



***District Health  
Department #10***  
*Healthy People, Healthy Communities*

**Serving Crawford, Kalkaska, Lake, Manistee,  
Mason, Mecosta, Missaukee, Newaygo,  
Oceana and Wexford Counties**

# **Sanitary Code**

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**DISTRICT HEALTH DEPARTMENT #10  
SANITARY CODE**

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## **Chapter 1 GENERAL PROVISIONS**

### **1.1 Purpose**

The purpose of these regulations is to safeguard the public health, safety and welfare of the public within District Health Department #10 and to prevent the spread of diseases and sources of contamination; to provide for the supervision and control of private water supplies and sewage disposal systems; to provide for the supervision and control of public use facilities; to prevent the occurrence of public health nuisances; to authorize the establishment of guidelines to allow for the uniform interpretation of these regulations; to prevent and control environmental health hazards; and to provide enforcement as needed.

### **1.2 Authority**

By virtue of the power vested in the Board of Health of District Health Department #10 under Act 368 of the Public Acts of 1978, as amended, there are hereby provided regulations affecting public health, welfare and safety.

### **1.3 Jurisdiction**

The Health Officer shall have jurisdiction throughout the counties included in the agreement establishing District Health Department #10 (Crawford, Kankaskia, Lake, Manistee, Mason, Mecosta, Missaukee, Newaygo, Oceana and Wexford) including all cities, villages and townships, in the administration and enforcement of these regulations and amendments hereafter adopted except in such governmental units that, by law, have adopted applicable regulations equal to or more stringent than those contained herein or unless otherwise specifically stated.

### **1.4 Fee Schedule**

The Board of Health for District Health Department #10 shall establish the fees charged for services and license/permit applications, identified in this Code by adopting a written fee schedule at a regular or special meeting of the Board of Health. The Board of Health may revise the fee schedule by adopting a written amendment to the fee schedule at a special or regular meeting of the Board of Health. Such fees are limited to not more than the reasonable cost of performing the service.

### **1.5 Enforcement**

To insure compliance with this code, the Health Officer may inspect, investigate, or authorize an inspection or investigation to be made of any matter, thing, premises, place, person, record, vehicle, incident or event to enforce the provisions of these regulations. The Health Officer may apply for an inspection or

an investigation warrant pursuant to Section 2241 to 2246 or Section 7504 to 7507, P.A. 1978 or other appropriate warrants.

#### 1.6 Validity

The requirements and the various parts, sections, and clauses of this Code are severable. If a court of competent jurisdiction determines that any part, sentence, paragraph, section or clause is unconstitutional or invalid, the remaining parts, portions and provisions of this Code shall remain in full force and effect.

#### 1.7 Other Laws and Regulations

This Code supplements the rules and regulations duly enacted by the Michigan Department of Agriculture, Michigan Department of Environmental Quality and the Michigan Department of Community Health; the laws of the State of Michigan relating to public health; and federal laws relating to public health. This Code supersedes inconsistent or conflicting local regulations or ordinances. The approval of plans or the issuance of a permit pursuant to this code does not relieve an individual from complying with all consistent applicable provisions of building and construction laws, zoning requirements and other state and local statutes, ordinances, rules, regulations and orders.

#### 1.8 Effective Date

These regulations or amendments thereto shall become effective on the 45<sup>th</sup> day after their date of approval by all county Boards of Commissioners within the jurisdiction of District Health Department #10.

#### 1.9 Pre-Existing Violations

Any act, situation or condition of premises or things which, when created or first allowed to exist, violated any provision of the existing sanitary code, shall continue to be a violation of this Code, if a similar section or provision is a part of this Code. Any action, issuance of permit, or maintenance of a condition that was mandatory, under the provisions of the chapters or sections now repealed, shall continue to be required if the same or similar provision is contained in this Code.

#### 1.10 Conditional Permits

Nothing in this Code shall be construed to limit the power of the Health Officer to issue conditional permits, and to make part of or to impose as a condition of a permit, certain or specific conditions, limitations or restrictions which in the opinion of the Health Officer are reasonably deemed necessary to attain compliance with this Code, and/or applicable state law, regulations or rules. Such conditions, limitations or restrictions which may be imposed and/or required shall



include, but are not limited to, conditions or restrictions based upon inclement weather conditions during construction, property size or use limitations, specific placement or location of sanitary facilities, limiting the total number of bedrooms or the maximum occupancy capacity of a dwelling or habitable building; and shall include the power to require or obtain deed restrictions, or to file deed affidavits.

#### 1.11 Penalties

Except as otherwise specifically provided therein, a person who violates a regulation of this Code shall be guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than two hundred dollars (\$200) or both, as provided by MCL 333.2441. Each day that a violation, or violations, of these regulations exist shall be deemed a separate and distinct offense.

#### 1.12 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, prevent or correct a violation of a law, rule or order which the Health Officer has the duty to enforce, or to restrain, prevent or correct an activity which the Health Officer believes adversely affects the public health.

#### 1.13 Obstruction of Health Officer

It shall be unlawful for any person to refuse to permit the Health Officer to make an inspection or investigation authorized by law and it shall be unlawful for any person to molest or resist the Health Officer in the discharge of his duties.

#### 1.14 Repeal

The sanitary codes of District Health Department #1 effective February 22, 1989; District Health Department #5 effective November 10, 1982; Manistee-Mason District Health Department effective April 29, 1982 and Mecosta County effective December 15, 1982 are hereby repealed.

## **Chapter 2 DEFINITIONS**

#### 2.1 Abandoned Well (Permanently)

A permanently “abandoned well” means a well whose use has been permanently discontinued or a well that is in such disrepair that its continued use for the purpose of obtaining groundwater is impractical or a well which is a threat to groundwater resources or a well which is or may be a health or safety hazard of the counties comprising District Health Department #10.

## 2.2 Acceptable

“Acceptable” shall mean any use, condition, activity, or work which does not fully comply with all of the regulations of this Code, but nevertheless is deemed to be “acceptable” for its intended use in the opinion of the Health Officer, and which does not reasonably appear to present a health or safety hazard, or which will create a nuisance.

## 2.3 Animal Waste

“Animal waste” shall mean excrement from domestic animals and those materials that are grossly contaminated with this excrement, including but not limited to, straw, sawdust and cloth.

## 2.4 Approved

“Approved” shall mean any permit, use, or activity deemed acceptable for intended use or function as judged by the Health Officer pursuant to public health rules, regulations and technical data, and which is in compliance with the regulations of this Code.

## 2.5 Board of Health

The term “Board of Health” shall mean the Board appointed by the respective Boards of Commissioners of the counties within the jurisdiction of District Health Department #10.

## 2.6 Dwelling

A “dwelling” shall mean any house, building, structure, tent, water craft, shelter, trailer or vehicle or portion thereof which is occupied in whole or in part as a home, residence or living and sleeping place for one or more human beings either permanently or transiently.

## 2.7 Excrement

“Excrement” shall mean waste matter discharged from the renal and intestinal tracts of the body, including human and animal bodies.

## 2.8 Garbage

“Garbage” means all animal, fruit, or vegetable waste matter connected with the preparation, use, cooking or storing of food. Garbage also means any can, container or wrapper waste connected with the preparation, use, cooking or storing of food. Garbage also means any kitchen and table wastes of every kind,

except dishwasher or waste water; and all other refuse or waste matter of any nature or kind, mixed, handled or included therewith.

## 2.9 Habitable Building

“Habitable building” means any house, building, structure, tent, shelter, trailer, or vehicle or portion thereof in which human beings reside, are employed or congregate.

## 2.10 Health Department

“Health Department” or “Department” means the District Health Department #10.

## 2.11 Health Officer

“Health Officer” means the Health Officer in charge of District Health Department #10 or an authorized representative.

## 2.12 Imminent Danger

“Imminent danger” shall mean that, in the judgment of the Health Officer, there is a condition or practice which could reasonably be expected to cause death, disease, or serious physical harm immediately or before the immanence of the danger can be eliminated through enforcement procedures otherwise provided.

## 2.13 Inspection

“Inspection” means an official examination or observation including but not limited to tests, surveys and monitoring to determine compliance with rules, orders, requirements and conditions.

## 2.14 Owner and Occupant

“Owner” means the owner of title or record of any property, premise or business. “Occupant” means any person(s) occupying or in possession of any property or premise.

## 2.15 Person

“Person” means an individual, firm, partnership, cooperative, party, or private or public corporation, personal representative, society, association, receiver, trustee, assignee or other governmental, public or private legal entity.

## 2.16 Premises

Any tract of land with or without any building thereon. Premises include any other parcels of property regardless of description that adjoin, abut, or are in close proximity to the subject property.

## 2.17 Public Bathing Beach

A “public bathing beach” means an area of land accessible to the public and bordering on a body of water which is used collectively by a number of individuals, primarily for the purpose of swimming or wading and is recognized as intended for use by the public as a designate swimming area.

## 2.18 Public Health Nuisance

“Public health nuisance” shall mean a condition on private or public property, which threatens, or could reasonably be expected to threaten, the health or safety of the public. A threat to the health and safety of the public shall include any condition or activity which is reasonably likely to cause death, disease, illness, physical harm, or is likely to cause an unsanitary condition, which may cause disease, illness or death.

## 2.19 Public Water Supply

“Public water supply” means a water supply which provides water for drinking or household purposes to persons other than the supplier of water, except those water supplies which supply water to only one (1) single-family living unit.

## 2.20 Pump

“Pump” means a mechanical equipment or device used to remove water from a well.

## 2.21 Pump Installer

“Pump installer” means a person who is qualified and legally authorized to engage in the installation, removal, alteration or repair of water well pumping equipment in connection with a water well.

## 2.22 Rubbish

“Rubbish” means waste materials, except garbage. Rubbish includes, but it not limited to, paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, metals, mineral matter, glass crockery, plastics and the residue from the burning of wood, coal, coke and other combustible material.

## 2.23 Standard Methods

“Standard Methods” is the most recent edition of a national publication detailing acceptable methods for the examination of water and wastewater.

## 2.24 Water Supply

A “water supply” is an integrated system of pipes, controls, reservoirs, and mechanical devices used for the purpose of extracting and providing potable water for domestic or commercial use.

## 2.25 Well

“Well” means a man-made opening in the surface of the earth used for the purpose of removing, evaluating or monitoring ground water. Wells, regulated by this sanitary code, include:

- A water supply well used to obtain water for drinking or domestic purposes.
- An irrigation well used to provide water for plants, livestock, or other agricultural processes.
- 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.
- A recharge well used to discharge water into the aquifer.
- A heat exchange well used for the purpose of utilizing the geothermal properties of earth formation for heating or air conditioning.
- An industrial well used to supply water for industrial processes, fire protection, or similar non-potable uses.
- A fresh water well at an oil or gas well drilling site, when the fresh water well is to be retained after completion of the oil or gas drilling operation.
- A test well for monitoring quality of the ground water.

## 2.26 Working Day

A day or any part thereof when the Health Department is open for business.

# **Chapter 3 WATER SUPPLY**

## 3.1 Scope

These regulations shall apply to all premises not connected to Type I, Type II and Type III public water supplies, as defined by Michigan’s Safe Drinking Water Act, Act 399 of the Public Acts of 1976, and Administrative Rules, as amended.

### 3.2 Well Construction

The construction of water wells and the installation of water well pumps shall comply with the requirements set forth in the Groundwater Quality Control Rules, Part 127 of Act 368 of the Public Acts of 1978, as amended, being MCL 333.12771; Act 399 of the Public Acts of 1976, as amended, being MCL 325.101 et. seq; and/or Part 201 of Act 451 of the Public Acts of 1994, as amended, being MCL 324.20101-324.20142.

### 3.3 Permit Required

No person shall install or construct a new water supply system or make an extensive change to an existing water well system unless a valid permit has been issued by the Health Officer authorizing such installation or construction. This provision shall not encompass the normal routine maintenance of a water supply system or when minor changes or repairs are made to the system (i.e. replacing pump, well cap, screen, pressure tank, piping, wiring or treatment devices). Extensive changes include, but are not limited to, replacing the casing, removing a casing from the ground for any reason, installing a liner, increasing the depth of the well casing, or installation of a pitless adaptor.

### 3.4 Connections Required

Where connection can be made to an available approved public or municipal water supply, the Health Officer shall not issue a permit to construct a private water supply system unless approved by the local municipality. No cross connections between a public and private water supply system shall be allowed.

### 3.5 Priority over Building Permits

No municipality, township, county or other agency shall issue a building permit or otherwise allow construction to commence on any land where an approved public or municipal water supply is not available until an onsite water supply construction permit has first been issued by the Health Officer or until written approval from the Health Officer is presented allowing the continued use of the existing water well system.

### 3.6 Permit Application

Application for a permit shall be made by the property owner(s) or their authorized representative. The application shall be made upon such forms and shall contain such reasonable information as required by the Health Officer and will be accompanied with the appropriate application fee.

### 3.7 Permit Expiration and Renewal

A water supply permit shall expire and become invalid two (2) years from the date of issuance. Upon written request prior to expiration of the permit, the permit may be extended one (1) time only for an additional one (1) year with the payment of a renewal fee.

### 3.8 Transfer of Permits

If a property owner transfers title of the property to another person prior to the expiration of a water supply permit, the Health Officer may transfer the permit to the new owner of the property if the new owner submits a written request to the Health Officer for the transfer. The new owner must also agree, in writing, not to change the scope of the project without the Health Officer's approval. Both the original permit holder and the new owner of the property must sign the request to transfer the permit. If the Health Officer authorizes the transfer of a permit, the act of transferring the permit does not change the permit's expiration date or location.

