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**CENTRAL MICHIGAN DISTRICT HEALTH DEPARTMENT
SANITARY CODE**

ARTICLE I. AUTHORITY JURISDICTION AND ADMINISTRATION

A. AUTHORITY

By virtue of the power vested in the Board of Health of the Central Michigan District Health Department under Act 368 of the Public Acts of 1978, as amended, the following regulations are deemed necessary for the protection of the public health, safety and welfare and are hereby provided to be in effect within the jurisdiction of the Central Michigan District Health Department in the State of Michigan.

B. JURISDICTION

The health officer shall have jurisdiction throughout Arenac, Clare, Gladwin, Isabella, Osceola and Roscommon Counties including all cities, villages and townships, in the administration and enforcement of these regulations and amendments hereafter adopted unless otherwise specifically stated.

C. ENFORCEMENT

All premises affected by these regulations shall be subject to inspection by the health officer, or his/her authorized representative who may collect such samples for laboratory examination as deemed necessary for the enforcement of the provisions hereof.

D. ESTABLISH GUIDELINES

The health officer may establish guidelines concerning the interpretation of this code.

E. RIGHT OF ENTRY AND INSPECTION

No person shall refuse to permit the health officer, after proper identification, to inspect any premise at reasonable hours nor shall any person molest or resist the health officer in the discharge of his/her duty and the protection of the public health.

F. INTERFERENCE WITH NOTICE

No person shall remove, mutilate or conceal any notice or placard posted by the health officer except by written permission of the health officer.

G. ABATEMENT OF NUISANCES

Nothing stated in these regulations shall be construed to limit the power of the health officer to order the immediate and complete abatement of a condition which, in the opinion of the health officer, is/or may become harmful to the public health.

H. PENALTY

Any person who fails to comply with any provision herein, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not exceeding the sum of five hundred dollars (\$500.00) or by imprisonment in the county jail not exceeding ninety (90) days, or both such fine and imprisonment in the discretion of the court. Every twenty-four (24) hours that said person permits said condition to continue following such conviction may be considered a separate and additional offense against the provisions of the regulation.

I. INJUNCTIVE PROCEEDINGS

Notwithstanding the existence or pursuit of any other remedy, the health officer may maintain an action in his/her own name in a court of competent jurisdiction for an injunction or other process against any person to restrain or prevent violations of this regulation.

J. FEES

A schedule of fees for licenses and other services authorized by these regulations shall be from time to time adopted by the Central Michigan District Board of Health, pursuant to Act No. 368, Public Acts of 1978.

K. VALIDITY

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

L. OTHER LAWS AND REGULATIONS

These regulations are supplemental to the rules and regulations duly enacted by the Michigan Department of Community Health, Department of Environmental Quality, Department of Agriculture and to the laws of the State of Michigan relating to public health, and shall supersede all local regulations heretofore enacted inconsistent therewith.

M. REPEAL OF OTHER REGULATIONS

The minimum sanitary regulations of the Central Michigan District Health Department adopted in April 1970 are hereby repealed. A condition of these repeals shall be that no violation of any repealed section or provision shall be made legal by virtue of a new effective date of these regulations. Any act, situation or condition of premises or things which, when created or first allowed to exist was a violation of the minimum sanitary regulations of Central Michigan District Health Department, shall continue to be a violation of these regulations if a similar section or provision is a part of these regulations. Any action, issuance of permit, or maintenance of a condition that was mandatory, under the provisions of the regulations now repealed, shall continue to be required if the same or similar provisions are contained in these regulations.

N. VARIANCES

It is the intent of this code to provide minimum standards to be used in the design and construction of all subsurface sewage disposal systems. However, there may be special circumstances which justify a variance from a particular portion of the guidelines. The health officer may grant individual variances upon written request when said officer has adequately determined that all of the following conditions exist:

1. That no substantial health problems or nuisance is likely to occur therefrom,
2. That strict compliance with the code's requirements shall result in unnecessary or unreasonable hardship,
3. That the proposed variance would provide essentially equivalent protection in the public interest, and
4. That no state statute or other applicable laws would be violated by such a variance.

In no case shall a variance from the strict enforcement of the code be construed to permit the commission of any act as may jeopardize the public health, safety or welfare of the citizens of the Central Michigan District.

In the case of any variance from the provisions of this code, the health officer shall sign a statement of intent to issue a permit for a system that varies from the sanitary code, explain the reasons for the variance and certify that this variance will not, in his/her opinion, jeopardize the public health. A copy of this statement of intent shall be sent to all contiguous property owners and to all members of the Board of Appeals. The state of intent notice should include the name, business number and business address of the health officer. The notice should direct the contiguous property owners to file written objections to the variance with the health officer within one week of the receipt of the statement of intent. If no objection is received within one week of receipt of the health officer's statement of intent, the health officer may issue the permit to install the variant system.

The receipt of any written objection which could, in the opinion of the health officer, result in a potential future lawsuit against the Central Michigan District Health Department will require the calling of a Board of Appeals meeting. After due hearing, the Board of Appeals may reject the variance if sufficient evidence is presented to show that the variance did not meet the criteria for variances established in this code.

O. BOARD OF APPEALS

In order to provide for reasonable and equitable interpretations of the provisions of these regulations, there is hereby created an “Appeals Board”. The appeals board shall consist of one member of the Board of Health from each county within the health district.

The purpose of the board of appeals shall be:

1. To review the health officer’s decision to grant a variance in those cases where written objections to this decision have been received in accordance with the provisions of this code (see Article II, Section N).
2. To review the health officer’s decision to deny a health permit for the construction of a sewage disposal system. Such appeals shall be filed in accordance with procedures established by the Board of Health. The Board of Appeals must meet no later than two weeks after receiving such a request unless the property owner waives this requirement.

The purpose of such hearings shall be to determine whether the health officer inaccurately, unreasonably or unfairly interpreted the Sanitary Cody in denying the permit. The Board of Appeals may overrule the health officer only if it has been determined that he/she was in error in his/her interpretation of the code.

ARTICLE II – DEFINITIONS

1. ABANDONED WATER SUPPLY

An “abandoned water supply” means a water supply whose use has been permanently discontinued, a water supply or portion thereof which is in such disrepair that its continued use for the purpose of obtaining water is impractical, a water supply which has been left uncompleted, a water supply which is a threat to other sources of water, or a water supply which is or may be a health or safety hazard.

