

Lenawee County

Environmental

Health

Code

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Lenawee County Environmental Health Code 2013

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Lenawee County Environmental Health Code

CHAPTER 1 - SECTION 1: GENERAL PROVISIONS

1.1a. **AUTHORITY**

By virtue of the power vested in the Board of Health of Lenawee County under Act 368 of the Public Acts of 1978, as amended, there are hereby provided regulations to protect the public health, welfare and safety, including provisions for penalties for violations of said regulations.

b. **JURISDICTION**

The Health Officer shall have jurisdiction throughout Lenawee County, including all cities, villages, and townships, in the administration and enforcement of these regulations and amendments hereafter adopted unless otherwise specifically stated.

c. **ENFORCEMENT**

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

d. **RIGHT OF ENTRY AND INSPECTION**

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

e. **INTERFERENCE WITH NOTICE**

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

f. **ABATEMENT OF NUISANCES**

Nothing stated in these regulations may be construed to limit the power of the Health Officer to order the immediate and complete abatement of a public nuisance or menace to the public health or of a condition, which in the opinion of the Health Officer may become a menace to the public health.

g. **PENALTY**

Any person who shall fail to comply with any provision herein, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding the sum of five hundred dollars (\$500) or by imprisonment in the county jail not exceeding ninety (90) days, or both such fine and imprisonment, in the discretion of the court.

h. **INJUNCTIVE PROCEEDINGS**

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

i. **FEES**

All fees collected by the Health Officer shall be receipted for and deposited with the Treasurer of Lenawee County to the credit of the Lenawee County Health Department. A schedule of fees for licenses and other services authorized by these Regulations shall be as from time to time adopted by the Lenawee County Board of Health, pursuant to Section 2444, of Act 368, of the Public Acts of 1978 as amended,

j. **VALIDITY**

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

k. **OTHER LAWS AND REGULATIONS**

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

l. **NOTIFICATION**

Notification of the adoption of all regulations promulgated by the Board of Health, under authority of Act 368 of the Public Acts of 1978 as amended, and approved by the respective Boards of Commissioners of Lenawee County shall be published in a newspaper circulated in the respective county within forty-five (45) days after action, indicating where copies of such regulations may be obtained.

m. **VARIATIONS**

The Health Officer upon application may permit variations in tests, standards, or general requirements when sufficient evidence of special factors warranting such variance in his/her opinion does exist. Any variance allowed by the Health Officer under the provisions of this regulation shall be in writing, including the conditions upon which all judgment and actions are based and any time limit of such variances. In no case shall a variance be construed to permit the commission of any act as may jeopardize the public health, safety, or welfare of people in Lenawee County.

n. **APPEALS BOARD**

Appeals from the rulings of the Health Officer are provided for reasonable and equitable interpretations of the provisions of these regulations. The Lenawee County Board of Health shall hear any appeal presented in accordance with rules of procedure established by the Board. The Board may request the technical assistance of governmental agencies, in the appeals hearing. The Board shall furnish the appellant with a written report of its findings and decision.

o. **HEARING OF APPEALS**

Appeals shall be submitted in writing, addressed to the chairman of the Lenawee County Board of Health in care of the Health Officer. Hearing of an appeal shall be granted at the next scheduled or regular meeting of the Lenawee County Board of Health or at the discretion of the chairman thereof at a special meeting called for the purpose provided, that no hearing shall be within less than ten (10) days of receipt of written request. The Board may grant individual variances from the

requirements of these regulations when said Board has adequately determined that all of the following conditions exist:

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

p. **INTERPRETATION**

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

q. **NOTICE TO THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY**

The Lenawee County Health Department shall provide the Michigan Department of Environmental Quality with written notice of any modification to, or revocation of, the provisions of Chapter 3.9 and any relevant definition of this Code. No modification or revocation shall take effect until thirty (30) days after the Michigan Department of Environmental Quality receives the notice of the modification or revocation.

CHAPTER 1 - SECTION 2: GENERAL DEFINITIONS

1.2a. **BOARD OF HEALTH**

The term "Board of Health" shall mean the Board appointed by the respective Board of Commissioners of Lenawee County.

b. **DWELLING**

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

c. **HEALTH DEPARTMENT**

The term "Health Department" shall mean the Health Department for the County of Lenawee.

d. **HEALTH OFFICER**

The term "Health Officer" shall mean the director or acting director of the Lenawee County Health Department and/or his/her authorized representative.

e. **INHABITED BUILDING**

The term "inhabited building" shall mean any building, or other place where human beings reside, are employed, or congregate.

f. **NUISANCE**

The word "nuisance" shall be held to embrace public nuisance as known at common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health; whatever building, structure, or premises is not sufficiently ventilated, sewerred, drained, cleaned or lighted, in reference to its intended or actual use; and whatever renders the air or human food or drink or water supply unwholesome, are also severally, in contemplation of these regulations, nuisances; shall also include any condition where effluent from a sewage disposal system is exposed to the surface of the ground or is permitted to drain on or to the surface of the ground, into any ditch, storm sewer, lake or stream, or when the odor, appearance, or presence of this material 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.

g. **OWNERS**

The term "owners" and "persons owning premises" shall mean both the owner of title and record and those occupying or in possession of any property or premises.

h. **PERSON**

The term "person" shall mean person, persons, partnership, firm or corporation responsible for the ownership or operation of a premises.

i. **PRE-EXISTING VIOLATIONS**

A condition of these repeals shall be that no violation of any repealed section or provision shall be made legal by virtue of a new effective date of these regulations. Any act, situation or condition of premises or things, which, when created or first allowed to exist was a violation of 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 Chapters now repealed, shall continue to be required if the same or similar provision is contained in the Regulations.

j. **PREMISES**

The term "premises" shall mean any tract of land with or without a building thereon.

CHAPTER 1 - SECTION 3: TECHNICAL DEFINITIONS

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

1.3a. **ABSORPTION FIELD**

"Absorption field" shall mean a system for distributing septic tank overflow or effluent below the ground surface by means of a series of branch lines of drain tiles so as to allow the flow of effluent to be absorbed by the surrounding soil.

b. **APPROVED**

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

c. **BASAL AREA**

The soil surface area that is provided under an elevated drain field and the berm area around the absorption field, to transmit the treated effluent from the sand fill into the original receiving soils.

d. CONTAMINATED GROUNDWATER

"Contaminated Groundwater" shall mean groundwater that contains concentrations of hazardous substances in excess of the groundwater cleanup criteria for unrestricted residential use established by the MDEQ pursuant to Part 201, Environmental Remediation (MCL 324.20101 et seq.) or Part 213, Leaking Underground Storage Tanks (MCL 324.21301a et seq.) of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as amended, (MCL 324.101 et seq.), or in operational memoranda or rules promulgated pursuant to Part 201 or Part 213 of the NREPA.

e. DIVERSION VALVE

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

f. DOSING CHAMBER

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

g. FILTER MATERIAL

Is a media of inert material used in sewage disposal systems; i.e., washed gravel, stone, crushed rock or other material approved by the Health Officer.

h. FLUSH TOILET

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

i. GARBAGE

"Garbage" shall mean rejected food wastes including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attended the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit, or vegetable.

