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SANITARY CODE

Regulating

Sewage Disposal and Water Supply

Effective April 3, 2000

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BARRY-EATON DISTRICT HEALTH DEPARTMENT

ENVIRONMENTAL HEALTH CODE

ARTICLE I. AUTHORITY, JURISDICTION AND ADMINISTRATION

Section I. Authority

The regulations imposed by this code are adopted pursuant to the authority vested in the Barry-Eaton District Board of Health by the Michigan "Public Health Code," Act 368 of Public Acts of 1978, being sections 333.1101 to 333.25211 of Michigan Compiled Laws, as amended, and the "Thomas J. Anderson, Gordon Rockwell Environmental Protection Act of 1970," Act 127 of the Public Acts of 1970, being sections 691.1201 to 691.1207 of the Michigan Compiled Laws, as amended.

Section II. Purpose

This code regulates the installation and maintenance of private, semi-public and public sewage systems generating less than 1000 gallons of waste per day where no municipal facilities are available, drinking water supplies; and hearing board procedures; provides penalties for the violation of this code and regulates general nuisance complaints.

This code is for the express purpose of protecting the health, safety, and welfare of the people of Barry and Eaton Counties.

Section III. Jurisdiction

This code shall apply and be enforced throughout Barry and Eaton Counties. The Health Officer shall have jurisdiction throughout all of Barry and Eaton Counties, including all cities, villages and townships, in the administration and enforcement of this code and amendments hereafter adopted unless otherwise specifically stated.

Section IV. Enforcement

All premises affected by 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 this code.

Section V. Right of Entry and Inspection

When a Health Officer has a reasonable cause to believe an owner is violating this code, he may inspect the premises at a reasonable time. No person shall refuse to permit the Health Officer to inspect any premise at reasonable times, nor shall any person molest or resist the Health Officer in the discharge of his duty. In the event that a Health Officer is refused permission to inspect any premise at reasonable times, he shall have authority to apply for an administrative investigative warrant, pursuant to the provisions of MSA 14.15(2241)-1415. (2247); MCL 333, 22.47.

Section VI. Fees and Civil Penalties

All fees shall be collected by the Barry-Eaton District Health Department and shall be receipted for and deposited with the Eaton County Treasurer and credited to the Barry-Eaton District Health Department.

A schedule of fees for licenses, civil penalties, and other services authorized by these regulations shall be from time to time adopted or revised by the Barry-Eaton District Board of Health, pursuant to Act 368, P.A. of 1978 as amended.

Section VII. Penalties

a) **Criminal**

If any person shall violate the provisions of this regulation or any part thereof, he shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not exceeding the sum of \$200.00 or by imprisonment in the county jail not exceeding six (6) months, or by both such fine and imprisonment at the discretion of the courts; also, every twenty-four (24) hours said person permits any conditions in violation of the provisions of this regulation to continue after such conviction, it shall be deemed an additional offense against the provisions of this regulation.

b) **Civil**

The Health Officer may issue a citation within ninety (90) days of the discovery of an alleged violation of the provisions of this regulation. The citation shall be written and shall state with particularity the nature of the violation, including reference to the section, rule, order, or regulation alleged to have been violated. The citation shall include a monetary civil penalty of not more than \$1000.00 for each violation or day that the violation continues. The citation shall also include the alleged violator's right to appeal the citation pursuant to Article VIII, Section II of this code.

Section VIII. Injunctive Proceedings

Notwithstanding the existence or pursuit of any other remedy, the Health Officer may maintain in a court of competent jurisdiction an action for an injunction or other process against any person to restrain or prevent violations of the code.

Section IX. Abatement of Nuisance

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

Section X. 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.

Section XI. Validity

These requirements and the various parts, sections, and clauses of this code are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the code shall not be affected thereby.

Section XII. Other Laws and Regulations

This code is supplemental to the rules and regulations duly enacted by the Michigan Department of Environmental Quality and to laws of the State of Michigan relating to public health and the environment, and this code shall supersede all local minimum standards heretofore enacted and inconsistent herewith.

Section XIII. Priority Over Building Permits

No county, township, municipality or other agency acting for a governmental agency shall issue a building permit or otherwise allow commencement of construction on any land where public sewers and/or a public water supply is not available until all permits required by this code are obtained or approval has been obtained from the Health Officer.

Section XIV. Repeal of Other Regulations

The sanitary code of the Barry-Eaton District Health Department having an effective date of November 11, 1994, is hereby amended.

A condition of these amendments shall be that no violation of any amended 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 Barry-Eaton District Health Department 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 chapters now amended shall continue to be required if the same or similar provision is contained in these Regulations.

Section XV. Notification

Prior to the adoption of this amended code, the Barry-Eaton District Board of Health shall give notice of a public hearing and offer any person an opportunity to present data, views, and arguments.

The notice shall be given not less than ten (10) days before the public hearing and not less than twenty (20) days before the adoption of this code, and shall be in accordance with the specifications given in Section 2442 of Act 368, P.A. 1978, as amended.

After adoption by the Board of Health, this code shall be approved by Barry and Eaton County Boards of Commissioners to become effective.

Section XVI. Effective Date

This code shall become effective forty-five (45) days after approval by the Board of Commissioners of Barry and Eaton Counties.

ARTICLE II. GENERAL DEFINITIONS

Section I. Definitions

When not inconsistent with the context, 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 number...the word "shall" is always mandatory, and not merely directory. For the purpose of this regulation "he" shall also mean "she" or "it" and "she" shall also mean "he" or "it". Words and terms not defined herein shall be interpreted in the manner of their common usage.

