



# **OAKLAND COUNTY SANITARY CODE**

**JANUARY 2026**

**OAKLAND COUNTY HEALTH DIVISION**

**SANITARY CODE**

AUTHORITY FOR CODE	Effective September 1, 1950
ARTICLE I	<b>General Provisions</b> Effective September 1, 1950
ARTICLE II	<b>Groundwater Protection</b> Effective January 22, 1995
ARTICLE III	<b>Septic Tank Sewage Disposal Systems</b> Effective September 1, 1956
ARTICLE IV	<b>Food Service Establishments</b> Effective November 15, 1999
ARTICLE V	<b>Appeal Before the Sanitary Code Appeal Board</b> Effective June 10, 1975
ARTICLE VI	<b>Notice of Denial</b> Effective June 10, 1975
ARTICLE VII*	<b>Body Art Facilities and Practitioners</b> Effective January 1, 2026
ARTICLE VIII	<b>The Sport of Racing and Carrier Pigeons</b> Effective May 19, 1978
ARTICLE IX	<b>Confinement of Animal Involved in Animal Bite Incident</b> Effective May 19, 1978
ARTICLE X	<b>Well and Borehole Construction and Aquifer Protection Program</b> Effective December 1, 2025
ARTICLE XI	<b>Sewage Disposal System Installer Licensing</b> Effective May 6, 2012

\*This number was formerly used for Swimming Pools

## 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

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2	Article II	Groundwater Protection	January 22, 1995
3	Article III	Septic Tank Sewage Disposal Systems Sewage Disposal and Treatment Amendment – Section 6.5 Amendment – Section 8.1 Restatement	September 1, 1956 January 1, 1973 December 5, 1974 June 5, 1975 November 15, 2016
4	Article IV	Food Service Establishments	November 15, 1999
5	Article V	Appeal Before the Sanitary Code Appeal Board Amendment – Alternate Members	June 10, 1975 January 1983 January 1997 April 1998 December 18, 1999
6	Article VI	Notice of Denial	June 10, 1975
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**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**

When used in the said Sanitary Code, unless otherwise expressly stated:

**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.

Jurisdiction (MCL 333.1101 et. seq.) The local governing entity of a county shall provide for a county health department and appoint a county board of health

A local health department shall continually and diligently endeavor to prevent disease, prolong life, and promote the public health through organized programs, including prevention and control of environmental health hazards; prevention and control of diseases; prevention and control of health problems of particularly vulnerable population groups; development of health care facilities and health services delivery systems; and regulation of health care facilities and health services delivery systems to the extent provided by law.

- 2.1 Health Division - The term “Health Division” shall mean the Oakland County Health Division.
- 2.2 Health Officer - The Term “Health Officer” shall mean the Manager of the Oakland County Health Division, and/or his/her authorized representative.
- 2.3 Sanitary Code - “Sanitary Code” shall mean and comprise the rules and regulations formulated, promulgated and adopted by the Oakland County Board of Commissioners.
- 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**

Any person, firm or corporation who violates a regulation is guilty of a misdemeanor punishable by imprisonment for not more than ninety (90) days, or a fine of not more than two hundred and fifty dollars (\$250.00) per day, 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 or an authorized representative thereof.

### **SECTION 8 - SPECIAL PROVISIONS**

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

### **SECTION 9 - INSPECTION AND INVESTIGATION GENERALLY**

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 and if any violation of the Sanitary Code exists on any such premises, any permit granted by the Health Officer may be suspended forthwith.

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 - ISSUANCE OF LICENSES**

Nothing herein contained shall be construed to restrict or abrogate the authority of any municipality in Oakland County to adopt and enforce additional ordinances or to enforce existing ordinances relating to the regulation, control, or issuance of licenses or the renewal or revocation thereof, or to charge and collect a fee therefore; provided, that whenever inspection relating to health or sanitation is required no such municipality shall issue or renew such license without first having obtained written approval from the Health Division indicating compliance with the provisions of the Sanitary Code.

#### **SECTION 11 - PUBLICATION OF RULES AND REGULATIONS**

All rules and regulations adopted by the County Board of Health, other than emergency measures, shall be published at least once in a legally qualified newspaper of general circulation in the County of Oakland, State of Michigan, not less than once each week for three (3) successive weeks.

#### **SECTION 12 - EFFECTIVE DATE OF RULES AND REGULATIONS**

All rules and regulations shall become effective on the 30<sup>th</sup> day after the first publication unless the rule or regulation prescribes a later date.

**OAKLAND COUNTY HEALTH DIVISION**

**SANITARY CODE**

**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

**OAKLAND COUNTY HEALTH DIVISION  
SANITARY CODE  
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, hazards and causes of illness resulting from improper sewage disposal and treatment, there are hereby provided the following rules and regulations relating to the design, location, construction, operation and maintenance of Onsite Wastewater Treatment Systems within the County of Oakland.

**SECTION 1 – DEFINITIONS:**

- 1.1 Acceptable Soils – Acceptable Soils are those which consist of sand, sand and silt mixture, or clay silt sand mixture with the sand comprising at least fifty (50) percent of the mixture.
- 1.2 Available Public Sewer – The term Available Public Sewer shall mean a public system, which is under the jurisdiction of 1994 PA 451, as amended, specifically MCL 324.4101 et seq., and is located not more than two hundred (200) feet at its nearest point to a structure from which Sanitary Sewage originates and the use of which is permitted by the responsible governmental entity.
- 1.3 Code – The term Code shall mean the Oakland County Sanitary Code.
- 1.4 Commercial – The term Commercial shall mean all public, semi-public, and non-residential Premises, including structures or buildings not herein defined as a single or two-family residence.
- 1.5 Failure – The term Failure shall mean one of the following conditions:
  - 1.5.1 The discharge of sewage to the surface of the ground
  - 1.5.2 The inability of the Onsite Wastewater Treatment System to accept Sanitary Sewage discharges at the rate being discharged
  - 1.5.3 The discharge of Sanitary Sewage into surface water or groundwater
  - 1.5.4 The discharge of Wastewater effluent which does not comply with applicable effluent discharge standards
- 1.6 Health Division – The term Health Division shall mean the Oakland County Health Division.
- 1.7 Health Officer – The term Health Officer shall mean the Manager of the Oakland County Health Division or his/her authorized representative.

- 1.8 Industrial Waste – The term Industrial Waste shall mean the liquid waste products from industrial processes as distinct from Sanitary Sewage.
- 1.9 Installer – The term Installer shall mean any Person that installs, alters, constructs and/or repairs an Onsite Wastewater Treatment System.
- 1.10 Maintenance – The term Maintenance shall include the pumping of a septic tank, cleaning of effluent filter, work or servicing performed on alternative treatment devices, adjustment of pump floats or settings, and similar activities to maintain the Onsite Wastewater Treatment System.
- 1.11 Minor Repair– The term Minor Repair shall include installation of service access risers, clearing of obstructed sewer lines, replacing pump or electrical components, replacing damaged sewage conveyance lines outside of the header and soil absorption system, minor grading changes to divert surface runoff away from any system component, or other similar Minor Repairs.
- 1.12 Onsite Wastewater Treatment System – The term Onsite Wastewater Treatment System shall mean a system, other than a public sewer which receives Sanitary Sewage and is entirely located on property owned by the individual or entity. Included within the scope of this definition are Septic Tanks, Soil Absorption Systems, Pump Chambers, aeration systems, package treatment plants, lagoons, privies, chemical toilets, composting toilets, or any similar contrivance used in the treatment and disposal of Sanitary Sewage as may be approved by the Health Officer.
- 1.12.1 Alternative System – The term Alternative System shall mean a treatment and Soil Absorption System that is not a Conventional System and provides for an equivalent or better degree of protection for public health and the environment than a Conventional System. Alternative Systems may utilize Pretreatment technology.
- 1.12.2 Conventional System – The term Conventional System shall mean a system which includes a building sewer, one or more Septic Tanks, a Soil Absorption System with non-uniform distribution of effluent, and all associated connections, fittings, and appurtenances installed below Original Grade in a location meeting the site suitability criteria prescribed in this Article.
- 1.12.3 Engineered Alternative System – The term Engineered Alternative System shall mean an Onsite Wastewater Treatment System designed by a professional engineer, currently licensed under 1980 PA 299, which may employ Pretreatment or other plan features, processes, construction and operational methods as approved by the Health Officer.
- 1.13 Original Grade – The term Original Grade shall mean the highest elevation of a naturally occurring soil profile as altered by climatic elements and living matter originally formed from materials that were deposited by, or associated with, glacial activity. Filled ground is not considered part of the naturally occurring soil profile.

- 1.14 Person – The term Person shall mean any individual, firm, partnership, corporation, company, society, association, or other legally definable entity and every agent, officer or employee thereof.
- 1.15 Premise – The term Premise shall mean any dwelling, structure, building, parcel of land, or other place where human beings reside, are employed or congregate.
- 1.16 Pretreatment – The term Pretreatment shall mean a device or process to alter the composition of the Wastewater prior to soil absorption using filtration, aerobic or enhanced microbial processes to yield an effluent with substantially reduced pathogens, biochemical oxygen demand and other parameters than that of typical Septic Tank effluent defined as meeting the National Sanitation Foundation/American National Standards Institute (NSF/ANSI) Standard 40 for Residential Wastewater Treatment Systems or equivalent.
- 1.17 Private Water Supply Well – The term Private Water Supply Well shall mean that system which serves not more than a single dwelling or a dwelling with two family Residential units.
- 1.18 Public Water Supply Systems – The term Public Water Supply Systems shall mean all other water supply systems defined in 1976 PA 399 and Rules not herein defined as a Private Water Supply Well.
- 1.18.1 Community Type I Water Supply – The term Community Type I Water Supply shall mean a public water supply system that provides year-round service to not less than fifteen (15) living units or serving not less than twenty-five (25) persons.
- 1.18.2 Non-Community Type II Water Supply – The term Non-Community Type II Water Supply shall mean a Public Water Supply System that provides service to not less than fifteen (15) service connections or serves not less than twenty – five (25) individuals on an average daily basis not less than sixty (60) days out of the year.
- A. Type II a water supplies have an average production during the maximum month equal to or greater than 20,000 gallons per day.
- B. Type II b water supplies produce less than 20,000 gallons per day during the peak month.
- 1.18.3 Type III Water Supply – The term Type III Water Supply shall mean a Public Water Supply System that is not a Community Type I or Non-Community Type II Water Supply; they serve less than twenty-five (25) persons a day.
- 1.19 Pump Chamber – The term Pump Chamber shall mean a watertight tank, or compartment following the Septic Tank or other Pretreatment process, which contains a pump, floats and volume for storage of effluent for automatic or controlled discharge.

- 1.20 Residential – The term Residential shall mean any single or two-family dwelling, each consisting of one or more rooms arranged as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.
- 1.21 Sanitary Sewage – The term Sanitary Sewage shall mean human excreta, as well as all waste and Wastewater discharged from sanitary conveniences, including but not limited to: toilets, urinals, sinks, laundries, showers, bathtubs, dishwashers, garbage grinders, and Septic Tank overflow or effluent. Sanitary Sewage shall not include discharge from water softening and water treatment devices, industrial and commercial processes, commercial laundries and roof, footing or storm drainage.
- 1.22 Sanitary Sewer – The term Sanitary Sewer shall mean any enclosed water-tight conduit for transporting Sanitary Sewage.
- 1.23 Septic Tank – The term Septic Tank shall mean a water-tight covered receptacle designed and constructed to receive the discharge of Sanitary Sewage, separate solids from the liquid, digest organic matter and store digested solids through a period of detention, and allow the liquids to discharge for final disposal.
- 1.24 Soil Absorption System – The term Soil Absorption System shall mean that part of the Onsite Wastewater Treatment System in which Septic Tank effluent is distributed by an arrangement of subsurface trenches, beds, or drywells that allow the effluent to be absorbed and treated by the surrounding soil.
- 1.25 Variance – The term Variance shall mean a deviation or modification from the rules and regulations printed herein as may be permitted by the Health Officer.
- 1.26 Wastewater – The term Wastewater shall mean Sanitary Sewage.

## **SECTION 2 – GENERAL PROVISIONS**

- 2.1 Injunctive Proceedings - Notwithstanding the existence or pursuit of any other remedy, the Health Officer may maintain in a court of competent jurisdiction an action for an injunction or other process against any Person to restrain or prevent violations of the Code.
- 2.2 Severability - If any part of the requirements of this Article is found by a court of competent jurisdiction to be void or unenforceable, all remaining parts of this Article shall remain fully valid and enforceable.
- 2.3 Other Laws – This Code is supplemental to the rules and regulations duly enacted by the Michigan Department of Environmental Quality and to laws of the State of Michigan relating to public health and environment, and this Code shall supersede all local minimum standards heretofore enacted and inconsistent herewith.
- 2.4 Priority over Building Permits – No city, village, township, municipality, or other agency acting for a governmental agency shall issue a building permit or otherwise allow commencement of construction on any land where public sewers and/or a public water

supply is not available until all permits required by this Code are obtained or approval has been obtained from the Health Officer.

## 2.5 Penalties

2.5.1 Civil – The Health Officer shall have the power and authority to issue and serve civil citations as provided by 1978 PA 368, as amended, being MCL 333.2461. Citations may be issued within thirty (30) days of the discovery of the alleged violation of the provisions of this Article. The citation shall be written and shall state with particularity the nature of the violation, including reference to the section, rule, order, or regulation alleged to have been violated. The citation shall include a monetary civil penalty of not more than \$250.00 for each violation or day that the violation continues. Violators have the right to appeal the citation pursuant to Section 11 of this Article.