j. GROUNDWATER

"Groundwater" means underground water within the zone of saturation.

k. HIGH GROUND WATER TABLE ELEVATION

"High ground water table elevation" means the elevation of the upper surface of the zone of saturation as may occur during the normally wet periods of the year or where evidence is present that water has displaced oxygen in the soil for a prolonged period of time, determined by the presence of mottling or free water in the soil.

l. INDIVIDUAL SEWAGE DISPOSAL SYSTEM

An "individual sewage disposal system" shall mean a sewage disposal system, for a one or two family dwelling other than a public system which receives either human excreta, liquid wastes or both from one premises. Included within the scope of this definition are septic tank-soil absorption fields, privies, chemical toilets, and such other types as may be approved by the Health Officer.

m. **MDEQ**

MDEQ means the Michigan Department of Environmental Quality, or its successor agency.

n. **OTHER TOILET FACILITIES**

"Other toilet facilities" shall mean privies, septic toilets, chemical toilets, and other such devices used for the disposal of human excreta as may be approved by the Lenawee County Health Department.

o. **PERMIT**

"Permit" shall mean a written permit issued by the Health Officer or his/her authorized representative permitting construction and installation of a sewage disposal and/or water supply system.

p. **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.

q. **PUBLIC WATER SUPPLY**

A public water supply means a water works system which provides water for drinking or household purposes to persons other than the supplier of water, except those water works systems which supply water to only one (1) living unit as defined in the Safe Drinking Water Act, P.A. 399 of the public acts of 1976, as amended.

r. **RUBBISH**

"Rubbish" shall mean non-putrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, including but not limited to paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials or litter of any kind that may be detrimental to the public health and safety.

s. **REGISTERED INSTALLER**

"Registered installer" shall mean any person, firm or corporation who engages in the installation of any part of a sewage disposal system for another person and is registered with the Lenawee County Health Department to install sewage disposal systems.

t. **RESTRICTED ZONE**

"Restricted Zone" shall mean an area or areas where permitted groundwater use is limited as described in Section 3.10 of this Code.

u. **SAFE AND ADEQUATE SEWAGE DISPOSAL SYSTEM**

"Safe and adequate sewage disposal system" shall mean a sewage disposal system which is constructed and located in such a manner as to provide for on-site sewage disposal which will not endanger the health of the public and is able to meet the demands of the premises it serves.

v. **SAFE AND ADEQUATE WATER SUPPLY SYSTEM**

"Safe and adequate water supply system" shall mean a water supply system which is constructed and located in such a manner as to provide potable water which will not endanger the health of the user and which provides sufficient capacity to meet the peak demands of all of the users of the water supply system.

w. **SEPTIC TANK**

"Septic tank" shall mean a watertight receptacle of sufficient size used for the purpose of receiving wastes from flush toilets, sinks, lavatories, bathtubs, showers, laundry drain, or other similar waste lines, and intended to provide for the separation of substantial portions of the suspended solids in such wastes and for the partial destruction by bacterial action of the solids so separated.

x. **SEWAGE**

"Sewage" shall mean the liquid wastes from all habitable buildings, and shall include human excreta and wastes from sink, lavatory, bathtub, shower, and laundry, and any other water carried wastes of organic or inorganic nature excluding roof, water softener backwash, footing and storm drainage, either singly or in any combination hereof.

y. **SEWAGE DISPOSAL SYSTEM**

"Sewage disposal system" shall mean a sanitary privy, flush toilet, septic tank, absorption field, seepage pit or similar device used in the collection and/or disposal of sewage or human excreta. This shall include all similar contrivances used in the collection and/or disposal of seepage whether specifically enumerated herein or not.

z. **SEWER**

"Sewer" shall mean a conduit pipe for carrying off sewage.

aa. **SOIL EVALUATION**

"Soil evaluation" shall mean a textural, structural, and soil mottling analysis to determine the estimated soil loading rate, depth to the seasonal high groundwater table elevation and other physical characteristics affecting the sites ability to absorb and treat wastewater effluent.

ab. **SOLID WASTE**

"Solid waste" means garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste, and animal waste other than organic waste generated in the production of livestock and poultry.

ac. **SUITABLE SOILS**

Suitable soils are soils that have established soil loading rates according to Section 2.2f of this code.

ad. **SURFACE WATER**

"Surface water" shall mean a body of water whose top surface is exposed to the atmosphere including a flowing body, pond, or lake.

ae. **UNSUITABLE SOILS**

Unsuitable soils are soils that do not have established soil loading rates according to Section 2.2f of this code and instead have a "U" or "Unsuitable" designation within the chart.

af. **USEPA**

USEPA means the United States Environmental Protection Agency, or its successor agency.

ag. **WATER SUPPLY SYSTEM**

"Water Supply System" means a system of pipes and structures through which water is obtained, including but not limited to, the source of the water such as wells, surface water intakes, or hauled water storage tanks; and plumbing and treatment equipment, storage tanks, pipes and appurtenances, or a combination thereof, used or intended to furnish water for residential or public use.

ah. **WELL**

Well means an opening in the surface of the earth for the purpose of removing fresh water or a test well, irrigation well, recharge well or waste disposal well or a well used temporarily for dewatering purposes during construction.

ai. **WETLANDS**

Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

CHAPTER 2 - SECTION 1: ON-SITE SEWAGE DISPOSAL

2.1a. CONNECTIONS REQUIRED

All facilities such as flush toilets, urinals, lavatories, sinks, bathtubs, showers or any other facility from which sewage originates shall be connected to an individual sewage disposal system except that any such facilities hereafter installed on a premises where public sewer is available shall be connected to said public sewer. Footing drainage, downspouts, water softener regenerating water, and any other wastewater not defined as sewage shall not be connected to or discharged into any part of the sewage disposal system, or its immediate vicinity as prescribed by the Health Officer.

b. PERMITS REQUIRED

No person, firm, company, or corporation shall construct, alter or extend any individual sewage disposal system or a sewage disposal system with a daily sewage flow of 10,000 gallons per day or less as described in the Michigan criteria for subsurface sewage disposal unless he/she has obtained a permit issued by the Health Officer.

c. REGISTRATION

Any person, firm, company or corporation who shall engage in the business of sewage disposal systems or any part thereof under the provisions of this regulation must be licensed by the Lenawee County Health Department. Such persons must apply for a license and satisfactorily complete such written or oral examination as the Health Officer may deem necessary to determine the competency of the candidate for such work. A candidate failing such examination may apply

for re-examination after thirty (30) days. A fee shall be charged for this license. In no way shall this provision be construed to prohibit an individual from installing his/her own sewage disposal system, for a single family house which is that person's legal residence, provided that he/she obtains a permit from the Lenawee County Health Department.

d. APPLICATION FOR PERMIT

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

e. PRIORITY OVER BUILDING PERMITS

No municipality or township or other agency shall issue a building permit or otherwise allow commencement of construction on any land where public sewers and public water are not available until approval has first been obtained from the Health Officer.

f. TERMINATION OF PERMITS

Any permit issued pursuant to the requirements of the preceding sections shall be valid for the term of twelve (12) months from the date of issuance, unless declared void as provided in the following, and no construction, alteration, and/or extension shall continue without renewal of such permit.