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

a) **Board of Appeals**

In order to provide for reasonable and equitable interpretations of the provisions of this code, there is hereby created an "Appeals Board". The Barry-Eaton District Board of Health shall constitute the Appeals Board and shall hear any appeal presented in accordance with rules of procedure established by said Board. The Board shall furnish the appellant with a written report of its findings and decision.

b) **Board of Health**

The term "Board of Health" shall mean the District Board of Health of the Barry-Eaton District Health Department.

c) **Dwelling**

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

d) **Habitable Building**

The term "habitable building" shall mean any structure or part thereof, or other place where human beings reside, are employed, or congregate, or any structure adopted for such purposes.

e) **Health Department**

The term "Health Department" shall mean the Barry-Eaton District Health Department comprised of Barry and Eaton Counties.

f) **Health Officer**

The term "Health Officer" shall mean the director or acting director of the Barry-Eaton District Health Department or his authorized representative.

g) **Non-Residential**

Non-residential shall include any structures other than a single or two-family residence.

h) **Nuisance**

"Nuisance" shall mean a condition or activity on private or public property which threatens, or could reasonably be expected to threaten, the health or safety of the public. A threat to the health and safety of the public shall include any

condition or activity which is reasonably likely to cause death, disease, illness, physical harm, or is likely to create an unsanitary or unhealthy condition, which may cause disease, illness or death.

- i) **Owners**
The term "owners" and "persons owning premise" shall mean both the owner of title and record and those occupying or in possession of any property or premise.
- j) **Occupant**
The term "occupant" shall mean those persons who occupy, live, habitually use, or otherwise are in possession of any property or premise.
- k) **Person**
The term "person" shall mean any individual, firm, partnership, party, corporation, company, society, association or other legal entity.
- l) **Premises**
The term "premises" shall mean a tract or parcel of land on which a habitable building or dwelling is located and shall include such building or dwelling.

ARTICLE III. TECHNICAL AND SPECIFIC DEFINITIONS

Section I. Definitions

- a) **Aggregate**
"Aggregate" shall mean washed 6A or 10A stone or other similar material approved for use in a soil absorption system.
- b) **Alternative On-Site Sewage Disposal System**
"Alternative on-site sewage disposal system" shall mean a method of on-site sewage treatment other than the conventional treatment tank with absorption trenches or bed. Alternative systems include, but are not limited to, sand filter systems and lagoons.
- c) **Approved**
"Approved" shall mean acceptable for intended use as judged by the Health Officer in view of this code, its rules, and regulations, or by other authority designated by law to give approval of the matter in question.
- d) **Automatic Siphon**
An "automatic siphon" is a mechanical device which will automatically cause a liquid entering a receptacle to be retained until a predetermined high water level has been attained after which it is automatically released from the receptacle until a second predetermined level has been reached at which time the flow from such receptacle ceases until the high water level has again been attained.
- e) **Available Public Sewer System**
"Available public sewer system" shall mean a public sewer system located in a right-of-way easement, highway, street, or public way that passes not more than 200' at the nearest point from a structure in which sanitary sewage originates.
- f) **Diversion Valve**
A "diversion valve" is a mechanism provided to enable a switching of the effluent flow from one soil absorption system to another separate absorption system so as to permit alternate periods of loading and resting.
- g) **Dosing Chamber**
A "dosing chamber" is a water-tight 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.
- 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 by means of a flush of water to discharge the contents to an outlet connection.

- i) **Seasonal High Groundwater Elevation**
The "seasonal high groundwater elevation" shall mean the maximum level of the saturated soil zone during the normally wet periods of the year as determined by soil evaluation.
- j) **Holding Tank**
"Holding tank" shall mean a watertight receptacle, equipped with an alarm device that receives and holds wastewater prior to pumping.
- k) **Individual On-site Sewage Disposal System**
"Individual on-site sewage disposal system" shall mean the method and devices, including all requisite treatment tanks, piping, pumps, vents, and soil absorption areas, or privies used to treat and/or dispose of all sewage emanating from a home, business, or industrial establishment that is located entirely on the property occupied by said disposal systems including conventional and alternative systems.
- l) **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.
- m) **Privy**
"Privy" shall mean a building or other structure not connected to a sewer system or a properly established and operated on-site sewage treatment system that is used for the reception, disposition, or storage, either temporarily or permanently, of feces and other excreta from the human body.
- n) **Septic Tank**
A "septic tank" is a watertight, covered receptacle designed and constructed to receive the discharge of sewage, separate solids from the liquid, digest organic matter and store digested solids through a period of detention and allow the clarified liquids to discharge for final disposal.
- o) **Sewage Failure**
A sewage failure shall include, but not be limited to, any condition where effluent from any 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 may have an obnoxious or detrimental effect on or to the senses and/or health of persons.
- p) **Sewage and Wastewater**
For the purpose of this regulation "sewage" shall include, but not be limited to, all domestic liquid waste from laundry, bathing, cooking, cleaning, sink waste, therapeutic bathing, human excreta, dishwasher and garbage disposals. Sewage shall not include water softening and treatment devices, and roof, footing or storm drainage.
- q) **Sewer**
A "sewer" is a watertight conduit for carrying sewage.
- r) **Soil Absorption System**
"Soil absorption system" also known as conventional sewage disposal systems, shall mean the part of an on-site sewage treatment system in which septic tank effluent is distributed by arrangement of trenches, beds, or seepage pits that allow the effluent to be absorbed and treated by the surrounding soil.
- s) **Soil Evaluation**
A "soil evaluation" shall mean a textural and soil mottling analysis to determine the estimated percolation rate, depth to the seasonal high groundwater elevation and other physical characteristics affecting the sites' ability to absorb and treat wastewater effluent.
- t) **Soil Mottling**
"Soil Mottling" also known as redoximorphic features, means 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.

u) **Waste Management Plan**

A "waste management plan" shall mean written instructions and directions for the homeowner to follow permitting operation and maintenance of the waste disposal system as designed.

v) **Well**

"Well" means an opening in the surface of the earth for the purpose of removing fresh water or a test well, agriculture well, irrigation well, recharge well, open loop heat pump supply, or waste disposal well or a well used temporarily for dewatering purposes.

