

DISTRICT HEALTH DEPARTMENT  
No. 4

**SANITARY CODE**



Sewage Treatment and Disposal

Water Supply

Garbage and Rubbish

Public Health Nuisances

Effective October 12, 2009

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## DISTRICT HEALTH DEPARTMENT NO. 4

<b>PART I</b>	<b><u>JURISDICTION AND ADMINISTRATION</u></b>	<b><u>PAGE</u></b>
Section 100	Purpose	1
Section 101	Title	1
Section 102	Authority	1
Section 103	Jurisdiction	1
Section 104	Other Laws, Ordinances and Regulations	1
Section 105	Validity	1
Section 106	Fees	1
Section 107	Enforcement	2
Section 108	Abatement of Public Health Nuisances	2
Section 109	Interference with Notices	2
Section 110	Injunctive Proceedings	2
Section 111	Penalties	2
Section 112	Policy and Guidelines	2
Section 113	Notification	2
Section 114	Amendments	3
Section 115	Pre-Existing Violations	3
Section 116	Repeal of Other Regulations	3
<b>PART II</b>	<b><u>VARIANCES AND APPEALS</u></b>	
Section 200	Variances	3
Section 201	Appeals	3
Section 202	Hearings	4
Section 203	Board of Appeals	4
<b>PART III</b>	<b><u>DEFINITIONS</u></b>	
Section 300	Absorption Beds	5
Section 301	Absorption System	5
Section 302	Absorption Trench	5
Section 303	Aggregate	5
Section 304	Alternative System	5
Section 305	Available Public Sanitary Sewer	5
Section 306	Department	5
Section 307	District Health Department No. 4	5
Section 308	Dosing Tank	5
Section 309	Dry Well	5
Section 310	Dwelling	6
Section 311	Existing Grade	6
Section 312	Existing System Evaluation – ESE	6
Section 313	Garbage	6
Section 314	Habitable Building	6
Section 315	Health Officer	6

PART III cont.

Section 316	High Ground Water Elevation	6
Section 317	Intermittent Wet Areas	6
Section 318	Original Grade	6
Section 319	Person	6
Section 320	Portable Toilet	6
Section 321	Premises	6
Section 322	Pressure Distribution System	7
Section 323	Public Assemblies	7
Section 324	Public Health Nuisance	7
Section 325	Replacement Area	7
Section 326	Rubbish	7
Section 327	Septic Tank	7
Section 328	Sewage	7
Section 329	Sewage Disposal System/Sewage System	7
Section 330	Sewers	7
Section 331	Stop Work Order	7
Section 332	Soil Texture	8
Section 333	Surface Water	8
Section 334	Vacant Land Evaluation	8
Section 335	Water Closet	8
Section 336	Other Definitions	8

**PART IV**

**SEWAGE TREATMENT AND DISPOSAL**

Section 400	Applicability	9
Section 401	Sewage Disposal for all Premises	9
Section 402	Contractor Registration	9
Section 403	Permits	10
Section 404	General Requirements	12
Section 405	Required Minimum Isolation Distances	13
Section 406	Sewers	13
Section 407	Septic Tanks	14
Section 408	Absorption Bed and Trench General Requirements	14
Section 409	Absorption Bed and Trench Construction Requirements	15
Section 410	Minimum Absorption Area for Beds and Trenches	16
Section 411	Dosing	16
Section 412	Elevated Absorption System	17
Section 413	Alternative Systems and Devices	17
Section 414	Facilities Other Than Single and Two Family Dwellings	17
Section 415	Privies	17
Section 416	Portable Toilets	18
Section 417	Pump and Haul	18
Section 418	Vacant Land Evaluations	18
Section 419	Subdivision/Condominium Development	19

<b>PART V</b>	<b><u>GARBAGE, RUBBISH AND DEAD ANIMALS</u></b>	
Section 500	Accumulation of Garbage	20
Section 501	Accumulation of Rubbish	20
Section 502	Disposal of Garbage and Rubbish	20
Section 503	Transportation of Garbage and Rubbish	20
Section 504	Dead Animals	20
<b>PART VI</b>	<b><u>PUBLIC ASSEMBLIES</u></b>	
Section 600	Toilet Facilities	21
Section 601	Garbage and Rubbish Removal	21
<b>PART VII</b>	<b><u>PUBLIC HEALTH NUISANCES</u></b>	
Section 700	Investigation of Public Health Nuisances	21
Section 701	Removal and Abatement of Nuisances	21
<b>PART VIII</b>	<b><u>HABITABLE DWELLINGS</u></b>	
Section 800	Scope	22
Section 801	Condemning and Placarding of a Substandard Dwelling	22
Section 802	Vacating a Condemned Dwelling	22
Section 803	Reuse of a Condemned Dwelling	22
<b>PART IX</b>	<b><u>WATER SUPPLY</u></b>	
Section 900	Scope	23
Section 901	Incorporation of Other Regulations	23
Section 902	Special Definitions	23
Section 903	Permits	24
Section 904	Alternative Systems and Devices	25
Section 905	Plugging of Wells	26
Section 906	Adoption and Effective Date	26

## **PART I**

### **JURISDICTION AND ADMINISTRATION**

#### **100 PURPOSE**

These regulations are hereby adopted for the purpose of protecting public health and the quality of the environment as it affects human health, and to prevent the occurrence of public health hazards, risks and nuisances.

#### **101 TITLE**

These regulations shall be known as the District Health Department No. 4 Sanitary Code and hereafter referred to as the Code.

#### **102 AUTHORITY**

These regulations are hereby adopted pursuant to authority conferred upon local health departments by Sections 2441(1) and 2442 of the Michigan Public Health Code, Public Act 368, of 1978, as amended.

#### **103 JURISDICTION**

A. District Health Department No. 4 shall have jurisdiction throughout Alpena, Cheboygan, Montmorency, and Presque Isle County, including all cities, villages, and townships, in the administration and enforcement of this Code, including all regulations or amendments hereafter adopted unless otherwise specifically stated.

B. Nothing herein contained shall be construed to restrict or abrogate the authority of any municipality in District Health Department jurisdiction No 4 to adopt or enforce more restrictive ordinances.

#### **104 OTHER LAWS, ORDINANCES AND REGULATIONS**

This Code is supplemental to the rules and regulations duly enacted by the Michigan Department of Public Health, and to laws of the State of Michigan relating to public health, but shall supersede all local ordinances or regulations heretofore adopted inconsistent therewith.

#### **105 VALIDITY**

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

#### **106 FEES**

A schedule of fees for licenses, permits, and other services authorized by this Code may be adopted and revised by the District Health Department No. 4 Board of Health pursuant to Section 2444 of Public Act 368, 1978 as amended.

