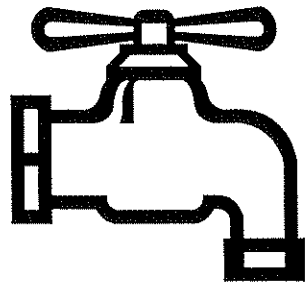
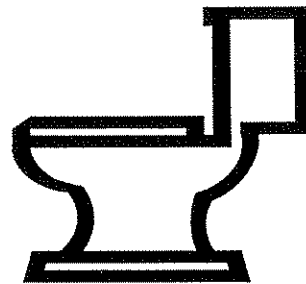


ENVIRONMENTAL HEALTH CODE



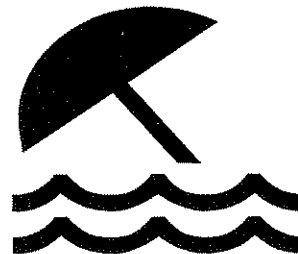
WATER
SUPPLY



SEWAGE
DISPOSAL



HOUSING



PUBLIC
BATHING
BEACH



SAGINAW COUNTY DEPARTMENT OF PUBLIC HEALTH
ENVIRONMENTAL HEALTH SERVICES DIVISION
1600 N. MICHIGAN AVENUE, SAGINAW, MI 48602

Saginaw County Department of Public Health

“Protecting and Promoting the Public’s Health”

Mission:

Our commitment is to protect and promote the public’s health and well-being.

Vision:

To be a recognized leader providing health resources and quality services to our diverse community through innovation and dedication.

Environmental Health Services Division

Mission:

To successfully deliver services to the community of Saginaw County for the protection and promotion of quality health while enhancing the environment through structured regulatory activities, education, and management of the environment. To deliver these services in an atmosphere of confidence and trust through persistent and continual promotion of the positive benefits of sound public health policies and regulations.

Vision:

An environment where the air, food, land and water is safe and free of contamination to benefit and protect the health of all citizens.

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INTRODUCTION

The Saginaw County Department of Public Health developed the Environmental Health Code in 1974, with approval of the Code by the Saginaw County Board of Commissioners on December 4, 1974. Since then, amendments were made to the Code in 1976, 1980, and 1990. These amendments were administrative changes, which adjusted the Code slightly, but did not affect the core or construction components of the Code.

The amendments to the Code for 2004 were intended to update the Code to reference changes in state statutes. Also, the Environmental Health Services Division has worked with the Code since its inception in 1974 and has identified its strengths and weaknesses. As such, the Code revisions are expected to improve, modernize, and diversify it as well as equip it for adapting to current and future technology.

This version of the Code has also added two new sections that should improve the quality of life of our citizens, benefit and protect the community, promote optimum health and environment, and expand services to meet our Mission and Vision. The new sections were incorporated into the Code to address housing conditions and public bathing beaches.


John D. Niederhauser, M.P.H.
Health Officer


Kevin W. Datte, M.S.A., R.S.
Environmental Health Services Director

ENVIRONMENTAL HEALTH CODE

[Whenever “his” is referenced in the Code, it shall mean his/her throughout and is not intended to be gender specific.]

Chapter I

Purpose, Administration and General Definitions

Section 1 — Purpose

- 1.1 The broad objective of these regulations is to provide a means of safeguarding the environment, necessary for the health, safety and welfare of the consumer and all residents of Saginaw County.

Section 2 — Authority, jurisdiction and administration

- 2.1 Authority. By virtue of the power vested in the Saginaw County Department of Public Health under Act 368, P.A. 1978, as amended, there are hereby provided regulations affecting the public health, safety, welfare and environmental quality of Saginaw County, including the provisions for violations of said regulations.
- 2.2 Jurisdiction. The Saginaw County Department of Public Health shall have jurisdiction throughout the County of Saginaw, including all cities, villages and townships in the administration and enforcement of these regulations and relevant State Laws including all regulations or amendments hereafter adopted unless otherwise specifically stated.
- 2.3 Enforcement. All premises affected by the requirements of these regulations shall be subject to the inspection by the Health Officer and the Health Officer may collect such samples for laboratory examination, make tests or take such photographs as he deems necessary for the enforcement of these regulations.
- 2.4 Right of Entry. No person shall refuse to permit the Health Officer, after proper identification, to inspect as deemed necessary in the enforcement of this Code, any property, public or private, located in the County of Saginaw for the purpose of obtaining information, conducting surveys or inspections, collecting samples, inspecting sewage disposal or water supply systems, or evaluating a premise to ensure compliance with any permits, standards, codes, regulations, and enforcement actions at reasonable times nor shall any person molest, interfere, or resist the Health Officer in the discharge of his duty.
- 2.5 Abatement of Nuisances. Nothing stated in these regulations shall be construed to limit the power of the Health Officer toward the immediate abatement of a public nuisance or menace to the public health or of a condition, which in the opinion of the Health Officer may become a menace to the health of the community.
- 2.6 Interference with Notices. No person shall remove, mutilate, or conceal any notice or placard posted by the Health Officer, except by written permission of the Health Officer.
- 2.7 Validity. If any section, subsection, clause or phrase of these regulations is for any reason adjudged unconstitutional or invalid, it is hereby provided that the remaining portions of these regulations shall not be affected.
- 2.8 Appeals
 - (1) Unless otherwise specifically provided for in these regulations, appeals from the rulings of the Health Officer shall be submitted in writing to the Board of Appeals within a period of 15 days after such ruling from the Health Officer setting forth the grounds upon which the appeal is made. The appellant shall file with the Health

Officer from whose decision said appeal is taken, and file with the Secretary of the Board of Appeals a notice of said appeal. The Health Officer shall, from whom said appeal is taken, prepare a summary report of all previous actions which are pertinent thereto and file said report with the Secretary of the Board of Appeals.

- (2) The Board of Appeals shall establish a time, date and place within 30 days of receipt of an appeal for hearing of the appeal. The appellant shall be notified in writing by certified mail at least 10 days before the hearing of the time, date and place. The final disposition of said appeal shall be by resolution of the majority of the Board which shall either affirm, modify or reverse in whole or in part the action of the Health Officer. A signed copy of the action shall be served upon the appellant.

- (3) Membership of the Board of Appeals

Every January the Chairman of the Saginaw County Board of Commissioners would alternately appoint the following for two-year terms to the Board of Appeals:

- (A) One member of the Board of Commissioners
- (B) One township supervisor selected from a list not exceeding five supervisors submitted by the Saginaw County Township Officers Association
- (C) One Saginaw County citizen at large
- (D) One representative from a city within Saginaw County.

Every January the Chairman of the Board of Health shall appoint:

- (E) At least one member of the Board of Health to serve on the Board of Appeals.

The members of the Board of Appeals shall elect their own chairperson from among its membership. The Environmental Health Services Director shall serve as an ex-officio member without right to vote and acts as secretary for the Board.

All Board members shall take office beginning January 1, 1992. Candidates A and B for one year, C and D for two years. On January 1, 1993, candidates A and B will be appointed for two year terms. Upon expiration of each term thereafter, appointments will be for two years.

- 2.9 Amendments. The Board of Health of the County of Saginaw may from time to time recommend supplements or amendments subject to approval of the Board of Commissioners. Any proposed amendments, supplements or changes will be issued in writing. Any amendments, supplements or changes made to said Code will be forwarded to the various municipalities.