### 3.9 Stop Work Order – Void Permit

When during construction, any new work, major change or extensive change to an onsite water supply system is found in violation of the provisions of these regulations, the Health Officer may issue a "Stop Work Order" by posting said notice at the site. Any valid water supply construction permit shall be declared void when a "Stop Work Order" is posted.

### 3.10 Multiple Wells

Where multiple wells of a similar nature are proposed to be constructed for the same project, a project permit may be issued. This shall be a single permit.

### 3.11 Permit Denial

The Health Officer may deny all applications for a water supply permit when incomplete, inaccurate, or false information has been supplied by the applicant, or when the Health Officer determines that the requirements of this Code and/or applicable state statutes have not or cannot be met.

### 3.12 Inspection of Well Construction

The Health Officer may enter and inspect, at any reasonable hour, on private or public property, an installation for the development or abandonment of a water supply as allowed by the Michigan Public Health Code.

### 3.13 Water Supply Approval

A new water supply shall not be approved by the Health Officer until the following conditions have been met:

- A completed "Water Well and Pump Record", prepared by the well driller and/or pump installer, as applicable, has been submitted to the Health Officer.
- 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.

### 3.14 Emergency Conditions

In the event an emergency arises where the lack of water will result in undue hardship and the offices of the District Health Department #10 are closed, or when the well driller is involved with repair work and it is deemed necessary to begin construction immediately on a replacement well, a registered well driller may begin extensive changes to or construct a replacement water supply without a permit. The well driller is required to notify the Department on its voice message or answering machine as to the location, when the work will begin and nature of the emergency. It will be the responsibility of the well driller to properly locate a site for the replacement well which has adequate isolation distances from all potential contamination sources. The well driller shall contact the Health Officer on the next regular working day and obtain a permit for such installation.

### 3.15 Condemnation of a Water Supply

Water supply systems which, in the judgment of the Health Officer, represent an imminent danger may be condemned by the Health Officer. Contaminated water supplies which, in the judgment of the Health Officer, represent an immediate danger shall be posted with suitable signs at each outlet or the outlet shall be made inoperative.

### 3.16 Abandonment of Wells

A permanently abandoned well shall be sealed by filling with materials in accordance with the specifications and procedures outlined in Act 368 of the Public Acts of 1978, as amended and Act 399 of the Public Acts of 1976, as amended. It shall be accomplished so as to prevent it from acting as a channel for vertical contamination movement or the escape of subterranean gases.



### 3.17 Non-Conforming Water Supplies

Existing non-conforming water supplies shall not be utilized to serve new construction or the reconstruction of any habitable building or the replacement of a mobile home until said water supply is brought into conformance with these regulations, or unless approval is otherwise granted by the Health Officer.

The Health Officer may require that a licensed well driller physically inspect an existing water supply for which no well construction permit record exists and confirm by written certification that the existing water supply does, or has been upgraded to meet minimum construction and isolation requirements as set forth by this Code and by State statute and/or rules.

### 3.18 Well First Area Designations

In known critical water supply areas where obtaining satisfactory yields of quality and quantity ground water may be a problem, a “well first” requirement may be instituted before development of the premise. A well first designation by the Department will require the owner or applicant to construct or install a test well before site preparation and development, including excavation and construction of any type of structure or on-site sewage disposal system, occurs on the premise. In “well first” areas, the following process will be followed:

1. A valid permit must be obtained before construction or installation of the test well.
2. Upon completion of the water supply system, the well shall be tested for satisfactory yield of quantity or quality, dependent on the critical water supply problem.
3. Approval of the test well water supply must be obtained from the Department before further development of the premise. Upon approval of the test well water supply, the Department shall authorize, in writing, the use of the test well for its intended purpose.
4. If any test well is found to be unsatisfactory with regards to quantity or quality of yield, the test well shall be abandoned as required by these rules. The owner may construct or install more than one test well in order to obtain a satisfactory yield or quantity or quality provided that the locations of additional test wells do not interfere with the approved location for the on-site sewage disposal system.

## **Chapter 4 PUBLIC HEALTH NUISANCES**

### 4.1 Scope

Nothing stated in this code shall limit the power of the Health Officer’s legal authority to order the immediate and complete abatement of a public health

nuisance or menace to the public health. Upon a finding that a public health nuisance constitutes an imminent danger, the Health Officer may issue a summary order to avoid, correct or remove the nuisance or take other action in accordance with Section 2451 of the Public Health Code, 1978 P.A. 368, MCL 333.2451.

#### 4.2 Public Health Nuisances Prohibited

A person shall not engage in an activity or create or permit a condition to exist, which is or may become a public health nuisance. The owner of every property or premise shall be responsible for complying with the provisions of this section, except that occupants shall be responsible for those parts of property or premise which they possess and control.

#### 4.3 Accumulation of Garbage

A person shall not permit or cause the accumulation of any garbage upon his property except in containers of rodent proof, insect proof and watertight construction. All garbage shall be removed or disposed of in a manner and at such intervals so as not to cause a public health nuisance.

#### 4.4 Accumulation of Rubbish

A person shall not permit or cause the accumulation of any rubbish upon his property or premise except in durable containers, except that bulky rubbish such as tree limbs, weeds, large boxes, etc., may be bundled and so stored as not to provide a harborage or breeding area for vermin and other pests.

#### 4.5 Human and Animal Excrement

A person shall not permit or cause the accumulation of any human or animal excrement in a manner or in quantities, which is or may become a public nuisance.

#### 4.6 Vector Control and Pest Infestation and Elimination

A person shall not create or maintain a pest or vermin infested condition on property or premise owned or occupied by him. When the Health Officer finds an infestation or evidence of infestation or pests or vermin on such property or premise, he shall order the owner or other responsible person to take whatever measures are deemed reasonably necessary to abate that condition.

#### 4.7 Dead Animals

It shall be unlawful for any person to allow a dead animal to remain for over forty eight (48) hours after death on premises owned or occupied by him. Such

animals shall be buried to a depth of four (4) feet or as otherwise specified by the Health Officer. The bottom of the required excavation shall be a minimum of four (4) feet above the high ground water elevation and shall not be dug into wet soil or occur in an area where there is the presence of aquatic or marsh land vegetation.

#### 4.8 Disposal of Garbage and Rubbish

Garbage and rubbish shall be disposed of in a manner which creates neither a nuisance nor a menace to health in accordance with the provisions of Act 451, Public Acts of 1994 (Natural Resources and Environmental Protection Act) as amended. Any person or property owner disposing of garbage or rubbish from his own household upon property under his control can dispose of such material as long as such disposal method does not create a nuisance or hazard to health and does not violate any federal, state or local codes.

#### 4.9 Abandoned Refrigerators

It shall be unlawful for any person to leave any abandoned, unattended or discarded refrigerator, ice box or other similar self-locking container on land owned or occupied by them, without first removing the doors from the said refrigerator, ice box or container.

#### 4.10 Disposal of Infectious or Toxic Materials

It shall be unlawful to place or allow to remain in any place accessible to children or unauthorized persons, any infectious or used bandages, any syringes or medical injection devices, any razor blades, or any drugs, vaccines, medicines, chemicals or other toxic materials. Any such materials deposited or allowed to remain in place or condition accessible to unauthorized persons shall be hereby declared to be a nuisance and the owner or responsible person in control of the premises where said nuisance exists shall have the duty to remove or secure the materials in a manner to abate and prevent such nuisance. Disposal shall be accomplished in a manner acceptable to the Health Officer.

#### 4.11 Housing

Every habitable building shall be equipped with an approved water supply and an approved means of sewage disposal as provided by the District Health Department #10 Sanitary Code.

#### 4.12 Dwelling "Unfit for Human Habitation"

When a dwelling is dangerous or detrimental to life or health because of want of repairs, defects in the drainage and/or plumbing, water supply or their construction, infection with contagious disease or the existence on the premises

of an unsanitary condition likely to cause sickness among the occupants of the dwelling, it shall be deemed unfit for human habitation. In addition, any existing dwelling not served or provided with an acceptable on-site sewage treatment system or with an acceptable potable water supply shall be declared as “unfit for human habitation”.

#### 4.13 Vacation Order

Whenever it is determined by the Health Officer that the dwelling is unfit for human habitation the Health Officer may issue an order requiring all persons living in the dwelling to vacate it within not less than ten (10) days nor more than thirty (30) days. The order shall mention the specific reasons upon which the determination is based. The order shall specify action to be taken and prohibit any person from moving into or residing in the dwelling or offering it for rent, lease or sale until the conditions on which the order was issued, have been corrected. The order may be delivered to the owner or person in charge of the dwelling and/or be posted at or near the dwelling. After the dwelling has been vacated, it must be secured against unauthorized entry by the property owner.

#### 4.14 Interference with Notices

It shall be unlawful for any person to remove, deface, or destroy any notice posted pursuant to this code.

#### 4.15 Complaints Concerning Public Health Nuisances

All complaints concerning alleged public health nuisances shall be submitted to the Health Officer. Such complaints shall include specific details regarding the situation, including the nature and location of the alleged nuisance condition, the date and time of the occurrence, the person responsible, the names of the witnesses, and the name and address of the complainant. The Health Officer may require such complaints to be submitted in writing and signed.

#### 4.16 Right of Investigation and Inspection

To insure compliance with this code, the Health Officer may inspect, investigate or authorize an inspection or investigation to be made of any matter, thing, premises, place, person, record, incident, or event to enforce this section. The Health Officer may apply for an inspection or an investigation warrant pursuant to Sec. 2241 to 2246 or Section 7504 to 7507, Act 368, P.A. 1978 or other appropriate warrants.

## **Chapter 5 WASTEWATER AND SEWAGE DISPOSAL**

### **5.1 Technical Definitions**

#### **5.1.01 Absorption Bed or Drainfield**

A type of sub-surface soil absorption system which consists of a rectangular excavation and which contains a distribution network of perforated pipes laid with a bed of stone of a uniform thickness.

#### **5.1.02 Alternative System**

An on-site wastewater treatment system which is not a conventional system and provides for baseline risk-based protection for public health and the environment through uniform distribution of effluent to the final disposal system, enhanced treatment prior to final disposal or combinations thereof.

#### **5.1.03 Conventional System**

An on-site wastewater treatment and disposal system that contains a watertight septic tank with non-uniform distribution of effluent to subsurface soil trenches or an absorption bed.

#### **5.1.04 Distribution Box**

A water-tight receptacle with inlets and outlets and so designed for the purpose of equally distributing septic tank effluent to the soil absorption system.

#### **5.1.05 Dosing Chamber**

A water-tight tank or receptacle used for the purpose of retaining the overflow or effluent from a septic tank, pending the automatic discharge of such effluent to a selected point.

#### **5.1.06 Dry Well or Block Trench**

An underground enclosure connected to the outlet of a septic tank, commercially pre-cast with open slots or constructed of concrete blocks, bricks or similar material loosely laid with open joints and surrounded with washed stone so as to allow the septic tank overflow or effluent to be absorbed directly into the surrounding soil.

#### 5.1.07 Garbage Grinder

A mechanical device generally located in a sink drain and so designed to macerate garbage prior to discharge into a sewer. Garbage grinder are also referred to as a garbage disposal unit.

#### 5.1.08 Holding Tank

A water-tight receptacle with no outlet; equipped with an alarm device; and used solely for holding waste water until it is pumped into a licensed septic tank waste hauling vehicle and disposed of at an approved location.

#### 5.1.09 Industrial Wastes

The liquid waste products from industrial processes as distinguished from domestic sewage.

#### 5.1.10 Installation of a Septic System

The “installation of a septic system” shall include the construction, alteration, modification, building or digging, excavation, adding to, changing, trenching, filling, extending, setting in place, connecting up, fixing into position for use or ready for use of a septic tank, tank excavation or hole, absorption field, disposal trench or other surface or subsurface sewage disposal system, placement of stone, tile or other materials, in absorption fields or leech beds or other subsurface trenches, fields, beds, holes, dry wells or excavations.

#### 5.1.11 Installer

“Installer” shall mean any individual, firm, business, corporation, or an employee thereof who engages in the installation or construction of any part or portion of a sewage treatment system for another person.

#### 5.1.12 Michigan Criteria for Subsurface Sewage Disposal

A Michigan Department of Environmental Quality publication adopted by the Michigan Water Resources Commission as a policy statement to provide minimum standards for the underground disposal of sanitary sewage up to 10,000 gallons/day. The criteria apply to all semi-public or public subsurface sewage disposal systems.

#### 5.1.13 Portable Toilet

A “portable toilet” shall mean an enclosed facility containing an easily cleanable water-tight container, which is vermin-proof, for the reception of human excreta

and is used on a temporary basis at transitory events and gatherings, construction sites, etc.

#### 5.1.14 Private Sewage Disposal System

An on-site subsurface sewage disposal system serving a single or two family dwelling units.

#### 5.1.15 Seasonal High Water Table

The highest elevation reached by the water table during the wet season of a normal year as determined by an evaluation of the Health Officer using physical measurements, physical examination of the soils, historical records, or other verifiable evidence and information.