ARTICLE IV. INDIVIDUAL ON-SITE SEWAGE DISPOSAL SYSTEMS

Section I. Connections Required

All facilities such as flush toilets, urinals, lavatories, sinks, bathtubs, showers or any other facility from which sewage emanates shall be connected to an individual sewage disposal system, except that any such facilities hereafter installed on a premise where public sewer is available within 200 feet from the structure shall be connected to said public sewer in accordance with Act 288 of Public Acts of 1978.

Footing drains, downspouts, roof drains, water conditioners discharge and any other wastewater not defined as sewage shall not be connected to or discharged into the sewage disposal system.

Section II. Permits Required

No person, firm, company, or corporation shall construct, alter, extend, or replace or cause construction, alteration, extensions, or replacements of any individual sewage disposal system unless he has first obtained a permit issued by the Health Officer.

Section III. Application for Permit

Application for a permit to construct, alter, extend or replace any sewage disposal system shall be made by the owner or his representative to the Health Officer on forms approved by the Board of Health. At his discretion, the Health Officer may require submission of additional data including but not limited to engineered drawings, maps, soil analysis, test borings, percolation tests, groundwater 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 discretion require that the design plans and specification for a sewage disposal system be prepared by a registered professional engineer, registered sanitarian, or other qualified Wastewater consultant. Payment of the established service fee shall be submitted with the completed application form.

Section IV. Termination of Permits

Any permit issued pursuant to the requirement of the preceding sections shall remain valid only for a term of twelve (12) months from the date of issuance, unless sooner declared void as provided in the following section; and no construction, alteration, repairs, or extension shall continue without renewal of such permit.

Section V. 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, compaction, excavation, paving or flooding, by the installation of public sewer, by location of a water supply well or other alterations that 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 or during construction of said system. It shall be a violation of this regulation to misrepresent, omit or withhold pertinent information upon which the minimum requirements contained in this regulation are based.

Section VI. Contractor License

Any person or contractor, other than the property owner, shall, prior to commencing any work of installing any portion of an Alternative Wastewater Treatment/Disposal System or a Low Pressure Dose Mound as provided in Article IV, Section VIII (b), seek and obtain an installer's license as issued by the Barry-Eaton District Health Department.

- a) Applicants for such installer's license shall take and successfully pass an examination prepared by the Health Officer.
- b) The installer's license shall be valid for a period of two years expiring on December 31 of the second year after successful examination.
- c) Any person or contractor licensed under Article IV, Section VI, seeking renewal of said license shall demonstrate knowledge of applicable construction techniques and requirements by successfully passing a written examination prior to license renewal. If the person or contractor has installed a minimum of three (3) Alternative Wastewater Disposal Systems or Low Pressure Dose Mounds in the year prior to a renewal request and has exhibited good workmanship and met client expectations, the written examination may be waived at the discretion of the Health Officer.
- d) No person other than a person licensed to install Alternative Wastewater Treatment Disposal Systems or Low Pressure Dose Mounds shall commence work on any such system within Barry or Eaton Counties unless said person is the owner of the property on which the system is being installed and that the installation is for a single-family dwelling; and said person is able to demonstrate to the satisfaction of the Health Officer that his/her intent is to use said dwelling as their principal place of residence for a period of at least one (1) year.
- e) Revocation of License - Any license issued pursuant to Section VI of these provisions may be forthwith revoked by the Barry-Eaton District Health Department if in the judgment of the Health Officer one or more of the following conditions are present:
 - 1) The person or contractor installs any sewage disposal system or any portion thereof without first obtaining a permit from the Barry-Eaton District Health Department authorizing the installation; or
 - 2) Demonstrated failure to comply with construction requirements set forth in any permit issued for the installation of an Alternative Wastewater Disposal System or Low Pressure Dose Mound.
- f) Fees - A fee as stated in the Barry-Eaton District Health Department fee schedule shall accompany each application for a license.

Section VII. Denial of Permit

The Health Officer shall have the right to deny the issuance of a permit under one or more of the following conditions:

- a) Where available public sewers exist within 200' as defined by this code.
- b) Where the septic tank would be inaccessible for cleaning or inspection purposes.
- c) Where the property served is too small for proper isolation from existing lot lines, water wells, abandoned water wells, the premise water well, surface waters, county drains, field tile, or has insufficient drainage and replacement area.
- d) Where the seasonal high groundwater elevation is less than two feet below the natural ground surface, except as may be considered in application of Article IV, Section VIII (b) low pressure dose mounds or alternative systems.
- e) Where the stabilized percolation rate is in excess of 60 minutes per inch except as provided for in Section VIII (b).
- f) Where the soil conditions and/or physical conditions are deemed to be unsuitable for the disposal and treatment of sewage such as, but not limited to, compaction and unsuitable fill.
- g) Where conditions exist or may be created which may endanger the public health or the environment.

- h) Where the proposed site is subject to flooding as defined in Goemaere-Anderson Wetland Protection Act 203, P.A. of 1979, and/or within the 100 year floodplain.
- i) Where fractured bedrock is encountered within six (6) feet of the ground surface.

Section VIII. Building Site Acceptance Specification

The following specifications shall be used in determining the suitability of the site to provide satisfactory drainage for on-site sewage disposal system.