#### **107 ENFORCEMENT**

All premises affected by this Code shall be subject to inspection by the Health Officer and the Health Officer may collect such samples as deemed necessary for the enforcement of this Code. The Health Officer shall have the reasonable right to enter upon any premises for the purpose of inspecting said premises in the discharge of his/her duty, providing, however, that said inspection shall be made at reasonable hours and reasonable times. No person shall refuse to permit the Health Officer to inspect any premises at reasonable times as provided in Section 2446 of the Michigan Public Health Code, Public Act 368 of 1978, as amended.

In the event admission to the premises is denied by the person lawfully in possession thereof, the Health Officer shall make application to the County Prosecutor, who shall take the appropriate legal steps to secure the admission to the premises.

### **108 ABATEMENT OF PUBLIC HEALTH NUISANCES**

Nothing stated in this Code may be construed to limit the power of the Health Officer to order the immediate and complete abatement of a public health nuisance.

### **109 INTERFERENCE WITH NOTICES**

No person shall remove, mutilate or conceal any notice or placard posted by the Health Officer except by permission of the Health Officer.

### **110 INJUNCTIVE PROCEEDINGS**

When any person has been found to have violated a provision of these regulations or an order issued pursuant thereto, the Health Officer may initiate injunctive action to restrain, enjoin, prevent or correct a violation of these regulations, or a condition which adversely affects the public health, as provided in Section 2465 (1) of the Michigan Public Health Code, Public Act 368 of 1978, as amended.

### **111 PENALTIES**

As provided for in Section 2441. (2) of the Michigan Public Health Code, Public Act 368 of 1978, as amended, a person who violates these regulations is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$200.00 or both. Each five (5) days said owner shall knowingly permit said violation of these regulations shall constitute a separate offense.

### **112 POLICY AND GUIDELINES**

The Health Officer may establish guidelines and policies not in conflict with the intent of this Code. All such policies and guidelines shall be in writing and shall be available for public review upon request.

### **113 NOTIFICATION**

Prior to adoption of these rules, the District Health Department No. 4 Board of Health shall give notice of a public hearing and offer any person an opportunity to present data, views, and arguments. The notice shall be given not less than ten (10) days before the public hearing and not less than twenty (20) days before adoption of these regulations and shall be in accordance with specifications given in Section 2442 of Public Act 368 of 1978, as amended. After adoption by the Board of Health these regulations shall be approved by the Alpena, Cheboygan, Montmorency, and Presque Isle Boards of Commissioners to become effective.

### **114 AMENDMENTS**

The Board of Health of District Health Department No. 4 may amend, supplement or change these regulations or portions thereof in compliance with the provisions of Sections 2441 (1) and 2442 of the Michigan Public Health Code, Public Act 368 of 1978, as amended.

## **115 PRE-EXISTING VIOLATIONS**

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 other items which, when created or first allowed to exist, was a violation of the previous District Health Department No. 4 Sanitary Code shall continue to be a violation of this Code if a similar section or provision is part of this Code. Any action, issuance of permit or maintenance of a condition that was mandatory, under provisions of the sections now repealed, shall continue to be required if the same or similar provision is contained in these regulations.

## **116 REPEAL OF OTHER REGULATIONS**

The previous District Health Department No. 4 Sanitary code including all amendments and any other code or regulation of the District Health Department No. 4 which is inconsistent with this Code are hereby repealed.

## **PART II VARIANCES AND APPEALS**

### **200 VARIANCES**

The Health Officer shall have the power to authorize in writing variations or modifications of these regulations when a literal enforcement of this Code would make the application physically impossible. The variations or modifications shall be in accordance with the 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 any property. Variance requests may be required in writing to the Health Officer stating the reason for the request and the section of the Code to be varied. Any variance allowed by the Health Officer under provisions of this Code shall be in writing.

The consideration of variances concerning sewage disposal systems under jurisdiction of the Michigan Department of Environmental Quality shall follow the procedure outlined in the "Michigan Criteria for Subsurface Sewage Disposal", and on-site water supply and sewage disposal for land divisions, subdivisions and condominiums, shall be made to the Michigan Department of Environmental Quality.

### **201 APPEALS**

Appeals from rulings of any official charged with the enforcement of this Code shall be made by the appellant in writing, on Health Department approved forms, and accompanied by the appropriate fee, to the Board of Appeals Chairperson or to their appointee of the involved county within a period of thirty days after the date of the contested ruling. The Appellant shall also submit a written copy of the appeal, providing all information required, to the official from whose decision said appeal is made. Such appeal may be made by any person, official, department or board having vested interest in the contested ruling. The official from whom said appeal is taken shall prepare a summary report of all previous action which is pertinent thereto. The Board of Appeals may affirm, reverse, wholly or in part, a decision of the Health Officer. In deciding an appeal, the Board of Appeals shall determine (1) whether the Health Officer properly interpreted the code and (2) whether the decision of the Health Officer was factually correct. The Board of Appeals may include any conditions in its decision that the Health Officer could have made. Decisions shall be made by a concurring vote of at least two (2) members of the Board of Appeals.

## **202 HEARINGS**

The Chairperson of the Board of Appeals or their appointee shall fix a reasonable time for the appeal hearing and shall provide in writing the hearing date, time and location to the Appellant, Health Department, Appeals Board Members and affected parties at least 14 days prior to the date of the appeal hearing. Within the limits of its jurisdiction, herein alone described, the Board of Appeals shall have all the powers of the official from whom said appeal is taken.

## **203 BOARD OF APPEALS**

The Chairperson of the Board of Commissioners of the involved County or their appointee shall be a member and serve as chairperson of the Board of Appeals. The other members of the Board of Appeals shall be the members of the Board of Health that are Commissioners from the involved County. In the event that the chairperson of the County Board of Commissioners also is a Board of Health Representative, an appointment of one of the Health Board Alternates shall be made so the Appeals Board is comprised of 3 voting members.



## **PART III DEFINITIONS**

### **300 ABSORPTION BED**

A system of distributing septic tank effluent below the ground surface by a series of connected perforated pipes laid in a closed looped system in a bed of aggregate.

### **301 ABSORPTION SYSTEM**

A collective term that includes absorption beds and absorption trenches or means a sewage treatment system or sewage disposal system. These terms are interchangeable in this Code.

### **302 ABSORPTION TRENCH**

A system of distributing septic tank effluent below the ground surface by a series of connected trenches each of which contains a single perforated pipe laid in a closed loop system in a bed of aggregate.

### **303 AGGREGATE**

Clean and inert stone or gravel utilized for structural support and septic tank effluent dispersal within an absorption system.

### **304 ALTERNATIVE SYSTEM**

A sewage disposal system with features in its design, location, or principles of operation that are not specifically covered by these regulations.