#### 5.1.16 Semi-Public or Public Sewage Disposal Systems

Any on-site subsurface sewage disposal system serving premises other than single or two family dwellings

#### 5.1.17 Septic Tank

A water-tight tank or receptacle used for the purpose of receiving sewage, having an inlet and outlet and so designated to permit the separation of solids in suspension and to permit such retained solids to undergo decomposition therein prior to releasing the treated effluent or overflow to an approved soil absorption system.

#### 5.1.18 Sewage or Wastewater

A combination of all domestic and/or organic waste from any premise where persons reside, are employed or congregate. Sewage includes, but is not limited to, waste from flush toilets, sinks, lavatories, bathtubs, bidets, showers, laundries, urinals or any other plumbing fixture. Sewage does not include discharge water from water softeners; backwash from swimming pool or spa filters; or run-off from roof, footing or storm drains.

#### 5.1.19 Sewage Disposal System

A system, other than a public system, which is under the jurisdiction of Act 451 of the Public Acts of 1994, (Natural Resources and Environmental Protection Act) as amended, which receives either human excreta, sewage waste or both. Included within the scope of this definition are septic tank-soil absorption systems, aeration systems, lagoons, privies, chemical toilets, composting toilets, or any similar contrivance used in the treatment and disposal of sewage as may be approved by the Health Officer.

5.1.20 Sewer, Sewer Pipe

A water-tight conduit used for transporting sewage.

5.1.21 Surface Water

“Surface water” shall mean any lake, stream, or permanent open body of water. This does not include storm water retention or detention basins.

**5.2 General Requirements**

5.2.01 Connections Required to an Approved Facility

In the absence of a publicly operated sewerage system, connection shall be made to a sewage disposal system constructed in accordance with the provisions of these regulations.

When any existing sewage disposal system serving any premises where a publicly operated sewerage system is available and reasonably accessible as defined in Sections 12751-12758, Act 368 of the Public Acts of 1978, as amended, is found in violation of any provision of these regulations, or of any other applicable health law, the owner shall correct the violation by proper connection to said publicly operated sewerage system. Such connection shall be made within a time limitation, as specified by the Health Officer.

5.2.02 Connections Required

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

5.2.03 Condemnation of Existing Installations

The Health Officer may condemn any existing individual sewage disposal system when:

- a. Effluent from the sewage disposal system is exposed to, or drains onto, the surface of the ground; or,
- b. Effluent from the sewage disposal system drains into any lake, river, wetlands, county drain, storm sewer or stream; or,
- c. Effluent seepage from the sewage disposal system may endanger a public or private water supply; or,
- d. An improperly constructed or maintained sewage disposal system creates a public or private nuisance.



#### 5.2.04 Abandonment of Sewage Disposal Systems

When any existing sewage disposal system is abandoned or its use terminated, the existing septic tank(s), drywell(s), etc. shall be pumped out and filled with sand or an approved material. When an existing sewage disposal system is abandoned due to connection to a municipal sewer system, the sewer authority shall have a program in place or shall address in an ordinance a requirement for septic tanks, drywells, etc. to be abandoned in accordance with these rules. The sewer authority shall be responsible for enforcement.

Sewage treatment systems which have not been in use for more than three years may be considered abandoned. An abandoned sewage treatment system shall not be put back in operation unless it can be shown to be in substantial compliance with this code.

#### 5.2.05 Premise Occupancy

No person shall occupy, offer for occupancy, or permit the occupancy of any premises which lacks an adequate sewage disposal system which disposes of all forms of sewage in a sanitary manner.

#### 5.2.06 Maintenance

The owner of a premise shall maintain the sewage disposal system in such a way as to prevent hazards to the public health and safety, and to minimize degradation of the natural environment.

#### 5.2.07 Deviations

The Health Officer may permit, upon receipt of a written application, deviations from the strict applications of the requirements in Chapter 5 of this code, when the physical size or shape of a premise renders the strict application of the requirements physically impossible. In such event, if the Health Officer finds the special conditions are present, the owner may construct or cause to be constructed an individual sewage disposal system under the direction of the Health Officer and subject to such reasonable conditions as may be required considering the limitations of the property, the protection of public health, and the prevention of any nuisance. Alternate methods of sewage disposal may be approved by the Health Officer if they provide equal or better treatment than the minimum requirements provided for herein. The Health Officer shall keep a written record of applications for deviations; the granting or denial of the application; and any conditions imposed upon the construction or use of an individual sewage disposal system.

#### 5.2.08 Change of Use

A change in use of a premise which may result in a significant increase in the generation of wastewater shall not be allowed unless it can be shown that the sewage treatment facility is in substantial compliance with the applicable regulations for the anticipated new use. This would include, but not be limited to, adding bedrooms to an existing dwelling, additions to industrial or commercial establishments, construction of garages, and/or outbuildings.

The Health Officer shall determine if an existing sewage disposal system is sufficient and adequate to allow an increase in living or working area to existing buildings and/or that the proposal will not interfere with current or future use of onsite sewage disposal.

#### 5.2.09 New and Existing Septic Systems

Every sewage treatment system installed subsequent to the effective day of this code shall conform to the design, location and construction requirements contained herein.

Sewage treatment systems in use prior to the effective date of this code may continue in use so long as such usage does not create a hazard to public health and safety, a public health nuisance or excessive degradation of the natural environment.

#### 5.2.10 Permits Required

No person shall construct, repair, alter or extend any sewage disposal system unless a permit issued by the Health Officer has been obtained. In certain limited circumstances involving only minor repairs or alterations to a small portion of an existing sewage disposal system, the requirement for a permit may be waived by the Health Officer.

#### 5.2.11 Application for Permits

- a) An application for a permit to construct, alter, extend or replace a sewage disposal system must contain the following information on a form approved by the Health Officer:
  - i. The name, address and telephone number of the property owner and the property owner's designate representative, if applicable; and,
  - ii. A description of the actual or proposed use of the property; and,
  - iii. The tax identification number of the property; and,
  - iv. The signature of the property owner or the property owner's designated representative.

- b) The required fee.
- c) The Health Officer may also require the property owner or the property owner's designated representative to submit substantiated data including, but not limited to, engineering drawings, soil analysis, test borings, groundwater and flow elevations and/or detailed plans for the proposed sewage disposal system.

#### 5.2.12 Priority Over Building Permits

No municipality, township, county or other agency shall issue a building permit for, or allow commencement of, any construction on land where public sewers are unavailable unless the Health Officer has issued a permit to construct a sewage disposal system on that land.

#### 5.2.13 Permit Expiration and Renewal

A sewage disposal permit shall expire and become invalid two (2) years from the date of issuance. Upon written request prior to expiration of the permit, the permit may be extended one (1) time only for an additional one (1) year with the payment of a renewal fee.

#### 5.2.14 Transfer of Permits

If a property owner transfers title of the property to another person prior to the expiration of the sewage disposal permit, the Health Officer may transfer the permit to the new owner of the property if the new owner submits a written request to the Health Officer for the transfer. The new owner must also agree, in writing, not to change the scope of the project without the Health Officer's approval. Both the original permit holder and the new owner of the land must sign the request to transfer the permit. If the Health Officer authorizes the transfer of a permit, the act of transferring the permit does not change the permit's expiration date.

#### 5.2.15 Void Permits – Stop Work Order

A permit, as issued by District Health Department #10, authorizing construction of a sewage disposal system 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:

- a) The area designated on the permit for the soil absorption system is disturbed by major unapproved filling, excavation, paving or flooding.
- b) The area designed encroaches on the required isolation distances from an existing well water supply, property lines, dwelling, footing drains, surface water, etc.

- c) Increase or other alteration in the scope of the project prior to, during, or following construction of said system which was not disclosed on the permit.
- d) Specific conditions under which permit application approval was granted cannot be adhered to or attained.
- e) A change or alteration of the submitted plot plan in which the permit was issued without approval from the Health Officer.
- f) Where information provided on the application is found to be inaccurate or untrue.

#### 5.2.16 Permit Denial

The Health Officer may deny an application for a permit to construct, alter, extend or replace a sewage disposal system if the Health Officer determines that one or more of the following conditions exist:

- a) Where a publicly operated sewage system is available as defined by Act 368, P.A. of 1978, as amended.
- b) Where the septic tank would be inaccessible for cleaning or inspection purposes.
- c) Where the property served is too small for proper isolation distances from existing water wells, the proposed water well to serve the premises, surface waters, footing and storm drains, or has insufficient area for the sewage absorption system and reserve area. The area for the reserve septic system must at least be equal to the area required for the proposed septic system. The need for a reserve area would not apply for replacement septic systems.
- d) Where there is less than 12 inches of natural sandy clay loam, loam or better drained soil above a seasonal high water table.
- e) Where the soil classification as determined by the U.S. Department of Agriculture, Natural Resources Conservation Service, or other physical conditions are deemed to be unsatisfactory for the disposal of sewage.
- f) Where conditions exist upon the property, or may occur upon the property, which may endanger the public health or the environment; or,
- g) Where the proposed site is subject to flooding and/or is included within the 100 year flood plain.

If the Health Officer denies an application for a permit to construct, alter, extend or replace a sewage disposal system, the Health Officer shall provide the applicant with a written explanation of the reasons why the Health Officer denied the application. Variances may be granted to existing structures where sewage disposal system repairs, corrections and/or alterations are necessary in the opinion of the Health Officer.

#### 5.2.17 Site Acceptance Criteria

The Health Officer shall consider the following information to determine whether a property provides a suitable location for the construction of an on-site sewage disposal system.

- a) Soil Analysis: The soil classification system and interpretations as provided by the United States Department of Agriculture, Natural Resources Conservation Service, and the use limitations pertaining to that soil classification may be considered by the Health Officer and used as part of the soil and drainage evaluation.
- b) Soil Borings: Test borings or excavations shall be made within the area proposed for the sewage disposal system in order to determine the highest indicated groundwater level and soil formations. Test borings and excavations shall be conducted to at least four (4) feet below the proposed bottom elevation of the septic system. There shall be an adequate number of soil borings conducted to determine if suitable soil conditions exist to construct both an original and a replacement on-site sewage disposal system. The use of a backhoe may be required if: 1) the soil evaluation is for a subdivision or site condominium, 2) a hard pan, heavy clay, frozen soil conditions or rock/shale level is found that prevents the use of the hand auger, 3) the area consist of fill material, 4) it is suspected that more suitable soil exist deeper than the length of the hand auger, or 5) the sanitarian has a medical condition that prevents the use of the hand auger.
- c) Seasonal High Groundwater: Seasonal high groundwater shall be at least four (4) feet below the bottom of the subsurface disposal system.
- d) Hardpan, Clay, Impervious Material: Impervious hardpan or clay or shale, if present, shall be at least four (4) feet below the subsurface disposal system.
- e) Filled Ground: The Health Officer must approve, in writing, the use of filled ground or "made land" as the site for a sewage disposal system. The Health Officer may require mechanical compaction of the filled ground or allowing the land to settle for at least one (1) year as a condition of approval for the use of filled ground or "made land" as the site for a sewage disposal system. In no event shall the Health Officer allow filled ground or "made land" to be located over unstable soil, peat, muck or organic material.
- f) Replacement area: Sufficient suitable area shall be available and reserved to provide for a minimum of one replacement system without utilization or disruption of the initial installation.

#### 5.2.18 Inspection Required

An inspection by the Health Officer is required after 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 contractor, homeowner or installer to notify the Health Officer that the sewage disposal system is ready for inspection.

#### 5.2.19 Certification

The Health Officer may waive the requirements for a final inspection if the permit holder or the permit holder's designee provides the Health Officer with proper verification that the sewage disposal system was installed in accordance with the conditions of the permit. The installer in such an instance shall furnish a written statement to the Health Officer, certifying that the system was installed as shown on the permit. A final "as-built" plan shall also be submitted by the installer.

#### 5.2.20 Backfilling of Sewage Disposal System

After final approval of the sewage disposal system is granted by the Health Officer, it shall be backfilled or covered within seventy-two (72) hours. Failure to do so may cause the system to become damaged. Stone shall be covered with a material to prevent backfill from entering the void spaces between the stones. Frozen soils shall not be used for backfill since it will damage the system during grading. The Health Officer may revoke any previous approval if there is evidence of damage.

#### 5.2.21 Holding Tanks

Pump-and-haul as a means of sewage disposal for new development will not be permitted by the Health Officer except as an interim measure when municipal sanitary sewers or approved sewage disposal facilities to serve the proposed development are under construction. Pump-and-haul as a means of sewage disposal to serve existing dwellings may be permitted only if all other alternatives for sewage disposal have been properly investigated and are determined to be unavailable or unsuitable by the Health Officer.

Vehicles to be used for pump-and-haul shall be licensed under Part 117 of Act 117 of Act 451, Public Acts of 1994, as amended. The method of disposal shall be in accordance with Act 381, Public Acts of 2004 under the authority of the Michigan Department of Environmental Quality.

#### 5.2.22 Construction and Maintenance of Privies and Similar Toilet Devices

- a) A person shall construct and maintain all privies and other similar toilet devices in accordance with Act 368 of the Public Acts of 1978, as amended (Section 12771). In addition, the privy must be of a vault construction which provides a durable watertight barrier between the sewage and the soil and groundwater.

