

OTTAWA COUNTY
ENVIRONMENTAL HEALTH

REGULATIONS

Effective 11/22/96
As Amended August 23, 2005

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Article I - General Provisions of the Regulations

Section

- A. **Title** - The Board of Commissioners of Ottawa County, Michigan, by virtue of the power vested in the body under authority of Sections 2435 & 2441 (1) of the Michigan Public Health Code, Act 368, P.A. 1978, as amended, being Sections 333.2435 & 333.2441 of the Michigan Compiled Laws, hereby provides and adopts the following regulation known as the: OTTAWA COUNTY ENVIRONMENTAL HEALTH REGULATIONS.

Article II - Definitions Applicable to Entire Regulation

Section

- A. **Appeal** - A formal, written request directed to the Appeals Board for review of decisions made or actions taken by the Health Officer in his administration of the single and two family sewage disposal system requirements of this Regulation.
- B. **Approved or Acceptable** - Suitable for the intended use in accordance with the intent and purpose of these Regulations as determined by the Health Officer, based on examination and evaluation, and/or on evidence of compliance with acts, rules or specifications developed by the Department or other recognized agency.
- C. **Board** - The Board of Commissioners of Ottawa County, Michigan.
- D. **Code** - The Public Health Code of Michigan, Act 368, P.A. 1978, as amended (MCL 333.1101 et seq).
- E. **Department** - The Ottawa County Health Department, Environmental Health Division.
- F. **Dwelling or Habitable Premises** - Any permanent or temporary building, house, structure, tent, watercraft, trailer, vehicle, tract of land or part thereof, where one or more persons permanently or transiently reside, live, sleep, cook, eat, are employed or congregate.
- G. **Health Hazard** - A condition, or practice exists which could reasonably be expected to cause death, disease, or physical harm if not abated or eliminated.
- H. **Health Officer** - The Acting or Administrative Health Officer of the Ottawa County Health Department or any other employee of the Department designated or authorized by the Health Officer to perform services or functions pursuant to the provisions of this code. For the purpose of these regulations, designated, authorized employees of the Health Officer shall include the Director of the Environmental Health Division, the Supervising Sanitarian, the Solid Waste Management Coordinator, and all Environmental Sanitarians employed by the Department.
- I. **Inspection** - An examination, review, investigation, or evaluation of a surveillance or enforcement nature.
- J. **Municipality** - Any city, village or township within Ottawa County (State of Michigan).
- K. **Notice of Violation** - A written order issued by the Health Officer stating a violation and ordering correction of a condition or conditions in violation of these Regulations.

- L. Nuisance** - Any condition or activity on private or public premises which, in the judgment of the Health Officer, may be injurious, endangering, or detrimental to human life, safety and health of the public; annoying, offensive or obnoxious to the senses; obstructs the comfortable use or sale of adjacent property or may cause degradation of the natural environment.
- M. Owner** - The title holder of record, or the person legally occupying or in possession of any dwelling or premises.
- N. Person** - Any individual, party, company, partnership, firm, corporation, society, owner, association, trustee, agency or any other private or public entity.
- O. Premises** - A tract or parcel of land within Ottawa County with or without a dwelling or habitable building.
- P. Regulations** - Collectively, all acts, rules, requirements, standards, laws, policies and procedures contained in the Ottawa County Environmental Health Regulations.
- Q. Variance** - A modification from the provisions of these Regulations as may be permitted by the Health Officer.

Article III - Authority, Jurisdiction, and Administration

Section

- A. Authority** - These regulations are hereby adopted or incorporated by reference and enforced by virtue of authority conferred upon local health departments by Sections 2435 & 2441 (1) of the Michigan Public Health Code, Act 368, P.A. 1978, as amended, being Sections 333.2435 and 333.2441 of the Michigan Compiled Laws.
- B. Purpose** - These regulations are hereby adopted for the purpose of protecting public health and safety and the quality of the natural environment by establishing numerous standards, policies, and procedures; appeal processes; penalties for violations thereof; and fees for services performed.
- C. Jurisdiction** - The Health Officer is authorized to apply, administer, and enforce the provisions of these regulations. The Department shall have jurisdiction throughout Ottawa County, including all cities, villages, and townships for the administration and enforcement of these regulations, including all amendments, standards, policies and procedures hereafter adopted. The Health Officer shall have the authority to approve or deny any permit required by this Regulation.
- D. Enforcement** - The Health Officer is authorized to conduct inspections of all premises, public or private, to assure compliance with the provisions of this regulation as provided by Section 2246 of the Code, being Section 333.2246 of the Michigan Compiled Laws. The Health Officer may collect such samples for laboratory examination, or seize such property, or perform such tests or examinations as deemed necessary to fulfill the duties and responsibilities of these regulations. These regulations are intended to be utilized by Environmental Sanitarians who, by virtue of their education, training, and experience, are qualified to exercise the professional judgment necessary to uniformly enforce the provisions adopted herein.

- E. Right of Entry and Inspection** - No person shall refuse to permit the Health Officer entry to any private or public premise at reasonable times. It shall be unlawful for any person to molest, intimidate or resist the Health Officer during discharge of official duties for the protection of public health and safety. The Health Officer, after giving proper identification and receiving prior consent of the owner or occupier of the premises, is authorized to inspect any matter, person, premise, record, vehicle, incident, or event to assure compliance. The Health Officer may request the assistance of the Ottawa County Sheriff Department, or other police agency when necessary to execute official duties and assure compliance with these Regulations where an imminent danger or health hazard exists or is believed to exist which requires that an inspection be conducted immediately and prior consent cannot be obtained. Pursuant to any valid entry and inspection affected under this Section, the Health Officer may take possession of any evidence obtained in the course of the investigation which demonstrates a violation of, or non compliance with, any of this Regulation.
- F. Interference with Notices** - No person shall remove, mutilate, alter, or conceal any notice or placard posted by the Health Officer.
- G. Amendments** - The Department may recommend to the Board of Commissioners from time to time, amendments to the Regulations in the same manner as they were originally adopted and approved.
- H. Power to Establish Operation and Construction Standards, Policies, Procedures and Interpretations** - The Health Officer is hereby granted the authority to develop and establish construction and operation standards, policies, procedures, interpretations and definitions not in conflict with the intent of this Regulation, for the purpose of affectively carrying out the responsibilities herein delegated to the Health Officer by law and which shall be in full force and affect through out all of Ottawa County. These operation and construction standards, policies, procedures and interpretations may be revised periodically, shall be in writing, shall be kept in a policy file and made available to the public upon request.
- I. Certification and Training** - The Health Officer may require certification and/or training of contractors, owners, operators, and licensee's affected by the requirements of these regulations.
- J. Other Laws and Regulations** - These Regulations are intended to be consistent with applicable federal and state laws relating to public health and shall supersede all local regulations and ordinances not conforming with the minimum requirements as set forth in this Regulation.
- K. Injunctive Proceeding** - Notwithstanding the existence and pursuit of any other remedy, the Health Officer may maintain an action in a court of competent jurisdiction for an injunction or other process against any person to restrain, correct, or prevent violations of this Regulation which the Health Officer believes adversely affects the public health.
- L. Violations Notification** - The Health Officer shall be empowered to issue a notice of violation to any person who violates a provision of this Regulation. Failure to correct or abate the violation in the prescribed manner may result in the issuance of a misdemeanor appearance ticket and/or monetary civil citation.
- M. Order of Immediate Discontinuance** - The Health Officer may require immediate discontinuance of any operation or construction in existence where continuation would create a health hazard, actions or conditions do not comply with the construction or operation requirements of the Department, there is direct violation of these Regulations, or where construction has proceed-

ed unlawfully without a valid permit. Such enforcement action may also result in the issuance of a misdemeanor appearance ticket and/or monetary civil citation.