g. VOID PERMITS

The permit for a sewage disposal system may be declared void by the Health Officer if the area designated for the soil absorption system is disturbed by major filling, excavating, paving or flooding, or by the installation of public sewer, by location of a water supply well or other feature so as to encroach on any required isolation distance. The permit may also be declared void if there is any increase in the scope of the project prior to, during, or following construction of said system.

h. TRANSFER OF PERMITS

Should the ownership of the property for which a permit has been issued change ownership; the permit may be transferred to the new owner. Such transfer must be requested in writing on forms to be provided by the Health Officer.

i. WITHHOLDING OF APPROVAL FOR USE OR PERMIT

After reviewing an application for a sewage disposal system construction permit or an application for the approval to use an existing sewage disposal system for new construction, the Health Officer may withhold approval of the application if the Health Officer determines that one or more of the following exist:

1. Where a publicly operated sewage system is available as defined by Act 368, Public Acts of 1978, as amended.

2. Where the septic tank would be inaccessible for cleaning or inspection purposes.
3. Where the property served lacks sufficient area for an original and replacement sewage disposal system; where the replacement area is at least equal to the area required for the initial sewage disposal system; and/or lacks sufficient area to maintain the required isolation distances pursuant to Section 2.2d of this Code.
4. Where the depth to the high ground water table is less than eighteen (18) inches below the undisturbed natural ground surface or less than six (6) inches below the topsoil layer.
5. Where the high ground water table elevation is less than three (3) feet below the bottom of the trench, bed or other type of sewage disposal system.
6. Where there is less than eighteen (18) inches of continuous suitable soil, not including the topsoil layer.
7. Where the soil conditions are deemed to be unsuitable for the disposal of sewage.
8. Where conditions exist or may be created which may endanger public health or the environment.
9. Where the proposed site is subject to flooding and/or within the one hundred (100) year flood plain.

j. BUILDING SITE ACCEPTANCE EVALUATION

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

1. Soil Analysis - The soil classification and interpretations as provided by the United States Department of Agriculture, Soil Conservation Service, and the limitations pertaining to that soil classification may be considered by the Health Officer and used as part of the soil and drainage evaluation.
2. Deep Borings - Test borings or excavations shall be made within the area proposed for the sewage disposal system, to determine that the ground water level and soil formations comply with this section. The Health Officer may request that excavations or borings to a minimum depth of six (6) feet be made available for inspection and evaluation of soil types and conditions.
3. High Ground Water Table Elevation - The depth to the high ground water table shall be at least eighteen (18) inches below the undisturbed natural ground surface and at least six (6) inches below the topsoil layer.
4. High Ground Water Table Elevation - High ground water table elevation or evidence thereof will be determined and shall be at least three (3) feet below the bottom of the trench or bed.
5. Hardpan, Clay, Impervious Material - Impervious hardpan or clay, stone or shale, if present, shall be at least three (3) feet below the bottom of the trench or bed.
6. Suitable Soil – Not including the topsoil layer, evaluation of the soil profile shall indicate the existence of a minimum of eighteen (18) inches of continuous suitable soil.

7. Filled Ground - Filled ground or "made land" shall be acceptable only under specific written approval of the Health Officer and in any case shall be allowed to settle for at least one (1) year from the time of filling. Filling shall not be allowed over unstable soil, peat, mulch, organic material or within one hundred (100) feet of any lake, stream, pond or other surface body of water.
8. Replacement Area - Sufficient area shall be set aside or put on reserve for a future replacement sewage disposal system. Such replacement sewage disposal system area shall at least equal the area required for the initial sewage disposal system.

k. INSPECTION AND CERTIFICATION

After construction of the sewage disposal system has been completed to the extent of the placement of all sewers and absorption field lines, and before any portion of the septic tank(s), pump tank or absorption field has been covered or placed in operation, request for an inspection shall be made to the Health Officer. If the inspection has not been made within two (2) working days after notification of the Health Officer that the system is ready for inspection, the installer may proceed to cover the sewage disposal system and place it into operation. The installer in such an instance shall furnish a written statement to the Health Officer, certifying that the sewage disposal system was installed exactly as shown on the permit or describing exactly any deviations there from. After approval of the system for final cover, it shall not be allowed to remain open for longer than 48 hours, unless otherwise approved by the Health Officer.

l. FACILITIES REQUIRED

It shall be unlawful for any person to occupy, or permit to be occupied, any premises which is not equipped with a safe and adequate sewage disposal system for the disposal in a sanitary manner of all forms of sewage. Construction of such facilities shall be in accordance with the provisions of these regulations. Under no condition may the sewage from an existing or hereafter constructed premises be discharged or deposited upon the surface of the ground, or into any lake, river, stream, county drain, ditch, or storm sewer. Any premises constructed or maintained which is not in accordance with these regulations may be declared unfit for habitation and may be so posted by the Health Officer and ordered vacated.

Whenever the Health Officer shall determine that improperly treated sewage is flowing from the outlet of any public or private drain of unknown course and origin, he/she may issue public notices requiring persons owning premises from which such sewage originates to connect such sewage flow to a publicly operated sewerage system, if available, or in the absence thereof, to comply with provisions of Section 2.1 and 2.2 of these regulations. Public notice may consist of posting at least five (5) conspicuous notices in the probable area served by said drain.

After not less than thirty (30) days following posting of 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 with the time allowed by the posted notices. Failure to comply shall be considered a violation of regulations.

m. CONDEMNATION OF EXISTING INSTALLATIONS

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

n. CONNECTION TO PUBLICLY OPERATED SYSTEM

The sewage facilities installed in premises where a connection to a public sewer is available shall be connected with said public sewer in accordance with Act No. 368, Public Acts of 1978, as amended. When such connections are made, the septic tank(s) shall be pumped out and filled with sand.

o. SPECIAL CONDITIONS OF DESIGN

Exceptions to the specific requirements of this Code may be made 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/she may approve modification of the private sewage disposal system subject to such reasonable conditions as he/she may prescribe considering the limitations of the property, the protection of public health, and the prevention of any nuisance. An alternate method of sewage disposal may be approved by the Health Officer if, in his/her opinion, it would provide equal or better treatment than the minimum requirements of this Code. Request for approval of such variations or alternate methods shall be made in writing by the owner or installer and be filed in the Health Department.

p. SEPARATE SYSTEMS FOR EACH FAMILY OR ESTABLISHMENT

Unless specifically approved by the Health Officer, each on-site sewage disposal system shall serve only a one (1) or two (2) family dwelling or one (1) business establishment.

q. MAINTENANCE

Every private sewage disposal system shall be maintained in a satisfactory operating condition at all times. Septic tanks shall be maintained in a sound and watertight condition. Septic tanks shall be routinely pumped to prevent the accumulation of solids and scum to an extent that solids and scum do not carry over into the absorption field. Septic tanks are recommended to be pumped every 3 to 5 years.

