



Livingston County Department of Public Health

Environmental Health Division

SANITARY CODE

April 1, 2009

**LIVINGSTON COUNTY DEPARTMENT OF PUBLIC HEALTH
SANITARY CODE**

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CHAPTER I GENERAL PROVISIONS

Section 100 Jurisdiction, Administration, and Fees

100.01 Authority

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

100.02 Jurisdiction

The Health Officer shall have jurisdiction throughout Livingston County 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.

100.03 Right of Entry and Inspection

No person shall refuse to permit the Health Officer or his duly authorized representatives, after proper identification, to inspect any premise at reasonable hours of the day nor shall any person hinder, oppose or resist the Health Officer or his duly authorized representative in the discharge of his duty and the protection of the public health. Sections 2241-2247 of Act 368 of the Public Acts of 1978, as amended, apply to an inspection or investigation made by the Health Officer or his duly authorized representative.

100.04 Interference with Notices

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

100.05 Abatement of Public Health Nuisances

Nothing stated in these regulations shall be construed to limit the power of the Health Officer to order the immediate and complete abatement of a public health nuisance or menace to the public health.

100.06 Fee Schedule

A schedule of fees for licenses, permits and other services authorized by this Code shall be adopted from time to time by the Livingston County Board of Commissioners, pursuant to Section 2444 of Act 368 of the Public Acts of 1978, as amended. Fees shall be made payable to the Livingston County Department of Public Health. The fee schedule shall be effective as

prescribed therein and after publication in a newspaper circulated in the county after adoption, indicating where copies of the fee schedule may be obtained.

100.07 Handling of Fees

All fees collected by the Health Officer shall be receipted for and deposited with the Treasurer of Livingston County to the credit of the Health Department.

100.08 Enforcement

All premises affected by the regulations of this Code shall be subject to inspection by the Health Officer, and the Health Officer may collect such samples for laboratory examination as he deems necessary for the enforcement of these regulations. The Health Officer may charge fees associated with ongoing investigations that are deemed possible threats to public health. Fees may be charged in those instances where there is a clearly defined responsible entity. The department may charge for professional staff time and laboratory analysis related to the investigation.

100.09 Validity

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

100.10 Other Laws and Regulations

These regulations present minimum standards which are supplemental to laws of the State of Michigan relating to public health, environment and to the laws and regulations duly promulgated by the Michigan Department of Environmental Quality or Michigan Department of Community Health. Where any provision of this Code or a provision of any other state or local statute, ordinance or regulation both apply, the more restrictive of any or all provisions, statutes, ordinances, or regulations shall prevail.

100.11 Notification

Notification of the adoption of all regulations promulgated by the Board of Commissioners of Livingston County, under authority of Act 368 of the Public Acts of 1978, as amended, shall be published in a newspaper circulated in the county within thirty (30) days after adoption, indicating where copies of such regulations may be obtained.

100.12 Effective Date

These regulations or amendments thereto shall become effective on the 45th day after the date of approval by the Livingston County Board of Commissioners or at such other time as specified by the Board of Commissioners in accordance with the requirement set forth in Section 2441 of Act 368 Public Act of 1978, as amended.

100.13 Pre-existing Violations

No violation of any repealed section or provision shall be made legal by virtue of a new effective date of these regulations. Any act, situation or condition of premises or things which, when created or first allowed to exist was a violation of the Livingston County Regulations, shall continue to be a violation of these regulations if a similar section or provision is a part of these regulations. Any action, issuance of permit, or maintenance of a condition that was mandatory, under the provisions of the regulations now repealed, shall continue to be required if the same or similar provision is contained in these regulations.

100.14 Liberal Construction

These regulations and any amendments hereto are intended to be consistent with applicable Federal and State Law and shall be construed when necessary to achieve that consistency. Further, these regulations and amendments hereto shall be liberally construed for the protection of the health, safety, and welfare of the people of Livingston County.

100.15 Civil Citations

The Health Officer, or his duly authorized representative, shall have the power and authority to issue and serve civil citations as provided by Section 2461 of Act 368 of the Public Acts of 1978, as amended.

100.16 Appearance Tickets

In a manner prescribed in Sections 2441 and 2442 of Act 368 of the Public Acts of 1978, as amended, the Health Officer and/or his duly authorized representative is authorized to issue and serve appearance tickets pursuant to Sections 9a - 9g of Chapter IV of Act 175 of the Public Acts of 1927, as amended, being Section 764.9a - 764.9g of the Michigan Compiled Laws.

100.17 Amendments

The Board of Commissioners of Livingston County may, from time to time, amend, supplement or change these regulations, in accordance with Act 368 of the Public Acts of 1978, as amended.

100.18 Penalties

Except as otherwise specifically provided herein, 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 (\$200.00) or both.

100.19 Injunctive Proceedings

Notwithstanding the existence and pursuit of any other remedy, the Health Officer may maintain an action in his own name 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.

Section 101 General Definitions

101.01 Board of Health

The Health and Human Services subcommittee of the Livingston County Board of Commissioners acts in the same capacity as the Board of Health.

101.02 Health Department

The Livingston County Department of Public Health (LCDPH).

101.03 Health Officer

The Director of the Livingston County Department of Public Health or his duly authorized representative.

101.04 Municipality

Any incorporated city, village or township within the county of Livingston.

101.05 Habitable Building

Any permanent or temporary building or structure where persons reside, live, sleep, cook, work or congregate, or any combination thereof.

101.06 Interchangeability

When not inconsistent with the context, words used in the masculine form include the feminine; words used in the present tense include the future; words in singular number include the plural number, and words in the plural number include the singular.

101.07 Premises

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

101.08 Person

Any individual, firm, partnership, party corporation, company, society, association or other legal entity.

101.09 Public Health Nuisance

The words "public health nuisance" shall be held to embrace public nuisance as known at common law or in equity and shall include public, private and mixed nuisances; conditions existing that injure, endanger, or are detrimental to human life.

101.10 Other Words or Terms

The word "shall" is always mandatory, and "may" is merely permissive. Words or terms not defined herein shall be interpreted in the manner of their common meaning.

101.11 Working Day

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

101.12 Owner

Any person, agent, firm, corporation, partnership, association or any other legal entity having a legal or equitable interest in the property.

CHAPTER II SANITARY CODE APPEALS PROCEDURE

Section 200 Board of Appeals

In order to provide for reasonable and equitable interpretations and applications of the provisions of these regulations, there is hereby created a “Board of Appeals”. The Board of Appeals shall consist of not less than five (5) members, who shall be representative of varied interests. All members shall be qualified electors of the county and shall be selected upon the basis of their respective qualifications and fitness to serve as members of the Board of Appeals without consideration of their political activities.

The Health and Human Services Subcommittee of the Livingston County Board of Commissioners shall recommend members to serve on the Board of Appeals. Appointment of members of the Board of Appeals shall be made by the chairman of the Board of Commissioners. One (1) of the five (5) members shall be a member of the Health and Human Services Subcommittee of the Livingston County Board of Commissioners who shall be appointed annually for a one (1) year term. Of the remaining positions there shall be appointed: one (1) licensed sewage system installer, one (1) registered well driller, and two (2) persons from the general public. Initially the five (5) members shall be appointed for one, two, three, and four year terms with eligibility for reappointment. Thereafter, the terms shall be for four (4) years. Vacancies shall be filled by appointment for the balance of the unexpired terms.

The Board of Appeals shall select a chairman and shall hear and maintain records of all appeals presented in accordance with rules and procedures established by said Board.

Section 201 Hearing of Appeals

201.01 Hearing Before the Health Officer

Any person affected by any order, decision, or notice issued by the Health Department in connection with the enforcement of any section of this Code, may submit to the office of the Livingston County Department of Public Health an appeal application, along with the appropriate fee, requesting a hearing before the Health Officer, provided such application is received within twenty (20) days after the order, decision, or notice issued is received by the applicant. Supporting documentation shall accompany the application and shall include sufficient information for the Health Officer to adequately review, discuss, and render a decision. The requirement to receive an application within twenty (20) days after the order, decision, or notice issued is received by the applicant may be waived and extended by the Health Officer and/or his duly authorized representative when said order, decision, or notice does not require the correction or any remedial action to a known or suspected public health problem. The Health Officer shall hold a hearing at a time, date, and place designated by him

within thirty (30) days from the date on which the application and supporting documents were filed. The applicant shall be notified of the time, date, and place of the hearing not less than three (3) business days prior to the date on which the hearing is to be held.

The Health Officer may schedule the hearing beyond the 30 days in cases where the applicant's request for a variance will not impact upon other property owners as determined by the Health Officer.

If, as a result of the hearing, the Health Officer finds that strict compliance with the order, decision, or notice issued would cause undue hardship on the applicant, and that the public health, safety, or welfare of the people of Livingston County would be adequately protected and substantial justice done by varying or withdrawing the order, decision, or notice, the Health Officer may dismiss, or modify the order, decision, or notice and as a condition for such action may, where he deems it necessary, make requirements which are additional to those prescribed in this code for the purpose of properly protecting the public health. The Health Officer shall render a decision within ten (10) business days after the date of the hearing which shall be reduced to writing and placed on file in the office of the Health Department as a matter of public record. The decision of the Health Officer shall be final, unless within one hundred and eighty (180) days of the decision the applicant requests in writing, along with the appropriate fee, a hearing before the Board of Appeals. The Health Officer may grant an extension if a request is received in writing stating the extenuating circumstances which require an extension to file an appeal.

If, as a result of reviewing an application requesting a hearing before the Health Officer, the Health Officer finds that it would be in the applicant's best interest to have the appeal heard directly by the Board of Appeals, the Health Officer may, within ten (10) business days of receiving the application, inform the applicant in writing that the request for a hearing before the Health Officer is denied and that said application should be submitted, along with the appropriate fee, for a hearing before the Board of Appeals.

201.02 Hearing Before the Board of Appeals

Any person aggrieved by a decision of the Health Officer rendered as a result of a hearing held in accordance with this chapter of the Sanitary Code, or has had a hearing request denied by the Health Officer and waived for a hearing before the Board of Appeals, may file in the office of the Health Department an application, along with the appropriate fee, for a hearing before the Board of Appeals, provided such application is received within one hundred and eighty (180) after notification is received of the Health Officer's final decision. The Health Officer may grant an extension if a request is received in writing stating the extenuating circumstances which require an extension to file an appeal. Supporting documentation shall accompany the application and shall include sufficient information for the Board of Appeals to adequately review, discuss, and render a decision. The Board of Appeals shall call a special meeting for the purpose of holding an appeal hearing. The applicant shall be notified of the time, date, and place of the hearing not less than three (3) days prior to the date on which the hearing is to be held. The hearing shall be scheduled within forty-five (45) days after receipt of the written application and fee. The LCDPH shall furnish the applicant with a written statement of the Board's final decision to affirm, dismiss,

or modify the decision of the Health Officer within thirty (30) days following the hearing of any appeal.

201.03 Requirements Necessary to Obtain a Variance

The Health Officer or Board of Appeals may grant individual variances from the requirements of these regulations only when the Health Officer or Board has determined that all the following conditions exist:

1. that no substantial health hazard or nuisance is likely to occur therefrom;
2. that strict compliance with regulations and requirements would result in unnecessary or unreasonable hardship;
3. that no State statute, or other applicable laws, would be violated by such variance;
4. that the proposed variance would provide essentially equivalent protection for the public health and would be in the public interest; and
5. the decision is not in significant conflict with the intent and purpose of the Livingston County Sanitary Code.

Any variance granted by the Health Officer or Board of Appeals is valid for a period of not more than two (2) years from the date issued unless otherwise specified in the variance.

Variance extensions may be considered for up to five (5) years from the date of approval should there be no changes to codes, technology, or site conditions that would alter the original decision. After five (5) years the variance is null and void and the petitioner must request a new hearing before the Health Officer or Board of Appeals.

CHAPTER III SEWAGE TREATMENT

Section 300 Definitions Applicable to This Chapter

300.01 Alternative System

A treatment and disposal system which is not a conventional system and provides for an equivalent or better degree of protection for public health and the environment than a conventional system.

300.02 Approved

Approved shall mean acceptable for intended use, as judged by the Health Officer by utilizing public health rules, regulations and technical data.

300.03 Aquifer

Aquifer means an underground water-bearing earth or rock material through which groundwater moves in sufficient quantity to serve as a source of water supply.

300.04 Artesian

The action of water under pressure, rising above the permeable stratum.

300.05 Sewage Effluent Pump

A sewage effluent pump is a device that will cause a liquid entering a receptacle to be retained until a predetermined high water level has been attained. After the high water level has been attained, the liquid is automatically released or pumped from the receptacle until a second predetermined low water level has been reached, at which time the flow from such receptacle ceases until the high water level has again been attained.

300.06 Conventional System

A conventional system means an onsite sewage treatment and disposal system that contains a watertight septic tank with non-uniform distribution of effluent to subsurface soil trenches or an absorption bed.

300.07 Clean Sharp Sand

Sand texture is defined as a soil sample containing between 90% and 100% of sand size particles. Particle size for medium to coarse sand ranges between 0.25mm and 1.0mm. There should be < 1% clay size particles and a maximum of 10% silt size particles. Percentages of these constituents in the soil sample are calculated through a sieve analysis.

300.08 Cover Material

Material used to cover a mound system, usually selected on its availability, cost, and ability to support vegetation, transfer oxygen, and shed water.

300.09 Deep Cut

The excavation of unsuitable soil materials below the bottom of the final disposal system to depths more than 6 feet below natural grade to expose acceptable underlying soils.

300.10 Distribution Box

A distribution box is a watertight receptacle with inlets and outlets, which is designed for the purpose of equally distributing septic tank effluent to the soil absorption system.

300.11 Dosing Chamber

A dosing chamber is a watertight receptacle used for the purpose of receiving and retaining the overflow or effluent from a septic tank, pending its automatic discharge to a selected point by pump.

300.12 Drywell

A drywell is an underground enclosure connected to the outlet of a septic tank, commercially pre-cast with open slots.

300.13 Effluent Filter

An approved device installed on the effluent side of the septic tank for purposes of filtering suspended solids before reaching the drainfield.

300.14 Flush Toilet

A flush toilet shall mean a plumbing receptacle containing a portion of water which receives human excreta, which is designed to flush water and discharge the contents of the receptacle into a sewer or septic tank.

300.15 Garbage Disposal Unit

A garbage disposal unit is a mechanical device generally located in a sink drain that is designed to macerate garbage prior to discharge into a sewer or septic tank.

300.16 Grease Trap

A grease trap is a baffled watertight tank or receptacle located forward of the septic tank having an inlet and outlet, that is designed to permit the separation and removal of the more

buoyant, greasy, fatty, and oily wastes from the sewage prior to discharge into a sewer or septic tank.

300.17 High Groundwater Elevation

High groundwater elevation means the elevation of the groundwater at the upper surface of the zone of saturation as may occur during wettest periods of the year as observed as a free water surface in an unlined hole or has been saturated as may be indicated by mottling (soil color patterns), whichever of the two levels is higher. Highest groundwater elevation shall be determined by using generally accepted soil evaluation practices and shall be consistent with practices used by the U.S. Department of Agriculture, Natural Resources Conservation Service. Data used in determining highest groundwater elevation shall include the Soil Survey of Livingston County, site drainage, and observation of actual soil characteristics, as observed during onsite investigations.

300.18 Holding Tank

A holding tank is a watertight tank or receptacle used for the purpose of receiving and retaining sewage with no outlet for soil absorption disposal.

300.19 Industrial Wastes

Industrial wastes mean the liquid waste products from industrial processes as distinguished from domestic sewage.

300.20 Maintenance Provider

An entity certified by the manufacturer or distributor to test, evaluate, and review the operating performance of the alternative treatment system.