### **305 AVAILABLE PUBLIC SANITARY SEWER**

A public sewerage system that is located not more than 200 feet at its nearest point to a premises from which sanitary sewage originates and to which the governmental entity owning and operating the system will allow physical connection to its sewerage system.

### **306 DEPARTMENT**

The Department shall mean District Health Department No. 4

### **307 DISTRICT HEALTH DEPARTMENT NO. 4 (DHD4)**

The Department comprised of the counties of Alpena, Cheboygan, Montmorency, and Presque Isle established in accordance with Section 2415 of the Michigan Public Health Code, Act 368, Public Acts of 1978, as amended.

### **308 DOSING TANK**

A watertight receptacle used to retain the overflow of septic tank effluent pending its automatic discharge to a selected point.

### **309 DRY WELL**

An underground enclosure connected to the outlet of a septic tank and constructed of concrete blocks, bricks, or similar material loosely laid with open joints so as to allow the septic tank overflow or effluent to be absorbed directly in the surrounding soil.

### **310 DWELLING**

Shall mean any house, building, structure, tent, shelter, trailer, vehicle, watercraft or portion thereof which is occupied or may be occupied in whole or in part as a residence or sleeping place for one or more persons either permanently or transiently.

### **311 EXISTING GRADE**

The elevation of land present when an on-site inspection is conducted.

### **312 EXISTING SYSTEM EVALUATION – ESE**

An Existing System Evaluation (ESE) is an evaluation of an existing on-site sewage disposal system to determine if the sewage system is functioning properly, adequately sized and in acceptable condition to treat additional sewage generated from any proposed additions or change of use and also for new structures that will partially or completely replace existing structures at the same location.

### **313 GARBAGE**

All putrescible animal and vegetable waste resulting from the handling, preparation, cooking, storing and consumption of food.

### **314 HABITABLE BUILDING**

Any structure where persons reside, are employed, or congregate.

### **315 HEALTH OFFICER**

The duly appointed Health Officer of District Health Department No. 4 or his/her authorized agent or representative.

### **316 HIGH GROUND WATER ELEVATION**

The elevation of the upper surface of the zone of saturation as may occur during the wet periods of the year.

### **317 INTERMITTENT WET AREAS**

An area that normally contains water only during wet periods.

### **318 ORIGINAL GRADE**

The natural elevation of the land which has not been altered by human activities.

### **319 PERSON**

Any individual, partnership, corporation, association, society, trust, party or any other legal entity.

### **320 PORTABLE TOILET**

An enclosed portable facility containing a watertight receptacle for reception of human excreta.

### **321 PREMISES**

A tract or parcel of land including any buildings, dwellings and structures which may be present.

### **322 PRESSURE DISTRIBUTION SYSTEM**

An absorption system where the distribution pipes are pressurized with a dosing pump or automatic siphon resulting in uniform distribution of wastewater over the entire infiltrative surface.

### **323 PUBLIC ASSEMBLIES**

For purpose of definition in this code, an event with an expected or actual attendance of more than 300 persons which is estimated to last longer than 3 hours. This includes but is not limited to festivals, sporting events, music concerts, amusement exhibitions or similar gatherings.

### **324 PUBLIC HEALTH NUISANCE**

Any action or condition that may be a source of illness or injury or may otherwise have a detrimental effect on the health or safety of the public.

### **325 REPLACEMENT AREA**

A suitable area permanently reserved on the premises which shall be maintained for the installation of a replacement sewage disposal system.

### **326 RUBBISH**

All non-putrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind that will be a detriment to the public health and safety.

### **327 SEPTIC TANK**

A watertight receptacle having an inlet and outlet. The receptacle is designed to receive, store, and treat sewage by retaining and decomposing the solids and allowing the liquid effluent to overflow for final disposal.

### **328 SEWAGE**

The combination of organic liquid and semi-solid wastes originating from a premise. This shall include but not be limited to human excreta as well as septic tank effluent, waste from toilets, urinals, sinks, laundries, showers, bath tubs, dishwashers, garbage grinders, and any other plumbing fixture excluding water softeners, roof drains, and footing drains.

### **329 SEWAGE DISPOSAL SYSTEM / SEWAGE SYSTEM / SEWAGE TREATMENT SYSTEM**

A sanitary privy, portable toilet, dry well, block trench, septic tank, absorption bed, absorption trench or similar device used in the disposal of sewage.

### **330 SEWERS**

A watertight pipe or conduit for transporting sewage.

### **331 STOP WORK ORDER**

A written document issued by the Health Officer that demands the cessation of specified activities regulated in the DHD4 Sanitary Code including, but not limited to sewage disposal and onsite water supply systems.

### **332 SOIL TEXTURE**

The description of the size and size range of the particles in a soil sample. The United States Department of Agriculture Soil Textural Classification System will be used in these regulations.

### **333 SURFACE WATER**

A body of water whose surface is exposed to the atmosphere including but not limited to lakes, ponds, reservoirs, rivers, streams, creeks, marshes, swamps, and drainage ditches.

### **334 VACANT LAND EVALUATION**

An on-site investigation of an undeveloped parcel of land by the Health Officer to determine the suitability of such land as a site for the installation of a sewage disposal system that complies with these regulations.

### **335 WATER CLOSET**

A toilet and/or portable toilet.

### **336 OTHER DEFINITIONS**

Other technical definitions not described herein this part, but which may be used in these regulations shall mean the most commonly recognized interpretation of the technical term used in the environmental health profession.

**PART IV**  
**SEWAGE TREATMENT AND DISPOSAL**

**400 APPLICABILITY**

These regulations relating to sewage disposal shall apply to all premises unless otherwise specified.

**401 SEWAGE DISPOSAL FOR ALL PREMISES & EXISTING SYSTEM EVALUATION (ESE)**

It shall be unlawful for any person to occupy, or permit to be occupied any premise which is not equipped with adequate facilities for the disposal of sewage in a sanitary manner. Under no circumstances may the sewage from an existing or hereafter constructed premises be discharged or deposited upon the ground surface or into a lake, river, stream, drain, ditch, storm sewer or in any location other than a sewage disposal system constructed in accordance with provisions of these regulations or a public sewage disposal facility acceptable to the Health Officer. Any premises constructed or maintained which is not in accordance with these regulations may be declared unfit for human habitation and may be so posted by the Health Officer. For existing premises that are not served by a public sewer, an ESE shall be required prior to any new construction or alteration of the premises that may increase water usage and, therefore, increase waste water disposal.

