to which all facilities producing sewage, such as flush toilets, urinals, lavatories, sinks, bathtubs, showers and laundry are connected.

2.2 Each individual habitable building shall be served by a separate sewage disposal system.

2.3 An approved sewage disposal system shall be either an on-site sewage disposal system designed, constructed, installed, operated and maintained in accordance with the provisions specified in this regulation; an on-site system that was installed before this regulation was adopted and that is not causing or has the potential to cause a threat to the public health or excessive environmental degradation, as determined by the Department; or a public sewer system.

2.4 All premises from which sewage originates shall connect to a public sewer system when available and where required according to the Public Health Code.

2.5 Under no condition may the sewage from an existing or hereafter constructed building be discarded or deposited upon the surface of the ground or into any surface water, county drain, ditch, or storm sewer.

2.6 Footing drainage, downspouts, water softener regenerating water, and any other waste water not defined as sewage shall not be connected to or discharged into an on-site sewage disposal system.

2.7 Any premise which is not in accordance with this regulation may be declared unfit for habitation and may be so posted by the Department and ordered vacated. Such premises may be used only upon installation of an approved sewage disposal system and upon written approval to occupy by the Department.

SECTION III PERMIT, APPLICATION PROCEDURE, AND ISSUANCE

3.1 Permit Required

a. No person shall install, construct, alter, repair, extend or replace any sewage disposal system without first obtaining a permit from the Department unless otherwise approved in writing by the Department. in the case of an alteration or repair the permit requirement may be waived by the Department after reviewing the proposed work.
b. No person shall connect a habitable building to an existing sewage disposal system without first obtaining the written approval of the Department
c. Where a sewage disposal system has been installed without a permit a fee of three (3) times the original fee shall be charged.

3.2 Change in Use

A change in the use of a premise which may result in an increase in the generation of sewage shall not be approved by the Department unless it can be shown by the owner or his representative that the sewage disposal system will be adequate for the increased use.

3.3 Priority Over Building Permits

a. No municipality, township, or other agency or any officer or employee thereof shall issue a building permit for a new habitable building where public sewers are not available until either written approval or a sewage disposal permit has been obtained from the Department.

b. No municipality, township, or other agency or any officer or employee thereof where public sewers are not available shall issue a building permit for an addition to an existing habitable building or a building such as a shed or garage which will result in the increased production of sewage or adversely affect the sewage disposal system or its replacement area without first obtaining the approval o-f the Department.

3.4 Evaluation of Existing Sewage Disposal Systems

The Department may evaluate the adequacy of an existing sewage Disposal system. When the evaluation is requested by the owner or another person the Department may charge a fee.

3.5 Application Procedure

Application for a sewage disposal permit shall be made in writing on a form provided by the Department and signed by the owner or his authorized representative. The application shall include a detailed site plan along with other such information the Department requires such as the name and address of the applicant, location of the property, actual or proposed use of the property, property tax identification number, and details concerning the building. Payment of the established service fee shall be submitted with the completed application form.

3.6 Site Evaluation by the Department

The Department shall inspect the proposed construction site in order to determine the sites suitability for the sewage disposal system, any changes in an existing system or any other factors affecting the sites use for a habitable building. Unless otherwise indicated by the Department the permit applicant shall have ready at the time of the site evaluation two (2) test holes at least four (4) feet deep and twelve (12) inches across at least forty (40) feet apart in the location of the proposed absorption field area. Additional test holes including backhoe cuts may be required by the Department to adequately judge soil suitability.

3.7 Substantiating Data

a. The Department may require additional data including but not limited to engineering drawings, maps, soil analysis, percolation tests, groundwater and flood elevations, and detailed plans of the proposed on-site sewage disposal system. The Department

may require that the design plans and specifications be prepared by a registered professional engineer; however, submittal of any plan is not a guarantee of approval.

b. Percolation tests shall conform to the procedures established in the 'Michigan Criteria for Subsurface Sewage Disposal'. Copies of the procedure are available from the Department. When such tests are done they shall be conducted under the supervision of a registered professional engineer unless approved otherwise by the Department.