- N. Validity** - If any section, subsection, clause, or phrase of these Regulations is for any reason judged unconstitutional or invalid, it is hereby provided that the validity of remaining provisions of the Regulations shall not be affected.
- O. Pre-Existing Violations** - Any act, situation or offense committed or any action, liability, order, notice or penalty incurred under previous sections of the Ottawa County Environmental Health Code shall continue to be a violation and fully enforceable if similar sections or provisions are contained in this Regulation.
- P. Variances** - The Health Officer shall be empowered to issue variances or modifications of required isolation distances, materials or size of sewage disposal systems and may issue variances in cases where dimensions of features of the premises create a physical impossibility for compliance, provided all the following conditions exist:
 - 1) That no substantial health hazard or nuisance is likely to occur;
 - 2) That strict compliance with the requirement of the Regulation would result in unnecessary or unreasonable hardship;
 - 3) That no state or local statute or other applicable laws would be violated;
 - 4) That any such variance would provide essentially equivalent protection in the interest of the citizens of Ottawa County;
 - 5) That any such modified sewage disposal system would provide equal or better treatment and disposal than the minimum requirements of this regulation.
- Q. Interpretation/Interchangeability** - The word "shall" is always mandatory and "may" is merely permissive. Words used in the masculine form include the feminine, or the reverse, and words used in the present tense include the future, words in singular number include the plural number, or reverse. Words and terms not defined herein shall be interpreted in the manner of their common meaning and usage.
- R. Repeal** - Previous regulations entitled "Ottawa County Environmental Health Code", as amended and approved by the Board on December 10, 1985, is hereby repealed.
- S. Approval and Affective Date** - These Regulations entitled "Ottawa County Environmental Health Regulations" were approved by action of the Health and Social Services Committee of the Board on September 5, 1996 and adopted by action of the Board on October 8, 1996. These Regulations shall become affective November 22, 1996.

Article IV - Fees

Section

- A. Fees** - A schedule of fees for permits, licenses, services, hearings, and functions authorized and required to be performed by the Department may be adopted and revised periodically by the Board pursuant to Section 2444 of the Code, being Section 333.2444 of the Michigan Compiled Laws. All fees shall be collected by the Department and shall be receipted for and deposited with the Ottawa County Treasurer and credited to the Department. Established fees shall be reasonably related to the costs incurred by the Department in providing the requested services.

- B. Advance Payment of Fees** - Fees required for services and permits shall be paid in full prior to the performance of such service or issuance of such permit by the Department.
- C. Refunds of Fees** - Fees paid for services or permits authorized by these Regulations shall not be refunded unless requests for refunds are received prior to the commencement of action by the Department or the Department determines the request for service is not required.

Article V - Penalties

Section

- A. Violations Defined** - Any person who violates a provision or requirement of these Regulations including those statutes of the State of Michigan incorporated by reference and adopted as part of these Regulations shall be deemed guilty of a misdemeanor as provided in Section 2441 (2) of the Code, being Section 333.2441 of the Michigan Compiled Laws. In the case of continuing violations of these Regulations, each day's violation shall constitute a separate offense, and may be cited as such. Upon conviction thereof, such misdemeanors shall be punishable by imprisonment for not more than ninety (90) days, or a fine of not more than \$200.00, or both.
- B. Misdemeanor Appearance Tickets** - Under authority of Section 2463 of the Code, being Section 333.2463 of the Michigan Compiled Laws, the Health Officer and designated employees are specifically authorized by law to issue and serve misdemeanor appearance tickets with respect to violations of these Regulations and the Statutes of the State of Michigan concerning health matters which are under the authority of the Department.
- C. Civil Citations** - Pursuant to Section 2461 of the Code, being Section 333.2461 of the Michigan Compiled Laws, the Health Officer and designated employees are specifically authorized by law to issue and serve civil citations to be assessed for specific violations of these Regulations and Statutes of the State of Michigan concerning health matters which are under the authority of the Department. The citation shall be written, shall state specifically the nature of the violation, including reference to the section alleged to have been violated, the monetary civil penalty established for the violation, the right to appeal the citation and shall be delivered or sent not later than ninety (90) days after discovery of the alleged violation.
- D. Civil Citation Appeals** - Pursuant to Section 2462 of the Code, being Section 333.2462 of the Michigan Compiled Laws, not later than twenty (2) days after receipt of a civil citation, the alleged violator may petition the Department for an administrative hearing with the Health Officer which shall be held within thirty (30) days after receipt of such petition. A person aggrieved by a decision of the Health Officer, may file a petition with the Circuit Court of Ottawa County for court review not later than sixty (60) days following receipt of the final decision. A civil penalty shall become final if a petition for an administrative hearing is not received within thirty (30) days of its issuance.
- E. Monetary Civil Penalties** - A schedule of monetary civil penalties for specified violations of the Code or of these Regulations or order issued which the Department has the authority and duty to enforce, are hereby adopted and may be revised periodically by the Board pursuant to Section 2461 (1) of the Code, being Section 333.2461 of the Michigan Compiled Laws. All civil penalties imposed under this part shall be payable to the Department and shall be deposited with the Ottawa County Treasurer and credited to the Department. The amount of monetary penalty shall be doubled for second and succeeding citations for the same violation. When a

violation of this Regulation or another law which the Health Officer has the duty to enforce exists, and for which no specific monetary penalty has been established, the monetary penalty shall be \$100.00 for the first citation and doubled for the second and succeeding violations. In the specific case of a licensed food service establishment or any other licensed entity, an unpaid civil penalty shall be charged in addition to the regular license fee for the next licensing period and nonpayment may be made a basis for refusing to issue a new or renewed license.

Article VI - Environmental Health Appeals Board

Section

- A. Applicability** - Any person who is, or may be reasonably affected by an administrative action or decision by the Department to deny, limit, suspend or revoke a permit for construction of an on-site sewage disposal system to serve a single or two family dwelling shall be entitled to appeal such action or decision.
- B. Creation of Appeals Board** - In order to provide for reasonable and equitable interpretation and application of these Regulations relating to sewage disposal requirements for single and two family dwellings but not for violations thereof, there is hereby created a Board of Appeals.
- C. Composition of Appeals Board** - The Appeals Board shall consist of not less than seven (7) members who shall reside within Ottawa County and be representative of diversified interests and broad geographical areas. The composition of the Appeals Board shall consist of five (5) qualified electors from the county at large; the supervisor or manager representing the municipality from which the appeal originates; and the Supervising Sanitarian of the Environmental Health Division representing the Department.
- D. Appointment** - The five (5) members at large shall be selected upon the basis of their respective qualifications and fitness to serve without consideration of their political activities. Appointments shall be made by the Chairman of the Board of Commissioners in concurrence with the full Board of Commissioners.
- E. Terms of Office** - Terms of office shall be staggered with eligibility for re-appointment.
- F. Conduct** - The Appeals Board shall select a chairperson, vice chairperson, and secretary and shall review, hear and maintain records of all appeal proceedings.
- G. Quorum** - A quorum of the Appeals Board shall consist of at least four (4) members.
- H. Request for Hearing** - Requests for appeal hearings before the Appeals Board shall be submitted to the Department by the appellant on forms provided for such purpose.
- I. Appeal Fees** - The Board has established fees for appeal hearings in accordance with Article IV of these Regulations and are stated in the Department fee schedule. Such fees shall be paid-in-full to the Department by the appellant at the time of submission of a request for an appeal hearing.
- J. Scheduling of Hearing** - The Appeals Board, upon receiving an appeals hearing request, may elect to grant a hearing at such time and location as the Appeals Board may specify, but shall be scheduled not more than twenty one (21) days following receipt of request. A written notice of the date, time, and place shall be sent or delivered to the appellant.

K. Hearings - The chairperson shall have the power to call for such evidence, testimony, witnesses, records, or other information as may be deemed relevant to the issue. The Appeals Board shall review and pass judgment upon decisions made or actions taken by the Department in its administration of these Regulations. The final decision issued by the Appeals Board shall be supported by all the following conditions:

- 1) That no substantial health hazard or nuisance is likely to occur;
- 2) That strict compliance with a requirement of the Regulations would result in unnecessary or unreasonable hardship to the appellant;
- 3) That no state or local statute or other applicable laws would be violated;
- 4) That the decisions issued would provide essentially equivalent protection for the public's health and safety.

L. Decision Vote - A decision of the Appeals Board requires an affirmative vote of a majority of a quorum. A decision of the Appeals Board shall be the final administrative determination concerning the issue being appealed.

