

AUTHORITY FOR SANITARY CODE

Act 306 Public Acts of 1927. (Compiled Laws 1948, Sec. 327.201)

Section 1. The board of supervisors of any county in the state may provide for a county health department to be paid for out of the general funds of the county.**

Resolution of Oakland County Board of Supervisors No. 2501, 9-19-49:

“Be it resolved that the County of Oakland establish a Board of Health of five (5) members pursuant to Section 1 of Act 306 of the Public Acts of 1927 as amended.” Carried.

C.L. 1948. Sec. 327.206. Sec. 6. The County or district board of health, or the health committee of the board of supervisors, shall have and exercise the same powers and perform the same duties of a board of health as conferred by law upon the boards of health of townships, villages and cities.

Township Board of Health: (Compiled Laws 1948, Sec. 327.1) Sec. 1. In every township, the township board shall be the board of health. The Supervisor shall be the president, and the township clerk shall be the clerk of said board. The Clerk shall keep a record of the proceedings of the board in a book to be provided for that purpose at the expense of the township.

Section 3. The board of health shall make such regulations and by-laws respecting nuisances, sources of filth and causes of sickness, within their respective townships, and on board of any vessels in their ports or harbors, as they shall judge necessary for the public health and safety, and if any person shall violate any such regulations or by-laws he shall be deemed guilty of a misdemeanor and on conviction thereof, shall be punished by a fine not exceeding the sum of \$100.00, or by imprisonment in the county jail not exceeding 90 days, or by both such fine and imprisonment, in the discretion of the court.

Boards of Health in Cities and Villages: Sec. 49. The mayor and aldermen of each incorporated city, and the president and council, or trustee of each incorporated village in this state, in which no board of health is organized under its charter, shall have and exercise all the powers and perform all the duties of a board of health as provided in this chapter, within the limits of the cities or villages, respectively, of the amendments thereto, shall, as far as applicable, apply to all cities and villages in this state, and all duties which are, by the provisions of this chapter, to be performed by the board of health of townships or by the officers and inhabitants thereof, shall in like manner be performed by the board of health and the officers and inhabitants of such cities and villages, with a like penalty for the non-performance of such duties, excepting in cases where the charters of such cities and villages contain provisions inconsistent herewith.

OAKLAND COUNTY HEALTH DIVISION

SANITARY CODE

AUTHORITY FOR CODE	Effective September 1, 1950
ARTICLE I	General Provisions Effective September 1, 1950
ARTICLE II	Groundwater Protection Effective January 22, 1995
ARTICLE III	On-Site Sewage Disposal Effective September 1, 1956
ARTICLE IV	Food Service Establishments Effective November 14, 1999
ARTICLE V	Appeal Before the Sanitary Code Appeal Board Effective June 10, 1975
ARTICLE VI	Notice of Denial Effective June 10, 1975
ARTICLE VII*	Body Art Establishments and Practitioners September 11, 2000
ARTICLE VIII	The Sport of Racing and Carrier Pigeons Effective May 19, 1978
ARTICLE IX	Confinement of Animal Involved in Animal Bite Incident Effective May 17, 1978
ARTICLE X	Drinking Water Supply Program/Well Protection and Education Effective February 1, 1998

*This number was formerly used for Swimming Pools

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3	Article III	Septic Tank Permits	January 1, 1973
4	Article IV	Food Service Establishments	November 15, 1999
5	Article V	Appeal – Sanitary Code Appeal Board Amendment – Alternate Members	June 10, 1975 December 18, 1999
6	Article VI	Notice of Denial	June 10, 1975
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12		Groundwater Quality Control Part 127 – Act 368 of the Public Acts of 1978	1994 Revision

*This number was formerly used for Swimming Pools

**OAKLAND COUNTY HEALTH DIVISION
SANITARY CODE**

**ARTICLE I
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**OAKLAND COUNTY HEALTH DIVISION
SANITARY CODE**

**ARTICLE I
GENERAL PROVISIONS**

SECTION 1 - TITLE

The rules and regulations contained herein, together with duly enacted amendments thereto, shall be known as the Sanitary Code of the Oakland County Health Division.

SECTION 2 - DEFINITIONS

2.1 General 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. Words and terms not defined herein shall be interpreted in the manner of their common usage.

2.2 Health Officer

The term “Health Officer” shall mean the Director of the Oakland County Department of Health, and/or his authorized representative.

2.3 Sanitary Code

“Sanitary Code” shall mean and comprise the rules and regulations, now or hereafter formulated, promulgated and adopted by the Board of Health.

2.4 Person

The term “Person” shall mean natural persons, individuals, firms, partnerships, corporations, companies, societies and associations, and every agent, officer, or employee of any thereof.

SECTION 3 - REGULATIONS

The Health Officer is hereby authorized and empowered to make and promulgate all reasonable rules and regulations necessary to enforce the provisions of this Code.

SECTION 4 - HANDLING OF FEES

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

SECTION 5 - PENALTY

A person who violates a regulation is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of not more than \$200, or both. Each day that the violation continues is considered a separate violation.

SECTION 6 - UNCONSTITUTIONALITY CLAUSE

If any section, subsection, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of these regulations.

SECTION 7 - INTERFERENCE WITH NOTICES

No person shall remove, mutilate or conceal any notice or placard of the Health Division posted in or on any premises or public place except by permission of the Health Officer.

SECTION 8 - SPECIAL PROVISIONS

The regulations of this Code are supplemental to the regulations, rules and orders of the Michigan Department of Community Health, Public Health Law, and other laws of the State of Michigan relating to public health and this Code, and shall supersede all local ordinances heretofore or hereafter enacted inconsistent with the matters to which it refers.

SECTION 9 - INSPECTION OR INVESTIGATION

- 9.1 To assure compliance with the Sanitary Code, the Health Division may inspect, investigate, or authorize an inspection or investigation being made of any matter, thing, premise, place, person, record, vehicle, incident, or event.
- 9.2 No person shall refuse to permit any officer or employee of the Health Division fully and freely to inspect any and all premises and no person shall molest or resist any officer or employee of the Health Division in the discharge of his duty.

SECTION 10 – ADOPTION OF REGULATION

Before adoption of a regulation, notice of a public hearing shall be given and any person offered an opportunity to present data, views, and arguments. The notice shall be given not less than 10 days before the public hearing and not less than 20 days before adoption of the regulation. The notice shall include the time and place of the public hearing and a statement of the terms or substance of the proposed regulation or a description of the subjects and issues involved and the proposed effective date of the regulation. The notice shall be published in a manner calculated to give notice to persons likely to be affected by the proposed regulation.

SECTION II - PUBLICATIONS OF RULES AND REGULATIONS

All rules and regulations shall become effective 45 days after approval by the Oakland County Board of Commissioners or at a time specified by the Oakland County Board of Commissioners.

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ARTICLE II - GROUNDWATER PROTECTION

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**OAKLAND COUNTY HEALTH DIVISION
SANITARY CODE**

ARTICLE II

GROUNDWATER PROTECTION

Oakland County's unique subsurface geology, sustained growth and development (commercial, industrial, and residential), and lack of municipal sewer systems in developing areas make it necessary for Oakland County to develop regulations protecting its groundwater while allowing for growth and development vital to its continued well-being. A review of professional and scientific literature relating to groundwater contamination from on-site wastewater units, as well as a review of county population, demographics and building and water use trends in the housing industry, indicate that control of the application of wastewater effluent is the single most effective method of controlling groundwater contamination from on-site wastewater units. As a result of this review, it has been determined that density control, utilization of alternative and emergent technologies, land use restrictions and permitting procedures (i.e., a well permit system) are all valid and useful methods to be incorporated into a comprehensive groundwater protection policy. Consequently, this Article is enacted to protect the public health and safety of the residents and future residents of Oakland County who rely on on-site water supplies and on-site wastewater disposal.

SECTION I – DEFINITIONS

- 1.1 Residential Building Site – A parcel or division of land intended for construction of a single- or two-family residential unit relying upon on-site sewage disposal.
- 1.2 Commercial Development – A parcel or division of land intended for construction of a multiple family residential unit (i.e., more than two families) or business relying upon on-site disposal of sanitary waste only.
- 1.3 Industrial Site – A facility which produces liquid waste from industrial and commercial processes as distinct from sanitary sewage and generally requires a separate discharge permit from the Michigan Department of Natural Resources.
- 1.4 Sanitary Sewage – Water and contaminants discharged from the sanitary conveniences (e.g., bathroom, kitchen fixtures, and household laundry) of dwellings, office buildings, industrial plants, commercial buildings, and institutions.

- 1.5 Package Treatment Unit – A device designed and constructed to receive the discharge of sewage and to diminish waste material through the application of acceptable technology which creates an effluent acceptable for discharge to surface water or the groundwaters of the State of Michigan.
- 1.6 Municipal Sanitary Sewer – All or part of sewerage systems, including sewage treatment works owned and operated by a governmental agency where the sewage treatment works is under the supervision of a properly certified operator, as authorized by Public Act 98, of the Public Acts of 1913, as amended, being Sections 325.201 to 325.214 of the Michigan Compiled Laws.
- 1.7 Total Project – The gross land area available for residential development, excluding surface areas of lakes, streams, rivers, ponds, or other water courses.

SECTION 2 – RESIDENTIAL BUILDING SITES

- 2.1 Building Sites Defined – Any site which is not provided with municipal sanitary sewers will be subject to the provisions of this Article. It shall be unlawful for any person to develop a site established after the effective date of this Article which does not comply with this Article.
- 2.2 Minimum Residential Building Site – A single- or two-family residential building site must contain a minimum of one (1) acre of area for each three-bedroom residence. Minimum site size may be reduced when dedicated open spaces are provided as part of this total project (e.g., cluster homes). For purposes of this section, open spaces include areas set aside for roadways. Sites for structures in excess of three (3) bedrooms must contain an additional area at the rate of one-quarter (1/4) acre per bedroom.
- 2.3 Land Division – Any division of existing parcels of land after the effective date of this Code will not be approved for on-site sewage disposal systems unless they meet the minimum requirements of this Article. Land splits which are provided with municipal sanitary sewers do not fall under the provisions of this Code and will be allowed provided they meet local ordinances.

SECTION 3 – COMMERCIAL DEVELOPMENT (RESERVED)

SECTION 4 – ALTERNATIVE DEVICES AND SPECIAL CONSTRUCTION METHODS

- 4.1 Acceptance of Alternative Technology – The Health Officer or, when designated, the Administrator of Environmental Health Services, may accept the application of proven alternative technology of devices, materials, or special construction or

installation techniques acceptable to the Health Division which provide reduction in the contamination loading of the waste stream. This technology acceptance must be approved in writing by the Health Officer or, when designated, the Administrator of Environmental Health Services and be consistent with the provisions of both this Article and Article III, which governs the construction and installation standards for on-site sewage disposal systems.