3.8 Minimum Site Criteria Considered Suitable for an Absorption Field Serving a Single or Two Family Dwelling

A site considered suitable for an absorption field shall possess sufficient soil permeability and water table characteristics for all sewage to discharge into the soil with minimum likelihood of causing a health or environmental hazard. Characteristics considered for a site to be suitable shall include:

a. Permeable on-site soils such as sand, gravel, sandy loam or loam to a depth of at least four (4) feet.
b. No seasonal high water table or evidence (mottling) thereof within four (4) feet of the natural ground surface.
c. No seasonal flooding or ponding where the absorption field or its replacement area are to be located.
d. Adequate area available on the premise to install a properly located and sized system meeting the requirements of this regulation.
e. Slopes at the location of the absorption field and its replacement area are not excessive.
f. Adequate replacement area available for one (1) replacement system meeting the requirements of this regulation.

3.9 Issuance of Permits for Sewage Disposal Systems for Single or Two Family Dwel1ings

The Department shall issue a permit when the site conditions listed in Section 3.8 are found and when the other requirements of this regulation and applicable local, state and federal statutes have been or will be met. Issuance of a permit, however, is not a guarantee of proper operation or longevity.

3.10 Issuance of permits for a Sewage Disposal System for Commercial or other than Single or Two Family Dwellings Producing up to 10,000 Gallons of Sewage per Day

The Department shall issue a permit when the data obtained indicates that the requirements of the "Michigan Criteria for Subsurface Sewage Disposal" and applicable local, state, and federal statutes have been or will be met. The Department may use its own local code when the discharge is less than four (4) hundred gallons per day.

3.11 Permit Expiration

The permit shall be valid for a period of twelve (12) months from the date of issuance unless declared void as provided in Section 3.12. A permit may be renewed by the permit holder for a period of twelve (12) months provided the renewal request is reviewed by the Department prior to the permit expiration date. The permit holder shall be the person to whom the permit was originally issued.

3.12 Void Permits

The permit for a sewage disposal system may be declared void by the Department:

a. if the area designated for the soil absorption field or replacement area(s) is in the opinion of the Department adversely affected by filling, excavating, building, flooding, etc;
b. if a public sewer becomes available as defined in the Public Health Code;
c. if location of a water supply well or other feature encroaches upon any required isolation distance
d. if there is any increase in the scope of the project
e. if the information provided to the Department is found to be inaccurate or untrue
f. if the sewage disposal system is not being installed in accordance with the permit or this regulation
g. if specific conditions under which permit approval was granted cannot be adhered to No installation, construction, alteration, repair, extension, or replacement shall continue without a valid permit.

3.13 Transfer of Permits

Should the ownership of the property for which a permit has been issued change, the permit may be transferred to the new owner provided that in the opinion of the Department, no change in the property, location of the system or replacement area(s), or scope of the project has or will occur. The Department may re-evaluate the property to verify that no charge has occurred. Such transfer must be requested in writing on forms to be provided by the Department arid signed by the permit holder. The permit holder being the person to whom the permit was originally issued. A fee for the permit transfer may be charged by the Department.

3.14 Denial of Application

a. The Department shall deny the application for a permit to construct a sewage disposal system for any premise when the information is found to be inaccurate or untrue; when a public sewer is available as defined in The Public Health Code, or when it is determined by the Department that any applicable local, state, or federal laws are or will be broken.
b. The Department shall deny the application for a permit to construct a sewage disposal system serving a single or two family dwelling when the data obtained indicates that the requirements of this regulation have not or cannot be met including the site criteria in Section 3.8 of this regulation. However, due to the many areas of Sanilac County where unsuitable soil and high seasonal water table exist, the Board of Health does not want the Department to restrict development in widespread areas of the county. Therefore where the soil and/or water table do not meet the requirements of Article II Sections 3.8 (a) or 3.8 (b) but the other requirements of this regulation can be met and there are two (2) replacement areas available for two (2) replacement systems the Department may look at those sites on a case by case basis and issue permits for systems which may minimize adverse impacts on public health and the environment. There shall be no variances (Article I Section XVIII) granted for reducing the two (2) replacement areas required when the soil and/or water table do not meet the requirements indicated in Article II Section 3.8 (a) or 3.8 (b).

c. The Department shall deny the application for a permit to construct a sewage disposal system serving a habitable building other than a single or two family dwelling when the data indicates the flow is more than 400 gallons and the requirements of the Michigan *Criteria* for Subsurface Sewage Disposal" cannot be met. The application for *a* permit shall also be denied when the flow is less than 400 gallons per day and the requirements of this regulation cannot be met (see Section 3.10 of this regulation).