300.21 Michigan Criteria for Subsurface Sewage Disposal

This criterion provides minimum uniform standards for design, construction, review and approval of subsurface sewage disposal systems in Michigan. The criteria apply to all semi-public or public sewage disposal systems that handle up to 10,000 gallons per day of underground treatment of sanitary sewage.

300.22 Minimum Requirements of Alternative On-site Sewage Treatment Systems

Minimum standards developed by the department that regulates the design, construction, and maintenance of alternative treatment systems.

300.23 Minimum Requirements for Pressure Mound Systems on Marginal Sites

Minimum standards developed by the department that regulates the design, construction, and maintenance of pressurized mound systems.

300.24 Nuisance

A nuisance shall include, but not be limited to, any condition where effluent from any sewage treatment system is exposed to the surface of the ground or is permitted to drain on or to the surface of the ground, into any ditch, storm sewer, lake or stream or when the odor, appearance, or presence of sewage effluent has an obnoxious or detrimental effect on or to the senses and/or health of persons or when it shall obstruct the comfortable use or sale of adjacent property.

300.25 Operating Permit

A permit issued by the LCDPH for the purposes of assuring proper operation and maintenance of the alternative treatment system.

300.26 Original Ground Surface, Original Grade

The highest elevation of a natural occurring soil profile as altered by climatic elements and living matter originally formed mainly from materials that were deposited by or associated with glaciers. Filled ground or made land is not considered as part of the naturally occurring soil profile.

300.27 Other Toilet Devices

Other toilet devices shall mean privies, septic toilets, chemical toilets, electric toilets, composting toilets, and other devices used for the disposal of human excreta as may be approved by the Health Officer.

300.28 Percolation Test

A method of estimating the capacity of an existing soil formation to receive, disperse and absorb (percolate) the anticipated quantities of effluent (outflow) from a septic tank or other treatment device.

300.29 Permeable Soil

Soils with a textural classification, according to the U.S. Department of Agriculture Soil Conservation Service classification system, of coarse sands to some silty clay loams that are well structured.

300.30 Portable Toilet

A portable toilet shall mean an enclosed facility containing an easily cleanable watertight container, which is vermin proof, for reception of human excreta and is used on a temporary basis at transitory gatherings or construction sites.

300.31 Pressure Distribution

A system of small diameter pipes uniformly distributing effluent throughout a trench, bed, or chamber.

300.32 Private Sewage Treatment System

An onsite subsurface sewage treatment system serving a single or two family dwelling unit.

300.33 Property Owner

Any person who owns a single or two family dwelling and has the intention of occupying said dwelling.

300.34 Pump Chamber

A watertight tank or compartment following the septic tank or other pretreatment process which contains a pump, floats, and volume for storage of effluent.

300.35 Reserve Area

The area and location that shall be maintained for the construction and operation of a replacement onsite subsurface sewage treatment system. This area and location is subject to and shall meet the same minimum criteria for permit approval as the location of the original system.

300.36 Sand Fill

Sand meeting specific criteria regarding particle size and installation technique to ensure adequate wastewater treatment.

300.37 Sanitary Sewage

Water and contaminants discharged from sanitary conveniences, including bathroom, kitchen, and household laundry fixtures of dwellings, office buildings, industrial plants, commercial buildings, and institutions. Commercial laundry wastes, industrial and commercial processes, and storm water are not considered sanitary sewage.

300.38 Scaled Plot Plan

A drawing of accurate representation to a specified scale which shall include but not limited to: (1) property boundaries and dimensions, (2) house, structure or building locations and dimensions, (3) location and distances of neighboring wells, septic systems, underground fuel oil tanks and storm drains within 100 feet of property boundaries, (4) location of proposed well and onsite sewage treatment system including area designated for replacement systems, (5) location of acceptable soil borings, (6) location of surface water, wetlands and flood plains if applicable, (7) location of proposed or existing underground utilities, such as telephone, cable, electric, water supply, sewers, gas, etc; (8) all easements located on the

proposed building site, (9) location of proposed or existing underground facilities if applicable, (10) location of proposed or existing above or below ground swimming pools, decks, detached garages, storage structures or other structures and facilities which may impact water supply and/or sewage treatment systems or construction of same.

300.39 Semi-public or Public Sewage Treatment Systems

Any onsite subsurface sewage treatment system serving premises other than single and two family dwellings.

300.40 Septic Tank

A watertight pretreatment receptacle receiving the discharge of sanitary sewage from a building sewer(s), designed and constructed to permit separation of sinking and floating solids from the liquid, detention and anaerobic/facultative digestion of the organic matter, prior to discharge of the liquid.

300.41 Sewage Treatment System

A "sewage treatment system" shall mean a system, other than a public system, which is under the jurisdiction of Act 451 of 1994, as amended, being Sections 324.4101 through 324.4111, of the compiled laws of Michigan, which receives either human excreta, sewage waste or both. Included within the scope of this definition are septic tank-soil absorption systems, aeration systems, package treatment plants, 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.

300.42 Sewer

A sewer is a watertight conduit used for transporting sewage.

300.43 Slowly Permeable Soil

Soils with a textural classification, according to the U.S. Department of Agriculture Soil Conservation Service classification system, of silt loams, and some silty clay loams that are well saturated.

300.44 Soil Absorption Field

A soil absorption field is a system utilizing the soil for subsequent absorption of septic tank effluent; e.g., a drywell, drainfield bed, absorption trench, or other approved disposal systems.

300.45 Soil Evaluation

Determines the suitability of a piece of property for a septic system by providing information on the soil characteristics, such as depth, profile and structure. A soil evaluation is conducted

by digging a test hole to at least 8 feet deep to examine the soil profile. A trained individual will characterize the soil and look for signs of a limiting layer, such as an impervious soil layer (hardpan, clay) or seasonal high water table (gray soil or mottles).

300.46 Soil Mottling (synonymous with redoximorphic features)

Spots or blotches of contrasting colors, such as, but not limited to, gray or brown colors in close proximity, that are formed in the soil matrix by the processes of reduction, translocation, and oxidation of iron and manganese compounds in soils that have been periodically saturated.

300.47 Soil Structure

The aggregation of the primary soil particles of sand, silt, and clay into compound particles or clusters of primary soil particles, which are separated from adjoining aggregates or clusters by surfaces of weakness.

300.48 Soil Texture

The relative proportion of sand, silt, and clay in a soil.

300.49 Stone

Stone shall mean stone graded according to Michigan Department of Transportation (MDOT) 6A gradation specifications:

100%	passes 1 ½" screen
95-100%	passes 1" screen
30-60%	passes ½" screen
0- 8%	passes #4 screen
1%	maximum lost by washing

300.50 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.

300.51 Variance

Variance shall mean a deviation or modification from the rules and regulations printed herein as may be permitted by the Health Officer or Appeals Board.

Section 301 General Sewage Treatment Requirements

301.01 Separate Systems for Each Building

Unless otherwise specifically approved by the Health Officer, each habitable building or dwelling shall be served by its own individual sewage treatment system within its own property boundaries.

301.02 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 treatment system, except any such facilities hereafter installed on a premise where public sanitary sewer is available shall be connected to said public sewer. Available public sanitary sewer system means a public sanitary sewer system located in a right-of-way, easement, highway, street or public way which crosses, adjoins or abuts upon the property and passing not more than 200 feet at the nearest point from a structure in which sanitary sewage originates.

Water treatment discharge line(s) shall not be connected or discharged into an onsite sewage treatment system. Units installed in buildings constructed prior to the effective date of this amendment may be permitted to discharge into an existing onsite sewage treatment system if no other possibility exists due to the physical constraints of the structure and if approved by the Health Officer. All discharge lines shall be constructed and installed in accordance with the Michigan State Plumbing Code, including but not limited to a proper air gap.

301.03 Connection Required to a Municipal Sewerage System

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

When any existing sewage treatment system serving any premises where a publicly operated sewerage system is available as defined in Sections 333.12751-333.12758, 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.

301.04 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, dry wells, etc. to be abandoned in accordance with these rules. The sewer authority shall be responsible for enforcement.

301.05 Permits

No person shall construct, alter or extend any private or semi-public sewage disposal system unless he has obtained a permit issued by the Health Officer or his duly authorized representative. All permit forms shall be provided by the Livingston County Department of Public Health.

- A. All public and semi-public sewage treatment systems shall be installed or constructed by a properly licensed sewage treatment system installer.
- B. A conventional sewage treatment system serving a single or two family residence used for the purposes of the property owner's own personal residence may be installed either by a licensed sewage treatment system installer or the property owner.
 - 1. Should the property owner install the sewage treatment system, they must demonstrate a satisfactory level of competency and knowledge in the proper installation of the system in accordance with these rules. The property owner shall notify the LCDPH that they will be installing the system prior to the commencement of any construction activity. Licensing of property owners shall comply with Section 301.07.

301.06 Contractor Licensing

Any person, firm, company or corporation that shall engage in the business of installation of a sewage treatment system or any part thereof under the provisions of this regulation must be licensed with the Livingston County Department of Public Health in accordance with Chapter VIII of the Livingston County Sanitary Code. In no way shall this provision be construed to prohibit an individual from installing his own sewage treatment system to serve his own personal single or two family residence provided that he obtains a permit from the Livingston County Department of Public Health, and adheres to Section 301.05B(1).

301.07 Property Owner Licensing

A property owner shall apply for and be issued a single installation license to install an onsite sewage treatment system serving a habitable building within Livingston County in which the property owner has the intention of occupying. Each applicant for such license shall take and successfully pass a written examination prepared by the Health Officer, prior to commencing any work to install an onsite sewage treatment system. A single application license shall not require a performance bond as described in Section 801.04.

301.08 Application for Permit

Application for a permit to construct, alter or replace a private or semi-public sewage treatment system shall be made in writing by the property owner, a licensed building contractor, a licensed sewage treatment system installer or their representatives, to the Health Officer. The application shall include the name and address of the applicant and property owner, location of the property, and a survey (on property less than 15 acres) or a recorded platted lot showing lot dimensions on which said construction is proposed. Each application shall be accompanied by three (3) copies of a scaled plot plan showing the proposed sewage treatment system and all relevant isolation distances. The actual or proposed use of the property shall be indicated in all instances.

- A. The Health Officer may require substantiating engineered data including but not limited to: soil analysis test borings, percolation tests, hydrogeological information and flood elevations.
- B. The Health Officer may require that the plans be prepared by a Michigan professional engineer, registered sanitarian, or a professional approved by the Livingston County Department of Public Health.
- C. Plans prepared by a Michigan professional engineer (P.E.), registered sanitarian (R.S./R.E.H.S.), or a professional approved by the Livingston County Department of Public Health are required for alternative treatment systems. **The designer must have extensive onsite wastewater experience where alternative onsite sewage systems have been designed, installed and become operational.** The designer must be proficient at identifying soil structure and texture as it relates to allowable soil loading rates. LCDPH reserves the right to request a list of specialized training and work experience by the designer; the local health departments that have issued permits for the alternative technology design; and a letter from the manufacturer and/or distributor of the alternative treatment system being submitted that demonstrates sufficient knowledge of the product being proposed.

301.09 Posting of Permit

Once a sewage treatment system permit is issued, the permit and approved site plan is required to be maintained onsite at all times. The permit and approved site plan shall be posted in a conspicuous location at the work site.

301.10 State Laws and Regulations

The installation and use of onsite sewage treatment systems shall conform to the applicable requirements of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and Part 22, Department of Environmental Quality Administrative Rules for Groundwater Quality R323.2201 through R323.2240, and Part 4, Department of Environmental Quality Administrative Rules for Onsite Water Supply and Sewage Disposal for Land Divisions and Subdivisions, R560.401 to R560.428, the Michigan Criteria for Subsurface Sewage Disposal, April 1994, as

amended, and to the rules and regulations adopted pursuant to said Acts and criteria. The Department's authority is derived from Sections 2433 through 2446 of 1978 PA 368, as amended.

301.11 Priority Over Building Permits

No municipality or township or other agency shall issue a building permit or otherwise allow commencement of construction of any habitable building on any land where public sewers are not available until a permit has first been obtained from the Health Officer for a sewage disposal system and proof of permit has been received. No municipality or township or other agency shall issue a permit or allow commencement of construction of an addition, major alteration, or extensive remodeling of any existing habitable building located on any land where public sewers are not available until a permit has first been obtained for construction of an onsite sewage treatment system or acceptance of continued use of the existing onsite sewage treatment system has been obtained from the Health Officer.

301.12 Permit Expiration

Any permit issued pursuant to the requirements of the preceding sections shall be valid for the term of 12 months from the date of issuance, unless declared void as provided for in Section 301.13, and no construction, alteration, and/or extension shall continue without renewal of said permit. Said permit shall not be transferable to any new owner or to another location on the same parcel of property or to a different location and/or owner at a different parcel of property. One 90-day permit extension may be granted provided the request for the extension is received in writing and prior to expiration of said permit.

301.13 Void Permits - Stop Work Order

A permit, as issued by the Livingston County Department of Public Health, 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, excavating, paving, flooding, or excessive compaction.
- B. The area designed encroaches on the required isolation distances from an existing well water supply, property lines, dwelling, footing drains, surface waters, etc.
- C. An increase or other alteration in the scope of the project has occurred prior to, during, or following construction of said system which was not disclosed on the permit.
- D. Specific conditions under which the permit application approval was granted cannot be adhered to or attained.
- E. A change or alteration of the submitted plot plan has occurred in which the permit was issued without approval from the Health Officer.

F. Information provided on the application is found to be inaccurate or untrue.

G. The sewage contractor is not licensed under these rules.

301.14 Holding Tank

"Pump-and-haul" as a means of disposal from holding tanks for new construction shall not be permitted. "Pump-and-haul" may, at the Health Officer's discretion, be used to alleviate a hazard from an existing structure on a "temporary" basis until an acceptable means of sewage disposal is available. Temporary, for purposes of this section, means a duration not to exceed nine months.

301.15 Rejection of Applications

The Health Officer shall reject an application for permit to construct a conventional sewage treatment system when one or more of the following conditions are found to exist:

- A. A publicly operated sewage system is available as defined by Sections 333.12751-333.12758 of Act 368 of the Public Acts of 1978, as amended.
- B. The absorption system would be inaccessible for repairs or alterations.
- C. The septic tank would be inaccessible for cleaning or inspection purposes.
- D. The property served is too small for proper isolation distances, as described in Table 302.09, from existing water wells, the proposed water well to serve the premises, surface waters, footing and storm drains, etc.; or, the property has insufficient area for the sewage absorption system and reserve area. If the property served was established and described prior to May 1, 1986, a reserve area shall not be required.
- E. The highest zone of groundwater saturation is less than 24 inches below the original ground surface.
- F. The soil classification, as determined by the U.S. Department of Agriculture Soil Conservation Service, or other physical conditions are deemed to be unsatisfactory for the treatment of sewage. Examples of unsuitable soils include: silt loam, clay loam, clays, silts, peats, mucks, and marls.
- G. Conditions exist, or may be created, which may endanger the public health or the environment.
- H. The proposed site is subject to flooding or is within a 100-year floodplain area.
- I. There exists less than 24 inches of naturally occurring permeable soil that is considered suitable for the treatment of liquid sanitary wastes

- J. Where there is less than **12 inches** of suitable soil without mottling below the “A” horizon (topsoil).

However, variances may be granted for existing structures where sewage disposal system repairs, corrections and/or alterations are necessary in the opinion of the Health Officer.