**402 CONTRACTOR REGISTRATION**

Any person, firm, company or corporation who shall engage in the business of installation of a sewage disposal system or any part thereof within the counties of Alpena, Cheboygan, Montmorency and Presque Isle, under the provisions of these regulations, shall register with District Health Department No. 4. This provision shall not be construed to prohibit an individual from installing their own sewage disposal system (with the exception of alternative on-site sewage treatment systems), provided that said person obtains a permit from District Health Department No. 4.

Septic contractor or installer registration may be revoked or suspended by District Health Department No. 4 for the following reasons:

1. Failure to abide by recognized construction standards and/or installation practices; or
2. Failure to adhere to the conditions and specifications provided within a sewage disposal permit; or
3. Failure to adhere to requirements of District Health Department No. 4 Sanitary Code.

Prior to a decision regarding revocation or suspension, the subject contractor/installer shall be provided with reasons for which revocation or suspension is being considered and shall be afforded a hearing before the Health Officer prior to a decision being made. The decision of the Health Officer may be appealed to the Board of Appeals. A violation of this section shall permit the Health Officer to suspend the registration for up to one (1) year. Subsequent violation shall permit the Health Officer to suspend the registration for up to one (1) year or to revoke the registration with no reapplication for registration allowed for three (3) years. In determining whether to suspend or revoke the registration and in determining the length of a suspension the Health Officer shall consider the following factors: the number of current or past violations by registrant, the seriousness of each violation, the reasons for the current violation(s) and whether the violation caused or could reasonably be foreseen to caused environmental harm or a health hazard. Prior to the institution of

proceedings to suspend or revoke the registration of a contractor/installer, nothing in this Code shall prohibit the Health Officer from meeting or communicating informally with the contractor/installer to discuss concerns regarding the contractor/installer's performance as the performance relates to the reasons for suspension or revocation listed above.

## **403 PERMITS**

**A. Permits Required** - Construction, repair, or alteration of any sewage disposal system shall not begin until the owner or their authorized representative has made application to the Health Officer and has received a construction permit.

**B. Building Permit** – Where public sewers are not available, no person shall obtain a permit from a municipal Construction Code Agency/Building Department for any structure or use that is new construction, an addition or an alteration of a habitable building proposing an increase in the number of sleeping rooms; for a structure that will partially or completely replace a structure at the same location; or for any circumstance under jurisdiction of the Construction Code Agency/Building Department that will increase the need for additional waste water disposal unless the person has obtained a permit for a sewage treatment system issued by the Health Officer for the land in question.

In addition, to foster cooperation between departments and to promote the coordination of efforts so that the public health, safety and welfare is properly protected, it is the policy of the counties that comprise District Health Department No. 4 that a local municipal Construction Code Agency/Building Department should not issue a building permit or otherwise allow commencement of construction including any new construction, addition or alteration proposing increase in the number of sleeping rooms, for a habitable building and/or for structures that have been or will be partially or completely removed and new construction is proposed for the same location or for any circumstance that may increase water usage and, therefore, an increase in waste water for disposal; for any premise located on any land where public sewers are not available until the land is approved for a sewage treatment system and a permit has been issued by the Health Officer.

**C. Application Procedure** - Application for a sewage permit shall be made in writing on a form provided by the Health Department and shall be signed by the property owner or his/her representative. The application shall include but not be limited to the following:

1. The name and address of the property owner.
2. The address and property tax identification number of the site.
3. The size, shape, and legal description of the property.
4. The location of property lines, easements, road right of ways, or other pertinent legal encumbrances.
5. The location of the proposed sewage system replacement, area and the existing sewage systems on adjacent properties.
6. The location of all proposed water wells at the site and the location of existing water wells on adjacent properties.
7. The location and use of all existing and proposed buildings at the site.
8. The location of surface water on the site and adjacent properties.
9. The proposed and existing location of driveways and other pavement.
10. Proposed use of the premises.
11. Size of premises (i.e.: square feet, number of bedrooms).

**D. Additional Requirements** - The Health Officer may require the applicant to provide additional information and tests including but not limited to:

1. Soil test holes and excavations at the site.
2. Flood plain, land surface, and groundwater elevations of the site.
3. Detailed plans for proposed sewage disposal systems that treat more than 1000 gallons of sewage per day.

**E. Permit Expirations and Renewal** - A permit for a sewage disposal system shall be valid for a period of two years (24 months) after the date of issuance unless declared void as provided in these regulations. Permits are not transferable to other persons or locations.

**F. Void Permits** - A permit, as issued by the Health Officer may be declared void and a stop work order posted by the Health Officer because of, but not limited to, any of the following conditions:

1. The area designated on the permit for the sewage absorption system is disturbed by unapproved filling, compaction, excavating, paving, or flooding.
2. An increase or alteration in the scope of the project which was not disclosed on the permit.
3. Specific conditions under which permit application approval was granted cannot be adhered to.
4. Where information provided on the application is found to be inaccurate or untrue.

**G. Inspections** - An inspection by the Health Officer is required after completion of construction and before any portion of the system is covered or placed in operation. It shall be the responsibility of the contractor, installer or homeowner to contact District Health Department #4 for the required inspections. Other inspections will be made by the Health Officer when deemed necessary by the Health Officer to determine compliance with the requirements of this Code and any permit issued pursuant to this Code. Failure to construct according to the plans and specification or instructions as indicated on the construction permit shall be deemed a violation of this Code for which the applicant and/or the contractor may be held liable. The requirements for a final inspection may be waived in some circumstances by the Health Officer, if the completed work can be properly verified by means that are approved by the Health Officer. Such verification will include the use of an affidavit signed by the installer indicating that the sewage disposal system was installed in accordance with the conditions of the permit and this Code. The affidavit must be accompanied by a detailed site plan. District Health Department #4 approved forms must be utilized for the affidavit and site plan submittal to the department. The affidavit and site plan must then be reviewed and approved by the Health Officer before approval for proper construction can be granted.

**H. Denial of Application** - The Health Officer shall have the right to deny an application for a sewage permit when one or more of the following conditions exist at the site:

1. Where there is an Available Public Sanitary Sewer.
2. Where the sewage system would be inaccessible for maintenance and repair.
3. Where the property served is too small to maintain the required isolation distances as indicated in Section 404 of this Code or the property serviced has insufficient area for the sewage disposal system and replacement area.
4. Where the soils within 24 inches of the original grade consist of clay, shale, marl, peat, muck or other slowly permeable material.
5. Where the high ground water table is within 24 inches of the original grade.
6. Where the site is subject to flooding or is within a 100 year flood plain.
7. Where the slope of the site is greater than 12%.
8. Where a parcel of land has been subdivided in violation of the Land Division Act of 1967, Public Act 288 of 1967, as amended.
9. Where creviced limestone or other rapidly permeable geological conditions provide

inadequate filtration and treatment of the sewage effluent which may result in contamination of an aquifer or surface water.