- a) **Soil Analysis**
The soil classification 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) **Disposal Methods, which may be considered under various soil conditions as identified by the Health Officer and in conjunction with a soil evaluation:**

Soil Texture	Permeability	<u>Acceptable System Design</u>	
	<u>Min./In..</u>		
Coarse Sand Medium Sand	Less than 10	Trench	Bed
Fine Sand & Loamy Sand	10 - 20	Trench	Bed
Sandy Loam	20 - 30	Trench	Bed
Loam Sandy Clay Loam Light Clay Loam Silty Loam	30 - 60	Trench - Primary Choice of Design	Bed may be considered
Clay Loam Silt Loam	60 - 200	Low Pressure Mound or Alternative System	
Clays, Silts, Muck, Peat, Marl	>200	Unsuitable	

- c) **Backhoe Cuts**
Test borings or excavations shall be made within the area proposed for the sewage disposal system to determine the groundwater level and soil formations. The Health Officer may request that excavations or borings to a minimum depth of six (6) feet may be made available for inspection and evaluation of soil types and conditions.
- d) **High Groundwater**
High groundwater or evidence thereof shall be at least four (4) feet below the bottom of the trench or bed.
- e) **Hardpan Clay, Impervious Material**
Impervious hardpan or clay, stone or shale, if present, shall be at least four (4) feet below the bottom of the trench or bed and shall be at least six (6) feet below the parent ground surface.
- f) **Filled Ground**
Filled ground or "made land" shall be acceptable only under specific written approval of the Health Officer. Filling shall not be allowed over unstable soil, peat, muck, marl, organic material, soils having estimated percolation rates in excess of thirty (30) minutes per inch, or within 100 feet of any lake, stream, pond, or other surface body of water.
- g) **Percolation Tests**
In addition to evaluation of the data required above, the Health Officer may require stabilized percolation rate tests when deemed necessary to determine the absorption capacity of the soil.
- h) **Replacement Area**
Sufficient area of suitable soil shall be set aside or put on reserve for a future replacement system. Such replacement system area shall be at least equal to the area required for the initial system.

i) **Seasonal Groundwater Monitoring Wells**

In addition to the evaluation of the data above, seasonal groundwater monitoring wells may be used to determine seasonal groundwater evaluations.

j) **Deepcuts**

Deepcuts to underlying dry granular soil can be used to improve the performance of a septic system. These deepcuts can be made to a maximum depth of ten (10) feet below original grade. Installation of deepcuts to a depth greater than ten (10) feet will be considered if proper protection of groundwater can be maintained.

k) **Installation**

The Health Officer may restrict the installation of sewage disposal systems to certain times of the year depending on, but not limited to, frozen or saturated soil conditions.

Section IX. Inspection and Certification

After construction of the sewage disposal system has been completed to the extent of the placement of all septic tank(s), sewers, and distribution tile lines, and before any portion of the distribution tile system has been covered or placed in operation, request for an inspection shall be made to the Health Officer. The inspection will be made within two (2) working days after notification of the Health Officer that the system is ready for inspection. After approval of the system for backfill, it shall not be allowed to remain open for longer than 48 hours unless otherwise approved by the Health Officer. It shall be the responsibility of the septic system contractor and/or the permit applicant to contact the health department to complete this final septic system inspection. Failure to construct according to the specifications as set forth on the permit shall be deemed a violation of these regulations for which the installer of the system may be held responsible.

Section X. Premise Occupancy

It shall be unlawful for any person to occupy, or offer for occupancy, or permit to be occupied, any premises which is not equipped with an adequate sewage disposal system for the disposal, in a sanitary manner, of all forms of sewage. Such premises shall be constructed in accordance with the provisions of this code. Under no conditions 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 this code may be declared unfit for habitation and may be so posted by the Health Officer and ordered vacated.

Section XI. Condemnation of Existing Installations

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

Section XII. Connection to Publicly Operated Systems and Septic Tank Abandonment

The sewage facilities installed in premises where a connection to a public sewer is available shall be connected to said public sewer. Upon discontinuation of use of a septic tank, drywell, privy or other system, the sewage sludge contents thereof shall be completely removed and disposed of by a septic tank cleaner who is duly licensed under provisions of the Septage Waste Servicers Act, Part 117, of the Natural Resources and Environmental Protection Act, 1994 P.A. 451, as amended. The tank, drywell, privy, etc., shall then be completely backfilled with sand or pea gravel and made safe from the hazard of collapse or entrapment.

Section XIII. Deviations

Deviations from the provisions of this code may be made in cases where physical size or shape of the premises or when undue hardship makes its application a physical impossibility. In such event, if the Health Officer finds that special conditions are present, the owner may construct or cause to be constructed an individual sewage disposal system under the direction of the Health Officer and subject to such reasonable conditions as he may require 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 it provides equal or better treatment than the minimum requirements provided for herein. Exceptions to

the specific requirements may be made by the Health Officer, on application, when in his judgment special factors warrant such a deviation. Approval of deviations shall be in writing and shall become part of the permanent record for this premise.

Appeals of the determination by the Health Officer of physical impossibility or reasonable conditions of an individual sewage disposal system shall be made in the same manner as appeals provided for in Article VIII, Section II.

Section XIV. Imminent Danger to Health

Whenever the Health Officer finds that an imminent health hazard exists which requires immediate action to protect the public health, he shall, without notice or hearing, issue an order citing the existence of such imminent hazard. Notwithstanding the other provisions of this regulation, such orders shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately.

Section XV. Separate Systems for Each Family or Establishment

Unless specifically approved by the Health Officer, each on-site disposal system and water supply shall serve only one habitable dwelling.

Section XVI. Public and Private Drains of Unknown Course and Origin

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 may issue public notices requiring persons owning premises from which such sewage originates to connect such sewage flow to a publicly operated sewage system, if available, or in the absence thereof to comply with the provision of Article IV, Section I, of these regulations. Public notice shall consist of the posting of at least five (5) conspicuous notices in the probable area served by the 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 within the time allowed by the posted notices. Failure to comply shall be considered a violation of this code. The Health Officer or his representative shall not be liable for any damage which results or might result from action authorized by this section.