301.16 Site Acceptance Criteria

The following criteria shall be used in determining the suitability of the site to provide satisfactory operation of a sewage treatment system utilizing one or more septic tanks and an absorption field or an absorption bed:

- A. Soil Analysis - The soil classification system and interpretations as provided by the United States Department of Agriculture, Soil 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 Evaluation – There shall exist at least 24 inches of naturally occurring permeable soil that is considered suitable for the treatment of liquid sanitary wastes.
- C. There shall exist, at a minimum, 12 inches of suitable soil without mottling below the “A” horizon (topsoil).
- D. Soil Borings - Test borings or excavations shall be made within the area proposed for the sewage treatment system in order to determine the highest indicated groundwater level and soil formations. Test borings and excavations shall be conducted to a minimum depth of 8 feet and be made available for the inspection and evaluation of soil types and conditions. 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 onsite sewage treatment system, except as provided for in Section 301.15 (D).
- E. Deep Excavations - If suitable soils are not present within the upper 6 feet of the soil profile and alternative methods of sewage treatment have been considered, then the Health Officer may approve the use of deep cut excavations to expose acceptable underlying soils that exist within 20 feet of the natural grade provided the following conditions exist:
 - 1. Permeable soils encountered are within twenty (20) feet of the ground surface and are not confined to an area less than 2,400 square feet (sf) except as provided for in Section 301.15 (D) of these regulations.
 - 2. Deep cut excavations, in excess of 12 feet, shall require preparation of an active and reserve absorption system. Preparation shall mean a 100% excavation of initial and reserve area to a depth of no less than 6 feet. Then, a 50% excavation of total active area is removed to the depth of permeable soils.

3. There is sufficient information to substantiate that contamination of existing or future water wells will not occur.
 4. Acceptable underlying soils shall consist of a minimum of three (3) feet of soils which have a permeability greater than thirty (30) minutes per inch and which are not permanently or seasonally saturated, as confirmed by the soil profile evaluations.
 5. Deep cut excavations are not allowed if the soils that are cut through are seasonally or permanently saturated. Exceptions may be considered where drainage of groundwater from overlying soils would not be expected to adversely impact the function of the sewage disposal system.
 - a. If the property was evaluated and monitored by a professional engineer in accordance with the requirements adopted prior the effective date of these rules, the property may still be approved at the discretion of the Health Officer.
 6. Deep cut excavations shall be backfilled with clean, sharp sand, as defined in Section 300.07.
- F. Seasonal High Groundwater - Seasonal high groundwater shall be at least four (4) feet below the bottom of the trench or bed.
- G. Hardpan, Clay, Impervious Material - Impervious hardpan or clay, or shale, if present, shall be at least 4 feet below the bottom of the trench or bed.
- H. Filled Ground - Installation of a sewage treatment system on or in "filled ground" or "made land" shall be acceptable only with specific written approval of the Health Officer. Filling shall not be allowed over or on soils having a stabilized percolation rate over 45 min/inch, flooded land, or unstable soil (peat, muck, marl, organic material). Filling shall not be approved for sewage treatment systems where the natural soils do not meet the permeability criteria stated in Section 301.15 (I) of this Code. Care must be taken around the perimeter of fill systems to gradually slope fill to match existing grades. Fill should be carried a minimum of 10 feet beyond the edge of the stone before beginning slope.

A minimum of a 4 to 1 slope shall be maintained around the perimeter of all raised or mounded sewage disposal systems placed on or in filled ground. It is recommended that "filled ground" or "made land" lay idle through a freeze/thaw cycle or be compacted in layers not to exceed 12-inch increments prior to placement or construction of the sewage absorption field or bed.

- I. Slopes - Sites shall have sufficient areas of suitable soils in areas that have slopes conducive to the construction of initial and replacement on-site sewage treatment systems. For sites having a twelve percent (12%) or greater slope in the area of the proposed sewage treatment system, then the Health Officer may require submission of a detailed development plan by any of the following persons demonstrating competence: a licensed professional engineer, a professional surveyor, or a registered sanitarian.

The detailed plan shall be drawn to scale with a maximum 2-foot contour interval, shall show the proposed design for the initial and replacement sewage treatment systems, and shall indicate the location for intended home and individual water supply well. The plan shall indicate both existing and proposed contours, and shall ensure that the areas defined for the sewage treatment system and the well are at locations that are readily accessible for future maintenance or replacement or both.

301.17 Inspections Required

An inspection by the Health Officer is required: (1) After the excavation through the overburden to approved suitable soils has been completed; and, (2) When the sewage treatment 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 treatment system is ready for inspection, as specified on the permit.

The following site conditions shall exist at the time of the final inspection or be viewed and approved by the Health Officer prior to issuance of final approval.

- A. The building sewer line shall be exposed.
- B. All inlets and outlets to the septic tank(s) shall be exposed.
- C. The access cover(s) of the septic tank(s) shall be exposed.
- D. The sewer line from the septic tank(s) to the soil absorption or treatment system shall be exposed.
- E. When a soil absorption bed or field (i.e. trenches) is installed, the individual trenches or bed shall be exposed with the aggregate in place.
- F. The Health Officer may specify special site requirements in addition to those listed in (A) through (E) above, if deemed necessary in order to conduct an adequate final inspection.
- G. All pumps and portions of the engineer designed pressure distribution systems shall be available for inspection. A registered engineer's certification may be accepted in lieu of a visual inspection by the Health Officer.

301.18 Certification

After construction of the sewage treatment system has been completed to the extent of the placement of all sewer lines, septic tanks, stone, distribution tile lines and before any portion of the system has been covered or placed in operation, a request for an inspection shall be made to the Health Officer. Two (2) working days shall be allowed for inspection after notification of the completion of the sewage treatment system. If the inspection has not been made within two (2) working days after notification to the Health Officer that the system is complete and ready for inspection, the installer may proceed to cover the system and place it into operation. The installer in such an instance shall furnish a written statement to the Health Officer, certifying that the system was installed exactly as shown on the permit. A final "as-built" plan shall also be submitted by the installer.

301.19 Backfilling of a Sewage Treatment System

The following are requirements for backfilling during various stages of septic system construction and installation.

- A. Initial Excavation: After the unacceptable soils have been removed, backfilling of the excavation shall be completed as soon as possible, not to exceed 24 hours after inspection. Precipitation events have the potential to wash unacceptable soils into an excavation and degrade the exposed natural soils. All precautions by the contractor to backfill within 24 hours and prior to weather events shall be considered paramount. Inability to backfill prior to these conditions may require a re-inspection by the department. Additionally, open deep cut excavations pose a potential physical hazard to injury from falling into the hole. Therefore, in some cases, it may be necessary for the contractor to arrange with LCDPH for an inspection of the excavation concurrently with the installation of backfill.
- B. Final Cover: After final approval of the sewage treatment system is granted by the Health Officer it shall be backfilled or covered as soon as possible, not to exceed 5 days. 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. Materials used for this purpose are generally straw and geotextile fabric, other materials used shall be approved in writing by the Health Officer. Soil with a permeability of 45 minutes per inch or less shall not be used for backfilling a sewage disposal system. Soil such as silt loam, clay loam, clays, silts, muck, peat, and marl are considered to have a stabilized percolation rate in excess of 45 minutes per inch. Frozen soils shall not be used for backfill since it will damage the system during grading. The Health Officer may revoke his previous approval if there is evidence of damage to the sewage treatment system as a result from improper backfilling or if there is evidence of unsuitable soils covering the sewage treatment system.

301.20 Condemnation of Existing Installations

The Health Officer may condemn any existing or hereafter constructed individual sewage treatment system when: (1) Such system will not accept sewage effluent thus resulting in interference with plumbing fixture use; (2) the sewage effluent exceeds the infiltrative capacity of the soil thus resulting in objectionable odors, seepage,, sewage exposure to the surface, and/or sewage being permitted to drain into any lake, river, county drain, ditch, storm sewer, or stream; (3) the seepage of effluent may endanger or contaminate groundwater, surface water, a public or private water supply; (4) an improperly constructed or maintained system creates a nuisance; or, (5) Such system does not comply with the operation and maintenance requirements of alternative technologies, as described in Section 303. Such a sewage treatment system as condemned shall be repaired, rebuilt, or replaced by a system constructed according to the provisions of these regulations within a period of time specified by the Health Officer.

301.21 Drains

Whenever the Health Officer shall determine that sewage is flowing into any private or public drain, he may issue public notices requiring persons owning premises from which such sewage originated to connect such sewage flow to a publicly operated sewerage system, if available, or in the absence thereof, to comply with provisions of these regulations. Public notice shall consist of posting of at least five (5) conspicuous notices in the probable area served by said drain. After not less than thirty (30) days following posting of the notices, the Health Officer may plug, or cause to be plugged, the outlet of said drain until such time as the sources of the sewage have been located. Owners of properties known to be discharging improperly treated sewage in such drain posted by the Health Officer shall be given written notice of corrections required within the time allowed by the Health Officer. Failure to comply with this notice or malicious destruction or removal of public notices shall be considered a violation of these regulations. The Health Officer shall not be liable for any damage which results or might result from action authorized by this section.

301.22 Change of Use

It shall be unlawful to convert or change the intended use of a building premise from which the sewage treatment system was designed without the prior written approval of the Health Officer.

301.23 Altered or Repaired Existing Buildings

The size and adequacy of an existing sewage system will be evaluated during any alteration, addition or repair to an existing building, as follows:

- A. The Health Officer shall determine if an existing sewage treatment 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. This would include, but not be limited to, complete renovations of seasonal or year-round homes, adding bedrooms, or recreation rooms,

to an existing dwelling, basement remodels, additions to industrial or commercial establishments, construction of garages, outbuildings, decks, porches, swimming pools and/or driveways.

- B. The Health Officer shall determine if an existing sewage treatment system is sufficient and adequate to allow a repair or the rebuilding of an existing building. All industrial, commercial or residential buildings shall conform to the minimum requirements of this regulation, if any of the following apply:
1. Rebuilding after existing structure is voluntarily demolished or removed.
 2. Rebuilding after fire or casualty destroys over 50% of the building.
 3. Reconstruction of existing building that exceeds 50% replacement.
 4. The intended use of the building is to be changed.

301.24 Exceptions for Repairs of Sewage Treatment Systems on Premises with Existing Dwelling

At the discretion of the Health Officer, modifications of the required distances, materials or size, as stated in this Code, may be applied if local conditions warrant and in cases where dimensions or features of the premises create a physical impossibility for compliance. In such event, if the Health Officer finds that public health would not be jeopardized, he may approve a modified sewage treatment system if, in his opinion, it would provide equal or better treatment than the existing system.

301.25 Moratorium on Construction

The Health Officer, at his discretion, may institute a moratorium or a restriction on construction of individual onsite sewage treatment facilities when conditions such as freezing or frost are present in the soils and when said conditions would adversely affect the proper construction and operation of the sewage disposal facilities. Notice of the moratorium or restrictions shall be sent to all sewage treatment licensed contractors and be published in a newspaper of general circulation. Special consideration may be given to certain installations when those installations would be in the best interest of public health.

301.26 Non-Water Carried Toilet Devices

A. Privies and Similar Non-Water Carried Toilet Devices

All privies and similar non-water carried toilet devices shall be constructed and maintained in accordance with Section 333.12771 of Act 368 of the Public Acts of 1978, as amended, and the rules and regulations adopted pursuant to said act.

B. Prohibition of Privies

A privy shall not be maintained or be constructed on or moved to any premise as a permanent means of sewage disposal except as approved by the Health Officer.

C. Temporary Portable Privies

Temporary portable privies used at construction sites, places of public assembly, camps, etc. shall comply with Section 333.12771 of Act 368 of the Public Acts of 1978, as amended and the rules and regulations adopted pursuant to said act, and when cleaned or serviced, the agency performing such service shall comply with Part 117, Septage Waste Servicers, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

Section 302 Specific Requirements for a Sewage Treatment System

302.01 Sewer Lines

A. Materials

Sewer lines between the building and septic tanks, between septic tanks, and between septic tanks and dosing chambers shall be constructed of solid pipe with sealed joints, Schedule 40 PVC, or other materials approved by the Michigan State Plumbing Code.

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 line in any case shall be not less than 4 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 1/4 inch per foot, unless otherwise approved by the plumbing inspector having jurisdiction or by the Health Officer.

D. Bends

Bends in a sewer line located between the building and septic tank shall be limited to a combined maximum total of 135 degrees with no individual bend exceeding 45 degrees. Each bend of 45 degrees shall be provided with a cleanout.

E. Cleanouts

Cleanouts may be provided within 2 feet outside of the foundation wall and an additional cleanout shall be provided at each 100 feet of concealed piping. All cleanouts shall be properly sized and installed and shall be exposed at final grade level.

302.02 Septic Tanks

A. Location

No septic tank shall be located where it is inaccessible for cleaning or inspection purposes, nor shall any structure be placed over any existing tank making the same inaccessible for cleaning and inspection purposes. A septic tank shall be installed on a stable, level surface and shall not be located in natural swales or areas of manmade or natural water movement. All tanks shall be watertight with necessary precautions shall be taken to ensure tank is not buoyant.

B. Installation

The septic tank, pump chamber, and/or alternative treatment unit shall be placed on a stable, level, compacted surface. A minimum of 4 inch thickness of sand or granular bed overlaying a firm and uniform base is required. Backfill in uniform layers less than 24 inches thick. Backfill should be free of any large stones (greater than 3 inches) or other debris. Sites with silty soils, high water table or other poor bearing characteristics must have specifically designed bedding and bearing surfaces to prevent settling.

C. Access Holes

Every septic tank shall be provided with two (2) suitable openings with covers fitted with hand grips over the inlet and outlet ends of the tank. A service access hole (18 inches minimum diameter) shall be provided. Where the top of the septic tank is located more than 18 inches below the final grade, risers shall be installed so that covers are at or above grade. Risers must be installed per manufacturer's recommendation. Risers shall be a minimum of 24 inches in diameter. All septic tank lids and riser lids must be tight-fitting, secured, and tamper resistant. Riser lids shall be equipped with a locking mechanism or boltheads that need specialized tools for access.

D. Inlets and Outlets

The bottom of the inlet line into the septic tank shall be at least 2 inches above the operating water level of the tank. The inlet must be so designed to permit gas above the liquid level to pass through the inlet line and out of the vent pipe servicing the sewer line leading to the tank. The outlet shall be constructed to prevent the escape of floating or settled solids. The tank must have a minimum scum clearance of 8 inches. All pipe connections to a septic tank shall be watertight and sturdy. The connection between the pipe and tank must be accomplished with a watertight, resilient and flexible connector (i.e. boot).

E. Baffles and Effluent Filters

Every septic tank shall have a baffle installed at the outlet of the tank. The baffle shall extend below the liquid level at least 12 inches, but not more than thirty-three percent (33%) of the total liquid depth. In addition, every septic tank shall be equipped with an approved effluent filter to aid in preventing suspended solids from escaping from the septic tank. Effluent filters shall be subject to approval at the discretion of the Health Officer.

F. Construction Material

Concrete prefabricated tanks shall be sound and durable, able to support the loads to which it will be subjected. A concrete tank shall be constructed of washed aggregate, properly vibrated and reinforced to produce a minimum wall thickness of 3 inches. Joint sealing materials should be of high quality, preformed, and flexible to achieve a watertight seal. Sealants shall be of proper size for the joint of the concrete tank. The interior of the tank shall have a smooth cemented surface and be watertight. The top is to be a minimum of 3-inch reinforced concrete. Onsite construction of a septic tank for single and two family dwellings shall meet the minimum requirements set forth in the Livingston County Sanitary Code. The liquid level of the septic tank shall not be less than 4 feet. The length of the septic tank shall not be less than 5 feet (1.5 m) and should be approximately 2-3 times the width. In no instance shall the tank or any compartment have an inside horizontal dimension less than 2 feet.