- b) No person shall maintain, construct or move a privy onto any premise where a public sanitary sewer is available, or if state or local ordinances prohibit the use of a privy on the premise.
- c) A privy shall serve only one dwelling; it shall be located at least 100 feet from all buildings other than the dwelling it serves; and it shall be at least ten (10) feet from any property line. Other minimum isolation distances applicable to septic tanks shall also be applicable to a privy.
- d) Temporary privies used at construction sites, places of public assembly, mass gatherings, camp, etc., shall comply with Act 368 of the Public Acts of 1978, as amended. Agencies which clean or service the temporary privies shall comply with Part 117 of Act 451 of the Public Acts of 1994, as amended.
- e) The Health Officer shall determine the number of privies required at a mass gathering.

#### 5.2.23 On-Site Systems for Structures Destroyed by Fire or Natural Causes

Reconstruction of buildings destroyed by fire or natural causes to the extent that reconstruction costs exceed 50 percent of its current market value shall require the on-site sewage disposal system to be brought into compliance with the provisions of this code.

#### 5.2.24 High Risk Erosion Area

On Lake Michigan shoreline property, development of on-site sewage disposal systems will only be allowed outside of the minimum required setback distances as provided by the Michigan Department of Environmental Quality under the authority of the Shorelands Protection Act and Management Act, Public Act 245 of 1970, as amended.

### 5.3 Construction Requirements

#### 5.3.01 Sewers

##### a) Materials

All sewer lines used in construction and operation of an individual sewage disposal system shall meet the requirements of the Michigan Plumbing Code or a nationally recognized uniform plumbing code. All sewer lines located within fifty (50) feet of any spring, well, or water suction line shall be constructed of cast-iron soil pipe with sealed joints, schedule-40 plastic or similarly approved materials. Any buried sewer line shall be located at least ten (10) feet from any well, spring, or water line. The effluent line between the septic tank and absorption field/bed/trench, dry well or block trench must be constructed of schedule-40 PVC, SDR 35 or similar approved materials. Isolation distances between sewers

and public and non-community water supplies may be more restrictive based on state and/or federal regulations.

b) Size

The minimum size sewer line shall be based upon the number of fixture units as set forth in the Michigan State Plumbing Code. The minimum size sewer in any case shall be not less than three (3) inches in diameter.

c) Grade

A building sewer between the building and septic tank shall be laid at a grade of not less than 1/8 inch per foot and not more than 1/2 inch per foot unless otherwise approved by the plumbing inspector having jurisdiction or by the Health Officer.

d) Cleanouts

Bends in a sewer line located between the building and the septic tank cannot exceed 45 degrees without the installation of a cleanout. Cleanouts must be provided at a frequent approved by the plumbing inspector. In addition, a cleanout is required to be provided at each 50 feet of sewer line between the building and the septic tank. All cleanouts shall be properly sized and installed and shall be exposed at final grade level.

### 5.3.02 Septic Tank

a) Location

A septic tank shall be located where it is accessible for cleaning or inspection purposes, nor shall any structure be placed over any existing tank making the same inaccessible for cleaning and inspection purposes. A septic tank shall be installed in a level position on a firm base.

b) Access Holes/Manholes

Every septic tank shall be provided with a minimum of two (2) openings with one of them located over the outlet to permit inspection and cleaning. A service access hole (18 inch minimum diameter) shall be provided. Where the top of the septic tank is located more than 18 inches below the final grade, manholes shall be built up to within 18 inches of the finished grade. Risers shall be a minimum of 24 inches in diameter.



c) Inlets and Outlets

The bottom of the inlet line into the septic tank shall be at least two (2) inches above the operating water level of the tank. The outlet shall be constructed to permit withdrawal of liquid from the middle third of the depth of the liquid in the tank. To prevent the escape of floating or settled solids, the tank must have a minimum scum clearance of eight (8) inches. The inlet must be so designed to permit gas above the liquid level to pass through the inlet line and out the vent pipe servicing the sewer line leading to the tank. A septic tank's outlet shall consist of a sanitary "T" or baffle designed to draw from the middle third depth of the septic tank. All pipe connections to a septic tank shall be watertight and sturdy.

d) Construction Material

A septic tank shall be constructed of sound and durable materials, which do not excessively corrode or decay, and which are structurally capable of supporting the stress to which they will be subjected.

A septic tank shall be water-tight and the materials used to construct the tank shall prevent water from surrounding soils from flowing into the septic tank. Acceptable materials include reinforced concrete, fiberglass, or similar materials approved by the Health Officer.

e) Septic Tank Capacities

A septic tank installed in single and two family dwellings after the effective date of this Code shall have the following minimum capacity unless the Health Officer determines that public health concerns require a greater minimum capacity:

<u>Total Number of Bedrooms</u>	<u>Minimum Tank Capacity (without Garbage Grinder)</u>	<u>Minimum Tank Capacity (with Garbage Grinder)</u>
Three or fewer	1,200 gallons	1,500 gallons
Four	1,500 gallons	2,000 gallons
For each additional Bedroom over four	250 gallons	

Dwellings with more than three (3) bedrooms and a garbage disposal unit must use multiple or compartmental tanks.

In compartmental tanks, the first compartment must equal 2/3 of the total capacity of the tank.

Footing drain water, roof runoff water, storm drainage and any other wastes not considered domestic sewage shall not be connected to or discharged into a sewage disposal system.

Septic tanks for other than single family and two family dwellings shall be sized on the basis of being equal in capacity to one days (24 hours) average flow or in accordance with the Michigan Criteria for Subsurface Sewage Disposal, whichever is more stringent.

#### 5.3.03 Effluent Pumps

- a) Effluent pump shafts and the pump's fasteners shall be constructed of corrosion proof material such as stainless steel or PVC. An effluent pump shall have a minimum pumping capacity that permits the discharge of 25% of the system's estimated daily flow in twenty (20) minutes.
- b) The pump shall be UL approved.
- c) The effluent pump's discharge line shall have an acceptable union that allows for the easy removal of the pump from the dosing chamber.
- d) All effluent pump connections shall be water-tight.
- e) The effluent pump shall be installed in accordance with manufacturer specifications.
- f) All effluent pump electrical connections shall meet applicable electrical codes.
- g) The pump shall have an audio-visual alarm for a high water warning device.

#### 5.3.04 Sewer Line Between the Septic Tank and a Drainfield

The line carrying liquid from the septic tank outlet to the nearest portion of a drainfield shall be an approved rigid watertight pipe and may be laid at any appropriate grade. The Health Officer may specify that ten feet beyond the last septic tank the pipe shall be PVC Schedule 40 or equivalent.

#### 5.3.05 Subsurface Disposal System

##### a) Location

In no case shall any driveway, parking area, paved surface, stockpiled material or building be placed over the disposal system. It shall remain accessible for maintenance and all surface drainage must be diverted away from the sewage disposal system.

##### b) Distribution Header

A solid, water-tight header or distribution box shall be required on all subsurface disposal systems. Connection to the upper portion of the disposal system shall be made using a "T" fitting set perfectly level on firm support in order to divide the flow evenly in each direction; or to a level header conveying the divided flow to

two separate points of connection with the distribution system; or with a distribution box. Distribution boxes are to be constructed of rigid PVC. If more than eight (8) lines of distribution tiles are installed, either branch headers or a distribution box shall be installed.

c) Distribution System

The drainfield shall be constructed of perforated PVC pipe approved by the Health Officer. The drainfield system may be constructed as a bed or a trench based on the approval of the Health Officer. Trenches are recommended for heavier soils with clay content unless it is a raised septic system. Wherever possible, bed design should be narrow to avoid anaerobic conditions developing in the center of the septic system. For all drainfields, an observation port should be installed at the end of the system.

Stone used shall be washed and sized to Michigan Department of Transportation aggregate grade standard (6A). Stone must be placed level throughout the trench or bed with not less than 6 inches below the distribution pipe and 2 inches above the top of the distribution pipe for no less than a total depth of 12 inches of stone throughout the entire trench or bed. There shall be no crowning of the stone above the tile. The Health Officer may approve the use of other types of aggregate in place of stone.

The Health Officer may refuse to approve the drainfield if:

- 1) The distribution pipe are not laid at a uniform grade or at a slope greater than two inches per 100 feet; or
- 2) The distribution pipe are in poor condition; or,
- 3) The soil has been allowed to fill the air spaces around the stone material; or
- 4) The installation does not conform to the requirements of the construction permit; or
- 5) The installation does not conform with this Code.

All laterals in a drainfield are to be connected in front and back with a header and a footer respectively. Straw, untreated building paper or other approved materials shall be placed between the stone and the final cover of soil to keep backfill material out of the stone, yet allow the evaporation of moisture.

5.3.06 Table 1 – Required Isolation Distances in Feet

<b>From</b>	<b>To Septic Tank</b>	<b>To Drainfield – Bed or Trench</b>	<b>To Dry Well or Block Trench (see section 5.3.09)</b>	<b>To Sewer Line (closed pipe, sealed joints)</b>
Wells	50	50	75	10
Property Lines	5	10	10	5
Basement Walls	10	10	15	--
Lakes/ Streams	50	100	100	10
Pressurized Water Lines	10	10	10	5
Ravines, Banks, Drop-offs	10	15	20	5
Swimming Pools	10	10	10	10

The above table is only for single and two family dwellings.

5.3.07 Table 2 – Construction Specifications for Beds and Trenches

<b>Item</b>	<b>Minimum</b>	<b>Maximum</b>
Number of laterals or trenches	2	--
Size of gravity distribution pipe	4 inch	--
Size of pressurized distribution pipe	1 inch	--
Length of laterals or trenches	--	100 feet
Width of trenches	18 inches	36 inches
Space between trenches, wall to wall	3 feet	--
Number of distribution lines per trench	--	1
Distance between distribution laterals in a bed construction	3 feet	4 feet
Distance between the distribution laterals and the bed walls	6 inches	18 inches
Depth of cover (bottom of distribution pipe to finished, surface grade)	12 inches	30 inches
Slope of distribution pipes	Level Preferred	2 inches/ 100 feet
Depth of stone under the distribution pipe	6 inches	--
Depth of stone over the distribution pipe	2 inches	--
Size of stone	½ inch	1 ½ inches
Depth to seasonal high water table from the bottom of the drainfield	4 feet	--

5.3.08 Table 3 – Sizing Criteria for Drain Beds and Trenches

Type of Soil	Permeability (min/in)	Bed Size per bedroom (square feet)	Trench Size per bedroom (square feet)
Coarse Sand Medium Sand	10	175	140
Fine Sand Loamy Sand	11-20	225	180
Sand Loam	21-30	275	220
Loam Sandy Clay Loam Sandy Silty Loam	31-45	325	260
Silt Loam Clay Loam	46-60	Unsuitable	Unsuitable
Clays, Silts, Muck, Peat, Marl	Over 60	Unsuitable	Unsuitable

5.3.09 Dry Well or Block Trench Construction Specifications

a) Location

Dry wells and block trenches may, at the Health Officer’s discretion, be installed in lieu of a conventional drainfield when all of the following conditions are found to exist:

- 1) The installation of a conventional drainfield is restricted by area in that required isolation distances for sewage disposal systems cannot be obtained or the area is severely sloped.
- 2) The permeability rate of the surrounding soils is less than 20 minutes/inch and the seasonal high water table, bedrock or other limiting layer is not less than 4 feet below the bottom of the drywell.
- 3) Replacement area equal to the area of the initial installation is available and reserved for future installations.

b) Construction Requirements

Dry wells and block trenches shall be durable and shall possess sufficient structural strength to prevent collapse or cave-in of the excavation. They may be constructed of cement blocks, bricks, pre-cast concrete or similar materials if approved by the Health Officer. An inspection port or cover shall be located on the top of the unit in order to facilitate inspection and cleaning. A minimum of 12 inches of clean, 6A stone (or equivalent) shall be placed around the perimeter of a dry well or block trench.

### c) Dry Well and Block Trench Sizing

A minimum of 175 square feet of absorption area per bedroom is required for dry well or block trench installations. The size includes both the bottom and the side wall area.

#### 5.3.10 Other Sewage Disposal Systems

In addition to the conventional bed and trench system, the Health Officer may approve other sewage disposal systems. If not otherwise specified by the Health Officer, these systems shall be installed according to manufacturer's guidelines. The Health Officer may require additional construction specification and maintenance beyond the manufacturer's guidelines. The Health Officer may, also, require additional inspections based on the technology or the difficulty of the development site. The department may charge a fee for the additional inspections.

## **Chapter 6 SEWAGE DISPOSAL CONTRACTOR LICENSING**

### 6.1 Licensing Required

Any person, firm, company or corporation who shall engage in the business of installation of a sewage disposal system, or any part thereof under the provisions of this sanitary code must be licensed by District Health Department #10.

### 6.2 Application

Each person engaged in such business for the purposes of aforesaid shall file an application with the Health Officer with such information as may be required. Said application for a license shall be submitted to the Health Department prior to January 1<sup>st</sup> of each year, accompanied by a license fee, as established by a fee schedule, made payable to District Health Department #10.

### 6.3 Issuance of License

Prior to a person being issued a license as a sewage disposal contractor, all regulations pertaining to sewage disposal shall be reviewed by the applicant and a statement signed that he and/or his firm, company or corporation will comply with such regulations. If the Health Officer, after such investigation as he deems necessary, is satisfied the applicant has the qualifications, experience, reputation and equipment to perform the services in a manner not detrimental to safety and public health, he shall issue or cause to be issued, a license to the applicant.