Section 3 — General Definitions

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

- 3.1 Board of Health. The term “Board of Health” shall mean the Saginaw County Board of Health.
- 3.2 Health Department. The term “Health Department” shall mean the Saginaw County Department of Public Health.
- 3.3 Health Officer. The term “Health Officer” shall mean the Health Officer of the Saginaw County Department of Public Health and/or his authorized representatives, including any municipality designee as provided in the Memorandum Agreement as authorized by Section 4.2(4), Chapter IV of these regulations.
- 3.4 Municipality. The term “municipality” shall mean any incorporated city or village; or general law or charter township within Saginaw County.
- 3.5 Habitable Building. The term “habitable building” shall mean any structure, or part thereof, in which persons live or sleep or reside or are employed or congregate which is occupied in whole or in part.
- 3.6 Premise. The term “premise” shall mean the tract or parcel of land on which a habitable building may be located and shall include the building. It shall also include vacant land on which a well could be installed for the withdrawal of water for any purpose.

- 3.7 Person. The term “person” shall mean any individual, firm, partnership, party, corporation, company, association or any public or private entity.
- 3.8 Dwelling. The term “dwelling” shall mean any house, building or structure, tent, shelter, trailer, vehicle, watercraft or portion thereof which is occupied in whole or in part as a home or as an insulating or sleeping place of one or more human beings, either permanently or transiently.
- 3.9 Nuisances per se. “Nuisances per se” means any violation of the provisions of these regulations and their failure to comply in the official order given under the authority of these regulations.

CHAPTER II

Penalties

Section 1 — Penalties

- 1.1 Any person who shall intentionally fail to comply with the provisions of these regulations as set forth in the Code or any part thereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding the sum of \$200 or by imprisonment in the County jail, not exceeding 30 days or both such fine and imprisonment at the discretion of the Court. Each day a violation is permitted to exist shall constitute a separate and distinct violation.

CHAPTER III

Water Supply Control Regulations

Section 1 — Purpose

- 1.1 The purpose of these regulations is to govern the installation, construction and extensive alteration of a private, commercial, industrial, agricultural, or semi-public water supply on any premise or to dwellings and habitable buildings.

Section 2 — Definitions

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

- 2.1 “Abandoned” shall mean a water well that has been taken out of service, permanently discontinued, is in such disrepair that its continued use for the purpose of obtaining groundwater is impractical, is a threat to groundwater resources, may be a health or safety hazard, or is left uncompleted.
- 2.2 “Available” shall mean in a right of way, easement, highway, street, or public way which crosses, adjoins, or abuts upon the property, and the structure can be connected at a reasonable cost and the municipality will accept the connection.
- 2.3 “Extensive Alteration or Extension” shall include but is not limited to replacing the casing, removing a casing from the ground for any reason, deepening the casing, installing a liner, changing pump type, extending the casing, installing a pitless adapter, or other work necessary to bring the water well installation up to the standards of this Code or the Well Construction Code, Part 127 of Act 368, P.A. of 1978, as amended.
- 2.4 “Ground Water” means water which is presently flowing or located below the surface of the earth.
- 2.5 “Permit” shall mean a written document issued by the Health Officer authorizing the construction of a ground water supply system under this regulation.
- 2.6 “Water Supply System” means a water well or other device and all appurtenances thereto for the delivery of water for use from the source, including pumps and piping up to and including the pressure tank.
- 2.7 “Well” means an opening in the surface of the earth for the purpose of removing fresh water or a test well, recharge well, waste disposal well, or a well used temporarily for dewatering purposes during construction.

Section 3 — Water Supply Required

- 3.1 No person shall permit a habitable building, structure or premise to be constructed or maintained for human occupancy, use or assembly without first providing an adequate, safe water supply. Any premise constructed or maintained which is not in accordance with these regulations may be declared unfit for habitation and may be so posted and ordered vacated by the Health Officer.
- 3.2 All water supply systems replaced by connections to a municipal water supply system shall be connected and maintained in accordance with the regulations of the municipality operating and maintaining such water supply system; and abandoned in such a manner as to prevent any nuisance, public health risk, irreparable harm and/or contamination of the ground water aquifer, or cross connection with the municipal water supply system.
- 3.3 The Health Officer may condemn any existing water supply system that is in violation of the standards of Section 3. Should a water supply system be condemned, the owner or operator of the system will be notified in writing within ten (10) days of the condition or circumstance that was the cause of the condemnation. A water supply system so condemned shall be repaired, rebuilt or replaced by a system constructed according to the provisions of these regulations within a period specified by the Health Officer.

- 3.4 All water supply systems shall be located wholly upon the property served, except that under certain conditions where suitably executed and recorded easements or right-of-way agreements exist this provision shall be waived by specific written permission of the Health Officer.
- 3.5 An abandoned well shall be properly plugged or sealed in accordance with the applicable rules of Part 127 of Act 368, P.A. of 1978, as amended. A well that is abandoned must be plugged or sealed within sixty (60) days from the date that the well was replaced by a new well or a municipal water system connection.
 - (1) The Health Officer may order the well owner to abandon the well if upon investigation it is determined that the existing well meets the criteria of this section.
 - (2) A well may be kept in service for irrigation purposes or other uses except to supply potable water to the habitable building, structure, or premise. The well must be capable of delivering water for its intended use and must be constructed in accordance with the requirements of Part 127 of Act 368.
 - (3) A well kept in service must be disconnected from any water distribution piping, shall not be located in an area subject to seasonal flooding, shall have a secured watertight cap/seal to prevent the entrance of foreign materials, and prevent access to the well.
- 3.6 Exclusion from plugging or sealing well casings. Any well that cannot be plugged or sealed may be excluded from the requirements of 3.5 with written permission of the Health Officer. Any request before the Health Officer for an exclusion must be submitted in writing and shall include a reason why the exclusion should be granted. Additional information may also be required, such as but not limited to, a plot plan showing the location of the abandoned well, a statement from a licensed well drilling contractor describing what steps were taken to locate the well, and any other information that may be beneficial in the review of the exclusion request.
- 3.7 The Health Officer, upon granting an exclusion, shall require as a minimum that the water line(s) from the well to the structure or dwelling be permanently closed off at the point closest to the well casing as possible by an approved method to prohibit the entrance of water from a high ground water condition or other contaminants, including soil.

Section 4 — Administration

- 4.1 Rescinded. [History: Required registration of well drillers by the department; Eff. August 24, 1976; Rescinded Eff. June 22, 2004].
- 4.2 Permits required. No person shall install, construct, extend or extensively alter a water supply system unless a valid permit has been issued by the Health Officer for such installation, construction, extensive alteration or extension.
 - (1) Permits are not transferable to place. Should the ownership of the property for which a permit has been issued change, the permit must be transferred to the new owner. Such transfer must be requested in writing on forms to be provided by the Health Officer and signed by permit holder. The permit holder being the person to whom the permit was originally issued. A transferred permit shall be subject to the same conditions as the original permit. Any change in the scope of the project will cause the permit to be null and void.
 - (2) Application for permit shall be made upon such forms and shall contain such reasonable information as required by the Health Officer. Information shall include the following for commercial, industrial, agricultural or semi-public use:
 - (A) depth of the proposed well,
 - (B) proposed casing size,
 - (C) projected yield, and
 - (D) proposed use of the well.
 - (3) Before a permit is issued for the construction, installation, or extension of a water supply system, the Health Officer may require the owner to provide a hydrogeologic

study or an environmental impact statement on the anticipated influence of the proposed use of the well on the ground water aquifer. Said aquifer study must be completed by a qualified professional whose expertise is with geology and/or hydrology.