G. Multiple Compartments

When a septic tank is divided into two compartments, the liquid volume of the first compartment shall be no less than 1,000 gallons. A vent space shall be provided between compartments. Inlets and outlets to a compartment tank shall be proportioned and located as for a single tank. The opening from the first compartment to the second compartment shall be a minimum of 4 inches in diameter and permit the withdrawal of liquid from the middle third of the depth of the liquid in the tank. A service access shall be provided for both compartments.

H. Non-Concrete Septic Tanks

Tanks constructed of fiberglass, plastic or other materials shall not be installed without prior written approval of the Health Officer and should only be considered in situations where the installation of a conventional concrete tank is impractical or impossible.

302.03 Alternative Methods of Sewage Treatment

The Health Officer may, under special circumstances, authorize the installation of an alternative method for sewage treatment. Any proposed alternative method of sewage treatment must meet the “Minimum Standards for Advanced Wastewater System Approval in Livingston County”. Additional information may be required at the discretion of the Health Officer. Design and construction of alternative systems shall comply with guidance

documents entitled “Minimum Requirements for Alternative On-Site Sewage Treatment Systems”, August 2006, as amended, and “Minimum Requirements for Pressure Mound Systems on Marginal Sites”, October 2003, as amended.

302.04 Septic Tank Capacities

- A. The following minimum capacity for septic tanks shall be required for single/two family dwellings:

Number of Bedrooms	Minimum Liquid Capacity
1 through 4	1,500 gallons
5 and 6	2,000 gallons

- B. A two-tank system may be substituted providing the primary tank has a minimum capacity of 1000 gallons.
- C. Footing drain water, roof runoff water, storm drainage, and water treatment discharge and any other wastes not considered domestic sewage shall not be connected to or discharged into a sewage treatment system except as provided for in Section 301.02.
- D. Septic tanks for other than single family and two family dwellings shall be sized on the basis of being equal in capacity to one (1) day's average daily flow or in accordance with the Michigan Criteria for Subsurface Sewage Disposal, whichever is more stringent.

302.05 Lines Between Septic Tank and Absorption Field

The line carrying liquid from the septic tank outlet to the nearest portion of the absorption field shall be approved rigid, watertight pipe and may be laid at any appropriate grade. The pipe shall be PVC Schedule 40 or equivalent from the last septic tank to the header of the final treatment area. Connection to the upper portion of the absorption field shall be made using a tee fitting, set perfectly level on a 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 tile. All connections shall be watertight and sturdy. If more than eight (8) lines of distribution tile are installed, distribution boxes or branch headers shall be installed.

302.06 Lift Pumps and Pressure Distribution for Elevated Drainfields

When a sewage lift pump is determined necessary, the system shall conform to the following requirements:

- A. Size: Dosing or pumping chambers, when used for one (1) or two (2) family dwellings, shall be a minimum of five hundred gallons liquid capacity, unless otherwise approved by the Health Officer.

- B. Pumps: Pumps used shall be of the submersible type and specifically designed for sewage pumping. Sewage pumping facilities shall comply with the National Electrical Code and a minimum of a visual alarm shall be provided unless otherwise specified by the Health Officer.
- C. Pressure Distribution: All sewage disposal systems requiring a lift pump shall be pressurized throughout the entire system.
- D. Cleanouts: Cleanouts shall be provided at the end of each pressurized line, and be accessible after finished grade. The cleanouts shall have a removable end cap so that the pressurized line can be flushed to remove any accumulated solid material.
- E. Design: The design and materials used in a lift pump/pressure distribution installation shall be reviewed and approved by the Livingston County Department of Public Health Department prior to issuance of a permit.

302.07 Sewage Treatment System

- A. Location: In no case shall any driveway, parking area, paved surface, stockpiled material or building be placed over the sewage treatment system. Additionally, the system shall not be located in an area that is subject to conditions that would allow the accelerated formation and penetration of frost into the system. Examples include, but are not limited to, an area where domesticated animals are kept, a playground, or any other use that would encourage frost development by the constant removal of snow cover and the compaction of overlying soils. It shall remain accessible for maintenance and all surface drainage must be diverted away from the sewage treatment system.
- B. Distribution Header: A solid, watertight header, drop box(es) or distribution box(es) shall be required for all soil absorption fields. A header or distribution box shall be set level to afford an even distribution of all septic tank effluent throughout the sewage treatment system. Footings for distribution boxes shall extend below the frost line. Where the top of the distribution box is located more than 18 inches below the final grade, an access port shall be built up to the finished grade.
- C. Distribution System: The absorption tile shall be constructed of perforated, non-metallic pipe approved by the Health Officer. All perforated drainfield tubing approved by the Michigan Department of Environmental Quality (MDEQ) is acceptable. The tubing must be stamped with the letters "MS" (signifying certification under Michigan standards). All laterals shall be connected to a solid, watertight distribution header and perforated footer.

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 and shall not be less than 6 inches below the invert and 2 inches above the top of the distribution pipe. There shall be 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.

302.08 Drywell

Drywell installations are prohibited for new installations; however, drywells may be considered by the Health Officer in repair situations, only when all viable options have been exhausted.

302.09 Required Minimum Isolation Distances

Table 302.09: Required Minimum Isolation Distances for Single & Two Family Dwellings

From	To Septic Tank (Feet)	To Absorption System (Feet)	To Sewer Line (Feet)
Wells	50	50 [a]	50 [b]
Property lines	10 [c]	10 [c]	10 [c]
Road Right of Ways	5	5	-
Foundation Walls	5	10	
Surface waters	50	100	10
Pressurized water lines	10	10	10[f]
Retention/Detention Ponds not constructed in the water table	50	50	-
Retention/Detention Ponds constructed in the water table	100	100	
Top of Drop-off	5	20	5
Swimming pools	10	10	10
Designated county drains	50	50	-
Foundation walls without footing drains (i.e., slab)	5	5	-
Footing drains installed in water table without direct connection to surface waters	25 [d]	25 [d]	-
Footing drains installed in water table with direct connection to surface waters	50	50	-
Storm drains designed to lower groundwater table	25	100	25
Storm drains designed to divert surface water	50 [e]	50 [e]	10

Notes for Table 302.09:

[a] This minimum isolation distance may be increased at the discretion of the Health Officer given due consideration to existing and potential contamination sources.

[b] A minimum distance of 50 feet is required to a buried sewer, a pressurized sewer, or a sewage pump chamber. In accordance with Part 127-Act 368 of the Public Acts of 1978, as amended, this distance may be reduced to 10 feet if the sewer line is a buried gravity-flow sewer that is constructed of service weight or heavier ductile-iron pipe with watertight joints, schedule 40 PVC plastic watertight joints, or other material and joint that are approved, or a pressurized sewer line with watertight joints (pressure tested to 100 psi after installation), equivalent to Schedule 40 PVC or SDR 21, and meets or exceeds ASTM Specifications D1785-91 or D2241-89.

[c] This minimum isolation distance may be decreased to 5 feet at the discretion of the Health Officer.

[d] This minimum distance may be reduced to 5 feet to the septic tank and 10 feet to the drainfield if it can be demonstrated that the footing drains are not installed in the water table.

[e] This minimum isolation distance may be decreased to 25 feet if a premium joint structure is utilized for the construction of the storm drain.

[f] If 10 horizontal feet isolation cannot be maintained and sewer line must cross a water line, then the following shall be adhered to: Sewer lines crossing water lines shall be laid to provide a minimum vertical distance of 18 inches between the outside of the water line and the outside of the sewer line. At crossings, one full length of water pipe shall be located so both joints will be as far from the sewer as possible.

302.10 Sewage Disposal System Construction Requirements

Table 302.10: Sewage Disposal System Construction Requirements

System Component	Maximum	Minimum
Number of laterals or trenches	-	2
Size of gravity distribution conduit	-	4 in.
Size of pressurized distribution conduit	-	1 in.
Length of laterals or trenches	100 ft.	-
Width of trenches	36 in.	12 in.
Undisturbed space between each trench	-	4 ft.

Number of distribution lines per trench	1	-
Distance between distribution lines (bed const.)	6 ft.	2 ft.
Distance between distribution lines and bed wall	2 ft.	6 in.
Final cover over distribution system	24 in.	12 in.
Slope of distribution lines	6 in./100 ft	level preferred
Depth of aggregate under distribution lines (includes entire trench or bed bottom)	-	6 in.
Depth of aggregate over distribution lines	-	2 in. [a]
Size of aggregate. Refer to Section 300.49	1 ½ in.	¼ in.
Depth of highest indicated groundwater or depth to hardpan from trench or bed bottom	-	4 ft.
Distance to easements and underground utilities (gas, electric, telephone, etc.)	-	5 ft.
Distance to pressurized water line	-	10 ft.
Hole size for a pressure distribution system	9/16 in.	1/8 in.

Notes for Table 302.10:

[a] A total depth of 12 inches of stone throughout the entire trench or bed is required.
See Section 302.07 (C).

302.11 Minimum Absorption Area Requirements

Table 302.11: Minimum Absorption Area Requirements for Conventional Systems

Soil Texture & Soil Structure	Type of Absorption System	Minimum Absorption Area Requirements for Single & Two Family Residence [a] (Sq. Ft)			
		1, 2	3	4	5
Coarse Sand Medium Sand	Bed	850	1,000	1,200	1,450
	Trench [b]	425	500	600	725
Fine Sand Loamy Sand	Bed	1,000	1,200	1,400	1,700
	Trench [b]	500	600	700	850
Sand Loam	Bed	1,100	1,400	1,600	2,000

		Trench [b]	550	700	800	1,000
Loam Sandy Clay Loam		Elevated Bed Only (See Section 302.12)	1,200	1,600	2,000	2,500
		Trench [b]	600	800	1,000	1,250
Silt Loam Clay Loam		Unsuitable		-	-	-
Clays, Silts, Muck, Peat, Marl		Unsuitable		-	-	-

Notes for Table 302.11:

[a] Number indicates the number of bedrooms or equivalent flow based on two (2) people per bedroom and a maximum of 150 gallons per day.

[b] Calculations for the trench absorption system are based upon a 24-inch trench width, which is equal to 2 square feet per linear foot (includes trench bottom). The following conversions are used for varying trench widths:

- 12-inch trench = 1.0 square feet per linear foot
- 18-inch trench = 1.5 square feet per linear foot
- 24-inch trench = 2.0 square feet per linear foot
- 36-inch trench = 2.0 square feet per linear foot

302.12 Bed Construction in Slow Permeable Soils

If a bed is installed in slow permeable soils (loams, sandy clay loams) the bottom of the stone bed shall be no lower than the original grade (prior to construction) or 4 feet above the high groundwater elevation, whichever causes the bottom of the system to be at the highest elevation. The area for both the original and replacement system shall be barricaded to prevent driving over the area and compaction of the soil. The system shall be installed when conditions are suitable to prevent smearing, sealing and compaction of the soil. Failure to comply with the above is sufficient reason for the construction of the system to be denied and its use not allowed.

302.13 Premises Occupancy; Penalties for Non-Compliance

It shall be unlawful for any person to occupy, or permit to be occupied, any premises which is not equipped with an approved sewage treatment system for the treatment, in a sanitary manner, of all forms of sewage. Such facilities shall be constructed in accordance with these regulations.

Where any occupied premises is in non-compliance with the regulations of Chapter III, the owner shall be guilty of a misdemeanor as provided in this Code and/or subject to civil penalties of not more than \$1,000.00 for each violation or day that the violation continues.

Section 303 Specific Requirements for Alternative Treatment Systems

303.01 General Provisions

The Livingston County Sanitary Code has been developed to establish minimum requirements for conventional onsite sewage treatment systems. A variance to these minimum requirements has been granted by the Livingston County Sanitary Code Board of Appeals for use of alternative technologies on marginal sites where a conventional system cannot be sited or constructed due to lot limitations (size, shape, and/or soils). Alternative technology may be permitted upon review of the Health Officer if there does exist an alternative system that will protect the public health and environment in a manner at least equal to that of a conventional system installed on a suitable property.

303.02 Alternative Wastewater Treatment System Approval

Alternative sewage treatment systems shall, at a minimum, comply with the requirements as established by LCDPH for acceptance of alternative systems. The type of alternative treatment system must be approved by Livingston County Department of Public Health. Please refer to the “Minimum Standards for Advanced Wastewater Treatment System Approval in Livingston County” established by LCDPH and approved by the Livingston County Sanitary Code Board of Appeals.

303.03 Minimum Requirements

LCDPH has established a comprehensive guidance documents entitled “Minimum Requirements for Alternative On-Site Sewage Treatment Systems”, and “Minimum Requirements for Pressure Mound Systems on Marginal Sites”. These documents regulate site suitability, design, and construction standards for alternative wastewater treatment systems. Alternative wastewater treatment systems shall comply with the standards referenced in these documents as a condition of approval under these rules.

303.04 Installation

All alternative wastewater treatment systems shall be installed by a qualified contractor. The contractor shall be licensed and bonded as an installer in Livingston County AND be endorsed by the manufacturer/distributor of the alternative wastewater treatment system.

303.05 Maintenance and Repairs

Service performed on an alternative system is limited to those individuals and/or companies that are certified/qualified to perform work on that technology.

303.06 Operating Permits

In addition to a construction permit, an operating permit is required for all alternative sewage treatment systems. Also, an operating permit will be required for repairs to existing conventional systems that employ alternative technology.

Operating permits shall be issued annually for the life of the system, and are not transferable if the property undergoes a change of ownership. It shall be the property owner's responsibility to notify LCDPH within 30 days in the event a maintenance contract is not renewed or the contract is terminated.

Annual reports of maintenance performed on an alternative system shall be provided to LCDPH upon renewal of the operating permit. LCDPH will charge a nominal fee to administratively coordinate this program.

Failure to renew an operating permit or perform corrections recommended by the maintenance provider shall result in penalties as set forth in these rules (Sec 1200).

CHAPTER IV WATER SUPPLIES

Section 400 Definitions Applicable to This Chapter

400.01 Abandoned Water Well

Abandoned Water Well means any of the following: (a) A well which has its use permanently discontinued, (b) A well which is in such disrepair that its continued use for the purpose of obtaining groundwater is impractical, (c) A well which has been left uncompleted, (d) A well which is a threat to groundwater resources, (e) A well which is or may be a health or safety hazard.

400.02 Approved

Approved shall mean acceptable for intended use as judged by the Health Officer by utilizing public health rules, regulations, and technical data.

400.03 Contaminant

A contaminant means a biological, physical or radiological constituent which when present in groundwater is or may become injurious to public health, safety or welfare.

400.04 Extensive Changes

Work performed on an existing water well system which includes but is not limited to replacing the casing, removing a casing from the ground for any reason, changing aquifers, deepening or plugging back a bedrock well, installing a liner, changing pump type or increasing the capacity of the pump to greater than 70 gallons per minute.

400.05 Imminent Health Hazard

Imminent Health Hazard shall mean that, in the judgment of the Health Officer, there is a violation or condition that may cause or result in a violation of any of the provisions of this chapter of the Livingston County Sanitary Code or Section 2451 of Act 368 of the Public Acts of 1978, as amended, requiring immediate action to prevent endangering the health of the public.

400.06 Minor Changes or Repairs

Work performed on an existing water well supply which includes replacing a telescoped well screen, replacing a similar pump, drop pipe, pressure tank or controls, chemical rehabilitation, well disinfection or redevelopment.

400.07 Potable Water

Potable Water means water which is free of contaminants that may cause disease or harmful physiological effects and which is safe for human consumption.

400.08 Water Supply System

A water supply system 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.

400.09 Well

Well means a man-made opening in the surface of the earth used for the purpose of removing, evaluating or monitoring groundwater.