#### 6.4 Suspension of License

Any sewage disposal contractor's license may be suspended by the Health Officer if it is his judgment one or more of the following conditions are present:

- A) The contractor installs any sewage disposal system prior to a permit being issued by District Health Department #10
- B) Violations of the construction requirements as stated in the construction permit and/or other provisions of this code.

The contractor shall be notified in writing of the suspension and the conditions which caused the suspension.

#### 6.5 Reinstatement of Suspended License

Whenever a contractor believes the condition(s) for which his license was suspended has been resolved he may request his license to be reinstated. After determination by the Health Officer that the causes for suspension have been satisfactorily resolved he shall reinstate the contractor's license.

#### 6.6 Rights to Appeal

Whenever a licensed sewage disposal contractor feels he has been aggrieved by a decision of the Health Officer to suspend or refuse to issue his license, he may appeal that decision to District Health Department #10's Board of Health as per the requirements stated in Chapter 8 of these regulations.

#### 6.7 Workmanship

All work done such as repairs, installation or alterations or sewage disposal system modifications shall be performed in a workmanlike manner and the property served left in a safe and sanitary condition free from any unprotected hole such as dry wells and the premises free of any pooled sewage, sludge or septic tank effluent.

#### 6.8 License Exception

Nothing in this regulation shall be construed to require an individual from installing his own sewage disposal system to serve his own single or two family residences providing that a permit is obtained from District Health Department #10 and said construction is in accordance with these regulations. Also excluded are manufacturers of septic tanks, tile, processors or persons making delivery of these products to the job site, provided they do not install such products.

## 6.9 Fees Collected

The fees collected from the licensing program will be used for the continuing education of sewage disposal contractors and for the administration of the licensing program.

## 6.10 Repeal

If the State of Michigan institutes a program for the licensing of sewage contractors, this chapter will be repealed.

# **Chapter 7 PUBLIC BATHING BEACH WATER QUALITY**

## 7.1 Public Bathing Beach Operation

In accordance with Section 12541 of the Michigan Public Health Code, Act 368 of 1978, a public bathing beach shall not be operated unless it is in compliance with the following:

- 1) Owner/operator is conducting water sampling, collection and analyses as specified by these regulations.
- 2) Public bathing beach meets the water quality standards as specified by these regulations.

## 7.2 Sample Collection and Analyses

An owner or operator of a public bathing beach shall collect a minimum of one 100 ml water samples each week throughout the time of bathing beach operation. Samples shall be collected and analyzed as per the approved listing procedures outlined in Standard Methods. Analyses shall be completed in a laboratory approved by the Michigan Department of Environmental Quality. A public bathing beach with more than 1,000 lineal feet of beach front area will require one 100 ml sample be collected and analyzed for each 500 lineal feet of beach or portion thereof.

## 7.3 Water Quality Standards

The bacterial concentration in the water at a bathing beach, as determined by Standard Methods, is not to contain more than 130 *Escherichia coli* (E. coli) per 100 milliliters as a 30-day geometric mean. Compliance is to be based on the geometric mean of all individual samples taken during five (5) or more sampling events representatively spread over a 30-day period. At no time should the bathing beach waters contain more than a maximum of 300 E. coli per 100 milliliters. Geometric mean refers to the antilog of the summation of the logarithms of the values for the samples examined divided by the number of samples. The owner of the beach shall post the location of where the test results



may be reviewed if the beach has been sampled. The Health Officer may test and otherwise evaluate the quality of water at beaches to determine whether the water is safe for recreational purposes.

#### 7.4 Beach Closure

If the water quality standards cannot be met, the operator/owner is required to post the beach against body contact with the water. The beach may still be used for tanning or other recreational activities. Body contact with the water is not being allowed until the water quality standards can be met. If the owner/operator refuses to close the beach, the Health Officer may order closure. Failure to do so would be considered a misdemeanor.

#### 7.5 Beach Exemptions

A public bathing beach is exempt from the above requirements if the owner/operator posts the entrance to the bathing beach or other visible location with a sign stating that the water quality of the beach is not being tested or monitored. In addition, open stretches of beach or beaches at road ends that are not advised or posted as public bathing beaches do not need to have signs posted. All federal, state and private beaches are exempt from these regulations. Private beaches are not open to the general public.

#### 7.6 Limited Intent

These regulations are intended to protect the public health from disease transmission due to bacterial contamination and do not include chemical hazards, safety hazards or inadequate supervision.

### **Chapter 8 APPEALS AND VARIANCES**

#### 8.1 Board of Appeals

In order to provide for reasonable and equitable interpretations and applications of the provisions of these regulations, there is hereby created an "Appeals Board". The Appeals Board shall be comprised of three (3) members. The three members shall consist of: 1) the chair of the Board of Health for District Health Department #10, 2) a commissioner from the county in which the appeals originates, and 3) the third person shall be designated by the two appointees named above. If the chair of the Board of Health is also the commissioner from the county where the appeals originates, the vice-chair will serve in place of the chair.

## 8.2 Duties of the Appeals Board

The Appeals Board shall have the following duties:

- a) To resolve disputes on interpretation of these regulations;
- b) To handle appeals from administrative decisions;
- c) To suggest possible changes to these regulations as may be brought to light by the Appeals Board activities.

## 8.3 Procedures of the Appeals Board

Appeals shall be submitted in writing and must be accompanied by the appropriate fee. Within thirty (30) working days of the appeal being submitted, a hearing shall be held by the Appeals Board. Supporting documentation shall accompany the petition and shall include adequate information for the Appeals Board to adequately review, discuss and render a decision. The petitioner shall be notified of the time, date and place of the hearing not less than five (5) days prior to the date the hearing is to be held. The final decision of the Appeals Board shall be by majority vote. Any decision of the Appeals Board is final. The Appeals Board may impose conditions on any affirmative decision.

The Appeals Board shall furnish the petitioner with a written statement of its final decision to affirm, dismiss or modify the decision of the Health Officer within thirty (30) days following the hearing of any appeal. The Appeals Board members may be granted a per-diem and travel expenses as determined by the Board of Health for District Health Department #10.

## 8.4 Decisions of the Appeals Board

In considering a decision, the Appeals Board shall:

- a) Consider a questioned provision in light of other provisions of these regulations;
- b) Consider the interpretation in light of the intent of these regulations;
- c) Seek advice of legal counsel if needed;
- d) Limit the scope of the interpretation;
- e) State the grounds of each interpretation.

## 8.5 Variances

The Health Officer may permit variances in the standards or general requirements of these regulations. The Health Officer may grant a variance only after receiving a written application for a variation and the Health Officer determines:

- a) The application of these rules/regulations will result in unnecessary hardship;

- b) The proposed variance would provide essentially equivalent protection for the public health and would be in the public interest;
- c) The problem is not self-created;
- d) No substantial health hazard or nuisance is likely to occur;
- e) That no State statute, or other applicable laws, would be violated by such a variance;
- f) The decision is not in significant conflict with the intent and purpose of these regulations.

If the Health Officer issues a variance, the Health Officer shall record the variation in writing which includes a description of the actual variation; the section of the Code from which the variation was granted; the reasons for granting the variation; and any time limit imposed upon the variation.

## Chapter 9 BODY ART CODE AND GUIDELINES

### I. Definitions

The following terms used in these regulations shall be defined as follows:

- 1.1 **“AFTERCARE”** means written instructions given the client, specific to the body art procedure(s) rendered, about caring for the body art and surrounding area. These instructions will include information about when to seek medical treatment, if necessary.
- 1.2 **“ANTISEPTIC”** means an agent that destroys disease-causing micro-organisms on human skin or mucosa.
- 1.3 **“BODY ART”** means the practice of physical body adornment by permitted establishments and operators using, but not limited to, the following techniques; body piercing, tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures, such as implants under the skin, which shall not be performed in a body art establishment. Nor does this definition include piercing of the outer perimeter or lobe of the ear with pre-sterilized single-use stud-and-clasp ear piercing systems.
- 1.4 **“BODY PIERCING”** means the perforation of human tissue other than the ear for a non-medical purpose.
- 1.5 **“CONTAMINATED WASTE”** means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood or other potentially infectious materials, as defined in 29 Code of Federal Regulations, Part 1910.1030 (latest edition), known as “Occupational Exposure to Bloodborne Pathogens”.
- 1.6 **“DISINFECTION”** means the destruction of disease-causing micro-organisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.
- 1.7 **“EAR PIERCING”** means the puncturing of the outer perimeter or lobe of the ear with a pre-sterilized single-use stud-and-clasp ear piercing system following the manufacturer’s instructions. Under no circumstances shall ear piercing studs and clasps be used anywhere on the body other than the outer perimeter and lobe of the ear.
- 1.8 **“EQUIPMENT”** means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a body art establishment.
- 1.9 **“HAND SINK”** means a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body.

- 1.10 **“HOT WATER”** means water that attains and maintains a temperature of at least 100 degrees F.
- 1.11 **“INSTRUMENTS USED FOR BODY ART”** means hand pieces, needles, needle bars, and other instruments that may come in contact with a client’s body or may be exposed to bodily fluids during body art procedures.
- 1.12 **“INVASIVE”** means entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break or compromise the skin or mucosa.
- 1.13 **“JEWELRY”** means any personal ornament inserted into a newly pierced area, which must be made of surgical implant-grade stainless steel; solid 14k or 18k white or yellow gold, niobium, titanium, or platinum; or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces and has been properly sterilized prior to use.
- 1.14 **“LIQUID CHEMICAL GERMICIDE”** means a disinfectant or sanitizer registered with the U.S. Environmental Protection Agency or an approximately 1:100 dilution of household chlorine bleach made fresh daily and dispensed from a spray bottle (500 ppm, ¼ cup per gallon, or 2 tablespoons per quart of tap water).
- 1.15 **“MOBILE BODY ART ESTABLISHMENT/UNIT”** means a mobile establishment or unit which is self-propelled or otherwise movable from place to place and is self-sufficient for utilities such as gas, water, electricity, and liquid waste disposal which operates at a fixed location where a permitted operator performs body art procedures for no more than 14 days in conjunction with a single event or celebration.
- 1.16 **“OPERATOR/TECHNICIAN”** means any person who controls, operates, manages, conducts, or practices body art activities at a body art establishment and who is responsible for compliance with these regulations, whether actually performing body art activities or not. The term includes technicians who work under the operator and perform body art activities.
- 1.17 **“PHYSICIAN”** means a person licensed by the State of Michigan to practice medicine in all its branches and may include other areas such as dentistry, osteopathy, or acupuncture.
- 1.18 **“PROCEDURE SURFACE”** means any surface of an inanimate object that contacts the client’s unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure, or any associated work area which may require sanitizing.
- 1.19 **“SANITIZATION PROCEDURE”** means a process of reducing the numbers of micro-organisms on cleaned surfaces and equipment to a safe level as judged by public health standards and which has been approved by District Health Department #10.
- 1.20 **“SHARPS”** means any objects (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa,

including, but not limited to, pre-sterilized, single-use needles; scalpel blades; and razor blades.

- 1.21 **“SHARPS CONTAINER”** means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal and that is labeled with the International Biohazard Symbol.
- 1.22 **“SINGLE USE”** means products or items that are intended for one-time, one-person use and are disposed of after use on each client, including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups, and protective gloves.
- 1.23 **“STERILIZATION”** means a very powerful process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.
- 1.24 **“TATTOOING”** means one or more of the following: 1) an indelible mark made upon the body of another individual by the insertion of a pigment under the skin, and/or 2) an indelible design made upon the body of another individual by the production of scars other than by branding.
- 1.25 **“TEMPORARY BODY ART ESTABLISHMENT”** means any place or premise operating at a fixed location where an operator performs body art procedures for no more than 14 days consecutively in conjunction with a single event or celebration.
- 1.26 **“UNIVERSAL PRECAUTIONS”** means a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC). This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include hand washing; gloving; personal protective equipment; injury prevention; and proper handling and disposal of needles, other sharp instruments, and blood and body fluid-contaminated products.

## **II. Body Art Requirements and Professional Standards**

- 2.1 The body art operator/technician must be a minimum of 18 years of age.
- 2.2 Smoking, eating or drinking is prohibited in the area where body art is performed.
- 2.3 The operator/technician shall maintain a high degree of personal cleanliness, conform to hygienic practices, and wear clean clothes when performing body art procedures. Before performing body art procedures, the operator/technicians must thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.

- 2.4 In performing body art procedures, the operator shall wear disposal medical gloves. Gloves must be changed if they become contaminated by contact with any non-clean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed before the next set of gloves is donned. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable medical gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.
- 2.5 If, while performing a body art procedure, the operator's/technician's glove is pierced, torn or otherwise contaminated, the procedure delineated in Section 2.6 shall be repeated immediately. The contaminated gloves shall be immediately discarded and the hands washed thoroughly before a fresh pair of gloves is applied. Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.
- 2.6 Contaminated waste, as defined in this code, that may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled must be placed in an approved "red" bag marked with the International Biohazard Symbol. It must then be disposed of by a waste hauler approved by the Department or, at a minimum, in compliance with 29 CFR Part 1910.1030, "Occupational Exposure to Bloodborne Pathogens". Sharps ready for disposal shall be disposed of in approved sharps containers. Contaminated waste that does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods. Storage of contaminated waste on site shall not exceed the period specified by the Department or more than a maximum of 30-days, as specified in 29 CFR Part 1910.1030, whichever is less.
- 2.7 Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.
- 2.8 The skin of the operator/technician shall be free of rash or infection. No person or operator affected with boil, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that that person could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.
- 2.9 Proof shall be provided upon request of the Department that all operators/technicians have either completed or were offered and

declined, in writing, the hepatitis B vaccination series. This offering shall be included as a pre-employment requirement.