- (4) The Health Officer may require special construction techniques or methods that may be deemed necessary to protect a fresh water aquifer from a water bearing formation that may cause degradation or contamination from the intrusion of unpalatable, unsuitable, or contaminated ground water.
 - (5) A permit for installation, construction, extensive alteration or extension shall become void twenty-four (24) months from the date of issuance.
 - (6) A permit issued for the installation of a water supply system may be declared void if a change occurs in the plans of the well owner relative to the supply design, location, or use; the well installation will not comply with Part 127 of Act 368, P.A. of 1978 as amended; or if the Health Officer has reason to believe that an intentional misrepresentation, omission, or withholding of pertinent information has occurred.
 - (7) Should the State of Michigan adopt laws and rules that permit and regulate certain types of groundwater wells, the requirement to obtain a permit to construct or install the well in accordance with these regulations may be waived by the Health Officer.
- 4.3 No person shall begin construction or locating of any habitable building, structure or premise without first having obtained a water supply system permit unless said habitable building, structure or premise prior to occupancy shall be connected to a public water supply system.
- 4.4 Application for permit shall be accompanied by the following information:
- (1) Adequate plans showing locations of pertinent features of the system, together with all necessary design data which may be required by the Health Officer.
- 4.5 The Health Officer may refuse to issue a permit for a water supply system where the required submitted information is not in compliance with the provisions of these regulations, is inconsistent with a municipality or governmental entity which has a more restrictive regulation or ordinance prohibiting the installation of a water supply system, is in an area determined to be contaminated or likely may draw water from an aquifer that has been determined to be unfit for human consumption, or if the installation of the well would likely result in and/or cause:
- (1) an adverse impact on other water users, including without limitation public or private use,
 - (2) intrusion of salt water or the movement of lower quality water into the ground water reservoir,
 - (3) injury to the public health, safety, or welfare, or
 - (4) unpalatable water or insufficient yield.
- 4.6 Well first areas. In known critical water supply areas where obtaining satisfactory yields of quality and quantity ground water may be a problem, a "well first" requirement may be instituted before development of the premise. A well first designation by the Health Officer will require the owner or applicant to construct or install a test well before site preparation and development, including excavation and construction of any type of structure or onsite sewage disposal system, occurs on the premise. The following provisions also apply:
- (1) A valid permit must be obtained before construction or installation of the test well.
 - (2) Upon completion of the water supply system, the well shall be tested for satisfactory yield of quantity or quality, dependent on the critical water supply problem.
 - (3) Approval of the test well water supply must be obtained from the Health Officer before further development of the premise. Upon approval of the test well water supply, the Health Officer shall authorize, in writing, the use of the test well for its intended purpose.

- (4) Before construction or installation of the test well, the suitability of the premise for an onsite sewage disposal system must be obtained from the Health Officer.
 - (5) If any test well is found to be unsatisfactory with regards to quantity or quality of yield, the test well shall be abandoned. The owner may construct or install more than one test well in order to obtain a satisfactory yield of quantity or quality provided that the locations of additional test wells do not interfere with the approved location for the onsite sewage disposal system.
 - (6) The criteria for well first areas shall be defined as follows:
 - (A) An area with insufficient well production of 5 gpm or less in a majority of adjacent wells or wells in close proximity to other insufficient wells as reported on water well records.
 - (B) Wells that produce unpalatable water quality with no economical residential treatment available in a majority of adjacent wells or wells in close proximity to other unpalatable wells.
 - (7) The Health Officer shall make available to the public for review upon request, a map of the areas affected by this designation.
- 4.7 No water supply system shall be placed into operation or otherwise used for its intended purposes without an approval of the construction and installation of such system by the Health Officer.
- (1) The Health Officer shall be notified before any water well and water lines and/or all appurtenances to a water supply system are covered with earth for all well installations that utilize a deep well jet, shallow well jet, other type of non-submersible pump or below ground pressure tank. Inspection of such installations shall be promptly made and in every case within the next working day upon notification, excluding Saturdays, Sundays and holidays. Water supply systems with a submersible pump shall be inspected within five (5) working days upon notification or confirmation that the installation is completed, excluding Saturdays, Sundays and holidays.
 - (2) When upon inspection the water supply system is found to be in general conformance with approved plans, permit conditions/specifications and these regulations, the water well shall receive full approval or conditional approval for use and notification of such approval given to the applicant within five (5) days.
 - (3) If upon inspection the water supply system is found to be in noncompliance with these regulations, the Health Officer shall give written notice to the applicant specifying these non-complying items and why the water supply system cannot be approved.
 - (4) Written notification of approval status or non-approval of a water well installation shall be forwarded to the owner. If the inspection determines that the well cannot be approved, written notification will be forwarded to the owner within five (5) days from the date of the inspection.
 - (5) If conditional approval of a water well installation is authorized by the Health Officer, the water supply system shall be placed into operation or otherwise used for its intended purposes. Upon completion and approval of the permit conditions or specifications, an amendment to full approval status will be granted. Should a water supply system in use for its intended purpose and operating under a conditional approval create a condition that is inconsistent with or in violation of a permit condition or specification, the conditional approval status of the water well installation may be suspended or revoked. The conditional approval of any water supply system that has been suspended or revoked may be ordered to cease and desist by the Health Officer until the permit condition or specification violation has been corrected and approved.
- 4.8 If any person is aggrieved by a ruling of the Health Officer and wishes to appeal such ruling, he may do so as outlined in Section 2.8, Chapter I of this Code.
- 4.9 Emergency conditions. When a lack of water results in undue hardship and this event occurs on a Saturday, Sunday, or holiday when the Health Department is closed, a well

driller or property owner may initiate repair work or construction of a new/replacement well or water supply system without prior notification or permit. The well driller or property owner shall contact the Health Department on the next working day to obtain a permit. The well driller or property owner shall be responsible for complying with all provisions of this Code and Part 127 of Act 368.

- 4.10 Each application for permit shall be accompanied by a fee to be recommended from time to time by the Saginaw County Board of Public Health with approval by the Saginaw County Board of Commissioners as authorized by Section 2444, Act 368, P.A. 1978, and shall be payable to the Saginaw County Department of Public Health for deposit in the health fund of the County of Saginaw.
- 4.11 No permit is required for minor repairs to the system such as replacing a well screen, a similar pump, drop pipe, pressure tank or controls, or lowering the drop pipe.

Section 5 — Private and Semi-Public Water Supply System Construction Requirements

- 5.1 Where a public water supply system is not available, then all water supply facilities must be constructed, installed and maintained in accordance with the following provisions:
 - (1) Private water supplies. Requirements with respect to water well construction and water pump installation. Installations for new and altered water wells within the County of Saginaw shall be those requirements set forth in the applicable parts of Part 127 of P.A. 368.
 - (2) Semi-public water supplies. Water supplies serving the public, such as but not limited to office buildings, motels, retail stores, businesses, day care centers, schools, churches, adult foster care homes, and other similar premises of public use or assembly not classified as a Type II water supply system in accordance with the Safe Drinking Water Act, Act 399, P.A. of 1976, and that serve less than 25 persons for sixty days of the year, are subject to the requirements set forth in the applicable parts of Part 127 of Act 368, P.A. of 1978, as amended. Requirements with respect to water well construction and water pump installation for new or altered water wells in the County of Saginaw shall be those requirements set forth by Act 399, P.A. of 1976, entitled the Safe Drinking Water Act.
 - (3) Other water supplies. Water supplies not serving the public that withdraw water for irrigation, manufacturing, production purposes or commercial, industrial, or agricultural commerce operations/business enterprises are subject to the requirements set forth in the applicable parts of Section 127 of P.A. 368, as amended.
 - (4) The palatability and safety of the water shall be of suitable bacteriologic and chemical quality and shall be safe for human consumption as determined by the Health Officer. Acceptability shall be based upon the established drinking water bacteriological standards. The palatability of the water supply for human consumption shall be determined by the Health Officer, based on the chemical parameters established by the Environmental Protection Agency.
 - (5) The two acceptable methods for water well installation are pitless adapter and pumphouse.
 - (6) Water wells which are provided under provisions of Section 5.1(1) and Section 5.1(2) shall provide a sufficient yield of water for the intended purposes of the well. Sufficient yield shall be defined as 10 gpm.
 - (7) If any water supply system is found to be in noncompliance with 5.1(4) through 5.1(6), the owner shall be notified in writing. At the time of notification, practical alternatives, if available, will be given to the owner to bring the water supply system into compliance.
 - (8) Stop Work Order. The Health Officer may issue a stop work order when the water supply system under construction does not comply with the requirements of this Code, all applicable laws, regulations, and ordinances, special construction

requirements/methods, or permit specifications/conditions. Work shall not resume until the owner, applicant, and/or authorized agent has agreed to make corrections to comply with this Code, the cause for the order, and the Health Officer rescinds the stop work order.