2. APPEALS BOARD

The term “appeals board” shall mean the board appointed by the Board of Health for the purpose of hearing appeals.

3. APPROVED

“Approved” shall mean acceptable for intended use as judged by the health officer according to public health regulations and technical data.

4. AUTOMATIC SIPHON

An “automatic siphon” is a mechanical device which will automatically cause a liquid entering a receptacle to be retained until a predetermined high water level has been attained after which it is automatically released from the receptacle until a second predetermined level has been reached at which time the flow from such receptacle ceases until the high water level has again been attained.

5. BOARD OF HEALTH

The term “Board of Health” shall mean the board made up of members appointed by the respective Boards of Commissioners.

6. DISTRIBUTION BOX

A “distribution box” is a watertight tank or receptacle used to disperse outflow from a septic tank in equal amounts to selected points of a soil absorption system.

7. DISTRIBUTION HEADER

A “distribution header” is a pipe used to disperse outflow from a septic tank in equal amounts to the pipe lines in a soil absorption system.

8. DISTRIBUTION SYSTEM

A “distribution system” is a system of pipe lines used to disperse outflow from a septic tank uniformly throughout a soil absorption system.

9. DIVERSION VALVE

A “diversion valve” is a mechanism provided to enable a switching of the effluent flow from one soil absorption system to another separate absorption system so as to permit alternate periods of loading and resting.

10. DOSING CHAMBER

A “dosing chamber” is a watertight tank or receptacle used for the purpose of retaining the overflow or effluent from a septic tank, pending its discharge to a selected point.

11. DRYWELL OR BLOCK TRENCH

A “drywell” is a cistern or underground enclosure connected to the outlet of a septic tank and constructed of concrete blocks, bricks or similar material loosely laid with open joints and surrounded with washed stone so as to allow the septic tank over-flow or effluent to be absorbed directly into the surrounding soil.

12. DWELLING

A “dwelling” shall mean any house, building, structure, tent, watercraft, shelter, trailer, or vehicle, or portion thereof (except railroad tracks or rights-of-way) which is occupied in whole or in part as a home residence, or living and sleeping place for one or more human beings.

13. EPA DESIGN MANUAL

U.S. Environmental Protection Agency, Research and Development, MERL, Cincinnati, Ohio 45268, Report No. EPA-625/1-80-012, Design Manual: Onsite Wastewater Treatment and Disposal Systems, Report Date October 1980.

14. FILTER MATERIAL

“Filter material” is a media of inert material used in soil absorption systems; for example: gravel, stone, crushed rock, or other approved materials.

15. FLUSH TOILET

A “flush toilet” shall mean a type of closet or plumbing receptacle containing a portion of water which receives human excreta and so designed as by means of a flush of water to discharge the contents to an outlet connection.

16. GENERAL

When not inconsistent with the context, words used in the present tense include the future, words in singular number include the plural number, and words in the plural number include the singular number. The word “shall” is always mandatory, and not merely directory. Words and terms not defined herein shall be interpreted in the manner of their common usage.

- 17. HABITABLE BUILDING**
The term “habitable building: shall mean any building or other place where human beings reside, are employed or congregate.
- 18. HEALTH DEPARTMENT**
The term “health department” shall mean the Central Michigan District Health Department for the counties of Arenac, Clare, Gladwin, Isabella, Osceola and Roscommon.
- 19. HEALTH OFFICER**
The term “health officer” shall mean the director or acting director of the Central Michigan District Health Department or his/her authorized representatives.
- 20. HIGH GROUND WATER ELEVATION**
“High ground water elevation” means the elevation of the upper surface of the zone of saturation as may occur during the normally wet periods of the year. For the purpose of this code, the high ground water elevation will be determined by observing the soil mottling or color changes in the soil. Mottling begins to occur after a soil has been under water for at least a two week period. The actual standing water may be above or below the mottled zone depending on the season of the year.
- 21. INDIVIDUAL SEWAGE DISPOSAL SYSTEM**
An “individual sewage disposal system” shall mean a sewage disposal system, other than a public system which is under the jurisdiction of Act 98 of the Public Acts of 1913, as amended, which received either human excreta, liquid wastes or both from one premise. Included within the scope of this definition are septic tank soil absorption systems, privies, chemical toilets, and such other types as may be approved by the health officer.
- 22. MICHIGAN CRITERIA FOR SUBSURFACE SEWAGE DISPOSAL**
By authority of Act 368, P.A. 1978, as amended, and Act 245, P.A. 1929, D48, Rev. 4/94, Michigan Department of Community Health, Division of Environmental Health, Bureau of Environmental Health and Occupational Health, P.O. Box 30195, Lansing, Michigan 48909.
- 23. MANUAL OF SEPTIC TANK PRACTICE**
United States Department of Health, Education and Welfare Publication No. (HSM) 72-10020, formerly known as “PHS Publication No. 526,” revised in 1967, is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20201.
- 24. NUISANCE**
A “nuisance” shall include, but not be limited to, any condition where effluent from any individual sewage disposal system is exposed to the surface of the ground or is permitted to drain on or to the surface of the ground, into any ditch, storm sewer, lake or stream, or when the odor, appearance, or presence of this material may have an obnoxious or detrimental effect on or to the senses and/or health of persons.
- 25. OWNERS**
The term “owners” and the “persons owning premises” shall mean both the owner of title and record and those occupying or in possession of any property or premise.
- 26. PERMANENT RESIDENCE**
The term “permanent residence” shall mean a dwelling which is used or intended for use for year-round occupancy.
- 27. PERMIT**
“Permit” means a water supply permit or sewage disposal permit, unless otherwise noted.

28. PERSON

The term “person” shall mean person, persons, partnership, firm or corporation responsible for the ownership or operation of a premise.

29. PREMISE

The term “premise” shall mean any tract of land with or without a building thereon.

30. PUBLIC WATER SUPPLY

“Public Water Supply” means a water supply which provides water for drinking or household purposes to persons other than the supplier of water. Public water supplies are defined in Act 399, Public Acts of 1976, as amended, as follows:

A. Type I: “Community Supply” means a public water supply which provides year-round services to at least 15 living units or which regularly provides year-round service to at least 25 residents.