3.15 Filing of Affidavits

Where a vacant parcel of land is found to be unsuitable for the on-site disposal of sewage, or where an adequate, safe and potable water supply is not available, or where *a* habitable structure has a water supply or sewage disposal system that may pose a threat to the public health, the Department may require and file a sworn affidavit with the Register of Deeds to be recorded on the property abstract, listing such conditions.

SECTION IV FINAL INSPECTION BY HEALTH OFFICER

4.1 When the sewage disposal system has been installed, to the extent that sewers, tank, and absorption field have been placed and before being covered or placed into operation, request for an inspection shall be made to the Department. If the Department has not inspected the system within two (2) working days after the notification, the system may be covered and put into operation. In such an instance the installer shall submit to the Department a statement certifying that the system has been installed as shown on the permit. Said statement shall be on a form provided by the Department and shall include an as built plan of the system. After approval of the system for backfill, it shall not be allowed to remain open for longer than forty eight (48) hours unless otherwise approved by the Department.

4.2 The following site conditions are required for a final inspection unless approved otherwise by the Department:

a. The sewer from the building to the septic tank shall be exposed.
b. The inlet and outlet to the septic tank shall be exposed.
c. The manhole cover(s) of the septic tank(s) shall be exposed.
d. The sewer line from the septic tank to the soil absorption system shall be exposed.
e. The midpoint and both ends of each distribution line shall be exposed.
f. The Department may specify site requirements in addition to those listed in "a." through "e" (above) if such are necessary to conduct an adequate final inspection.

4.3 Nothing in this regulation shall prohibit the Department from requiring a pre-final inspection.

4.4 It is unlawful to manufacture, install, construct, alter, replace, repair, or extend a sewage disposal system in a manner that does not comply with the permit, this regulation and/or general workmanship standards. When a system has been improperly installed the owner and/or the installer will be held liable and may be required by the Department to make

whatever changes deemed necessary. The system shall not be covered until approved by the Department.

4.5 When a soil absorption system has been improperly installed for a new habitable building the local municipality having jurisdiction shall not issue an occupancy permit until the system is inspected and approved by the Department.

4.6 When the plan for the sewage disposal system is drawn by a registered professional engineer, he or she must certify in writing to the Department that the installation is in compliance with the approved plans. This is in addition to the Departments final inspection.

SECTION V. INSTALLER REGISTRATION

5.1 No person shall engage in the manufacture, installation, construction, alteration, extension, repair or replacement of sewage disposal systems in Sanilac County without registering with the Department. A fee may be charged for registration with the Department.

5.2 It shall be unlawful for any person to install a sewage disposal system in Sanilac County without an appropriate State of Michigan Contractors license when and where required pursuant to Act *383,* P.A. of 1965 as amended (including its subsequent revisions).

5.3 The county registration of an installer may be temporarily or permanently suspended by the Department if, after giving the installer written warning, the installer continues to install on-site sewage disposal systems contrary to permit specifications and/or this regulation.

5.4 In no way shall this provision be construed to prohibit an individual from installing a sewage disposal system on property owned or leased by the individual that will serve only his own family residence, provided that he or she obtains a sewage disposal permit from the Department and follows all other requirements of this regulation.

SECTION VI DESIGN, LOCATION, AND INSTALLATION OF ON-SITE SEWAGE DISPERSAL SYSTEMS

6.1 On-site sewage disposal systems which are to serve one and two family dwellings shall be designed, located, and installed as specified in this regulation unless otherwise provided for in this regulation.

6.2 On-site sewage disposal systems which are to serve commercial and other than one and two family dwellings shall be designed, located, and installed in accordance with "Michigan Guidelines for Subsurface Sewage Disposal" as published by the Michigan Department of Public Health and any subsequent revisions to said document. Copies are available from the Department.

6.3 When a replacement system is to be installed for an existing habitable building the Department may without filing for or declaring a formal variance, deviate from the specifications contained in this regulation or the "Michigan Criteria for Subsurface Sewage Disposal Systems" if it is virtually a physical impossibility to comply fully with the specification(s) and if the deviation from the specification(s) would not create a public health hazard or an environmental hazard. If the future use of the system creates a public health hazard or environmental hazard, the owner of the premise will be held liable according to the applicable sections of this code.