2.5.2 Criminal – A Person who violates any provision of this Article is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than \$200.00 or both. Each day that the violation continues is considered to be a separate violation.

## **SECTION 3 – HEALTH OFFICER POWERS AND RESPONSIBILITIES:**

3.1 Scope of Health Officer Responsibilities – The Health Officer shall be responsible for regulating the design, installation, operation and Maintenance of all Onsite Wastewater Treatment Systems serving single and two-family homes within Oakland County. The Health Officer shall also be empowered to exercise regulatory control over Onsite Wastewater Treatment Systems serving other types of Premises when authorized by other public agencies or officials possessing statutory jurisdiction over sewage disposal facilities serving such Premises.

3.2 Health Officer Powers – The Health Officer shall have the authority under this Article to establish policies, procedures and guidelines, including design and construction requirements; operation permit conditions; compliance schedules; notification requirements; and other mechanisms deemed necessary to assure compliance with this Article.

3.3 Right of Entry and Inspection – The Health Officer shall be empowered to conduct inspections of all properties, public or private, in conjunction with the fulfillment of the duties and responsibilities in this Article. In the event that a Health Officer is refused permission to inspect any Premise, the Health Officer may seek an investigation warrant as provided in 1978 PA 368, being MCL 333.2247.

3.4 Power to Issue Violation Notices – The Health Officer shall be empowered to issue a notice to any Person who violates a provision of this Article. Such notice shall contain a description of the violation, and shall cite the specific section of the Article which applies. The Health Officer may also order correction of a violation, and may specify the corrective action required as well as a reasonable time limit for such corrective action to

be completed. In the case of violations that may present an imminent danger to public health, immediate corrective action may be required.

- 3.5 Power to Condemn – The Health Officer shall be empowered to condemn any structure as unfit for human occupancy if such structure is not provided with acceptable sewage disposal as set forth in this Article. No Person shall occupy, or permit to be occupied, any structure condemned until the Health Officer has terminated the condemnation order.
- 3.6 Power to Evaluate Onsite Systems for Altered or Repaired Existing Buildings – The size and adequacy of an existing Onsite Wastewater Treatment System will be evaluated during any alteration, addition or repair to an existing building, to determine if the system is sufficient to allow an increase in living or working area to an existing building and/or to ensure that the construction proposal will not interfere with current or future use of the Onsite Wastewater Treatment System. Such construction shall include, but not be limited to: complete renovations of seasonal or year-round homes; additions to an existing dwelling; construction of garages, outbuildings, decks, porches, swimming pools or driveways; basement remodels; and additions to industrial or Commercial establishments.
- 3.7 Use of Existing Soil Absorption Systems – An existing Soil Absorption System that does not meet the standards contained in this Article may remain in service. This provision shall apply only if the Health Officer determines that systems are capable of performing their intended function in an acceptable manner and that no dangers to human health and safety, nuisances or degradation of the natural environment will result from their continued use.

#### **SECTION 4 – UNLAWFUL SEWAGE DISPOSAL:**

- 4.1 Unlawful Disposal of Sanitary Sewage – Under no conditions shall Sanitary Sewage from any structure be deposited upon the surface of the ground, into roadside ditches, watercourses, inland lakes, or into any closed drain other than a Sanitary Sewer.
- 4.2 Connections Required – It shall be unlawful for any Person to construct, install, alter, repair or maintain, any Premise from which Sanitary Sewage originates that is not equipped with an Onsite Wastewater Treatment System or served by a public Sanitary Sewer.

Any Onsite Wastewater Treatment System shall be constructed, installed, altered, repaired and maintained in accordance with the provisions of this Article.

- 4.3 Unlawful Disposal of 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.

#### 4.4 Sewage Discharge of Unknown Origin from Public or Private Drains

- 4.4.1 Notice - Whenever the Health Officer determines that improperly treated sewage is flowing from the outlet from any public or private drain, the Health Officer may issue public notices requiring persons owning Premises from which Sanitary Sewage originates to cease and desist from the further discharge of improperly treated Sanitary Sewage and to connect to an Available Public Sewer, or in the absence thereof, to comply with the provisions of this Article. Public notice shall consist of at least five (5) conspicuous notices in the probable area served by the drain.
- 4.4.2 Corrective Action by Health Officer - After not less than thirty (30) days following the posting of the notices, the Health Officer may plug or cause to be plugged the outlet of the drain until such time as the source of the improperly treated sewage has been located. Owners of properties known to be discharging improperly treated sewage into a drain posted by the Health Officer shall be given written notice of the corrections required within the time allowed by the posted notices. Failure to comply with such notices, or malicious destruction or removal of public notices, shall be a violation of the Code and punishable as set forth in Article I Section 5 and Section 2 of this Article. Notwithstanding MCL 333.2465 the Health Officer shall not be liable for any damage which results, or might result, from action authorized by this Section.
- 4.5 Operation of a Failed System – All facilities for the management, treatment and disposal of Wastewater shall be constructed, maintained and operated, so that there is no system Failure.
- 4.6 Corrective Action Required – In the event of an Onsite Wastewater Treatment System Failure, the Health Officer may require the property owner, or occupant, to immediately cease the discharge until an approved corrective action plan has been implemented in accordance with this Article. A corrective action plan may include, but is not limited to the following:
- 4.6.1 Connect the property to an Available Public Sewer
- 4.6.2 Repair or replace the failed Onsite Wastewater Treatment System, or any of its components, after receiving approval and a permit from the Health Division, except as provided in Sections 1.10 and 1.11 of this Article
- 4.6.3 Vacate/discontinue occupancy of the property
- 4.7 Abandonment – When an Onsite Wastewater Treatment System is abandoned, or its use terminated, the existing Septic Tanks, drywells, privies, or other below grade facilities shall be emptied by a state licensed septage hauler and crushed or backfilled with earth, preferably sand, and compacted. Abandoned tanks shall be made safe from the hazard of collapse or entrapment.

## **SECTION 5 – PERMIT REQUIRED:**

- 5.1 General Provisions – It shall be unlawful for any Person to construct, install, alter, enlarge, relocate or repair, or cause to be constructed, installed, altered, enlarged, relocated or repaired any Onsite Wastewater Treatment System or other device for the disposal of Sanitary Sewage, except for Minor Repairs or Maintenance as defined in Sections 1.10 and 1.11 of this Article, without first obtaining a permit from the Health Division.
- 5.1.1 Application Procedure – Application for an Onsite Wastewater Treatment System permit shall be made by a Person to the Health Officer on forms provided for such purpose by the Health Division.
- 5.1.2 The application shall include the name and address of the applicant and property owner, location of the property and a scaled plot plan that includes, but is not limited to, property lines, abutting roads, existing or proposed structures, the driveway, any and all Public Water Supply Systems and Private Water Supply Wells, underground utilities, easements, surface water and swimming pools.
- 5.1.3 The application shall be submitted with the required fee as authorized by the Oakland County Board of Commissioners.
- 5.1.4 The Health Officer may require additional information when necessary to adequately evaluate a permit application. The Health Officer may require that design plans and specifications for an Onsite Wastewater Treatment System be prepared by a licensed professional engineer in the State of Michigan in accordance with specifications outlined in Section 9.3 of this Article.
- 5.1.5 The application shall be valid for a period of one (1) year from the date of submittal and void thereafter. Valid applications are transferable from one Person to another for the same property as described on the application.
- 5.2 Issuance of Permit – The Health Division shall issue an Onsite Wastewater Treatment System permit when the data obtained indicates that the requirements of this Article and applicable state statutes, rules, or criteria will be or have been met.
- 5.3 Permit Expiration – The permit will be valid as written for a period of two (2) years from date of issuance and void thereafter. Valid permits are transferable from one permit holder to another when no change to the design, location or use of the Onsite Wastewater Treatment System have been made or is proposed.
- 5.4 Permit Denied Reasons – Except as provided for in Section 5.6, the Health Division shall refuse to issue an Onsite Wastewater Treatment System permit when the data obtained indicates that the requirements of this Article and/or applicable state statutes, criteria have not or cannot be met. Conditions for denial may include, but are not limited to:
- 5.4.1 Availability of a public Sanitary Sewer to serve the Premise;

- 5.4.2 The textural soil classification, as determined by the U.S. Department of Agriculture Soil Conservation Service, or other physical conditions that are deemed unsatisfactory for the treatment of Sanitary Sewage. Examples of unacceptable soils include: silt loam, clay loam, clays, silts, peat, muck, and marl;
  - 5.4.3 The highest zone of groundwater saturation is less than twenty-four (24) inches below the Original Grade or there is less than twelve (12) inches of Acceptable Soil without mottling below topsoil;
  - 5.4.4 The property served is too small for the required isolation distances, as described in Section 7.3, or the property has insufficient area for the Soil Absorption System and reserve area;
  - 5.4.5 Existence of less than twenty-four (24) inches of naturally occurring Acceptable Soil that is considered suitable for the treatment of Wastewater;
  - 5.4.6 The proposed site is subject to flooding;
  - 5.4.7 The Soil Absorption System would be inaccessible for repairs or Maintenance;
  - 5.4.8 The Septic Tank would be inaccessible for cleaning or inspection purposes;
  - 5.4.9 Issuance of the requested permit would create a public health nuisance or result in a hazard to public health.
- 5.5 Notification of Denial – When an application for an Onsite Wastewater Treatment System permit has been denied, the Health Division shall notify the applicant, in writing, of such action including the reasons for denial, recommendations which the applicant can take, if any, to secure the requested permit and the right to appeal, all in accordance with Article VI of the Code.
- 5.6 Variations – Variations from this Article may be made in cases where physical size or shape of the property or undue hardship makes its application a physical impossibility, or where there is application of sound engineering principles in accordance with criteria, policies and standards established by the Health Officer. In such event, if the Health Officer finds that special conditions are present, the owner may construct, or cause to be constructed, an Onsite Wastewater Treatment System under the direction of the Health Officer and subject to such reasonable conditions as the Health Officer may require, considering the limitations of the property, the protection of public health and the prevention of any nuisance. Approval of a Variance shall be in writing and shall become part of the permit record for the Premise.
- 5.7 Rescinding a Permit – A permit to install an Onsite Wastewater Treatment System may be rescinded by the Health Officer if the original permit conditions cannot be met. Such conditions may include, but are not limited to: the area designated for the Soil Absorption System is disturbed by major filling, compaction, excavation, paving or flooding; by the

installation of public sewer; by location of a Private Water Supply Well or Public Water Supply System or other alterations that encroach on any required isolation distance. The permit may also be rescinded if there is any increase in the scope of the project prior to or during construction of said system.

- 5.8 Non-conforming Site Repairs – When Onsite Wastewater Treatment System repairs or replacements are deemed necessary to serve existing homes, it is recognized that the standards set forth in this Article may create undue hardships. Under such circumstances, repair or replacement may be made for properties containing limiting soil or site conditions if criteria established by the Health Officer can be met providing no public health hazard or nuisance is or will be created. Permits for such installations may stipulate water conservation, prohibit building expansion, or other measures as deemed appropriate by the Health Officer.
- 5.9 False or Inaccurate Information – It shall be a violation of this Article to misrepresent, omit, or withhold information or pertinent data relative to the use of the Premise or the facilities therein, or to alter permits, approved plans or other documents upon which the minimum requirements contained in this Article are based.

## **SECTION 6 –SOILS AND SYSTEM SIZING REQUIREMENTS:**

- 6.1 Soil Analysis – The textural soil classification system and interpretations as provided by the United States Department of Agriculture, Soil Conservation Service, and the use limitations pertaining to that soil classification will be the basis of the site and soil evaluations.
- 6.2 Soil Borings – Soil borings or excavations shall be made by the applicant, or his agent, within the area proposed for the Soil Absorption System to determine the highest groundwater level and soil formations. Test borings or excavations shall be witnessed by the Health Officer for inspection and evaluation of soil types and conditions. Such borings shall be conducted to a minimum depth as determined by the Health Officer based on observed soil conditions. There shall be an adequate number of soil borings conducted to determine if Acceptable Soil and site conditions exist to construct both a primary and reserve Soil Absorption System, except as provided for in Section 6.3.
- 6.3 Primary / Reserve – Sufficient area of Acceptable Soil shall be set aside or put on reserve for a future replacement system. Such reserve replacement system areas shall be at least equal to the area required for the initial system. If the property served was established and described prior to January 22, 1995, the effective date of Article II of the Code, a reserve area may not be required.
- 6.4 Filled Ground – Installation of an Onsite Wastewater Treatment System on or in filled soils shall be acceptable only with specific written approval of the Health Officer.
- 6.5 Deep Cut Excavations –When soils explorations reveal the presence of Acceptable Soils beneath unacceptable soils, an excavation or cutdown through the unacceptable soils will be required. Cutdown installation to a depth greater than twelve (12) feet will be considered if proper protection of groundwater can be maintained.