Section XVII. Reviews for Proposed Property Changes

Whenever a new use of a property or other changes which may impact an existing wastewater disposal system(s) is proposed, the Health Officer shall, upon request, review the proposal. The review shall determine if the proposed changes will overload/disturb or place undue stress on the existing system in any way that may prevent adequate working or replacement.

The recommendations made from this review may be used by a city, village, township or other county agencies in making decisions regarding land use planning, zoning or the issuance of building permits.

ARTICLE V. REQUIREMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF INDIVIDUAL SEWAGE DISPOSAL SYSTEMS

Section I. Sewers

a) **Material**

All sewer lines shall meet the requirements of the current Michigan Plumbing Code. The sewer lines from the septic tank to disposal system shall be Schedule 40 PVC and of such length that it spans the soft dirt surrounding the excavation for the septic tank. Sewer lines beyond the SCH40PVC shall be SCH40PVC, SDR35 or equivalent rated material.

b) **Size**

The size of sewer lines shall be based upon fixture units as set forth in the Michigan Plumbing Code.

c) **Grade**

Sewer lines installed prior to connection of a septic tank shall be laid at a grade of not less than one-eighth (1/8) inch per foot or not more than one-half (1/2) inch per foot unless otherwise approved by the Health Officer.

- d) **Isolation**
All sewer lines located within fifty (50) feet of any well, spring or water line shall be constructed of schedule 40 plastic or other approved materials. Any buried gravity sewer line shall be located at least ten (10) feet from any well, spring, or water line. Any buried pressurized sewer line shall be located at least (50) feet from any well.
- e) **Bends**
When forty-five (45) or ninety- (90) degree horizontal and vertical bends are necessary to connect to the treatment tank, long radius elbows or equivalent shall be used.
- f) **Clean-outs**
Building sewers shall be equipped with accessible clean-outs every fifty (50) linear feet. The sewer between the tank and final disposal system shall be equipped with accessible cleanouts every 100 linear feet.

Section II. 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 the existing tank making it inaccessible for cleaning and inspection purposes. Septic tanks shall be located on the same side of a building that the sewer line leaves the wall.
- b) **Manholes**
Every septic tank compartment shall be provided with one or more accessible openings eighteen (18 inches minimum) with covers. Each cover shall be provided with a handle. One of the openings is to be located over the outlet to permit inspection and cleaning.
- c) **Risers**
Where the top of the septic tank is located more than eighteen (18) inches below the finished grade, manholes shall be built up to within eighteen (18) inches of the finished grade for each compartment.
- d) **Inlets**
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 inlet must be so designed to permit gas above the liquid level to pass through the inlet line and out the vent pipe servicing the sewer line leading to the tank. All pipe connections to a septic tank shall be watertight and the surrounding excavation shall be properly backfilled for surface water drainage. A baffle can be provided to divert the incoming sewage downward.
- e) **Outlets**
The outlet connections of the tank and each compartment thereof shall be submerged by means of a vented tee or baffle to allow effective retention of scum and sludge. The outlet tee or baffle shall extend at least four (4) inches above the liquid level and a distance equal to forty (40) percent of the liquid depth below the liquid level. Any baffle shall be located a minimum of four (4) inches from its respective inlet or outlet.
- f) **Construction Material**
Concrete prefabricated tanks shall be constructed of washed aggregate and properly vibrated to produce concrete tanks having a minimum compressible strength of 3,500 pounds per square inch. Tanks constructed of concrete blocks shall be laid on a four- (4) inch reinforced concrete bottom and all mortar joints shall be thoroughly filled. The interior of the tank shall have a smooth cemented surface and must be watertight. The top is to be a minimum four- (4) inch reinforced concrete with a manhole(s) as in b. above.
- g) **Existing Septic Tank**
When repairs are made to an existing sewage disposal system, existing septic tanks that do not meet the standards contained in these regulations may remain in service without modification. This provision shall apply only if the Health Officer determines that such existing septic tank(s) are watertight and capable of performing their intended function in an acceptable manner, and that no dangers or public health nuisances or degradation of the natural environment will result from their continued usage.

h) Number and Capacities

The total liquid capacity of any septic tank(s) which accepts blackwater shall be not less than one thousand (1000) gallons. Any gray water system shall be served by a minimum of a five hundred (500) gallon septic tank, which shall discharge into a disposal system approved by the Health Officer.

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 increased capacities may be required.

<u>No. of Bedrooms</u>	<u>Minimum Liquid Capacity (in gallons)</u>	<u>With Garbage Grinder</u>
1-2	1000	1000 & 500
3	1000	1000 & 1000
4	1500	1000 & 1000
5 or more	2000	1500 & 1000

1. For each additional bedroom add 250 gallons.
2. For garbage grinder increase drainfield area by 25%.

i) Septic Tank Maintenance

Septic tanks shall be maintained in a sound and watertight condition. In addition, routine pumping of the septic tanks shall be conducted so as to prevent the accumulation of solids and scum to an extent which will allow the carry-over of such materials into the final disposal system.

j) Effluent Filters

Effluent filters may be required on the outlet of the septic tank(s). Effluent filters shall be installed within a tank in a manner which allows for removal and maintenance or cleaning.