- 4.2 Waiver Modification – The provisions of Sections 2 or 3 relating to lot size and/or application rates may be modified due to unique or special circumstances, including the use of proven alternative technology as set forth in Section 4.1 above, so long as such waiver or modification does not diminish public health or safety.
- 4.3 Additional Monitoring – When in the opinion of the Health Officer or, when designated, the Administrator of Environmental Health Services, additional monitoring is required for an alternative method of sewage disposal, the right of entry for the purposes of testing, monitoring, or evaluating the system must be established for the property on which it is installed through legal binding methods for a period of time at least equivalent to a conventional sewerage disposal system.
- 4.4 Testing of System – When it becomes necessary to test sewerage systems to determine their effectiveness as part of the overall evaluation, the Health Division may establish reasonable charges not to exceed the actual cost incurred for the valuation of the sewerage system. The Health Division may also direct the proprietor to have specific tests conducted at a recognized laboratory. The cost of such test(s) will be incurred by the proprietor of the system.

SECTION 5 – APPEALS

- 5.1 Right of Appeal – Unless otherwise regulated, a person who has failed to demonstrate adequacy for an on-site sewage disposal system under this Article shall have the right of appeal by petition in writing to the Oakland County Health division and such appeals shall be heard before the Sanitary Code Appeal Board. The petition must be accompanied with a fee and must be submitted within 30 days from the receipt of written notice of the rejection by the Oakland County Health Division.
- 5.2 Right of Appeal for Other Regulated Facilities – Persons having projects or land regulated under another state or federal law regulation or agency must appeal the Health Division’s decision to disallow the proposed usage to the state or federal agency having superintending regulatory responsibility.

SECTION 6 – EFFECTIVE DATES

This Article shall take effect on January 22, 1995. Adopted by the Oakland County Board of Commissioners on December 8, 1994.

AUTHORITY: Michigan Compiled Law 333.2441
Michigan Compiled Law 333.2433
Michigan Compiled Law 333.2435
Michigan Compiled Law 559.171a(1)
Michigan Compiled Law 559.171a(3)
Michigan Compiled Law 560.105(a)
1979 Administrative Code R 560.403
1979 Administrative Code R 500.404

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ARTICLE III

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**OAKLAND COUNTY HEALTH DIVISION
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**ARTICLE III
SEWAGE DISPOSAL AND TREATMENT**

To protect the public health and safety from nuisances and causes of sickness resulting from inadequate sewage disposal and treatment, there are hereby provided the following rules and regulations relating to the construction, location and operation of on-site sewage disposal systems within the County of Oakland.

SECTION 1 – DEFINITIONS:

- 1.1 Sanitary Sewage – The term sanitary sewage shall mean human excreta, as well as all waste discharges from toilets, urinals, sinks, laundries, shower baths, bathtubs, dishwashers, garbage grinders, and septic tank overflow or effluent.
- 1.2 Industrial Waste – The term industrial waste shall mean the liquid waste products from industrial processes as distinct from sanitary sewage.
- 1.3 On-site Sewage Disposal System – The term on-site sewage disposal system shall mean the sanitary sewage treatment and/or disposal device installed to service an individual home, business, or industrial establishment in areas not served by municipal sanitary sewers.
- 1.4 Subsurface Sewage Disposal System – The term subsurface sewage disposal system shall mean that part of the on-site sewage disposal system that distributes the overflow or effluent from a septic tank or other sewage treatment facility in an arrangement of absorption trenches, dry wells, or seepage beds below the ground surface, so as to allow the effluent to be absorbed by the surrounding soil.
- 1.5 Septic Tank – The term septic tank shall mean a water-tight 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.
- 1.6 Mechanical Septic Tank – The term mechanical septic tank shall mean a device designed and constructed to receive the discharge of sewage and to theoretically destroy the organic matter through the application of increased aeration by mechanical means.
- 1.7 Sanitary Sewer – The term sanitary sewer shall mean any enclosed water-tight conduit for transporting sanitary sewage.

- 1.8 Approved Materials – Approved materials shall be those materials identified in this regulation or other materials designated in the future by the Oakland County Health Division and identified in an addendum.
- 1.9 Premise – The term premise shall mean any dwelling, building, or other place where human beings reside, are employed or congregate.
- 1.10 Water Supply System – The term water supply system shall mean the well casing through which the potable water is obtained by means of a pump and the suction pipe between the well casing and the pump.
- 1.11 Private Water Supply System – The term private water supply system shall mean that system which serves not more than a single dwelling or a dwelling with two family residential units.
- 1.12 Public Water Supply Systems – The public water supply systems shall mean all other water supply systems not herein defined as private water supply systems or municipal water supply systems.
- 1.13 Municipal Water Supply System – The term municipal water supply system shall mean that system which serves cities, villages, townships, districts, communities and condominiums with the water being distributed by a network of pipes and water mains.
- 1.14 Residence – The term residence shall mean any dwelling of one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.
- 1.15 Non-Residence – The term non-residence shall mean all other structures or buildings not herein defined as a residence.
- 1.16 Person – The term person shall mean natural persons, individuals, firms, partnerships, corporations, companies, societies, and associations, and every agent, officer or employee of any thereof.

SECTION 2 – UNLAWFUL SEWAGE DISPOSAL:

- 2.1 Unlawful Disposal Defined – It shall be unlawful for any person to construct, install, alter, repair, maintain, or cause to be constructed, installed, altered, repaired, or maintain any premise which is not equipped with an on-site sewage disposal system or served by a sanitary sewer. Any on-site sewage disposal system shall be constructed, installed, altered, repaired and maintained in accordance with the provisions of these regulations. Under no conditions may the sewage from an existing or hereafter constructed premise be deposited upon the

surface of the ground, into roadside ditches, watercourses, inland lakes, or into any closed drain other than a sanitary sewer.

- 2.2 Industrial Waste – It shall be unlawful for any person to dispose of industrial waste in a manner which tends to create a dangerous or obnoxious condition, or creates a menace to health or safety, or impairs the use by any person of any lake, stream, or other body of water.

SECTION 3 – PERMIT REQUIRED:

- 3.1 Permit Necessary – It shall be unlawful for any person to construct, install, alter, repair, or cause to be constructed, installed, altered, or repaired any on-site sewage disposal system or other device for the disposal of sewage without first obtaining a permit from the Oakland County Health Division.
- 3.2 Application Procedure – Application for an on-site sewage disposal system permit shall be made in writing in a manner outlined and on forms furnished by the Oakland County Health Division. The application shall be accompanied by a scaled plot plan and the service fee established by the Human Resources Committee. Forms and directions to prepare the required plot plan are available at the Oakland County Health Division.
- 3.3 Issuance of Permit – The Oakland County Health Division shall issue an on-site sewage disposal system permit when the data obtained indicates that the requirements of these regulations and/or applicable State Statutes will be or have been met. The permit must be obtained prior to the issuance of a building permit by the local unit of government. The permit will be valid as written for a period of two years from date of issuance and void thereafter. The permit shall be issued to the property owner or to a person licensed under Public Act 383 of Public Acts 1965, as a residential builder or maintenance and alteration contractor.
- 3.4 Permit Denied Reasons – The Oakland County Health Division shall refuse to issue an on-site sewage disposal system permit when the data obtained indicates that the requirements of these regulations and/or applicable State Statutes have not or cannot be met. The reasons for denial shall be identified in writing by the Oakland County Health Division.

SECTION 4 – REQUIREMENTS FOR THE CONSTRUCTION AND LOCATION OF ON-SITE SEWAGE DISPOSAL SYSTEMS:

- 4.1 Scope of On-site Sewage Disposal Systems – On-site sewage disposal systems will receive the sanitary wastes only for on-site treatment and disposal in a manner prescribed herein and may consist of septic tanks, holding tanks, sub-surface drains, electrical devices, mechanical septic tanks and/or sand beds.

- 4.2 Location of On-site Sewage Disposal Systems – On-site sewage disposal systems shall be located not less than ten (10) feet from all building foundations; ten (10) feet from all property lines; fifty (50) feet from all lakes, streams and other bodies of water; fifty (50) feet from all private water supplies; seventy-five (75) feet from all water supplies used by or available to the public; two-hundred (200) feet from all municipal water supplies, unless otherwise exempted by the Michigan Department of Public Health and not within proposed or dedicated road right-of-way in municipalities where the Master Plan of the Oakland County Road Commission has been adopted.
- 4.3 Protection of Water Supply Systems – No sewer connecting the building served and the septic tank shall be installed within ten (10) feet of a private or public water supply. All such sewers installed within fifty (50) feet of a private water supply or seventy-five (75) feet of a public water supply shall be of cast iron service weight, or its equal, not less than four (4) inches in diameter, shall have water-tight joints and shall be laid with not less than ¼ inch per foot slope. Sewers located more than fifty (50) feet from private water supplies, seventy-five (75) feet from public water supplies and two-hundred (200) feet from municipal water supplies shall be constructed of vitrified bell and spigot tile with slip seal or cemented joints, or other approved material.
- 4.4 Sewer Construction – Header pipe as well as sewer lines between the septic tank and header or distribution box shall be bell and spigot with water tight joints, slip seal type of vitrified tile with water tight joints, or plastic pipe with fittings, adapters, and solvents meeting the specifications of the State Plumbing Board.
- 4.5 Septic Tank Construction – The septic tank shall be constructed of concrete, cement blocks, bricks, or other material approved by the Oakland County Health Division. The tank shall be of water-tight construction and the structural design and materials used shall be in accordance with generally accepted good engineering practice providing a sound, durable tank which will safely sustain all dead and live loads and liquid and earth pressure involved in each case. A straight inlet shall be provided. The outlet device shall extend into the middle one-third of the liquid level of the septic tank. The invert of the outlet shall be located not less than ten (10) inches below the top of the tank and not less than two (2) inches below the invert of the inlet. The tank shall be provided with manholes of sufficient size to facilitate the inspection and cleaning of the tank. All septic tanks shall be connected to a subsurface disposal system complying with the requirements of Section 5. A compartmented tank will have a manhole on the top of each compartment and the first compartment shall have a capacity equal to 1/2 to 2/3 the total capacity.
- 4.6 Size of Septic Tank – The minimum liquid capacity of septic tanks for a premise will be one thousand (1000) gallons. In residential installations there will be a minimum liquid septic tank capacity of two hundred and fifty (250) gallons per

bedroom for each bedroom in excess of four. In a non-residential installation the size of septic tank will be based on the anticipated water use.