Article VII - Technical Definitions

Section

- A. Absorption Bed** - An approved type of subsurface soil absorption system constructed within a square, rectangular, or similar excavation which contains perforated distribution conduit laid on a uniform bed of stone so as to allow for the absorption of septic tank effluent by the surrounding soil.
- B. Absorption Trench** - An approved type of subsurface soil absorption system constructed within a narrow excavated trench which contains a single line of perforated distribution conduit laid on a uniform bed of stone so as to allow for the absorption of septic tank effluent by the surrounding soil.
- C. Automatic Pump or Siphon** - A mechanical device located within a dose tank or pump vault which will automatically pump or release a predetermined amount of effluent at periodic intervals to a soil absorption system or other device approved by the Department.
- D. Available Municipal Sewer** - If a municipal sanitary sewer is within two hundred (200) feet of a dwelling or habitable premises in which sewage originates, then the sewer is considered available to that structure for connection and disposal of sewage.
- E. Dose Tank** - A water tight tank or screened pump vault used for the purpose of retaining the effluent from a septic tank, pending its controlled discharge to a soil absorption system or other approved device via a automatic pump or siphon.
- F. Effluent** - The partially treated liquid sewage released through the outlet of a septic tank.
- G. Experimental Sewage Disposal System** - A method of sewage collection, treatment and disposal which possesses unique and untested characteristics relative to its design, location or principals of operation and may be authorized for limited use by the Department under the provisions of a controlled test program.

- H. Flood Plain** - The elevation of the contour defining the flood plain limits of any area subject to flooding based on a historical recurrence period commonly referred to as once in about one hundred (100) years or 1 percent flood or 10 percent (10 year) flood as determined by the Land and Water Management Division of the Michigan Department of Environmental Quality.
- I. Garbage Disposal Unit** - A mechanical device generally located in a sink drain and so designed to macerate garbage prior to discharge into a sewer.
- J. High Ground Water Elevation** - The highest level or elevation to which the soil beneath the ground surface is saturated by ground water as may occur during wet periods and determined by observation of distinctive color patterns (mottles) in the soil, site drainage characteristics and verified by information included in the Soil Survey of Ottawa County, Michigan.
- K. Municipal Sewage Disposal System** - A method of sewage collection, transportation and treatment for which the ownership and responsibility for maintenance and operation resides with a governmental entity.
- L. New Use** - Any change in the status or use of a dwelling or premises utilizing or intending to utilize on-site sewage disposal and/or water supply.
- M. Permeability** - The capability of a soil to transmit water.
- N. Precast Unit or Block Trench** - An approved type of subsurface soil absorption system constructed within a rectangular excavation or trench comprised of loosely laid cement blocks or precast concrete, plastic, or fiberglass units surrounded with washed-stone so as to allow for the absorption of septic tank effluent by the surrounding soil.
- O. Safe and Adequate Water Supply** - A water supply which is constructed and located in such a manner as to provide water which will not endanger the health of the user and which provides sufficient water pressure to operate all connected plumbing fixtures.
- P. Septage Waste** - Any human excrement, other sanitary, domestic or restaurant waste, or other material removed or discharged from a septic tank, block trench, precast unit, cesspool, portable toilet, sewage lift station or other enclosure but does not include liquid or hazardous industrial waste.
- Q. Septic Tank** - A water tight, non-corrosive tank constructed of materials approved by the Health Officer, having an inlet and outlet, used for the purpose of receiving all sewage and so designed to provide partial treatment by separation and storage of solids and anaerobic decomposition, prior to releasing the effluent.
- R. Sewage** - All water carried wastes produced by any toilet, sink, bathtub, shower, lavatory, garbage disposal unit, laundry device or drain and human body wastes, in any form originating within or upon any premise. Excluded from the definition are waste waters from roofs, water softening devices, foundation footing drains, floor drains, swimming pools and hot tubs.
- S. Sewage Disposal System** - A method of sewage collection and disposal other than a municipal sewage disposal system consisting of a sewer line connected to one or more septic tanks and a soil absorption system or any other device approved by the Health Officer.

- T. **Sewage Related Nuisance** - Any unsanitary condition or activity involving sewage or septage waste occurring on private or public property which the Health Officer reasonably believes to be a potential cause of illness, poses a threat to the health or safety of the public, pollutes surface or ground water, creates an odor, has an obnoxious or detrimental affect on or to the senses of people, or obstructs the comfortable use or sale of adjacent property.
- U. **Sewer** - A water tight conduit used for transporting sewage from a dwelling or habitable building to a sewage disposal system.
- V. **Soil Absorption System** - A method of distributing septic tank effluent below the ground surface utilizing the surrounding soil for subsequent absorption as approved by the Health Officer.
- W. **Stone** - Clean or washed natural stone, crushed stone, crushed rock or other aggregate in a size range from 1/4 inch to 2 inch in diameter as may be approved and required by the Department to be utilized for structural support and sewage effluent dispersal within a soil absorption system.
- X. **Surface Water** - A flowing or still body of water whose top surface is exposed to the atmosphere and includes ponds, lakes, bayous, impoundments, rivers, drains, streams, ditches, springs, either natural or constructed.
- Y. **Vacant Land Evaluation** - An on-site investigation of a premises to evaluate the suitability of soils and ground water aquifers to support an on-site sewage disposal system and water supply.
- Z. **Other Definitions** - Technical terms not defined in this article, but which may be used in these regulations shall mean the most commonly recognized interpretation or description of the term used in the Environmental Health profession.

Article VIII - Single and Two Family Sewage Disposal Requirements

Section

- A. **Scope of Article** - The requirements of this article shall apply only to on-site sewage disposal systems serving single and two family dwellings.
- B. **Adequate Sewage Disposal System Required** - It shall be unlawful for any person to construct, rebuild, move onto any parcel of land, occupy, permit to be occupied, use, or offer for rent/lease any dwelling or habitable premises which is not provided with an acceptable on-site sewage disposal system as determined by the Health Officer or is not connected to a municipal sewage disposal system for the sanitary and safe disposal of sewage as required by this Regulation.
- C. **Separate System for Each Dwelling** - Every dwelling or habitable premises not served by a public sewerage disposal system shall be served by its own individual sewage disposal system except as may be approved by the Health Officer. Every sewage disposal system installed subsequent to the affective date of these regulations shall conform to the design, location, and construction specifications of these regulations. Sewage disposal systems in use prior to the affective date of these regulations may continue in use providing such usage does not create a hazard to public health and safety, a nuisance, or degradation of the natural environment.

- D. Connection Required** - All plumbing fixtures such as flush toilets, urinals, lavatories, sinks, bathtubs, showers, whirlpool tubs, wash machines, laundry tubs or any similar fixtures used to receive or conduct water carried wastes or sewage shall be connected to an approved sewage disposal system. Sump water, footing or perimeter drainage, ground water heat pumps, swimming pools, hot tubs, storm water from roofs or parking areas or products/chemicals which pose a threat to ground water quality shall not be discharged into a sewage disposal system.
- E. Connection to a Municipal Sewage Disposal System** - Newly constructed dwellings/habitable premises shall be required to connect to an available municipal sewage disposal system for wastewater disposal when such public sewers are available and consistent with municipal codes and ordinances. Existing dwellings/habitable premises shall be ordered to connect to available municipal sewer by the Health Officer when continued use of the on-site sewage disposal system constitutes a sewage related nuisance or a new use of the structure requires upgrading of the sewage disposal system.
- F. Basement Plumbing Fixtures** - When plumbing fixtures are installed in basements, it shall be necessary to install a separate sump pump to be used for no purpose other than pumping sewage directly to the septic tank, unless gravity flow is possible. Diversion valves shall not be allowed on the discharge pipe of sump pumps receiving sewage.
- G. Non-complying Sewage Disposal Systems** - It shall be unlawful for any person to create a sewage related nuisance whereby sewage effluent or septage waste is exposed, discharged, deposited, or drains on or to the surface of the ground, or is permitted to drain into any surface water, may contaminate a public or private ground water supply, or creates a hazard to public health and safety, a nuisance or degradation of the natural environment or be in direct violation of any section of this Regulation. Any person who violates a provision of these Regulations resulting from improper sewage disposal practices, a malfunctioning or improperly constructed sewage disposal system or any sewage disposal system not functioning as intended or permitted shall be issued a violation notice by the Health Officer and may be ordered to take corrective action within a specified period of time. The Health Officer may require immediate discontinuance of any operation or construction of a sewage disposal system and/or order such premises vacated and declared unfit for use or habitation until satisfactory remedy can be demonstrated.
- H. Discharge from Public or Private Drain of Unknown Origin** - Whenever the Health Officer shall determine that sewage is flowing from the outlet of any public or private drain of unknown course or origin, he may issue public notices requiring persons owning premises from which such sewage originates, to connect such sewage flow to a municipal sewage disposal system if available, or in the absence thereof, to comply with the provisions of this Regulation. Public notice shall consist of the posting of at least five (5) conspicuous notices in the probable area served by said drain. After not less than ten (10) days following posting of the notices, the Health Officer may plug or cause to be plugged the outlet of said drain until such time as the sources of the sewage have been located. Owners of properties known to be discharging sewage in a drain shall be given written notice of corrections required within a specified period of time and shall be responsible for bearing the costs of correction and plugging the outlets. Failure to comply shall be considered a violation of this Regulation. The Department or any employee thereof shall not be liable for damages caused by plugging of such outlets/drains following posting of public notices.
- I. Replaced, Altered, or Repaired Existing Dwellings** - Whenever the interior living or working area of any existing dwelling or habitable premises is replaced, altered, increased or repaired in excess of 50% of the fair market value, the existing onsite sewage disposal system shall not be

utilized unless it can be shown to be in substantial compliance with the Regulation. The Health Officer shall require upgrading of such sewage disposal systems as deemed necessary to meet the minimum requirements of this Regulation.