Section III. Dosing Chamber and Equipment

- a) The Health Officer may require that dosing tanks and automatic siphons or pumps be used in installations where the liquid capacity of the tank or tanks is over two thousand (2,000) gallons or where the site conditions warrant the pumping of sewage.
- b) Dosing Chambers shall be not less than one thousand (1000) gallons unless in the opinion of the Health Officer decreased capacity may be approved.
- c) Dosing chambers must be watertight, accessible vaults with a minimum eighteen (18") inch opening and provided a riser(s) to the ground surface. Riser lids shall be childproof by virtue of weight or provided with a securing mechanism.
- d) Pump chambers shall be provided with a high water alarm or device to alert the owner of pump failure.
- e) All electrical components and connections shall be in accordance with state or local codes.
- f) The pump(s) must be a submersible pump provided with explosion proof switches, separately wired to allow an operation of the warning system should the pump trip a breaker.

Section IV. Subsurface Disposal Systems

a) Location

In no case shall the initial or reserve disposal field be located under any drive, parking area, paved surface or building, and shall be located wholly on the property served or a recorded sanitary easement. Disposal fields should be installed in a manner and location so that surface water drainage is diverted away from the installation.

b) Distribution Header

A header or distribution box shall be set so as to evenly distribute all septic tank effluent throughout the sub-surface disposal laterals. A manifold header shall be used in all cases where the header is fifty (50) feet or more in length. The Health Officer may require that the distribution header be of solid pipe construction where conditions warrant.

c) Diversion Valves

Diversion valves may be required by the Health Officer. When utilized, the installation, design, and material must be approved by the Health Officer.

d) **Distribution System**

The soil absorption system shall be constructed of drain tile or other materials certified as complying with the Michigan Department of Environmental Quality Standards.

e) **Barrier Material**

Straw or other approved materials shall be placed between the stone and final cover of soil to prevent soil from filtering into the stone.

f) **Inspections**

Approval of a tile field may be withheld if tile are not laid at a uniform grade, tile are in poor condition, if soil has been allowed to filter into stone material or if the installation does not conform to the requirements of the construction permit.

g) **Installation Moratorium**

When necessary the Health Officer may restrict the installation of any wastewater disposal system to certain weather and soil conditions to protect the integrity of the soil structure.

h) **Site Preservation**

The Health Officer may require, as a portion of a permit, that the drainfield area(s) be fenced or otherwise provided with a physical barrier during new construction activities.

Section V. Required Isolation Distances in Feet

From:	To:	Septic	Absorption	Dry	Block	Sewer
		<u>Tank</u>	<u>Field/Bed</u>	<u>Well</u>	<u>Trench</u>	<u>Line</u>
Well		50(1)	50(1)	50	50(1)	50(1)(2)
Property Line		10	10	10	10	5
Right of Ways & Easements		5	5	5	5	5
Basement Wall		10	20	30	20	5*
Building Foundation		5	5	10	10	--
Water Line under positive pressure		10	10	10	10	10
Bank or Drop-off		10	20	25	20	10
Lake or Stream		50	100	100	100	25
Swimming Pool		20	20	20	20	20
High Water Table		1(4)	4	4	4	1(4)
Existing Disposal System		--	10	15	10	--
Properly Abandoned Well		15	25	25	25	10
County Drain & Field Tile		50	50	100	50	10

* Except at the point of entry

- (1) Increased isolation required for public water supplies pursuant to Act 399, P.A. 1976, as amended.
- (2) See Health Department for sewers of approved materials for use within the above isolation distance.
- (3) Well isolation may be increased if site conditions warrant.
- (4) Minimum isolation to any septic tank seam or sewer line conducting gravity or pressurized sewage.

Section VI. Soil Absorption Bed/Trench System and Field Construction Requirements

<u>Items</u>	<u>Minimum</u>	<u>Maximum</u>
Number of Lateral Trenches	2	--
Length of Trench from Header	--	60'
Length of Trenches	--	120'
Width of Trenches	18"	42"
Space between Trench Walls	6"	--
Depth of Final Cover (over stone)	6"	18"
Slope of Tile Lines	Level	4"/100'
Depth of Aggregate under Tile	6"	18"
Over Tile	2"	--
Aggregate Size (Filter Material)	½"	2 ½"
Distance between Bed/Distribution Lines	3'	4'
Distance between Bed/Distribution Lines and the Bed Wall	2'	3'

Section VII. Minimum Soil Absorption Area Requirements

Soil Texture	Estimated Perc. Rate	1&2 Bdrm		3 Bedrm		4 Bedrm	
	Min./inch	Trench	Bed	Trench	Bed	Trench	Bed
Sand & Gravel	0-20	500	750	700	1050	900	1350
Loamy sand	20-30	600	900	900	1350	1200	1800
Sandy loam	30-45	700	1050	1000	1500	1300	1950
Loams, light clay loams	45-60	900	1200	1350	1800	1500	2250
Clay loams	60-200	Low Pressure Mound or Alternative on-site sewage disposal may be considered					
Clays, silts, muck, peat, marl, clay loams	>200	Only Lagoons may be considered					

Section VIII. Alternative On-Site Wastewater Treatment/Disposal Systems

- a) Developing technology may produce system designs of a non-traditional nature. Such systems may be considered for approval by the Health Officer if it is determined that equal protection of the public's health and the environment will result. Consideration of an alternative Wastewater treatment/disposal system proposal will be made upon receipt of a written application which includes:
 - 1) Plans prepared and sealed by a Michigan registered engineer, soil scientist or registered sanitarian.
 - 2) Construction inspection schedule detailing designer's certification inspections of crucial phases of installation.
 - 3) Boring logs detailing soil profile in area proposed for system.
 - 4) Waste management plan for the owner.
 - 5) Other information deemed necessary by the Barry-Eaton District Health Department to provide for proper consideration of the proposal.

- b) Alternative wastewater treatment/disposal systems shall include, but not be limited to, the following types of wastewater treatment systems:
 - 1) Lagoons.
 - 2) Single Pass Sand Filter.
 - 3) Multiple Pass Sand Filter.