Section 6 — Emergency Action

- 6.1 Whenever the Health Officer finds that an emergency or imminent health hazard exists which requires immediate action to protect the public health from a waterborne disease outbreak, contamination of a ground water supply or aquifer or other activity that may cause morbidity or mortality, the Health Officer shall without notice or hearing, issue an order to prohibit the use of a water supply system, pause the installation of a water well, or correct the condition that is the cause for the emergency action. An order issued by the Health Officer shall include the emergency or imminent health hazard condition and the actions necessary to remove and correct the condition. Any person, firm, corporation, community or organization to whom such order is directed shall comply therewith immediately.
- 6.2 Upon removing or correcting the emergency or imminent health hazard by the person, firm, corporation, community or organization to whom such order is directed, the Health Officer will inspect the corrective action taken. If the corrective action has eliminated the emergency or imminent health hazard, the Health Officer will dismiss the order.

Section 7 — Injunction

- 7.1 Notwithstanding the existence and pursuit of any other remedy, the Health Officer may maintain an action in the name of the County for injunction or other process against any person, firm or corporation to restrain or prevent the construction, enlargement or alteration of a ground water supply system without a permit therefore, or the operation or conduct of a habitable dwelling, structure or premise contrary to this regulation or the use of a previously determined unsafe water supply.

Section 8 — Validity

- 8.1 Any section, subsection, paragraph, sentence, clause, phrase or portion of the Chapter that is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as separate, distinct and independent provisions and such ruling shall not affect the validity of the remaining portions thereof.

CHAPTER IV

Sewage (Wastewater) Disposal Regulations

Section 1 — Purpose

- 1.1 The purpose of these regulations is to govern the installation, construction and extensive alteration of private or semi-public sewage disposal systems of flows of 10,000 gallons per day or less to those premises, dwellings and habitable buildings where a public sewage disposal system is not available (flows in excess of 10,000 gallons per day are governed by Act 451, P.A. of 1994).

Section 2 — Definitions

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

- 2.1 Absorption Field. “Absorption field” shall mean a system for distributing septic tank effluent or overflow below the ground surface by means of a series of branch lines or approved drainfield materials so as to allow the overflow of effluent to be absorbed by the surrounding soil.
- 2.2 Alternative System. “Alternative system” means any proven method of on-site sewage treatment or disposal other than conventional tank with soil absorption trenches or bed. Alternative systems include but are not limited to aeration treatment systems, pressurized mounds, sand filters, pack bed or septic tank filters, constructed wetlands, gravelless systems, or stone substitutes.
- 2.3 Available. “Available” shall mean a public sanitary sewer located in a right of way, easement, highway, street, or public way which crosses, adjoins, or abuts upon the property and the structure can be connected at a reasonable cost and the municipality will accept the connection.
- 2.4 Building Sewer. “Building sewer” shall mean a sewer from the building foundation to the septic tank and shall be a minimum of 4 inches in diameter.
- 2.5 Dosing Chamber. “Dosing chamber” shall mean a watertight tank or receptacle used for the purpose of retaining the overflow of effluent from the septic tank, pending its automatic discharge to a selected point.
- 2.6 Flush Toilet. “Flush toilet” shall mean a type of water closet or plumbing receptacle containing a portion of water which receives human excreta and so designed as by a means of a flush of water to discharge the contents of the receptacle to an outlet connection.
- 2.7 Ground Water. “Ground water” shall mean the water in the ground that is in the zone of saturation.
- 2.8 High Ground Water Elevation. “High ground water elevation” means the highest elevation of the ground water during the normally wet periods of the year. [High ground water is evidenced by the physical soil characteristics such as mottling and/or physical presence of ground (free) water.]
- 2.9 Holding Tank. “Holding tank” means a watertight receptacle with no outlet; equipped with an alarm device, and used solely for holding wastewater until it is pumped by a licensed service vehicle.
- 2.10 Nuisance. “Nuisance” shall include but not be limited to any condition where effluent from any sewage disposal facilities is exposed to the surface of the ground or is permitted to drain on or to the surface of the ground, into any ditch, storm sewer, lake or stream, or when the odor, appearance or presence of this material has an obnoxious or detrimental effect on or to the senses or health of persons or when it shall obstruct the comfortable use or sale of adjacent property.

- 2.11 Other Toilet Facilities. "Other toilet facilities" shall mean privies, septic toilets, chemical toilets, and other such devices used for the disposal of human excreta as may be approved by the Saginaw County Department of Public Health.
- 2.12 Permit. "Permit" shall mean a written document issued by the Health Officer permitting the construction of a sewage disposal system under this regulation.
- 2.13 Portable Toilet. "Portable toilet" shall mean an enclosed facility containing an easily cleanable, watertight container, which is vermin proof, for reception of human excrement and is used on a temporary basis at transitory gatherings or construction projects or any other occasion where permanent toilet facilities are not available.
- 2.14 Septic Tank. "Septic tank" shall mean a watertight covered receptacle designed and constructed to receive the discharge of sewage, separate solids from the liquid, digest organic matter and store digested solids through a period of detention and allow the clarified liquids to discharge for final disposal.
- 2.15 Sewage (Wastewater). "Sewage (wastewater)" shall mean the liquid waste from all habitable buildings and shall include lavatory, bathtub, shower and laundry and any other water carrying waste of organic or inorganic nature, excluding roof, footing and storm drainage, either singly or in any combination thereof.
- 2.16 Sewage Disposal System. "Sewage disposal system" shall mean a septic tank and absorption field or other similar device used in the collection and/or disposal of sewage and/or human excreta. This shall include all similar contrivances used in the collection and/or disposal of sewage whether specifically enumerated herein or not.
- 2.17 Sewers. "Sewers" shall mean a conduit pipe for carrying of sewage.
- 2.18 Surface Water. "Surface water" means a body of water whose top surface is exposed to the atmosphere, including a pond, lake, ditch, stream or river.
- 2.19 Local Unit of Government. "Local unit of government" shall mean a city, village or township.