6.6 Factors Affecting the Size of the Soil Absorption System –The size of the Soil Absorption System shall be based on anticipated water use and the type and structure of the subsoils. Under Acceptable Soil conditions, unless otherwise approved by the Health Officer, a Conventional System shall meet the following minimum sizing requirements:

6.6.1 Trench and Bed Application

<b>Soil Texture</b>	<b>Trench Application Rate (gal. per sq. ft.)</b>	<b>Bed Application Rate (gal. per sq. ft.)</b>
Coarse Sand, Sand, Loamy Sand	0.8	0.4
Fine Sand, Loamy Fine Sand, Sandy Loam	0.7	0.35
Loam, Sandy Clay Loam	0.6	0.3
Silt Loam, Clay Loam, Silts, Sandy Clay, Clay, Peat, Muck, Marl	Unacceptable for below Original Grade, Conventional Systems	

- A. The basis of design for single and two-family Residential homes will be based on the number of bedrooms or equivalent flow using one hundred fifty (150) gallons per bedroom per day.
- B. The basis of design for Commercial facilities generating less than one thousand (1,000) gallons per day will be based on actual flow, estimated based on comparable flow data, or by applicable state statute, criteria or guidelines.
- C. Calculations for trench Soil Absorption Systems will be based on trench bottom. The following conversions are used for varying trench widths.
  - 12-inch trench = 1.0 square foot per linear foot
  - 18-inch trench = 1.5 square feet per linear foot
  - 24-inch trench = 2.0 square feet per linear foot
  - 36-inch trench = 3.0 square feet per linear foot
- D. Calculations for bed Soil Absorption Systems will be based on total area of washed 6A stone placed in a single excavation. A cutdown of 100% of the required square footage through unacceptable soil to Acceptable Soils is required.

6.6.2 Drywells

- A. General Provisions – Drywell installations are prohibited on properties that have never been served by an Onsite Wastewater Treatment System.

Drywells may be used only when specific approval is granted by the Health Officer, and when all other viable options have been exhausted.

- B. Installation – Drywells may be installed in series or in parallel with a minimum center to center spacing of twenty (20) feet. Drywell installations require a minimum of six inches (6”) of washed 6A stone, or equivalent, under the drywell. There shall be a maximum of two (2) feet of stone around the perimeter of the drywell.
- C. Drywell Absorption Area – The total square footage of drywell absorption area will be based on sidewall, stone-soil interface using the liquid depth of the drywell. The entire excavated absorption area shall consist of Acceptable Soils; sizing will be determined by the most restrictive, Acceptable Soil encountered. Total soil absorption area for each drywell will be based on the following formula:

$$A = D (2L+2W)$$

Where: A = the total soil absorption area in square feet  
 D = the liquid depth of the drywell plus the amount of stone below the drywell in feet.  
 L = the length of the excavation site in feet  
 W = the width of the excavation site in feet

- D. Minimum Sizing Requirements – Drywell installations shall be based on 150 gallons per bedroom per day and meet the minimum sizing requirements set forth below:

Soil Texture	Maximum Soil Application Rate
Coarse Sand, Sand, Loamy Sand	0.8
Fine Sand, Loamy Fine Sand, Sandy Loam	0.7
Loam, Sandy Clay Loam, Silt Loam, Clay Loam, Silts, Sandy Clay, Clay	Drywells are unacceptable

**SECTION 7 – REQUIREMENTS FOR THE CONSTRUCTION AND LOCATION OF ONSITE WASTEWATER TREATMENT SYSTEMS:**

- 7.1 Scope of Onsite Wastewater Treatment Systems – Sewage from any Septic Tank or similar device which releases partially treated Sanitary Sewage effluent shall be discharged into a Soil Absorption System or device designed to distribute and confine such effluent beneath the surface of the ground.

Onsite Wastewater Treatment Systems will receive Sanitary Sewage only for onsite treatment and disposal in a manner prescribed herein and may consist of Septic Tanks, Soil Absorption Systems, Pump Chambers, aeration systems, package treatment plants,

lagoons, privies, chemical toilets, composting toilets, or any similar contrivance used in the treatment and disposal of Sanitary Sewage.

- 7.2 Location – In no case shall any driveway, parking area, paved surface, swimming pool, stockpiled material or building be placed over the Onsite Wastewater Treatment System. Additionally, the system shall not be located in an area that is subject to conditions that would allow the accelerated formation and penetration of frost into the system.
- 7.3 Required Minimum Isolation Distances – Onsite Wastewater Treatment Systems shall meet the required minimum isolation distances as specified in the table below. Greater isolation is required where Michigan State law, rules, or criteria prevail.

<b>From</b>	<b>To Septic Tank (ft)</b>	<b>To Absorption System (ft)</b>	<b>To Sewer Line (ft)</b>
Private Water Supply Well	50	50	50 (1)
Public Water Supply System			
Type I Community Well	200	200	200
Type II a Non-Community Well	200	200	200
Type II b Non-Community Well	75	75	75
Type III Public Water Well	75	75	75
Property Lines	10 (2)	10 (2)	-
Building Foundations	10 (2)	10 (2)	-
Surface Waters	50 (3)	50 (3)	10
Pressurized Water Lines	10	10	10 (4)
Retention /Detention Ponds not constructed in the water table	25	25	-
Retention/Detention Ponds constructed in the water table	50	50	-
Top of Drop-off (existing grade) $\geq$ 25% Slope	5	20	5
Swimming pools	10 (2)	10 (2)	10 (2)
Designated county drains	50	50	-
Foundation walls w/o footing drains (slab) or footing drains w/o direct connection to surface waters	10 (2)	10 (2)	-
Footing drains installed in water table with direct connection to surface waters	50	50	-

Storm drains designed to lower groundwater table	25	100	25
Storm drains and catch basins designed to divert surface water	50 (5)	50 (5)	10

Notes Regarding Required Minimum Isolation Distances:

- (1) This minimum isolation distance may be reduced to ten (10) feet where a buried gravity-flow sewer that is constructed of service weight or heavier ductile-iron pipe with watertight joints, schedule 40 PVC plastic with watertight joints or other material and joints as approved by the Health Officer is present.
- (2) This minimum isolation distance may be decreased to no less than five (5) feet at the discretion of the Health Officer given due consideration to site conditions and remedies proposed in a written request for Variance submitted by a Person.
- (3) This minimum isolation distance may be increased up to one hundred (100) feet at the discretion of the Health Officer given due consideration to existing and potential contamination sources.
- (4) If ten (10) horizontal feet isolation cannot be maintained and sewer line must cross a water line, installation must adhere to the Michigan Plumbing Code or requirements of the local plumbing authority.
- (5) This minimum isolation distance may be decreased to twenty-five (25) feet if a premium joint structure is utilized for the construction of the storm drain and there is no possibility of the drain receiving sewage effluent.

#### 7.4 Building Sewer

7.4.1 Scope and Authority Over Building Sewers – Except as otherwise provided herein, the design, construction and installation of building sewers serving Onsite Wastewater Treatment Systems falls under the regulatory jurisdiction of the local plumbing inspection authority.

7.4.2 Sewer Lines Between Tanks – Sewer lines between the building and Septic Tanks, between Septic Tanks, and between Septic Tanks and Pump Chambers shall be constructed of solid pipe with sealed joints, Schedule 40 PVC (solid), or other materials approved by the Michigan State Plumbing Code.

#### 7.5 Septic Tanks

7.5.1 Residential Septic Tank Capacity – The following minimum capacity for Septic Tanks shall be required for single and two-family dwellings except where in the opinion of the Health Officer increased capacities may be required. Septic Tank capacity shall not include capacity of Pump Chambers.

<b>Number of Bedrooms</b>	<b>Minimum Liquid Capacity</b>
1- 4 Bedrooms	1,500 gallons (two-compartment)
5 Bedrooms	2,000 gallons
Additional Bedrooms	add 250 gallons per bedroom

- 7.5.2 Existing Septic Tanks – When repairing or replacing an existing Onsite Wastewater Treatment System, the existing Septic Tanks that do not meet the standards contained in this Article may remain in service. This provision shall apply only if the Health Officer determines that such existing Septic Tank(s) are capable of performing their intended function in an acceptable manner and that no dangers to human health and safety, nuisances or degradation of the natural environment will result from their continued usage.
- 7.5.3 Septic Tank Location – No Septic Tank shall be located where it is inaccessible for cleaning or inspection purposes, nor shall any structure be placed over the existing tank making it inaccessible for cleaning and inspection purposes.
- 7.5.4 Septic Tank Materials – The Septic Tank shall be constructed of concrete or other material approved by the Health Division, not subject to excessive corrosion or decay, and structurally capable of supporting the stresses to which it will be subject. 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 liquid and earth pressure involved.
- 7.5.5 Inlet – The inlet connection to a Septic Tank shall not be less than four (4) inches inside diameter. The invert of the inlet shall be a minimum of two (2) inches above the operating level of the tank. The inlet must be designed to permit gas above the operating level to pass through the inlet line and out of the vent pipe servicing the sewer line leading to the tank.
- 7.5.6 Outlet – The outlet device (e.g., tee or baffle) shall have a minimum interior dimension of four (4) inches, shall extend into the middle one-third (1/3) of the liquid level of the Septic Tank and shall be constructed of Schedule 40 PVC (solid) or other material of sufficient strength to prevent sagging, deformation or collapse as approved by the Health Officer. The invert of the outlet shall be located not less than two (2) inches below the invert of the inlet.
- 7.5.7 Effluent Filter Required – All newly installed Septic Tanks shall be equipped with an effluent filter installed at the outlet of the last compartment of multi-compartment tanks, last compartment of the last tank when two (2) or more tanks are used in series, or in a secondary watertight structure located after the last Septic Tank. Effluent filters shall meet NSF/ANSI Standard 46 for Wastewater Treatment Components and Devices or equivalent. Effluent filters shall be rated by the manufacturer with a minimum daily flow rate of one and one-half (1.5) times the total required Septic Tank capacity or as approved by the Health Officer.

7.5.8 Service Access / Risers – Each Septic Tank, tank compartment or Pump Chamber shall be provided with service access of sufficient size to facilitate the inspection and cleaning of the tank. Risers shall be installed so that covers are at or above final grade. Risers must be watertight and installed per manufacturer’s recommendation. Risers shall be a minimum of twenty-four (24) inches in diameter. All Septic Tank lids and riser lids must be tight-fitting, secured, and tamper resistant. Riser lids shall be equipped with a locking mechanism or boltheads that need specialized tools for access.

7.5.9 Multiple Compartments or Multiple Tanks – When a Septic Tank is divided into two compartments, or multiple tanks are used, the liquid volume of the first compartment or tank shall be no less than one thousand (1,000) gallons. For multiple compartments, a vent space shall be provided between compartments. Inlets and outlets to a compartment tank shall be proportioned and located as for a single tank. The opening from the first compartment to the second compartment shall be a minimum of four (4) inches in diameter and permit the withdrawal of liquid from the middle one-third of the depth of the liquid in the tank.

7.6 Soil Absorption System

7.6.1 General Provisions – In addition to the provisions set forth above, the following regulations also apply to the construction and maintenance of the Soil Absorption System:

<b>System Component</b>	<b>Maximum</b>	<b>Minimum</b>
Number of lines or trenches	-	2
Size of gravity distribution pipe or tubing	-	4 in.
Length of lines or trenches	100ft	-
Width of trenches	36 in.	12 in.
Undisturbed space between each trench	-	4ft
Number of distribution lines per trench	1	-
Distance between distribution lines (bed construction)	6ft	4ft
<b>System Component</b>	<b>Maximum</b>	<b>Minimum</b>
Distance between distribution lines and bed wall	3ft	2 ft.
Final cover over soil absorption system	24 in	8 in
Slope of distribution lines	3 in / 100 ft	Level preferred
Depth of aggregate under distribution lines (includes entire trench or bed bottom)	-	6 in
Depth of aggregate over distribution lines	-	2 in
Size of aggregate	1 ½ in	¼ in
	Aggregate material shall be 6A washed stone or equivalent.	

- 7.6.2 Depth to Groundwater – The lowest point of any Soil Absorption System shall not be closer than four (4) feet to any known water table, high seasonal water table or evidence thereof.
- 7.6.3 Impervious Soil Layers – Impervious hardpan, or soils not meeting the definition of Acceptable Soils, stone or shale, if present, shall be at least two (2) feet below the bottom of the Soil Absorption System.
- 7.6.4 Slope – An acceptable site for an Onsite Wastewater Treatment System shall not possess slope conditions that may create a public health nuisance or which prevent construction or interfere with the satisfactory operation of all components of the system. For sites having a twelve (12) percent or greater slope in the area of the proposed Onsite Wastewater Treatment System, the Health Officer may require submission of a detailed development plan by a licensed professional engineer.
- 7.6.5 Header – A header or distribution box shall be set level between the Septic Tank and the Soil Absorption System with gravity distribution so as to evenly distribute all Septic Tank effluent throughout the Soil Absorption System. A double-header shall be used in all cases where the header is thirty (30) feet or more in length.
- 7.6.6 Distribution Piping – Piping or tubing installed between the last Septic Tank and the header of the Soil Absorption System shall be constructed of solid, smooth walled pipe with sealed joints, Schedule 40 PVC (solid), or equivalent of sufficient strength to prevent sagging, deformation or collapse as approved by the Health Officer.
- 7.6.7 Absorption System Material Requirements – The Soil Absorption System distribution piping shall be constructed of perforated, non-metallic pipe approved by the Health Officer. All perforated Soil Absorption System piping approved by the Michigan Department of Environmental Quality (MDEQ) is acceptable. The piping must be stamped with the letters "MS" (signifying certification under Michigan standards). All lines shall be connected to a solid, watertight distribution header or distribution box and perforated footer.
- 7.6.8 Site Modifications – Site modifications, such as cutting, grading or filling may be permitted to overcome soil permeability limitations. Such modifications must be reviewed and approved by the Health Officer and comply with this Article.
- 7.6.9 Aggregate Protective Barrier – The top surface of Soil Absorption System aggregate shall be provided with a soil entrapping barrier to minimize the infiltration of soil. Acceptable cover materials include geotextiles, fiberglass matting or other synthetic fabric material intended for use in such applications. Use non-woven fabric with a weight not to exceed two (2) ounces per square yard, a minimum trapezoidal tear strength of ten (10) pounds, and a minimum puncture strength of eight (8) pounds.