B. Type II: “Non-Community Supply” means a public water supply which is not a community supply, but which has at least 15 service connections or which serves at least 25 individuals on an average daily basis for at least 60 days out of the year.

1.) Type IIa: Type IIa public water supplies are Type II public water supplies with an average daily water production for the maximum month equal to or greater than 20,000 gallons per day.

2.) Type IIb: Type IIb public water supplies are Type II public water supplies with an average daily water production for the maximum month of less than 20,000 gallons per day.

C. Type III: All public water supplies which are not classified Type I or Type II supplies shall be Type III public water supplies.

31. SEPTIC TANK

A “septic tank” is a watertight receptacle used for storage and decomposition of human excrement and domestic wastes.

32. SEWAGE

“Sewage” is a combination of the domestic liquid or semi-solid wastes produced from a dwelling or habitable building. This includes human excreta, garbage disposal wastes, dish water, bath water, and laundry wastes.

33. SEWER

A “sewer” is a watertight conduit for carrying sewage.

34. SOIL ABSORPTION SYSTEM

A “soil absorption system” is a means of utilizing the soil for subsequent absorption and treatment of sewage; e.g. a trench, bed, or a combination thereof.

35. TECHNICAL ADVISORY COMMITTEE

A standing committee of the Central Michigan District Health Department comprised of senior level Environmental Health staff from each of the six (6) counties in the district with specialized skills, charged with providing expert assistance to the Environmental Health Director, Board of Health and Environmental Health staff in matters pertaining to on-site water and wastewater.

Their function may include but not necessarily be limited to; review of difficult sites, consultation on unusual policy interpretations, recommendations of policies, guidelines or code revisions and review of innovative products and technologies.

36. WATER SUPPLY

A “Water Supply” means a system of pipes and structures through which water is obtained, including but not limited to, the source of the water such as wells, surface water intakes, or hauled water storage tanks; pumping and treatment equipment, storage tanks, pipes and appurtenances, or a combination thereof, used or intended to furnish water for domestic or commercial use.

37. WELL

A “Well” means an opening in the surface of the earth for the purpose of obtaining ground water, monitoring the quality or quantity of ground water, obtaining geologic information on aquifers, recharging aquifers, purging aquifers, utilizing the geothermal properties of earth formations, or removing ground water for any purpose. Wells as defined in this section include:

- A. A water supply well used to obtain water for drinking and/or domestic purposes.
- B. An irrigation well used to provide water for plants, livestock, or other agricultural processes.
- C. A test well used to obtain information on ground water quantity, quality, or aquifer characteristics, for the purpose of designing or operating a water supply well.
- D. A recharge well used to discharge water into an aquifer.
- E. A dewatering well used to lower the ground water level temporarily at a construction site.
- F. A heat exchange well used for the purpose of utilizing the geothermal properties of earth formations for heating or air conditioning.
- G. An industrial well used to supply water for industrial processes, fire protection, or similar nonpotable uses.
- H. A fresh water well at an oil or gas well drilling site.

ARTICLE III – INDIVIDUAL SEWAGE DISPOSAL SYSTEM

The intent of this article is to provide regulations to control the installation and maintenance of private, semi-private and public sewage disposal systems where no municipal sewage facility is available; to establish minimum criteria for such installation; to protect the health, safety and welfare of the people of Arenac, Clare, Gladwin, Isabella, Osceola and Roscommon Counties.

A. CONNECTION REQUIRED

All facilities such as flush toilets, urinals, lavatories, sinks, bathtubs, showers, dishwashers or any other facility from which sewage emanates shall be connected to an individual sewage disposal system except that any such facilities hereafter installed on a premise where public sewer is available shall be connected to said public sewer.

Footing drainage, downspouts or roof drains, water conditioner recharge water and any other wastewater not defined as sewage shall not be connected to or discharged into an individual sewage disposal system.

B. PERMITS REQUIRED

No person, firm, company, corporation, or governmental entity shall begin to construct, alter or extend any individual sewage disposal system unless he/she has made application to the health department and an approved construction permit has been issued by the health officer.

Construction of an individual sewage disposal system without possessing a valid permit shall constitute a violation of these regulations.

Failure to construct according to approved plans and specifications shall be deemed a violation of these regulations for which the installer shall be held liable.

C. TERM OF PERMIT

Any permit issued pursuant to the requirements of the preceding sections shall be valid for the term of twelve (12) months from the date of issuance, unless declared void as provided in the following.

D. VOID PERMITS

The permit for an individual sewage disposal system may be declared void by the health officer if the area designated for the system is disturbed by major filling, excavating, paving or flooding or by the availability of public sewer or by location of a water supply well or other feature so as to encroach on any required isolation distance. The permit may also be declared void if there is any increase in the scope of the project prior to, during or following construction of said system, or if the information submitted on the application is found to be false or invalid. No construction, alteration and/or extension shall continue without renewal of such permit.

E. APPLICATION FOR PERMIT

Application for permit to construct, alter, or extend an individual sewage disposal system shall be made by the property owner or his/her authorized representative to the health officer. The application shall include the name and address of the applicant, the description of the property on which said construction, alteration or extension is proposed, and a plot plan showing the pertinent features of the system and the well system along with property lines and the building location. The health officer may require substantiating data including, but not limited to, engineering drawings, maps, soil analyses, test borings, ground water and flood elevations and detailed plans of the proposed sewage disposal system. The actual or proposed use of the property shall be indicated in all instances. The health officer may at his/her discretion require that the design plans and specifications for a sewage disposal system to serve premises other than a single or two-family dwelling be prepared by a registered professional engineer or registered sanitarian.

F. PRIORITY OVER BUILDING PERMITS

No municipality or township or other agency shall issue a building permit or otherwise allow commencement of construction for a habitable building on any land where public sewers are not available until the land is approved for an individual sewage disposal system by the health officer.

G. DENIAL OF PERMIT

The health officer shall have the right to deny the issuance of a permit under one or more of the following conditions:

1. Where a publicly operated sewage system is available as defined by Act 288, P.A. 1972.
2. Where the septic tank would be inaccessible for cleaning or inspection purposes.
3. Where the property served is too small for proper isolation from existing wells, or surface waters or has insufficient drainage area.
4. Where the building site acceptance criteria are not met.
5. Where conditions exist or may be created which may endanger the public health or the environment.