Section 3 – Sanitary Disposal of Sewage Required

- 3.1 No person shall occupy, offer for occupancy, or permit a habitable building, structure or premise to be constructed or maintained for human occupancy, use or assembly without first providing adequate facilities for the safe, sanitary disposal of all sewage (wastewater) that could hazard the public health or create objectionable nuisance conditions.
- 3.2 Where a publicly operated system for collection and disposal of sanitary sewage is available, then each habitable building, structure or premise shall connect to said public sanitary sewage system, provided however, an owner of a structure using an acceptable innovative or alternative waste treatment system in combination with an acceptable alternative greywater system as defined in Act 421, P.A. 1980, shall not be required to connect to an available public sanitary sewer system.
 - (1) No privy, septic tank or other private means of sewage disposal shall be maintained or used on a property having a public sanitary sewer available; provided, however, that all connections and discharges to a public sanitary sewage system shall be in accordance with the regulations of the municipality operating and maintaining such sanitary sewage system.
 - (2) Municipal sewers shall be considered available if the municipality determines that the structure can be connected to the sanitary sewer. The municipality has the right to accept or reject the connection of the structure to the sanitary sewer based on treatment plant capabilities, infrastructure capacity, local code, ordinance, or any other expressed reason.
 - (3) All other sewage disposal facilities replaced by connections to a public sanitary sewage system shall be abandoned in such a manner as to prevent any nuisance or menace to the public health by filling said facilities with earth or rock or other approved materials.

- 3.3 All facilities for the disposal of sewage shall be so constructed, maintained and operated that there is:
- (1) No access to this possible cause of sickness and source of filth by flies, rodents or other vectors of disease or by persons or domestic pets.
 - (2) No unlawful pollution of any stream, public or private drainage system, watercourse, or other surface body of water.
 - (3) Adequate isolation to protect wells or other sources of water supply from contamination.
 - (4) No owner, occupant, or agent/representative that causes or allows the discharge of sewage or deposit of sewage upon the surface of the ground, ponding in a crawl space/basement, flowing into a surface water catch basin, sump pump chamber or other clear water receptacle, agricultural subsurface drainage system or any other subsurface structure that will migrate wastewater by design beyond the property line, real or perceived, of the residence or premise.
- 3.4 The Health Officer may require written maintenance agreements or contracts between the owner, Health Department, and/or third party contractors should an alternative sewage disposal or treatment system be approved for installation.
- 3.5 The Health Officer may condemn any structure, premise, habitable building or existing sewage disposal system that is violating the criteria of 3.3(1) through 3.3(4). The owner or occupant of any structure, premise, habitable building or existing sewage disposal system condemned shall repair, replace or correct the unacceptable condition in accordance with the provisions of these regulations within sixty (60) days or a reasonable period specified in writing by the Health Officer.
- 3.6 All sewage disposal facilities shall be located wholly upon the property served; except, that under certain conditions where suitably executed and recorded easements or right-of-way agreements exist, this provision shall be waived by specific written permission of the Health Officer.
- 3.7 Unless otherwise specifically approved by the Health Officer, each habitable building, structure or dwelling shall be served by its own individual sewage disposal system within its own property boundaries. Duplexes shall be served by a separate sewage disposal system for each living unit, unless otherwise specified and approved by the Health Officer.

Section 4 – Administration

- 4.1 Permit. Any person, firm, company, or corporation who shall engage in the business of installation of a sewage disposal system or any part thereof under the provisions of this regulation must be registered with the Saginaw County Department of Public Health. In no way shall this provision be construed to prohibit an individual from installing his own sewage disposal system, provided he obtains a permit from the Saginaw County Department of Public Health, Health Officer or his designated representative. The Health Officer may seek enforcement action against any person, firm, company, or corporation who engages in practices that violate the provisions of these regulations.
- (1) If enforcement action becomes necessary against the person, firm, company, or corporation who allegedly violated the provisions of these regulations, the Health Officer shall provide the person, firm, company, or corporation with a written description of the charge or charges in sufficient detail. Enforcement action will be progressive and advance as follows:
 - (A) First three (3) incidences – warning letter of each incident.
 - (B) Fourth incident – suspend registration for 2 weeks.
 - (C) Fifth incident – suspend registration for one year.
 - (D) Sixth incident – permanent revocation of registration.
 - (2) A person, firm, company, or corporation who receives a notice of enforcement action shall have the right to an Informal Hearing to review the validity of the alleged

practice. A written request for an Informal Hearing must be submitted to the Health Officer within fifteen (15) days of the date the Health Officer mailed the notice of enforcement action.

- 4.2 Permits required. No person shall install, construct, extend or extensively alter a sewage disposal system unless a valid permit has been issued by the Health Officer for such installation, construction, extensive alteration or extension.
- (1) Permits are not transferable to place. Should the ownership of the property for which a permit has been issued change, the permit must be transferred to the new owner. Such transfer must be requested in writing on forms to be provided by the Health Officer and signed by permit holder. The permit holder being the person to whom the permit was originally issued.
 - (2) Application for permits shall be made upon such forms and shall contain such reasonable information as required by the Health Officer.
 - (3) A permit for installation, construction, extensive alteration, or extension shall become void twenty-four (24) months from the date of issuance.
 - (4) A local unit of government may enter into a contract with the Health Officer so as to allow the local unit of government to carry out a portion of the administration of its program. Provided, however, a local unit of government wishing to enter into a contract with the Board of Health may use the designated approved representative of another local unit of government provided that the designated approved representative does not serve more than four local units of government contiguous to said unit of government and provided that designated representatives must not be engaged as a septic system installer in his inspection area. Each contract shall be approved by the Saginaw County Board of Health.
 - (5) A permit for a private sewage disposal system issued by the Health Officer on an area designated for the soil absorption system is valid except where said area is disturbed by major filling, excavating, paving, flooding or if there is an increase in the scope of the project. Also, a permit issued may be declared void if any of the following applies:
 - (A) The location of the sewage system specified on the permit is altered.
 - (B) The Health Officer acquires new information indicating that the site approved for the installation of a sewage system does not meet the requirements of this Code.
 - (C) The Health Officer has reason to believe that an intentional misrepresentation, omission, or withholding of pertinent information has occurred.
- 4.3 No person shall begin construction or locating of any habitable building, structure or premise without first having obtained a sewage disposal system permit unless said habitable building, structure or premise prior to occupancy shall be connected to a public sanitary sewer system. This requirement does not relieve any person from obtaining any permit or authorizations from any municipality when connecting to a public sanitary sewer system.
- 4.4 No municipality, township, or other governing body shall issue a building permit or allow construction of any habitable building or structure on a premise requiring a private sewage disposal system unless a permit to construct or install said system has been issued by the Health Officer.
- 4.5 Application for permit shall be accompanied by the following information:
- (1) Adequate plans showing locations of pertinent features of the system, together with all necessary design data which may be required by the Health Officer.
- 4.6 The Health Officer may refuse to issue a permit for a sewage disposal system where the required submitted information is not in compliance with the provisions of these regulations; provided, however, the Health Department shall furnish alternatives for any given problem location.
- 4.7 No sewage disposal system shall be placed into operation or otherwise used for its intended purposes without an approval of the construction and installation of such system by the Health Officer.