6.4 A sewage disposal system shall not be located in a road or utility right of way. Sewage disposal systems shall be located as indicated on the permit and wholly on the property served unless a suitable recorded easement agreement exists. It is not the responsibility of the Department to determine where the property boundaries are located.

6.5 The owner or his agent shall notify the well installer of the required location of the sewage disposal system and replacement area prior to installation of the well. The well location shall not interfere with the required location of the sewage disposal system and its replacement area.

SECTION VII SEWERS

7.1 Stabilization
Sewers shall be stabilized and bedded in sand or other granular material.

7.2 Compliance with Other Laws
Sewers shall comply with applicable plumbing codes.

7.3 Bends
No short radius 90 degree elbows shall be used between the dwelling and the septic tank.

7.4 Isolation Distances from Water Supply
Any buried sewer lines shall comply with water supply isolation distances as required by law. The requirements are available from the Department.

7.5 Infiltration
Sewers shall be watertight.

7.6 Grade

a. The sewer between the dwelling and the septic tank shall be laid at a grade of not less than 1/8 inch per foot or greater than ¼ inch per foot unless otherwise approved by the plumbing inspector having jurisdiction or by the Department.
b. The sewer line carrying effluent from the septic tank to the nearest portion of the absorption field may be laid at any appropriate grade.

7.7 Protection in Traffic Areas
Sewers shall be protected in a manner acceptable to the Department when installed under vehicular traffic areas.

SECTION VIII SEPTIC TANKS

8.1 Influent Requirements

All sewage generated by any dwelling shall be discharged into a septic tank prior to being discharged to any absorption field.

8.2 Construction

Septic tanks shall be watertight and constructed of non-corrosive and durable materials. The design of septic tanks shall be approved by the Department. Specific design requirements are available from the Department. Septic tanks shall be structurally capable of withstanding all loads and pressures to which they will be subjected. All seams, joints and pipe connections shall be properly sealed and watertight. An outlet device shall be securely mounted to the tank outlet in such a manner to prevent leakage or dislodgement.

8.3 Installation

A septic tank shall be installed in a level position on a firm base, and the surrounding excavation shall be properly backfilled.

8.4 Location

No septic tank shall be located where it is inaccessible for inspection and maintenance nor shall any structure be placed over any tank in a way that makes the tank inaccessible for inspection and maintenance. The septic tank shall be located so as to minimize the need for sharp angle bends in the dwelling sewer whenever possible and in accordance with the minimum horizontal separation distances prescribed in the following table (greater isolation may be required on individual sites):

Feature	Minimum Separation Distance (In Feet) From Septic Tank
a. Buildings, Swimming Pools	5
b. Water Supply Wells for single family dwellings and Suction Lines	50
c. Type I and Type IIa Public Water Supply Wells	200
d. Type IIb and Type III Public Water Supply Wells	75
e. Water Supply lines under Pressure	10
f. Bluffs, Drop offs, Ditches, Property Lines	10*
g. High Water Elevation of Lake Huron	100*
h. Surface Water and Areas of Flooding	50*

* Greater set back distances may be required by the Shorelands Protection and Management Act, Act 245 of 1970 as amended and the Soil Erosion and Sedimentation Control Act, Act 347 of 1972 as amended (and their subsequent revisions).

8.5 Septic Tank Sizing

a. The table below presents the minimum liquid septic tank capacities required for one and two family dwellings. Liquid capacity shall be measured from the invert of the outlet. The Department may require a greater capacity than that listed below when the factors of a given installation demand it.

Number of Bedrooms	Minimum Liquid Capacity
1 & 2	1,000 Gallons
3	1,250 Gallons
4	1,500 Gallons
5	1,750 Gallons
6	2,000 Gallons

b. When two septic tanks are connected in series the liquid capacity of the first tank shall be equal to one half (1/2) to two thirds (2/3) of the total capacity.

8.6 Maintenance

Septic tanks shall be properly maintained. This is the responsibility of the owner. The tank should be inspected annually to note the level of scum and sludge accumulation. On an average a properly sized septic tank may need pumping every three (3) to five (5) years.