### **III. Exemptions**

- 3.1 Physicians licensed by the State of Michigan, who perform either independent or in connection with body art procedures as part of patient treatment are exempt from these regulations.
- 3.2 Individuals who pierce only the outer perimeter and lobe of the ear with pre-sterilized single use stud-and-clasp ear piercing system are exempt from these regulations.

### **IV. Public Notification Requirements**

- 4.1 Written instructions, approved by the Department, for the aftercare of the body art procedure shall be provided to each client by the operator upon completion of the procedure. The written instructions shall advise the client to consult a physician at the first sign of infection or swelling and shall contain the name, address, and phone number of the establishment. The facility shall also post in public view the name, address and phone number of the Department and the procedure for filing a complaint.
- 4.2 All infections, complications, or diseases resulting from any body art procedures that become known to the operator shall be reported to the Department by the operator within 24-hours or the next business day.

### **V. Client Records**

- 5.1 So that the operator can properly evaluate the client's medical conditions for receiving a body art procedure and not violate the client's rights or confidential medical information, the operator shall ask if the client has any of the following conditions:
  - a. diabetes;
  - b. history of hemophilia (bleeding)
  - c. history of skin diseases, skin lesions, or skin sensitivities to soaps, disinfectants, etc.;
  - d. history of allergies or adverse reactions to pigments, dyes or other skin sensitivities;
  - e. history of epilepsy, seizures, fainting or narcolepsy;
  - f. use of medications such as anticoagulants, which thin the blood and or interfere with blood clotting.

The operator should ask the client to sign a Release Form confirming that the above information was obtained or that the



operator attempted to obtain. The client should be asked to disclose any other information that would aid the operator in evaluating the client's body art healing process.

- 5.2 Each operator shall keep records of all body art procedures administered, including date, time, identification and location of the body art procedure(s) performed, and the operator's name. All client records shall be confidential and be retained for a minimum of three (3) years and made available to the Department upon notification.
- 5.3 Nothing in this section shall be construed to require the operator to perform a body art procedure upon a client.

## **VI. Preparation of the Body Art Area**

- 6.1 Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding where the body art procedure is to be placed, shall be washed with soap and water or an approved surgical skin preparation. If shaving is necessary, single use disposable razors or safety razors with single service blades shall be used. Blades shall be discarded after each use and reusable holders shall be sterilized after use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.

## **VII. Sanitation and Sterilization Procedures**

- 7.1 All non-single use, non-disposable instruments used for body art shall be cleaned thoroughly after each use by scrubbing with an appropriate soap and disinfectant solution and hot water or by following the manufacturer's instructions, to remove blood and tissue residue, and shall be placed in an ultrasonic unit also operated in accordance with manufacturer's instructions.
- 7.2 After being cleaned, all non-disposable instruments used for body art shall be packed individually in peel packs and subsequently sterilized. All peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Peel packs must be dated with an expiration date not to exceed six (6) months.
- 7.3 All cleaned, non-disposable instruments used for body art shall be sterilized in a steam autoclave or dry-heat sterilizer. The sterilizer shall be used, cleaned and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of the sterilization unit must be available for inspection by the Department. Sterile equipment may not be used if the package has been breached or after the expiration date without first repackaging and re-sterilizing. Sterilizers shall be located away from work stations or areas

frequented by the public. If the body art establishment uses only single-use, disposable instruments and products, and uses sterile supplies, an autoclave or sterilizer shall not be required.

- 7.4 The operator shall demonstrate that the sterilizer used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the sterilizer's ability to destroy spores is received by the Department. These test records shall be retained by the operator for a period of three (3) years and made available to the Department upon request.
- 7.5 All reusable needles and other instruments used in tattooing shall be cleaned and sterilized prior to use and stored in peel packs. After sterilization, the instruments used for tattooing/body piercing shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.
- 7.6 When assembling instruments used for body art procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.
- 7.7 All inks, dyes, pigments, and needles shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions. The mixing of approved inks, dyes or pigments or their dilution with potable water is acceptable. Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single use paper cups or plastic caps. Upon completion of the tattoo, these single cups or caps and their contents shall be discarded.
- 7.8 All products applied to the skin, including body art stencils, shall be single use and disposable. Acetate stencils shall be allowed for reuse if sanitization procedures are performed between uses. Petroleum jellies, soaps, stick deodorants and other products used in the application of stencils shall be dispensed and applied on the area to be tattooed in a manner to prevent contamination of the original container and its contents.

### **VIII. Requirements for Premises**

- 8.1 All walls, floors, ceilings and procedure surfaces of a body art establishment shall be smooth, free of open holes or cracks, light-colored, washable and in good repair. Walls, floors and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches, shall be of such construction as to be easily cleaned and sanitized. All body art establishments shall be completely separated by solid partitions or by walls extending

from floor to ceiling, from any room used for human habitation, any food establishment or room where food is prepared, any hair salon, any retail sales, or any other activity that may cause potential contamination of work surfaces.

- 8.2 Effective measures shall be taken to protect against entrance into the establishment of insects, vermin, and rodents. Insects, vermin and rodents shall not be present in any part of the establishment.
- 8.3 Each establishment shall have an area that may be screened from public view for clients requesting privacy. Multiple body art stations shall be separated by dividers, curtains, or partitions, at a minimum.
- 8.4 The establishment shall be well ventilated and provided with an artificial light source equivalent to at least 20 foot-candles, except that at least 100 foot-candles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.
- 8.5 No animals of any kind shall be allowed in a body art establishment except service animals used by persons with disabilities (e.g., seeing-eye dogs). Fish or reptiles in aquarium/glass enclosures shall be allowed in waiting rooms and nonprocedural areas.
- 8.6 A readily accessible hand sink with hot and cold running water, under pressure, and supplied with soap and disposable paper towels will be within the body art establishment. The sink will be separate from the lavatory in a restroom. One hand sink shall serve no more than three operators.
- 8.7 There will be a minimum of a one restroom, which will be available for both the employees and the public.
- 8.8 At least one covered waste receptacle shall be provided in each operator area and each restroom. Receptacles in the operator area shall be emptied daily, and solid waste shall be removed from the premises at least weekly. All refuse containers shall be lidded, cleanable and kept clean.

## **IX. Permit Requirements**

- 9.1 No person, firm, partnership, joint venture, association, business trust, corporation or organized group of persons may operate a body art establishment except with a body art establishment permit from the Department.
- 9.2 The establishment permit will be issued for a one (1) year period and will not be transferable from one place or person to another.
- 9.3 The Board of Health for District Health Department #10 will establish the annual fee for a body art establishment.
- 9.4 A current establishment permit shall be posted in a prominent and conspicuous area where it may be readily observed by clients.

## **X. Temporary Establishment Permit**

- 10.1 A temporary establishment permit may be issued by the Department for educational, trade show or product demonstration purposes. The permit may not exceed fourteen (14) calendar days.
- 10.2 The Board of Health for District Health Department #10 will establish the fee for a temporary establishment permit.
- 10.3 A temporary establishment permit shall be posted in a prominent area where it may be readily seen by the public.
- 10.4 A person who wishes to obtain a temporary establishment permit must submit the request in writing for review by the Department at least thirty (30) days prior to the event. The request should specify:
- a. the purpose for which the permit is requested;
  - b. the period of time during which the permit is needed;
  - c. the location of the proposed temporary establishment.
- 10.5 Requirements for facilities for a temporary establishment permit include, but are not limited to, the following:
- a. conveniently located hand washing facilities with soap, paper towels and hot and cold water under adequate pressure shall be provided. The use of pre-moistened towelettes with a sanitizer added may be used in place of a hand sink if approved by the Department prior to the event;
  - b. there shall be at least 100 foot-candles of light at the level where the body art procedures is being performed;
  - c. non-latex glove use is required by the operator;
  - d. facilities to properly sterilize instrument and evidence of a spore test performed on sterilization equipment 30-days or less prior to the date of the event must be provided or only single-use, prepackaged, sterilized equipment;
  - e. ability to properly clean and sanitize the area used for body art procedures;
  - f. a completely enclosed area to perform the procedure.

## **XI. Mobile Body Art Establishments**

- 11.1 All mobile body art establishments must obtain either an annual establishment permit or a temporary establishment permit and must comply with the above stated requirements as well as additional requirements as stated in this section.
- 11.2 Body art performed pursuant to this section shall be done only from an enclosed vehicle such as a trailer or mobile home. No body art procedures shall be performed outside of the enclosed vehicle.

- 11.3 The mobile establishment shall be maintained in a clean and sanitary condition at all times. Doors shall be self-closing and tight-fitting. Openable windows shall have tight-fitting screens.
- 11.4 The mobile establishment shall be used only for the purpose of performing body art procedures. No habitation or food preparation is permitted inside the vehicle unless the body art work station is separated by walls – floor to ceiling – from culinary or domicile areas.
- 11.5 The mobile establishment shall be equipped with an equipment washing sink and a separate hand sink apart from the lavatory sink in the restroom. An adequate supply of potable water shall be maintained at all times during operation.
- 11.6 All liquid wastes shall be stored in an adequate storage tank with a capacity at least 50 percent greater than the capacity of the on-board potable water supply. Liquid wastes shall be disposed of at a site approved by the Department.
- 11.7 Restroom facilities must be available with the mobile establishment. Restroom doors must be self-closing and adequate ventilation must be available.
- 11.8 No animals, except service animals of clients, shall be allowed in the mobile body art establishment.

## **XII. Prohibitions**

- 12.1 It is prohibited to perform body art on any person under the age of 18 unless the individual obtains the prior written consent of the minor's parent or legal guardian. The minor's parent or legal guardian shall execute the written informed consent required in the presence of the individual performing the tattooing or body-piercing on the minor or in the presence of an employee or agent of that individual.
- 12.2 It is prohibited to perform body art on a person who, in the opinion of the operator, is under the influence of intoxicating liquor or a controlled substance.
- 12.3 It is prohibited to own, operate or solicit business as a body art establishment without first obtaining all necessary permits and approvals from the Department.

## **XIII. Inspections and Enforcement**

- 13.1 Inspections shall be conducted annually by the Department or by a contractor appointed by the Department.
- 13.2 Inspections shall include the following areas: proper operation and maintenance of devices, review of required records and requirements of these rules.

- 13.3 The Department or an authorized agent shall have access at all reasonable times to any body art facility to inspect the facility to determine compliance with this code.
- 13.4 The Department shall take the following steps to document the necessary information on the inspection report when enforcement of these rules is necessary:
- a. cites the section of the code that is violated;
  - b. specifies the manner in which the owner or operator failed to comply;
  - c. specifies the action that will be necessary to correct the violation;
  - d. establishes a time schedule for the completion of corrective action;
  - e. if the corrective action is not taken within the time schedule, the matter will be turned over to the county attorney for court action.
- 13.5 If the Department finds a violation that creates an immediate threat to the health and safety of the public, the Department may require that the permit for the facility be immediately suspended and the operation closed. In such an event, the facility would not be allowed to re-open without the approval of the Department.

#### **XIV. Suspension or Revocation of Permits**

- 14.1 Any person whose permit has been suspended may, at any time, request the reinstatement of the permit. Within 10-days of receipt of a written request, including a statement signed by the operator that in their opinion the conditions causing the suspension has been corrected, the Department shall re-inspect the body art establishment or evaluate documentation provided by the operator. If the operation is in compliance with the provisions of this code, the permit will be reinstated.
- 14.2 For repeated or serious violations of any of the requirements of this code or for interference with the Department personnel in the performance of their duties, a permit may be permanently revoked after a hearing. Before taking such action, the Department shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising the permit holder of the requirements for filing a request for a hearing.
- 14.3 The Department may permanently revoke a permit after five (5) days following service of the notice unless a request for a hearing is filed within a five day period with the Department by the permit holder.
- 14.4 On the basis of the record of the hearing, the Department shall make a finding and may sustain, modify or rescind any official notice or order considered in the hearing. A written report of the

hearing decision must be furnished to the permit holder by the Department.

## Chapter 10 TANNING FACILITIES CODE AND MINIMUM REQUIREMENTS

### I. Definitions

- 1.1 *"Cleansing"* means to remove soil, dirt, oils or other residues from the surface of the tanning unit which may come into contact with the skin.
- 1.2 *"Cleansing agent"* means a substance capable of producing the effect of "cleansing". These agents shall not adversely affect the equipment or the health of the consumer and shall be acceptable to the Department.
- 1.3 *"Consumer"* means any member of the public who is provided access to a tanning facility in exchange for a fee or other compensation, or any individual who, in exchange for a fee or other compensation, is afforded use of a tanning facility as a condition or benefit of membership or access.
- 1.4 *"Exposure position"* means any position, distance, orientation, or location relative to the radiation surfaces of a tanning device at which the user is intended to be exposed to ultraviolet radiation from the product, as recommended by the manufacturer.
- 1.5 *"Manufacturer's recommendations"* means written guidelines established by a manufacturer and approved by the U.S. Food and Drug Administration for the installation and operation of the manufacturer's equipment.
- 1.6 *"Minor"* means an individual under 18 years of age who is not emancipated under Section 4 of Act 293 of the Public Acts of 1968, being Section 722.4 of the Michigan Compiled Laws.
- 1.7 *"Operator"* means an individual designated to control operation of the tanning facility and to instruct and assist the consumer in the proper operation of the tanning devices.
- 1.8 *"Permit"* means a document issued by the Department which authorizes a person to operate a tanning facility.
- 1.9 *"Phototherapy device"* means a piece of equipment that emits ultraviolet radiation and is used by a health care professional in the treatment of disease.
- 1.10 *"Tanning device"* means any equipment that emits electromagnetic radiation with wavelengths in air between 200 and 400 nanometers and that is used for tanning human skin, such as sunlamps, tanning booths or tanning beds. The term also includes any accompanying equipment such as protective eyewear, timers and handrails.
- 1.11 *"Tanning facility"* means a place that provides access to tanning devices for compensation.
- 1.12 *"Ultraviolet radiation"* means electromagnetic radiation with wavelengths in air between 200 and 400 nanometers.