- (1) The Health Officer shall be notified before any building sewer, septic tank, sewage disposal system or treatment structures are covered with earth. Inspection of such facilities shall be promptly made and in every case within the next two work days, excluding Saturdays, Sundays and holidays, after notification.
 - (2) When upon inspection the facilities are found to be in general conformance with approved plans and these regulations, the facilities shall be approved for use and notification of such approval given to the applicant within five (5) days.
 - (3) If upon inspection the sewage disposal system is found to be in noncompliance with these regulations, the Health Officer shall give written notice to the applicant, specifying those non-complying items and why the sewage disposal system cannot be approved.
 - (4) Notification of approval or non-approval of a sewage disposal system shall be by such means but not limited to a project approval or non-approval tag, placard, or other similar device and written notification to the owner.
 - (5) Upon approval of the construction and installation of the sewage disposal system by the Health Officer, the owner, permit holder or agent/representative shall cover the system within seventy-two (72) hours of the approval unless the Health Officer requires the owner, permit holder or agent/representative to cover the system sooner. The Health Officer may authorize the system to remain uncovered for a longer period.
- 4.8 If any person is aggrieved by a ruling of the Health Officer and wishes to appeal such a ruling, he may do so as outlined in Section 2.8, Chapter I of this Code.
- 4.9 Each application for a permit shall be accompanied by a fee to be established by the Saginaw County Board of Health from time to time, and shall be payable to the Saginaw County Department of Public Health for deposit in the health fund of the County of Saginaw. The fee shall be reviewed by the Saginaw County Board of Commissioners who may revoke, enlarge or amend any such fee schedule as authorized by Section 2444(1), Act 368, P.A. 1978.
- 4.10 Each installation of a replacement septic tank shall be sized, constructed, and installed in accordance with the applicable parts of Sections 5 and 6 of this Chapter. A septic tank installed separate from the repair or replacement of the soil absorption system must be reported to the Health Officer on reporting forms provided. This work must be completed by a registered sewage disposal system contractor or the property owner.

Section 5 – Suitability for Development

- 5.1 The suitability of a premise for development of a habitable building, structure or dwelling with an onsite sewage disposal system shall be based on a site evaluation. The dynamics of a site evaluation consider factors that may affect and impact the performance and operation of the system and include the permeability and structure of the soil, drainage and high ground water influences.
- 5.2 Soil suitability shall be determined by soil borings, excavations or backhoe cuts made within the area proposed for the sewage disposal system. Test borings, excavations and cuts shall be an adequate number in order to determine if suitable soil conditions exist in the area of the proposed installation.
- 5.3 No sewage disposal system shall be installed or permit issued:
 - (1) Where subsoil structure is of a character which is classified as unsuitable for domestic sewage disposal by field investigation and/or the engineering interpretations for soils established by the U.S. Department of Agriculture, Natural Resource Conservation Service.
 - (2) Where conditions of ponding, flooding, or high ground water elevation are known to occur and such conditions will be in conflict with the development of a safe and adequate sewage disposal system.

- (3) Where six (6) inches of aerated soil does not exist between the established ground surface and the high ground water elevation if the subsoil is sandy and 12 inches if the subsoil is sandy loam to sandy clay loam and the proposed location is the lowest portion of the property or an area influenced by surface water drainage.
 - (4) Where approved drainfield material will not be at least 18 inches above high ground water elevations, provided, however, this does not apply to repair of existing systems.
 - (5) Where the proposed location of the sewage disposal system is within a flood plain inundated by seasonal flooding.
 - (6) Where a septic tank or disposal field is installed under any driveway, parking lot or paved area.
 - (7) Footing, roof and storm drainage, or well water softener/conditioner recharge water, either singly or in any combination thereof and any other similar water not defined as sewage (wastewater) shall not be connected to or discharge into the sewage disposal system.
 - (8) Where the division of land would create a parcel or lot in violation of Act 87, P.A. of 1997.
 - (9) Where a municipal sewer system is available.
- 5.4 A preliminary site evaluation of vacant land may be examined for soil suitability for the installation of an on-site sewage disposal system where the proposed size and location of the residential structure is unknown and the development of the site is not under the Land Division Act, Act 87, P.A. of 1997. A preliminary site evaluation application must be authorized by the property owner or authorized agent. Vacant land evaluations shall be documented and reported on forms provided by the Health Officer. Results of such evaluation shall be considered an opinion of the site suitability and conditions by the Health Officer for an on-site sewage disposal system and shall not be construed as the approval to install an on-site sewage disposal system, nor a blanket approval of the site for any type of development, structure or use.

Section 6 – Individual Sewage Disposal Systems

- 6.1 All septic tanks shall be installed in such a location and manner as to be readily accessible for maintenance purposes and all absorption fields shall be installed only under such circumstances where sufficient land area is readily available for necessary expansion and relocation of the absorption field. An available location for the absorption field shall contain the necessary area for the initial installation with additional area for a replacement absorption field at least the size utilized by the initial absorption field installation. No permanent structure shall be placed on the area reserved for the replacement absorption field. In addition, minimum isolation distances shall be maintained as follows:

Minimum Isolation From*	Septic Tank	Soil Absorption System
Property Lines	10 ft.	10 ft.
Building Foundation and Basement Wall	10 ft.	20 ft.
Water Supply Well (Deep Well)	50 ft.	50 ft.
Shallow Well (Bored, Crock or Dug Well Installed Prior to 1996)	100 ft.	100 ft.
Shed, Pole Barn, or Unattached Garage on Slab Without Footings, Swimming Pool	10 ft.	10 ft.
Underground Drainage System, Road Ditch or County Drain	25 ft.	25 ft.
Lake, River or Stream	75 ft.	75 ft.
Utilities, Pressurized Water Line	10 ft.	10 ft.

*Isolation distances shall be increased or decreased as required.

- 6.2 Size and design of the septic tank and absorption field shall be in accordance with soil conditions and standards of Section 5.2(1-8).
- (1) Minimum size and design requirements for septic tanks and soil absorption systems shall be maintained as follows for single family dwellings using 24” trenches:

Minimum Sizes of Systems (Single Family)

No. of Bedrooms	Size of Tank 2-Compartment Gallons*	Size of Soil Absorption System (Lineal Feet in 2 Foot Trenches) (with regard to natural soil type)				
		Coarse Sand	Medium or Fine Sand	Sandy Loam	Loam	Sandy Clay Loam
2-3**	1250	300	350	400	575	750
4	1500	450	500	600	750	900
5	2000	500	575	675	800	950

* Add 250 gallons to septic tank capacity if a spa/garden tub is to be installed in the habitable dwelling.

** Less than two bedroom systems may be given special consideration.

- (2) Minimum size and design requirements for septic tanks and absorption fields for multiple dwellings, commercial, industrial, or places of assembly shall be in accordance with the guidelines of the Michigan Criteria for Subsurface Sewage Disposal.
- (3) Nothing contained herein shall prevent the use of special construction methods to develop subsurface permeable soil formations, alternative treatment methods to clarify the effluent before applying the sewage effluent to the soil absorption system, or use of other techniques providing the engineering design of such systems is first approved and their operation is in accordance with the standards of Section 3.3 of this chapter.
- (4) Trenches constructed in 30” and 36” cuts must be approved by the Health Officer in advance. Size of system may be reduced depending on width of trench. Approval for wider trenches shall be determined by site and soil conditions.
- (5) The conversion of a trench system to an absorption bed shall be allowed with approval by the Health Officer before installation. If allowed by the Health Officer, the soil absorption system trench design shall be converted to an absorption bed by multiplying the lineal footage by 3.
- (6) The owner or authorized agent must protect the location of the soil absorption field from vehicle traffic that can create adverse soil conditions and reduce soil permeability due to compaction. The Health Officer may void a permit or issue a Stop Work Order if the conditions and structure of the soil have been compromised or altered and the performance of the system may be affected.
- (7) Any and all portions of a septic tank and soil absorption system not specified in this Chapter shall be constructed in accordance with the installation standards and criteria maintained by the Health Officer as a supplement to this Code. The Health Officer shall make available to the owner, applicant, or agent/representative of the owner the standards and criteria as part of the permit or attachment to the permit.
- (8) The Health Officer may allow the use of alternative technology or specialized treatment systems if the design would not be expected to jeopardize the public health or create a nuisance condition. Approval of an alternative treatment system may be made subject to such reasonable conditions as may be prescribed. An alternative or specialized treatment system must provide improved treatment and better quality effluent than a conventional sewage system. Improved treatment and effluent quality shall be measured with recognized standards. Sites to be considered for the use of alternative or specialized treatment systems must be suitable in accordance with the criteria of this chapter.
- (A) The use of alternative technology or experimental systems must be reviewed by the Health Officer and approved in advance of installation. The review may require an

additional fee in addition to the cost of the permit application with approval by the Board of Health and the Saginaw County Board of Commissioners.