- 7.7 Other Approved Materials – Other approved materials such as chambers and alternatives to aggregate may be considered and approved by the Health Officer.
- 7.8 Inspection of Onsite Wastewater Treatment Systems – All work authorized by a permit issued by the Health Officer shall be subject to an inspection. It shall be the responsibility of the contractor, homeowner or Installer to notify the Health Officer that the Onsite Wastewater Treatment System is ready for inspection, as specified on the permit.
- 7.8.1 Midcut Inspection – A midcut inspection shall be made by the Health Officer after the excavation to Acceptable Soils has been completed, if required by the installation permit. After the unacceptable soils have been removed, backfilling of the excavation shall be completed within twenty-four (24) hours after inspection. Inability to backfill prior to the allotted timeframe may require a re-inspection by the Health Division.
- 7.8.2 Final Inspection – A final inspection shall be made by the Health Officer when the Onsite Wastewater Treatment System has been completed, but before any portion of the system has been covered or placed in operation.

The Installer shall leave uncovered the following portions of the Onsite Wastewater Treatment System in order that the final inspection may reveal good workmanship and compliance with this Article and any stipulations as may be noted on the installation permit:

The building sewer line shall be exposed

All inlets and outlets to the Septic Tank(s) shall be exposed

All access covers of the Septic Tank(s) shall be exposed

The sewer line from the Septic Tank(s) to the Soil Absorption System or treatment system shall be exposed

Any distribution box, drop box or similar device shall be accessible for inspection

The full length of the header and footer shall be exposed

When a trench type Soil Absorption System is installed, the entire length of one (1) distribution line and an opening every twenty (20) feet in each additional line installed shall be exposed

When a bed or drywell type Soil Absorption System is installed, the entire absorption area shall be exposed with aggregate in place

All pumps and portions of the engineer designed pressure distribution systems shall be available for inspection

- 7.8.3 Final Cover – After final approval of the Onsite Wastewater Treatment System is granted by the Health Officer, it shall be backfilled or covered as soon as possible, not to exceed five (5) days. Failure to do so may cause the system to become damaged. Frozen soils shall not be used for backfill. The Health Officer may revoke previous approval if there is evidence of damage to the Soil Absorption System as a result of improper backfilling or if there is evidence of unacceptable soils covering the Soil Absorption System.

## **SECTION 8 – WATERLESS TOILETS:**

- 8.1 Prohibition of Privies – A privy shall not be maintained, constructed on or moved to any Premise as a permanent means of sewage disposal except as approved by the Health Officer.
- 8.2 Privies – All privies and other similar toilet devices shall be of privy vault construction in accordance with 1978 PA 368, as amended, being MCL 333.12771 and the rules and regulations adopted pursuant to said act.
- 8.3 Temporary Portable Privies – Temporary portable privies used at construction sites, places of public assembly, camps, etc., shall comply with 1978 PA 368, as amended, being MCL 333.12771 and the rules and regulations adopted pursuant to said act, and when cleaned or serviced, the agency performing such service shall comply with 1994 PA 451, as amended, being Part 117, Septage Waste Servicers.
- 8.4 Other Waterless Toilet Designs – Other waterless toilet designs may be evaluated by the Health Officer as an Alternative System in accordance with Section 9 of this Article.

## **SECTION 9 – ALTERNATIVE ONSITE WASTEWATER TREATMENT SYSTEMS AND ENGINEERED PLANS:**

- 9.1 Alternate Methods of Wastewater Treatment – The Health Officer shall have the authority to review, evaluate, approve, or reject applications, plans and specifications to alter, install, repair or replace Alternative Systems or Engineered Alternative Systems on sites where a Conventional System cannot be constructed due to specific site suitability deficiencies.
- 9.2 Design Criteria – The Health Officer is empowered to establish criteria, policies and standards governing the authorization, location, design, installation, inspection, use and operation of Alternative Systems and Engineered Alternative systems.
- 9.3 Plan Submission – Detailed design and construction plans, when required, shall be prepared by an engineer licensed under 1980 PA 299 and submitted to the Health Division with the appropriate fee. Additional fees may be required for review of revised plan submittals. Approval or denial of the initial or revised plan shall be made in writing to the engineer and applicant within thirty (30) days of plan receipt.
- 9.4 Plan Review – The Health Officer shall examine proposals for Alternative Systems and Engineered Alternative Systems in accordance with established criteria, policies and

standards to determine that the following design and construction plan acceptance conditions have been satisfied:

- 9.4.1 Alternative methods shall protect public health and environment in a manner at least equal to that of a Conventional System installed on a suitable property.
  - 9.4.2 The design of the Alternative System or Engineered Alternative System is based on sound engineering principles; is technically and factually accurate and complete; and can reasonably be expected to overcome identified onsite deficiencies and limitations.
  - 9.4.3 There is reasonable assurance that the proposed construction will provide satisfactory performance with no discharge of Sanitary Sewage to the ground surface or surface waters.
  - 9.4.4 Public health will not be jeopardized by the construction and operation of the Alternative System or Engineered Alternative System.
- 9.5 Design Approval / Denial – If the Health Officer determines that the engineer’s plan has satisfactorily resolved the onsite problems, the Health Division shall forthwith favorably endorse the application subject to any terms, conditions, restrictions and requirements imposed by the Health Officer and by the engineer’s plan. If the Health Officer determines that the engineer’s plan fails to meet established criteria, policies and / or standards for Alternative Systems or Engineered Alternative systems, the application shall stand as denied in accordance with Section 5.5.
- 9.6 Developing Technologies – Developing technologies may produce system designs of a non-traditional nature. Alternative wastewater treatment facilities, construction methods, or materials may be considered for approval by the Health Officer if it is determined that the use of such a facility, method or material will not result in a hazard to public health or safety, a degradation of the natural environment or creation of a nuisance.
- 9.7 Installation – All Alternative Systems or Engineered Alternative Systems shall be installed by a qualified contractor. The contractor shall be licensed as an Installer in Oakland County and be trained and certified by the manufacturer/distributor of the alternative or Pretreatment technology applied.
- 9.8 Deed Restriction Required – Prior to the Health Division granting final approval of the system, a deed restriction shall be recorded with the Oakland County Register of Deeds for all Alternative Systems or Engineered Alternative Systems that include Pretreatment and require continuing Maintenance. The deed restriction shall include a notification of the technology used and description of the necessary Maintenance. A copy of the recorded deed restriction shall be provided to the Health Division.
- 9.9 Operation Permit – An operation permit shall be issued for all Alternative Systems or Engineered Alternative Systems that include Pretreatment. Alternative Systems and Engineered Alternative Systems shall be maintained in accordance with manufacturer recommendations or at a frequency set forth by the Health Officer. The Health Division

may charge a nominal permit fee to review maintenance reports and administratively coordinate this program. Operation permits shall be issued annually for the life of the system, and are not transferable if the property undergoes a change of ownership.

- 9.10 Operation and Maintenance Reports – Annual reports of maintenance performed on an Alternative System or Engineered Alternative System shall be provided to the Health Division upon renewal of the operation permit. Operation and maintenance reports or documentation of maintenance performed shall be provided to the Health Division by the owner or maintenance provider within thirty (30) days of the service. Failure to conduct required maintenance or perform corrections recommended by the maintenance provider shall result in penalties set forth in this Article.
- 9.11 Maintenance and Repairs – Service performed on an Alternative System or Engineered Alternative System is limited to those individuals and/or companies that are recognized by the Health Division and trained and certified by the manufacturer/distributor of the alternative or Pretreatment technology to perform work on that technology.
- 9.12 Non-Compliance of Alternative System – If the operation and maintenance report indicates that the system is deficient and not in substantial compliance with this Article, the Health Officer shall, within ten (10) business days from the date a report is received, notify the owner in writing of all the deficiencies included in the report. The owner or his/her designated representative shall, within thirty (30) days from the date of the notification, bring the system into compliance with this Article.
- 9.13 Enforcement of Operation Permit – If an owner does not submit an operation and maintenance report as stipulated in this Article, the Health Division shall have the authority to cause an inspection to be performed and may charge all costs and fees for the evaluation to the owner of the Premise. If the owner or party violating this Article refuses on demand to pay such expenses incurred by the Health Division for monitoring purposes, the sum shall be assessed against the property and shall be collected and treated in the same manner as taxes assessed under the general tax laws of this State.

## **SECTION 10 – COMMERCIAL ONSITE WASTEWATER TREATMENT SYSTEMS:**

- 10.1 General Provisions – Applicable Michigan State Law, criteria or guidelines shall apply to all Commercial Onsite Wastewater Treatment Systems generating daily sewage flow in an amount greater than one thousand (1,000) gallons per day.

Those Commercial Onsite Wastewater Treatment Systems generating one thousand (1,000) gallons or less per day shall be governed by the minimum standards for design, construction, review, approval and enforcement pursuant to Article III of the Oakland County Sanitary Code or applicable Michigan State Law, criteria or guidelines, whichever is more stringent.

- 10.2 Commercial Septic Tank Capacity – Minimum total Septic Tank capacities for Commercial, industrial, and multiple-residential Premises shall be determined on the basis of actual or calculated daily sewage flows. For sewage flows up to one thousand (1,000) gallons per day, the minimum required total Septic Tank capacity shall be one

thousand five hundred (1,500) gallons. For sewage flows exceeding one thousand (1,000) gallons per day, the minimum required total Septic Tank capacity shall be in accordance with applicable Michigan State Law, criteria or guidelines or shall have a minimum capacity not less than one thousand five hundred (1,500) gallons, whichever is more stringent.

**SECTION 11 – APPEALS:**

- 11.1 Right of Appeal – Any Person who has been affected by any order, decision, notice or citation issued by the Health Division in connection with the enforcement of any section of this Article shall have the right to appeal any order, decision, notice or citation by petition in writing and directed to the Oakland County Health Division. All petitions must be accompanied with the required fee and submitted within thirty (30) days from the receipt of the written order, decision, notice or citation. Such appeals shall be heard before the Oakland County Sanitary Code Appeal Board as established in Article V of the Code.
- 11.2 Scope – The Oakland County Sanitary Code Appeal Board shall hear all requests pertaining to reasonable and equitable interpretations of the provisions of this Article in accordance with Article V of the Code.
- 11.3 Right To Judicial Review – The decision of the Oakland County Sanitary Code Appeal Board shall be final. A Person aggrieved by a final decision of the Board under this Article may petition the Circuit Court of Oakland County.

**SECTION 12 – EFFECTIVE DATE:**

These regulations shall take effect on November 15, 2016, 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 the Board of Commissioners June 5, 1975; Restatement, Adopted by the Board of Commissioners August 18, 2016.

**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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## **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 FACILITIES AND PRACTITIONERS**

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**OAKLAND COUNTY SANITARY CODE  
ARTICLE VII**

**BODY ART FACILITIES 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 Facilities in Oakland County; to establish environmental health standards for conducting body art procedures; to regulate the Body Art Facility and practice of body art 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 Facility; to require a Permit, which requires completion of a bloodborne pathogen class that meets the Michigan Occupational Safety and Health Administration (MIOSHA) requirements and includes components specific to the practice of body art; and for providing Licensing and Permitting procedures and fees.

**SECTION 1 – DEFINITIONS**

- 1.1 A term defined in the Requirements for Body Art Facilities has the same meaning when used in this Article, except as specifically defined in this Article.
- 1.2 Body Art Facility – means the location at which an individual does one (1) or more of the following:
  - 1.2.1 Performs tattooing.
  - 1.2.2 Performs branding.
  - 1.2.3 Performs body piercing.
- 1.3 Body Piercing – means the perforation of human tissue for non-medical purposes.
- 1.4 Code – means the Oakland County Sanitary Code.
- 1.5 Division – means the Oakland County Health Division.
- 1.6 Health Officer – means the Health Officer of the Oakland County Health Division or the Health Officer’s authorized representative.
- 1.7 License – means written approval by the Oakland County Health Division to operate a Body Art Facility. Approval is given in accordance with these regulations and is separate from any other licensing requirements that may exist.
- 1.8 Licensee – means the Person who is the holder of a License under this part or the Person who is legally responsible for the operation of a Body Art Facility and includes the owner

or operator, and agent of the owner or operator, or any other Person operating under the apparent authority of the owner or operator of a Body Art Facility that is required to be licensed under Public Act 375 of 2010, as amended, and promulgated rules.

- 1.9 Permit – means the permitting of individual Practitioners engaged in the practice of body art.
- 1.10 Person – means a Person as defined in Public Act 368 of 1978, or a governmental entity.
- 1.11 Practitioner – means any Person who conducts or practices any form of body art activities. The term includes technicians and Persons who assist in the actual performance of body art activities.
- 1.12 Requirements for Body Art Facilities – means the 2018 edition of the Michigan Department of Health and Human Services Requirements for Body Art Facilities, 2010 P.A. 375; MCL 333.13101 *et seq.*, as amended, or subsequent statutes, and includes promulgated rules governing this subject matter.

## **SECTION 2 – INCORPORATION BY REFERENCE**

This Article provides for incorporation by reference and adoption as part of these regulations the Michigan Department of Health and Human Services Requirements for Body Art Facilities, and subsequent revisions.