## **II. Exemptions**

- 2.1 The Department may, upon application or upon its own initiative, grant exemptions from the requirements of these rules as long as it will not result in undue hazard to public health and safety. The following categories of devices are exempt from the provisions of this code:
- a. Phototherapy devices. Phototherapy devices used by a properly trained health care professional in the treatment of disease.
  - b. Personal use. Tanning devices which are limited exclusively to personal use by an individual or the individual's immediate family.
  - c. Other purposes. Devices intended for purposes other than the deliberate exposure of human skin to ultraviolet radiation which produce or emit ultraviolet radiation incidental to their proper operation.

## **III. Permits**

- 3.1 No tanning facility shall be operated within the jurisdiction of District Health Department #10 without a permit issued by the Department.
- 3.2 Each person acquiring or establishing a tanning facility shall apply for a permit prior to beginning operation. The application shall be completed on forms provided by the Department and shall contain all information required by the form and accompanying instructions.
- 3.3 All permits will be valid for a one year period.
- 3.4 Permits will be renewed annually after payment of a permit fee as determined by the Board of Health for District Health Department #10.
- 3.5 A late fee will be assessed to the permit fee if the renewal is more than 60-days late. The fee will be determined by the Board of Health for District Health Department #10.
- 3.6 No permit shall be transferable from one person to another or from one tanning facility to another.
- 3.7 The Department may deny, suspend or revoke a permit applied for or issued pursuant to this code for any of the following reasons:
- a. operation of the tanning facility in a manner that causes or threatens to cause a hazard to the public health or safety;
  - b. failure to allow authorized representatives of the Department to enter the tanning facility at reasonable times for the purpose of determining compliance with the provisions of this code;
  - c. failure to pay the permit fees; or
  - d. violation of any of the provisions of this code on a repeating basis.



- 3.8 Except in cases where public health and safety requires otherwise, prior to the institution of proceedings for suspension or revocation of a permit, the Department shall:
- a. call to the attention of the permit holder, in writing, the facts or conduct which may warrant such actions; and
  - b. provide opportunity for the permit holder to demonstrate or achieve compliance with all lawful requirements.
- 3.9 Any person aggrieved by the Department's decision to deny a permit or to suspend or revoke a permit after issuance may request a hearing under procedures established by the Department.

#### **IV. Inspections and Enforcement**

- 4.1 Inspections shall be conducted annually by the Department or by a contractor appointed by the Department.
- 4.2 Inspections shall include the following areas: proper operation and maintenance of devices, review of required records and the requirements of these rules.
- 4.3 The Department or an authorized agent shall have access at all reasonable times to any tanning facility to inspect the facility to determine compliance with this code.
- 4.4 The Department shall take the following steps to document the necessary information on the inspection report when enforcement of these rules is necessary:
- a. cite the section of the code that is violated;
  - b. specify the manner in which the owner or operator failed to comply;
  - c. specify the action that will be necessary to correct the violation;
  - d. establish a time schedule for the completion of corrective action;
  - e. if the corrective action is not taken within the time schedule, the matter will be turned over to the county attorney for court action.
- 4.5 If the department finds a violation that creates an immediate threat to the health and safety of the public, the Department may require that the permit for the facility be immediately suspended and the operation closed. In such an event, the facility would not be allowed to re-open without the approval of the Department.

#### **V. Operation of Facility**

- 5.1 A warning sign shall be posted within five (5) feet of each tanning device in a conspicuous location readily visible to a person preparing to use the device. The warning sign shall have the following wording:

## DANGER – ULTRAVIOLET RADIATION

Overexposure can cause eye and skin injury and allergic reactions.

Repeated exposure may cause premature aging of the skin and skin cancer.

Failure to wear protective eyewear may result in severe burns to the eyes and long-term injury to eyes.

Medication or cosmetics may increase your sensitivity.

- 5.2 A tanning facility shall provide each customer with a written warning statement prior to the consumer's initial exposure which includes at least the following information:
- a. a representative list of potential photosensitizing drugs and agents. The Department will provide the operator with the list to distribute.
  - b. a statement of the possibility of burning or rashes, especially if using any of the potential photosensitizing drugs and agents. The consumer should consult a physician before using a tanning device if using medication, if there is a history of skin problems or if the consumer is especially sensitive to sunlight.
  - c. information on how different skin types respond to tanning. The Department will provide this information to the operator for distribution.
  - d. an explanation of the need to use eyewear.

- The operator shall then request that the consumer sign a statement that the information has been read and understood.
- 5.3 The operator or responsible agent must be present when a tanning device is operated. The operator or agent must be within hearing distance to allow the consumer to easily summon help if necessary.
- 5.4 The facility permit to operate shall be displayed in an open public area of the tanning facility.
- 5.5 A record shall be kept by the facility operator of each consumer's total number of tanning visits and tanning times, exposure lengths in minutes, and any injuries or illness resulting from the use of a tanning device.
- 5.6 A written report of any tanning injury shall be forwarded by the permit holder to the Department within five (5) working days of its occurrence or knowledge thereof. The report shall include:

- a. the name of the affected individual;
  - b. the name and location of the tanning facility involved;
  - c. the nature of the injury;
  - d. the name and address of the health care provider treating the affected individual, if any; and
  - e. any other information considered relevant to the situation.
- 5.7 Contact surfaces of tanning devices shall be cleansed by the operator with a cleansing agent between each use.
- 5.8 Any records or documentation required by this code must be maintained in the tanning facility for a minimum of three (3) years.
- 5.9 The operator shall limit the exposure of the consumer to the maximum exposure frequency and session duration recommended by the manufacturer.
- 5.10 A tanning facility shall not claim, or distribute, promotional materials that claim that using a tanning device is safe or free from risk or that the use of the device will result in medical or health benefits. The only claim that may be made is that the device is for cosmetic use only.
- 5.12 Minors must have the written consent of the parent or legal guardian for use of a tanning device and agrees that the minor will use protective eyewear.
- 5.13 The owner or operator of a tanning facility shall not allow a minor who is less than 14 years of age to use a tanning device in the tanning facility unless the minor is accompanied to the tanning facility by a parent or legal guardian and the parent or legal guardian signs a statement for permission.

## **VI. Equipment**

- 6.1 The tanning devices shall be maintained in good repair and comply with all state and local electrical code requirements.
- 6.2 Each tanning device shall incorporate a control on the product to enable the consumer to manually terminate the radiation emission from the product at any time without disconnecting the electrical source or removing the ultraviolet lamp.
- 6.3 The permit holder shall replace ultraviolet lamps and bulbs, which are not otherwise defective or damaged, at such frequency or after such duration of use as may be recommended by the manufacturer of such lamps or bulbs.
- 6.4 Defective or burn-out lamps shall be replaced with a type intended for use in that device as specified on the product label on the tanning device or with lamps that are "equivalent" under 21 CFR Part 1040, Section 1040.20 and policies applicable at the time of lamp manufacture.
- 6.5 Only tanning devices manufactured and certified under the provisions of 21 CFR Part 1040.20, "Sunlamp products and ultraviolet lamps intended for use in sunlamp product", shall be used in tanning facilities. Compliance

shall be based on the standard in effect at the time of manufacture as shown on the device identification label required by 21 CFR Parts 1010.2 and 1010.3.

6.6 Labeling shall meet the following requirements, be visible on each unit and be permanently affixed. Labeling shall include:

- a. a warning statement with the words “Danger-ultraviolet radiation. Follow instructions. Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause premature aging of the skin and skin cancer. Wear protective eyewear; failure to may result in severe burns or long-term injury to the eyes. Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult a physician before using a sunlamp if you are using medications or have a history of skin problems or believe yourself especially sensitive to sunlight. If you do not tan in the sun, you are unlikely to tan from the use of this product.”
- b. directions for achieving the recommended exposure position(s) and a warning that the use of other positions may result in overexposure;
- c. a recommended exposure schedule including duration and spacing of sequential exposures and maximum exposure time(s) in minutes;
- d. designation of the ultraviolet lamp type to be used in the product.

## **VII. Tanning Device Timers**

- 7.1 Each timing device shall have a timer which complies with the requirements of 21 CFR Part 1040.20. The maximum timer interval shall not exceed the manufacturer’s maximum recommended exposure time.
- 7.2 Each tanning device must have a method of remote timing located so that consumers may not control their own exposure time.
- 7.3 Tokens for token timers shall not be issued to any consumer in quantities greater than the device manufacturer’s maximum recommended exposure time for the consumer.

## **VIII. Protective Eyewear**

- 8.1 Eyewear shall not be reused by another consumer unless it is sanitized between uses. If eyewear is sanitized, the facility must submit a written procedure to the Department for approval as to the sanitizing method.
- 8.2 Protective eyewear shall meet the requirements of 21 CFR Part 1040.20 (c) (4).
- 8.3 Protective eyewear shall not be altered in any manner that would change its use as intended by the manufacturer (e.g. removal of straps).
- 8.4 A tanning facility operator shall not allow a consumer to use a tanning device if that consumer does not use protective eyewear.

## **IX. Stand-Up Booths**

- 9.1 There shall be physical barriers (e.g. handrails) or other means (floor markings) to indicate the proper exposure distance between ultraviolet lamps and the consumer's skin.
- 9.2 The construction of the booth shall be such that it will withstand the stress of use and the impact of a falling person.
- 9.3 Access to the booth shall be of rigid construction; doors shall open outwardly. Handrails and nonslip floors shall be provided.
- 9.4 There shall be physical barriers to protect consumers from injury induced by falling against or breaking the lamps.

## **Chapter 11 POINT-OF-SALE EVALUATION OF ON-SITE WATER AND SEWAGE DISPOSAL SYSTEMS**

### **1.0 General Provisions**

#### Section 1.1

Manistee and Kalkaska County adopts this chapter which states the procedures, standards and enforcement that shall be used by District Health Department #10, under the authority of the Health Officer, to manage and maintain any residential premises within their jurisdiction containing an on-site water and/or sewage disposal system in order to promote the safety, health and general welfare of the community as follows:

- a) Ensure a safe supply of drinking water for those homes served by an on-site water supply system; and/or
- b) Ensure the adequate disposal of sewage from homes served by an on-site sewage disposal system; and
- c) It is not the intention of this regulation to cause any existing well or septic system that are currently functioning but do not meet existing construction standards to be brought into compliance with such standards unless a public health nuisance exists. Only those that are failing or do not meet the approval criteria established by District Health Department #10 will require corrective action.

#### Section 1.2

This regulation contains minimum standards and supplements the rules and regulations enacted by the Michigan Department of Environmental Quality (DEQ) and District Health Department #10. In addition, this regulation supplements Michigan law as it relates to public health and environmental quality and shall supersede all local minimum standards previously enacted that are inconsistent with this regulation.

#### Section 1.3

This regulation is enacted pursuant to Michigan Compiled Laws Annotated (MCLA) 333.1101 et.seq., as amended, and authorized by MCLA 46.11, which allows county board of commissioners to adopt ordinances to protect the public health, safety and welfare of the county citizens.

#### Section 1.4

The Health Officer shall have jurisdiction to administer and enforce the provisions of this regulation. Nothing in this regulation, however, shall be construed to restrict or abrogate the authority of the state, any municipality, or incorporated city, village or township to adopt standards that are more restrictive. However, whenever an inspection relating to health or sanitation is required, no municipality shall issue an approval without first

having obtained confirmation from the Health Officer indicating that the water and/or sewage disposal system complied with the minimum requirements of this regulation.

## Section 1.5

The regulation shall become effective in the involved jurisdictions after approval of its adoption by the jurisdiction's Board of Commissioners, approval by all other county Board of Commissioners within District Health Department #10 and at least 45 days after approval by the District Health Department #10, or at a time specified by the District Health Department #10's Board of Health.

## 2.0 Definitions

### Section 2.1

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

### Section 2.2

The following words and terms used in this regulation, unless otherwise expressly stated, shall have the following meaning:

- a) "Municipality" shall mean any incorporated city, village or township within Manistee and Kalkaska County.
- b) "Authorized Agent" shall mean any individual or corporation authorized, in writing, to act as the legal representative in all matters authorized by the seller or purchaser.
- c) "OSDS" shall mean an on-site sewage disposal system.
- d) "OWSS" shall mean an on-site water supply system.
- e) "OWSDS" shall mean an on-site water and sewage disposal system.
- f) "Septage Hauler" shall mean a firm licensed by the DEQ for the purpose of removing septic tank wastes and properly disposing of it.
- g) "Evaluation" shall consist of a determination if the OSDS and/or the OWSS meet approval of the standards of the District Health Department #10 Sanitary Code and its regulations. District Health Department #10 is responsible for developing criteria to rate systems as "Satisfactory" or "Unsatisfactory".
- h) "Satisfactory" shall mean that there shall not be more than a minimal likelihood for degradation of groundwater and/or surface water or risk to public health caused by improper construction, location or function of an OWSDS.
- i) "Unsatisfactory" is defined as not meeting approval of standards of the District Health Department #10 Sanitary Code and its regulations.