- 4.7 2500 Gallon Septic Tank and Larger – It shall be unlawful to install or construct an on-site sewage disposal system with a capacity of 2500 gallons or larger without first having an architect or engineer submit plans in triplicate to the Oakland County Health Division for its approval.

SECTION 5 – SUBSURFACE DISPOSAL SYSTEM:

- 5.1 General Requirements – The location of a subsurface sewage disposal system shall comply with the same requirements as specified for the location of on-site sewage disposal system. The disposal system shall not drain into any open ditch, highway, drain, county drain, storm drain, lake, stream or other body of water nor shall it be permitted to drain to the surface of the ground. Dry wells, seepage beds and other methods of disposing of effluent shall be used only when deemed necessary and approved by the Oakland County Health Division prior to construction. Construction of subsurface disposal systems in unstable or unsettled filled grounds will not be approved. Subsurface disposal systems shall not be closer than four (4) feet to any known water table. Subsurface disposal systems shall be covered with at least eight (8) inches but not more than thirty (30) inches of fill material. Tile disposal fields shall contain not less than two lines and the length of any tile line shall not exceed one hundred (100) feet. The acceptable trench widths are listed in Table #1, Section 5.4.
- 5.2 Soils Evaluation – A minimum of two (2) soil borings or excavations will be made by the applicant, or his agent, on each building site in the area where the proposed on-site sewage disposal system is to be located, and recorded by the applicant or his agent in accordance with the procedure prescribed by and available at the Oakland County Health Division. The Oakland County Health Division may refuse to issue a septic tank permit when the data obtained from soil explorations reveal fine textured soils (clays and silts) and high subsurface water table elevations.
- 5.3 Field Tile Construction Standards – Field tile used in the tile disposal field or bed installations shall meet A.S.T.M. (American Society for Testing Materials) standards for extra quality clay or cement tile; shall not be less than four (4) inch inside diameter tile; and shall be laid with 1/4 to 1/2 inch open joints. The top half of all open joints shall be covered with prefabricated clips, polyethylene plastic material with a minimum single thickness of 10 mils, strips of heavy asphalt treated building paper (20 pound weight minimum) or other approved material. The slope or grade of the tile lines shall not exceed three inches in one hundred (100) feet. Acceptable tile line spacing (center to center) is listed in Table #1 and #2, Section 5.4. There shall be a minimum of six (6) inches of stone beneath the tile across the width of the trench, and a minimum of two (2) inches

of stone over the tile for the entire width of the trench. The stone material shall be 10 A washed stone, or other material acceptable to the Oakland County Health Division. Such material shall be graded ranging in diameter size from ¼ to 1 ½ inches and shall be free from dust, sand or excessively fine material.

- 5.4 Factors Affecting the Size of the Drain Field – The size of the subsurface disposal system shall be based on anticipated water use and the type and structure of the subsoils. Under optimum soil conditions, where the soil is composed entirely of coarse sand, gravel, or a coarse sand gravel mixture, a minimum of one hundred and ninety (190) square feet of absorption area per bedroom is required for residences. Additional bedrooms will require the following:

TABLE #1 – Optimum Soil Conditions

No. of Bedrooms	12” Trench 4’ on Centers	18” Trench 4’ on Centers	24” Trench 6’ on Centers	36” Trench 8’ on Centers
2	380 Lineal Ft.	254 Lineal Ft.	190 Lineal Ft.	130 Lineal Ft.
3	570 Lineal Ft.	381 Lineal Ft.	285 Lineal Ft.	195 Lineal Ft.
4	760 Lineal Ft.	508 Lineal Ft.	380 Lineal Ft.	260 Lineal Ft.
5	950 Lineal Ft.	635 Lineal Ft.	475 Lineal Ft.	325 Lineal Ft.

Non-residences will require a minimum of one (1) square foot of absorption area per gallon of anticipated water use. The square footage of absorption areas will be increased where soil conditions are less than optimum, but still acceptable for an on-site sewage disposal system. Acceptable soil conditions are those which consist of fine sand, sand and silt mixture, or clay silt sand mixture with the sand comprising at least 50% of the mixture. A minimum of two hundred and fifty (250) square feet of absorption area per bedroom is required for residences under these conditions. Additional bedrooms will require the following:

TABLE #2 – Acceptable Soil Conditions, But Less Than Optimum

No. of Bedrooms	12” Trench 4’ on Centers	18” Trench 4’ on Centers	24” Trench 6’ on Centers	36” Trench 8’ on Centers
2	500 Lineal Ft.	334 Lineal Ft.	250 Lineal Ft.	175 Lineal Ft.
3	750 Lineal Ft.	500 Lineal Ft.	375 Lineal Ft.	240 Lineal Ft.
4	1000 Lineal Ft.	668 Lineal Ft.	500 Lineal Ft.	305 Lineal Ft.
5	1250 Lineal Ft.	835 Lineal Ft.	625 Lineal Ft.	370 Lineal Ft.

Non-residence will require a minimum of one (1) square foot of absorption area per five tenths (0.5) gallons of anticipated water use.

- 5.5 Covering – Final earth cover provided over the subsurface disposal system shall be not less than eight (8) inches to a maximum of thirty (30) inches.

5.6 Final Inspection – It shall be unlawful to backfill a septic tank and subsurface disposal system installation until an inspection has been completed and approval granted by the Oakland County Health Division or its authorized representative. The installer shall leave uncovered the following portions of the sewage disposal system in order that the final inspection may reveal good workmanship and compliance with this code and any stipulations as may be noted on the construction permit:

- a. top of septic tank, inlet and outlet
- b. header – full length
- c. footer – full length
- d. the entire length of the last line of drain tile installed
- e. an opening every 20’ in each line of tile.

5.7 Dry Wells – Dry well installations may be used only when permission is granted by the Oakland County Health Division prior to installation. Such installations shall be installed in accordance with the specifications and plan available from the Oakland County Health Division.

5.8 Dry Well Absorption Area – The size of dry well installations shall be based on the type and structure of the subsoils. Under optimum soil conditions, where the soil is composed entirely of coarse sand, gravel, or a coarse sand/gravel mixture, a minimum of one hundred and ninety (190) square feet of absorption area per bedroom is required. Where soil conditions are less than optimum, but still acceptable for on-site sewage disposal, a minimum of two hundred and fifty (250) square feet of absorption area per bedroom is required. Acceptable soil conditions are those which consist of fine sand, sand and silt mixture, or clay/silt/sand mixture with the sand comprising at least 50% of the mixture.

Dry well installations require a minimum of 6” of 10 A stone, or equivalent, on the bottom. The 1 ft. and 2 ft. of 10 A stone in Table # 3 below refer to the amount of stone placed around the perimeter of the dry well.

TABLE #3

750 gal.	Dry well with 1 ft. of 10 A stone = 160 sq. ft. of Absorption area.
1000 gal.	Dry well with 1 ft. of 10 A stone = 192 sq. ft. of Absorption area.
1000 gal.	Dry well with 2 ft. of 10 A stone = 240 sq. ft. of Absorption area.
1000 gal.	Short Dry well with 1 ft. of 10 A stone = 156 sq. ft. of Absorption area.
1000 gal.	Short Dry well with 2 ft. of 10 A stone = 188 sq. ft. of Absorption area.

- 5.9 Ground Water Elevations Acceptable for Dry Wells – The highest ground water elevation must be at least 4’ from the bottom of the stone layer under the dry well.
- 5.10 Cutdown Installations – When soils explorations reveal the presence of acceptable soils beneath unacceptable soils, an excavation or cutdown through the unacceptable soils will be required. No cutdown shall exceed 12 ft. in depth.
- 5.11 Mechanical Septic Tank – All mechanical septic tanks used in sewage treatment facilities for non-municipal uses shall be subject to approval by the Oakland County Health Division for installation in the County of Oakland. All such treatment plants shall be maintained and operated by the local governmental unit or by Oakland County Department of Public Works acting as their agent.

SECTION 6 – SEWAGE DISCHARGE FROM PUBLIC OR PRIVATE DRAINS:

- 6.1 Sewage From Unknown Origin – Whenever the Board of Health upon information and belief believes that there is improperly treated sewage flowing from the outlet from any public or private drain of an unknown cause and origin, such Board shall hold a public hearing for the purposes of determining whether the believed improperly treated sewage is polluting.
- 6.2 Board of Health to Call Meetings – The Board of Health shall give notice of the time and place of such hearing by publication in newspaper of general circulation in the county, at least ten (10) days before such meeting. Notice shall also be served on the Clerk of each Township, City and Village in the geographical area determined to be the origin of the improperly treated sewage by certified mail at least five (5) days before such meeting. Notices shall also be served at least ten (10) days before such meetings by certified mail to each person whose name appears upon the last City or Township tax assessment roll at the address shown on such roll, as owning land within the area believed to be causing the pollution. Prior to publication and mailing of such notices, the Board of Health shall tentatively determine by resolution the geographical area where the suspected improperly treated sewage originates.
- 6.3 Board of Health Shall Issue Notices – Whenever, after such public hearing as required in Section 6.2, the Board of Health shall determine that improperly treated sewage is flowing from the outlet of any public or private drain of unknown cause and origin, it shall issue notices requiring persons owning the premises as shown on the City or Township tax assessment roll at the address shown on such roll to connect such sewage flow to a publicly operated sewage disposal system if available or in the absence thereof, to comply with the provisions of Article III, Section 4 and 5 of this Sanitary Code. Notices shall be given by posting in five (5) conspicuous places in the geographical area determined to be the origin of the improperly treated sewage and also notice shall be sent by certified mail to each person whose name appears upon the last City or

Township tax assessment roll as owning land and to the Clerk of each Township, City and Village in the above described geographical district at the address shown on such roll.

- 6.4 Insanitary Drain May Be Plugged – After not less than thirty (30) days following the posting and mailing of such notices, the Board of Health may plug or cause to be plugged the outlet of said drain until such time as the sources of the improperly treated sewage has been located. Owners of property known to be discharging improperly treated sewage in such drain shall be given written notice of the corrections required and shall have thereafter, thirty (30) days to make such corrections.

Failure to comply with such notices shall be a violation of this code and punishable as set forth in Article I Section 5.

- 6.5 Abandonment of Septic Tank – When a premise connects to a sanitary sewer, the septic tank is to be abandoned in accordance with specifications available from the Oakland County Health Division.

SECTION 7 – ENGINEER’S PLAN:

- 7.1 Engineer’s Plan – When an application for an on-site sewage disposal permit has been denied (Section 3.4) for reasons identified in writing by the Oakland County Health Division and before there can be further consideration by the Environmental Health Services of the Oakland County Health Division of such application the applicant will present a plan for a sewage disposal system prepared by a professional engineer, to be reviewed by the Environmental Health Services to determine if the reasons for the initial denial have been satisfactorily resolved by the designing engineer. If the Environmental Health Services determines that the engineer’s plan has satisfactorily resolved the on-site problems, the Division shall forthwith favorably endorse the application based on the engineer’s plan.