H. BUILDING SITE ACCEPTANCE CRITERIA

The following may be used in determining the suitability of the soil to provide satisfactory drainage for an individual sewage disposal system utilizing one or more septic tanks and an absorption field, trench or bed:

The soil survey provided by the United States Department of Agriculture, Soil Conservation

Service, contains information on soil classification, use limitations and interpretations. This information may be considered by the health officer and used as part of the soil and drainage evaluation.

Test borings or excavations may be required within the area proposed for the soil absorption system, to determine that the ground water level and soil formations comply with this section. The health officer may request that excavation or borings to a minimum depth of five (5) feet be made available for inspection and evaluation of soil types and conditions.

The building site acceptance criteria are as follows:

1. Soils shall have sufficient permeability to absorb sewage at the expected rate of flow.
2. The proposed site shall not be subject to flooding.
3. High ground water elevation – the high ground water elevation or evidence thereof shall be at least two (2) feet below the bottom of the soil absorption system.
4. Hardpan, clay, impervious material – impervious hardpan or clay, stone or shale, if present, shall be at least two (2) feet below the bottom of the soil absorption system.
5. Filled ground – filled ground or “made land” shall be acceptable only under specific written approval of the health officer and in any case shall be thoroughly compacted or allowed to settle for at least one (1) year from the time of filling. Filling may not be allowed over unstable soil, peat, muck, organic material, or within fifty (50) feet of any lake, stream, pond or other surface body of water.

I. ALTERNATIVES

The health officer may authorize a construction permit to provide for alternatives to the standard individual sewage disposal system, and sanitation practices, and to provide for new technical knowledge, if the proposed alternative would provide essentially equivalent protection in the public interest.

J. INSPECTION AND CERTIFICATION

After construction of the individual sewage disposal system has been completed to the extent of the placement of all sewers, septic tank and soil absorption system, and before any portion of the system has been covered or placed in operation, request for an inspection shall be made to the health officer. The system may be covered and used after approval is given by the health officer. Approval of an individual sewage disposal system may be withheld if: tile is not laid at a uniform grade, tile is in poor condition, if soil has been allowed to fill up the air spaces around the filter material or if the installation does not conform to the requirements of the construction permit or these regulations.

K. PREMISE OCCUPANCY

It shall be unlawful for any person to occupy, or permit to be occupied, any premise which is not equipped with an approved individual sewage disposal system for the disposal in a sanitary manner of all forms of sewage. Such facilities shall be constructed in accordance with the provisions of these regulations. Under no condition may the sewage from an existing or hereafter constructed premise be discharged or deposited upon the surface of the ground, or into any lake, river, stream, county drain, ditch or storm sewer.

L. CONDEMNATION OF EXISTING INSTALLATIONS

The health officer may condemn any existing individual sewage disposal system where the effluent therefrom is exposed to the surface or is permitted to drain onto the surface of the ground or into any lake, river, county drain, storm sewer or stream, or where the seepage of effluent therefrom may endanger a public or private water supply or where an improperly constructed or maintained system creates a nuisance.

M. SEPARATE SYSTEMS REQUIRED

Unless specifically approved by the health officer, each individual sewage system shall serve only a one or two-family dwelling or one business establishment.

N. MAINTENANCE

Every private sewage disposal system shall be maintained in a satisfactory operating condition at all times.

ARTICLE IV – REQUIREMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF INDIVIDUAL SEWAGE DISPOSAL SYSTEMS

A. SEWERS

1. **Material.** All sewers shall meet the requirements of the Michigan Plumbing Code. All sewers located within the required isolation distance of any well, spring or water suction line shall be constructed of approved materials. No buried sewer shall be located within ten (10) feet from any well, spring or water line unless deviation is allowed as set forth in the State Plumbing Code.
2. **Size.** The size of sewer lines shall be sized upon fixture units as set forth in the State Plumbing Code.
3. **Grade.** Sewer lines installed prior to connection to a septic tank shall be laid at the grade of not less than one-eighth (1/8) inch per foot or not more than one-half (1/2) inch per foot unless otherwise approved by the health officer.

B. SEPTIC TANKS

1. **Location.** No septic tank shall be located where it is inaccessible for cleaning or inspection purposes, nor shall any structure be placed over any existing tank making the same inaccessible for cleaning and inspection purposes.
2. **Manholes.** Every septic tank shall be provided with one or more suitable openings with covers. One of the openings is to be located over the outlet to permit inspection and cleaning. Where the top of the septic tank is located more than eighteen (18) inches below the finished grade, the cover shall be built up within eighteen (18) inches of the ground surface.
3. **Inlets and Outlets.** The bottom of the inlet line into the septic tank shall be at least two (2) inches above the operating water level of the tank. The outlet shall be constructed to permit withdrawal of liquid from the middle third of the depth of the liquid in the tank and to prevent the escape of floating or settled solids and must allow for a minimum air chamber of eight (8) inches. The inlet shall be designed to permit gas above the liquid level to pass through the inlet line and out the vent pipe servicing the sewer line leading to the tank. All pipe connections to a septic tank shall be watertight and surrounding excavation shall be properly backfilled.

No septic tank shall be less than four (4) feet in depth from the flow line, or less than five (5) feet in length measured between the inlet and outlet device.

4. **Construction Material.** Septic tanks shall be of watertight construction and of materials not subject to corrosion or decay. Concrete blocks or bricks at least eight (8) inches in thickness may be used in septic tank construction. The interior of the tank shall have a smooth surface and be watertight. The top is to be four (4) inches reinforced concrete. Septic tanks constructed of material other than concrete must be approved by the health officer.
5. **Septic tank capacities.** Septic tanks hereafter installed shall have a minimum liquid capacity of at least the average volume of sewage flowing into it during any 36-hour period, but in no case shall the total liquid capacity of septic tanks be less than 750 gallons.

The following minimum capacity of septic tanks shall be required for single and two-family dwellings except where, in the opinion of the health officer, increased capacities may be

required.

No. of Bedrooms	Minimum Liquid Capacity
1-2	750 gallons
3	1000 gallons
4	1250 gallons
For each additional bedroom, add	250 gallons

The size and design of septic tanks other than the minimum specified herein shall be determined in accordance with good engineering practice and based upon the recommendation contained in the “Manual of Septic Tank Practice”, EPA Design Manual or Michigan Criteria for Subsurface Sewage Disposal.