10. Where conditions exist or may be created which may endanger the public health or the environment.

#### **404 GENERAL REQUIREMENTS**

**A.** All sewage shall be disposed in a sewage system meeting the requirements of this Code and all other applicable laws, ordinances and/or regulations.

**B.** Footing drain water, water softener discharge, roof water, storm drainage and other water that is not sewage shall not be connected or discharged into or over the surface of a sewage disposal system.

**C.** Sewage disposal systems and replacement area shall be located within the boundaries of the property served. The Health Officer may permit exceptions to this provision when an acceptable easement is executed and recorded for the affected properties.

**D.** Structures, driveways, sidewalks, parking areas or other paved surfaces shall not be constructed over the sewage disposal system or replacement area.

**E.** The sewage disposal system shall be located where it is accessible for maintenance.

**F.** The final grade over and around the sewage disposal system shall be established so that all surface water drainage is diverted away from the sewage system.

**G.** The replacement area shall be large enough to accommodate the installation of a sewage disposal system that complies with this code.



## 405 REQUIRED MINIMUM ISOLATION DISTANCES<sup>a</sup>

FROM	TO			
	Sewers Schedule 40 Plastic <sup>b</sup>	Sewers Other	Septic Tanks and Dosing Tanks	Absorption Beds and Trenches
Public Well				
Type I	200	200	200	200
Type IIa	200	200	200	200
Type IIb	75	75	75	75
Type III	75	75	75	75
Residential				
Well	10	50	50	50
Pressurized Water Line	10	10	10	10
Unprotected Suction Line	50	50	50	50
Building Foundation	--	5	5	10
Footing Drains connected to surface water	10	25	10	50
Footing Drains w/o direct connect to surface water	10	25	10	25
Surface Water	10	25	75	100
Intermittent Wet Area	10	25	50	50
Drop Off	5	10	10	20
Swimming Pool	--	5	5	25
Property Line	2	2	10	10

- a. All distances are in feet and measured horizontally.  
b. Other types of pipe may be approved by the Health Officer.

## 406 SEWERS

**A. Materials** - Sewers shall be watertight and constructed of materials that are durable, rigid, smooth and not subject to corrosion. All sewers shall be approved by the Health Officer.

**B. Slope** - Gravity sewers between the dwelling and septic tank shall be laid at a grade not less than 1/8 inch per foot or not more than 1/2 inch per foot. A gravity sewer carrying sewage effluent from a septic tank to an absorption system shall be laid at an appropriate grade of 1/8 inch per foot or greater.

**C. Protection** - Sewers shall be protected against frost and physical damage.

## 407 SEPTIC TANKS

**A. Materials** - The septic tank shall be constructed of sound and durable materials not subject to corrosion and decay and shall be structurally capable of supporting the stresses to which it will be subjected. The septic tank shall be watertight except for the designed inlets and outlets. Septic tanks constructed of cement blocks shall be plastered with cement on the inside and tarred on the outside.

**B. Manholes** - The septic tank shall be provided with 2 openings on the tank's top surface to allow for periodic inspection, cleaning and repair. One opening shall be located over the inlet pipe and another opening shall be located over the outlet tee. Covers equipped with permanent handles shall be used to secure all openings.

**C. Risers** - The manhole cover over the outlet tee shall be a maximum of 12 inches below the ground surface. If the top of the septic tank is more than 12 inches below the ground surface then a watertight riser shall be installed over the manhole so that the top of the manhole cover will be no deeper than 12 inches below the ground surface.

**D. Inlets and Outlets** - The bottom of the outlet shall be a minimum of 2 inches and a maximum of 5 inches below the bottom of the inlet. The outlet tee shall be constructed to draw the liquid from a depth which is 1/3 of the distance from the normal liquid level to the bottom of the tank. The outlet shall be separated from the inlet by a minimum of 5 feet. The outlet tee shall be constructed to prevent the escape of solids from the tank and shall extend at least 6 inches above the normal liquid level in the septic tank. Inlets and Outlets must be properly sealed.

**E. Liquid Depth** - The septic tank shall have a minimum liquid depth of 4 feet and a maximum liquid depth of 6 feet.

**F. Installation** - The septic tank shall be installed in a level position on a firm base.

**G. Sizing Residential** - The following minimum liquid capacity of septic tanks shall be required for single and two family dwellings.

Number of Bedrooms	Minimum Liquid Capacity (Gallons)
1 to 4	1000
5 or more	Add 250 per bedroom

**H. Sizing Commercial** - The liquid capacity of a septic tank serving other than single and two family residences shall be a minimum of 1000 gallons where the daily maximum sewage flow rate is less than 1000 gallons. Where the daily maximum sewage flow rate is from 1000 to 10,000 gallons the septic tank shall be sized according to the provision of the "Michigan Criteria for Subsurface Sewage Disposal", Michigan Department of Public Health.

**I. Abandonment** - To prevent a safety hazard a septic tank that will no longer be used shall be pumped and either removed or crushed and filled with soil.

## 408 ABSORPTION BED AND TRENCH GENERAL REQUIREMENTS

**A. Final Disposal** - Final treatment and disposal of all septic tank effluent shall be by an absorption bed, absorption trench or an alternative system approved by the Health Officer.

**B. Compaction** - The bottom and walls of the absorption system shall not be compacted or smeared. Scarification may be required.

**C. Distribution Pipe** - All distribution pipe shall be non-corrosive, durable, rigid, and approved by the Health Officer. Outlet pipe shall be schedule 40 from tank to header and between tanks.

**D. Laterals** - All laterals shall be connected front and back with a header and footer respectively. The header shall be watertight and the footer shall be perforated. Pressure distribution systems do not require footers.

**E. Headers and Distribution Boxes** - A non-perforated header or distribution box shall be installed to provide even distribution of all septic tank effluent throughout the laterals. The sewer between the septic tank and absorption system shall be connected to the center 1/3 of the header or branch header. All sewer connections to the header shall be offset from the laterals at least 6 inches. If more than 8 laterals are used a branch header or distribution box shall be installed. The length of the laterals shall be equal to or longer than the main header.

**F. Protective Cover** - Straw, hay, untreated building paper, or other material approved by the Health Officer shall be placed on top of the aggregate to prevent soil from entering the absorption system.

**G. Site Conditions** - The Health Officer may limit the construction of a sewage disposal system when site conditions may adversely affect proper installation.