CHAPTER 2 - SECTION 2: REQUIREMENTS FOR THE CONSTRUCTION AND MAINTENANCE FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEMS

2.2a. SEWERS

1. **Material:** All sewer lines shall meet the requirements of the Michigan Plumbing Code. All sewer lines located within fifty (50) feet of any private well, spring or water line; seventy five (75) from any Type IIB or Type III public well, spring or water line; or two hundred (200) feet from a Type IIA or Type I public well, spring or water line shall be constructed of schedule 40 pipe with glued joints or other approved materials.

Any buried sewer line shall be located at least ten (10) feet from any private well, spring, or water line.

With a deviation granted in writing by the Lenawee County Health Department, a buried sewer line shall be located at least ten (10) feet from any Public Type IIB or Type III well, spring or water line; and seventy five (75) from any public Type IIA or Type I well, spring or water line.

2. **Size:** The size of sewer lines shall be based upon fixture units as set forth in the State Plumbing Code.

3. Grade: Sewer lines installed prior to connection to a septic tank shall be laid at a grade of not less than one-eighth (1/8) inch per foot.
4. Schedule 40 pipe (minimum) shall be used from the foundation of the building to the septic tank, between tanks, and from the septic tank to the absorption field.

2.2b. SEPTIC TANKS

1. Location: No septic tank shall be located within a driveway or parking area, nor where it is inaccessible for cleaning or inspection purposes, nor shall any structure be placed over an existing tank making the same inaccessible for cleaning and inspection. Septic tanks shall be located on the same side of the building that the sewer line leaves the wall, with not more than one (1) long curve, ninety (90) degree bend, or two (2) forty-five (45) degree bends between the wall and septic tanks.
2. All septic tanks shall be laid on a minimum six (6) inch bed of sand or pea stone and be backfilled with sand, pea stone, or 6A stone around all sides.
3. Manholes: Every septic tank and pump tank shall be provided with one or more suitable openings (18 inch minimum) for access to all compartments. Each opening shall be equipped with a secondary safety measure such as netting that spans the entire opening. One of the openings shall be located over the outlet to permit inspection and cleaning.

Septic tank manholes shall be built up even with finished grade with a minimum of an eighteen (18) inch diameter opening - a secure cover designed to prevent surface water infiltration and unauthorized entry shall be provided.

4. Inlets and Outlets: The bottom of the inlet line into the septic tank shall be at least three (3) inches above the operating water level of the tank. The outlet shall be constructed to permit withdrawal of liquid from the middle third of the depth of the liquid in the tank and to prevent the escape of floating or settled solids. The outlet must also be constructed to allow for gas above the liquid level to pass through the inlet line and out the vent pipe servicing the sewer line leading to the tank. All pipe connections to a septic tank shall be watertight by the use of a sealed gasket joint and surrounding excavation shall be properly backfilled.
5. Effluent Filter: Every septic tank shall be equipped with an approved effluent filter on the outlet line 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. Extensions, when necessary, shall be installed on the effluent filter so it is easily accessible for maintenance and repair with an approximate finished depth of twelve (12) inches below the dosing tank lid or riser.
6. Construction Material: Concrete prefabricated tanks shall be constructed of washed aggregate and properly vibrated to produce concrete tanks having a minimum compressible strength of three thousand five hundred (3,500) pounds per square inch and shall be watertight. The top is to be four (4) inch reinforced concrete. Septic tanks constructed of materials other than concrete must be approved by the Health Officer.
7. Number and Capacities: Minimum septic tanks hereafter installed shall have a liquid capacity of at least the average volume of sewage flowing into it during any thirty-six (36) hour period, but in no case shall the combined liquid capacity of any septic tank(s) system be less than one thousand (1000) gallons. The first compartment of a multiple compartment septic tank shall be a minimum of one thousand (1000) gallons.

The following minimum capacity for septic tanks shall be required for single and two-family dwellings except where in the opinion of the Health Officer alternative capacities may be required.

Number of Bedrooms	Minimum Liquid Capacity
1,2,3,4(1)	1,500 gallons utilizing two septic tanks or 1,500 gallon 2 compartment tank(2)

- (1) For each additional bedroom add 500 gallons
- (2) Existing dwellings replacing only absorption fields may use the existing tank if it is deemed by the Health Officer to be in sound condition and a minimum of 1000 gallons.

8. Dosing Tanks: The Health Officer may require that dosing tanks and pumps be used in installations with limitations on site suitability. All dosing tanks shall be installed with a "weep" hole on the pump discharge line to allow for residual effluent in the line to drain back into the tank when the pump shuts off. All dosing tanks must be installed with audio/visual alarms to notify owners/occupants of pump failure. Connections designed for maintenance and repair of pumps shall be easily accessible with an approximate depth of twelve (12) inches below the dosing tank riser lid.

2.2c. ABSORPTION FIELD

1. Location: In no case shall the absorption field be laid under any drive, parking area, paved surface or building and shall be located wholly on the property served or a suitable easement recorded. Absorption fields shall be installed in a manner and location so that surface water drainage is diverted away from the installation. The area of the absorption field and/or basal area around the absorption field shall be protected so as not to compact the soil directly under the absorption field and/or under the basal area.
2. Distribution Header: A header or distribution box shall be set level so as to afford an even distribution of all septic tank effluent throughout the absorption field laterals.
3. Header Connection: The connection to the header of an absorption field from a septic tank or dosing tank shall be installed so as to prevent backflow of effluent from the absorption field into the tank.
4. Diversion Valves: Diversion valves may be required by the Health Officer. When utilized, the installation, design, and material shall be approved by the Health Officer.
5. Distribution System: The absorption field shall be constructed of drain tile or other piping materials having adequate rigidity to hold shape under post-construction conditions.

Lightweight non-woven geotextile fabric not to exceed 2.0 ounces per square yard that has 10 pound minimum trapezoidal tear strength and 8 pound minimum puncture strength or other approved materials shall be placed between the stone and final cover of soil to prevent soil from filtering into the stone.

Approval of an absorption field may be withheld if the minimum requirements of this code and/or the requirements of the permit are not completed.

6. Individual Aerobic Wastewater Treatment Plants: Only those units that have been reviewed and granted a plant classification by the National Sanitation Foundation under its Standard No. 40, or equivalent, will be approved for usage in Lenawee County, in lieu of a conventional septic tank.

7. Elevated Absorption Fields: Proper construction practices require that in any installation involving an elevated absorption field, a sand berm shall be installed around the entire system to contain sewage effluent and facilitate surface water runoff. The berm shall extend from the top edge of the absorption field to the finished grade at a maximum of 5:1 slope. If the elevated absorption field is within 100' of a property line, the area surrounding the elevated absorption field must be graded so as to divert any runoff away from any neighboring property. Submission of grading plans may be required prior to permit approval.
8. All laterals in an absorption field shall be connected with front header and a back footer. The front header shall be a solid pipe. Hillside installations are exempt from the installation of a back footer. The back footer shall be of perforated material as approved in No. 5 above.
9. Site Protection: Prior to and during construction of an absorption field, the infiltrative soil surface layer (which may include the topsoil layer) must remain intact and precautions taken to prevent smearing and/or compaction.