8.7 Abandonment of a Septic Tank

To prevent a future safety hazard any septic tank removed from service shall be either pumped out and filled with sand or other inert material or pumped out and caved in and the hole filled in with inert materials.

SECTION IX SOIL ABSORPTION FIELDS

9.1 Location

In no case shall a driveway, parking area, paved surface, stockpiled material, swimming pool, structure, building, or trees and shrubs be placed *over* the absorption field. All surface drainage shall be diverted away from the absorption field. The absorption field shall remain accessible for maintenance and shall be located in order to insure the following minimum separation distances from the feature listed (greater isolation may be required on individual sites):

Feature	Minimum Separation Distance (In Feet) From Absorption Fields
a. Water Supply Wells for single family dwelling and Suction lines	50
b. Type I and Type 2a. Public Water Supply Wells	200
c. Type 2b. and Type 3 Public Water Supply Wells	75

d. Property Lines, Swimming Pools	10
e. Basements and Footing Drains	20
f. Foundation (undrained) and Buried Water Pressure Lines	10
g. Surface water and Areas of Flooding	100*
h. High Water elevation of Lake Huron	100*
i. Banks or Drop Offs	50*
j. Ditch or Subsurface Drain Tile	25
k. Bedrock	4
l. Water Table	1.5

*Greater isolation distances may be required by the Shorelands Protection Act, Act 245 of 1970 as amended and the Soil Erosion and Sedimentation Control Act, Act 347 of 1972 as amended (including their subsequent revisions).

9.2 Materials

a. Pipe used in the absorption field shall be approved by the Department. All perforated pipe approved by the Michigan Department of Public Health is acceptable. The pipe shall be stamped with the letters "MS' signifying certification under Michigan Standards. Compatible couplings, tees, and elbows shall be used. Sweep tees which direct the flow of effluent are not approved for use in absorption fields.

b. The aggregate used in absorption fields, or other material serving the same purpose, shall be approved by the Department. Aggregate shall be washed, clean, hard, inert, free from dust, soil or excessive fine material, and of a size meeting the Michigan State Department of Transportation standard of 6A or its equivalent (100% passes 11/2" screen, 95-100% passes 1" screen, 30-60%. passes 1/4" screen, 0-8%, passes #4 screen, 1% maximum lost by washing). Untreated paper, two (2) inches of straw (not hay), or other material approved by the Department shall be placed over the aggregate prior to backfill to prevent soil from filtering into the aggregate.

c. Fill used for an absorption field shall be approved by the Department. No silt or clay shall be allowed. Graded or washed sand may be required in some installations. The fill shall be installed in accordance with Section 9.7 (b) of this regulation. The Department may require the installation and inspection of the fill prior to issuance of the permit. Filling shall not be allowed over unstable soil such as peat, muck, mud, or organic material. Fill elevations shall not exceed any local requirements or adversely affect adjoining property.

9.3 General Design and Construction Specifications for Distribution Systems Within an Absorption Field (Trench or Bed)

a. If the absorption system is a gravity flow system the dwelling foundation and the sewer leaving the dwelling shall be high enough so the absorption field can be installed at the required elevation. If the dwelling is not high enough to install the absorption field at the required elevation a sewage ejector pump may be required. The Department may designate a benchmark at the construction site. The owner

or the owners' representative shall notify affected contractors of the benchmark. The contractors whose work will be affected by the benchmark shall follow it. No changes in the benchmark shall be made without prior approval of the Department. If for any reason something happens to the benchmark prior to installation of the absorption field the Department shall be notified immediately.