Section 401 General Water Supply Requirements

401.01 Jurisdiction

These regulations apply to water supplies intended for use or used to supply groundwater within the County of Livingston including but not limited to wells which are used to provide water for any of the following purposes: potable water, irrigation, industrial processes (including supplying water for oil exploration), geothermal, or to obtain hydrogeological information for the purpose of designing or operating a water supply well or to obtain hydrogeological information for the purpose of determining the adequacy of water supply for developments or to replenish water into an aquifer or surface water.

401.02 Hydrogeological Investigations

These requirements are intended to assist developers in preparing hydrogeological studies to be submitted to the Livingston County Department of Public Health (LCDPH) for determination as to the suitability of conditions for an on-site water supply. These requirements apply to any open space development consisting of single family units on one (1) acre or smaller lots, multiple land divisions for single family and multiple family housing that will be provided water using individual water supply wells, and parcels greater than one acre where groundwater concerns exist. All developments will consult with and must obtain LCDPH approval for an on-site water supply.

Hydrogeological investigations are intended to determine whether groundwater is present in adequate quantity and quality to provide the current and future needs of planned developments and to ensure adequate protection of the drinking water aquifer(s). An investigation shall demonstrate whether the presence of site conditions exist which are sufficient to support the development of an on-site water supply system. It is the responsibility of the developer to demonstrate to the LCDPH that conditions exist for an on-site water supply that will meet the requirements of this document.

401.03 State Laws and Regulations

Unless otherwise specified, the requirements as set forth in Part 127 Act 368 of the Public Acts of 1978, as amended and Act 399 of the Public Acts of 1976, as amended and the rules and regulations adopted pursuant to said acts are hereby adopted as requirements of these regulations.

401.04 Water Supplies Required

Every habitable building shall be provided with an approved potable water supply system.

401.05 Water Quality

The quality of water furnished to any lavatory, drinking fountain, dishwasher, bathtub, shower, or other fixture, device or equipment wherein or from which direct consumption or human body contact is possible shall be safe for human consumption and potable as approved by the Health Officer.

Acceptability shall be based upon the minimum chemical and bacteriological standards of the Michigan Department of Environmental Quality.

401.06 Water Quantity

A registered water well drilling contractor under the supervision of the owner or the owner's representative shall perform a yield or performance test to demonstrate that water can be withdrawn from a residential water supply well for potable purposes at a sustained pumping rate which is not less than 10 gallons per minute and which meets or exceeds peak water demand for not less than a 4 hour period of time.

If a water well cannot sustain a capacity that meets the peak water demand, then the Health Officer shall require demonstration of a combination of the known well yield and storage facilities that can furnish water at a delivery rate sufficient to meet the peak water demand.

401.07 Treatment of Unsatisfactory Water Supplies

Water supplies which do not comply with the minimal chemical or bacteriological requirements of the Michigan Department of Environmental Quality shall be treated by methods approved by said agency. If it is not possible to secure satisfactory compliance, said water supply shall be abandoned and, when applicable, the well shall be sealed to protect the water-bearing formation against further contamination.

401.08 Imminent Health Hazard

Water supply systems which, in the judgment of the Health Officer, represent a potential, imminent health hazard, may be condemned by the Health Officer. Unless otherwise provided for in these regulations, condemned water supplies used for other than a water supply for the owner or his family shall be repaired or replaced within 30 days of receiving a notice of condemnation from the Health Officer. Contaminated water supplies which, in the

judgment of the Health Officer, represent an immediate health hazard, shall be posted with suitable signs at each outlet or the outlet shall be made inoperative.

401.09 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.

401.10 Abandonment of Water Supply Systems

When any water supply system is abandoned or its use terminated, the existing water well shall be properly plugged per these rules. When an existing water supply system is abandoned due to connection to a municipal water system, the water authority shall have a program in place or shall address in an ordinance a requirement for water wells to be abandoned in accordance with these rules. The water authority shall be responsible for enforcement.

401.11 Permanently Abandoned Well

A permanently abandoned well means a well whose use has been permanently discontinued or which has not been used for a period of three years or more 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.

- A. 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 contaminant movement or the escape of subterranean gases. Pumps, drop pipes or other debris or obstructions shall be removed from the well prior to sealing if at all possible.
- B. A well drilled by a person other than the property owner or by a person other than a licensed well drilling contractor registered under Act 368 of the Public Acts of 1978, as amended, shall be considered to be permanently abandoned and shall be sealed in accordance with these regulations.
- C. The Health Officer may order the well owner or well drilling contractor to seal a permanently abandoned well or dry hole.

401.12 Temporarily Abandoned Well

A temporarily abandoned well means a well whose use has been discontinued but is intended to be used as a source of water by the owner within the next three years. A temporarily

abandoned well shall meet the construction and isolation distance requirements of Act 368 of 1978, the Michigan Public Health Code and these regulations.

- A. A temporarily abandoned well shall be disconnected from any water distribution piping and shall have the top of the casing capped to prevent the entrance of surface water or foreign materials and to prevent access into the well. The casing shall extend a minimum of 12 inches above grade or as directed by the Health Officer. The casing shall be constructed to prevent the entrance of water or foreign material into the well.
- B. The owner shall notify the Health Officer in writing not more than 30 days after the well which has been temporarily abandoned has been taken out of service.
- C. The Health Officer shall investigate to determine if a well meets the requirements to be temporarily abandoned.
- D. After a well has been temporarily abandoned for not less than 3 years, it shall be considered permanently abandoned and shall be sealed in accordance with these regulations unless the owner requests an extension indicating reasons why the well should not be permanently abandoned. The request to extend the status of a temporarily abandoned well shall be made in writing to the Health Officer and shall state the reasons why the well should not be permanently abandoned. The Health Officer may grant an extension of up to three years if well construction meets the requirements of Act 368 of the Public Acts of 1978, as amended, and these regulations, and the well does not present a health hazard and the owner intends at a future date to place the well in production. Additional extensions may be requested by the owner.
- E. The Health Officer shall notify the owner of a temporarily abandoned well in writing at least 60 days prior to changing the status to a permanently abandoned well.

401.13 Abandonment for Improperly Constructed Wells

The Health Officer may require a well owner or a registered well drilling contractor to plug a well constructed in violation of the Livingston County Sanitary Code, Act 368 of the Public Acts of 1978, as amended or Act 399 of the Public Acts of 1976, as amended.

401.14 Location of Wells

All water supply systems shall be located entirely upon the property served, except that under certain conditions where suitably executed and recorded easements or right-of-way agreements exist, this provision may be waived by specific written permission of the Health Officer.

A well that furnishes water for any beneficial use shall be located where it is not subject to contamination. Groundwater contaminant movement is influenced by the type of

contaminant, groundwater flow direction and velocity, and other hydrogeologic, geologic, and geochemical factors. If available, hydrogeologic data shall be used to select well location. Where possible, a well shall be located the maximum practical distance from a potential or known source of contamination. Refer to the Livingston County Sanitary Code, Act 368 of the Public Acts of 1978, as amended or Act 399 of the Public Acts of 1976, as amended, for minimum horizontal isolation requirements.

401.15 Construction of Wells

A well shall be adequate in size, design, and development for the intended use, giving due consideration to local groundwater conditions.

401.16 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.

- A. 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.
- B. Any permit issued pursuant to the requirements of this section shall be valid for the term of 12 months from the date of issuance, unless declared void as provided for in Section 401.20, and no construction, alteration, and/or extension shall continue without renewal of said permit. Said permit shall not be transferable to any new owner or to another location on the same parcel of property or to a different location and/or owner at a different parcel of property. One 90-day permit extension may be granted provided the request of the extension is received in writing and prior to expiration of said permit.
- C. Application for a permit shall be accompanied by the appropriate service fee, adequate plans showing locations of pertinent features of the proposed water system, including potential sources of contamination, and all necessary data which may be required by the Health Officer.
- D. The Health Officer shall refuse to issue a permit for a water supply system where the submitted information is not in compliance with the provisions of these regulations and the location and construction will not meet the requirements and provisions of these regulations.
- E. Once a well permit is issued, the permit and approved site plan is required to be maintained onsite at all times. The permit shall be posted in a conspicuous location at the work site.

401.17 Extensive Changes or Repairs

When extensive changes or repairs are made to the water well system they shall conform to these regulations unless otherwise approved by the Health Officer. A permit shall be obtained from the Livingston County Department of Public Health prior to any extensive changes being completed on a water well system except as provided for in Section 401.31 under Emergency Conditions.

401.18 Minor Changes or Repairs

Upgrading of a water system to conform with these regulations is not required when making minor changes or repairs to the system. A permit shall not be required for any work conducted by a well owner or registered well driller when performing these activities.

401.19 Permit Issued by the Michigan Department of Environmental Quality

If the owner, well driller or pump installer is required to obtain a permit directly or exclusively from the Michigan Department of Environmental Quality, as required under Act 399 Public Acts of 1976, as amended and the rules and regulations pursuant to said Act, it shall not be a requirement to obtain a permit from the Livingston County Department of Public Health. When the Livingston County Department of Public Health issues a permit for the installation or alteration of a public water supply system under an agreement, contract or cooperative arrangement as stated in Act 399 Public Acts of 1976, as amended, said permit shall be issued in accordance with Section 401.16 of these regulations.

401.20 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.

401.21 Permit Required Before Construction

No municipality, township 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.

401.22 Altered or Repaired Existing Buildings

The Health Officer shall determine if the construction and location of an existing onsite water supply system is adequate to allow an increase in living or working area to an existing building. This would include, but not be limited to, adding bedrooms to an existing dwelling

or additions to industrial or commercial establishments. The Health Officer shall determine if an existing onsite water supply system is sufficient and adequate to allow a repair or the rebuilding of an existing building. All industrial, commercial or residential buildings shall conform to the minimum requirements of this regulation if the following apply:

1. Rebuilding after existing structure is voluntarily demolished or removed.
2. Rebuilding after fire or casualty destroys over 50% of the building.
3. Reconstruction of existing building that exceeds 50% replacement.
4. The intended use of the building is to be changed.

401.23 Well Development Restrictions, Emergency Powers

In areas of suspected or possible groundwater contamination, the Health Officer may place restrictions and/or conditions for well development in these areas until such time that the threat of groundwater contamination no longer exists.

401.24 Restrictions or Conditions on Well Development

The Health Officer may place restrictions or conditions on well development in areas of known or suspected groundwater contamination, concerns for general water quality, problems with yield, problems with protection, or based on other factors present which in their opinion may adversely affect public health.

401.25 Water Supply Inspection and Approval

The Health Officer may make such inspections or evaluations and collect samples that are necessary to determine that a water supply system complies with the provisions of these regulations. Approval from the health officer shall be received prior to a new water well or extensively repaired water well being placed into service. The owner shall supply the Health Officer with adequate information regarding the construction of the water well system and water quality so as to determine if the system is in compliance with the permit requirements and the provisions of these regulations.

Unless otherwise specified on the permit, the submittal of an acceptable well log, safe bacteriological, nitrate, and arsenic analyses showing levels below public health concern will be sufficient to provide adequate information to the Health Officer.

401.26 Inspection Authority

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.

401.27 Water Well Records

Within sixty (60) days after the completion of a water well or pump installation, and prior to approval for use, the well driller or pump installer shall submit a completed Water Well Record to the homeowner and the Livingston County Department of Public Health. In the

event the well driller does not install the pumping equipment, the pump installer shall submit a completed Water Well Pump Record. These records shall be kept on file in the office of the Livingston County Department of Public Health.

401.28 Notification by Oil Well Drilling Contractors

All oil well drilling contractors and/or subcontractors shall notify the Health Officer in writing at least 30 days prior to beginning oil well drilling activities. This will enable water sampling of private water supplies in the area to be completed prior to drilling beginning.

401.29 Access to Well Location

It shall be the responsibility of the well owner to maintain access to a well by a well drilling machine.

401.30 Premises Occupancy

It shall be unlawful for any person to occupy, or to permit to be occupied, any newly constructed or extensively remodeled habitable building (refer to Sections 401.21 and 401.22) which is not equipped with an approved potable water supply. Such system shall be constructed in accordance with the provisions of these regulations and approved in writing by the Health Officer prior to any local municipality or other agency granting approval for said building or residence to be occupied.

Any violation of the above is in non-compliance with the regulations of Chapter IV and the owner shall be guilty of a misdemeanor as provided in this Code and/or subject to civil penalties of not more than \$1,000.00 for each violation or day that the violation continues.

401.31 Emergency Conditions

In the event an emergency arises when the office of the Livingston County Department of Public Health is closed or when the well driller is involved with major repair work and it is deemed necessary to begin construction immediately on a new well or begin an extensive change, a registered well driller may begin construction on a new water supply system or extensive change without notification or permit. The property owner shall then contact the Health Officer on the next official working day and obtain a permit for such installation. Any modification to an existing water well system shall be in accordance with the requirements of these regulations. The well drilling contractor shall assume all risk associated with the installation of a water supply well, if permit restrictions differ from the emergency work completed.

CHAPTER V - MAINTENANCE OF HOUSING AND PROPERTY

Section 500 Jurisdiction and Administration

500.01 General

A regulation establishing minimum standards governing the condition and maintenance of all structures and dwellings; establishing minimum standards governing supplied utilities and facilities and other physical things and conditions essential to insure that structures are safe, sanitary, and fit for occupancy and use; establishing minimum standards governing the condition of dwellings offered for rent; fixing certain responsibilities and duties of owners and occupants of structures; and condemnation of dwellings unfit for human habitation and the demolition of such dwellings and structures.

This regulation is intended to protect the public health and welfare of residents and the general public. It is not intended as a blight control regulation.

500.02 Jurisdiction

The provisions of this chapter shall apply to all structures, dwellings, habitable buildings and premises within Livingston County including travel trailers and mobile homes, which are substandard with respect to conditions and which may be deemed to constitute a nuisance to the health, safety or welfare of their occupants or the general public.

500.03 Adoption by Reference

The Michigan Building Code, 2006, and The Michigan Residential Code, 2006, and subsequent editions adopted by the Livingston County Building Department, and the rules and regulations adopted pursuant to said Codes are hereby adopted as requirements of these regulations.

500.04 Conflict with Rest of Code

Should there be a conflict between this Housing and Property Maintenance Code and any other provisions within the County Sanitary Code, the more stringent of the two provisions shall apply.

500.05 Penalties

A person who violates a regulation of the Housing and Property Maintenance Code shall be guilty of a misdemeanor, punishable by imprisonment for not more than ninety (90) days, or a fine of not more than \$200.00, or both.

Section 501 Enforcement

501.01 Coordination of Enforcement

Inspection of premises, the issuance of notices, orders, appearance tickets, and enforcement of various provisions of this chapter of the Sanitary Code shall be the responsibility of both the Health Officer and the County Building Official, except where a local city, village, or township has its own building department and that department is responsible for the particular system(s) at issue (i.e. water, plumbing, heating, or electrical). The Health Officer shall have enforcement responsibility over all provisions of the Code dealing specifically with the maintenance and operation of sanitary facilities (i.e. private water and sewage disposal systems), on-site storage of solid waste, insect and rodent control, and the general sanitary conditions of the exterior premises. The County Building Official, except where the local city, village, or township has its own building department responsible for the particular system(s) at issue, shall be responsible for the structural and mechanical aspects of the Code, including, but not limited to, lighting, ventilation, spacial requirements, plumbing, heating, electrical, and facility provisions.

On March 3, 1986 Livingston County Board of Commissioners approved Resolution 368-063 dealing with Coordination of Enforcement Action of Vacant, Dilapidated Structures in Livingston County.