- (B) The soil absorption system for the final disposal of the effluent may be reduced as determined by the Health Officer, based on the alternative treatment system proposed. The Health Officer shall develop and maintain a reduction factor worksheet based on strength of wastewater, treatment capabilities of the alternative system, soil application rate, and performance standards of the proposed alternative system. The reduction factor worksheet shall be an addendum to the installation standards and construction criteria maintained by the Health Officer as a supplement to this Code.
 - (C) In no case will the reduction factor be greater than 50% of a conventional system design.
- 6.3 In the event of a failure of an existing onsite sewage disposal system, the Health Officer must be notified of the failure. Upon investigation of the cause of failure, the Health Officer may require repair specifications necessary to correct the problem and upgrade the system to be in compliance with this Code. At the discretion of the Health Officer, modifications to the required isolation distances, materials or size as stated in this Code may be applied if local conditions warrant and in cases where dimensions, site development, features or site suitability create a challenge to comply with the standards of this Code. In such event, modifications will be applied if the Health Officer finds that the public health would not be jeopardized.
- 6.4 The Health Officer shall determine if an existing sewage disposal system is adequate for the projected use of a vacant commercial or industrial habitable building or structure. The evaluation of the onsite sewage disposal system shall be completed by the Health Officer before the habitable building or structure is repaired, remodeled or restored. Should replacement of the existing system be required, installation shall occur before occupancy.
- (1) The criteria of the evaluation will be based on the anticipated performance of the system so that the proposed use will not interfere with the current or future use of the system.
 - (2) Should the performance evaluation determine that the existing sewage disposal system is inadequate for the projected use of the habitable building or structure, the system shall be repaired or replaced in accordance with the provisions of this Code.
- 6.5 The Health Officer shall determine if an existing sewage disposal system is adequate for the change of use of a commercial or industrial habitable building or structure. The evaluation of the onsite sewage disposal system shall be completed by the Health Officer before the habitable building or structure is repaired, remodeled or before the change of use occurs. Should replacement of the existing system be required, installation shall occur before the change of use.
- (1) The criteria of the evaluation will be based on the anticipated performance of the system so that the change of use will not interfere with the current or future use of the system.
 - (2) Should the performance evaluation determine that the existing sewage disposal system is inadequate for the change of use of the habitable building or structure, the system shall be repaired or replaced in accordance with the provisions of this Code.

Section 7 – Construction Requirements on Individual Sewage Disposal Systems

- 7.1 All septic tanks and absorption fields shall be constructed in accordance with the provisions of this chapter, be of durable, serviceable materials and be installed in a workman-like manner.
- (1) The septic tank shall have sufficient capacity for the anticipated loading and shall be of a design and capacity approved by the Health Officer. All septic tanks must have a septic tank effluent filter installed in the outlet pipe of the tank or other approved location and be accessible through a riser for maintenance.

- (A) The effluent filter must be constructed of approved materials and meet the design criteria of ANSI/NSF Standard 46 or the equivalent.
 - (B) The access riser must be watertight, extend to or above the finished grade, be large enough to allow for the removal of the tank cover, and installed at the outlet end of the tank. Said riser shall be secured with a locked lid to prevent unauthorized access.
- (2) The absorption field for final disposal of septic tank effluent shall be constructed in such a fashion that uniform distribution of effluent over the entire soil area is effectively accomplished in a manner approved by the Health Officer. Dosing chambers or other special facilities to help insure uniform distribution in an approved disposal field operation shall be provided if deemed necessary by the Health Officer.
 - (3) Absorption fields shall be installed in such a manner and location that surface water drainage is diverted away from the installation.
 - (4) The sewage effluent pipe from the tank to the absorption system must be solid and equivalent in strength to Schedule 40 or SDR 35 standards.
- 7.2 Private sewage disposal systems shall be connected to the sanitary plumbing system of the building.
- (1) Building sewers shall have sufficient grade to give velocities of flow adequate to prevent clogging and in no case shall the grade be less than 1.2% and must conform to State and local plumbing codes.
- 7.3 Stop Work Order. The Health Officer may issue a stop work order when the sewage disposal system under construction does not comply with the requirements of this Code, special construction requirements/methods, or permit specifications/conditions. Work shall not resume until the owner, applicant, and/or authorized agent has agreed to make corrections to comply with this Code, the cause for the order, and the Health Officer rescinds the stop work order.

Section 8 – Holding Tanks, Portable Toilets, and Privies/Outhouses

- 8.1 Holding tank. The Health Officer may approve the use of a holding tank to store sewage in an emergency, as a method of last resort, for a temporary period not to exceed 90 days or as necessary to protect the public health. An approval by the Health Officer shall be authorized by permit. The Health Officer may require special construction practices to ensure that degradation of the environment or natural resources does not occur or create a public health hazard. Approved service vehicles shall be used for servicing the holding tank and vehicles providing this service shall be licensed as required by Part 117 of Act 451, P.A. of 1994.
- 8.2 Portable toilets and privies/outhouses. Temporary use of approved portable toilets not connected to plumbing or other temporary facilities may be approved by the Health Officer under conditions where sewer and plumbing on construction sites are not completed to the extent that flush-type facilities can be installed, or for transient gatherings not exceeding two weeks. No such portable facilities shall be installed within the County of Saginaw without first obtaining a permit from the Health Officer.
- 8.3 Before granting any permit the Health Officer shall determine if the use is necessary and shall require the following:
- (1) Installation of sufficient number of facilities. The standards of the Department of Labor for construction sites shall be used as guidelines in determining adequate facilities.
 - (2) Portable toilets shall be constructed and maintained so as to store all waste material in tight containers, free of leakage, which are smooth and easily cleanable, which deny access to flies, rodents and other vermin, are free of objectionable odors and meet additional sanitary requirements as may be necessary.
 - (3) Construction shall be such as will enclose a portable toilet and will furnish privacy to users and the facility shall be kept clean.

- (4) Servicing of portable toilets shall be performed as often as necessary to comply with (2) and (3) above, but at least weekly.
 - (5) Approved service vehicles shall be used for the removal of human waste excreta and vehicles providing this service shall be licensed as required by Part 117 of Act 451, P.A. of 1994.
 - (6) The Code does not prevent a homeowner from constructing and utilizing a pit privy/toilet for the disposal of domestic wastewater.
 - (A) Construction and maintenance of a privy shall be in accordance with 7.2(2) through 7.2(5) and requires a valid permit, review and approval of the construction plan, and inspection of the installation.
 - (B) A privy shall not be located in an area that is subject to ponding or seasonal flooding.
 - (C) The homeowner must have an approved method for disposal of greywater.
 - (D) The privy shall be located at least 100 feet from any water supply system and all dwellings other than the one it serves and 10 feet from any property line.
- 8.4 No privy or outhouse shall be maintained, constructed on or moved to any premise where a municipal sewer system is available for public use.

Section 9 – Sewage of Unknown Origin

- 9.1 Whenever the Health Officer shall determine that improperly treated sewage is flowing or is being discharged from the outlet of any public or private drain into any public drainage system or surface water body so as to create a public health hazard, water pollution or nuisance, he shall notify in writing the person owning, leasing or residing on such premises from which such sewage originates to connect such sewage flow to a sewage disposal system which complies with these regulations. At the end of such reasonable time as specified in the written notice, which has been served on the owner, leasee or resident, the Health Officer shall cause the outlet of such drain carrying sewage to be plugged until such time as the source(s) of sewage have been eliminated or the sewerage system complies with the provisions of this Code.