2.2d. **REQUIRED MINIMUM ISOLATION DISTANCE IN FEET**

From	To Septic Tank	Absorption Field	Dry Well	Sewer Line
Well	50 (1)	50 (1)	50 (1)	50 (1)(2)
Property line	10	10	10	5
Basement wall	10	20	20	5 (3)
Water lines	10	10	10	10
Bank or drop off	10	25	25	10
Surface Water and Wetlands	50	75	75	25
Established County Drains	50 (4)	50 (4)	50 (4)	25 (4)
Swimming pools (in ground)	20 (5)	20 (5)	20 (5)	20 (5)

1. Seventy-five (75) feet isolation required in all cases except single family dwellings.
2. See Health Department for sewers of approved materials for use within the above isolation distances.
3. Except at point of entry
4. This can be reduced to 15 feet if the established county drain is elevated higher than any absorption field tile in the 50 feet isolation area and there is no 50 feet drain easement.
5. Isolation reduced to 10' if swimming pool is above ground.

2.2e. **ABSORPTION FIELD TRENCH AND BED CONSTRUCTION REQUIREMENTS**

Items	Maximum	Minimum
Number of Lateral Trenches	--	2
Size of Distribution Conduit	--	4 in.(1)
Length of Trenches	100 ft.	--
Width of Trenches	36 in.	18 in.
Spaces Between Trenches, Wall to Wall	--	3 ft.

Distance Between Bed Lines	4 ft.	3 ft.
Distance Between Bed Lines & Bed Wall	2 ft.	1 ft.
Depth of Cover Material	24 in.	8 in.
Slope of Tile Lines	1 in./50 ft.	Level Preferred
Depth of Clean Aggregate (stone) Under Tile (2)	--	6 in.
Depth of Clean Aggregate (stone) Over Tile (2)	--	2 in.
Aggregate (stone) Size (2)	1 1/2 in. (diameter)	1/4 in. (diameter)

- (1) May be reduced to 2 inches or smaller in pressure distribution systems
(2) Clean aggregate (stone) has a maximum loss by washing of .8 percent

2.2f. **MINIMUM ABSORPTION FIELD BED AREA REQUIREMENTS**

The minimum absorption field bed areas for individual sewage disposal systems shall be determined by the Health Officer depending on soil type(s), texture, structure, loading rate, surrounding structures, and other pertinent facts utilizing the chart below.

	GRAVITY SOIL LOADING RATE GPD*/FT ² BOD>30mg/L					PRESSURE DOSED SOIL LOADING RATE GPD*/FT ² BOD<30mg/L				
	BK/GR			PL	M	BK/GR			PL	M
SOIL STRUCTURE**	3	2	1			3	2	1		
SOIL TEXTURE**										
COARSE SAND / MEDIUM SAND	0.8	0.8	0.8	0.8	0.8	1.4	1.4	1.4	1.4	1.4
FINE SAND / LOAMY SAND	0.6	0.6	0.6	0.6	0.6	1.0	1.0	1.0	1.0	1.0
VERY FINE SAND / SANDY LOAM	0.5	0.4	0.3	0.3	0.3	0.8	0.7	0.6	0.6	0.6
LOAM / SANDY CLAY LOAM	0.3	0.25	0.2	0.2	0.2	0.4	0.35	0.3	0.3	0.3
CLAY LOAM / SILTY CLAY LOAM	0.25	0.2	0.15	U	U	0.4	0.3	0.25	U	U
SILTY CLAY/ SANDY CLAY / CLAY	UNSUITABLE									

* GALLON PER DAY (GPD) USAGE WILL BE DETERMINED BY THE FOLLOWING CRITERIA: 150 GPD FOR EACH BEDROOM.

** MOST LIMITING LAYER IN UPPER 18 INCHES

TABLE LEGEND

BK = BLOCKY	3 = STRONG
GR = GRANULAR	2 = MODERATE
PL = PLATY	1 = WEAK
M = MASSIVE	U = UNSUITABLE

2.2g. **MINIMUM ABSORPTION FIELD TRENCH AREA REQUIRED**

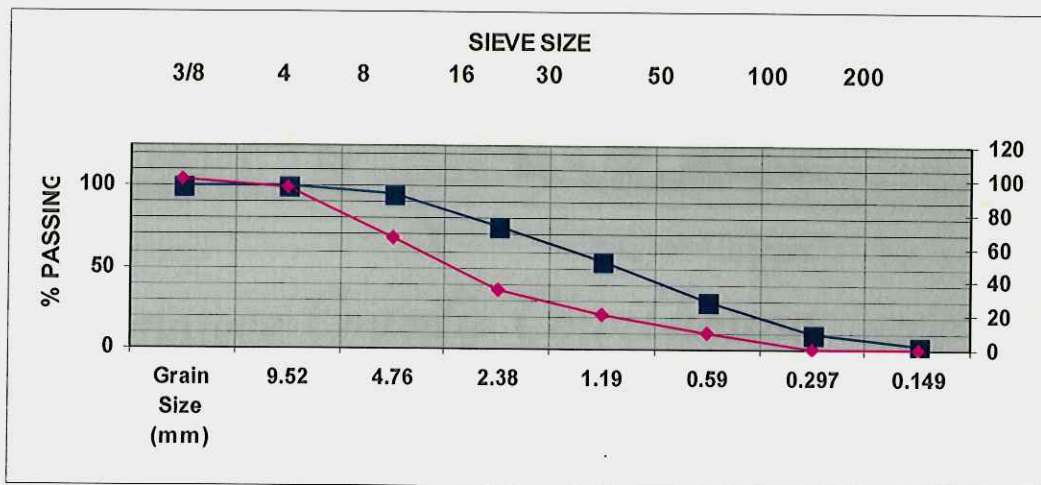
Absorption field trench excavations of eighteen (18) to thirty-six (36) inches in width at the bottom shall require 25% less area than required for absorption field bed systems.

2.2h. **SAND SPECIFICATIONS**

Sand under an absorption field when required by permit shall be medium to coarse clean sand or 2NS sand. See charts below for 2NS specifications.

MDOT 2NS Sand Specification

Sieve Size	Grain Size (mm)	Percent Passing %	Percent Passing %
3/8	9.52	100	100
4	4.76	95	100
8	2.38	65	95
16	1.19	35	75
30	0.59	20	55
50	0.297	10	30
100	0.149	0	10
200	0.074	0	3



CHAPTER 2 - SECTION 3: PRIVY ACT NO. 368

2.3a. **CONSTRUCTION AND MAINTENANCE**

All privies and other toilet devices shall be constructed and maintained in accordance with Section 333.12771, of Act 368, of the Public Acts of 1978, as amended.

2.3b. **PROHIBITION OF PRIVIES**

No privy shall be maintained or be constructed on or moved to any premises where the service of a sewer is available for public use.

2.3c. LOCATION OF PRIVIES IN RELATION TO OTHER DWELLINGS

Privies shall be located at least one hundred (100) feet from all dwellings other than that they serve. No privy shall serve more than one dwelling.

2.3d. TEMPORARY PRIVIES

Temporary privies used at construction sites, places of public assembly, camps, etc., shall comply with Act 368 of the P.A. of 1978 as amended, and when cleaned or serviced the business performing such service shall comply with Act 381, P.A. of 2004, as amended.