If the Environmental Health Services determines that the engineer’s plan does not resolve the initial reason for denial, the application shall stand as denied.

SECTION 8 – APPEAL BEFORE SANITARY CODE APPEAL BOARD:

- 8.1 Right of Appeal – A person who has been denied a permit as required by this Article shall have the right to appeal by petition in writing and directed to the Oakland County Health Division and such appeal shall be heard before the Sanitary Code Appeal Board. Such petition must be accompanied with a fee and must be submitted within thirty (30) days from the receipt of the written notice of the denial.

SECTION 9 – EFFECTIVE DATE:

These regulations shall effect on January 1, 1973, Adopted by the Oakland County Board of Health on October 18, 1972, Amendment, Sec. 6.5, Adopted by the Board of Commissioners December 5, 1974; Amendment, Sec. 8.1, Adopted by Board of Commissioners June 5, 1975.

PROCEDURE FOR ABANDONMENT OF A SEPTIC TANK

1. THE SEPTIC TANK SHALL BE PUMPED AND ITS CONTENTS REMOVED BY A STATE LICENSED SEPTIC TANK CLEANER.
2. THE TOP OF THE SEPTIC TANK SHOULD THEN BE CRUSED AND THE VOID FILLED WITH EARTH, PREFERABLY SAND, AND COMPACTED.

ALTERNATE METHOD

1. SAME AS STEP #1, ABOVE.
2. FILL THE CLEANED SEPTIC TANK WITH SAND TO AT LEAST THE TANK OUTLET LEVEL.

OAKLAND COUNTY HEALTH DIVISION

SANITARY CODE

ARTICLE IV

FOOD SERVICE ESTABLISHMENTS

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OAKLAND COUNTY SANITARY CODE

ARTICLE IV

FOOD SERVICE ESTABLISHMENTS

The intent of this Article is to safeguard the health of the public by regulating the operation of food service establishments in Oakland County and to require successful completion of a Food Service Manager Certification Program by designated food service personnel.

SECTION 1 – AUTHORITY

This Article is established by the Oakland County Board of Commissioners pursuant to Section 2441 of Public Act 368 of the Public Acts of 1978, as amended, and adopts Part 129 of Public Act 368 of the Public Acts of 1978 and Administrative Rules, as amended.

SECTION 2 – PERMIT REQUIRED

It shall be unlawful to operate a food service establishment or engage in the business of processing, handling, or storing foods in the County of Oakland, State of Michigan, for wholesale distribution or engage in the business of selling, handling, delivering, or serving foods at retail for human consumption without having first obtained a permit/license administered by the Oakland County Health Division.

SECTION 3 – HEALTH DIVISION FOOD SERVICE MANAGER CERTIFICATION

PROGRAM REQUIRED

3.1 The Oakland County Health Division shall conduct a program of Food Service Manager Certification. Minimally, this program shall be directed toward training food service supervisory, culinary, and management personnel. The program shall include, but shall not be limited to, topics such as: employee health, personal hygiene, food-borne diseases

and food poisonings, etiologic agents, safe food handling principles and procedures, cleaning and sanitizing, vermin control, employee training techniques, self-inspection procedures, and responsibilities of a Certified Food Service Manager.

- 3.2 The Oakland County Health Officer or designee shall establish criteria on which to determine whether or not a certificate is to be issued to an applicant. The Oakland County Health Officer or designee shall issue a certificate to each person who meets the criteria and successfully completes a Food Service Manager Certification Program offered by the Oakland County Health Division.
- 3.3 A valid Food Service Manager Certificate may be posted conspicuously in each food service establishment. Proof of successful completion of the Food Service Manager Certification Program shall be presented when requested by representatives of the Oakland County Health Division.

SECTION 4 – FOOD SERVICE MANAGER CERTIFICATION REQUIRED

- 4.1 Prior to receiving a permit to operate a new food service business in Oakland County each business applicant shall have at least one (1) employee/staff member per food service business site who has successfully completed a Food Service Manager Certification Program offered by the Oakland County Health Division, the Michigan Restaurant Association, the Michigan Department of Agriculture (or successor agency), or a Food Service Manager Certification Program offered through a Michigan community college, college, or university that meets Michigan criteria for Food Service Manager Certification. Other Food Service Manager Certification Programs may be accepted upon review by the Oakland County Health Division.
- 4.2 Within five years of the effective date of Article IV (Revised) of the Oakland County Sanitary Code, all food service businesses operating within Oakland County shall be required to have at least one (1) employee/staff member per business site who has

successfully completed a Food Service Manager Certification Program offered by the Health Division, the Michigan Restaurant Association, the Michigan Department of Agriculture (or successor agency), or a Food Service Manager Certification Program offered through a Michigan community college, college, or university that meets Michigan criteria for Food Service Manager Certification. Other Food Service Manager Certification Programs may be accepted upon review by the Oakland County Health Division.

- 4.3 A Certified Food Service Manager shall be responsible for overseeing the training of all food handling personnel of the food service establishment. The training shall include the principles of food service sanitation as they apply to the individual employee's work assignment.
- 4.4 In the event a licensed food service operation does not have a Certified Food Service Manager due to the trained employee leaving employment, the operation shall be allowed a period of not more than three (3) months to regain compliance with this Code. A food service establishment without a Certified Food Service Manager as an employee must immediately notify the Oakland County Health Division.

SECTION 5 – FOOD HANDLING PRECAUTIONS

- 5.1 Any employee/staff member of a food service business operating in Oakland County who handles food or unsealed food container(s) should wear hair coverings and shall minimize bare hand contact with ready-to-eat foods by the use of disposable gloves, deli tissues, suitable utensils, or dispensing equipment except when washing fruits and vegetables or as authorized by state law or rules.
- 5.2 Each food service business operating in Oakland County shall incorporate verbal and visual (e.g., signs, printed procedures, etc.) reminders to employees/staff members that reinforce the importance of proper hand washing and emphasizes to food handlers that

disposable gloves or other sanitary alternatives are not a replacement for proper hand washing. The use of utensils including deli tissues, spatulas, tongs, or single-use gloves shall be preceded by thorough hand washing. Hands should be washed and disposable gloves should be discarded after engaging in any activity that may contaminate hands and/or gloves. Examples include the following:

- A. After touching bare human body parts.
- B. After using the rest room.
- C. After handling animals.
- D. After coughing, sneezing using a tissue, using tobacco, eating or drinking.
- E. After handling soiled equipment or utensils.
- F. Before food preparation.
- G. When switching between raw foods and ready-to-eat foods.
- H. After handling money.

SECTION 6 – APPEALS

A person who has been denied a permit as required by this Article shall have the right of appeal by petition in writing, directed to the Oakland County Health Division. Such appeal shall be heard before the Sanitary Code Appeal Board. Such petition must be accompanied with the established fee and must be submitted within 30 days from the receipt of the written notice of denial.

SECTION 7 – EFFECTIVE DATES

This revised Article shall take effect on November 15, 1999. Adopted by the Oakland County Board of Commissioners on September 23, 1999.

OAKLAND COUNTY HEALTH DIVISION

SANITARY CODE

ARTICLE V

APPEAL BEFORE THE SANITARY CODE APPEAL BOARD

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SECTION 4 - EFFECTIVE DATE

OAKLAND COUNTY SANITARY CODE

ARTICLE V

APPEAL BEFORE THE SANITARY CODE APPEAL BOARD

SECTION 1 – The Oakland County Sanitary Code Appeal Board shall consist of five (5) regular members and two (2) alternate members available to serve in the absence of a regular member(s). Not more than three (3) members shall be of the Oakland County Board of Commissioners, with no more than two (2) of those members from any one political party; the remaining members shall be non governmental citizens. All members are to be appointed by the Chairperson of the Board of Commissioners with the approval of the Board of Commissioners. In the first instance, one member shall be appointed for a term ending December 31, 1975; two members appointed for a term ending December 31, 1976; and two members appointed for a term ending December 31, 1977. Thereafter, each regular member and alternate member shall be appointed for a term of three (3) years. Each term shall expire at midnight December 31, but each member shall hold office until his successor is appointed.

In the absence or disability of a member of the Sanitary Code Appeal Board, the Chairperson of the Oakland County Sanitary Code Appeal Board or in his/her absence the Vice Chair may call upon a duly appointed alternate to act as a member of the Sanitary Code Appeal Board.

SECTION 2 – The Sanitary Code Appeal Board shall meet within forty-five (45) days of the filing of an appeal. The Board of Appeals shall decide all appeals filed pursuant to this Article and may (1) issue the permit without conditions; (2) issue the permit with conditions; or (3) uphold the denial of the permit.

SECTION 3 – Members of the Sanitary Code Appeal Board shall receive a per diem rate of \$75.

SECTION 4 – Effective date is June 10, 1975.

Revised 1/83
Revised 1/97
Revised 4/98
Revised 11/99

OAKLAND COUNTY DEPARTMENT OF HEALTH

SANITARY CODE

ARTICLE VI

NOTICE OF DENIAL:

SECTION 1 – The Oakland County Health Department shall be required, within seven (7) days to notify in writing by certified mail that a person whose permit has been denied has the right to appeal to the Oakland County Sanitary Code Appeal Board pursuant to Article V.

SECTION 2 – Effective Date – June 10, 1975.

OAKLAND COUNTY HEALTH DIVISION

SANITARY CODE

ARTICLE VII

BODY ART ESTABLISHMENTS AND PRACTITIONERS

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OAKLAND COUNTY SANITARY CODE

ARTICLE VII

BODY ART ESTABLISHMENTS AND PRACTITIONERS

The intent of this article is to safeguard the health, safety and welfare of the public from the spread of infectious diseases from practices which prick, pierce, or scar the skin, by regulating the operation of body art establishments in Oakland County; to establish environmental health standards for the conduction of body arts procedures; to regulate the establishment and practice of body arts services; to authorize the Oakland County Health Division to enforce these standards and regulations by inspections; to require a license to operate a body art establishment; to require a permit, which requires the demonstration of knowledge in anatomy and body art technology, effective sterilization, sanitation, and hygienic and disease-controlling techniques, for individuals engaged in the practice of body art; and for providing licensing and permitting procedures and fees.

SECTION 1 - AUTHORITY

This Article is established by the Oakland County Board of Commissioners pursuant to Public Act 368 of the Public Acts of 1978, as amended.