WHEREAS, Livingston County Board of Commissioners approved a resolution to form a task force of representatives from various county agencies and local municipalities to discuss procedures for dealing with vacant, dilapidated structures, and

WHEREAS, this committee met on several occasions to discuss the problem with vacant, dilapidated structures within Livingston County, and

WHEREAS, this task force has developed a recommended County-wide procedure to follow in dealing with the enforcement of old vacant, dilapidated structures, which is as follows:

1. Old vacant, dilapidated structure causes concern among local residents
2. A complaint is made to the city, village and/or township
3. City, village and/or township officials review concerns of local residents and contact the Livingston County Health Department and/or Livingston County Building Department
4. County officials investigate, evaluate the condition of the structure and report findings to the complainant (city, village or township)

5. City, village and township contacts property owners requesting remedial measures
6. If owner fails to proceed, local municipalities initiates legal action

WHEREAS, the Livingston County Board of Health approved the recommended procedures at it's regularly scheduled meeting on January 24, 1986.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners agrees with the procedures outlined herein for dealing with vacant, dilapidated structures within Livingston County and

BE IT FURTHER RESOLVED that the Livingston County Board of Commissioners directs the Livingston County Building Department and/or Livingston County Health Department to follow the procedure as outlined.

CHAPTER VI FOOD SERVICE SANITATION

Section 600 Jurisdiction and Administration

600.01 General

A regulation defining food, potentially hazardous food, food service establishment, mobile food unit, special transitory food unit (STFU), vending machines, temporary food service establishment, regulatory authority, utensils, equipment, etc., providing for the sale of only sound, properly labeled food; regulating the sources of food; establishing sanitation standards for food, food equipment and utensils, food service personnel, food service operations, food protection, sanitary facilities and controls, and other facilities; requiring licenses for the operation of food service establishments; regulating the inspection of such establishments, providing for the examination and condemnation of food; providing for incorporation by reference of the Michigan P.A. 92 of 2000, as amended, currently adopted edition, and providing for the enforcement of this regulation.

600.02 Jurisdiction

The provisions of this chapter shall apply to all food service establishments, mobile food units, special transitory food unit (STFU), vending machines, temporary food service establishments, and similar places where food is prepared and served or provided to the public within Livingston County.

600.03 State Laws and Regulations

Requirements with respect to definitions; the inspection of food service establishments; the issuance, suspension, and revocation of licenses to operate food service establishments; the prohibiting of the sale of unsold or mislabeled food or drink; investigation of foodborne outbreaks; and the enforcement of this regulation shall be those requirements as set forth in Part 129 of Act 368 of the Public Acts of 1978 and all rules and regulations adopted pursuant to said Act.

600.04 Management Training

All food service establishments licensed under this Code shall have, during the majority of operating hours, at least one person on the premise who has satisfactorily completed an applied food service sanitation training program approved by the department. This program shall be directed toward training supervising and management personnel. Proof of successful completion shall be presented when requested by representatives of the Livingston County Department of Public Health. In the event a licensed food service operation is not in compliance with this Section due to a certified and trained employee leaving employment, the operation shall be allowed a period of not more than three (3) months to regain

compliance with this Section. A food service establishment without a certified food service manager as an employee shall immediately notify the Livingston County Department of Public Health.

600.05 Employee Training

Each fixed food service establishment shall conduct an employee food service sanitation training program and require each employee to successfully complete the program. A certified food service manager shall be responsible for overseeing the training of all food handling personnel of the food service establishment. The training shall include the principles of food service sanitation as they apply to the individual employee's work assignment. Proof that all employees have successfully completed the approved food service sanitation training program shall be presented when requested by a representative of the Livingston County Department of Public Health.

At a minimum the employee training program should include the following; hand-washing, personal hygiene, preventing bare hand contact with ready to eat food, employee illness, purchasing food from approved sources, and cleaning and sanitizing. Depending on the operation and specific employee's responsibilities, training needs may include the following; ware-washing, cross-contamination, cooling potentially hazardous food, hot holding, cold holding, cooking temperatures, date-marking, thawing, and re-heating.

600.06 Septic Tank/Grease Trap Capacity

All food service establishments with onsite sewage disposal systems shall have septic tanks which are designed to provide a minimum of 72 hours retention. Either multiple tanks or a multiple compartment tank shall be used. Existing food service establishments need only comply with the requirement to provide 72 hours retention if failure of the existing sewage disposal system occurs or there is any anticipated increase in wastewater flows due to renovation, enlargement and/or change of operation. Alternatively, separate plumbing with a grease interception device for kitchen waste may be installed and septic tank capacity reduced to 24 hour retention time for a total waste water flow. Grease interception devices shall be designed in accordance with the Environmental Protection Agency Design Manual on Onsite Sewage Treatment and Disposal. All plumbing must comply with Local and State Plumbing Codes.

600.07 Septic Tanks/Grease Trap Maintenance

Food service establishments utilizing septic tanks or grease traps connected to onsite sewage disposal systems shall have the tanks or traps pumped and maintained on an annual basis. Upon request proof of proper maintenance shall be submitted to a representative of the Livingston County Department of Public Health. Hauling and disposal of these wastes shall be in accordance with Part 117 of 1994 PA 451 as amended. Pumping will not be required if either a registered engineer or registered sanitarian inspects the system and provides written documentation to the Livingston County Department of Public Health that the tanks and traps do not need to be pumped.

The above is designed as a minimum requirement. It is recommended that owners and operators of the food service establishments develop maintenance schedules, which will prevent premature failure of onsite sewage disposal systems. This maintenance schedule will in most instances be more frequent than on an annual basis.

600.08 Water Supply Requirements

Privately owned well water that is provided to food service establishments shall meet the minimum construction and sampling requirements as stated in Act 399 Public Acts of 1976, as amended and the rules and regulations pursuant to said Act. The department shall establish sampling parameters for the supply, and the owners shall maintain compliance.

CHAPTER VII PUBLIC ASSEMBLAGES

Section 700 Definitions

700.01 Public Assemblage

A public assemblage is any event with an expected or actual attendance of more than five-hundred (500) persons and expected to last longer than four (4) hours, in which the event, or any part thereof, includes a public show, display, theatrical, entertainment, amusement or other exhibition, including but not limited to music festivals, rock festivals, or similar gatherings. This definition shall not include:

- A. An event which is conducted or sponsored by a governmental unit or agency on publicly owned land or property;
- B. An event held entirely within the confines of a permanently enclosed and covered structure.

Section 701 Jurisdiction and Administration

701.01 General

This regulation establishes minimum criteria to protect health and safety at large public assemblages.

701.02 Jurisdiction

The provisions of this chapter shall apply to all public assemblages occurring within Livingston County except that a city, village, or township may elect to exempt itself by adopting and enforcing a similar or more stringent standard.

Section 702 Suitable Sanitary Facilities for Public Assemblages

702.01 Approved Toilet Facilities

If water flushed fixtures are provided, they shall be supplied with adequate water for flushing and shall be connected to a public sewer or to a private sewage disposal system constructed in accordance with Chapter III of this Code. Toilet facilities of the non-water-flush type shall be constructed so as to be reasonably fly-tight, easily cleanable, and to retain all human wastes pending collection and disposal. All toilet facilities shall be so equipped and arranged so as to provide shelter, privacy, segregation of sexes, adequate ventilation and lighting;

toilet tissue in suitable dispensers shall be furnished. Suitable hand washing facilities as approved by the Health Officer shall be available in locations convenient to the toilet facilities.

702.02 Number of Facilities for Public Assemblages

The property owner or authorized representative organizing the event shall arrange for adequate facilities based on expected or actual attendance, whichever is greater. The property owner or authorized representative shall demonstrate, through a permit application, that the number and type of facilities planned are appropriate for the event. When the event is expected to extend beyond twenty-four (24) hours in duration, showers shall be provided. Sufficient water heating capacity shall be provided to maintain a constant flow of tempered water at no less than 90° F to every shower head.

702.03 Water Supply

Water furnished to any lavatory, drinking fountain, shower, or other fixture, device or equipment wherein or from which direct consumption or human body contact is possible shall be potable and be obtained from an approved source in accordance with Chapter IV of this Code.

702.04 Garbage and Rubbish Removal

Garbage and rubbish storage containers shall be provided in sufficient quantity and shall be strategically located throughout the site. Each container shall be serviced as often as is necessary to preclude unsightliness and problems with insects and rodents. A minimum of one (1) thirty gallon metal container per twenty-five (25) people is recommended. All waste shall be removed from the premises and shall be disposed of at an approved licensed solid waste disposal facility. Onsite burning of garbage and rubbish is prohibited.

Section 703 Permit Required

703.01 Permit

No person shall conduct or allow a public assemblage upon any premises within Livingston County without first having obtained a valid operating permit issued by the Health Officer authorizing such assemblage.

1. Application for a permit shall be made by the property owner(s) or their authorized representative. The application shall be made upon forms provided by the Health Officer and shall be submitted along with the appropriate service fee.
2. The Health Officer shall refuse to issue a permit for a public assemblage where the submitted information is incomplete or when it is determined the public assemblage is not in compliance with this Code.

3. The applicant shall post a minimum cash bond of \$250.00 plus \$25.00 for each one hundred (100) persons in excess of one thousand (1,000) at the time application for a permit is submitted. The requirement for posting of cash bond may be waived at the discretion of the Health Officer.

Section 704 Notice to Departments

The permit holder shall be responsible for notifying the various departments and local units of government as enumerated below, in writing at least ten (10) days before the scheduled public assemblage.

704.01 Roads

Roads leading to the proposed location of the public assemblage shall be maintained in a dust free condition. The Livingston County Road Commission shall be notified of the expected increase in traffic volume and type of vehicles anticipated. Responsibility for compliance with this provision shall be that of the permit holder and shall be accomplished in a manner approved by the Livingston County Road Commission.

704.02 Traffic Control and Safety

The Livingston County Sheriff and the Michigan State Police shall be notified of the planned public assemblage for the purpose of assigning officers to direct and monitor traffic and providing protection to assure personal safety.

704.03 Fire Department

All fire department districts having jurisdiction over the site where the event is to occur shall be notified of the planned public assemblage.

704.04 Local Ordinances and Zoning

The appropriate township or local unit of government shall be notified of the planned public assemblage and proper zoning approvals and permits shall be obtained. Where a permit is not required by the township or local unit of government, a written waiver of permit shall be obtained from said office.

704.05 Building Department

The Livingston County Building Department or appropriate local building department shall be notified and proper permits obtained for any temporary or permanent construction activities anticipated. Where a permit is not required by the Livingston County Building Department or local building department, a written waiver of permit shall be obtained from said office.

Section 705 General Considerations

705.01 Electrical Facilities

Any electrical facilities, whether temporary or permanent, shall be installed by a licensed electrician.

705.02 First Aid and Emergency Services

Persons possessing first aid knowledge, along with proper first aid equipment, shall be available at all times during the public assemblage. At large assemblages [six thousand (6,000) persons or more] a licensed physician, nurse, or paramedic shall be present. Hospitals and ambulance services shall be notified by the permit holder when large assemblages are planned.

CHAPTER VIII - SEWAGE DISPOSAL CONTRACTOR LICENSING

Section 800 Definitions Applicable to this Chapter

800.01 Installing

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, septic 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.

800.02 Repairing

The making of alterations, modifications, additions, changes, corrections, repairs, building, installing, adding of materials to subsurface or surface facilities or septic tanks or treatment devices, correction of deficiencies occasioned by malfunctioning, nonfunctioning, inadequate functioning of subsurface or surface facilities or septic tanks or treatment devices.

800.03 Sewage Treatment System

A system, other than a public system which is under the jurisdiction of Act 451 of 1994, as amended, Sections 324.4101 through 324.4111, of the compiled laws of Michigan, which receives either human excreta, sewage waste or both. Included within the scope of this definition are septic tank - soil absorption systems, aeration systems, package treatment plants, lagoons, privies, chemical toilets, composting toilets, or other similar contrivance used in the treatment and disposal of sewage as may be approved by the Health Officer.

Section 801 Licensing Requirements

801.01 Licensing Required

It shall be unlawful for any person to engage in or carry on the business of installing or repairing septic tanks or treatment devices, seepage pits, dry wells, tile fields or other surface or subsurface sewage disposal systems within Livingston County unless duly licensed and bonded as hereinafter provided.

801.02 License Exception

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

801.03 Application

Each person engaged in such business for the purposes of aforesaid shall file an application directly with the Health Officer with such information as he may require. Said application for a license shall be submitted to the Health Department prior to January 1st of each year, accompanied by a license fee, as established by a fee schedule, made payable to the Livingston County Department of Public Health and also accompanied by a bond as required in Section 801.04 of these regulations. The application shall state the nature of the business, the post office address of the applicant, post office address at or from where the business is to be conducted, and if the applicant shall operate a branch or other place of business. The application shall state any additional information the Health Officer may require.

801.04 License Contractor Bond Requirement

The application for a license shall be accompanied by a Michigan company surety bond or with such sureties, form and sufficiency as shall be approved by the Health Officer, covering the period for which the license shall be issued to indemnify persons for whom service and maintenance work is performed. Such bonds shall be \$25,000 for each licensee. The Health Officer shall be the obligee and the bond shall be for the benefit of and for the purpose of protecting any person or persons damaged by faulty, or incomplete workmanship in the installation or repair of septic tank or treatment devices, seepage pits, tile fields or other subsurface sewage disposal systems and shall guarantee the appearance of the licensee to answer any warrant within 30 days of notice to the bonding company of the issuance of such warrant. Such bonds shall be conditioned upon the performance of the services in a safe good workmanlike manner and in compliance with the Livingston County Sanitary Code.

801.05 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 and submission of the necessary bonding requirements as stated in Section 801.04 and the completed application as indicated in Section 801.03 he shall issue or cause to be issued a license to the applicant.

801.06 Suspension of License

Any sewage disposal contractor's license issued pursuant to Section 801.05 of these regulations 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 the Livingston County Department of Public Health.
- 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.

801.07 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 cause(s) for suspension has been satisfactorily resolved he shall reinstate the contractor's license.

801.08 Identification of Equipment

All equipment such as tractors, trenchers, trucks used in connection with the installation, repairing, alteration or extending of a sewage disposal system shall be lettered with 2 inch letters giving the name of the licensed contractor or firm. All licensed sewage disposal contractors shall display the decals provided to them by the department.

801.09 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.

801.10 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 the Livingston County Sanitary Code Board of Appeals as per the requirement stated in Chapter II of these regulations.

CHAPTER IX PUBLIC BATHING BEACH WATER QUALITY

Section 900 Definitions Applicable to this Chapter

900.01 Public Bathing Beach

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, recognized as intended for use by the public as a designated swimming area used in conjunction with a licensed permanent or temporary campground, day-care center, school or other educational institution or children's camp or operated on a user fee or membership fee basis.

900.02 Standard Methods

The method for analyzing water samples for *Escherichia coli* (*E. coli*) can be found in the Environmental Protection Agency document entitled, "Improved Enumeration Methods for the Recreational Water Quality Indicators: Enterococci and *Escherichia coli*" (EPA/821/R-97/004, March 2000).

Section 901 General Requirements

901.01 Public Bathing Beach Operation

A public bathing beach shall not be operated unless it is in compliance with the following:

- A. Owner/operator is conducting water sampling, collection and analyses as specified by these regulations.
- B. Public bathing beach meets the water quality standards as specified by these regulations.
- C. The owner of the bathing beach shall post at the main entrance to the bathing beach or other visible location a sign that states the bathing beach has been tested or evaluated and the location of where test results may be reviewed. Open stretches of beach or beaches at road ends that are not advertised or posted as public bathing beaches do not need to have signs posted.

901.02 Inspection Authority

The Health Officer may enter and inspect, at any reasonable hour, on private or public property, the operation of a public bathing beach. Prior to the beginning of seasonal operation, the owner or operator of the public bathing beach must contact the Health Officer for an opening inspection. The bathing beach may open if it is in conformance with the water quality and safety standards of these regulations.