## **SECTION 3 – LICENSE REQUIRED**

- 3.1 A person shall not operate a Body Art Facility without an annual License from the Oakland County Health Division. The Body Art Facility License shall be conspicuously displayed within the Body Art Facility. A License is not transferable and shall not be issued before the full fee is paid and the Body Art Facility has been inspected by a representative of the Division. Renewal Licenses may be issued after the appropriate fee has been paid, provided the Body Art Facility has been inspected as required. Body Art Facility Licenses shall expire at 11:59 PM on December 31 of each year. Initial Body Art Facility Licenses that are issued on or after October 1 shall be effective from the date of issuance until December 31 of the following year.
- 3.2 A Licensee of a licensed Body Art Facility shall not allow body art procedures to be performed until the Division has determined that all body art Practitioners, practicing body art at the licensed Body Art Facility, are individually permitted.
- 3.3 A License may be revoked, suspended, or limited, or a License application denied, if an inspection determines that a Licensee has failed to comply with the requirements of this Article, or any policies set forth under the authority of this Article.

- 3.4 A new owner of a Body Art Facility must comply with the following before a License can be issued and activities can be conducted in the Body Art Facility:
- 3.4.1 Apply for any required licenses through the Division and/or the State of Michigan.
  - 3.4.2 Register with the State of Michigan as a medical waste producing facility.
  - 3.4.3 Provide to the Division all required consent forms, aftercare instructions, exposure control plans (if applicable), records of site-specific training (if applicable), and other paperwork as required by the Division.
  - 3.4.4 Provide to the Division a copy of the medical waste management plan, medical waste pick-up contract, spore test results for the autoclave (if applicable), and sterilization records (if applicable).
  - 3.4.5 Ensure that all body art Practitioners working in the Body Art Facility have a Practitioner Permit from the Division.
  - 3.4.6 Receive an opening inspection and written approval prior to operation from the Division.
- 3.5 A Person shall not operate a temporary Body Art Facility without a License from the Division. The Division may issue a temporary Body Art Facility License for a period of up to fourteen (14) days to provide body art services outside the physical site of a licensed Body Art Facility. The applicant shall apply for the temporary Body Art Facility License no less than thirty (30) days prior to the start of the event. Unless specified elsewhere in this Article, temporary Body Art Facilities shall meet the same requirements as Body Art Facilities at fixed locations. A temporary License shall be issued upon full compliance with the criteria established by the Division. A Temporary Body Art Facility that requires more than six consecutive Temporary Body Art Licenses at the same location will be required to obtain a permanent Body Art Facility License, unless otherwise approved by the Division.
- 3.6 A Person shall not operate a mobile Body Art Facility within Oakland County. The Division shall not license the use of mobile Body Art Facilities.
- 3.7 Licensure under this Article does not exempt the Licensee from compliance with other applicable federal, state, and local laws, ordinances, and/or rules.

#### **SECTION 4 – EXEMPTIONS**

- 4.1 Physicians licensed to practice in the State of Michigan, who use body art procedures as part of patient treatment, are exempt from these regulations.

- 4.2 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 5 – INSPECTION OF BODY ART FACILITIES**

- 5.1 The Health Officer shall have the authority to inspect every premise and location at which body art procedures are being carried out within the jurisdiction of the Division as often as deemed necessary for the enforcement of this Article. The Health Officer may at any reasonable time make inspections of the Body Art Facility to ensure compliance with this Article.
- 5.2 All Body Art Facilities within the jurisdiction of the Division shall be inspected a minimum of two (2) times per year.
- 5.3 After proper identification is provided, at no time shall a Person refuse to permit the Health Officer access to any Body Art Facility, or any body art operation, or impede the Health Officer from carrying out their duties as authorized under this Article.

#### **SECTION 6 – PLAN REVIEW REQUIREMENT**

- 6.1 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.
- 6.2 Plan review is required for all newly constructed Body Art Facilities, Body Art Facilities that are being remodeled, and all Body Art Facilities that have been out of operation for twelve (12) months or more. Examples of remodeling activities include, but are not limited to, adding Practitioner areas or adding sterilization rooms.
- 6.3 The plans and specifications shall be submitted through the plan review process for approval by the Health Officer on forms provided by the Division. The plans and specifications shall comply with the criteria established for the plan review and be verified through an opening inspection conducted by the Division before a License is issued.
- 6.4 The Body Art Facility must meet any other requirements as deemed necessary by the Division.

#### **SECTION 7 – STANDARDS FOR PREMISES**

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

## **SECTION 8 – PRACTITIONER PERMIT REQUIRED**

- 8.1 The practice of body art shall not be performed without a Practitioner Permit from the Division. The Practitioner Permit shall be conspicuously displayed within any Body Art Facility in which body art is performed. The Division shall issue Practitioner Permits to individuals who have paid the required permitting fee and met the requirements of Section 8.3 of this Article.
- 8.2 Body art Practitioner Permits shall expire at 11:59 PM on December 31 of each year. Initial Practitioner Permits that are issued on or after October 1 shall be effective from the date of issuance until December 31 of the following year.
- 8.3 All Practitioners permitted under this Article, except those permitted under Section 8.4, must comply with the following:
  - 8.3.1 The individual must be at least eighteen (18) years of age.
  - 8.3.2 The individual must complete a hepatitis B vaccination series, have medical evidence of immunity, or sign a waiver indicating that they decline to be vaccinated.
  - 8.3.3 The individual must complete an approved industry-specific bloodborne pathogen training course that meets federal Occupational Safety and Health Administration (OSHA) Standard 1910.1030 – Bloodborne Pathogens.
  - 8.3.4 The individual must provide a copy of a photo I.D.
  - 8.3.5 Practitioner Permits issued prior to the effective date of this revision of this Article will expire December 31 of the year after the adoption of this revised Article. In order to practice after that date, a Practitioner must comply with all requirements of this Article to obtain an updated Practitioner Permit.
- 8.4 A temporary Practitioner Permit may be issued for individuals who are working in Oakland County on a temporary basis. A temporary Practitioner Permit is valid for fourteen (14) days. A minimum of forty-five (45) days must pass before the same Practitioner may be granted another temporary Practitioner Permit. Individuals seeking a temporary Practitioner Permit must comply with the following:
  - 8.4.1 The individual must be at least eighteen (18) years of age.
  - 8.4.2 The individual must complete a hepatitis B vaccination series, have medical evidence of immunity, or sign a waiver indicating that they decline to be vaccinated.
  - 8.4.3 The individual must complete an approved industry-specific bloodborne pathogen training course that meets OSHA Standard 1910.1030 – Bloodborne Pathogens.
  - 8.4.4 The individual must provide a copy of a photo I.D.

- 8.5 A Permit may be revoked, suspended, or limited, or a Permit application denied, if an inspection determines that a Practitioner has failed to comply with the requirements of this Article, or any policies set forth under the authority of this Article.

### **SECTION 9 – APPEALS**

- 9.1 Right of Appeal – Any Person who has been affected by any order, decision, notice or citation issued by the Health Division in connection with the enforcement of any section of this Article shall have the right to appeal any order, decision, notice or citation by petition in writing and directed to the Oakland County Health Division. All petitions must be accompanied with the required fee and submitted within thirty (30) days from the receipt of the written order, decision, notice or citation. Such appeals shall be heard before the Oakland County Sanitary Code Appeal Board as established in Article V of the Code.
- 9.2 Scope – The Oakland County Sanitary Code Appeal Board shall hear all requests pertaining to reasonable and equitable interpretations of the provisions of this Article in accordance with Article V of the Code.

### **SECTION 10 – VARIANCES**

- 10.1 Variances from this Article may be granted by the Health Officer in cases where the variance will not create or increase potential for a health hazard or nuisance, pursuant to Public Act 375 of 2010, as amended, and promulgated rules. Approval of a variance shall be in writing and shall become part of the permanent record for the Body Art Facility.
- 10.2 A variance may be rescinded if it is determined that the conditions of the variance are no longer sufficient to protect the public health, or if the conditions that warranted the variance no longer exist.
- 10.3 At the time of a change in ownership, any approved variances for that Body Art Facility will be considered null and void. The new owner must apply for any variances necessary for that Body Art Facility.

### **SECTION 11 - PENALTIES**

- 11.1 Criminal – Pursuant to MCL 333.2443 a Person who violates any provision of this Article is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months or a fine of not more than \$200.00 or both. Each day that the violation continues is considered to be a separate violation.

11.2 Civil – The Health Officer shall have the power and authority to issue and serve civil citations as provided by 1978 PA 368, as amended, being MCL 333.2461. Citations may be issued within thirty (30) days of the discovery of the alleged violation of the provisions of this Article. The citation shall be written and shall state with particularity the nature of the violation, including reference to the section, rule, order, or regulation alleged to have been violated. The citation shall include a monetary civil penalty of not more than \$250.00 for each violation or day that the violation continues. Violators have the right to appeal the citation pursuant to Section 9 of this Article.

**SECTION 12 – 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 13 – EFFECTIVE DATE**

This article shall take effect on January 1, 2026, adopted by the Oakland County Board of Commissioners on September 18, 2025.

**SECTION 14 – AUTHORITY**

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

Revision 05/09/2000

Revised 09/18/2025

**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**

**WELL AND BOREHOLE  
CONSTRUCTION AND AQUIFER  
PROTECTION PROGRAM**

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**OAKLAND COUNTY  
SANITARY CODE  
ARTICLE X**

**WELL AND BOREHOLE  
CONSTRUCTION AND AQUIFER  
PROTECTION PROGRAM**

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

**SECTION 1 – DEFINITIONS**

- 1.1 Abandoned Water Well – Means any of the following:
- 1.1.1 A Well which has its use permanently discontinued.
  - 1.1.2 A Well which is in such disrepair that its continued use for the purpose of obtaining groundwater is impractical.
  - 1.1.3 A Well which has been left uncompleted.
  - 1.1.4 A Well which is a threat to Groundwater resources.
  - 1.1.5 A Well which is or may be a health or safety hazard.
- 1.2 Augmentation Well – Means a Well for the removal of Groundwater to create, enlarge, or maintain a surface body of water.
- 1.3 Bentonite Grout – Means a slurry that consists of sodium montmorillonite bentonite and water and any approved additives, mixed following the manufacturer’s specifications, that has a solids concentration of not less than 20%. Bentonite Grout does not include a slurry of drilling fluid bentonite and water or cuttings from the drilling operation, either singularly or in combination.
- 1.4 Cementitious Grout – Means a mixture of the following components, or other cement-based admixtures designed for geothermal applications, as authorized by the State of Michigan prior to use:
- 1.4.1 Six and two-tenths gallons of fresh water.
  - 1.4.2 Two hundred pounds of silica sand with not less than 80% of the sand having a diameter smaller than 0.0117 inches and passing through a U.S. Sieve #50.
  - 1.4.3 One pound of 200-mesh sodium montmorillonite bentonite.
  - 1.4.4 Ninety-four pounds of Type I Portland cement conforming to ASTM International Standard C150/C150M – 16e1, standard specification for Portland cement, or Ninety-four pounds of Type IL Portland-Limestone cement conforming to ASTM specification C595/C595M-21, standard specification for blended hydraulic cements.

- 1.4.5 Twenty-one fluid ounces of a Type F water-reducing admixture or plasticizer conforming to American Society for Testing and Materials International (ASTM) Standard C494/C494M – 16, standard specification for chemical admixtures for concrete.
- 1.5 Concrete Grout – Means a mixture of cement, sand, and water in the proportion of the following:
  - 1.5.1 One bag of Portland cement (94 pounds) conforming to ASTM International Standard C150/C150M – 16e1, standard specification for Portland cement, or Ninety-four pounds of Type IL Portland-Limestone cement conforming to ASTM specification C595/C595M-21, standard specification for blended hydraulic cements.
  - 1.5.2 One cubic foot of dry sand or gravel aggregate.
  - 1.5.3 Not more than 6 gallons of fresh water.
- 1.6 Closed-Loop Ground Source Heat Exchange Borehole – Means a borehole drilled in the earth that is installed for the purpose of placing into it a piping loop through which a heat transfer fluid is circulated, and into which is also placed a Thermally-Conductive Grout material.
- 1.7 Closed-Loop Ground Source Heat Exchange System – Means a system consisting of a loop of sealed piping installed either singularly, or in a series or parallel pattern, installed in the earth in boreholes filled with Thermally-Conductive Grout in a vertical, angled, or diagonal configuration, extending 15 feet or more below the ground surface, for the purpose of transferring heat between a building space and the earth through the circulation of a fluid. System does not include near-surface horizontal ancillary piping, heaters, and manifolds installed for the purpose of connecting borehole piping to the mechanical system within a building space.
- 1.8 Code – Means the Oakland County Sanitary Code.
- 1.9 Contaminant – Means a biological, chemical, physical or radiological constituent which when present in Groundwater is or may become injurious to public health, safety or welfare, or to the environment.
- 1.10 Contamination – Means an impairment of the quality of water to a degree that creates a hazard, or may create a hazard, to the public health through poisoning or through spread of disease, or otherwise affects the aesthetic quality of the Groundwater.
- 1.11 Dewatering Well – Means a Well, pump or other equipment used temporarily for dewatering purposes during construction when the Well is more than two (2) inches in diameter and more than twenty-five (25) feet in depth unless otherwise exempted by Part 127.
- 1.12 Drinking Water Well – Means a Well that provides Potable Water and may include a Type I Community Water Supply, Type II Non-Community Water Supply, Type III Public Water Supply, or Private Water Supply Well.