- J. New Use of Existing Dwelling or Habitable Premises** - Whenever a new or increased use is proposed for an existing dwelling or habitable premises, the Health Officer may require upgrading of the sewage disposal system as deemed necessary to meet the minimum requirements of this Regulation.
- K. Location of Sewage Disposal Systems** - All sewage disposal systems shall be located entirely upon the premises served except under certain conditions where suitably executed and recorded easements exist as determined by the Health Officer.
- L. Stop Work Order** - In instances where construction of a sewage disposal system or part thereof has proceeded unlawfully and without a valid permit, or is found to be in violation of construction requirements, the Health Officer shall issue a "Stop Work Order" requiring immediate discontinuance of said construction. Noncompliance with such order shall be a violation of this Regulation.
- M. Abandonment of Existing Systems** - If the Health Officer shall so order, septic tanks, dose tanks, seepage pits, dry wells, block trenches or similar below grade contrivances shall be emptied and completely filled with soil or other inert materials when their use is to be permanently discontinued.
- N. Optional Sewage Disposal System Features** - Following review and approval by the Health Officer, optional features which exceed the minimum construction criteria of this Regulation shall be permitted to be incorporated into the design of a sewage disposal system and shall be indicated on the sewage disposal system construction permit. Other design features may be required by the Health Officer as a condition of permit issuance, including but not limited to the use of pumps or siphons for intermittent dosing of effluent; recirculating pumps; sand filters; diverter valves; multiple absorption beds to allow alternate dosing; installation of inspection ports or breather tubes; larger reserve areas; filter devices on outlets of septic tanks; use of low flush toilets, water saving shower heads and self-closing faucets; dosing pump counter and timer; alarms; and water use meter.
- O. Alternative Sewage Disposal Systems** - In the absence of applicable guidelines, technical information, and construction standards concerning a new type of proposed alternative sewage disposal system, the Health Officer may authorize use of such a system if it is determined that no hazard to public health and safety, nuisance, or degradation of the natural environment will result and that in his opinion, the system would include an infiltrate area or provide soil absorption and treatment equivalent to the minimum standards of this Regulation. The Health Officer may impose special conditions and requirements pertaining to the approval and use of such a system and prior to any construction of alternative sewage disposal systems, may require specific training and/or certification of contractors and sewage disposal system installers.
- P. Repair/Replacement Systems** - When sewage disposal system repairs or replacements for existing dwellings or habitable premises cannot conform to the site and design specifications of a new system as set forth in this Regulation, the Health Officer may grant deviations from the minimum requirements and conditions if the spirit and intent of this Regulation are observed and the public health, safety and welfare are assured.

- Q. Holding Tank Systems** - Holding tanks utilizing pump and haul on a permanent basis for new single and two family dwellings are not an acceptable alternate method of sewage disposal on sites that do not meet the acceptance criteria (as specified in Article IX, Section H) required for a soil absorption system. The Environmental Health Appeals Board may elect to grant a hearing for a request to use a holding tank on a new site that has been denied an on-site sewage disposal system permit by the Department. The Health Officer may consider pump and haul for existing dwellings and habitable premises only after all other possible corrective remedies for sewage disposal have been eliminated. In addition, the Health Officer may grant temporary approval to use pump and haul for new dwellings awaiting connection to a municipal sewer disposal system. All approved pump and haul operations shall comply with the requirements and conditions set forth in the Construction Standards and Policies of this Regulation.
- R. Construction Standards** - On-site sewage disposal systems for single or two family dwellings shall meet the Construction Standards as set forth by the Health Officer and are incorporated by reference in this Regulation. Further, the Health Officer shall develop internal policies and procedures to affectively carry out the intent of this Regulation.
- S. Existing Sewage Disposal Systems in Flood Affected Areas** - It shall be unlawful for sewage disposal systems to create a public health nuisance, as determined by the Health Officer, in flood affected areas. In order to avoid such a nuisance, all replacement septic tanks and holding tanks shall be watertight and fitted with watertight access. Sewage disposal systems that do present a public health hazard shall be properly abandoned and replaced with either a fully compliant system or with a holding tank system in accordance with Section Q of Article VIII of this Regulation. Sewage disposal systems shall be brought into full compliance with this Regulation, and all other applicable regulations, upon sale of the property, expiration of the existing system's useful life, failure of the existing system, or a change in factual or legal circumstances as determined by the Health Officer. Any variance from this policy must be approved by the Health Officer and may only be issued if: (a) the County would be at significant risk of a legal finding of inverse condemnation if it enforced this regulation or (b) the property owner has committed in writing to sell the property to the county, state, or federal governments for nonresidential purposes. A variance must in writing, signed by the Health Officer and may not be relied upon by any subsequent purchaser or prospective purchaser of the property. The County reserves the right to revoke or terminate the variance if the property is sold or if the County is no longer at significant risk of any inverse condemnation in enforcing this regulation.

Article IX - Permits

Section

- A. Permit Required** - No person shall construct, repair, enlarge, alter, relocate, or rejuvenate any onset sewage disposal system serving any premises within Ottawa County unless he/she has first obtained a sewage disposal system construction permit from the Health Officer who is empowered to issue permits authorizing the installation of all sewage disposal systems subject to his/her jurisdiction. No person shall begin or allow construction of any dwelling requiring an on-site sewage disposal system without first obtaining approval and a permit issued by the Health Officer. All sewage disposal system installations shall be constructed in accordance with the permit requirements utilizing construction standards and provisions of these Regulations.

- B. Permit Exceptions** - The requirement for a sewage disposal system construction permit from the Department shall not apply when any of the following circumstances prevail:
- 1) All sewage will be discharged directly into a Municipal sewage disposal system.
 - 2) In the judgment of the Health Officer, the proposed actions relative to the sewage disposal system are of a very minor nature.
 - 3) The served premises falls within a category which subjects the sewage disposal system to the legal jurisdiction of another agency.
- C. Application for a Permit** - An application and substantiating data shall be provided on forms furnished by the Department. A completed application, signed by the applicant and accompanied by the established fee shall be submitted to the Department before the Health Officer will respond for an on-site evaluation. The Health Officer may require supplemental information including but not limited to engineering plans or drawings, topographic maps indicating surface relief or grade elevations, soil analyses, additional soil borings, ground water elevations, flood plain contours, estimates of daily wastewater flows, anticipated use of structure, number of persons served, detailed plot plan, legal description of property and staking of the building site. It shall be the responsibility of the permit applicant to furnish the Health Officer with all requested facts, details, designs, and information.
- D. Permit Issuance** - The Health Officer, following review of an application and on-site evaluation, shall issue a permit to the applicant authorizing the requested construction, repair, enlargement, or relocation of a sewage disposal system, providing all of the site acceptance criteria and construction requirements can be met. Copies of all sewage disposal system construction permits shall be forwarded to the municipality involved.
- E. Permit Expiration** - Permits shall become void and expire twenty four (24) months from the date of issuance. The permit may be renewed, but will be subject to the prescribed renewal fee and any intervening changes to this Regulation. Any proposed changes in regulations, policy, materials, design, elevation, location, wastewater flow, or use will invalidate the original permit and a new or amended permit in compliance with these Regulations shall be issued and subject to the required permit fee.
- F. Transfer of Permits** - Permits may be transferable from person to person upon written request on forms provided by the Department and payment of the prescribed transfer fee, providing the structure size, use and specifications of the sewage disposal system remain unchanged and are certified by the new owner as being the same as originally specified. Any proposed changes in material, design, elevation, location, wastewater flow, or use will invalidate the original permit and a new permit shall be required. Copies of all transferred permits shall be forwarded to the municipality involved.
- G. Permit Denial** - The Health Officer shall withhold issuance of a sewage disposal system construction permit for any of the following reasons or causes:
- 1) A municipal sewage disposal system sewer is available for connection.
 - 2) Failure to submit the required permit fee.
 - 3) Incomplete, inaccurate, or false information supplied by the applicant.
 - 4) Failure of the proposed sewage disposal system installation site to meet the site acceptance criteria of the Regulations.
 - 5) Failure of the proposed sewage disposal system to meet the construction and design acceptance criteria of the Regulations.
 - 6) A safe and adequate water supply is questionable or not available.