901.03 Sample Collection and Analyses

The owner or operator of a public bathing beach shall take a minimum of three samples each week for a period beginning two weeks prior to the proposed operation of the public bathing beach and throughout the time the bathing beach is in operation. The water samples shall be collected one foot below the surface of the water from representative locations within the defined bathing area in three to six feet of water. The operator shall arrange for the samples to be collected and analyzed for *E. coli* bacteria as per the approved laboratory procedures. Analyses shall be completed by a laboratory certified by MDEQ for determination of *E. coli* in surface water.

901.04 Submittal of Analyses to the Health Officer

Within 36 hours of the completion of the analyses the results shall be submitted to the Health Officer for review. The Health Officer shall review the analyses to determine if the water quality meets the requirements as specified in these regulations. If during the sampling program the water quality is determined to not meet the water quality standard as specified by these regulations the Health Officer shall order closure of the public bathing beach.

901.05 Water Quality Standards

All waters of the state protected for total body contact recreation shall not contain more than 130 *Escherichia coli* (*E. coli*) per 100 milliliters (ml), as a 30-day geometric mean. Compliance shall be based on the geometric mean of all individual samples taken during five or more sampling events representatively spread over a 30-day period. Each sampling event shall consist of three or more samples taken at representative locations within a defined sampling area. At no time shall the water of the state protected for total body contact recreation contain more than a maximum of 300 *E. coli* per 100 ml. Compliance shall be based on the geometric mean of three or more samples taken during the same sampling event at representative locations within a defined sampling area.

901.06 Physical Hazards

A beach owner or operator shall ensure that all aspects of the public beach are safe for use including, but not limited to: underwater drop-off hazards, water turbidity, sharp objects, vegetation entanglement, appropriate signage controlling hazardous objects, supervision procedures, etc.

If conditions exist that present a clear and present danger and/or public health hazard to swimmers, the Health Officer may order the public bathing beach closed until such time the violations have been corrected.

901.07 Reopening of a Closed Public Bathing Beach

The Health Officer shall allow a public bathing beach to operate if it is in conformance with the water quality and safety standards of these regulations.

901.08 Limited Intent

These regulations are intended to protect the public health from disease transmission due to poor water quality and safeguard against potential injury due to physical hazards.

CHAPTER X PUBLIC SWIMMING POOLS

1000.01 Public Swimming Pool

“Public Swimming Pool” means an artificial body of water used collectively by a number of individuals primarily for the purpose of swimming, wading, recreation, or instruction and includes related equipment, structures, areas, and enclosures intended for the use of individuals using or operating the swimming pool such as equipment, dressing, locker, shower, and toilet rooms. Public swimming pools include those which are for parks, schools, motels, camps, resorts, apartments, clubs, hotels, mobile home parks, subdivisions, and the like. A pool or portable pool located on the same premises with a 1-,2-,3-, or 4-family dwelling and for the benefit of the occupants and their guests, a natural bathing area such as a stream, lake, river, or man-made lake, an exhibitor’s swimming pool built as a model at the site of the seller and in which swimming by the public is not permitted, or a pool serving not more than 4 motel, hotel, apartment, condominium, or similar units is not a public swimming pool.

1000.02 State Laws and Regulations

Unless otherwise specified the requirements as set forth in Part 125 Act 368 of the Public Acts of 1978, (Part 125) as amended and the rules and regulations adopted pursuant to said acts are hereby adopted as requirements of these regulations.

1000.03 Inspection Authority

The Health Officer may enter and inspect, at any reasonable hour, on private or public property, the operation of a public swimming pool. For seasonal pools, prior to the beginning of seasonal operation, the owner or operator of the public swimming pool must contact the Health Officer for an opening inspection. The public swimming pool may open if it is in conformance with the water quality and safety standards of these regulations.

1000.04 Collection and analyses of water samples for coliform bacteria

The owner of a public swimming pool shall be responsible for the collection and the examination of water samples for coliform bacteria at a frequency of at least once per week. Analysis shall be completed by a laboratory certified by MDEQ for determination of coliform bacteria in swimming pool water. The Health Officer may reduce sampling frequency based upon historical compliance with these regulations.

1000.05 Operation Reports

A swimming pool operator shall record the following information daily on a report form furnished by the department:

- A. Swimming Pool operational data
- B. Information about rescues, submersions, and accidents given medical attention.

The operator shall submit a completed operation report to the Health Officer within 10 days after the end of the month in which the swimming pool was in operation.

1000.06 Closing of Swimming Pools

The Health Officer may order the owner or operator of a swimming pool to close the pool and prohibit any person from using it, until correction, for any of the following reasons:

- A. A condition of the swimming pool equipment, structure, area, or enclosure that jeopardizes the health or safety of the persons using or operating the pool.
- B. The lack of properly functioning equipment or proper material for recirculating, treating, or testing the swimming pool water.
- C. The lack of supervisory personnel as required by Part 125, and related rules.
- D. The presence of a pollutant or of a hazardous object or substance in the swimming pool.
- E. Failure to meet a water quality standard as prescribed in Part 125, and related rules.
- F. Failure to operate and maintain the swimming pool as prescribed in Part 125, and related rules.
- G. Failure to comply with the terms and provisions of an order or schedule of compliance.

1000.07 Contingency and Emergency Response Plans

The Health Officer has adopted the guidelines drafted by MDEQ entitled “Suggested Practices for Contingency and Emergency Response Plans for Public Swimming Pools” for interpretation of Rule 325.2194a under Public Act 368 of 1978, as amended. However, the owner or operator of a public swimming pool may adopt practices that would be considered more conservative than these regulations.

CHAPTER XI BODY ART

REGULATION TO REQUIRE A LICENSE TO OPERATE A BODY ART ESTABLISHMENT AND TO ESTABLISH MINIMUM STANDARDS FOR BODY ART ESTABLISHMENTS IN LIVINGSTON COUNTY

PURPOSE

The purpose of this chapter is to safeguard the health, safety and welfare of the public from the spread of infectious diseases from practices which prick or pierce the skin, by regulating the operation of body art establishments in Livingston County; to establish environmental health standards for the performance of body art procedures; to regulate the establishment and practice of body art services; to authorize the Livingston County Department of Public Health to enforce these standards and regulations by inspections; to require a license to operate a body art establishment; to require effective sterilization, sanitation, and hygienic and disease-controlling techniques, for individuals engaged in the practice of body art; and to provide licensing procedures and a fee structure to reasonably cover the cost to implement the program. Therefore, this regulation is adopted to safeguard the public health by requiring a license to operate a body art establishment and establishing minimum standards for body art establishments within Livingston County.

Section 1100 General Provisions of the Regulation

1100.01 Title

This regulation shall be known as the Regulation to Require A License to Operate a Body Art Establishment and to Establish Minimum Standards for Body Art Establishments in Livingston County. This Regulation is an extension of the Livingston County Sanitary Code, being Chapter XI.

1100.02 Authority

This regulation is adopted pursuant to authority conferred upon local health departments by Section 2435(d) and Section 2441 (1) of the Michigan Public Health Code, 1978 PA 368, as amended, being MCL 333.2435(d) and MCL 333.2441(1).

1100.03 Jurisdiction and Administration

This regulation shall have effect throughout Livingston County. Nothing in this regulation shall be construed to restrict the authority of any municipality in Livingston County to adopt more restrictive regulations or ordinances.

Section 1101 Definitions

The following terms used in this regulation are defined as follows:

1101.01 Aftercare

Written instructions given to the client, specific to the body art procedure(s) rendered, on caring for the body art and surrounding area. These instructions will include information about when to seek medical treatment, if necessary, and information on how to contact the Livingston County Department of Public Health in the event of infection or other serious complication.

1101.02 Blood

Refers to human blood.

1101.03 Blood-borne pathogens

Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, the following; hepatitis B virus (HBV), hepatitis C virus (HCV), human immunodeficiency virus (HIV).

1101.04 Body Art Activities

The practice of physical body adornment utilizing, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing. This definition does not include practices that are considered medical procedures by the Michigan Board of Medicine, such as implants under the skin, branding, scarification, implantations, tongue splitting or suspensions. Body Art does not mean piercing the outer perimeter or lobe of the ear using pre-sterilized single use stud and clasp earring piercing systems.

1101.05 Body Art Establishment

Any place or premises, whether public or private, temporary or permanent in duration or location, where the practice of body art activities, whether or not for profit, is performed.

1101.06 Body Art Technician

Any person who performs body art activities in a Body Art Establishment.

1101.07 Body-piercing

Any method of piercing the skin or mucosa, except the outer perimeter and lobes of the ear, in order to place any object, including but not limited to rings, studs, bars, or other forms of jewelry or ornamentation, through the skin or mucosa.

1101.08 Cleaned

Removal of all visible dust, soil, or any other foreign material.

1101.09 Contaminated

The presence or reasonably anticipated presence of blood or OPIM (Other Potentially Infectious Materials) on an item or surface.

1101.10 Cosmetic Tattooing

See Tattooing

1101.11 Critical Violation

Any violation of the regulation that the Department determines is more likely than other violations to contribute to infections or lack of informed consent.

1101.12 Decontaminated

The use of physical or chemical means to remove, inactivate, or destroy blood-borne pathogens on a surface or item which does not require sterilization to the point where they are no longer capable of transmitting infectious particles, and the surface or item is rendered safe for handling, use, or disposal.

1101.13 Department

Livingston County Department of Public Health (LCDPH).

1101.14 Equipment

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.

1101.15 Hand Sink

Lavatory equipped with hot and cold running water under pressure used solely for washing hands, arms and other portions of the body.

1101.16 Health Officer

The Director of the Livingston County Department of Public Health or his/her duly authorized representative.

1101.17 Infection Control Procedures

The necessary procedures to be followed by the facility for cleaning and disinfecting body art equipment after contact with blood or other potentially infectious materials. This system shall comply with all applicable Federal, State, and local regulations pertaining to infection control; and comply with the manufacturer's recommended procedures for the cleaning and disinfection of equipment used in the facility; or if adequate manufacturer's recommendations are not available, comply with generally accepted guidance of infection control.

1101.18 Infectious Waste

Waste that epidemiological evidence indicates is capable of transmitting a dangerous communicable disease. Infectious waste includes, but is not limited to, the following:

- (1) Contaminated sharps or objects that could potentially become contaminated sharps;
- (2) Infectious biological cultures;
- (3) Pathological waste;
- (4) Blood and blood products in liquid and semi-liquid form; or
- (5) Other waste that has been intermingled with infectious waste.

1101.19 Instruments Used for Body Art

All hand pieces, needles, needle bars and other instruments that may come in contact with a client's body or have possible exposure to bodily fluids during body art procedures.

1101.20 Jewelry

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, platinum, or a dense, low-porosity plastic and which is free of nicks, scratches or irregular surfaces, or any other such material approved by the Department, and which has been properly sterilized prior to use.

1101.21 License

Written approval by the Department to operate a Body Art Establishment. Approval is given in accordance with these regulations and is separate from any other licensing requirements that may exist.

1101.22 Operator

Any person who controls, operates, conducts, manages, or owns any Body Art Establishment and who is responsible for compliance with these regulations, whether actually performing body art activities or not.

1101.23 Personal Protective Equipment

Specialized clothing or equipment worn for protection against contact with blood or OPIM.

1101.24 Secure Area

An area designated and maintained to prevent the entry of unauthorized persons.

1101.25 Semi-liquid Blood, Blood Products

Blood or blood products that have intermediate fluid properties and are capable of flowing in a manner similar to liquid.

1101.26 Sharps

Any object that is used for the purpose of penetrating the skin or mucosa including, but not limited to, needles, scalpel blades, or razor blades.

1101.27 Sharps Container

Puncture-resistant, leak proof container that can be closed for handling, storage, transportation and disposal, and is labeled with the international biohazard symbol.

1101.28 Standards for Body Art Establishments

Minimum Standards developed by the Department with the intent to prevent injuries, infections and disease transmissions as a result of improper body art or aftercare procedures. Minimum Standards for Body Art Establishments in conjunction with the Regulation to Require a License to Operate a Body Art Establishment regulates the design, construction, management and operation of Body Art Establishments.

1101.29 Sterilize/Sterilization

The use of a physical or chemical procedure to destroy all microbial life, including highly resistant bacterial endospores.

1101.30 Tattooing

Any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of cosmetic tattooing, such as Permanent Cosmetics, Demography, Micro-pigmentation, Permanent Color Technology, and Micro-pigment Implantation.

1101.31 Temporary Body Art Establishments

A Body Art Establishment where an operator/technician provides body art procedures at a fixed location no more than fourteen (14) days consecutively in conjunction with a single event or celebration. (See also Section 1102.09)

1101.32 Universal Precautions

An approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, HCV, and other blood-borne pathogens.

Section 1102 License and Plan Review Requirements

1102.01 Valid License

No person, firm, partnership, joint venture, association, business trust, corporation or any organized group of persons may operate a Body Art Establishment unless they have first paid the appropriate fees, demonstrated compliance with these regulations, and received a valid license from the Department.

1102.02 Compliance and Standards for Body Art Establishments

No license shall be issued unless the applicant has demonstrated compliance with the provisions of this section, all other provisions of this regulation, and the Standards for Body Art Establishments.

1102.03 Training and Knowledge Demonstration

No license shall be issued unless the operator provides documentation that all technicians practicing body art have successfully completed an approved bloodborne pathogen training course and basic first aid training, and has knowledge of such subjects the Health Officer deems relevant. Knowledge of such subjects may be demonstrated through submission of documentation of attendance/completion of courses provided by body art organizations/association or by equipment manufacturers.

1102.04 Michigan Administrative Code

All Body Art Establishments shall be in compliance with the requirements of Rule 325.70001 *et seq.* of the Michigan Administrative Code regarding Occupational Health Standards-Bloodborne Infectious Diseases. These Rules apply to all employers that have employees with occupational exposure to blood and other potentially infectious materials as defined by the provisions.

1102.05 License Display

The valid license shall be prominently displayed in the Body Art Establishment where it may be readily observed by clients. It shall not be defaced or altered in any manner.

1102.06 License Entitlement

Only Body Art Establishments who comply with the provisions of this Regulation shall be entitled to obtain and keep a license.

1102.07 Separate License Requirements

A separate license shall be required for each Body Art Establishment.

1102.08 Non-transferable License

A Body Art Establishment license shall not be transferable from one Establishment/Operator to another.

1102.09 Definition of Permanent and Temporary Body Art Establishments

For the purpose of this regulation, the definition, license and operating requirements for Body Art Establishments is applied to both Temporary and Permanent Body Art Establishments, unless otherwise distinguished. See Sections 1101.31; 1102.10; 1102.16 (4); 1103.01 (2).

1102.10 License Period for Temporary and Permanent Body Art Establishments

- (1) A license for a Permanent Body Art Establishment shall be issued for a term beginning February 1st, and /or before commencement of operation, and expiring January 31st of the following year, and shall be applied for by the Operator annually.
- (2) A license for a Temporary Body Art Establishment shall be for the term of one continuous operation at a fixed location for no more than 14 consecutive days, and shall be applied for by the Operator of the establishment. No more than four (4) temporary licenses are allowed in a twelve (12) month period. License and plan review applications along with the appropriate information and fees must be submitted a minimum of 10 (ten) working days prior to the event taking place.

1102.11 License Content

Any license issued by the Health Officer shall contain:

- (1) Name and address of the Operator to whom the license is granted;
- (2) The location of the establishment for which the license is issued;
- (3) The issuance and expiration date(s); and

- (4) Any other pertinent data as may be required by the Department.

1102.12 Application

A person desiring to operate a Body Art Establishment shall submit to the Department a written application for a license on the form provided by the Department.