SECTION 2 - DEFINITIONS

- 2.1 **“Aftercare”** means written instructions given to the client, specific to the body art procedure(s) rendered, about caring for the body art and surrounding area. These instructions will include information about when to seek medical treatment, if necessary.
- 2.2 **“Antiseptic”** means an agent that destroys disease-causing microorganisms on human skin or mucosa.
- 2.3 **“Body art”** means the practice of physical body adornment by licensed establishments and permitted practitioners utilizing, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding and scarification. It does not include practices or procedures which are considered to be medical procedures by the state medical board, such as, hair or skin implants, or plastic surgery.
- 2.4 **“Body art establishment”** means any place or premise, whether public or private, transient, temporary or permanent in nature or location where the practice of body art, whether or not for profit, is carried out.

- 2.5 **“Body piercing”** means any method of piercing the skin or mucosa, except the outer perimeter and lobe of the ear, in order to place any object, including but not limited to rings, studs, bars, or other forms of jewelry or ornamentation, through the skin or mucosa.
- 2.6 **“Contaminated waste”** means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; and contaminated sharps and pathological and microbiological wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations, Part 1910.1030 (latest edition), known as “Occupational Exposure to Blood-borne Pathogens.”
- 2.7 **“Cosmetic tattooing”** means the practice of depositing pigment into the epidermis, utilizing needles, which is either permanent, semi-permanent or temporary by someone other than a state licensed physician. Cosmetic tattooing shall also mean the same as permanent cosmetics, dermography, micro pigmentation, permanent color technology and micro pigment implantation.
- 2.8 **“Disinfection”** means the killing of the microorganisms on inanimate objects or surfaces which cause disease in humans.
- 2.9 **“Division”** shall mean the Oakland County Health Division.
- 2.10 **“Equipment”** means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a body art establishment.
- 2.11 **“Handsink”** means a lavatory equipped with hot and cold running water under pressure used solely for washing hands, arms and other portions of the body.
- 2.12 **“Hot water”** means water which is at a constant temperature of at least 100 degrees Fahrenheit.
- 2.13 **“Instruments used for body art”** means hand pieces, needles, needle bars and all other instruments that may come in contact with a client’s body fluid during body art procedures.
- 2.14 **“Invasive”** means entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to compromise the skin or mucosa.
- 2.15 **“Jewelry”** means any personal ornament inserted into a newly pierced area, which must be made of surgical implant-grade stainless steel; solid 14k or 18k white or yellow gold,

niobium, titanium, or platinum; or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces and has been properly sterilized prior to use.

- 2.16 **“License”** means written approval by the Oakland County Health Division to operate a body art establishment. Approval is given in accordance with these regulations and is separate from any other licensing requirements that may exist.
- 2.17 **“Minor”** means an individual under 18 years of age who is not emancipated under Public Act 293 of the Public Acts of 1968.
- 2.18 **“Operate/Operator”** means an individual who conducts his or her own body art establishment, or who is employed by another person to directly manage the day-to-day activities of a body art establishment.
- 2.19 **“Permit”** means the permitting of individual practitioners engaged in the practice of body art, through the demonstration of knowledge by means of the successful completion of a written examination, in anatomy and body art technology, effective sterilization, sanitation, and hygienic and disease-controlling techniques, the proper use of single-use sharps and apparatus, awareness of skin disorders and diseases and other diseases such as diabetes, which contraindicate the practice of body art, and procedures required to safely collect and dispose of contaminated waste. The Oakland County Health Division may accept other certification or credentials it deems appropriate in lieu of the written examination.
- 2.20 **“Person”** means a person as defined in Public Act 368, of the Public Acts of 1978, or a governmental entity.
- 2.21 **“Practitioner”** means any person who controls, operates, manages, conducts, or practices any form of body art activities, and who is responsible for compliance with these regulations, whether or not actually currently performing body art activities. The term includes technicians and persons who assist in the actual performance of body art activities.
- 2.22 **“Procedure surface”** means any surface that contacts a client’s unclothed body during a body art procedure or any associated work area that may require sanitizing.
- 2.23 **“Sanitize/Sanitization”** means a treatment of the cleanable surfaces of equipment by a product registered with the United States Environmental Protection Agency and which has been approved by the Oakland County Health Division as being effective in reducing the number of microorganisms to a safe level.
- 2.24 **“Sharps”** means any sterilized object that is used for the purpose of penetrating the skin or mucosa including, but not limited to, needles, scalpel blades, razor blades, and broken glass.

- 2.25 **“Sharps container”** means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation and disposal, and is labeled with the international “biohazard” symbol.
- 2.26 **“Single use”** means products or items that are intended for one-time, one-person use and are disposed of after use on each client including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencil ink cups, and protective gloves.
- 2.27 **“Sterilize/Sterilization”** means destruction of all forms of microbiotic life, including spores.
- 2.28 **“Tattooing”** means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instruments used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of cosmetic tattooing.
- 2.29 **“Temporary body art establishment”** means any place or premise operating at a fixed location where a practitioner performs body art procedures for no more than fourteen (14) days consecutively in conjunction with a single event or celebration.
- 2.30 **“Universal Precautions”** means a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), as “Guidelines for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-Care and Public Safety Workers” in *Morbidity and Mortality Weekly Report (MMWR)*, June 23, 1989, Vol. 38, No. S-6, and as “Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures”, in *MMWR*, July 12, 1991, Vol. 40, RR-8. This method of infection control requires the employer and employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include handwashing; gloving; personal protective equipment; injury prevention; and proper handling and disposal of needles, other sharp instruments, and blood and body fluid-contaminated products.

SECTION 3 - LICENSE REQUIRED

- 3.1 A person shall not operate a body art establishment without an annual license from the Oakland County Health Division. The establishment license shall be conspicuously displayed within the reception area of the establishment. A license shall clearly indicate whom to contact or call with a complaint. A license is not transferable and shall not be issued or renewed before the full fee is paid, the premises, equipment, and operations of

- the establishment have been inspected, and the operator has complied with all inspection deficiencies.
- 3.2 An operator of a licensed establishment shall not allow the practice of body art procedures until the Oakland County Health Division has determined that all body art practitioners practicing body art at the operator's establishment are individually permitted.
 - 3.3 A license may be revoked, suspended, or limited, or a license application denied, pursuant to the procedures set forth in Section 14 if an inspection determines that an operator has failed to follow standard disease control techniques, or has failed to keep required records of services performed, or has provided services to an underage person without the required consent and presence of a parent or legal guardian.
 - 3.4 A person shall not operate a temporary establishment for the performance of body art procedures without a license from the Oakland County Health Division. The Division may issue a temporary establishment license for period of up to fourteen (14) days to provide body art services outside the physical site of a licensed establishment for the purpose of product demonstration and promotion, industry trades shows, or for educational purposes. The Division shall establish procedures to prescribe reasonable criteria needed to assure that body art which is performed in a temporary facility is conducted in a safe, sanitary, and disease-free manner. A temporary license shall be conditioned upon full compliance with the criteria established by the Oakland County Health Division.
 - 3.5 A person shall not operate a mobile body art establishment within the County of Oakland. The Oakland County Health Division shall not license the use of mobile body art establishments.
 - 3.6 A person who's license to operate a body art facility has been revoked, suspended, or limited, or a person who's license application has been denied has the right to appeal to the Oakland County Sanitary Code Appeals Board. A request for an appeal must be in writing, accompanied by the prescribed fee, and submitted to the Health Officer within ten (10) days of the Health Division's action. The Sanitary Code Appeals Board may uphold, reverse, or alter the action by a majority vote.
 - 3.7 The Oakland County Health Division shall recommend to the Oakland County Board of Commissioners a license, permit, plan review and reinspection fee schedule.
 - 3.8 Licensure under this Article does not exempt the licensee from compliance with other applicable federal, state, and local laws, ordinances, and rules, such as the Michigan Medical Waste Regulatory Act, Part 138 of Public Act 368, of the Public Acts of 1978, as amended.

SECTION 4 - INSPECTION OF BODY ART FACILITIES

- 4.1 The Health Officer, or his/her designee, shall have the authority to inspect every premise and location at which the aforesaid practice is being carried out within the jurisdiction of the Health Division as often as deemed necessary for the enforcement of this Sanitary Code Article. The Health Officer, or his/her designee, may at any reasonable time make inspections of the body art facility to ensure compliance with this Sanitary Code Article. All body art facilities within the jurisdiction of the Oakland County Health Division shall be inspected a minimum of two (2) times per year by the Health Officer, or his/her designee.
- 4.2 No person shall refuse to permit the Health Officer, or his/her designee, after proper identification, to inspect any body art facility at reasonable hours nor shall any person impede or impair an Oakland County Health Division representative from carrying out his or her duties as authorized under this Article.

SECTION 5 - PLAN REVIEW REQUIREMENT

- 5.1 After the effective date of this Article, no person, firm, association, corporation, or governmental entity shall construct, install, operate, equip, or extensively alter a body art facility until plans have been submitted to and approved in writing by the Health Officer, or his/her designee.
- 5.2 The plans and specifications shall be submitted through the plan review process for approval by the Health Officer, or his/her designee, on forms provided by the Oakland County Health Division. The plan and specifications shall comply with the criteria established for the plan review before a license is issued.

SECTION 6 - PRACTITIONER PERMIT REQUIRED

- 6.1 The practice of body art shall not be performed without a permit from the Oakland County Health Division. The permit shall be conspicuously displayed within the reception area of any establishment in which body art is performed. The Oakland County Health Division shall issue practitioner permits to individuals who have paid the required permitting fee, met the requirements of Sub-Section 6.2 of this article and who have successfully passed a written examination offered by the Oakland County Health Division which demonstrates the practitioner has completed basic instruction in:
 - A. Anatomy and body art technology.
 - B. Effective sterilization, sanitization, and hygienic techniques; use of single-use sharps and apparatus; and other related disease control techniques.

- C. The awareness of skin disorders and diseases, and other diseases such as diabetes, which contraindicate the practice of body art.
- D. Procedures required to safely collect and dispose of contaminated waste.

The Oakland County Health Division may accept other certification or credentials it deems appropriate in lieu of the written examination.

- 6.2 All practitioners permitted under this Sanitary Code Article need to complete a Hepatitis B vaccination series; or have medical evidence of immunity; or have an approved medical waiver. Exemptions for other reasons will be considered upon written submission to the Oakland County Health Division.
- 6.3 A permit may be revoked, suspended, or limited, or a license application denied, pursuant to the procedures set forth in Section 14 if an inspection determines that a practitioner has failed to follow standard disease control techniques, or has failed to keep required records of services performed, or has provided services to an underage person without the required written consent and presence of the parent or guardian.