- 7) The existence of any conditions or facts which give the Health Officer reasonable grounds to believe that issuance of the requested permit would create a threat, nuisance, or hazard to public health, safety, or the environment.

When an application for a sewage disposal system permit has been denied, the Health Officer shall notify the applicant of such action, stating the specific reasons for the denial, and advising further actions if any, which the applicant can undertake.

H. Site Acceptance Criteria - The following minimum characteristics shall be evaluated and used by the Health Officer in determining the acceptability of a site for the construction, repair, enlargement, or relocation of a sewage disposal system:

- 1) The site shall possess naturally occurring soils which are of sufficient quantity and permeability to absorb all sewage effluent to be discharged upon such site, and to insure its confinement beneath the ground surface. Determinations of soil permeability shall be made by persons trained in soil science using such methods as physical observations of soil texture, structure and coloration; sieve analysis; and information contained in the Soil Survey of Ottawa County, Michigan. Parent soils of acceptable texture and permeability, as determined by the Health Officer, shall extend to a minimum vertical depth of two (2) feet beneath the lowest elevation of the proposed soil absorption system.
- 2) The highest seasonal ground water elevation or evidence thereof shall be a minimum of six (6) inches beneath the natural ground surface in order for the site to be considered acceptable.
- 3) The site shall not be subject to seasonal surface water flooding or ponding, frequent surface run-off due to precipitation, or be located within the ten (10) year flood plain as determined by credible statistical projections, or historical evidence.
- 4) The site shall not possess slope conditions detrimental to the installation/operation of a sewage disposal system.
- 5) The site shall possess sufficient reserve area for a future replacement system at least equal to the area required for the initial system and any required fill.
- 6) The site shall possess sufficient, usable area to allow for the installation of a sewage disposal system of adequate size and capacity to accommodate all sewage from the premises to be served as specified by these Regulations.
- 7) The premises shall possess sufficient horizontal area to provide isolation of all components of a sewage disposal system from other structures, objects, boundaries, water wells or natural/man made features in accordance with the minimum distances specified by these Regulations.
- 8) The location of the sewage disposal system and reserve area shall be accessible for purposes of cleaning, maintenance, construction and inspection.
- 9) The site shall not be comprised of filled ground (man made) over naturally occurring, unacceptable soils/materials. Unacceptable soils/materials shall include peat, muck, marl, impervious clay, organic material, solid/hazardous waste or other soil/materials identified as unacceptable by the Health Officer.

I. Voidance of Permits - The Health Officer may declare a previously issued sewage disposal system construction permit to be null and void for any of the following reasons:

- 1) Any change in the plans or scope of the project affecting the sewage disposal system design, location, or use.

- 2) Acquisition of new information indicating that the previously approved installation site does not comply with the requirements of these Regulations or permit was issued for incorrect parcel or was in violation of the on-site Sewage Disposal System Requirements of the Subdivision Control Act, being Act 288, P.A. of 1967 as amended.
 - 3) Misrepresenting, omitting, falsifying, or withholding pertinent information upon which the minimum requirements contained in this Regulation are based.
 - 4) Information indicating an approved water well depth or water quality/quantity cannot be obtained.
- J. Site Modifications** - Site modifications, such as cutting, grading, or filling may be permitted in some cases for the purpose of overcoming permeability limitations of natural soils or ground water isolation requirements. Limits on the nature and extent of allowable modifications and fill shall be prescribed by the Health Officer as authorized by Article III, Section H of this Regulation.
- K. Inspection Required** - The Health Officer shall be empowered to conduct such inspections as may be deemed necessary in connection with the review of applications and the construction, repair, enlargement or relocation of a sewage disposal system. After construction of the sewage disposal system has been completed but before any portion of the system has been covered or placed in operation, it shall be the responsibility of the permit applicant or installer to notify the Department that the system is ready for inspection. The Health Officer shall respond to a request for a final inspection within two (2) working days following completion of system and request for inspection unless other arrangements between the permit applicant or installer are mutually agreed upon. Upon completion of a final inspection the Health Officer shall notify the permit holder and installer of all findings and shall signify an approval or disapproval. The requirements for a final inspection may be waived by the Health Officer if the completed work can be adequately verified by other means.
- L. Final Approval Required** - The Health Officer may deny final approval of any installation which does not comply with all permit conditions, is of faulty workmanship and/or construction materials, or otherwise does not meet requirements of this Regulation. It shall be a violation of this Regulation for anyone to utilize a sewage disposal system, to occupy or use any premises unless the Health Officer has given an approval. All systems disapproved by the Health Officer shall be brought into compliance with these Regulations within a period of time specified by the Health Officer.
- M. Backfilling** - Following approval of the sewage disposal system by the Health Officer, the system shall not be allowed to remain open for longer than seventy-two (72) hours unless otherwise approved by the Health Officer.
- N. Workmanship** - All work carried out during the repair, correction, installation, modification, revitalization or alteration of an on-site sewage disposal system shall be performed in a workmanlike manner and the property served left in a safe and sanitary condition as determined by the Health Officer.

Article X - Sewage Disposal System Requirements for Other than Single and Two Family Dwelling

Section

- A. Permit Required** - No person shall construct, repair, enlarge, alter or relocate any sewage disposal system serving other than a single or two family dwelling on any premises within Ottawa County unless they have first obtained a sewage disposal system construction permit from the Health Officer. No person shall begin or allow construction of any dwelling or habitable premises requiring an on-site sewage disposal system without first obtaining approval and a permit issued by the Health Officer. All sewage disposal system installations shall be constructed in accordance with the permit requirements utilizing construction standards and provisions of these Regulations.
- B. Application for a Permit** - An application and substantiating data shall be provided on forms furnished by the Department. A completed application, signed by the applicant and accompanied by the established fee and proposed project plans shall be submitted to the Department before the Health Officer will respond for an on-site evaluation and plan review. Such information as the Health officer deems necessary to adequately evaluate a permit application shall be required, including, but not limited to engineering plans or drawings, topographic maps indicating surface relief or grade elevations, soil analyses, additional soil borings, ground water elevations, flood plain contours, estimates of daily wastewater flows, anticipated use of structure, number of persons served, detailed plot plan, identification (staking) of the building site and legal description of property. It shall be the responsibility of the permit applicant or authorized representative to furnish the Health Office with all requested facts, details, designs, and information.
- C. Michigan Criteria** - The Michigan Criteria for Subsurface Sewage Disposal and any subsequent updated or amended revisions thereto are incorporated by reference and adopted as part of these Regulations and shall provide minimum uniform standards of design and construction for proposed sewage disposal systems regulated by the publication. This publication was revised on 6/89 and published by the Michigan Department of Public Health in accordance with the Water Resources Commission Policy Statement adopted 8/18/83.
- D. Construction Requirements** - All on-site sewage disposal system design and construction standards not addressed in the Michigan Criteria for Subsurface Sewage Disposal shall meet construction requirements as set forth by the Health Officer and are incorporated by reference in this Regulation. Further, the Health Officer shall develop internal policy and procedure to affectively carry out the intent of this Regulation.
- E. Pump and Haul Facilities** - Where no alternative methods of sewage disposal are available, on-site storage, hauling, and final disposal at an off-site receiving facility (Pump and Haul) is considered as a method of "last resort". The Water Resources Commission Policy Statement for Pump and Haul Facilities(12/15/83), Technical Guidance for Pump and Haul Facilities(1/11/84). and policies and guidelines for review, approval, and permit requirements of Pump and Haul sewage disposal facilities as set forth by the Health Officer and any subsequent updated or amended revisions thereto are incorporated by reference and adapted as part of these regulations and shall be utilized for review of Pump and Haul applications.