- 1.13 Dwelling – Means any house, building, structure, tent, trailer, watercraft, shelter, mobile home, vehicle or portion thereof (except railroad cars on tracks on a railroad right-of-way) which is occupied or adopted in whole or in part as a shelter, residence, or living and sleeping place for one or more human beings either permanently or transiently.
- 1.14 Extensive Changes or Repairs – Include replacing the entire casing, removing a casing from the ground, or changing aquifer.
- 1.15 Groundwater – Means the water in the zone of saturation that fills all of the pore spaces of the subsurface geologic material.
- 1.16 Health Division – Means the Oakland County Health Division.
- 1.17 Health Officer - Means the Health Officer of Oakland County or his/her authorized representative.
- 1.18 Industrial Well – Means a Well that is used to supply water for industrial processes, fire protection, or similar non-Potable uses.
- 1.19 Irrigation Well – Means a Well that is used to provide water for grass, plants, livestock, or other agricultural processes.
- 1.20 Large Quantity Withdrawal Well – Means a Well, or combination of Wells, that is or will be equipped with a pump(s) of 70 gallons per minute (gpm) or greater capacity where the projected water withdrawal potential is over 100,000 gallons per day average for any 30 consecutive days.
- 1.21 Maintenance – Means the service performed on a Water Treatment Technology including but not limited to, cleaning or replacing filters and work or servicing performed on Water Treatment Technology.
- 1.22 Minor Changes – The term Minor Changes includes:
- 1.22.1 Replacing a telescoped Well screen.
  - 1.22.2 Changing screen elevation.
  - 1.22.3 Deepening or Plugging back a Well completed in bedrock.
  - 1.22.4 Installing a liner pipe.
  - 1.22.5 Replacing a pump, controls, pump drop pipe, or pressure tank.
  - 1.22.6 Chemical treatment of the Well or Well disinfection.
- 1.23 Monitoring Well – Means any Well installed for the purpose of observing or monitoring the conditions of a water-bearing aquifer to determine the quality of Groundwater or concentration of Contaminants in underground waters.

- 1.24 Neat Cement – Means the term Neat Cement as defined in Part 127.
- 1.25 Occupant – Means those persons who occupy, live, habitually use, or otherwise are in possession of any property or Premise.
- 1.26 Open Loop Geothermal Well – Means a geothermal heat exchanger that withdraws Groundwater from a supply well, passes the Groundwater through a heat pump, and discharges the temperature-altered water either back to the ground in a Recharge Well or to the ground surface or into surface water. In smaller Residential settings, a single Drinking Water Well may supply Groundwater for both the geothermal heat pump system and standard domestic uses.
- 1.27 Part 127 – Means Part 127 of Act 368 of PA of 1978, as amended, being §§ 333.12701 to 333.12715 of the Michigan Compiled Laws and the Administrative Rules promulgated under the act.
- 1.28 Plugging – Means the act of using approved grouting materials to plug an Abandoned Well or dry hole to prevent them from acting as a conduit for Contamination or the escape of subterranean gases in accordance with Part 127.
- 1.29 Potable Water – Means water that is free of Contaminants in concentrations that may cause disease or harmful physiological effects, is safe for human consumption and meets the primary drinking water standards set forth in the Environmental Protection Agency Safe Drinking Water Act or in Michigan’s Safe Drinking Water Act 399 of the Public Acts of 1976, as amended, whichever is more stringent.
- 1.30 Premise – Means any Dwelling, structure, building, parcel of land, or other place where human beings reside, are employed or congregate.
- 1.31 Private Water Supply Well – Means a system which serves not more than a single-family Dwelling for Potable Water.
- 1.32 Pump Installer – Means a person registered by the State of Michigan under Part 127 and is qualified to engage in the installation, removal, alteration, or repair of water Well pumping equipment in connection with a Well.
- 1.33 Recharge Well – Means a Well used to discharge Groundwater from an Open Loop Geothermal Well into an aquifer.
- 1.34 Registered Well Drilling Contractor – Means a person registered by the State of Michigan under Part 127 to engage in the business of Well drilling.
- 1.35 Residential – Means any Dwelling, consisting of one or more rooms arranged as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.
- 1.36 Temporarily Abandoned Well – Means a Well that is not in use but intended by the owner to be used as a source of Groundwater.

- 1.37 Test Well – Means a Well that is used to obtain information on Groundwater quantity, quality, or aquifer characteristics for the purpose of designing or operating a Well.
- 1.38 Thermally-Conductive Bentonite Grout – Means a Bentonite Grout, into which materials approved by the State of Michigan have been added to improve the thermal characteristics of the grout for geothermal applications.
- 1.39 Type I Community Water Supply – Means a public water supply system that provides year-round service to not less than fifteen (15) living units or serving not less than twenty-five (25) persons.
- 1.40 Type II Non-Community Water Supply – Means a Public Water Supply System that provides service to not less than fifteen (15) service connections or serves not less than twenty-five (25) individuals on an average daily basis not less than sixty (60) days out of the year.
- 1.40.1 Type II a water supplies have an average production during the maximum month equal to or greater than 20,000 gallons per day.
- 1.40.2 Type II b water supplies produce less than 20,000 gallons per day during the peak month.
- 1.41 Type III Water Supply – Means a public water supply system that is not a Community Type I or Non-Community Type II Water Supply; they serve less than twenty-five (25) persons a day.
- 1.42 Water Treatment Technology – Means a water treatment device utilized for continuous disinfection and/or to treat for drinking water Contaminants.
- 1.43 Well – Means an opening in the surface of the earth for the purpose of removing fresh water or a Test Well, Recharge Well, or a Well used temporarily for dewatering purposes during construction. Wells include, but are not limited to: Abandoned Well, Augmentation Well, Dewatering Well, Industrial Well, Irrigation Well, Monitoring Well, Private Water Supply Well, Recharge Well, Test Well, and Type III Public Water Supply Well.

## **SECTION 2 – GENERAL PROVISIONS**

- 2.1 Applicability – The provisions of this Article shall apply to all Wells and Closed-Loop Ground Source Heat Exchange Boreholes, where specified. These provisions shall not apply to Type I Community Water Supplies including associated Test and Monitoring Wells, Type II Non-Community Water Supplies, Well types as described in 1978 PA 368, being MCL 333.12703, horizontal closed-loop heat exchange, brine wells, and other Wells regulated by state or federal permits, laws, or rules including seismic wells, mineral wells, oil and gas wells except when converted to a use regulated under this Article, and wells exclusively regulated under the jurisdiction of 1994 PA 451.
- 2.2 Registered Well Drilling Contractor Required – All Wells, Closed-Loop Ground

Source Heat Exchange Boreholes, and subsequent technology shall be constructed by a Registered Well Drilling Contractor or other professional as approved by the State of Michigan, except as provided for 1978 PA 368, being MCL 333.12703(2) and (3). This Article shall not supersede the registration or certification of other professionals that are approved to complete this work by the State of Michigan.

- 2.3 Injunctive Proceedings – Notwithstanding the existence or pursuit of any other remedy, the Health Officer may maintain in a court of competent jurisdiction an action for an injunction or other process against any Person to restrain or prevent violations of the Code.
- 2.4 Severability – If any part of the requirements of this Article is found by a court of competent jurisdiction to be void or unenforceable, all remaining parts of this Article shall remain fully valid and enforceable.
- 2.5 Other Laws – This Article is supplemental to the rules and regulations duly enacted by the State of Michigan relating to public health and environment, and this Code shall supersede all local minimum standards heretofore enacted and inconsistent herewith.

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

- 2.6 Priority over Building Permits – No city, village, township, municipality, or other agency acting for a governmental agency shall issue a building permit or otherwise allow commencement of construction on any land where public sewers and/or a public water supply is not available until all permits required by this Code are obtained or approval has been obtained from the Health Officer.
- 2.7 Penalties
  - 2.7.1 Civil – The Health Officer shall have the power and authority to issue and serve civil citations as provided by 1978 PA 368, as amended, being MCL 333.2461. Citations may be issued within thirty (30) days of the discovery of the alleged violation of the provisions of this Article. The citation shall be written and shall state with particularity the nature of the violation, including reference to the section, rule, order, or regulation alleged to have been violated. The citation shall include a monetary civil penalty of not more than \$250.00 for each violation or day that the violation continues. Violators have the right to appeal the citation pursuant to Section 11 of this Article.
  - 2.7.2 Criminal – A Person who violates any provision of this Article is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than \$200.00 or both. Each day that the violation continues is considered to be a separate violation.

### **SECTION 3 – HEALTH OFFICER POWERS AND RESPONSIBILITIES**

- 3.1 The Oakland County Health Division, Environmental Health Services shall be

authorized by the Health Officer to make Well inspections and inspections of Closed-Loop Ground Source Heat Exchange Boreholes and to perform the actions necessary to assure compliance with this Article.

- 3.2 Health Officer Powers – The Health Officer shall have the authority under this Article to establish policies, procedures, and guidelines, including design and construction requirements; Water Treatment Technology conditions, compliance schedules; notification requirements; and other mechanisms deemed necessary to assure compliance with this Article.
- 3.3 Right of Entry and Inspection – The Health Officer shall be empowered to conduct inspections of all properties, public or private, in conjunction with the fulfillment of the duties and responsibilities in this Article. In the event that a Health Officer is refused permission to inspect any Premise, the Health Officer may seek an investigation warrant as provided in 1978 PA 368, being MCL 333.2247.
- 3.4 Power to Issue Violation Notices – The Health Officer shall be empowered to issue a notice to any Person who violates a provision of this Article. Such notice shall contain a description of the violation, and shall cite the specific section of the Article which applies. The Health Officer may also order correction of a violation, specify the corrective action required, and a reasonable time limit for such corrective action to be completed. In the case of violations that may present an imminent danger to public health, immediate corrective action may be required.
- 3.5 Power to Condemn – A Well or Closed-Loop Ground Source Heat Exchange Borehole which, in the judgment of the Health Officer, represents a potential, imminent danger or health hazard, may be condemned by the Health Officer. Unless otherwise provided for in these regulations, condemned Wells used for other than a Drinking Water Well shall be taken out of service by Plugging, repaired, or replaced within 30 days of receiving a notice of condemnation from the Health Officer. Drinking Water Wells, which in the judgment of the Health Officer, represent an immediate danger or health hazard, shall be posted with suitable signs at each outlet or the outlet shall be made inoperative.
- 3.6 Power to Evaluate Existing Wells for Demolished, Altered, or Repaired Existing Buildings – The Health Officer may require that a Registered Well Drilling Contractor physically inspect an existing Well, for which no Well construction permit record exists, and confirm by written certification that the existing Well does, or has been upgraded to meet minimum construction, water quality, and isolation requirements as set forth by this Article and by applicable State statute and/or administrative rules.
- 3.7 Use of Existing Wells – An existing Well that does not meet the standards contained in this Article may remain in service until such time it is determined that a change of use, Extensive Change or Repair, or Plugging is necessary to safeguard the public health and to prevent the spread of diseases and sources of Contamination. Existing Wells in noncompliance with this Article shall not be utilized to serve new construction, reconstruction, or extensive remodeling of any habitable building until

the Well is shown to meet minimum construction and isolation requirements or is brought into compliance with these regulations unless approval is otherwise granted by the Health Officer.

#### **SECTION 4 – UNLAWFUL ACTS**

- 4.1 Unlawful Occupancy – It shall be unlawful for any person to occupy, or to permit to be occupied, any habitable building in Oakland County not equipped with an approved Drinking Water Well or serviced by a Type I Community Water Supply.
- 4.2 Connection Required – No Drinking Water Well, Irrigation Well, or Industrial Well is to be constructed where connection to a Type I Community Water Supply is required by local ordinance or other regulation.
- 4.3 Corrective Action Required – In the event of a violation notice issued under Section 3.4, the Health Officer may require the property owner, or Occupant, to implement a corrective action plan. A corrective action plan may include, but is not limited to the following:
  - 4.3.1 Connect the property to an available Type I Community Water Supply
  - 4.3.2 Take the Well out of service by Plugging after receiving approval and a permit from the Health Division
  - 4.3.3 Repair or replace the Well, or any of its components, after receiving approval and a permit from the Health Division, except as provided for in Section 1.22
  - 4.3.4 Provide an alternative source of Potable Water, approved by the Health Officer, until such time corrections are made and approved by the Health Officer
  - 4.3.5 Vacate/discontinue occupancy of the property

#### **SECTION 5 – PERMIT REQUIRED**

- 5.1 It shall be unlawful for any Person to construct, install, make Extensive Changes or Repairs, or perform Plugging activities to, or cause to be constructed, installed, Extensively Changed or Repaired, or perform Plugging activities, any Well or Closed-Loop Ground Source Heat Exchange Borehole without first obtaining a permit from the Health Division.
  - 5.1.1 Application Procedure – Application for a Well or Closed-Loop Ground Source Heat Exchange Borehole installation permit, or application for Plugging activities, shall be made by a Person to the Health Officer on forms provided for such purposes by the Health Division.
  - 5.1.2 The application shall include the name and address of the applicant and property owner, location of the property, and a scaled plot plan that includes the location of the proposed Well or Closed-Loop Ground Source Heat Exchange Borehole, any existing Well, existing or proposed structures,

roadways, property lines, the driveway, underground utilities, easements, surface water, and distances from the proposed to Contamination sources including, but not limited to: onsite wastewater treatment systems, sewer lines, fuel or chemical storage tanks, and animal feed lots. Sources of Contamination on adjacent parcels, if known, shall be included.