## 409 ABSORPTION BED AND TRENCH CONSTRUCTION REQUIREMENTS

ITEM	MAXIMUM	MINIMUM
Number of Laterals or Trenches	-	3
Diameter of Gravity Distribution Pipes	-	4 in.
Length of Laterals and Trenches	50 ft.	-
Width of Trenches	36 in.	18 in.
Distance Between Trench Walls	-	4 1/2 ft.
Distance Between Bed Laterals, Gravity System	3 ft.	-
Depth of Aggregate	-	12 in.
Depth of Aggregate Under Bottom of Distribution Pipes <sup>a</sup>	-	6 in.
Depth of Aggregate Over Top of Distribution Pipes	-	2 in.
Size of Aggregate	2 in.	1/2 in.
Depth of Soil Over Top of Aggregate	18 in.	6 in.
Slope of Lateral Distribution Pipe	2 in/50ft.	Level
Bottom of Aggregate above High Ground Water Elevation <sup>b</sup>	-	24 in.
Bottom of Aggregate above Rock, Clay and other Slowly Permeable Soils <sup>b</sup>	-	24 in.

a. A minimum of 12 inches of aggregate shall be installed under the bottom of the distribution pipes within the root zone of trees.

b. The bottom of the aggregate shall be installed a minimum of 48 inches above the high ground water elevation and all rock, clay and other slowly permeable soils when a sewage system serves a commercial building with a daily maximum flow rate from 1000 to 10,000 gallons. This isolation requirement shall also apply to single and two family homes built on lots subdivided in accordance with the Land Division Act, Public Act 288 of 1967 as amended or in accordance with the Condominium Act, Public Act 59 of 1978, as amended.

c. Less than 2% of the aggregate shall be lost by washing.

## 410 MINIMUM ABSORPTION AREA FOR BEDS AND TRENCHES

Soil Texture	Type of Absorption System	Minimum Square Feet of Absorption Area			
		Number of Bedrooms			
		1 and 2	3	4	5
Sand and Gravel	Bed	400	600	800	1000
	Trench	300	450	600	750
Loamy Sand	Bed	500	750	1000	1250
	Trench	375	565	750	940
Sandy Loam	Bed	600	900	1200	1500
	Trench	450	675	900	1125
Loam	Bed	700	1050	1400	1750
	Elevated Mound and pressure system				
Sandy Clay Loam	Bed	1000	1500	2000	2500
	Elevated Mound and pressure system				
Silt, Muck, Peat, Marl and Clay		Unsuitable - The department may consider a variance request. (i.e. an elevated or alternative absorption system.)			

## 411 DOSING

**A. General** - The Health Officer may require dosing tanks, pumps and automatic siphons to be used to ensure uniform distribution of sewage effluent or to allow the installation of the absorption system at the proper elevation.

**B. Dosing Tanks** - Dosing tanks shall be constructed of sound and durable materials that will be capable of supporting the stresses to which the tanks will be subjected. The dosing tank shall be watertight except for the designed inlets and outlets. The dosing tanks shall be provided with an access opening for periodic servicing of the tank, pumps and automatic siphons. The access opening shall be equipped with a water tight cover which terminates no lower than 12 inches below finished grade.

Number of Bedrooms	Minimum Liquid Capacity	Minimum Dose
1-2	350 gallons	200 gallons
3-5	500 gallons	300 gallons
6 or more	Add 100 gallons/bedroom	

**C. Pumps and Automatic Siphons** - Pumps and automatic siphons shall be constructed of sound and durable materials and be specifically designed for sewage dosing. Pumps shall be the submersible type and an accessible **quick disconnect** union shall be placed on the discharge pipe to accommodate removal of the pump or siphon.

**D. Electrical Installations** - Electrical installations are required to comply with all applicable codes. The obligation to obtain electrical code approval shall at all times remain the responsibility of the owner and/or applicant.

**E. Pressure Distribution** - Pressure distribution in absorption beds or trenches is preferred. The design of such systems shall be based on information provided by the Health Officer.

**F. Visual alarms** - Visual alarms are recommended or may be required.

#### **412 ELEVATED ABSORPTION SYSTEMS**

**A. Fill** - The fill around and under an elevated absorption system shall be medium textured sand unless varied by the Health Officer.

**B. Taper** - When elevated absorption systems are used a sand berm 3 feet wide that extends to the top of the aggregate shall surround the absorption bed or trench system. Fill shall extend from the top of the berm to the finished grade with a slope no greater than 4 (horizontal) to 1 (vertical).

#### **413 ALTERNATIVE SYSTEMS AND DEVICES**

Alternative sewage disposal systems and devices may be approved by the Health Officer if they provide equal or better treatment of sewage than methods provided in this Code. Such a system or device shall not cause a public health hazard, endanger the natural environment or create a nuisance. The Health Officer may impose special conditions and requirements on the use and approval of alternative systems including detailed engineering plans, experimental test data, periodic operational reports, maintenance agreements, periodic inspections and provisions for other methods of sewage disposal in the event the alternative system or device fails.

#### **414 FACILITIES OTHER THAN SINGLE AND TWO FAMILY DWELLINGS**

Minimum septic tank capacity, number of tanks, and size of sub-surface absorption area for facilities other than single and two family dwellings shall be determined based on the design, construction and use specifications contained in the "Michigan Criteria for Subsurface Sewage Disposal", adopted December 1977 (revised April, 1994) by the Bureau of Environmental and Occupational Health, Michigan Department of Public Health.

#### **415 PRIVIES**

**A. Permitted Use** - A privy will be permitted as a means of sewage disposal for a premises when a pressurized water system is not available.

**B. Maintenance** - Privies shall be maintained in a sanitary condition and not endanger the public health or create a nuisance.

**C. Location** - All isolation distances required for absorption beds and trenches in Section 404 of this Code shall apply to privies except privies shall be located at least 50 feet from all habitable buildings.

**D. Materials** - Privies shall be constructed of sound durable materials and in such a manner to exclude insects and other vermin.

**E. Sewage Receptacles** - The sewage shall be deposited and stored in a watertight vault or an earthen pit.

**F. Earthen Pits** - When an earthen pit is used to store the sewage the bottom of the pit shall be at least 24 inches above the high water elevation. The walls of the earthen pits shall be reinforced to prevent caving.

**G. Vaults** - Water tight vaults shall be used where the high water elevation or rapidly permeable geological conditions are within 24 inches of the bottom of the sewage receptacle.

**H. Vents** - The privy shall be vented to provide a continuous escape of odors through a screened vent.

**I. Doors** - A self closing door shall be provided.

**J. Seats** - The seat riser shall be bonded with the floor to prevent seepage through the riser onto the floor. The seat opening shall be covered with a hinged lid.

#### **416 PORTABLE TOILETS**

**A. Use** - Portable toilets may be used at construction sites, places of public assembly and at other locations where it is not feasible to immediately construct a permanent sewage system. Portable toilets are intended for temporary use.