- c) Alternative on-site sewage treatment/disposal systems shall be installed by the home owner or only by installers that have been certified for alternative wastewater treatment systems and hold a current license to install alternative wastewater treatment systems as issued by the Barry-Eaton District Health Department as provided for in Article IV, Section VI.

- d) The Department may impose fees equal to the cost of providing inspections and monitoring of alternative wastewater treatment/disposal systems. Said fees shall be paid to the Barry-Eaton District Health Department. Payment of identified fees is a condition of approval of the sewage disposal system.

- e) The Department shall develop and publish criteria for the preparation of plans and construction of alternative wastewater treatment/disposal systems authorized for consideration within the District.

- f) Minimum parcel size for consideration of alternative on-site sewage disposal systems shall be:

Lagoon	20 acres
Single or recirculating sand filters	2 acres

Minimum lot sizes for other sewage disposal systems under consideration shall be at the discretion of the Health Officer based on final quality of treatment and area needed for reserve disposal area and other factors affecting the installation and operation of the proposed system.

Section IX. Non-Conforming Site Repair Systems

- a) When sewage disposal system repairs or replacements are deemed necessary to serve existing homes, it is recognized that the standards set forth in the Code may create undue hardships. Under such circumstances, repair or replacement may be made for properties containing restricting soil or site conditions utilizing reasonable technology provided equivalent protection of the public's health is achieved. Permits for such installations may stipulate water conservation or other measures as deemed appropriate by the Health Officer.
- b) A non-conforming site permit addendum shall be signed and filed with the Health Department for all property subject to this section. Such addendum shall notify the applicant of the limitations present upon the property which necessitates the application of provisions other than those recognized as conventional. The addendum shall also stipulate any limitation of the use of the disposal system and shall be considered a part of the permit authorizing installation of the wastewater disposal system.

Section X. Variations

Variations in tests, standards, or general requirements may be permitted by the Health Officer upon application, when in his/her opinion sufficient evidence exists of special factors warranting such variance. 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 Barry or Eaton Counties.

ARTICLE VI. OTHER THAN SINGLE AND TWO-FAMILY ON-SITE SEWAGE DISPOSAL SYSTEM

Section I.

By authority of Act 368, P.A. 1978, and, P.A. 451 of 1994, all structures other than single-family and two-family residences must construct sewage disposal systems pursuant to the Michigan Criteria for Sub-Surface Sewage Disposal.

Section II.

No person, firm, company or corporation shall construct, alter, extend or replace any non-residential sewage disposal system unless first obtaining a permit issued by the Health Officer.

Application for a non-residential sewage disposal permit shall be made on forms furnished by the department. The Health Officer may require plans to be submitted prior to issuance of a sewage disposal permit.

Section III. Applicability of Michigan Criteria for Sub-Surface Sewage Disposal

Unless otherwise stated in Article IV, the requirements for permitting, inspections, occupancy and condemnation procedures will follow the same rules as previously stated in Article IV.

Section IV. Alternative Systems and Appeals

Any requests for alternative systems and appeals submitted to the Barry-Eaton District Health Department will follow procedures as set forth in the Michigan Criteria for Sub-Surface Sewage Disposal.

ARTICLE VII. CONSTRUCTION AND MAINTENANCE OF PRIVIES AND SIMILAR TOILET DEVICES

Section I. Privy Act

All privies and other similar toilet devices shall be constructed and maintained in accordance with Section 333.12771, Act 368, P.A. of 1978, as amended.

Section II. Prohibition of Privies

No privy shall be maintained or be constructed on or moved to any premise where the service of a sewer is available for public use, or in any area where prohibited by state or local ordinances.

A privy shall not service any herein after constructed premise or habitable building which is provided with a pressurized distribution/plumbing system.

Section III. Location of Privies

Privies shall be located at least seventy-five (75) feet from all water wells and all neighboring dwellings other than that which they serve. No privy shall be less than one hundred (100) feet to a body of surface water and thirty (30) feet to adjacent property lines. No privy shall serve more than one dwelling.

Section IV. Temporary Privies

Temporary privies used at construction sites, places of public assembly, camps, etc., shall comply with Act 368, P.A. of 1978, as amended; and when cleaned or serviced, the agency performing such service shall comply with Part 117, NREPA, 451, as amended. A permit shall be obtained prior to placing a privy on any parcel of land if the privy is to remain on the parcel for thirty (30) days or more.

Section V.

This article shall not apply to chemical type toilets, port-a-johns or similar devices not intended to deposit wastes into the ground.

ARTICLE VIII. BOARD OF APPEALS

Section I.

The procedures which follow apply to persons who seek administrative review of a decision by the health department to deny, suspend, close or restrict a license or permit or other action of the department pursuant to the Code.

Section II.

a) Membership

The Board of Health and the Health Officer shall comprise the Barry-Eaton District Health Department Board of Appeals. A quorum shall consist of at least four (4) members. A final decision of the appeal board shall be a majority vote of the members present.

b) Hearing of Appeals

Appeals shall be submitted in writing to the Chairman of the Barry-Eaton District Board of Health. The appeal shall be on appropriate forms as provided by the health department and accompanied by the appropriate fee and shall be received at least ten (10) days before the next scheduled meeting of the Board of Health or at the discretion of the chairman thereof at a special meeting called for the purpose provided, provided that no hearing shall be within less than ten (10) days of receipt of written request.

c) Scope

The Board of Appeals shall hear all requests for rules and regulations pertaining to the Barry-Eaton District Health Department's Sanitary Code except those parts of the Code where State statutes are adopted by reference. The Board of Health may hear requests on property where less than 1000 gallons per day water use is anticipated under Michigan Criteria for Sub-Surface Sewage Disposal.