CHAPTER 2 - SECTION 4: PUBLICLY OPERATED SEWERAGE SYSTEMS

2.4a. All flush-toilets, lavatories, sinks, bathtubs, showers, and laundry drains hereafter constructed on a premises where the service of a publicly operated sewerage system is available, shall be connected with said publicly operated sewerage system.

2.4b. When any existing sewage disposal system serving any premises where publicly operated sewerage system is available, is found in violation of any provisions of this Code or to any other applicable health law, ordinance, or regulations, the owner shall correct the violation by proper connection to said publicly operated sewerage system within 60 days after receiving written notice from the Health Officer to make such corrections.

2.4c. All privies on premises connected to publicly operated sewerage systems shall be removed from over the vault when said connection is made. The privy vault shall then be covered with at least twelve (12) inches of compacted earth, and the building rendered unusable as a toilet facility. All other sewage disposal systems replaced by connections to publicly operated sewerage systems shall be abandoned in such a manner as to prevent any nuisance or menace to the public health.

CHAPTER 3: WATER SUPPLY

3.1. WATER SUPPLY SCOPE

These regulations relating to water supply systems shall apply to all premises, residential and commercial lots not connected to a Type I public water supply as defined in Act 399 of the Public Acts of 1976, as amended.

3.2. FACILITIES REQUIRED

Every existing inhabited building shall be provided with a safe and adequate water supply system. Any inhabited structure constructed or maintained which is not in accordance with these regulations may be declared unfit for habitation and may be so posted by the Health Officer and ordered vacated.

3.3. CONDEMNATION OF WATER SUPPLY SYSTEMS

1. Water supply systems failing to meet section 3.2 of this Code are subject to condemnation by the Health Officer. In addition, when at least two consecutive samples of water from a water supply system show coliform organisms present, such water supply systems may be considered contaminated and subsequently condemned by the Health Officer in writing until

such supply meets the requirements of these regulations and at least two consecutive negative samples, taken at least 24 hours apart, have been collected. Any premises where the water supply system has been condemned may be declared unfit for habitation and may be so posted by the Health Officer and ordered vacated.

2. Condemned water supply systems used by tenants, employees, or other persons besides the owner shall be repaired, or replaced, to meet the requirements of release from condemnation within sixty (60) days of receiving the notice of condemnation from the Health Officer.
3. Condemned water supply systems which in the judgment of the Health Officer represent an immediate health hazard may be posted with suitable signs at each outlet or the outlets shall be made inoperative.

3.4. WELL CONSTRUCTION CODE

Requirements with respect to water well construction and water pump installations for new water wells within the County of Lenawee shall be those requirements as set forth in Part 127 - Act 368 of the Public Acts of 1978, as amended and rules "Groundwater Quality Control."

Public water supplies shall meet the requirements set forth in Act 399 of the Public Acts of 1976, as amended and the rules promulgated therewith.

3.5. RESTRICTIONS OR CONDITIONS ON WELL CONSTRUCTION AND DEVELOPMENT

The Health Officer may place restrictions or conditions on well construction and development in areas where known or suspected groundwater contamination exists, general water quality parameters that have an established Maximum Contaminant Level (MCL) have either been detected or exceeded, where potential exists for inadequate aquifer yield, inadequate geologic protection of the aquifer, or based on other factors present which in the opinion of the Health Officer may adversely affect public health.

3.6. PERMIT FOR WATER SUPPLY SYSTEMS

From and after the effective date of this regulation, it shall be unlawful for any person to construct any new water supply system within Lenawee County, unless the owner or his/her representative has obtained a permit issued by the Health Officer to construct same. Water supply system permits shall be valid for a term of twelve (12) months from the date of issuance.

3.7. WITHHOLDING OF APPROVAL FOR USE OR PERMITS

After reviewing an application for a water supply system construction permit or an application for the approval to use an existing water supply system for new construction, the Health Officer may withhold approval of the application if the Health Officer determines that one or more of the following exist:

1. The water supply system does not meet the provisions of "Groundwater Quality Control", Part 127 of Act 368 of the Public Acts of 1978, as amended and rules.
2. Where the proposed location of the water supply system is in a known or suspected area of groundwater contamination or in an established Restricted Zone.
3. A hauled water system is to be constructed for a premises that has not attempted a well and/or a large diameter well.
4. A hauled water system is to be constructed for a new dwelling.

5. A surface water supply system is to be constructed.

3.8. APPLICATION, PERMIT AND FEES

The application for a permit to construct a water supply system shall be in writing and shall be signed by the applicant. A plan of the proposed water supply system location shall be provided on the application showing the water supply system location in relationship to the building property lines and possible sources of contamination.

3.9. INSPECTION AND APPROVAL

All new water supply installations are subject to inspection by the Health Officer and all new water supply systems shall be approved prior to being put into operation. The Health Officer based on the following criteria may declare a water supply system as Not Approved:

1. The water supply system does not meet the "Groundwater Quality Control", Part 127 of Act 368 of the Public Acts of 1978, as amended and rules.
2. Where the location of the water supply system is in a known or suspected area of contamination.
3. A hauled water system is constructed for a premises that has not attempted a well and/or a large diameter well.
4. A hauled water system is constructed for a new dwelling.
5. A surface water supply system is constructed.

3.10a. RESTRICTED ZONES - PURPOSE

The Lenawee County Health Department has determined that the use of certain groundwater wells, and the water supplied from such wells, for human consumption or other purposes may constitute a public health risk and endanger the safety of the residents of Lenawee County. These identified public health risks affect premises that are located on or in the vicinity of sites that are the source, or location, of contaminated groundwater, or where there is known threat from contaminated groundwater. The Health Department has determined it is in the best interest of the public health, safety and welfare to prohibit certain uses of groundwater from wells at properties located in the vicinity of such contaminated sites through the establishment of Restricted Zones.

3.10b. ESTABLISHMENT OF NEW RESTRICTED ZONES

Lenawee County may establish Restricted Zones in accordance with the following procedure.

1. Any person desiring to establish a Restricted Zone (Applicant) pursuant to this Code shall make written application to the Health Department on forms provided by the Health Officer. The Applicant shall also provide a copy of the application to the local unit(s) of government (city, township, and/or village) having jurisdiction over the proposed Restricted Zone. Failure on the part of the person to fully complete the required application may be deemed cause for refusal to establish a Restricted Zone.
2. The Applicant shall supply and connect municipal water service to all dwellings and/or inhabited buildings on parcels of property located within the proposed Restricted Zone, unless the Health Department determines that providing municipal water service is technically unreasonable from an engineering perspective, or is otherwise impractical.