Article XI - Privies and Similar Toilet Devices

Section

- A. **Authority** - All privies, "outhouses" and similar toilet devices shall be constructed, and maintained in accordance with provisions of Section 12771 of the Code and Administrative Rules promulgated therefrom.
- B. **Permit Required** - No person shall place, construct or relocate a privy, outhouse, or similar toilet device intended to deposit sewage into the ground on any premises within Ottawa County unless they have first obtained a sewage disposal system construction permit from the Health Officer. Portable, self-contained temporary privies (Port-o-Johns) and privies with holding tanks, vaults, or incineration devices not intended to deposit sewage into the ground, used at camps, parks, construction sites, places of public assembly, etc. either temporarily or permanently do not require a permit from the Department prior to use. However, when such portable, temporary privies are cleaned or serviced, the person performing such service shall comply with Act 181, P.A. 1986, as amended (MCL 325.311 et seq.).
- C. **Construction Standards** - All privies shall be located, constructed and installed in accordance with applicable requirements of the construction standards incorporated by reference in this Regulation, and maintained in a manner which will not create a sewage related nuisance.

Article XII - Vacant Land Evaluations

Section

- A. **Purpose** - The Health Officer shall conduct vacant land evaluations on behalf of requesting persons for the purpose of determining the suitability of undeveloped properties as sites for installation of on-site sewage disposal and water supply systems. Such evaluations for on-site sewage disposal shall be conducted utilizing the site and design acceptance criteria specified in these Regulations.
- B. **Application for Request** - Requests for vacant land evaluations shall be submitted on application forms provided for such purpose by the Department and shall be accompanied by the established fee as per Article IV of these Regulations before the Health Officer will respond to the request.
- C. **Special Evaluative Procedures** - If the Health Officer determines that additional information is necessary in order to conduct a thorough evaluation such as excavations, soil borings, permeability tests, texture analysis, or other similar tests, the responsibility for arranging for such procedures and paying associated expenses shall be that of the applicant.
- D. **Evaluation Reports** - The results of a vacant land evaluation shall be provided in writing to the applicant and shall relate only to the specific site and proposal as outlined by the applicant at the time of submitting the request. Results of vacant land evaluations are intended for informational purposes only and shall be subject to subsequent revisions of these Regulations.

Article XIII - Real Estate Evaluations

Section

- A. Purpose** - The Health Officer shall conduct Real Estate Transfer Evaluations on behalf of requesting persons for the purpose of determining the quality and condition of the on-site water supply system and the condition of the on-site sewage disposal system serving existing dwellings or habitable premises prior to their sale and/or transfer of ownership. Real Estate Transfer Evaluations shall be conducted in accordance with Ottawa County Health Department: Real Estate Transfer Evaluation Policy.
- B. Evaluation Required** - It shall be unlawful for any person to sell or transfer ownership of any dwelling or habitable premises in Ottawa County served by its own on-site water supply system and/or on-site sewage disposal system unless he/she has first requested and obtained a Real Estate Evaluation and written report from the Health Officer.
- C. Application for Request** - Requests for Real Estate Evaluations shall be submitted by the seller or designated agent on application forms provided for such purpose by the Department. An accurately completed application, accompanied by the established fee as per Article IV of these Regulations must be submitted to the Department before the Health Officer will respond to the request.
- D. Obligations of Seller** - The Department shall provide the results of a Real Estate Evaluation in writing to the seller or designated agent which shall be valid for six (6) months from date of report. As part of the closing transaction, the seller or designated agent shall provide the purchaser with complete evaluation results as received from the Department. Failure to request a real estate evaluation and submit the required Real Estate Evaluation results to the purchaser at time of closing shall constitute a violation of this Regulation and may result in the issuance of a civil citation or misdemeanor appearance ticket.

Article XIV - Nuisances

Section

- A. Nuisances Defined and Prohibited** - The word "Nuisance" as used in this Regulation is defined in Article II, Section L of this Regulation. All such nuisances as determined by the Health Officer are hereby prohibited and declared a violation of this Regulation.
- B. Nuisance Related Definitions**
- 1) Garbage - means putrescible rejected food waste accumulation of animal, fruit, or vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables, including cans, containers and wrappings associated therewith.
 - 2) Refuse - means all putrescible and non-putrescible solid waste (except body and sewage waste) and includes garbage, rubbish, ashes, incinerator residue, street sweepings, solid market and industrial waste, and other substances which may become a nuisance.
 - 3) Rubbish - means non-putrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste such as paper, cardboard, tin

cans, glass, crockery, yard clippings, wood, building material, rags, bedding or bulk items of any kind that may become a detriment to public health and safety.

- 4) Solid Waste - means either ashes, garbage, refuse, rubbish, either singularly or in any combination thereof.
 - 5) Vermin - means noxious small animals or insects as mice, rats, flies, cockroaches, fleas, lice, etc. that are destructive, annoying or harmful to public health and safety.
- C. Administration** - Requirements of this Regulation with respect to nuisances occurring within Ottawa County shall be those requirements set forth in Section 2455 (1) through (5) in the Code.
- D. Authority** - This Regulation extends the authority of the Code to include the existence of environmental nuisances, sources of filth, causes of sickness, hazards, actual or potential conditions injurious to public health sewage related nuisances and unsanitary conditions of every description, except those permissible under the Right to Farm Act.
- E. Inspection** - All premises affected by this Regulation shall be subject to entry and inspection by the Health Officer after giving proper identification, as per Article III, Section D & E, of this Regulation, except where an imminent danger or health hazard exists or is believed to exist which requires that an inspection be conducted immediately.
- F. Emergency Abatement** - The Health Officer may take such action as may be immediately necessary to commence the abatement of any nuisance if the public safety and health requires such action. The Health Officer may thereafter take such other action under Article III, Section K, as is necessary to complete the abatement of the nuisance, with permission granted by the Board or by order of the court, the cost of such abatement may be charged to the premises and the owners and occupiers thereof.
- G. State Laws, Rules, and Regulations** - This Article incorporates by reference the statutes of the State of Michigan relating to the storage, transportation, and disposal of solid waste, the same being Act 451, P.A. 1994, as amended, and all rules and regulations relating thereto, and any subsequent mandatory revisions thereto, are hereby expressly incorporated into and made a part of this Regulation. Any person violating any such statute, rule, or regulation may be issued a civil citation and/or a misdemeanor appearance ticket.
- H. Solid Waste Control** - It shall be unlawful for any person to accumulate upon their premises any refuse except in containers of rodent/fly proof, durable, and watertight construction. Bulky rubbish such as tree limbs, weeds, wood, cardboard boxes, newspapers, magazines, yard clippings, and so forth, may be bundled or so stored as not to provide a harborage or breeding place for rodents or insects. Garbage and rubbish shall be disposed of in a manner which creates neither a nuisance nor a hazard to health. The deposit of or accumulation of solid waste which because of its character, condition or improper storage may invite the breeding or infestation of flies, mosquitoes, or rodents, or which may in any manner, endanger the public health, safety, or welfare is prohibited.

It shall be unlawful for any person to deposit any refuse upon, on, into any roadway, street, alley, waterway or property, public or private. This shall not prohibit the placing of tree leaves in the street where an organized pickup by the municipality having jurisdiction exists or the practice of properly maintained backyard composting of yard trimmings, grass clippings and leaves to a degree that a nuisance shall not be created therefrom.

- I. Solid Waste Disposal** - The Health Officer shall enforce the applicable provisions of the Ottawa County Solid Waste Management Plan.
- J. Vermin Control** - It shall be unlawful for any person to create or maintain a vermin infested condition on premises owned or occupied by that person. When the Health Officer has reasonable cause to believe that there is vermin infestation in a definable area, and upon proper notice, it shall be the responsibility of the owner or occupant of the premises to take whatever measures are deemed necessary to abate the condition and protect same against ingress of vermin using methods acceptable to the Health Officer.
- K. Dead Animals** - It shall be unlawful for any person to allow a dead animal(s) to remain for over twenty-four (24) hours after death on premises owned or occupied by that person. Such animals shall be removed from the site and properly disposed; buried to a depth of four (4) feet at a location approved by the Health Officer; or as otherwise specified by the Health Officer in circumstances where high ground water elevation is a limiting factor.
- L. Uninhabitable Premises** - Whenever the Health Officer has reasonable cause to believe that a premises is infected with contagious disease, or flooded, or unfit for human habitation, or dangerous to the public health, safety, or welfare by reason of unsanitary conditions, rodent and/or insect infestation, want of repair or lack of an adequate sewage disposal or water supply system, the Health Officer may order such premises vacated within a specified period of time and declared unfit for use or human habitation.