SECTION 7 - BODY ART PROHIBITIONS

- 7.1 A practitioner shall not perform a body art procedure upon a person who is under the age of eighteen (18) without the written consent and presence of a parent or legal guardian of that minor, except a minor emancipated under Michigan State Law. The minor's parent or legal guardian shall execute the written, informed consent required under this subsection in the presence of the individual performing the body art procedure on the minor or in the presence of an employee or agent of that individual. A practitioner shall require positive proof of age from all prospective clients who reasonably appear to be less than twenty-five (25) years of age, such as driver's license or equivalent photo identification card, and shall make and keep a photocopy of that proof of age as a part of the permanent client record.
- 7.2 A practitioner shall not perform a body art procedure upon any person who appears to be under the influence of alcohol or other drugs.
- 7.3 A practitioner shall not perform a body art procedure upon a person who has not completed a health risk questionnaire. The purpose of the health risk questionnaire is to assist the practitioner and the client in making the decision to proceed with the body art. This questionnaire shall ask whether the client falls within one or more of the following risk group categories:
 - A. History of jaundice or hepatitis.
 - B. History of AIDS, or positive HIV test.

- C. History of skin disease or skin cancer at site of service.
 - D. History of allergies or anaphylactic reaction to pigments, dyes or other sensitivities.
 - E. History of hemophilia.
 - F. Is taking medications which thin blood and prevent clotting.
 - G. History of any other known medical condition which would increase susceptibility to infection or impair the healing process. (*e.g.* diabetes, immunosuppression, etc.)
 - H. History of eye disease.
- 7.4 The client shall sign and date a written statement, witnessed and also signed by the practitioner, that the client does/does not fall within one of the risk group categories to the client's best knowledge.

SECTION 8 - EXEMPTIONS

- 8.1 Physicians licensed to practice in the State of Michigan, who use body art procedures as part of patient treatment, are exempt from these regulations.
- 8.2 An establishment where the practice is limited to the piercing of the outer perimeter and lobe of the ear with a pre-sterilized single use stud-and-clasp ear-piercing system only is exempt from the licensing and permitting requirements of this article.

SECTION 9 - CLIENT NOTICE REQUIREMENTS

- 9.1 Before performing any body art procedure, a prospective client shall be provided with written factual information regarding the effects, risks, and permanence of that body art procedure. This written information shall be submitted for pre-approval by the Oakland County Health Division as to accuracy and completeness. Before undertaking a procedure, a client shall acknowledge on a copy of the written information that he or she has read and understands the information, and this copy shall be retained in the permanent file for that client.
- 9.2 After a procedure is completed, a client shall also be provided with written instructions, also pre-approved by the Oakland County Health Division, on proper care of the body art site. These instructions, known as aftercare, shall at a minimum advise the client to consult a physician at the first sign of infection; shall contain the name, address and telephone number of the establishment; and shall name the Oakland County Health Division and telephone number to which to make a complaint. If tattooing was performed, this document shall also specify the colors applied and when available, the manufacturer or catalogue identification number of each color applied. This document

shall be executed in at least two (2) copies and signed by both the practitioner and the client. A copy shall be provided to the client and another shall be retained in the client's permanent record.

SECTION 10 - REQUIRED RECORDS

- 10.1 An establishment shall maintain a record of all clients who have had body art services performed. This record shall indicate the name, address, telephone number, and date of birth of the client; a signed and dated acknowledgment by the client that they understand the pre-procedure information; a health risk questionnaire signed and dated by the client; a description of procedures performed and name of each practitioner performing the services; proof of age where relevant; proof of parent or guardian consent and presence where relevant; and a receipt signed and dated by the client acknowledging they have received a copy of the aftercare instructions and pigment identification.
- 10.2 These records shall be retained for at least five (5) years by the owner of the establishment. These records shall be made available to the Oakland County Health Division representative immediately upon request, but shall otherwise be safeguarded.

SECTION 11 - STANDARDS FOR PREMISES

- 11.1 A body art establishment shall meet the inspection criteria and standard operating procedures established by the Oakland County Health Division.

SECTION 12 - REQUIRED PROCEDURES FOR PREPARING BODY AREA

- 12.1 Before performing a procedure, the skin and surrounding skin area where the procedure is to be performed shall be washed with antimicrobial soap or treated with iodine, as appropriate.
- 12.2 If shaving of the area is necessary, safety razors with single-use blades, or disposable razors, shall be used and discarded after each use. If safety razors with disposable blades are used, the reusable holder shall be autoclaved after each use. After shaving, the shaved area shall be washed with antimicrobial soap and the washing pad shall be discarded after a single use.
- 12.3 In the event of blood flow, all products used to check the flow or to absorb the blood shall be single-use and shall be disposed as bio-hazard waste.

SECTION 13 - REQUIRED PROCEDURES FOR PERFORMING BODY ART

- 13.1 A practitioner shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothing when performing body art procedures. Before

- performing procedures, a practitioner shall thoroughly wash hands in hot running water using liquid antimicrobial soap, scrubbing for at least one (1) minute, then rinse and dry hands with disposable paper towels. This procedure shall be repeated as often as needed to remove contaminants.
- 13.2 While performing procedures, a practitioner shall wear disposable medical gloves. The gloves shall be disposed, at a minimum, after each client.
- 13.3 If, while performing a procedure, a glove is pierced, torn, or otherwise contaminated, the glove shall be immediately discarded and hands washed thoroughly before a new glove is applied. Any item dropped on the floor or otherwise contaminated shall be immediately discarded and a new one used.
- 13.4 All reusable instruments used for body art shall be cleaned thoroughly after each use by scrubbing with an antimicrobial soap solution and hot water or by an appropriate disinfectant, to remove blood and tissue residue, and placed in an ultrasonic unit which shall be operated in accord with the manufacturer's instructions. After the reusable instruments used for body art have been cleaned as prescribed, they shall then be packed and sterilized as prescribed in Subsection 13.5 and 13.6.
- 13.5 After cleaning, all reusable instruments used for body art shall be packed individually in paper peel-packs and sterilized. All paper peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Paper peel-packs shall be dated with an expiration date not to exceed thirty (30) days. Sterile equipment shall not be used after the expiration date without first repackaging and re-sterilizing.
- 13.6 All reusable instruments used for body art shall be sterilized in a autoclave using procedures outlined in the inspection criteria approved by the Oakland County Health Division. The autoclave shall be used, cleaned, and maintained in accordance with the manufacturer's instructions. A copy of the manufacturer's instructions must be kept available on the premises for inspection by the Division.
- 13.7 Each holder of a license to operate a body art establishment shall demonstrate that the autoclave used is capable of attaining sterilization by conducting a monthly spore test through an independent certified laboratory. The license shall not be issued or renewed until documentation of satisfactory testing is presented to the Oakland County Health Division. Test records shall be kept for at least five (5) years by the establishment owner and made available to the Division upon request. If the body art facility is notified by the testing entity that a test result is positive for biologic growth, the body art facility shall immediately cease all operations and notify the Oakland County Health Division. Operations in the body art facility can not resume until test results that are negative for

- biologic growth have been provided to the Oakland County Division by the testing entity and all reusable instruments in the body art facility have been re-sterilized.
- 13.8 After sterilization, an instrument used for body art shall be stored in a dry, clean cabinet or other tightly covered container reserved for storage of only such instruments.
- 13.9 All instruments used for body art shall remain stored in sterile packages until immediately prior to performing a body art procedure. When assembling instruments used for performing a body art procedure, a practitioner shall wear disposable medical gloves and use techniques to ensure that the instruments and gloves are not contaminated.
- 13.10 All inks, dyes, pigments and sharps shall be specifically manufactured for performing body art procedures and shall not be adulterated. Immediately before applying a tattoo, the quantity of dye to be used for the tattoo shall be transferred from the dry bottle and placed into sterile single-use paper or plastic cups. Upon completion of the tattoo, these single-use cups and all of their contents shall be discarded.
- 13.11 All sharps shall be sterilized prior to use and stored in paper peel-packs in the manner prescribed in Sub-Sections 13.6, 13.7 and 13.8.
- 13.12 Single-use sharps shall not be used for more than one (1) client for any reason. After use, all single-use needles, razors and other sharps shall be immediately disposed in an approved sharps container.
- 13.13 All body art stencils shall be single-use and disposable. Petroleum jellies, soaps and other products used in the applications of stencils shall be dispensed and applied to the area to be tattooed with sterile gauze or in a manner to prevent contamination of the original container and its contents. The gauze shall be used only once and then discarded.

SECTION 14 - SUSPENSION OR REVOCATION OF LICENSES OR PERMITS

- 14.1 A license or permit issued under this Article may be suspended temporarily by the Oakland County Health Division for failure of the holder to comply with one or more requirements of this Article.
- 14.2 If a license or permit is to be suspended, the Oakland County Health Division shall give the holder prompt notice and the suspension shall occur immediately upon receipt of the notice.
- 14.3 If a license or permit is suspended, the holder may apply at any time for immediate reinstatement of the license.
- 14.4 After a reinspection fee is paid, the Oakland County Health Division shall respond promptly and in no more than (10) working days to a request for reinstatement. If

reinspection determines that the holder has come into compliance with this Article, the license shall be promptly reinstated.

- 14.5 For serious or repeated violations of the requirements of this Article, the Oakland County Health Division may permanently revoke a license or permit. Before issuing a permanent revocation, the Division shall give notice to the holder in writing of its intent and the reasons for revocation. A person who has been denied or had a license or permit revoked as required by this Article shall have the right of appeal by petition in writing to the Oakland County Health Division and such appeals shall be heard before the Sanitary Code Appeal Board. The petition must be accompanied with a fee and must be submitted within 30 days from the receipt of written notice of the rejection by the Oakland County Health Division.

SECTION 15 - MISDEMEANOR PENALTIES

A person who is not exempt under Section 8 of this Article and who violates any requirement of this Article is guilty of a misdemeanor.

SECTION 16 - SEVERABILITY

If any part of the requirements of this Article is found by a court or competent jurisdiction to be void or unenforceable, all remaining parts of this Article shall remain fully valid and enforceable.

SECTION 17 - EFFECTIVE DATE

This article shall take effect on September 11, 2000, adopted by the Oakland County Board of Commissioners on July 20, 2000.

ARTICLE VIII
OAKLAND COUNTY RULES AND REGULATIONS GOVERNING
THE SPORT OF RACING AND CARRIER PIGEONS

To protect the public health and safety from nuisances and sources of illness as related to the sport of racing and carrier pigeons, there are hereby provided the following rules and regulations relating to control of the housing, harboring, raising, flying, training and conditioning of racing and carrier pigeons.