C. SOIL ABSORPTION SYSTEM

1. **Location.** In no case shall the system be laid under any drive, parking area, paved surface or building, and shall be located wholly on the properly serviced or a suitable easement recorded. The system should be installed in a manner and location so that surface water drainage is diverted away from the installation.
2. **Distribution.** A distribution header or distribution box shall be set so as to afford an even distribution of all septic tank effluent throughout the soil absorption system.
3. **Dosing chambers and automatic siphons.** The health officer may require that dosing chambers and automatic siphons or pumps be used in installations where the liquid capacity of the tank is over two thousand (2,000) gallons.
4. **Diversion valves.** Diversion valves may be required by the health officer. When utilized, the installation, design and material shall be approved by the health officer.
5. **Distribution system.** The distribution system of the soil absorption system shall be constructed of materials certified as complying with the Michigan Department of Community Health standards or other approved materials. Untreated building paper, straw or other approved materials shall be placed between the stone and final cover of soil to prevent soil from filtering into the stone.
6. The size and design of soil absorption systems other than the minimum specified herein shall be determined in accordance with good engineering practice and based upon the recommendation contained in the “Manual of Septic Tank Practice”, EPA Design Manual or Michigan Criteria for Subsurface Sewage Disposal.

D. REQUIRED ISOLATION DISTANCES IN FEET

FROM	TO SEPTIC TANK	ABSORPTION FIELD	ABSORPTION FIELD	SEWER LINE
Well or suction line	50 (1)	50 (1)	50 (1)	50 (1) (2)
Basement	10	10	10	--
Water pressure lines	10	10	10	10
Lake or stream	50	50	50	--

- (1) For isolation distance required for any Type II, A, B or Type III supplies, must reference Act 399.
- (2) See health department for sewers of approved materials for use within the above isolation distances.

A minimum isolation distance may be required by the health officer between buried drains and an individual sewage disposal system, depending on site conditions such as topography, soil conditions and ground water elevation.

E. ABSORPTION FIELD TRENCH CONSTRUCTION REQUIREMENTS

Items	Maximum	Minimum
Number of lateral trenches	--	2
Size of distribution lines	--	4 inches
Length of trenches		100 feet
Width of trenches		36 inches
Space between trenches, center to center	--	6 feet
Depth of lines (depth of cover material)	24 inches	6 inches
Slope of lines		4 in/100 feet
Depth of aggregate under lines	--	6 inches
Depth of aggregate over lines	--	2 inches
Total depth of aggregate	--	12 inches
Aggregate (filter material) diameter	2 ½ inches	½ inch

F. ABSORPTION BED CONSTRUCTION REQUIREMENTS SAME AS ABSORPTION FIELD CONSTRUCTION REQUIREMENTS WITH FOLLOWING ADDITIONS

Absorption bed systems shall contain at least one distribution line every three feet of bed width.

G. MINIMUM SOIL ABSORPTION SYSTEM AREA REQUIREMENTS

	1 or 2 Bedroom	3 Bedroom	4 Bedroom
Gravel and sands	300 sq. ft.	450 sq. ft.	600 sq. ft.
Loamy sands	450 sq. ft.	600 sq. ft.	750 sq. ft.
Sandy loams	600 sq. ft.	750 sq. ft.	900 sq. ft.
Loams, silt loams	750 sq. ft.	900 sq. ft.	1050 sq. ft.

H. DRYWELLS

Drywells may be allowed where there is adequate overlay material present to assure protection of the ground water supply, providing the soil conditions meet the requirements. Drywells should never be used where there is a likelihood of contaminating the high ground waters and will be allowed only upon specific approval of the health officer.

**ARTICLE V – CONSTRUCTION AND MAINTENANCE OF
PRIVIES AND SIMILAR TOILET DEVICES**

A. PRIVY ACT NO. 273

All privies and other toilet devices shall be constructed and maintained in accordance with Act 273, of the Public Acts of 1939 and the regulations adopted by the state council of health June 6, 1940, as last revised on July 20, 1946, entitled: “A REGULATION PERTAINING TO THE CONSTRUCTION AND MAINTENANCE OF OUTHOUSES AND TO SAFEGUARD THE PUBLIC HEALTH BY PREVENTING THE SPREAD OF DISEASE AND THE EXISTENCE OF SOURCES OF CONTAMINATION.”

B. PROHIBITION OF PRIVIES

No privy shall be maintained or be constructed on or moved to any premise where the service of a publicly operated sewer system is available.

C. REQUIRED ISOLATION DISTANCES FOR PRIVIES

Privies shall be located at least 100 feet from dwellings other than that which they serve, 50 feet from surface water and water wells and ten feet from property lines. No privy shall serve more than one dwelling.

D. TEMPORARY PRIVIES

Temporary privies used at construction sites, places of public assembly, camps, etc., shall comply with Act 273 of the Public Acts of 1939, and when cleaned or serviced, the agency performing such service shall comply with Act 243 of the Public Acts of 1951, as amended.

ARTICLE VI – WATER SUPPLIES

It is hereby recognized that supply of safe potable water is fundamental to individual, public, and community health; that water supply facilities installed and operated in a proper manner are necessary for safeguarding public health; that water supplies furnishing water for human consumption need to be isolated and protected from sewage or other sources of pollution; and that contamination of water resources and supplies, or the creation of conditions menacing the public health, should be prevented.

A. SCOPE

This regulation shall apply to all premises not defined by Michigan’s Safe Drinking Water Act, Act 399 of the Public Acts of 1976, and Administrative Rules, as amended.

B. REGULATE

The health officer shall have the authority to regulate the design, installation, operation and maintenance of all water supplies under the jurisdiction of Central Michigan District Health Department.

C. FACILITIES REQUIRED

Every permanent residential and commercial premise shall be provided with an approved water supply.