b. The bottom of the trenches or bed shall be excavated so they are level and at the proper elevation. After the area required for the soil absorption field has been excavated the sides and bottom shall be raked if the soil surfaces have been smeared. The connection of the sewer from the septic tank to the distribution header shall be near the center of the header and offset from the distribution lines. A solid level header shall be installed to promote uniform distribution of the septic tank effluent to each distribution line. The header shall be stabilized and bedded in sand or other granular material. A manifold header shall be installed when the header is over twenty five (25) feet in width. At least six (6) inches of aggregate shall then be placed on the bottom of the trenches or bed. The effluent distribution pipes shall be laid on top of the aggregate. A footer shall connect the ends of the distribution lines to provide a continuous loop distribution network. For gravity fed systems, distribution pipes shall be laid at a constant slope not to exceed one (1) inch per fifty (50) feet. At least two (2) inches of aggregate shall be placed over the distribution pipe and shall extend the full width of the excavated area. The aggregate shall be covered with a layer of untreated building paper, newspaper, two (2) inches of straw or other material approved by the Department to prevent the aggregate from becoming clogged with soil backfill and still allow the passage of air and moisture. The soil absorption area (after inspection by the Department) shall then be backfilled with at least eight (8) inches but no more than twelve (12) inches of soil and graded so that ponding of surface water will not occur. The top layer of soil shall be of sufficient depth and quality to support vegetation.

SUMMARY TABLE OF DESIGN SPECIFICATIONS FOR
TRENCH AND BED ABSORPTION FIELDS

Items	Maximum	Minimum
Slope on Trench & Bed Bottom	Level	
Width of Trenches	30"	24"
Length of Trenches	100'	100'
Distance Between Trench Distribution Lines		6'
Distance Between Bed Distribution Lines	4'	
Distance Between Distribution Line & Bed Wall	2'	
Depth of Aggregate Under Distribution Lines (8" Minimum in 30" trench)		6"
Slope on Headers and Footers	Level	
Slope on Distribution Pipe	1"/50'	Level
Depth of Aggregate over Pipe		2"
Depth of Straw Over Aggregate		2"
Depth of Final Cover	12"	8"

9.4 General Construction Considerations

All construction shall be completed in a workmanlike manner. Construction equipment shall not be driven unnecessarily on the area to be used for the absorption field to prevent undesirable compaction of the native soil and damage to the infiltrative surface. For the same reason construction shall not be initiated in or on soils having a significant amount of silt or clay when the soil moisture content is high or the soil is frozen except in case of emergency and with the prior approval of the Department. The Department may restrict the installation of soil absorption fields to certain times of the year depending on but not limited to frost or severe moisture conditions in the soil.

9.5 Dosing

The Department may require that dosing tanks and pumps or automatic siphons be used to insure uniform distribution of the septic tank effluent or to install the absorption field at the proper elevation. The specific requirements concerning standard pumping systems and pressure distribution systems are available from the Department.

9.6 Sizing of Absorption Fields

a. The minimum size required for a subsurface soil absorption field shall be determined from the following table. However, the specific system for a particular situation shall in all cases be based on the judgment and experience of the Department.

MINIMUM TRENCH SYSTEM LINEAL FOOTAGE (BASED ON BEDROOMS)

	1 Bedroom	2 Bedrooms	3 Bedrooms	4 Bedrooms
Sand	150’	200’	250’	300’
Sandy Loam	200’	250’	300’	350’
Loam	250’	300’	350’	400’
Silts & Clays	The Department may approve a system. See: Article II, Section 3.14 (b) and 9.7			

MINIMUM BED SYSTEM AREA IN SQUARE FEET (BASED ON BEDROOMS)

	1 Bedroom	2 Bedrooms	3 Bedrooms	4 Bedrooms
Sand	400	500	600	800
Sandy Loam	Not Approved			
Loam	Not Approved			
Silts & Clays	Not Approved			

9.7 Sand Mound Systems

Sand mounds may be required by the Department when the soil and/or water table conditions are not adequate for the installation of a conventional soil absorption system. Sand mounds shall meet all applicable requirements of this regulation including Article II Section 3.14 (b) as well as the following.

a. Sand mounds and their replacement areas shall be located a minimum distance of ten (10) feet from property lines measured from the outer edge of the mound. The outer edge of the mound is defined as the toe of the slope

b. In order to minimize compaction of the native soil and damage to the infiltrative surface the installer shall utilize the following procedure. Only work on the soil when the moisture level is low and do not allow any vehicles to drive over the proposed mound area prior to installation of the system. Thoroughly mix the original sod and topsoil surface but do not remove the 'topsoil unless approved by the Department. Larger types of vegetation and long grass shall be cut and removed. When the sand is brought to the site do not drive onto the proposed mound area. To avoid compacting the native soil dump the sand just outside the mound area and then push it into place. Drive only on the fill not on the native soil under the mound. The Department may inspect the installation of the fill.

c. The minimum size and design of a sand mound system shall be based on the judgment and experience of the Department.

d. The bottom of the stone in the disposal field shall be at least eighteen (18) inches above the water table. The Department may require additional distance between the water table and the absorption field depending on the hydro geological characteristics of the site.