SECTION 1 – DEFINITIONS:

- 1.1 **Board** – The term Board shall mean the Oakland County Sanitary Code Appeal Board.
- 1.2 **Carrier or Racing Pigeon Owner** – The term Carrier or Racing Pigeon Owner shall mean a person breeding raising, harboring, maintaining, housing, flying or conditioning carrier and/or racing pigeons.
- 1.3 **Conditioning** – The term Conditioning shall mean the exercise and training of the carrier or racing pigeon to develop the most excellent physical shape.
- 1.4 **County** – The term County shall mean the County of Oakland.
- 1.5 **Director** – The term Director shall mean the Director of Oakland County Health Division or his duly sworn authorized representative.
- 1.6 **Division** – the term Division shall mean the Oakland County Health Division.
- 1.7 **Exercise** – The term Exercise shall mean the freedom of flight in the area of the loft required to condition the carrier or racing pigeon.
- 1.8 **Loft** – The term Loft shall mean any structure in which carrier or racing pigeons are housed.
- 1.9 **Permit** – the term Permit shall mean a certificate authorizing the owner of carrier or racing pigeons to maintain a loft for housing the pigeons and to fly the pigeons for

necessary exercise and training; permits are not transferable to new loft locations or new owners.

- 1.10 Person – The term Person shall mean natural persons, individuals, firms, partnerships, corporations, companies, societies and associations, and every agent, officer or employee of any thereof.
- 1.11 Pigeon, Carrier – The term Carrier Pigeon shall mean homing and racing pigeons which have the name of the owner stamped upon the wing or tail, or are banded upon the leg with the name or initials of the owner or with an identification or registration number stamped on the band.
- 1.12 Pigeon, Racing – The term Racing Pigeon shall mean a pigeon registered with a national pigeon racing organization and used as a game competitive bird. The pigeons are not to be identified or classified as fowl when raised and used in the sport and hobby of racing carrier pigeons.
- 1.13 Training – The term Training shall mean the release of the carrier or racing pigeon at an airline distance for a straight flight to the loft.

SECTION 2 – ADMINISTRATION AND ORGANIZATION

- 2.1 Enforcement Agency – The Oakland County Health Division is charged with the duty of investigating complaints and enforcing the provisions of these rules and regulations. The responsibility for the enforcement of these rules and regulations shall rest with the Director of the Oakland County Health Division or his duly authorized representative.
- 2.2 The Director Shall be Empowered to:
 - a. Supervise the implementation of these rules and regulations.
 - b. Initiate complaints against all persons violating any provisions of these rules and regulations and institute necessary legal proceedings to prosecute violations of

these rules and regulations and compel the prevention and abatement of nuisances arising therefrom.

- c. Inspect and examine existing and newly constructed lofts at the discretion of the Director but not less than triennially to determine compliance with the provisions of these rules and regulations.
- d. Investigate complaints pertaining to violations of these rules and regulations and make necessary inspections and observations and record such investigations, complaints, inspections and observations.
- e. Approve or reject applications for permits and administer notices required under the provisions of these rules and regulations.
- f. Issue or deny permits under the provision of Act 57, Public Acts of 1974, and these rules and regulations.
- g. Cooperate with municipal building and zoning agencies for the purpose of coordinating activities under the provisions of Act 57, Public Acts of 1974, and these rules and regulations.
- h. Establish permit fees and accept, receive, and give receipts for fees paid in behalf of the County, subject to all applicable laws and with the approval of the Sanitary Code Appeal Board.

SECTION 3 – PERMIT

- 3.1 Permit Required – It shall be unlawful to maintain a carrier or racing pigeon loft or to keep carrier or racing pigeons within the County without first obtaining a permit therefor from the Director, after the effective date of these rules and regulations.

3.2 Application Procedure – Information, Accompanying Documents

- a. An application for a permit or permit renewal shall be filed by the carrier or racing pigeon owner together with an address or legal description of the property upon which the loft is kept or proposed to be kept.
- b. The application must be signed by the carrier or racing pigeon owner as defined in these rules and regulations.
- c. The permit application shall be on a form provided by the Director, and shall be accompanied with the required permit fee.
- d. A drawing showing the size and location of the loft(s), and measured distances to property lines and habitable buildings on the property must accompany the application.
- e. Written certification from the municipality within which the loft(s) is located that construction of the loft(s) complies with the applicable building ordinances or codes.
- f. The number of carrier or racing pigeons to be kept in the loft.
- g. Such additional information deemed necessary to properly and effectively administer the provisions of Act 57, Public Acts of 1974, and these rules and regulations.

3.3 Issuance of Permits – The Oakland County Health Division shall issue a permit when the data obtained indicates that the requirements of these regulations and Act 57, Public Acts of 1974, will be or have been met.

3.4 Permit Denial – The Oakland County Health Division shall refuse to issue a permit when the data obtained indicates that the requirements of these regulations and/or Act 57, Public Acts of 1974, have not or cannot be met. The reason for denial shall be identified in writing by the Oakland County Health Division.

3.5 Time Schedule for Compliance

- a. Existing lofts not in compliance with Article VIII, as of the effective date of these rules and regulations, shall be in compliance within six (6) months of the effective date of their adoption.
- b. All new lofts shall comply with these rules and regulations upon the effective date of their adoption.

3.6 Term of Permit; Renewal; Renewal Fee

- a. After November 1977, all owners must possess a valid permit issued by the Director.
- b. All permits shall expire at midnight on October 31, 1980, and triennially thereafter.
- c. Interim permits granted to new owners with new lofts six (6) months or less prior to the expiration date prescribed in 3.6b, shall continue to be valid until the next succeeding triennial expiration date. All other interim permits granted to new owners or owners with new lofts shall expire in accordance with 3.6b.
- d. Applications for permit renewal shall be submitted thirty (30) days prior to the expiration date in the manner provided in 3.2, together with the prescribed permit fee.

3.7 Suspension; Revocation of Permit; Prosecution

- a. All pigeon lofts shall be subject to inspection by the Director as provided in these rules and regulations. Failure to comply with any or all of these rules and regulations following proper written notification of violation and a reasonable period of time to effect compliance shall be grounds for permit suspension or revocation by the Director. The owner shall be notified in writing of the effective date of such permit suspension or revocation together with the reasons

therefor. Suspension or revocation shall be without prejudice to the owner's right to a hearing before the Sanitary Code Appeal Board.

- b. The issuance of a permit shall not be held to exempt the owner to whom the permit was issued from prosecution for flagrant violations of these rules and regulations.

SECTION 4 – STANDARDS AND OPERATIONAL PROCEDURES

4.1 Loft Construction – The physical construction of the loft(s) shall be in compliance with the applicable municipal building ordinances and codes.

4.2 Loft Location – Lofts established constructed, erected, maintained or operated in the County shall not be located nearer than twenty (20) feet to any residential structure on an adjoining lot or parcel and three (3) feet to a property line, unless otherwise specified in municipal building ordinances and codes.

4.3 Loft Occupancy – A minimum of 1.0 square foot of loft floor area per carrier or racing pigeon shall be provided within the loft.

4.4 Commercial Use Prohibited – Owners possessing a valid permit from the Director may utilize their loft(s) for the breeding, raising, harboring, training, conditioning, and flying of carrier or racing pigeons, but shall not use such lofts for the business of breeding, raising, or harboring for commercial or marketing purposes.

4.5 Nuisances

a. Owners of carrier or racing pigeons shall:

- (1) Exercise necessary measures to prevent their birds from perching or lingering on the buildings or property of others.
- (2) Maintain the loft(s) and surrounding premises in a sanitary, hygienic condition.
- (3) Maintain the birds in a healthy, disease-free condition.

- (4) Exercise necessary measures to prevent the generation of obnoxious or offensive odors and noise, or otherwise create a nuisance affecting the buildings or property of others.
- (5) Maintain the loft in an orderly condition and in good repair.
- (6) Store loft scrapings dead birds, manure and other putrescible wastes in water-tight containers with tight fitting covers; final disposal shall be accomplished in a manner which creates neither a health hazard nor nuisance and shall be approved by the Director.
- (7) Not house, harbor, or keep more carrier or racing pigeons than permitted by paragraph 4.3.
- (8) Not allow or permit the birds to destroy or deface property.

SECTION 5 – APPEAL BEFORE THE SANITARY CODE APPEAL BOARD

5.1 Any person who has been denied a permit as required by this Article shall have the right to appeal by petition in writing and directed to the Oakland County Health Division and such appeal shall be heard before the Sanitary Code Appeal Board. Such petition must be accompanied with the fee and must be submitted within thirty (30) days from receipt of the written notice of the denial.

SECTION 6 – RIGHT OF ENTRY

6.1 Right of Entry for Inspection – The Director may enter and inspect any property at reasonable times for the purpose of investigating either an actual or suspected violation or to ascertain compliance or non-compliance with these rules and regulations.

SECTION 7 – INJUNCTIONS

7.1 Injunctive Proceedings – Whenever any person has been found to have repeatedly violated provisions of these rules and regulations, the Director may commence appropriate civil legal action in a court of competent jurisdiction in the name of the County and enjoin and restrain further continuance of such violation.

SECTION 8 – SEVERABILITY

8.1 It is declared that this regulation is enacted in the interests of the public health and welfare of the residents of the County. If any part of this regulation shall be declared to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this regulation, the Board of Commissioners hereby declaring that it would have passed such remaining portions of this regulation notwithstanding such invalidity.

EFFECTIVE DATE

These rules and regulations shall be deemed to be in effect on and after May 19, 1978.

Adopted by the Oakland County Board of Commissioners on December 1, 1977. Reviewed and approved by the Oakland County Board of Commissioners on December 1, 1977.

OAKLAND COUNTY DIVISION OF HEALTH

SANITARY CODE

ARTICLE IX

Whenever an animal has bitten a person, the animal must be confined for a period of ten (10) days to determine whether the animal has rabies. If this confinement takes place at a location other than at the premises of the animal owner, it is then the responsibility of the animal owner to pay for all costs that may be incurred for this service.

EFFECTIVE DATE

These rules and regulations shall be deemed to be in effect on and after May 19, 1978.

Adopted by the Oakland County Board of Commissioners on December 1, 1977.

Reviewed and approved by the Oakland County Board of Commissioners on December 1, 1977.

OAKLAND COUNTY HEALTH DIVISION

SANITARY CODE

ARTICLE X

**DRINKING WATER SUPPLY PROGRAM
WELL PROTECTION AND EDUCATION**

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OAKLAND COUNTY SANITARY CODE

ARTICLE X

**DRINKING WATER SUPPLY PROGRAM
WELL PROTECTION AND EDUCATION**

Article X of the Oakland County Sanitary Code is established to help protect the health and safety of the residents and future residents of Oakland County who rely on individual sources of well water supplies for their daily living needs.