D. INCORPORATION OF OTHER REGULATIONS

The Central Michigan District Health Department incorporates by reference, and adopts as part of this code, the following:

1. The “Safe Drinking Water Act”, Act No. 399 of the Public Acts of 1976, being sections 325.1001 through 325.1023 of the Michigan Compiled Laws, and the following sections of Administrative Rules promulgated pursuant to that Act: Part 1, being R 325.10101 to R

325.10115; Part 4, being R 325.10401 to R 325.10409; Parts 7 and 8, being R 325.10701 to R 325.10833; and Parts 10 through 14, being R 35.11001 to R 325.11407 of the Michigan Administrative Code, and any subsequent revisions thereto, and

2. Part 127 of Act No. 368 of the Public Acts of 1978, of Michigan's Public Health Code, being sections 333.12701 through 333.12715 of the Michigan Compiled Laws, and the Administrative Rules promulgated pursuant to that act, being R 325.1601 through R 325.1676 of the Michigan Administrative Code, and any subsequent revisions thereto.

E. PERMITS REQUIRED

No person shall begin construction of a new water well supply, or make extensive changes to existing water supplies, without first obtaining a water supply construction permit from the health department. Extensive changes include replacing the well casing, removing a well casing from the ground or changing aquifers or sources of water.

F. PRIORITY OVER BUILDING PERMITS

Where an approved municipal water supply is not available, a municipality, township, or other agency shall not issue a building permit, or otherwise allow construction to commence for any habitable building, until a water supply construction permit has first been issued by the health officer.

G. TERM OF PERMIT

Any permit issued pursuant to the requirements of the preceding sections shall be valid for the term of twelve (12) months from the date of issuance, unless declared void as provided in the following.

H. UNLAWFUL TO OCCUPY

No person shall occupy, permit to be occupied, or offer for rent, lease, or occupancy, any habitable building which is not provided with an approved water supply adequate in design and capacity to meet the peak water demands of the habitable building. Any habitable building which is not served with an approved water supply may be declared unfit for habitation and may be so posted by the health officer. The health officer may order the owner to connect the building to a municipal water supply, if available, or to construct a water supply in compliance with this code.

I. VOID PERMIT

The health officer may declare a previously issued water supply construction permit to be null and void for any of the following reasons:

1. False, inaccurate, or incomplete information supplied by the permit holder or his/her representative.
2. A change in the plans of the permit holder affecting circumstances relative to the water supply design, location or use.
3. Acquisition of new knowledge or information about the well location or aquifer in the area that may result in a health hazard.

J. APPLICATION FOR PERMIT

The water supply construction permit shall be made on forms provided by the health officer. A completed application shall include:

1. The signature of the property owner(s) or their authorized representative.
2. The appropriate application fee.
3. A site plan of the proposed or existing water supply showing the location of the proposed source of water (well, hauled water storage tanks, etc.) in relation to the buildings, property lines, all known, suspected, or potential contamination sources, and all wells whether usable or abandoned, and data which may be required by the health officer. For water supplies

utilizing other than a well as the source of water, a scaled engineering drawing may be required.

4. The location of property lines, legal description, easements, deed and plat restrictions, and all information necessary to determine the suitability of the premises for issuance of a permit.

K. APPROVAL OF PERMIT

A new water supply shall not be used until the construction and installation have been approved by the health officer. The following conditions may be required before the health officer grants approval:

1. An on-site inspection has been completed by the health officer, and the water supply is found to be in compliance with applicable code and permit requirements.
2. A completed "Water Well and Pump Record," prepared by the well driller and/or pump installer, as applicable, has been submitted to the health officer.
3. The health officer has received copies of the results of the analysis of water samples indicating that raw water quality meets minimum public health standards. Water sample analyses shall include coliform bacterial and any other parameter deemed necessary by the health officer. Analysis of water samples shall be performed by laboratories certified by the Michigan Department of Community Health. All water samples shall be collected by the health officer or other person specifically designated by the health officer.

L. DENIAL

The health officer may deny an application for a water supply construction permit when incomplete, inaccurate, or false information has been supplied by the applicant, or when the health officer determines that the requirements of this code and/or applicable state statutes have not or cannot be met. The denial shall be furnished to the applicant in writing.

M. NOTIFICATION

The health officer may require notification by the permit holder or well driller as follows:

1. At least one (1) working day in advance of the time construction of the water supply is to begin, and
2. Within one (1) working day following completion of the water supply construction or pumping equipment installation.

N. INSPECTION

The health officer shall make inspections of water supplies during and/or after completion of construction as deemed necessary.

O. STOP WORK ORDER

If the health officer determines that a water supply under construction does not comply with the requirements of this code, the health officer may issue a written stop work order. Work shall not resume until the owner and/or contractor have agreed to make corrections to comply with this code, and the health officer rescinds the stop work order.

ARTICLE VII – CODE EFFECTIVE DATE

January 1, 1997

ARTICLE VIII - ISABELLA COUNTY SEPTIC INSPECTION AND PROPERTY TRANSFER REGULATION

This Regulation is adopted pursuant to MCL 333.2441 to protect the public health, safety and welfare of the citizens of Isabella County, and to require the evaluation of onsite sewage treatment and disposal systems (OSDS) and the evaluation of private water supply systems upon the transfer of property served by the OSDS.

It is not the intention of this regulation to cause any existing onsite sewage treatment and disposal system or private water supply system that are currently functioning but do not meet existing construction standards to be brought into compliance with such standards unless a public health nuisance exists. Only those that are failing or do not meet the approval criteria established by the Central Michigan District Health Department will require corrective action.

Section 1. TITLE

This Regulation shall be known as the Isabella County Septic Inspection and Property Transfer Regulation. This Regulation may also be called the TOT (Time of Transfer) Regulation.

Section 2. PURPOSE

- A. The Central Michigan District Health Department is empowered to adopt Regulations regulating the public health, and to provide penalties for violations of such Regulations.
- B. The purpose of this Regulation is to protect public health and to prevent or minimize the degradation of groundwater and surface water quality by malfunctioning sewage treatment and disposal systems (OSDS) and to assure safe water supplies by the evaluation of the OSDS and private water supply systems at the time of transfer of the property served by the OSDS.
- C. This Regulation contains minimum standards that are in addition to the rules and regulations enacted by the Michigan Department of Health and Human Services (MDHHS), the Michigan Department of Environmental Quality (MDEQ), and any Michigan or federal law or regulation regarding the subject matter of this Regulation. The intent of this Regulation is to impose standards that supplement current CMDHD regulations and which are more restrictive than current federal or State law or CMDHD regulations.
- D. This Regulation requires an evaluation of an onsite sewage treatment and disposal system (OSDS) and private water supply system at the time the property is transferred to determine the operational status of the OSDS and private water supply system. Only evaluations conducted by the CMDHD or CMDHD certified inspectors comply with this Regulation. If an evaluation discovers a defective OSDS or private water supply system, the CMDHD may take such action, pursuant to its own rules and regulations, to protect the environment and/or public health.
- E. This Regulation applies only in Isabella County, Michigan.