1102.13 Application Content

The application shall include at a minimum:

- (1) Name, address, telephone number, and original signature of the Operator applying for the license;
- (2) Name, address, and telephone number of the Body Art Establishment;
- (3) Name, address, phone number, photo identification and proof of attendance at a Bloodborne Pathogen Training Program and all relevant industry training as deemed relevant by the Health Officer of all employees engaged in tattooing or body piercing at the Body Art Establishment; and
- (4) A statement signed by the applicant that:
 - a) Attests to the accuracy of the information provided in the application, and
 - b) Affirms that the applicant will:
 1. Comply with this Regulation, and
 2. Allow the Department access to the Body Art Establishment and records.

1102.14 Qualifications

To qualify for a license, the applicant must:

- (1) Be an Operator of the Body Art Establishment;
- (2) Comply with the requirements of this Regulation;
- (3) Agree to allow access to the Body Art Establishment and provide required information; and
- (4) Pay the applicable plan review and license fees at the time the application is submitted.

1102.15 Plan Requirements for Body Art Establishments

- (1) The Operator of a proposed Body Art Establishment shall submit to the Department:
 - (a) Properly prepared plans and specifications for review and approval before the construction of a structure, or conversion of an existing structure, for use as a Body Art Establishment;
 - (b) Proof of contract with infectious waste removal company; and
 - (c) Copy of approved bloodborne pathogen and first aid training for all employees engaged in tattooing or body piercing.

- (2) The plans and specifications for a Body Art Establishment must be deemed satisfactory and approved by the Department before a license can be issued.
- (3) Prior to operation, a pre-operational inspection shall be conducted to ensure that the establishment is built or remodeled in accordance with the approved plans and specifications, and to ensure that the establishment is in compliance with this Regulation.
- (4) The Operator is responsible for demonstrating and ensuring that all other local agency regulations are complied with, such as, but not limited to, zoning and business license requirements, and building permits.
- (5) The Operator must demonstrate compliance with all of the provisions of this Regulation, including the Standards for Body Art Establishments.

1102.16 License Exemptions and Prohibitions

- (1) State of Michigan licensed physicians who utilize tattooing or body-piercing procedures as part of patient treatment are exempt from licensing requirements.
- (2) Individuals who pierce only the outer perimeter and lobe of the ear using a pre-sterilized single use stud and clasp ear-piercing system are exempt from licensing requirements.
- (3) The following practices are prohibited in a Body Art Establishment:
 - a. Tongue splitting
 - b. Branding
 - c. Braiding
 - d. Scarification
 - e. Three dimensional beading/implantation
 - f. Tooth filing/fracturing/removal
 - g. Amputation
 - h. Genital modification
 - i. Introduction of saline or other liquids
 - j. Any other medical procedure required to be performed by a State of Michigan licensed physician.
- (4) Temporary Body Art Establishments shall use only disposable, sterile single use tattooing instruments. Autoclaving to achieve sterilization at a temporary event is prohibited. The disposable instruments include but are not limited to the following:
 - a. Tattooing needles
 - b. Piercing needles
 - c. Tattooing barrels/tubes
 - d. Receiving tubes
 - e. Forceps
 - f. Razors

1102.17 License Fees

The fees for Body Art Establishment licenses, and such other activities described in these regulations, shall be established by the Livingston County Board of Commissioners in accordance with Section 2444 of the Public Health Code, MCL 333.2444.

Section 1103 Operation Standards for Body Art Establishments

1103.01 Inspections

- (1) The Health Officer shall have the authority to inspect every premise and location where body art is being carried out within the jurisdiction of the Department as often as deemed necessary for the enforcement of this regulation. The Health Officer may at any reasonable time make inspections of the Body Art Establishment to ensure compliance with this regulation. A minimum of two (2) inspections shall be conducted annually for permanent establishments.
- (2) Temporary Body Art Establishments shall not begin operation until a license to operate is issued and an opening inspection has been conducted and approved. The Department may conduct follow-up inspections as deemed necessary during the time that the temporary license is effective and body art is being carried out.
- (3) No person shall refuse to permit the Health Officer, after proper identification, to inspect any Body Art Establishment at reasonable hours, nor shall any person impede or impair a Department representative from carrying out his or her duties as authorized under this regulation.

1103.02 Public Education Notification and Reporting Requirements

- (1) The Body Art Establishment Operator shall ensure that verbal and written public education information is given to all clients wanting to receive a body art procedure. Verbal and written instructions for the aftercare of the body art procedure site shall be provided to each client by the technician upon completion of the procedure. Written aftercare information shall first be submitted for pre-approval by the Department as to accuracy and completeness. These instructions shall at a minimum include:
 - a. Responsibilities and care following the procedure; AND
 - b. Restrictions, if any, upon the client; AND

- c. Signs and symptoms of infection; AND
- d. Instructions to consult a physician at the first sign of infection; AND
- e. The ink/dye/pigment applied, if applicable, and when available, the manufacturer or catalog identification number of each color applied; AND
- f. The Department phone number where a complaint can be made.

These documents shall be signed and dated by both parties, with a copy given to the client and the licensed establishment retaining the original with all other required records.

- (2) Proof shall be provided upon request of the Department or clients that all technicians have either completed or were offered and declined, in writing, the hepatitis B vaccination series, and such other vaccination or educational requirements as may be required by the Department.

1103.03 Client Records

- (1) The operator shall obtain the client's informed consent to the body art procedure. The technician shall provide the client with a consent form describing the risks associated with the body art procedure.
- (2) The Body Art Establishment shall keep a record of all persons who have had body art procedures performed. The records for each patron shall be maintained for three (3) years and shall be made available upon request to the Department. The records shall include at a minimum:
 - (a) Patron's name;
 - (b) Address;
 - (c) Age; must be verified by one (1) photo identification item or two (2) non-photo identification items, copied by the operator/technician and retained with the client record;
 - (d) Date the body art procedure was performed;
 - (e) Design and description of the body art procedure;
 - (f) Location of the tattoo or piercing on the client;
 - (g) Name of the technician performing the procedure; and
 - (h) Parental/ legal guardian consent in accordance with Section 13102 of the Public Health Code, MCL 333.13102, for all body art performed on a minor. Photographic identification of the parent or legal guardian shall be provided, copied and retained with the client record

Section 1104 Operators and Body Art Technician Minimum Training Requirements and Responsibilities

1104.01 Operators

An Operator of a Body Art Establishment shall comply with the following:

- (1) Ensure that approved training has been provided regarding Blood-borne Pathogens for Body Art Technicians, and basic first aid to anyone employed by the Body Art Establishment, or anyone acting on behalf of the Body Art Establishment who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM.
- (2) Maintain a record of training described as above. The record shall be made available to the Department for inspection upon request and must also be provided under the licensing and plan review provisions of this Regulation.
- (3) Ensure that training on the handling of infectious waste in accordance with the Medical Waste Regulatory Act, Part 138, 1978 PA 368, as amended, MCL 333.13801 *et seq.*, is provided to all Body Art Technicians or anyone acting on behalf of the Body Art Establishment who has a reasonably anticipated risk for skin, eye or mucous membrane contact with blood or OPIM.
- (4) Ensure that their personnel meet basic standards of Body Art Technician's knowledge, skills and abilities to perform body art procedures by establishing their own minimum training requirements.
- (5) Maintain a record showing that all technicians have either completed or were offered and declined, in writing, the hepatitis B vaccination series, and such other vaccination series that may be required by the Department. The offering of Hepatitis B vaccination series shall be included as a pre-employment requirement.
- (6) Ensure that no illicit drugs or alcohol are consumed in the Body Art Establishment
- (7) Ensure that no tattoo or body piercing shall be affixed to or performed on any person who is intoxicated.
- (8) Ensure that no tattoo or body-piercing procedures are performed on patrons who indicate the present of a condition that could affect the healing process, without documentation from a licensed physician indicating acceptance of the patient for appropriate care following the procedure.

1104.02 Technicians

A Body Art Technician shall comply with the following:

- (1) Technicians shall be a minimum of eighteen years of age.

- (2) It shall be unlawful for any technician or person to perform body art procedures unless such procedures are performed in a body art establishment with a current license.
- (3) Prior to tattooing and body piercing, the body art technician who will be performing the procedure shall inquire of a patron about conditions that could affect the healing process.
- (4) A Technician shall maintain a high degree of personal cleanliness, wear clean clothing, follow Universal Precautions procedures, and conform to Infection Control procedures when performing body art procedures.

Section 1105 Enforcement of the Regulation

1105.01 Schedule of Monetary Civil Penalties:

Under the authority of Section 2461 of the Public Health Code, MCL 333.2461, the following schedule of monetary civil penalties for violations of this regulation is adopted:

- (1) Operation without a current license \$500
- (2) Construction of a body art establishment without approved plans \$500
- (3) Failure to comply with sterilization procedures \$500
- (4) Failure to practice universal precautions \$500
- (5) Failure to maintain client records as required by this regulation \$500
- (6) Performing body art without proper informed consent \$500
- (7) Performing body art on a minor without consent by a parent or guardian \$1000
- (8) Performing regulated body art activities at a location not licensed \$500

1105.02 Assessment of Civil Monetary Penalties

- (1) Each day that a violation exists shall be deemed as a separate offense. Monetary civil penalties shall not be assessed for more than one day a violation exists, unless and until notice of the violation has been provided to the violator.
- (2) A civil penalty may be appealed to the Department within 20 days of receipt of the citation, in accordance with Section 2462 of the Public Health Code, MCL 333.2462. A civil penalty is payable to the Livingston County Department of Public Health.

1105.03 Violation Misdemeanor

- (1) Any person who violates this regulation is 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 in Section 2441(2) of the Public Health Code, MCL 333.2441(2).
- (2) Each day that a violation exists shall be deemed a separate offense.

1105.04 Order of Immediate Discontinuance

The Health Officer has the authority to order the Operator to immediately close the Body Art Establishment, or cease body art activity, if it is determined that an imminent or substantial hazard exists. An imminent or substantial hazard may include but is not limited to: loss of electricity, interruption of water service, sewage back up, fire, flood and/or inability to sterilize equipment used to perform body art procedures.

1105.05 Critical Violation

The following violations of the regulation are considered critical violations. Critical violations must be corrected immediately or at a specified time as determined by the Department at the time the violation was noted. Critical violations include, but are not limited to, the following:

- (a) Failure to adequately sterilize and sanitize equipment.
- (b) Failure to appropriately use single use equipment.
- (c) Failure to practice Universal Precautions.
- (d) Failure to maintain client or technician records.
- (e) Failure to obtain informed consent prior to performing body art procedures
- (f) Performing body art on a minor without consent by parent or legal guardian.

1105.06 License Suspension and Revocation

Licenses issued under the provisions of the regulation may be suspended temporarily or revoked by the Department for failure of the holder to comply with the requirements of this regulation. These sanctions are in addition to any monetary civil penalties. A license may be suspended or revoked as follows:

- (a) In the event of one or more critical violations, as defined in Section 1105.05, the licensee will be given notification, in writing, of provisions for license suspension or revocation in the event of additional or further violations; and
- (b) Decisions of the Department may be appealed in accordance with the provisions of Chapter II of the Livingston County Sanitary Code Appeals Procedure.
- (c) For serious or repeated violations of the requirements of this regulation, the Department may permanently revoke a license. Before issuing a permanent revocation, the Department shall give notice to the holder in writing of its intent and the reasons for revocation. A person who has been denied or had a license revoked as required by this regulation shall have the right of appeal in accordance with the appeal provisions of Chapter II of the Livingston County Sanitary Code.

Effective Date

Chapter XI of the Livingston County Sanitary Code entitled Regulation to Require A License to Operate a Body Art Establishment and the Livingston County Minimum Standards for Body Art Establishments is effective February 1, 2008.

CHAPTER XII CIVIL CITATIONS

Section 1200 Civil Citations

Pursuant to Section 2461 and 2462 of Act 368 of the Public Acts of 1978, as amended, the Health Officer is hereby authorized to issue civil citations to be assessed for a specific violation of these regulations at this time or not later than 90 days after discovery of the alleged violation. The citation shall be written and shall state specifically the nature of the violation, including reference to the section, rule, order or regulation alleged to have been violated, the civil penalty established for the violation, if any, and the right to appeal the citation. The citation shall be delivered or sent by certified mail to the alleged violator.

1200.01 Appeal of the Civil Citation

Not later than thirty (30) days after receipt of the civil citation an alleged violator may petition the Health Department for an administrative hearing which shall be held within 30 days after receipt of the petition. After the administrative hearing the Health Officer may affirm, dismiss or modify the citation. The decision of the Health Officer shall be final unless within 60 days of the decision the Board of Health grants review of the citation. After the review, the Board of Health may affirm, dismiss or modify the citation. A person aggrieved by a decision by the Board of Health may petition the circuit court of Livingston County for review. The petition for court review shall be filed not later than 60 days following receipt of the final decision concerning the civil citation.

1200.02 Monetary Civil Penalties

By authority of Section 2461 of Act 368 of the Public Acts of 1978, as amended, the following schedule of monetary civil penalties is hereby adopted.

Schedule of Monetary Civil Penalties

This schedule sets forth monetary penalties for certain specific violations of these regulations and other laws which the Health Department must enforce. One or more monetary penalties may be assessed concurrently. Each day the violation continues shall be considered a separate offense.

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| A. | Installation of an onsite sewage treatment system without a permit.
(Owner and/or licensed contractor) | \$500.00 |
| B. | Failure to renew lifetime maintenance of alternative sewage treatment system | \$1,000 |

C.	Failure to abate a public health nuisance	\$500.00
D.	Construction of an onsite sewage treatment system without a license.	\$500.00
E.	Operation of a food service establishment or a temporary food service establishment without a license.	\$500.00
F.	Construction of a food service establishment without approved plans.	\$500.00
G.	Construction of a private onsite water supply without a permit. (Owner and/or licensed well driller)	\$500.00
H.	Construction of a Type II or Type III water well as defined by Act 399 Public Acts of 1976 as, amended, (MCL 325.1001 Et. Seq.) Without a permit. (Owner and/or licensed well driller)	\$1,000.00
I.	Operation of a public swimming pool or public bathing beach without submittal of required water sample results or with unacceptable bacteriological water quality.	\$500.00
J.	Construction of a private and/or non-community water supply system in violation with Part 127 of Act 368 and Act 399 of 1976, as amended.	\$500.00
K.	Operation of a Type II public water supply with unacceptable water quality and/or failure to submit the required water sample results.	\$500.00
L.	Failure to comply with a stop work order. (Contractor, owner and/or other responsible party)	\$500.00
M.	Failure to comply with a Public Health Order issued in accordance with Section 2451 of the Michigan Public Health Code, Act 368 Public Acts of 1978, as amended, (MCL 333.2451).	\$1,000.00

- N. Allow sewage to accumulate on the surface of the ground or to flow into an open drain, ditch or body of water. \$500.00
- O. Violations of Body Art Regulation Refer to Sections 1105.02 and 1105.03

The amount of monetary penalty shall be doubled for a second citation for the same violation. Thereafter, each citation shall be a maximum of \$1,000 for each violation. When a violation of these regulations or another law, regulation or rule which the Health Officer has the duty to enforce exists, and for which no specific monetary penalty has been published, the monetary penalty shall be \$500 for the first citation, \$1,000 for a second citation and \$1,000 for any succeeding violation. A civil penalty imposed under this part is payable to Livingston County and shall be deposited with the Livingston County Treasurer and credited to the Health Department.

A civil penalty shall become final if a petition for an administrative hearing or review is not received within 30 days of its issuance. A civil penalty may be recovered in a civil action brought in the county in which the violation occurred or where the defendant resides.

In the specific case of a licensed food service establishment or any other licensed entity, an unpaid civil penalty shall be charged in addition to the regular license fee for the next licensing period.