### **3.0 Limitations on the Sale of Property**

#### **Section 3.1**

There shall be no sale of a parcel containing an OWSS, OSWS or OWSDS in Kalkaska and Manistee County until the following conditions are met:

- a) The seller files an evaluation report with the District Health Department #10 that was completed by either District Health Department #10 or a private inspector that is certified by District Health Department #10; and,
- b) The District Health Department #10 determines, based upon such report, that the OWSDS is satisfactory or that any necessary corrections are completed or assured and accepted.

Persons certified to perform evaluations of an OWSDS shall meet the minimum standards in Section 3.7 of this chapter.

#### **Section 3.2**

Each OWSDS in Manistee and Kalkaska County shall be inspected and evaluated prior to the sale of the property upon which the OWSDS is located if an inspection or evaluation has not been done within twenty-four (24) months preceding the date of property sale.

#### **Section 3.3**

Property conveyances that are exempt from inspections include:

- a) Transfer from a spouse to immediate family members.
- b) Change in ownership solely to exclude a spouse.
- c) Transfer subject to life lease or life estate (until the life lease or life estate expires).
- d) Transfer to effect foreclosure or forfeiture of real property.
- e) Transfer by redemption from a tax sale.
- f) Transfer creating or ending joint ownership if at least one person is an original owner of the property or his or her spouse.
- g) Transfer to establish or release a security interest.
- h) Premises built within the previous twenty-four (24) months prior to the date of property transfer.
- i) Premises that shall be demolished and shall not be occupied after the property transfer.
- j) New homes that have not been occupied.
- k) A public sanitary sewer will be available within six (6) months and the system is not failing. An affidavit or letter from the water or sewer authority will be required.



If records cannot be provided that indicates that the septic tank has been pumped within the past twenty-four (24) months, serving will be required. A licensed septage hauler shall provide proof of service and an evaluation report to the owner and District Health Department #10. After the evaluation is complete, District Health Department #10 shall send a letter to the owner or the owner's designated representative and any prospective purchaser describing the functional status of the OWSDS and whether it is in conformance with the District Health Department #10 Sanitary Code governing the supply of groundwater and the disposal of sewage and human excreta.

#### Section 3.4

Reports of evaluations shall include, but are not limited to:

- a) The address of the site;
- b) The parcel identification number;
- c) The name of the owner or owner's agent;
- d) The location of the system(s);
- e) A description of the current operational or functional status of the system(s);
- f) Identification of any necessary repairs or replacement of all or portions of the system(s);
- g) The results of a bacteria and nitrate drinking water test, as well as other water quality parameters as required by District Health Department #10;
- h) Other relevant or unusual observations related to the system(s);
- i) Recommendations to extend the life of the system(s) and to prevent the premature failure of the sewage disposal system(s);
- j) Educational material about system maintenance that have been approved by District Health Department #10; and
- k) Completed forms approved by District Health Department #10.

#### Section 3.5

All evaluation reports shall be freely available to the public through the Freedom of Information Act, MCLA 15.231 et.seq.

#### Section 3.6

The evaluation shall determine whether the system(s) adversely affects the public health and environment or violates any other applicable rules or regulations. In addition, the evaluation shall determine whether the OSDS structure and its operational status are in substantial conformance with the standards of this regulation.

The OWSS shall be evaluated for:

- a) Their proximity to sources of contamination;
- b) Substantial compliance with State of Michigan construction standards; and

- c) Compliance with bacteria and nitrate water quality standards as a minimum with other quality standards in areas of known water quality concerns. Water samples shall be analyzed at a laboratory certified by the Michigan Department of Environmental Quality.

### Section 3.7

All inspectors performing evaluations under this regulation must be registered with District Health Department #10 and certified before undertaking any evaluations. All qualified inspector applicants must file an application with District Health Department #10, pay the registration fee annually and satisfactorily complete a training course approved by the agency. Prospective inspectors must demonstrate knowledge of construction practices, operational standards as well as the causes and indications of OWSDS failures. Inspectors shall provide proof of general liability insurance. No evaluation reports shall be accepted from individuals not certified by District Health Department #10.

### Section 3.8

An individual shall not be permitted to install or replace an OWSS and/or OSDS without prior approval of District Health Department #10. This section does not preclude the requirements for permits where necessary.

### Section 3.9

The Health Officer may de-certify any inspector under one or more of the following circumstances:

- a) The individual fails to comply with the regulations;
- b) The individual is unable to properly perform an evaluation of an OWSDS;
- c) The individual is negligent in the discharge of his/her duties as outlined in the certification requirements;
- d) The individual submits false or misleading information;
- e) Significant information is missing from the evaluation report and/or is not provided with three (3) business days after being requested by District Health Department #10; or
- f) The inspector does not maintain the required certification as required by this regulation.

### Section 3.10

District Health Department #10 shall give written notice to an inspector before he/she is de-certified by the Health Officer. The inspector shall be given an opportunity at an informal hearing with the Health Officer to demonstrate why he/she should not be de-certified. Any inspector who is de-certified may appeal that decision by following the procedures in Section 11 of this regulation.

### Section 3.11

If an inspector is de-certified, re-certification shall be contingent upon completing the requirements established by District Health Department #10.

## **4.0 Responsibilities of Various Parties**

### Section 4.1

Owners are responsible for hiring certified inspectors and licensed septage haulers to perform inspections under this regulation prior to the sale or any premises that he/she owns. The owner must also secure documentation from District Health Department #10 indicating the OWSDS complies with this regulation before the sale or conveyance of any premises that he/she owns. Owners are responsible for maintaining the OWSDS on their property and shall notify District Health Department #10 if the inspector's evaluation report or septic tank cleaner's report indicates a failure of the system or the owner observes a failure of the system.

### Section 4.2

The responsibilities of District Health Department #10 are as follows:

- a) Administer and enforce this regulation;
- b) Maintain the most current OWSDS evaluation report as long as the property is served by an OWSDS and for three (3) years thereafter;
- c) Maintain a list of certified inspectors to perform inspections under this regulation;
- d) Require correction where there is evidence of a system failure;
- e) Create and maintain a database of system inspected and evaluated as well as newly installed systems; and
- f) Establish criteria for the inspection of OWSDS and the certification of inspectors and make such criteria and related forms available to the public.

## **5.0 Fees**

### Section 5.1

Fees to cover expenses, included but not limited to overhead, processing, labor, storage, training, etc., by District Health Department #10 may be adopted as provided in the Public Health Code (Act 368 of 1978, as amended). The Board of Health for District Health Department #10 is responsible for establishing those fees.

## Section 5.2

Private inspectors that are certified by District Health Department #10 are responsible for establishing their own fees for inspections.

## **6.0 Failure**

### Section 6.1

When an OWSDS fails, the owner, agent or other responsible party shall contact District Health Department #10 and shall complete all repairs as required by District Health Department #10.

## **7.0 Inspection Notification**

### Section 7.1

If, after reviewing the inspection, District Health Department #10 determines that the OWSDS is unsatisfactory as defined, then the property owner shall be subject to enforcement as provided in this regulation. District Health Department #10 shall notify the owner and/or purchaser or other person with a legally recognizable interest in the property. This written notice shall be sent no later than five (5) business days after the determination is made or from the date that the inspection report of the premises is filed and reviewed by District Health Department #10. Any party is considered notified if the notice is sent to that party's last known mailing address or to the property address if the party occupies the premises with the non-conforming OWSDS.

## **8.0 Corrective Action**

### Section 8.1

Upon receiving written notice from District Health Department #10 on non-compliance with this regulation, the owner, buyer or authorized agent shall, within thirty (30) days, submit a proposed corrective action in order to bring the affected system into compliance with applicable laws. District Health Department #10 shall review the proposed corrective action and amend it as required to conform to federal, state and local laws, rules and regulations. All necessary corrective action shall be completed with one hundred and eighty (180) days following District Health Department #10 approval of the proposed corrective action plan, unless weather prohibits the corrective action. Once District Health Department #10 gives final approval of the completed corrective action, the system shall be deemed to be in substantial conformance with this regulation. If an OWSDS presents an immediate health hazard, the owner or other responsible party shall take such measures, in cooperation with District Health Department #10, which will immediately reduce or eliminate the impact of such failure until the full corrective plan can be implemented.

## Section 8.2

A person who disputes any District Health Department #10 decision concerning the violation of this regulation shall have the right to a hearing and appeal using the appeals process in Section 11. Any appeal shall not stay an owner's, buyer's or authorized agent's obligation to take measures to reduce or eliminate the impact of a failure until a full corrective plan can be determined and implemented.

## **9.0 Enforcement and Compliance**

### Section 9.1

If, after investigation, District Health Department #10 believes that a person is violating these regulations, District Health Department #10 shall attempt to enter a voluntary agreement with the property owner to resolve the violation. If a voluntary agreement cannot be reached, District Health Department #10 may issue a violation notice to the owner. A statement of facts upon which the notice is based shall accompany the violation notice.

### Section 9.2

As stated in the Michigan Public Health Code and the District Health Department #10 Sanitary Code, District Health Department #10 may, after presenting proper credentials and other documents as may be required by law, and upon stating the authority and purpose for the investigation, enter and inspect any property at reasonable times to ascertain compliance or non-compliance with this regulation. This may include:

- a) Inspection at reasonable times of any parcel containing an OWSDS and related systems; and
- b) Collection of evidence and information for the purpose of determining compliance with this regulation.

### Section 9.3

If an owner or purchaser does not comply with the requirements of this regulation, the Health Officer may record an affidavit that details the non-compliance with the jurisdiction's County Register of Deeds.

## **10.0 Violation of the Regulations**

### Section 10.1

After learning that the regulation has been violated, the Health Officer may:

- a) Issue a cease and desist order and/or suspend any permit, certificate or other approval issued pursuant to this regulation to the owner or other party

violating this regulation, and afford the owner or other interested party notice and opportunity for a hearing.

- b) Request that the county Prosecutor's Office file a legal action to enjoin the violation. In addition, the Health Officer may seek to recover any and all costs related to correcting, removing or abating the violation.

## Section 10.2

If the Health Officer believes that a person is violating a provision of this regulation or an order issued pursuant to this regulation, the Health Officer may issue a citation within ninety (90) days after the alleged violation is discovered. The citation shall state with particularity the nature of the violation, including reference to the section of the regulation alleged to have been violated and a right to appeal the citation pursuant to MCLA 333.2461 and Section 11 of this regulation. The citation shall be delivered or sent by registered mail to the alleged violator.

- a) Any party issued a citation may, within ten (10) days from the date the citation is issued, request an informal hearing at which time the person may indicate why he/she believes that he/she has not violated this regulation.
- b) Any party issued a citation may appeal the citation to District Health Department #10 with thirty (30) days after the citation is issued. The appeal shall be conducted in accordance with Section 11 of this regulation.
- c) A person aggrieved by a final decision of the Health Officer may petition the Circuit Court of the county where the premises is located for review. The time period for appeal shall begin to run the day after the date of such final decision.

## Section 10.3

Any person who violates this regulation is guilty of a misdemeanor, punishable by imprisonment for not more than one hundred and eighty (180) days or a fine of not more than five hundred (\$500) or both. Conviction by jury, court or voluntary plea and acceptance by court under this provision shall not waive any other claim for fines, costs, injunction or other relief authorized by this regulation. Each day that a violation of this regulation exists shall constitute a separate offense.

## Section 10.4

If the owner does not have his/her property evaluated as specified by this regulation, District Health Department #10 shall cause an inspection to be performed and may charge all costs and fees for the evaluation to the owner of the premises.

## Section 10.5

If the owner or party violating this regulation refuses on demand to pay such expenses incurred by the agency to abate, correct or remove the violation, unsanitary condition or

nuisance, the sum shall be assessed against the property and shall be collected and treated in the same manner as taxes assessed under the general tax laws of this state.

#### Section 10.6

As stipulated in the Michigan Public Health Code, an inspection under Section 9.2 shall include the right to obtain samples where the Health Officer has reason to believe that there is a likelihood of contamination of surface water, ground water, water supply or other unsanitary conditions. Upon written notice, an owner or occupant of the premises from which such inspection is sought shall co-operate with the Health Officer or his/her designated representative.

### **11.0 Appeals**

#### Section 11.1

In order to provide for reasonable and equitable interpretations and applications of the provisions of this regulation, an owner or interested party may request an appeal per the process described in the District Health Department #10 Sanitary Code.

### **12.0 Miscellaneous Provisions**

#### Section 12.1

Each provision of this regulation must be interpreted in a way that is valid under Michigan law. If any provision is held invalid, the rest of the regulation shall remain in full effect.

#### Section 12.2

All amendments to this regulation shall be approved by the Board of Commissioners of all counties within the jurisdiction of District Health Department #10 and by the District Health Department #10 Board of Health. A public hearing required by Section 2442 of Act 368 of the Public Acts of 1978, as amended, must be held in any jurisdiction adopting these regulations. All amendments shall become effective 45 days after final approval.