Section 3. DEFINITIONS

The following "rules of language" shall apply to the text of this regulation. The word "shall" is mandatory. The word "may" is permissive. When not inconsistent with the context, words in the present tense shall include the future and words designating singular numbers shall include the plural.

1. **Absorption System (Field).** The collective term for trench or bed excavations used to uniformly distribute septic tank effluent to subsurface soil by means of a network of distribution piping in washed aggregate with covering soil and vegetation. A trench contains one pipe. A bed contains two or more pipes. Absorption system may also include subsurface distribution of effluent using innovative or alternative design installed per accepted industry practice.
2. **Approved/Approval.** A decision that denotes a condition, facility, thing, premise, action or use, is in satisfactory compliance with the intent, purpose, and applicable standards of the CMDHD Environmental Health regulations.
3. **Authorization for Transfer.** A statement from the CMDHD noting compliance with this Regulation and allowing the property transfer to **proceed**.
4. **Authorized Agent.** A person that is authorized in writing by (a) the owner, or (b) the transferee, to act as legal representative in all matters authorized on behalf of the owner or transferee.
5. **Certified Inspector.** A person who is authorized by the CMDHD, to conduct evaluations of OSDS and private water supply systems for the purpose of this Regulation.
6. **Effluent.** The partially treated sanitary sewage outflow discharge of a septic tank or similar device.
7. **Environmental Health Regulations.** The District Sanitary Code of the Central Michigan District Health Department (CMDHD) for Arenac, Clare, Gladwin, Isabella, Osceola, and Roscommon Counties, January 1, 1997, and the Michigan Well Construction and Pump Installation Code (Act 368 of 1978. Part 127, and Administrative Rules), and the Safe Drinking Water Act (Act 399 of 1976).
8. **Failed OSDS.** A substantial non-conforming system; the backup of sanitary sewage into the premise or habitable building; direct discharge of sanitary sewage and/or effluent to a water course, surface drain, field tile or the ground surface; discharge of effluent from the sewage system to a storm sewer, field tile or surface drain; presence of standing effluent in the absorption system; presence of liquid in the septic tank above the invert of the septic tank outlet; presence of liquid in the septic tank below the invert of the outlet (as associated with a leaking septic tank); failure or dilapidation of the physical septic tank structure or other system components; or discharge of sanitary sewage from the structure which does not reach the absorption system or absence of an absorption system (not including approved holding tanks).
9. **Failed Private Water Supply System.** A private water supply system that does not comply with any of the following: the Safe Drinking Water Act (Act 399 of 1976; MCL 325.1001 et seq.) or the Michigan Groundwater Quality Control Rules or other State of Michigan rules that were applicable at the time of construction of the private water supply system or the District Sanitary Code of the Central Michigan District Health Department. This may include but not be limited to: unsafe water sample and/or water sample not meeting the drinking water standards as established by the Environmental Protection Agency, the presence of an

abandoned well, substantial non-conformance with water well construction requirements or substantial nonconformance with water well isolation from contamination source requirements.

10. **Groundwater Quality Control Rules.** The Michigan Well Construction and Pump Installation Code (Act 368 of 1978. Part 127) and Administrative Rules.
11. **Onsite Sewage Treatment and Disposal System (OSDS).** The method of treating and disposing of sewage by means of a sewer line connected to a septic tank or aerobic tank and one or more of the following: dry well, seepage pit, block trench, absorption field, trench or bed or any similar device or devices approved by the Health Officer.
12. **Owner.** A person who has legal or equitable title of a premises.
13. **Person.** An individual, firm, limited Liability Company, partnership, party, corporation, company, society, association, or other legal entity.
14. **Premises.** Any house, building, structure, facility or improvement that is served by an OSDS.
15. **Private Water Supply System.** A system of privately-owned pipes and structures through which water is obtained, including but not limited to: the source of the water such as wells, or hauled water storage tanks, pumping and treatment equipment, storage tanks, pipes and appurtenances used or intended to furnish water for potable use. It does not include a municipally-owned water supply system.
16. **Septic Tank.** A watertight receptacle used to receive all sewage and designed to collect solids from such wastes for decomposition therein.
17. **County.** Isabella County.
18. **Time of Transfer (TOT) Notification.** A written document that contains a summary of the requirements of this Regulation.
19. **Transfer.** A conveyance of the entire legal or equitable title to a premises to a person who at the time of the conveyance did not have an ownership interest in the premises. The conveyance may be by any legal means, including but not limited to, a deed, land contract, or inheritance (testate or intestate). In addition, a transfer includes a change in more than 50% of the ownership interest of a legal entity when that legal entity owns a premises.
20. **Transferee.** A person to whom a premises is transferred.
21. **Transferor.** A person who makes a transfer of a premises.

Section 4. OSDS EVALUATION REQUIRED and EXEMPTIONS

- A. Except as provided in subsection B, an owner of any premises in the County shall not transfer a premises until the following conditions are met:
 1. The existing OSDS has been evaluated as required by this Regulation and the CMDHD has determined that the OSDS complies with the CMDHD's Environmental Health Regulations and, if applicable, the private water supply system complies with the requirements of Section 7 of the Regulation; and
 2. A written copy of the evaluation report has been provided to the transferee or an authorized agent of the transferee by the owner or an authorized agent of the owner, and
 3. The CMDHD has issued an authorization for transfer.

- B. The transfer of a premises is exempt from the OSDS and private water supply system evaluation requirements of this Regulation under any of the following circumstances:
1. Transfer from a spouse.
 2. Change in ownership solely to exclude a spouse.
 3. Transfer to effect foreclosure or forfeiture of real property.
 4. Transfer by redemption by the original owner from a tax sale.
 5. Transfer creating or ending joint ownership if at least one person is an original owner of the property or his or her spouse.
 6. Transfer to establish or release a security interest.
 7. Premises built within the previous twenty-four months prior to date of property transfer that have an OSDS and/or water supply approved by the CMDHD.
 8. Premises evaluated and approved under this Regulation within the previous twenty-four months prior to date of property transfer.
 9. Premises that shall be demolished and shall not be occupied after the property transfer.
 10. New homes that have not been occupied that have an OSDS and/or water supply approved by the CMDHD.
 11. If as a condition of sale or transfer, and upon written demonstration to the Health Department, the structure is to be connected to an available public sanitary sewer and/or public water supply within six months of the sale or transfer.