d) Conduct at Hearing

- 1) The Board of Appeals must consider each appeal within the context of intent expressed within the scope of the particular article or section of these regulations for which an appeal is sought.
- 2) The Board of Appeals shall have the right to request information or technical assistance of any party in the hearing of the appeal.
- 3) The parties shall have the right to direct and cross-examine witnesses, submit documentary evidence, redirect or recross-examine witnesses and submit rebuttal evidence.

e) Board of Appeals - Findings

- 1) Upon receipt and review of sufficient information, documentation and evidence from an appellant, the Board of Appeals may affirm, modify, or rescind the decision of the health department.
- 2) A decision to modify or rescind the decision of the health department or to permit the variance of a provision(s) of these regulations shall not cause a violation of or be in conflict with a law, statute, ordinance, rule or any part thereof.
- 3) A decision to modify or rescind the decision of the health department or to permit the variance of a provision(s) of these regulations shall be made only after the Board of Appeals has determined that each of the following conditions have been met:
 - i) No substantial health hazard or nuisance condition is likely to occur therefrom.
 - ii) That strict compliance with the requirements herein established would result in unnecessary or unreasonable hardship to the appellant.
 - iii) That such decision or granting of a variance would provide essentially equal protection in the public interest of the citizens of Barry and Eaton Counties.
- 4) The Board of Appeals shall record the specific facts upon which it relies in granting a variance, modification or rescindment of a decision of the health department.
- 5) The Board of Appeals shall render its findings before adjournment of the hearing or within thirty (30) calendar days following the completion of the hearing.
- 6) The decision of the Board of Appeals shall be final, other than of such judicial review as may be provided by statutory and common laws of the State of Michigan.
- 7) All appellants shall be notified in writing of the decision of the Board of Appeals.

ARTICLE IX. SEPTAGE WASTE HAULERS

Section I.

All persons engaged in the business of servicing or maintaining septic tanks or other sewage holding reservoirs by removing the contents and whose business is located in Barry or Eaton Counties or who employs property in Barry or Eaton Counties for the disposal of septage shall meet the requirements set forth in Part 117, P. A. 451 of 1994 and this article.

Section II.

All persons disposing of septage waste on property within Barry or Eaton Counties under provisions of Part 117, NREPA 451 as amended, shall seek and obtain a health department certificate of compliance for each separately described parcel of property used for such disposal.

The certificate of compliance expires on June 30 of each year and shall be renewed upon determination of compliance and receipt of any fees required by the health department.

Section III.

Any person seeking approval to dispose of septage waste on a property located in Barry or Eaton County not heretofore approved by the department for such purpose shall seek an evaluation and receive a certificate of compliance for such activity prior to using the property for such purposes. The Barry-Eaton District Board of Health may establish a fee for such evaluation.

ARTICLE X. WATER SUPPLY DEVELOPMENT

Section I. Water Supply Scope

This code, as it relates to water supply systems, shall apply to all premises, residential and commercial lots not connected to a Type I public water supply.

Section II. Well Construction Code for Private Homes

Requirements with respect to water well construction and water pump installations for new water wells within Barry and Eaton Counties shall be those requirements as set forth in the GROUNDWATER QUALITY CONTROL RULES as adopted under Part 127, Act 368, P.A. 1978, as amended.

Section III. Well Construction Code For Public Water Supplies

Requirements with respect to water well construction and water pump installation for public water supplies classified construction and premises within Barry and Eaton Counties shall be those requirements as set forth in Act 399, P.A. of 1976, as amended.

Section IV. Permits for All Water Supply Systems

From and after the effective date of these regulations, it shall be unlawful for any person to construct any new water supply system or undertake extensive change(s) to an existing water supply well within Barry or Eaton Counties unless the owner or his representative has obtained a construction permit issued by the Health Officer to construct same.

Section V.

An extensive change shall include but not be limited to replacing the entire casing, removing the casing from the ground, or changing aquifers.

Section VI. Application, Permit and Fees

The application, with appropriate fee for a permit to construct a water supply system, shall be made on forms provided by the Health Officer and shall be signed by the applicant. The owner is responsible for supplying the necessary information which may consist of but not limited to the location of the proposed on-site water supply, engineering drawings, maps, elevations of recorded or predicted floods, subsurface geological formations, locations of nearby sources of contamination, the intended use of the proposed water supply and detailed plans of the complete water supply system.

Section VII. Expiration of Permit

Any permit to construct an on-site water supply system shall be valid for a period not to exceed one (1) year after the date of issuance. Said permit shall not be transferable to any new owner, nor to another location on the same parcel of property, nor to a different location and/or owner at a different parcel of property.

Section VIII. Stop Work Order – Void Permit

When during construction any new work or major change to an on-site water supply system is found to be in violation with 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.

Section IX. Abandonment of Wells

The term “abandoned” shall mean the giving up of the use of water from a particular source for any purpose. Abandonment or the intent to abandon a water supply may be implied from the acts of the person in control of the water supply (e.g.: non-use for a reasonable period of time or use of an alternate source on a continuous basis). A water supply shall be deemed to be

abandoned when found in such a state of disrepair that its continued use for the purpose of obtaining water is impractical or may be a health hazard.

All abandoned wells shall be sealed in accordance with instructions from the Health Officer in such a manner as to protect existing water bearing formations against any possible source of contamination.

Section X. Inspection and Approval

All new water supply installations are subject to inspection by the Health Officer.

Section XI. Priority over Building Permits

No municipality or township or other agency shall issue a building permit or otherwise allow construction to commence on any land where public water is not available until approval has been obtained to construct a well from the Health Officer.

Section XII. Facilities Required

Every habitable building shall be provided with an approved water supply. Construction shall be in accordance with the requirements set forth in Sections II & III.