Article XV - Plats

This Article incorporates by reference and adopts as part of this Regulation the "Subdivision Control Act" being Act 288, P.A. 1968 as amended (MCL 560.101 et seq.) and Rules of the Michigan Department of Public Health (R. 560.401 - R. 560.405). The above cited Act and Rules and any subsequent mandatory revisions thereto shall be the basis for the acceptance or rejection of all proposed subdivisions within Ottawa County that are not served by municipal sewers and municipal water.

Article XVI - Public Swimming Pools

This Article incorporates by reference and adopts as part of this Regulation the "Michigan Public Health Code" being Act 368, P.A. 1978, as amended, Part 125, Sections 12521 to 12534 and Administrative Rules regulating public swimming pools. The above cited Act and Rules and any subsequent mandatory revision thereto shall be the basis for design, construction, and operation of all public swimming, spa, wading, and diving pools within Ottawa County.

Article XVII - Public Bathing Beaches

This Article incorporates by reference and adopts as part of this Regulation the "Michigan Public Health Code" being Act 368, P.A. 1978 as amended, Part 125, Sections 12541 to 12546 regulating bathing beaches open to the public. The above cited Act and Rules and any subsequent mandatory revisions thereto shall be the basis for evaluating water quality, safety and rescue/communications equipment at all public bathing beaches within Ottawa County.

Article XVIII - Campgrounds

This Article incorporates by reference and adopts as part of this Regulation the "Michigan Public Health Code" being Act 368, P.A. 1978 as amended, Part 125, Sections 12501 to 12516 and Administrative Rules regulating campgrounds. The above cited Act and Rules and any subsequent mandatory revisions thereto shall be the basis of design, construction, operation, sanitation and safety standards for all campgrounds within Ottawa County.

Article XIX - Mobile Home Parks

This Article incorporates by reference and adopts as part of this Regulation the "Mobile Home Commission Act" being Act 419, P.A. 1976 as amended (MCL 125.1101 et seq.) and Act 96, P.A. of 1987 as amended and Rules of the Michigan Department of Public Health. The above cited Act and Rules and any subsequent mandatory revisions thereto shall be the basis of design, construction, operation, sanitation, and safety standards for all mobile home parks within Ottawa County.

Article XX - Septic Tank Servicing

This Article incorporates by reference and adopts as part of this Regulation the "Septage Waste Servicers Act" being part 117 of the Natural Resources and Environmental Protection Act, 1994 P.A. 451, as amended regulating the handling of septage waste. The above cited Act and any subsequent mandatory revisions thereto shall be the basis for evaluating the removal, transporting, and disposal of septage wastes within Ottawa County.

Article XXI - Marinas

This Article incorporates by reference and adopts as part of this Regulation the "Marina Act" being Act 167, P.A. 1970, as amended and Rules R 235.2581 to R 235.2591 regulating Marina facilities. The above cited Act and Rules and any subsequent mandatory revisions thereto shall be the basis for water supplies, refuse storage and removal, toilet facilities, pump-out facilities and safety standards for all marinas within Ottawa County.

Article XXII - Solid Waste Haulers

This Article incorporates by reference and adopts as part of this Regulation the "Ottawa County Facility Operating Standards", Ordinance No. 93-1, adopted May 25, 1993. The above cited Ordinance and any subsequent mandatory revisions thereto shall be the basis to license haulers bringing solid waste to licensed landfills within Ottawa County, to require permits for occasional or one time users, to assess fees, and to provide a method of monthly reporting by licensed haulers of solid waste.

Article XXIII - Private and Public Water Supplies

Section

- A. Authority** - This Article incorporates by reference and adopts as part of this Regulation the "Michigan Water Well Construction and Pump Installation Code" Part 127 of Act 368, P.A. 1978 as amended, being Sections 325.1001 through 325.1023 of the Michigan Compiled Laws; and related "Groundwater Quality Control Rules" being R 325.1601 through R 325.1676 of the Michigan Administrative Code; and the "Safe Drinking Water Act", Act 399, P.A. 1976, as

amended, being Sections 325.1001 through 325.1023 of the Michigan Compiled Laws and related Administrative Rules; and Act 165, P.A. 1993 relative to issuance of fines for failure to monitor public water supplies. The above cited Acts and Rules and any subsequent mandatory revisions thereto shall be the basis for qualifications of well drilling contractors and pump installers, abandonment of wells, design specifications, issuance of well construction permits, minimum well construction standards, operation criteria, water quality standards, and evaluation/monitoring penalties of all public water supplies under the jurisdiction of the Department.

- B. Definitions** - A private water supply system is one that provides water for drinking and/or domestic purposes and intended for use only in a single family house which is the owners permanent residence, or intended for use only for farming purposes on the owner's farm, and where the waters produced are not intended for use by the public or in any residence other than the owners. Public water supplies as used in these Regulations are defined in Act 399, P.A. 1976, as amended, and shall include Type I, II, and III public water supplies.
- C. Permit Required** - No person shall begin construction of a new private or public water supply well, or make extensive changes to existing wells, on any premises within Ottawa County without first obtaining a water supply well construction permit from the Department. No person shall begin or allow construction of any dwelling or habitable premises requiring an on-site water supply system without first obtaining approval and a water supply well construction permit issued by the Health Officer. All water supply well installations shall be constructed in accordance with the permit requirements utilizing construction standards and provisions contained within these Regulations. This section does not apply to waste disposal wells or gas/oil wells which are licensed or regulated by another Act or Agency.
- D. Permits Issued by Another Agency** - If a permit for a public water supply system is required to be directly or exclusively obtained from another agency, it shall not be a requirement to obtain a permit from the Ottawa County Health Department, Environmental Health Division.
- E. Availability of a Municipal Water Supply** - The availability of a municipal water supply shall not preclude the issuance of an individual water supply well construction permit by the Department.
- F. Permit Application** - An application and substantiating data shall be provided on forms furnished by the Department. A completed application, signed by the applicant and accompanied by the established fee shall be submitted to the Department before the Health Officer will respond to the request. It shall be the responsibility of the permit applicant to furnish the Health Officer with all requested facts, details, designs, and information.
- G. Permit Issuance** - The Health Officer, following review of an application and any necessary on-site evaluation, shall issue a water supply well construction permit when the data obtained indicates that the requirements of this Regulation can be met. The permit may impose special requirements or conditions which the Health Officer deems necessary to protect the public health or ground water quality. Copies of all water supply well construction permits shall be forwarded to the municipality included.
- H. Permit Expiration** - Water supply well construction permits shall become void and expire two (2) years from the date of issuance. The permit may be renewed, but will be subject to the prescribed renewal fee and any intervening changes to these Regulations.

- I. Permit Transfer** - Permits may be transferred from person to person upon written request on forms provided by the Department and payment of the prescribed transfer fee, provided that no change in the scope of the project has or will occur. Copies of all transferred permits shall be forwarded to the municipality involved.
- J. Permit Denial** - The Health Officer shall withhold issuance of a water supply well construction permit or void a previously issued water supply well construction permit for any of the following reasons:
- 1) Any change in the plans or scope of the project effecting location, use, or design.
 - 2) Acquisition of new information or awareness indicating an approved water well depth of water quality/quantity may not be able to be obtained.
 - 3) Misrepresenting, omitting, falsifying, or withholding pertinent information.
 - 4) Water supply well construction permit was issued for incorrect parcel.
 - 5) Parcel is found to be in violation of the on-site water supply requirements of the "Subdivision Control Act" being Act 288, P.A. 1967, as amended and administrative rules.
 - 6) Information indicating that an approved on-site sewage disposal system meeting the minimum requirements of this Regulation cannot be obtained.
- K. Inspection and Sampling** - All new or extensively changed water supply systems shall be subject to inspection and sampling by the Department during and/or after completion of construction. It shall be the responsibility of the well driller, owner or owner's agent to notify the Department during and upon completion of the water supply system. All water samples shall be collected by the Health Officer or other person specifically designated by the Health Officer. Analysis of water samples shall be performed by accredited laboratories approved the Department.
- L. Approval** - After completion and notification of a new or extensively changed water supply system, the following requirements shall be met before final approval can be granted by the Department.
- 1) The water supply system installation has been inspected by the Health Officer and found to be in compliance with these regulations and all permit requirements.
 - 2) A completed and signed "Water Well and Pump Record" has been received by the Department.
 - 3) Results of the analysis of water samples have been received by the Department indicating that the raw water meets current established maximum (MCL'S) for specific contaminants. Minimum water sample analysis for private water supplies shall include coliform bacteria and nitrate concentrations, however, other parameters may be required as deemed necessary by the Health Officer.
 - 4) The water supply system shall provide a safe and adequate water supply.
- M. Well Depth Measurement** - Well depth shall be measured from the lowest natural elevation within fifty (50) feet of the well to the top of the well screen.
- N. Test Wells** - The Health Officer may require the installation of a test well(s) on any premises for purposes of measuring well depth and/or determining water quality, quantity or aquifer characteristics when documented data or other evidence indicate acceptable well depth or water quality/quantity may not be able to be obtained.