Section 5. EVALUATION APPLICATION AND FEE

Applications for an evaluation that is required by this Regulation may be obtained from the CMDHD. The application must be returned to the CMDHD and an evaluation fee, as set by the CMDHD, shall be paid to the CMDHD.

Section 6. OSDS EVALUATION AND REPORT

A. OSDS EVALUATION

1. An OSDS evaluation shall consist of visual and olfactory observations of the sewage system, use conditions, information gathering, and evaluations at time of prior pumping, evaluation of the condition of the septic tank, absorption system, pumps, filters, and other important features of the sewage system. The evaluation shall provide information regarding whether the OSDS is in compliance with the CMDHD's Environmental Health Regulations.
2. Prior to evaluation, the septic tank(s) must be pumped and serviced by a Michigan licensed septage hauler. The licensed hauler shall provide written documentation of service to the homeowner and to the evaluator. If an OSDS has been pumped within 5 years prior to the evaluation and documentation concerning this prior pumping has been provided to the evaluator prior to the TOT evaluation, the OSDS will not need to be pumped as a part of the OSDS evaluation under this Regulation.
3. An OSDS with design features that met the design standards at the time of construction will not be considered a failed system unless its performance is deemed failed.

B. EVALUATION REPORTS MUST BE IN WRITTEN OR ELECTRONIC FORM AND INCLUDE, AT A MINIMUM:

1. The address of the site;
2. The parcel identification number;
3. The name of the owner or the owner's authorized agent;
4. The location of the OSDS and private water supply system to be inspected;

5. A description of the current operational status of the OSDS, including documentation as to whether the OSDS has failed;
6. Other relevant or unusual observations related to the OSDS and/or private water supply system;
7. Recommendations to extend the life of the OSDS and/or to make improvements in compliance with environmental health regulations;
8. A statement that the OSDS and private water supply system is or is not in compliance with the CMDHD's Environmental Health Regulations;
9. The results of water quality testing that were performed.

All evaluation reports shall be freely available to the public through the Freedom of Information Act, MCL 15.231 etseq.

- C. The evaluator shall provide complete documentation of each OSDS evaluation to the CMDHD within 5 business days of receipt of water sample results and any other relevant information needed by the evaluator to complete the evaluation report.

Section 7. PRIVATE WATER SUPPLY SYSTEM EVALUATION

- A. If an OSDS must be evaluated as required by this Regulation and the premises being served by the OSDS also has a private water supply system, then the private water supply system shall be evaluated in addition to the OSDS. Water sample(s) will be obtained by the evaluator and analyzed at a State of Michigan certified drinking water laboratory to determine the presence or absence of coliform bacteria, nitrate concentrations, and to determine whether the water quality complies with Safe Drinking Water Act (399 PA1976; MCL 325.1001 et seq.).
- B. The evaluator shall also perform a visual evaluation of the private water supply system for compliance with Michigan Groundwater Quality Control Rules or other regulations in force at the time of construction. The evaluator will identify the existence and disposition of any abandoned wells and describe any abandoned wells in the evaluation report. The foregoing information shall be contained in the evaluation report.
- C. All determinations required by this Section shall be made by the CMDHD after reviewing all relevant information.

Section 8. FAILED OSDS OR FAILED PRIVATE WATER SUPPLY SYSTEM

- A. Upon receiving written notice from the CMDHD of a failed OSDS or water supply, the owner, buyer or authorized agent shall, within ten (10) days, submit a proposed corrective action plan and/or apply for a repair permit in order to bring the affected system into compliance with applicable laws. CMDHD shall review the proposed corrective action plan and amend it as required to conform to federal, state and local laws, rules and regulations.
 1. If corrections cannot be completed prior to the transfer, documentation of a properly executed escrow agreement in the amount of 1 ½ times the estimated cost of repairs shall be provided to the CMDHD. Upon review of the escrow agreement, the CMDHD shall authorize the transfer of ownership.
 2. All necessary corrective action not completed prior to the transfer shall be completed within one hundred and eighty (180) days following CMDHD approval of the proposed corrective action plan; unless weather prohibits the corrective action and an extension is granted by CMDHD.
- B. Once CMDHD gives final approval of the completed corrective action, the system shall be deemed to be in substantial conformance with this regulation and the CMDHD shall issue authorization for transfer.

- C. If an OSDS presents an immediate health hazard, the owner or other responsible party shall take such measures, in cooperation with CMDHD, which will immediately reduce or eliminate the impact of such failure until the full corrective plan can be implemented.

Section 9. ENFORCEMENT

- A. Nothing in this Regulation shall be deemed to prohibit the CMDHD from enforcing its District Sanitary Code regarding a failed OSDS or failed private water supply system in its discretion. The remedies provided by this Regulation are in addition to remedies and penalties that are authorized by law for violations of other provisions of the District Sanitary Code.
- B. The CMDHD may contact the owner or buyer, inform them of the requirement for an evaluation, and enter into a voluntary agreement to have the evaluation completed.
- C. The following provisions apply to a failure to have an OSDS or private water supply system evaluated as required by this Regulation:
 - 1. Penalties: Any seller/transferor who violates this Regulation shall be subject to a monetary civil penalty of up to \$1,000.00 for each violation or day that the violation continues. All owners, regardless of their interest in the property, may be responsible for the monetary civil penalty. Each day the violation remains may be a separate offense.
 - 2. Civil Action: A violation of this Regulation shall be a nuisance per se. The CMDHD shall have the right to commence a civil action to enforce compliance with this Regulation, and to obtain injunctive relief.

Section 10. EFFECTIVE DATE

This Regulation shall become effective 45 days after its approval by the County Boards of Commissioners for Arenac, Clare, Gladwin, Isabella, Osceola, and Roscommon Counties.

Amendment effective January 5, 2018.

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