3. The Applicant shall conduct a survey of all parcels within the proposed Restricted Zone to meet the requirements of the Health Officer and MDEQ to identify and locate all water supply wells. The Applicant shall provide the Health Department with the identification and location of all wells on any parcels of property located within the proposed Restricted Zone and properly abandon and plug said wells without cost to the owners or occupants, other than the Applicant. The Applicant must provide MDEQ abandoned well plugging records for all wells that have been plugged within the proposed Restricted Zone. This requirement applies to all properties within the proposed Restricted Zone even if they already have municipal water service.
4. The Applicant shall obtain and provide the Health Department with written conditional approval from MDEQ (or USEPA, as appropriate) for the proposed Restricted Zone as an alternative to imposing restrictive covenants and as part of the response actions for the groundwater contamination.
5. Upon receipt of a properly completed application the Health Officer will make a recommendation to the Board of Health regarding the establishment of the proposed Restricted Zone. Based on Board of Health recommendation, the application will then be sent to the Lenawee County Board of Commissioners for final determination. Once approval has been granted a Restricted Zone may be established. Notice of establishment of a Restricted Zone shall be sent to the Applicant by the Health Department. Notice of establishment of a Restricted Zone shall be sent by the Applicant to the affected local unit(s) of government, and the owner, tenant, easement holder, or mortgagee of record for all of the parcels of property located within the Restricted Zone.

3.10c. ESTABLISHED RESTRICTED ZONES

Areas determined to be Restricted Zones by Lenawee County under this Chapter will be summarized and mapped as they are established. Summaries and maps of Established Restricted Zones will be retained at the Health Department offices and may be provided upon request.

3.10d. EFFECT OF RESTRICTED ZONES, WELLS AND GROUNDWATER USE PROHIBITED

Except as provided in Section 3.10g of this Code, no person shall install or utilize, or allow, permit, or provide for the installation or utilization of a well in any Restricted Zone. Except as provided in Section 3.10g of this Code, no person shall use any groundwater from any well located within a Restricted Zone.

3.10e. EXISTING WELLS WITHIN RESTRICTED ZONES

Any existing well, the use of which is prohibited by Section 3.10 of this code, shall be plugged in conformance with all applicable laws, rules, regulations, permits and license requirements, orders and directives of any governmental agency of jurisdiction

3.10f. WATER SOURCES FOR HUMAN CONSUMPTION

Except as provided in Section 3.10g of this Code, the water supply delivered for human consumption to any property located within a Restricted Zone shall be delivered only from a municipal water system or by the use of an MDEQ approved alternative water system in circumstances when municipal water is unavailable. For the purposes of this subsection, the term "Human Consumption" means use in food or drink intended for human ingestion, use in food preparation or food service, use in the interior of a dwelling or inhabited building for household purposes, and use in any building for personal washing.

3.10g. EXCEPTIONS TO PROHIBITION

A person may install, utilize, allow, permit, or provide for the installation or utilization of, a well within a Restricted Zone identified in this Code, if one of the following exceptions applies and the individual complies with the requirements set forth in this Section:

1. Existing Wells – Municipal Water Service Unavailable

The owners of property within a Restricted Zone that contained a working well(s) on the date the Restricted Zone was established under this Code may continue to use the well(s) if it is safe and suitable for use and municipal water service is unavailable to the property.

- A. For purposes of this Subsection, a well will be considered safe and suitable for use if the person wishing to use the well provides the Health Department with a written annual certification, or more frequent certification if required that the well is safe and suitable. A person wishing to use the well must secure certification from an MDEQ approved laboratory, at his/her own expense, that the well produces water that is in compliance with the groundwater cleanup criteria for unrestricted residential use established by the MDEQ pursuant to Part 201 or Part 213 of the NREPA, or in operational memoranda or rules promulgated pursuant to Part 201 or Part 213 of the NERPA. The person wishing to use the well must arrange for the testing laboratory to promptly submit the results of the test to the MDEQ or the Health Department for review and determination that the well is safe and suitable for use and that use of the well does not exacerbate the contamination.
- B. For purposes of Chapter 3, municipal water service is unavailable only if it is technically unreasonable, from an engineering perspective, or otherwise impractical to supply the premises with municipal water. No split or conveyance of property shall be effective to render municipal water unavailable.

2. Replacement Wells – Municipal Water Service Unavailable

After the establishment of a Restricted Zone under this Code, the Health Department shall not issue a permit for the installation of any water supply well within the Restricted Zone unless all of the following conditions are present:

- A. The well is to serve an existing dwelling; and,
- B. Municipal water service is unavailable to the property; and,
- C. The MDEQ determines, in writing, that the contaminated groundwater shall not influence or potentially influence the use of the well; and,
- D. The MDEQ determines, in writing, that future migration of contaminated groundwater shall not affect the use of the well; and,
- E. The individual wanting to install the water supply well submits copies of the MDEQ's determinations to the Health Department; and,
- F. The Health Officer, upon review of the written determinations of the MDEQ, and in consultation with other technical experts as deemed necessary, may execute a waiver allowing the installation and use of the water supply well; and,
- G. Any water supply well approved under this Subsection must be installed using well construction techniques that will maintain the integrity of the aquifer to be used as the supply source. The individual must also provide the Health Officer with a written description of the proposed well construction techniques for review and approval prior to the installation of the well; and,

- H. After the well is installed, the owner of the property on which the well is located shall comply with the annual sampling protocol set forth in Section 3.10g.1(A) of this Code; and,
- I. If the sampling protocol indicates the groundwater contaminants are influencing the water supply well, the owner of the property shall immediately abandon and plug the well, at the owner's expense.

3. Groundwater Monitoring

A well within a Restricted Zone may be installed and used for groundwater monitoring and/or remediation as part of an MDEQ or USEPA approved response activity.

4. Construction De-Watering

A well within a Restricted Zone may be used for construction de-watering, if the individual(s) installing and using the well complies with the following conditions:

- A. Use of the de-watering well will not cause an unacceptable human exposure, expose an uncontaminated aquifer to contaminated groundwater, result in the possible cross-contamination between saturated zones, or exacerbate the contamination; and,
- B. The water generated by that activity is properly handled and disposed of in compliance with all applicable laws, rules, regulations, permit and licensing requirements, orders and directives of any government entity or agency of jurisdiction.

Any exacerbation of the contamination caused by the use of a well under this exception shall be the responsibility of the person operating the de-watering well, as provided in Part 201 of the Natural Resources and Environmental Protection Act, MCL 324.20101 to 324.20142.

5. Specific Non-Contact Water Supply Systems

For purposes of Chapter 3 of this Code, a "non-contact" water supply system means a water supply system designed and utilized so as to prohibit the use of the water within the system for human ingestion. After the establishment of a Restricted Zone, a new well shall not be installed, nor an existing well used, for non-contact heating, cooling, processing activities, or irrigation unless all of the following conditions are present:

- A. The MDEQ determines, in writing, that the use of a well for non-contact heating, cooling, processing, or irrigation activities will not cause an unacceptable human exposure or the future migration of contaminated groundwater; and,
- B. The person requesting the continued utilization or installation of the well submits a copy of the MDEQ's written determination to the Health Officer; and,
- C. The Health Officer, upon review of the written determination of the MDEQ, and in consultation with other technical experts as deemed necessary, may execute a waiver allowing the continued utilization, or installation and use, of a well upon such terms and conditions that the Health Department and MDEQ may identify or require.

Any exacerbation of the contamination caused by the use of a well under this exception shall be the responsibility of the person operating the well, as provided in Part 201 of the Natural Resources and Environmental Protection Act, MCL 324.20101 to 324.20142.