9.8 Deep Cuts

On sites having permeable soil below a surface layer of limited permeability deep cuts may be approved by the Department provided all the requirements of this regulation are met including the following:

a. Deep cuts shall not be made into or through saturated soils or exceed fifteen (15) feet in depth.

b. Deep cuts shall not be allowed without hydro geologic evidence verifying protection of usable aquifers.

SECTION X. OUTHOUSE OR PRIVIES

10.1 Outhouses or Privies shall be located, constructed, and maintained in accordance with local or state law.

SECTION XI HOLDING TANKS

11.1 Holding tanks relying on removal and transportation of the sewage to an off site treatment facility shall only be approved by the Department for an existing building that has a failed sewage disposal system which is uncorrectable by any other means. Prior to issuing a permit for a holding tank the applicant shall provide the following to the Department:

a. A copy of a contract between the owner and a licensed septic tank pumper.
b. A copy of an affidavit recorded with the Sanilac County Register of Deeds on the property abstract which indicates that the building is reliant on a holding tank.
c. Written approval of the local unit of government in which the holding tank is located.
d. Written approval of the local municipal sewage disposal facility accepting the waste. Land application shall not be approved.

SECTION XII ALTERNATIVE SEWAGE DISPOSAL FACILITIES

12.1 Alternative sewage disposal facilities, devices, or processes may be approved by the Department. The Department may also prepare criteria concerning the application, location, design, construction, usage, and maintenance of alternative sewage disposal facilities. The Department shall not approve an alternative sewage disposal facility which will cause a pubic health hazard or an environmental hazard, or fails to comply with any other applicable laws, rules, or regulations. The Department may impose special conditions and requirements pertaining to the approval and use of such a facility including periodic operational reports and periodic inspections. An alternative sewage disposal facility does not include a septic tank and absorption field.

ARTICLE III WATER SUPPLY REGULATION

SECTION I FACILITIES REQUIRED

1.1 Every habitable building shall be provided with a water supply approved by the Department.
1.2 Any habitable building which is not in accordance with this regulation may be declared unfit for habitation and may be so posted by the Department and ordered vacated. Such buildings may be used only upon installation of an approved water supply and upon written approval to occupy by the Department.

SECTION II EVALUATION OF EXISTING WATEAR SUPPLY SYSTEMS

2.1 The Department may evaluate the adequacy of an existing water supply system. When the evaluation is requested by the owner or another person the Department may charge a fee.

SECTION III WELL CONSTRUCTION CODE FOR WATER SUPPLY SYSTEMS

3.1 Requirements with respect to water well construction and water pump installations for new water wells within Sanilac County shall be those rules set forth in Act 368 P.A. 1978, Part 127 being Sections 333.12701 to 333.12715 of Michigan Compiled Laws as amended and Rules or its subsequent revisions and where applicable Act 399 P.A. 1976 being Sections *325.1001* to 325.12606 of Michigan Compiled Laws as amended and Rules or its subsequent revisions.

SECTION IV PERMIT FOR WATER SUPPLY SYSTEMS

4.1 From and after the effective date of these regulations, it shall be unlawful for any person to construct any new water supply system within Sanilac County unless the owner or his representative has obtained a permit from the Department. Community water supplies regulated by the Michigan Department of Public Health shall be exempt from this requirement.

4.2 The application for a permit to construct a water supply system shall be in writing, on a form provided by the Department, and shall be signed by the owner or his or her authorized representative. A plan of the proposed well location shall be provided on the application showing the well location in relationship to buildings, property lines, and possible sources of contamination. The Department may inspect the proposed well site prior to construction. The applicant may be charged a fee according to Article I, Section XVI. of this code.

4.3 A permit to construct shall be issued upon approval of a completed application and payment of the fee. Where a water supply system has been installed without a valid permit a fee of three (3) times the original fee shall be charged.

4.4 All new water supply installations may be subject to inspection by the Department prior to covering. A well log may be considered an adequate demonstration of compliance with this regulation.