- 5.1.3 The application shall be submitted with the required fee as authorized by the Oakland County Board of Commissioners
- 5.1.4 The Health Officer may require additional information when necessary to adequately evaluate a permit application. The Health Officer may require that design plans, construction or installation specifications, or contingency plans be submitted with the permit application.
- 5.1.5 The application shall be valid for a period of one (1) year from the date of submittal and void thereafter. Valid applications are transferable from one Person to another for the same property as described on the application.
- 5.2 Emergency Replacement Well – In the event that an emergency arises for a Private Water Supply Well, or other Residential Well use where deemed necessary by the Health Officer, where the lack of water will result in undue hardship and offices of the Health Division are closed, or when a Registered Well Drilling Contractor is involved with repair or maintenance work and conditions are discovered indicating that it is necessary to immediately begin construction to avoid excessive cost or undue hardship, a Registered Well Drilling Contractor may immediately begin construction, Extensive Change or Repair, or perform Plugging activities without first making application for or obtaining a permit. In such situations, by the close of business on the next regular county business day, a Person shall make application to obtain a permit. Construction, installation, Extensive Changes or Repairs, or Plugging activities under this Section shall meet all other requirements of this Article and state law, criteria, and guidelines.
- 5.3 Issuance of Permit – The Health Division shall issue a Well installation permit, Closed-Loop Ground Source Heat Exchange Borehole installation permit, or permit for Plugging activities when the data obtained indicates that the requirements of this Article and applicable state statutes, rules, guidelines, or criteria will be or have been met.
- 5.4 Permit Expiration – The permit will be valid as written for a period of two (2) years from date of issuance and void thereafter. Valid permits are transferable from one permit holder to another when no change to the location, design, construction requirements, Well type or use have been made or is proposed.
- 5.5 Permit Denied Reasons – Except as provided for in Section 5.7, the Health Officer shall refuse to issue a Well installation permit or Closed-Loop Ground Source Heat Exchange Borehole installation permit when the data obtained indicates that the requirements of this Article and/or applicable state statutes, criteria, or guidelines have not or cannot be met. Conditions for denial may include, but are not limited to:

- 5.5.1 When conditions exist or may be created which may endanger the public health or environment.
- 5.5.2 Availability of a Type I Community Water Supply and a requirement of the local authority to connect to and utilize the Type I Community Water Supply.
- 5.5.3 Availability of a Type I Community Water Supply and evidence of a known source of Groundwater Contamination in the area of the proposed installation.
- 5.5.4 The property served is too small for the required isolation distances or provides for insufficient area for other required services or utilities and a Type I Community Water Supply is available.
- 5.5.5 The proposed location is subject to flooding.
- 5.5.6 The Well or Closed Loop Ground Source Heat Exchange Borehole would be inaccessible for repairs or maintenance.
- 5.6 Notification of Denial – When an application for a Well or Closed-Loop Ground Source Heat Exchange Borehole permit has been denied, the Health Division shall notify the applicant, in writing, of such action including the reasons for denial, recommendations which the applicant can take, if any, to secure the requested permit, and the right to appeal, all in accordance with Article VI of the Code.
- 5.7 Deviations – Deviations from this Article may be made in cases where physical size or shape of the property or undue hardship makes its application a physical impossibility, where no Type I Community Water Supply is available for connection, and there is application of sound construction or installation practices in accordance with state law or policies, criteria, or guidance established by the Health Officer.
- 5.8 Rescinding a Permit – A Well installation permit or Closed-Loop Ground Source Heat Exchange Borehole installation permit may be rescinded if the conditions which were the basis of approval are violated. This may include, but is not limited to the availability of a Type I Community Water supply connection, discovery of conditions that may negatively impact the safety of Groundwater resources or human health, installation of a potential source of Contamination that encroaches on any required isolation distances, or significant change to the location, design, construction requirements, Well type, or use.
- 5.9 Amending a Permit – A Well installation permit or Closed-Loop Ground Source Heat Exchange Borehole installation permit may be amended to change the location of the proposed Well(s) or Closed-Loop Ground Source Heat Exchange Borehole(s) or the conditions of the permit, if additional information becomes available after the original permit was issued. A written request to amend the permit shall be submitted with the required fee as authorized by the Oakland County Board of Commissioners.
- 5.10 False or Inaccurate Information – It shall be a violation of this Article to misrepresent, omit, or withhold information or pertinent data relative to the use of the Premise or the facilities therein, or to alter permits, approved plans or other documents upon

which the minimum requirements contained in this Article are based.

**SECTION 6 – INSTALLATION AND INSPECTION REQUIREMENTS**

- 6.1 Pre-Drilling Site Evaluation – Except as provided for in Section 5.2, all newly constructed or replacement Wells or Closed-Loop Ground Source Heat Exchange Boreholes shall have a Pre-Drilling Site Evaluation conducted by the Health Officer prior to issuing an installation permit for the purpose of reviewing the proposed installation location, proximity of potential sources of Contamination, accessibility of construction equipment, and accessibility for maintenance of the Well or Closed-Loop Ground Source Heat Exchange Borehole.
- 6.2 Isolation Requirements – In addition to the isolation requirements in Part 127, the following minimum isolation distances are to be met:

<b>Contamination Source</b>	<b>Isolation</b>
Contamination Plumes – 1994 PA 451 Part 213 LUST site or Part 201 (Petroleum/BTEX compounds)	300 Feet
Pipelines (gas, oil, etc.)	300 Feet
Community Septic Fields	300 Feet
Contamination plumes – 1994 PA 451 Part 213 or Part 201 sites (solvent)	150 Feet
Brine Wells/Injection Wells	150 Feet
Cemetery/Graves	50 Feet
Unused Abandoned Well	50 feet

- 6.3 Notification of Grouting Activities – Notification of grouting activities shall be provided to the Health Division prior to the time of construction, Extensive Change or Repair, or Plugging of a Well or Closed-Loop Ground Source Heat Exchange Borehole is to begin. Notification shall stipulate the estimated start time of grouting activities.
- 6.4 Final Inspection – A final inspection shall be made by the Health Officer when the Well has been completed, but before being placed into service. The following items or components of Well installation shall be inspected to reveal compliance with stipulations as may be noted on the permit, this Article, and state law:
  - 6.4.1 Well or Closed-Loop Ground Source Heat Exchange Borehole location to ensure adequate separation from Contamination sources
  - 6.4.2 Casing termination method such as pitless adapter, well house, or basement offset, and approved well cap

- 6.4.3 Visual check of sealing of annular space surrounding Well casing or Closed-Loop Ground Source Heat Exchange Borehole
  - 6.4.4 Water system component materials including Well casing and water service line. Water service lines with special conditions may require an inspection, as required on the permit, prior to backfill of the service line.
  - 6.4.5 Adequate sealing of the service line to the foundation to prevent a nuisance
  - 6.4.6 Pump installation, pressure tank, Well or Closed-Loop Ground Source Heat Exchange piping, sample tap, valves, and controls
  - 6.4.7 Visual confirmation of Plugging of Abandoned Wells at replacement Well sites and/or Well record review
  - 6.4.8 Collection of required water samples
  - 6.4.9 Obtain geolocation of all Wells or Closed-Loop Ground Source Heat Exchange Boreholes.
- 6.5 Abandoned Wells – When any Well or Closed-Loop Ground Source Heat Exchange Borehole is abandoned or its use terminated, it shall be removed from service by Plugging in accordance with this Article and applicable state law, guidelines, and criteria. A Temporarily Abandoned Well or existing Well retained for service must have Verification of Serviceable Use signed by an evaluator on a form provided by the Health Division. A Well that has received final approval from the Health Officer as a Test Well may not require Verification of Serviceable Use.
- 6.6 Well Pit Decommissioning – A Well pit shall have Plugging activities to include removal of all Well system components, collapse of at least one wall, breaking-up of the pit floor, and removal of drains. Filling shall be by the placement of a minimum six (6) inches of bentonite around the base of the casing, then the remaining pit filled with clay-based soil.

## **SECTION 7 – WATER SAMPLE REQUIREMENTS**

- 7.1 Samples Required - Unless otherwise specified on the permit, the submittal of safe coliform bacteriological, nitrate, and arsenic analyses, showing levels below national primary drinking water regulations set forth by the United States Environmental Protection Agency or drinking water standards set forth by the Michigan Safe Drinking Water Act, 1976 PA 399, as amended and administrative rules, whichever is more stringent, shall be provided to the Health Officer for all Drinking Water Wells regulated under this Article.
- 7.1.1 In addition to the requirements of this Article, the Michigan Safe Drinking Water Act, 1976 PA 399, as amended and administrative rules, requires Type III Public Water Supplies to obtain two (2) safe coliform bacteriological samples, collected at least 24 hours apart, prior to placing the system into

service.

7.1.2 When bacteriological water samples are found to have presence of coliform bacteria, the Registered Well Drilling Contractor or Pump Installer shall take progressive actions to provide a water supply free of coliform bacteria in accordance with policies established under this Article or applicable state law, guidelines or criteria.

7.1.3 If the required sampling results, or any other sample results, are found to exceed the current national primary drinking water regulations set forth by the United States Environmental Protection Agency or drinking water standards set forth by the Michigan Safe Drinking Water Act, 1976 PA 399, as amended and administrative rules, whichever is more stringent, the Health Officer shall require remediation to ensure a safe Drinking Water Well.

7.2 The Health Officer shall have the authority to require a Type III Public Water Supply monitor for Contaminants at prescribed frequencies. The required monitoring shall be a condition of the installation permit or a condition of final approval of the Type III Public Water Supply system. Copies of all required water sample results collected by the Type III Public Water Supply shall be submitted to the Health Division within thirty (30) days of receipt of analysis. A fee may be established for the review of sample results under this Section. Failure to complete required monitoring at the prescribed frequencies is a violation of this Article and subject to penalties as established in Section 2.7. At a minimum, all Type III Public Water Supplies shall sample for coliform bacteria and nitrate annually.

7.3 Certified Drinking Water Laboratory Required – All required water samples collected under this Article shall be analyzed by a laboratory certified by the State of Michigan for drinking water analysis. The certification shall be for the specific Contaminant for which the water is being analyzed.

## **SECTION 8 – WATER TREATMENT TECHNOLOGY REQUIREMENTS**

8.1 Water Treatment Technologies – The Health Officer shall have the authority to review, evaluate, approve, or reject proposals for Water Treatment Technologies for Drinking Water Wells where water sample results exceed an established primary drinking water regulation set forth by the United States Environmental Protection Agency or drinking water standards set forth by the Michigan Safe Drinking Water Act, 1976 PA 399, as amended and properly promulgated administrative rules, whichever is more stringent.

8.2 Design Criteria – The Health Officer is empowered to establish criteria, policies and standards governing the use, location, inspection, and operation of Water Treatment Technology systems.

8.3 Proposals for Water Treatment Technology – Proposals to use Water Treatment Technologies to meet a primary drinking water regulation or standard shall be

submitted in writing to the Health Division. Proposed Water Treatment Technologies shall meet the appropriate NSF/ANSI certification standard, or other approved certification standard, for the removal of the specific parameter exceeding the primary drinking water regulations set forth by the United States Environmental Protection Agency or drinking water standards set forth by the Michigan Safe Drinking Water Act, 1976 PA 399, as amended and administrative rules, whichever is more stringent. If the Health Officer determines that the Water Treatment Technology fails to reduce drinking water Contaminants below established primary drinking water regulations or standards, the Drinking Water Well shall not be approved.

- 8.4 Developing Water Treatment Technologies - Developing technologies may produce system designs of a non-traditional nature. Water Treatment Technologies, methods, or materials may be considered for approval by the Health Officer if it is determined that the use of such a device, method or material will not result in a hazard to public health or safety, a degradation of the natural environment, or creation of a nuisance.
- 8.5 Deed Restriction Required – A Drinking Water Well dependent on Water Treatment Technology to meet a primary drinking water regulation or standard, shall record a deed restriction with the Oakland County Register of Deeds, for the property served, to notify of the requirement for Water Treatment Technology, a description of the technology, the Contaminant being treated, and specific Maintenance necessary to ensure continued effectiveness in removing the Contaminant. A copy of the recorded deed restriction shall be provided to the Health Division before final approval of the Drinking Water Well can be granted by the Health Officer.

## **SECTION 9 – CLOSED-LOOP GROUND SOURCE HEAT EXCHANGE BOREHOLE SPECIAL REQUIREMENTS**

- 9.1 Methods and Materials – Unless otherwise specified, Closed-Loop Ground Source Heat Exchange Borehole and System construction shall be completed using methods and materials as approved by the State of Michigan.
- 9.2 Application Requirements – In addition to requirements established in Section 5.1, additional information shall be submitted on a form provided by the Health Division to include, but may not be limited to, number of borings, boring diameter, depth of borings, proposed grouting material or mixture, type and size of piping, depth of bedrock, type of heat transfer fluid, and names and contact information of associated contractors.
- 9.3 Grouting Requirements – Except as follows, a Closed-Loop Ground Source Heat Exchange Borehole shall be grouted with Neat Cement Grout, Concrete Grout, Cementitious Grout, Bentonite Grout, Thermally-Conductive Bentonite Grout, or an approved alternate grout.
- 9.3.1 A Closed-Loop Ground Source Heat Exchange Borehole constructed in fractured, creviced, or jointed bedrock, or in cavernous limestone, or other karst formations, shall be grouted with Neat Cement Grout, Concrete Grout,

Cementitious Grout, or approved alternate grout for this application in that portion of the borehole where these conditions occur.

9.3.2 Grouting in lost circulation zones may be conducted using a mixture of Neat Cement, Cementitious Grout, or approved alternate grout for this application and clean pea stone aggregate, or utilizing a lost circulation additive, as approved by the State of Michigan.