6. Public Emergencies

A well may be used within a Restricted Zone in the event of a public emergency as determined by the Health Officer. A public emergency includes, but is not limited to, the use of a well for fire suppression. Any use of a well for a public emergency will be reported to the MDEQ within one week of initiating such use, including the volume, duration, purpose, and any test results from samples collected during the emergency use of the well.

3.10h. WELLS AFFECTING CONTAMINATED GROUNDWATER

Except as provided in Section 3.10g of this code, no well may be used or installed at any place in the County if the use of the well will have the effect of causing the migration of contaminated groundwater or a contaminated groundwater plume to previously unimpacted groundwater, or adversely impacting any groundwater treatment system, unless the well is part of an MDEQ or USEPA approved groundwater monitoring or remediation system.

CHAPTER 4: GARBAGE AND RUBBISH

4.1. SCOPE

These regulations are intended to complement and not abrogate the requirements of Part 115, of Act 451 of the Public Acts of 1994, as amended, Solid Waste Management, Natural Resources and Environmental Protection Act as amended and any administrative rules promulgated pursuant to this act.

4.2. ACCUMULATION OF GARBAGE

No person shall permit to accumulate upon his/her premises any garbage except in approved containers of rodent proof, fly proof, and watertight construction.

4.3. ACCUMULATION OF RUBBISH

No person shall permit to accumulate upon his/her premises any rubbish except in durable containers with close fitting covers except that bulky rubbish such as tree limbs, weeds, large cardboard boxes, etc., may be bundled and so stored as not to provide a harborage or breeding place for rodents.

The occupant and/or owner of property, and the owner of unoccupied property shall at all times maintain the premises occupied or owned by him in a clean and orderly condition. The deposit or accumulation of garbage, rubbish, rags, tin cans, glass, paper, empty barrels, boxes, tires or any litter which because of its character, condition, or improper storage may invite the breeding or collection of flies, mosquitoes, or rodents is prohibited.

4.4. DISPOSAL OF GARBAGE AND RUBBISH

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

4.5. UNLAWFUL DUMPING

It shall be unlawful for any person to dump any garbage and /or rubbish upon any road, highway, street, alley, sidewalk, trail, bicycle path, wetland, stream, creek, lake, pond, storm drain or property, public or private. The placing of front yard and curb/lawn tree leaves into the street shall be permitted where an organized pickup by the municipality having jurisdiction exists.

4.6. TRANSPORTATION OF GARBAGE AND RUBBISH

Vehicles used in the transportation of garbage and rubbish shall be so constructed and maintained so that no portion of the contents therefrom shall be deposited on or along any public highway. Said vehicles shall be licensed under the provisions of Act 451, Public Acts of 1994, as amended.

4.7. DISPOSAL OF INFECTIOUS TOXIC MATERIALS

It shall be unlawful to place or allow to remain in any place accessible to children or unauthorized persons, any infectious or used bandages, any syringes or medical injection devices, any razor blades, or any drugs, vaccines, medicines, chemicals, or other waste such as medical waste regulated under Act 18, Public Acts of 1990, as amended. Any such materials deposited or allowed to remain in a place or condition accessible to unauthorized persons shall be hereby declared to be a nuisance and the owner or responsible person in control of the premises where said nuisance exists shall have the duty to remove or secure the materials in a manner to abate and prevent such nuisance. Disposal shall be accomplished in a manner acceptable to the Health Officer.

4.8. ANIMALS AND VERMIN

It shall be unlawful for any person to create or maintain a vermin or rat infested condition of premises owned or occupied by him. When the Health Officer shall find an infestation of rodents, insects, or evidence of such infestations on or within such property, the Health Officer may order the owner or other responsible person to take whatever measures are deemed to be reasonably necessary to abate the condition.

It shall be unlawful for any person to allow a dead animal to remain for over twenty-four (24) hours after death on premises owned or occupied by him. Such animals shall be buried to a depth of four (4) feet and not in contact with surface or groundwater or as otherwise specified by the Health Officer. The dead animal shall be buried no closer than fifty (50) feet from any private well, seventy-five (75) feet from any type IIB or type III public well, and two hundred (200) feet from any type I or type IIA public well.

CHAPTER 5: HOUSING

5.1. DWELLING "UNFIT FOR HUMAN HABITATION"

When a dwelling or premises is dangerous or detrimental to life or health because of want of repair, defects in drainage, plumbing, lighting, ventilation, sewage disposal, water supply or their construction, infection with contagious disease or the existence on the premises of an unsanitary condition likely to cause sickness among the occupants of the dwelling or premises, it shall be deemed unfit for human habitation.

5.2. VACATION ORDER

Whenever it is determined by the Health Officer that a dwelling or premises is unfit for human habitation, the Health Officer may issue an order requiring all persons living in the dwelling or premises to vacate it immediately. The order shall mention the specific reasons upon which such determination is based. The Health Officer may post a notice on such premises declaring that they are "UNFIT FOR HUMAN HABITATION" and it shall be unlawful for any person to move into, reside in, or offer for rent, lease or sale a dwelling or premises which has been declared by the Health Officer to be unfit for human habitation until such dwelling or premises has been brought within the requirements of the Article. It shall be unlawful for any person to remove, deface, or destroy any posted notice declaring the premises "UNFIT FOR HUMAN HABITATION".

CHAPTER 6: FOOD SERVICE

- 6.1. Lenawee County has hereby incorporated by reference, and adopted as part of these regulations, the following publications or portion of publications: Provisions of Act No. 92, of the Public Acts of 2000 "Michigan Food Law of 2000", as amended and any rules and or regulations adopted per said acts and regulations.
- 6.2. All personnel of food establishments licensed under this code, who prepare, serve, or otherwise come in contact with food shall obtain a food handler education card every two years from the anniversary date of the original card. The issuance of this card shall be contingent upon successful completion of a food handler education program provided by the Health Officer. A fee shall be charged for the card.

CHAPTER 7: BODY ART REGULATIONS

Lenawee County has hereby incorporated by reference, and adopted as part of these regulations, the following publications or portion of publications: Provisions of Michigan Act 375, Public Acts of 2010, as amended and any rules and or regulations adopted per said acts and regulations.

CHAPTER 8: REVOCATION OF EARLIER CODES AND REGULATIONS

The Lenawee County Environmental Health Code, adopted July 10, 2013, and the Lenawee County Health Department Regulations Governing Tattoo Operations and/or Intradermal Cosmetics Studios passed by the Lenawee County Board of Commissioners June 8, 1994 are hereby revoked.

Date(s) of Public Legal Notice: June 20, 2013

Date of Public Hearing: July 10, 2013

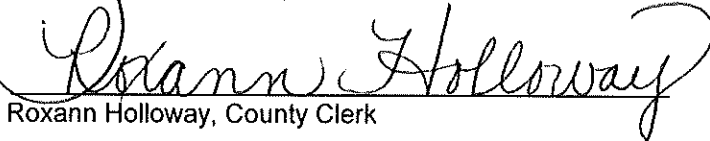
The above Lenawee County Environmental Health Code was passed by a roll call vote of the Lenawee County Board of Commissioners at a regular meeting held on: July 10, 2013

Effective Date: These regulations shall become effective: September 1, 2013

SIGNED:


John Tuckerman, Chairperson

ATTEST:


Roxann Holloway, County Clerk