SECTION 1 – DEFINITIONS

- A. Abandoned Water Well – Means any of the following:
 - 1. A well which has its use permanently discontinued.
 - 2. A well which is in such disrepair that its continued use for the purpose of obtaining groundwater is impractical.
 - 3. A well which has been left uncompleted.
 - 4. A well which is a threat to groundwater resources.
 - 5. A well which is or may be a health or safety hazard.

- B. Extensive Changes or Repairs – Include replacing the entire casing, removing a casing from the ground, or changing aquifers.

Minor repairs do not require notification. Minor repairs include:

- 1. Replacing a telescoped well screen.
 - 2. Changing screen elevation.
 - 3. Deepening or plugging back a bedrock well.
 - 4. Installing a liner pipe.
 - 5. Replacing a pump, controls, pump drop pipe, or pressure tank.
 - 6. Chemical treatment of the well or well disinfection.

- C. Person – Means a person as defined in MCL 333.1106 or a governmental entity.

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

- E. The terms defined in the Public Health Code, 1978 PA 368, as amended, Article I – Parts 11 and 12, Article 2 – Part 24, and Article 12 – Parts 121 and 127, and terms defined in the Michigan Administrative Code, R 325.1601 to R 325.1781, have the same meanings when used in these local health regulations.

SECTION 2 – WELL EDUCATION PACKET REQUIRED

- A. The Oakland County Health Division shall produce an educational packet containing a map documenting areas of groundwater contamination, general information on well drilling, well maintenance, and a list of pertinent telephone numbers to assist persons

requiring a new well or extensive repairs. The educational packet shall be made available to requesting individuals and, for the purpose of distribution to interested residents, to cities, villages, townships, and registered well drillers.

- B. No person or governmental entity shall construct, extensively change or repair, or abandon a well without first acknowledging on a form provided for that purpose by the Oakland County Health Division the receipt of the educational packet developed pursuant to Subsection A, being Article X, Section 2.A. A registered well drilling contractor or a person licensed under Article 24 of Act 299 of the Public Acts of 1980, as amended, being sections 339.2401 to 339.2412 of the Michigan Compiled Laws, may acknowledge receipt of the educational packet on behalf of a well owner and shall, in such case, deliver the educational packet to the well owner.
- C. Except in emergency situations as detailed in Subsection E, before constructing or extensively changing or repairing a well, a person or entity shall notify the Oakland County Health Division in writing of such intent to construct or extensively change or repair a well. Notification shall be made on a form provided for that purpose by the Oakland County Health Division. The form, which shall serve as an application for the permit required by Section 6 of this Article, shall require information sufficient to allow the Oakland County Health Division to conduct a predrilling site review for the proposed well and shall be filed with the Health Division not less than 48 hours prior to the time construction, extensive change or repair or abandonment of the water supply is to begin.
- D. A copy of the well log required by MCL 333.12707 and/or by Michigan Administrative Code rules promulgated pursuant thereto shall be submitted by a well drilling contractor to the Oakland County Health Division not later than 60 days after the completion of a well.
- E. In the event an emergency arises where the lack of water will result in undue hardship and the offices of the Oakland County Health Division are closed or when registered well drilling contractor is involved with minor repair work and conditions are discovered indicating that it is necessary (in order to avoid excessive cost or undue hardship) to immediately begin construction, extensive change, repair, or abandonment of a well, a registered well drilling contractor may begin construction, extensive change, repair, or abandonment of a well without prior notification or permitting. In such situations, by the close of business on the next regular county business day, the well drilling contractor shall notify the Oakland County Health Division of the work utilizing the “Well Action Notification/Permit Application Form” provided for that purpose by the Oakland County Health Division. The registered well drilling contractor or well owner shall acknowledge receipt of the educational packet, as provided in Subsection B, within five (5) business days of commencement of the emergency drilling action. Wells constructed or extensively changed or repaired prior to permitting under this Subsection shall meet state construction and potable water standards.

SECTION 3 – WELL INSPECTIONS

1. The Oakland County Health Division shall be authorized by the Health Officer to make well inspections and shall conduct predrilling site reviews for well sites. In order to avoid duplication of services and increased taxpayer cost, the Oakland County Health Division shall work with cities, villages, and townships that have been approved by the State of Michigan to administer and enforce the building codes in the State of Michigan. The Health Division shall

accept inspection(s) or analyses regarding water potability, the proper construction, extensive change or repair, or abandonment of a water well if such inspection(s) or analysis(es) were conducted by a legally designated city, village, or township code enforcement official and if all of the following requirements are met:

- A.
 - 1.) The city, village, or township employing the code enforcement official has adopted a local building, construction, health or safety code (e.g., Building Officials and Code Administrators building code) that regulates well construction, extensive change or repair, or abandonment utilizing requirements which are not less restrictive than those required under Part 127 of Public Act 368 of 1978, as amended, and administrative rules promulgated pursuant thereto; *and*
 - 2.) The inspection(s) was conducted by a person(s) who has been trained to conduct well inspections by the State of Michigan or through a program recognized as adequate by the State of Michigan; the inspection(s) include a satisfactory bacteriological and nitrate water sample report and a water well and pump record log; and the satisfactory bacteriological and nitrate water sample report are filed with the local building official or the Oakland County Health Division before an occupancy permit is issued. In the event of an unsatisfactory water test, a local unit of government may authorize a temporary occupancy permit which will allow for a safe alternative source of potable water; *and*
 - 3.) Any laboratory analysis of water or soil samples reflected, reported, or utilized in such city, village, or township inspection report(s) were conducted by a laboratory certified, licensed, or authorized by the State of Michigan to conduct such analysis; *and*
 - 4.) All local inspection documents are made available to the Oakland County Health Division upon request; *and*
 - 5.) All inspection reports indicating the existence of groundwater contamination or a failure to comply with Part 127 of Public Act 368 construction requirements shall be turned over to the Oakland County Health Division within 72 hours of the completion of the inspection.
- B. The Oakland County Health Division shall provide Oakland County cities, villages, and townships who agree to participate with the Health Division in this Article's well notification and education program with educational packets, notification forms, well plugging (abandonment) forms, and other materials necessary or appropriate to facilitate their participation.
- C. Any Oakland County real property owner or properly authorized representative of an Oakland County real property owner may request a Health Division inspection of their well for a fee established by Board of Commissioner resolution.

SECTION 4 – ADVISORY COMMITTEE

- A. An Oakland County Well Advisory Committee is established consisting of nine (9) members appointed as set forth below.

B. The Oakland County Well Advisory Committee shall be comprised of four (4) members who are residents of Oakland County and registered under sections 12701 to 12715 of 1978 PA 368, as amended, at least three (3) of whom shall be well drilling contractors; one (1) builder licensed by the State of Michigan and a resident of Oakland County; one (1) resident of Oakland County who is not an elected official; and one (1) local official from an Oakland County city, village, or township that relies primarily on wells for drinking water, all of whom shall be appointed by the County Board of Commissioners; one (1) employee of the Oakland County Health Division appointed by the County Executive; one (1) employee of the Drain Commission appointed by the Drain Commissioner. There shall be three-year staggered terms. The first committee shall be appointed as follows: 3 members for one-year terms; 3 members for two-year terms; and 3 members for three-year terms. Vacancies shall be filled by appointment for the balance of the unexpired terms by the respective officials designated herein. The first term of office shall be considered to begin on the date set by the Board of Commissioners in the appointment of the first member.

C. Functions

1. The members of the advisory committee shall at their first meeting, and once each year thereafter, organize and select a chairperson and vice chairperson from among their members. A record secretary shall be assigned by the Oakland County Board of Commissioners.
2. The committee shall meet not less than twice each year for the necessary conduct of business. Additional meetings may be called by the chairperson or any three members of the committee. Five members shall constitute a quorum. The business which the committee may perform shall be conducted at a public meeting of the advisory committee held in compliance with Act 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws.
3. The first meeting of the advisory committee shall take place within 40 days after this Article is adopted and the first member is appointed by the Oakland County Board of Commissioners.
4. The Oakland County Health Division, with the advice of the advisory committee, may promulgate rules, materials, plans, and procedures and update the educational packet annually.
5. The advisory committee may advise Oakland County with respect to the need for or desirability of conducting special studies. Where conditions indicate that studies, investigations, or inquiries are warranted, the Oakland County Health Division may participate in and/or coordinate special studies activity as provided in section 2433 of the Public Health Code, MCL 333.2433(2)(c) and (d).
6. Appeals on matters related to interpretation of the state well/pump code (Part 127, Act 368, P.A. 1978) and Groundwater Quality Control Rules, R 325.1601 to R 325.1781 are not within the authority of the County advisory board.

SECTION 5 – LOCAL DISTRIBUTION

The Oakland County Health Division shall work with any Oakland County city, village, or township who has agreed to participate with the Health Division in this Article's well notification and education program by establishing mutually agreeable arrangements for distribution and processing of educational packets, notification forms, and other materials necessary or appropriate to facilitate participation in the program.

SECTION 6 – PERMITS AND FEES

A permit must be obtained from the Oakland County Health Division before the construction of or extensive repair of a well.

Pursuant to MCL 333.2444, the Oakland County Board of Commissioners may establish a fee for services authorized or required to be performed by the Health Division under this Article. The fee charged shall not be more than the reasonable cost of performing the service. Any fee(s) shall be reviewed periodically by the Board of Commissioners for adjustment as appropriate.

SECTION 7 – DENIAL OF PERMIT

The Health Officer shall have the right to reject a water supply permit when conditions exist or may be created which may endanger the public health or environment.

SECTION 8 – FINES AND PENALTIES

Any person or governmental entity determined to be in violation of any of the provisions of this Article, upon conviction thereof, shall be deemed guilty of a misdemeanor offense and subject to incarceration for up to 90 days and/or a fine of up to \$200.00 plus the costs of prosecution.

SECTION 9 – APPEALS

Appeal of permitting or regulatory actions taken by the Oakland County Health Division under this Article X may be made to the Oakland County Sanitary Code Appeal Board as provided in Article V of the Oakland County Sanitary Code.

SECTION 10 – EFFECTIVE DATES

This Article shall take effect on February 1, 1998. Adopted by the Oakland County Board of Commissioners on December 16, 1997.

AUTHORITY: 1978 PA 368, as amended
Michigan Compiled Law 333.1101 et seq.
Michigan Compiled Law 333.2401 et seq.
Michigan Compiled Law 333.12101 et seq.
Michigan Compiled Law 333.12701 et seq.
1994 AACS, R 325.1601-R 325.1676
1994 AACS, R 325.1741-R 325.1781