- O. Stop Work Order** - In instances where construction of a water supply system or part thereof has proceeded unlawfully without a valid permit or is found to be in violation of construction requirements of this Regulation, the Health Officer shall issue a "Stop Work Order" requiring immediate discontinuance of said construction. Work shall not resume until a compliance agreement is reached and the Stop Work Order is rescinded by the Health Officer.
- P. Separate Water Supplies** - Each private, single family dwelling or habitable premises shall be served by its own individual water supply system unless otherwise approved by the Health Officer. A well not located on the same property as the dwelling or habitable premises it serves shall require specific approval by the Health Officer and shall require special conditions or requirements which the Health Officer deems necessary to protect the public health and ground water quality.
- Q. Adequate Water Supply System Required** - It shall be unlawful for any person to occupy, permit to be occupied, use, or offer for rent, lease or occupancy, any dwelling or habitable premises which is not provided with a safe and adequate water supply. Any person who violates a provision of these Regulations resulting in a lack of or an unapproved water supply system shall be issued a violation notice and ordered to take corrective action within a specified period of time. In addition, the Health Officer may order such premises vacated and declared unfit for use or human habitation until satisfactory remedy can be demonstrated.
- R. Replaced, Altered or Repaired Existing Dwellings** - Whenever the living or working area of any existing dwelling or habitable premises is replaced, altered, increased or repaired in excess of 50% of the fair market value, the existing on-site water supply system shall not be utilized unless it can be shown to be in substantial compliance with this Regulation and capable of providing a safe and adequate water supply. The Health Officer may require upgrading of such water supply systems as deemed necessary to meet the minimum requirements of this Regulation.
- S. Change in Use** - A change in use of a premises which may result in a significant increase in the demand on the water supply shall not be allowed unless it can be shown to be in substantial compliance with this Regulation. The Health Officer may require upgrading of the water supply as deemed necessary to meet the minimum requirements of this Regulation and be capable of providing a safe and adequate water supply.
- T. Emergency Conditions** - Where the lack of water will result in undue hardship and it is deemed necessary to begin construction immediately on a new well, a registered well driller or owner may begin changes to or construction of a new water supply well without notification or a permit when the office(s) of the Department are closed. The well driller, owner, or owner's agent shall contact the Department on the next regular working day and make application for a permit.
- U. Existing Water Supplies** - A private water supply system in existence prior to the effective date of this Regulation, which is in compliance with state and local laws in effect at the time of construction, may be continued in service as long as extensive changes are not made to the well, the water remains potable, and the well is not subject to contamination due to insufficient isolation from contamination sources, or improper construction. Existing public water supply systems which are determined by the Health Officer to be in non-compliance shall be ordered to bring such water supply systems into compliance with the current requirements of this Regulation.
- V. Monitoring** - For Type III public water supplies, the Health Officer may require samples to be collected and analyzed for bacteriological and chemical contamination. Monitoring of Type III

public water supplies may be required pursuant to a schedule specified by the Department.

- W. Existing Water Supply Systems in Flood Affected Areas** - It shall be unlawful for water supply systems to create a public health nuisance, as determined by the Health Officer, in flood affected areas. In order to avoid such a nuisance, well caps shall be watertight and vented no less than twelve (12) inches above the one-hundred (100) year floodplain elevation. Water supply systems located within flood affected areas shall be in full compliance with Part 127 of Act 368 of the Public Acts of 1978, as amended. Abandoned wells shall be properly plugged in accordance with all applicable rules. Any variance from this policy must be approved by the Health Officer and may only be issued if: (a) the County would be at significant risk of a legal finding of inverse condemnation if it enforced this regulation or (b) the property owner has committed in writing to sell the property to the county, state, or federal governments for nonresidential purposes. A variance must in writing, signed by the Health Officer and may not be relied upon by any subsequent purchaser or prospective purchaser of the property. The County reserves the right to revoke or terminate the variance if the property is sold or if the County is no longer at significant risk of any inverse condemnation in enforcing this regulation.

Article XXIV - Food Service Sanitation

Section

- A. Authority** - This Article incorporates by reference and adopts as part of this Regulation Act 368, P.A. 1978, as amended, Part 129 and Administrative Rules adopted thereunder, including, but not limited to adopted portions of the U.S.P.H.S. Food Service Sanitation Ordinance (1976) and Vending Ordinance (1978), Michigan Food Service Sanitation Statute, Minimum Criteria for the Design, Installation, and Operation of Ventilation Systems, Hot Water Design Criteria, Recommended Design Criteria for Construction and Operating of Food Display Facilities, Criteria for Outdoor cooking, Preparation and Serving of Food, Recommended Design Criteria for Construction, Installation and Operation of Cook/Chill Systems and Operational Criteria for Temporary and Mobile Food Service Establishments. The above cited Act, Rules, and Criteria as may be subsequently deleted, added to, updated or amended shall be the basis for establishing sanitation standards for food protection, food service personnel, food service operations, food service equipment and utensils, requiring permits, licenses, license fees or certificates for the operation of food service establishments, regulating the inspection of such establishments and providing for enforcement and the fixing of penalties for food establishments in Ottawa County.
- B. Food Service Enforcement and Appeal Policy** - The "Ottawa County Health Department, Environmental Health division, Food Service Enforcement Policy" adopted in 1992 and as may be subsequently deleted, added to, updated or amended is incorporated by reference and adopted as part of this Regulation and shall be the basis of enforcement actions and hearing procedures for food service establishments that fail to maintain adequate sanitation levels, reveal chronic violations or allow substantial public health hazards to exist. As per Article III, Section H, the Health Officer is granted the authority to develop and establish construction and operation standards, policies, procedures, and interpretations of all acts, rules, guidelines and criteria dealing with food service for the purpose of affectively carrying out the responsibilities and enforcement delegated in this article and may include specific training and/or certification of food service establishment owners/operators.

**OTTAWA COUNTY HEALTH DEPARTMENT
SCHEDULE OF MONETARY CIVIL PENALTIES**

Operation of any establishment, entity, business, service, or facility without a license as required by the Ottawa County Environmental Health Department.	\$250.00
Installation of an on-site sewage disposal system without required permit (homeowner and/or installer).	\$100.00
Installation of a private single family water well without required permit (homeowner and/or licensed well driller).	\$100.00
Installation of a Type II or III water well, as defined by Act 399, P.A. 1976, as amended (homeowner and/or licensed well driller) without required permit.	\$250.00
Installation/construction of a Type I, II, III or private single family water well by an unlicensed driller that is required by law to be licensed.	\$250.00
Operation of a fixed food service establishment without required license.	\$250.00
Operation of a temporary food service establishment without required license.	\$100.00
Construction/renovation of a food service establishment without approved plans.	\$100.00
Failure of a Type II or III public water supply owner/operator to comply with construction requirements in a timely manner or routinely monitor water quality as required by Act 399, P.A. 1976, as amended or the Ottawa County Health Department.	\$100.00
Failure to comply with an order of immediate discontinuance or correction issued by the Ottawa County Environmental Health Department.	\$250.00
Creation of a health hazard or nuisance as defined in the Ottawa County Environmental Health Regulations.	\$100.00
Failure of a public swimming pool operator to maintain acceptable water quality or routinely monitor water quality as required by law.	\$100.00
Failure to maintain a private, single family sewage lagoon in a safe operating condition as required by the Ottawa County Health Department.	\$100.00
Failure to submit applicable Environmental Health inspection fees established by the Ottawa County Board of Commissioners.	\$100.00
Failure to request a real estate evaluation or submit the evaluation results to the purchaser at time of closing.	\$100.00