**B. Construction** - Portable toilets shall be constructed of durable materials that are easily cleanable. The sewage receptacle shall be watertight and exclude insects and other vermin. All outside openings in the portable toilet shall be screened and a self-closing door shall be provided.

**C. Maintenance** - The sewage shall be removed from the waste receptacle often enough to prevent overflow. The portable toilet shall be kept cleaned and maintained in a sanitary condition that will not endanger the public health or create a nuisance. When the portable toilets are serviced, the agency performing such service shall be licensed under Public Act 181 of 1986.

#### **417 PUMP AND HAUL**

Pump and haul sewage disposal systems shall not be permitted for new development. Pump and haul for existing dwellings shall be considered only when the Health Officer determines that an emergency exists. The Health Officer may require the premises owner to obtain a sewage pumping contract with a septage hauler licensed in accordance with Part 117, Public Act 451 of 1994. A premises served by a pump and haul operation may be inspected regularly by the Health Officer.

#### **418 VACANT LAND EVALUATIONS**

**A. Purpose** - Vacant land evaluations will be conducted by the Health Officer upon request. The evaluation shall determine the suitability of the site for development utilizing an on-site sewage disposal system. Decisions to approve or reject vacant land evaluations shall be based on this Code.

**B. Application** - Application for a land evaluation shall be made in writing on a form provided by the Health Department and shall be accompanied by the required fee. The owner or their authorized representative shall provide permission for the Health Officer to enter the property to complete the evaluation. The Health Officer may require the applicant to provide the information and tests described in Sections 403C and 403D of this Code.

**C. Evaluation Reports** - Results of the vacant land evaluations shall be provided in writing to the applicant. The evaluation shall be subject to revision in the event of any change in site conditions or subsequent amendments to applicable statutes, ordinances, rules or regulations.

#### **419 SUBDIVISION/CONDOMINIUM DEVELOPMENT**

The Land Division Act (Act 288, PA 1967) or the Condominium Act, (Act 59, PA 1978), and the rules of the Michigan Department of Environmental Quality (R560.401 to R560.428) shall be the basis for acceptance or rejection of proposed subdivision and condominium projects that are not served by public sewers and/or public water.

**PART V**  
**GARBAGE, RUBBISH AND DEAD ANIMALS**

**500 ACCUMULATION OF GARBAGE**

No owner or occupant of a premises shall permit to accumulate upon such premises any garbage except in covered durable containers that are vermin-proof.

**501 ACCUMULATION OF RUBBISH**

No owner or occupant of a premises shall permit to accumulate upon such premises any rubbish except in covered durable containers except that bulky rubbish may be bundled and stored so as not to provide a harborage or breeding place for vermin.

**502 DISPOSAL OF GARBAGE AND RUBBISH**

Garbage and rubbish shall be disposed of in a sanitary manner that does not create a nuisance, odors or public health nuisances in accordance with the provisions of Public Act 641 of 1978, as amended.

**503 TRANSPORTATION OF GARBAGE AND RUBBISH**

Vehicles, containers or other devices used in the transportation of garbage and rubbish shall be so constructed and maintained so that no portion of the contents therefrom shall be deposited on the ground surface except as provided in the provisions of Public Act 641 of 1978, as amended.

**504 DEAD ANIMALS**

All animals shall be disposed of in a manner approved by the Health Officer within 24 hours of the animal's death. If such animals are buried, they shall be covered with at least 4 feet of soil at a location approved by the Health Officer.



**PART VI**  
**PUBLIC ASSEMBLIES**

**600 TOILET FACILITIES**

Based on the expected or actual attendance, which ever is greater, the number of water closets and/or portable toilets at a public assemblage be no less than one for every 200 people or portion thereof. Urinals may be substituted for a portion of the water closets with the approval of the Health Officer. All toilet facilities shall be served by a sewage system that complies with this Code.

**601 GARBAGE AND RUBBISH REMOVAL**

Garbage and rubbish storage containers shall be provided in sufficient quantity and strategically located throughout the site. Each container shall be serviced as often as necessary to prevent an unsanitary condition, offensive odors, or a problem with vermin. All garbage and rubbish shall be stored and disposed of in accordance with Part V of this Code.

**PART VII**  
**PUBLIC HEALTH NUISANCES**

**700 INVESTIGATION OF PUBLIC HEALTH NUISANCES**

The Health Officer shall investigate all public health nuisances, sources of filth and causes of sickness that may, in his/her opinion, be injurious or pose a hazard or risk to the public.

**701 REMOVAL AND ABATEMENT OF NUISANCES**

Whenever any public health nuisance, hazard, risk or source of filth is found on premises, the Health Officer shall order the owner or occupant of the premises at his/her own expense to remove or abate the public health threat within a specified and reasonable time.

## **PART VIII HABITABLE DWELLINGS**

### **800 SCOPE**

Part VIII establishes the criteria for designating a dwelling unfit for human habitation and the procedure for condemning, placarding, vacating, and reusing the dwelling.

### **801 CONDEMNING AND PLACARDING OF A SUBSTANDARD DWELLING**

A. Any dwelling which is found to have any of the following defects may be condemned, designated and placarded by the Health Officer:

1. One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or the public.
2. One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
3. One which because of its general condition or location is unsanitary or otherwise dangerous to the health or safety of the occupants.

B. It shall be unlawful for any person other than the Health Officer to remove or alter a placard.

### **802 VACATING A CONDEMNED DWELLING**

Any dwelling condemned and placarded as unfit for human habitation by the Health Officer shall be vacated within a reasonable time as ordered by the Health Officer.

### **803 REUSE OF A CONDEMNED DWELLING**

No dwelling which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and the placard is removed by the Health Officer. The Health Officer shall remove the placard whenever the defect or defects upon which the condemnation and placard were based have been eliminated.

## **PART IX WATER SUPPLY**

### **900 SCOPE**

These regulations shall apply to all premises in Alpena, Cheboygan, Montmorency Presque Isle Counties; except that these regulations do not apply to the installation of wells, water mains, service lines, and other items which are part of a Type I public water supply, as defined by Michigan's Safe Drinking Water Act, Act 399 of the Public Acts of 1976, and Administrative Rules, as amended.

### **901 INCORPORATION OF OTHER REGULATIONS**

District Health Department No. 4 incorporates by reference, and adopts as part of this Code, the following:

- A.** 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 the Act: Part 1, being R325.10101 to R325.10115; Part 4 being R325.10401 to R325.10409; Parts 7 and 8, being R325.10701 to R325.10833; and Parts 10 through 14, being R325.11001 to R325.11407 of the Michigan Administrative Code, and any subsequent revisions thereto, and
- B.** Part 127 of Act No. 368 of the Public Acts of 1978, of Michigan's Public Health Code being section 333.12701 through 333.12715 of Michigan Compiled Laws, and the administrative rules promulgated pursuant to the Act, being R325.1601 through R325.1676 of the Michigan Administrative Code, and any subsequent revisions thereto.
- C.** Rulings based on provisions of the Acts adopted under Sections 901 A and B cannot be appealed under Part II of this code.