9.3.3 Neat Cement, Concrete Grout, Cementitious Grout, or approved alternate grout for this application shall be used if any of the following conditions are encountered, or are expected to occur:

9.3.3.1 Flowing artesian Groundwater.

9.3.3.2 Presence of methane or other subterranean gas.

9.3.3.3 Groundwater with chlorides over 1,500 milligrams per liter or Groundwater with total hardness over 500 milligrams per liter.

9.3.3.4 Grouts, drilling fluids, and any other additive to grouts and drilling fluids shall meet NSF/ANSI Standard 60, Drinking Water Treatment Chemicals – Health Effects. Silica sand used in a grouting application is exempt from this provision. Silica sand must be washed and dried prior to use.

9.4 Isolation Requirements – Unless otherwise specific in this Article or applicable state law, the following isolation distances are required for Closed-Loop Ground Source Heat Exchange Boreholes:

9.4.1 Fifty feet from a household Drinking Water Well.

9.4.2 Seventy-five feet from a Type IIb or Type III Water Supply Well.

9.4.3 Two hundred feet from a Type I Community Water Supply Well or Type IIa Non-Community Water Supply Well.

9.4.4 Two hundred feet from the identified boundary of a Groundwater Contamination plume.

9.4.5 Twenty-five feet from an onsite wastewater treatment system serving a single-family Dwelling.

9.4.6 Twenty-five feet from the replacement area of an on-site wastewater treatment system serving a single-family Dwelling.

9.4.7 Ten feet from a buried water service line.

9.4.8 Ten feet from a buried pressure or gravity sanitary sewer line.

9.4.9 Ten feet from a buried pressure or gravity storm sewer line.

9.4.10 Ten feet from a storm water catch basin.

9.4.11 Ten feet from a property line or boundary.

9.4.12 Ten feet from a surface water body, such as a lake, pond, river, or stream.

9.5 Decommissioning – Decommissioning Closed-Loop Ground Source Heat Exchange Boreholes shall be conducted in compliance with the following:

9.5.1 Loop piping that is leaking or no longer used shall be decommissioned by flushing the heat exchange fluid out of the piping with air and then completely filling the loop piping and associated header piping with grout that is equivalent in sealing properties to the material that was used to initially grout the borehole.

9.5.2 Decommissioning of piping shall be completed or supervised by a Registered Well Drilling Contractor or other professional as approved by the State of Michigan. This Article shall not supersede the registration or certification of other professionals that are approved to complete this work by the State of Michigan.

9.5.3 A record of the decommissioning shall be provided to the property owner, the Oakland County Health Division, and the State of Michigan not later than 60 days after the closed loop is decommissioned, on a form provided by the State of Michigan.

9.5.4 At the time of decommissioning, spent heat exchange fluids shall be disposed of in a manner consistent with all state and local waste fluid handling requirements.

## **SECTION 10 – WELL EDUCATION**

The Oakland County Health Division shall provide educational materials about Well drilling, Well maintenance, and Groundwater Contamination. Materials may be provided in hard copy, electronic form, or any other format deemed acceptable by the Health Officer.

## **SECTION 11 - APPEALS**

11.1 Right of Appeal – Any Person who has been affected by any order, decision, notice or citation issued by the Health Division in connection with the enforcement of any section of this Article shall have the right to appeal any order, decision, notice or citation by petition in writing and directed to the Oakland County Health Division. All petitions must be accompanied with the required fee and submitted within thirty (30) days from the receipt of the written order, decision, notice or citation. Such appeals shall be heard before the Oakland County Sanitary Code Appeal Board as established in Article V of the Code.

11.2 Scope – The Oakland County Sanitary Code Appeal Board shall hear all requests pertaining to reasonable and equitable interpretations of the provisions of this Article in accordance with Article V of the Code.

**SECTION 12 – EFFECTIVE DATES**

Article X was adopted by the Oakland County Board of Commissioners on December 16, 1997.

Revisions adopted by the Oakland County Board of Commissioners on September 18, 2025.

These revised regulations shall take effect on December 1, 2025.

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

**OAKLAND COUNTY HEALTH DIVISION**

**SANITARY CODE**

**ARTICLE XI**

**SEWAGE DISPOSAL SYSTEM INSTALLER LICENSING**

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**OAKLAND COUNTY HEALTH DIVISION  
SANITARY CODE**

**ARTICLE XI  
SEWAGE DISPOSAL SYSTEM INSTALLER LICENSING**

To provide requirements for the licensure of persons that install, construct, alter, and/or repair onsite wastewater disposal and/or treatment systems or any combination thereof. Their purpose is to restore and maintain the quality of public waters and to protect the public health and general welfare of the people of Oakland County, Michigan.

**SECTION 1 - DEFINITIONS**

- 1.1 Code - The term “Code” shall mean the Oakland County Sanitary Code
- 1.2 Health Division - The term “Health Division” shall mean the Oakland County Health Division.
- 1.3 Health Officer - The term “Health Officer” shall mean the Manager of the Oakland County Health Division or his/her authorized representative.
- 1.4 Installer - The term “installer” shall mean any person that installs, alters constructs and/or repairs an on-site sewage disposal system.
- 1.5 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.
- 1.6 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.
- 1.7 On-site Sewage Disposal System – The term on-site sewage disposal system shall mean any component of a sanitary sewage treatment and/or disposal system and installed to collect, treat and/or discharge/disperse wastewater from a dwelling or building in areas not served by municipal sanitary sewers. Included within the scope of this definition are septic tank, soil absorption systems, aeration systems, package treatment plants, lagoons, privies, or any similar contrivance used in the treatment and/or disposal of sewage as may be approved by the Health Officer.
- 1.8 Sanitary Code - The term “Sanitary Code” shall mean the Oakland County Sanitary Code
- 1.9 Septic Tank Effluent - Sewage, water, or other liquid, partially or completely treated or in its natural state, flowing out of a septic tank, subsurface wastewater

infiltration system, aerobic treatment unit, or other treatment system or system component.

- 1.10 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 generated from any dwelling or building.

## **SECTION 2 - LICENSE REQUIREMENT**

- 2.1 It shall be unlawful to install, construct, alter, and/or repair any on-site sewage disposal system in Oakland County, Michigan without having first obtained a license issued by the Oakland County Health Division.

## **SECTION 3 - LICENSE EXEMPTION**

- 3.1 The Health Division shall not prevent a property owner from constructing, installing, altering, or repairing an onsite sewage disposal system without a license on property owned by the person, which is intended for use as a single or two family residence by that person if the person meets the following requirements:
- A. The property owner adheres to all applicable laws, statutes, codes, guidance, criteria, policy and procedures relating to onsite sewage disposal systems and groundwater protection in Oakland County.
  - B. Any onsite sewage disposal system installed under this subsection must meet all of the requirements of any permit issued to install an onsite sewage disposal system issued by the Oakland County Health Division.
  - C. The property owner must achieve a minimum score of 70% on a written examination administered by the Health Division. The written examination is based on the contents of this Code. The property owner can retake the test as many times as necessary to achieve the minimum score.

## **SECTION 4 – SEWAGE DISPOSAL SYSTEM INSTALLER LICENSING PROGRAM REQUIRED**

- 4.1 The Oakland County Health Division shall conduct a program for the licensure of onsite sewage disposal system installers. This program shall be directed toward onsite sewage disposal system installers as well as property owners exempt from the licensure requirement to demonstrate knowledge of applicable laws, statute, codes, guidance, criteria, policy and procedures relating to onsite sewage disposal systems and groundwater protection in Oakland County.

- 4.2 The Health Officer shall establish criteria on which to determine whether or not licensure is to be issued to an applicant. The Health Officer shall issue a license to each person who meets the criteria and successfully completes a written onsite sewage disposal system installer examination administered by the Health Division.
- 4.3 A valid onsite sewage disposal system installer license shall be maintained by any person engaged in the business of constructing, installing, altering, or repairing an onsite sewage disposal system. Proof of licensure as an onsite sewage disposal system installer shall be presented when requested by representatives of the Health Division. Any person unable to present proof of licensure will be in violation of this Article and may be subjected to any penalties referred to within.

#### **SECTION 5 - APPLICATION, TRAINING, EXAMINATION AND ADMINISTRATION**

- 5.1 As part of the licensing program, the Health Officer shall:
- A. Establish criteria and guidelines for licensure.
  - B. Administer and enforce this licensure requirement.
  - C. Develop application forms and applicant testing instruments.
  - D. Collect required fees and issue licenses to installers who meet minimum requirements for licensure.
  - E. Maintain a list of licensed installers.
  - F. Require remediation where there is evidence a licensed installer has conducted work in nonconformance with permit requirements or which exhibits a lack of competency or proficiency.
  - G. Establish training and minimum requirements for licensure.
  - H. Monitor onsite sewage disposal system installations, construction, alteration, repairs, operation and/or maintenance to ensure that all contracted work is performed by a licensed installer.
  - I. Notify all licensed installers of any changes to the Oakland County onsite sewage disposal system requirements at least sixty (60) days prior to implementation.

## **SECTION 6 - LICENSE STATUS**

- 6.1 Application - Each person engaged in business for the purposes of installing, constructing, altering, and/or repairing any on-site sewage disposal system in Oakland County shall file an application with the Health Division with such information as required by the Health Officer. An application for a license shall be submitted to the Health Division prior to January 1st of each year, accompanied by a license fee, as established by the Oakland County Board of Commissioners per section 8.2. A licensed installer that submits a late application may be subject to a late fee as established in section 8.3.
- 6.2 Issuance of License - Prior to a person being issued a license as a sewage disposal contractor, all regulations pertaining to sewage disposal shall be reviewed by the applicant and a statement signed that he and/or his firm, company or corporation will comply with such regulations. The individual must achieve a minimum score of 70% on a written examination before the issuance of the initial license. The written examination is based on the contents of this Code relating to onsite sewage disposal and treatment and groundwater protection. An applicant can retake the test as many times as necessary to achieve the minimum score. No new license will be issued to any person by the Health Division until such time that all outstanding fines or fees assessed to that person are paid in full.
- 6.3 Application Review - If after review of the application the Health Officer is satisfied the applicant has met the minimum qualifications to install, construct, alter, and/or repair an on-site sewage disposal system in a manner not detrimental to public health and safety, has completed the application per section 6.1, and met the requirements as indicated in section 6.2, the Health Officer shall issue or cause to be issued a license to the applicant.
- 6.4 License Renewals - All of the requirements of this section must be met prior to issuance of a renewal license with the exception of the completion of the written examination. No renewal license will be issued to any person by the Health Division until such time that all outstanding fees and fines assessed to that person are paid in full.
- 6.5 License Validity - An installer license shall be valid from January 1 until December 31 of the current year.

## **SECTION 7 – WORKMANSHIP**

- 7.1 All work done on sewage disposal systems in Oakland County shall be completed in accordance with the Code and shall be performed in a workmanlike manner and the property served left in a safe and sanitary condition, free from any unprotected holes such as dry wells, and the premises free of any pooled sewage, sludge, or septic tank effluent.

- 7.2 A licensed installer shall place the valid onsite sewage disposal permit at the site prior to the commencement of any work performed. The permit and licensed installer's name and telephone contact information shall be placed in a prominent location at the site by a method that protects it from adverse weather conditions.

## **SECTION 8 - LICENSE FEES**

- 8.1 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 or Administration of this Article.
- 8.2 A fee as established by the Oakland County Board of Commissioners shall accompany each application for a license.
- 8.3 A late fee as established by the Oakland County Board of Commissioners shall accompany an application submitted by a licensed installer after January 1<sup>st</sup>.

## **SECTION 9 – FAILURE TO COMPLY WITH REGULATIONS**

- 9.1 The Health Officer shall have the authority to deny, suspend, limit, revoke or refuse to renew a license in any case where he/she finds that there has been a failure to comply with the provisions of this Article, and any local, state, or federal rules, regulations or laws. The Health Officer shall have the right to require additional training and/or the successful completion of a written reexamination for licensed installers that fail to comply with the requirements of this Code.
- 9.2 The Health Officer may revoke the license of an installer under one or more of the following circumstances:
- A. Installing, constructing, altering, and/or repairing any onsite sewage disposal system or any of its components without appropriate permits from the Health Division.
  - B. Failure to maintain current licensure with the Health Division.
  - C. Failure to request required inspections by the Health Division.
  - D. Failure to construct an onsite sewage disposal system or any of its components in accordance with the terms and conditions of an onsite sewage disposal system permit issued by the Health Division.
  - E. Negligence in the discharge of his/her duties as outlined in the licensure requirements.

- F. Submittal of false or misleading information to the Health Division.
- G. Failure to demonstrate competence in performing work performed under licensure.
- H. Promoting or advertising products and services as being certified or approved for use by the Health Division.
- I. Negligently or intentionally violating a provision of this code.

9.3 If at any time the Health Officer determines that the installation, construction, alteration, and/or repair of any onsite sewage disposal systems is occurring or has occurred by an unlicensed person, a cease and desist order shall be issued by the Health Officer.

**SECTION 10 - FINES AND PENALTIES**

10.1 A person who violates this regulation of the Code is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of not more than \$250.00, or both. Each day that the violation continues is considered to be a separate violation.

**SECTION 11 – INJUNCTIVE PROCEEDINGS**

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

**SECTION 12 – INTERFERENCES WITH NOTICES**

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

**SECTION 13 - RIGHT TO APPEAL**

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

**SECTION 14 – SEVERABILITY**

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

**SECTION 15 - EFFECTIVE DATES**

15. 1 This code shall become effective forty-five (45) days after approval by the Board of Commissioners of Oakland County.

**SECTION 16 - AUTHORITY**

1978 PA 368, as amended

Michigan Compiled Law 333.1101 et seq.

Michigan Compiled Law 333.2401 et seq.