### **902 SPECIAL DEFINITIONS**

**A. Plugging a Well** – Permanently sealing the entire well in accordance with the procedures outlined in Part 127 of Act 368 of the Public Acts of 1978, and the administrative rules.

**B. Water Supply** – 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; and pumping and treatment equipment, storage tanks, pipes, and appurtenances, or a combination thereof, used or intended to furnish water for domestic or commercial use.

**C. Well** – An opening in the surface of the earth for the purpose of obtaining ground water, monitoring the quality of ground water, obtaining geological 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 but is not limited to:

- 1. A water supply well used to obtain water for drinking or domestic purposes.
- 2. An irrigation well used to provide water for plants, livestock or other agricultural processes.
- 3. 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.
- 4. A recharge well used to discharge water into an aquifer.
- 5. A dewatering well at least 25 feet deep used to lower the ground water level temporarily at a construction site.
- 6. A heat exchange well used for the purpose of utilizing the geothermal properties of earth formations for heating or air conditioning.
- 7. An industrial well used to supply water for industrial processes, fire protection, or similar

nonpotable uses.

8. A fresh water well at an oil or gas drilling site, when the fresh water well is to be retained after completion of the oil or gas drilling operation.

## **903 PERMITS**

**A. Permits Required** – No person shall begin construction of a new water supply or make extensive changes to existing water supplies, without first obtaining a water supply construction permit from District Health Department No. 4. Extensive changes include, but are not limited to replacing the well casing, removing a well casing from the ground, changing aquifers or sources of water, deepening or plugging back a well.

**B. Project Permit** – Where multiple wells for dewatering purposes are proposed to be constructed for the same project, a single project permit may be issued.

**C. Emergency conditions** – In the event an emergency arises where lack of water will result in undue hardship and the offices of District Health Department No. 4 are closed or when the well driller is involved with repair work and it is deemed necessary to begin construction immediately on a new well, a registered well driller may begin extensive changes to or construction of a new water supply without notification or permit. The well driller shall contact the Health Officer on the next regular working day and obtain a permit for such installation.

**D. Application Procedure** – Application for a water supply construction permit shall be made in writing on a form provided by District Health Department No. 4 and shall be signed by the property owner or their representative. The applications shall include but not be limited to the following:

1. The name and address of the property owner.
2. The address, location, and property tax identification number of the site.
3. The size, shape, and legal description of the property.
4. The location of property lines, easements, road right of ways or other pertinent legal encumbrances.
5. The location of all proposed water wells and existing wells at the site.
6. The location of existing sewage system replacement areas at the site and on adjacent properties when the adjacent property areas are within standard isolation distances.
7. The location of proposed sewage system replacement areas at the site and on adjacent properties when the adjacent property areas are within standard isolation distances.
8. The location, size and use of all existing and proposed buildings at the site.
9. The location of surface water on the site and adjacent properties when the adjacent property areas are within standard isolation distances.
10. The proposed and existing location of driveways and other pavement.
11. The location of flood plains.

**E. Permit Expirations and Renewal** – A permit for a water supply shall be valid for a period of two years (24 months) after the date of issuance unless declared void as provided in these regulations. Permits are not transferable to other persons or locations.

**F. Void Permits** – A permit as issued by the Health Officer may be declared void and a stop work order posted by the Health Officer because of, but not limited to, any of the following conditions:

1. An increase or alteration in the scope of the project which was not disclosed on the permit.
2. Specific conditions under which permit application approval was granted cannot be adhered to.

3. Where information provided on the application is found to be inaccurate or untrue.
  4. Where continued work pursuant to the permit is substantially certain to cause or result in a threat to public health or the environment.
- G. Inspections** – The Health Officer shall make such inspections at the site as deemed necessary. Failure to Construct according to the plans and specification or instructions as indicated on the construction permit shall be deemed a violation of the Code for which the applicant and/or the licensed well drilling contractor may be held liable.
- H. Notification** – The Health Officer shall be notified of the intent to commence construction by the permit holder or the licensed well drilling contractor as follows:
1. Prior to the date of proposed construction by permit application.
  2. Within 60 working days following completion of the water supply construction.
- I. Denial of Application** – The Health Officer shall have the right to reject an application for a water supply sewage permit when one or more of the following conditions exist at the site:
1. Where the water supply system would be inaccessible for maintenance and repair.
  2. Where the property served is too small to maintain the isolation distances, required by the Health Officer.
  3. Where the site is subject to flooding or within the 100 year flood plain.
  4. Where the parcel of land is known to have been subdivided in violation of the Land Division Act of 1967, Public Act 288 of 1967, as amended or the Condominium Act, Public Act 59 of 1978, as amended.
  5. Where one or more of the aquifers under the site is known to be contaminated.
  6. Where conditions exist or may be created which may endanger the public health or the environment.
- J. Approval** – A new water supply shall not be used until the construction and installation have been approved by Health Officer. Prior to approval by the Health Officer the following documentation shall be submitted to the Health Officer:
1. A completed “Water Well and Pump Record”, prepared by the licensed well drilling contractor and/or pump installer, as applicable, has been submitted to the Health Officer.
  2. 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 analysis shall include coliform bacteria 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 Environmental Quality.

## **904 ALTERNATIVE SYSTEMS AND DEVICES**

Alternative water supply systems and devices, such as but not limited to hauled water system, surface water with complete treatment, etc, may be approved by the Health Officer if they provide equal or better quality than methods provided in this Code. Such a system or device shall not cause a public health hazard, endanger the natural environment or create a nuisance. The Health Officer may impose special conditions and requirements on the use and approval of alternative systems including detailed engineering plans, experimental test data, periodic operational reports, periodic inspections and provisions for utilizing other types of water supplies in the event the alternative system or device fails.

## **905 PLUGGING OF WELLS**

The Health Office may require the plugging of the following types of wells:

1. An abandoned well.
2. A well installed without a water supply construction permit after the effective date of these regulations.
3. A well in violation of this code or permit requirements.
4. A well that allows a contaminant to enter an aquifer.

## **906 ADOPTION AND EFFECTIVE DATE**

These regulations were adopted by the Board of Health on July 21, 2009 and approved by and on:

Alpena County Board of Commissioners: July 28, 2009

Cheboygan County Board of Commissioners: August 11, 2009

Montmorency County Board of Commissioners: August 12, 2009

Presque Isle County Board of Commissioners: July 31, 2009

These regulations shall become effective on October 12, 2009