Section 10 – Emergency Action

- 10.1 Whenever the Health Officer finds that an emergency or imminent health hazard exists which requires immediate action to protect the public health from exposure to untreated or partially treated sewage, the Health Officer shall without notice or hearing, issue an order to prohibit the use of a facility, location or premise or restrict public access to a facility, location or premise until such time as the emergency or imminent health hazard has been removed, avoided or corrected. An order issued by the Health Officer shall include the emergency or imminent health hazard condition and the actions necessary to remove and correct the condition. Any person, firm, corporation, community or organization to whom such order is directed shall comply therewith immediately.
- 10.2 Upon removing or correcting the emergency or imminent health hazard by the person, firm, corporation, community or organization to whom such order is directed, the Health Officer will inspect the corrective action taken. If the corrective action has eliminated the emergency or imminent health hazard, the Health Officer will dismiss the order and allow use of and access to the facility, location or premise.

Section 11 – Injunction

- 11.1 Notwithstanding the existence and pursuit of any other remedy, the Health Officer may maintain an action in the name of the County for injunction or other process against any person, firm or corporation to restrain or prevent the construction, enlargement, or alteration of a sewage disposal system without a permit therefore, or the operation or conduct of a residence of a habitable building, structure or premise contrary to this regulation or the

discharge of waste actually or potentially unsafe or hazardous to public health, life, property values or the public welfare into public stream, county drain, road ditch or upon the ground surface, creating a health hazard or nuisance.

Section 12 – Validity

- 12.1 If any section, subsection, paragraph, sentence, clause, phrase or portion, or the Chapter, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such a portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

CHAPTER V

Maintenance of Housing and Property

Section 1 – Purpose

- 1.1 The purpose of these regulations is to establish minimum standards governing the condition and maintenance of all habitable buildings, structures and premises to ensure that properties are safe, sanitary, and fit for occupancy and use, to eliminate nuisances, and avoid, correct, or remove an imminent health hazard or cause of injury or disease to the public that may result from the continued use of or occupancy of habitable buildings, structures, and premises.

Section 2 – Administration

- 2.1 This chapter does not supercede any existing authority, ordinance, or code adopted and enforced by any municipality or governmental entity whether similar or more stringent standards, nor is it intended to prevent or interfere with the adoption and enforcement of similar or more stringent standards by any municipality or governmental entity. Any municipality or governmental entity with similar or more stringent standards with regard to housing conditions that has personnel, officers, or representatives with enforcement authority to regulate and control housing conditions shall have priority over the powers and duties of the Health Officer in the enforcement and administration of housing standards.

Section 3 – Definitions

- 3.1 Imminent danger. Imminent danger shall mean a condition, practice, or use of a premise, with or without a habitable building or structure, which could reasonably be expected to cause death, disease, or serious physical injury immediately or before correction of the condition or danger.
- 3.2 Nuisance. Nuisance means a condition that may cause injury or illness; endangers or is detrimental to human health, safety and welfare of the public; unsanitary condition; infestation from vermin or rodents; or renders the air, water, food, or water supply unwholesome; or when the odor or presence of a substance or appearance has an obnoxious or detrimental effect on the senses of persons.

Section 4 – Inspection

- 4.1 In order to safeguard the health and safety of the general public, the Health Officer shall have the authority to inspect and determine the condition of dwellings, habitable buildings and premises located in the County of Saginaw. The Health Officer may enter, examine, and survey at reasonable times all dwellings, habitable buildings and premises.

Section 5 – Minimum Standards

- 5.1 Every dwelling, habitable building, or structure used for human occupancy and or assembly, shall contain a kitchen sink, a lavatory basin, and a flush water closet in working condition, or approved privy/outhouse. Any plumbing fixture that receives or drains wastewater in a dwelling, habitable building, or structure shall be directly connected to the building sewer and shall exit the structure through a sewer pipe to a private onsite sewage disposal system or municipal sewage collection system.
- 5.2 No person shall occupy, permit occupancy, or use for its intended purpose a dwelling, habitable building, or structure unless it is fit for human occupancy or assembly and in compliance with this Code.
- 5.3 Every dwelling, habitable building, structure, or premise or any part thereof shall be kept free from accumulation of filth, rubbish, harborage of vermin/rodents, garbage, domestic animal feces, or other materials detrimental to the health or welfare of the general public or

community. The owner of every premise or property shall be responsible for complying with the provisions of this Section and the Code except that tenants shall be responsible for the cleanliness of those parts of the premise that they occupy and control.

- 5.4 Any dwelling, habitable building, or structure damaged by fire, wind, water, other natural causes, or that has been abandoned so as to become dangerous to life, safety, and the general health and welfare of the occupants or to the general public, shall be repaired, removed, demolished, restored, or rendered inaccessible.

Section 6 – Housing or Dwelling “Unfit for Human Habitation”

- 6.1 Upon determination that a dwelling, habitable building, structure, or premise is noncompliant with Section 4 or is considered to be an imminent danger, the Health Officer shall order the occupant or owner to avoid, correct, or remove the imminent danger. An order shall be issued with the Health Officer’s findings and required action necessary to avoid, correct, or remove the condition that is imminent. The order will specify what action is necessary to correct the condition and the occupant or owner shall correct the condition as ordered and within the allotted time specified by the Health Officer.
- 6.2 When a dwelling, habitable building, or structure is dangerous or detrimental to life or health because of want of repair or maintenance, defects in the drainage, plumbing, water supply or their construction, or the existence on the premises of unsanitary conditions likely to cause sickness to the occupants, tenants, general public, or an imminent danger, and was not avoided, corrected, or removed as ordered by the Health Officer, it shall be deemed unfit for human habitation.
- 6.3 Whenever it is determined by the Health Officer that a dwelling, habitable building, or structure is unfit for habitation or an imminent danger, the Health Officer may issue an order requiring all persons living in the dwelling, habitable building, or structure to vacate it. The order shall state the specific reasons upon which such determination is passed. The Health Officer may post a notice on such premises declaring that it is “UNFIT FOR HUMAN HABITATION” and it shall be unlawful for any person to move into, reside in, or offer for rent, lease or sale, a dwelling, habitable building, or structure, which has been declared by the Health Officer to be unfit for human habitation until the condition or danger that caused the declaration has been avoided, corrected, or removed. It shall be unlawful for any person to remove, deface, or destroy any posted notice declaring the premises as “UNFIT FOR HUMAN HABITATION”.
- 6.4 Upon failure of the occupant or owner to correct the condition or to vacate the premise as ordered, the Health Officer may maintain an action in the name of the County for injunction or other process against any person, firm, or corporation who failed to avoid, correct, or remove the imminent hazard or nuisance condition.

Section 7 – Abandoned Swimming Pool

- 7.1 A swimming pool located on any premise or property shall be maintained by the owner, occupant or tenant so as not to create a nuisance condition.
- 7.2 Any swimming pool not maintained in good condition, without functioning circulating equipment resulting in dormant water, that creates a safety hazard without restricted access, or is in a state of disrepair shall be considered a nuisance by the Health Officer.
- 7.3 The owner of a pool determined to be a nuisance upon investigation by the Health Officer shall be ordered to repair, restore, drain or remove the pool from the premise within a reasonable time upon written notice to the owner.
- 7.4 If the owner fails to correct the nuisance condition as ordered, the pool shall be considered abandoned and the Health Officer shall direct the abatement of the nuisance condition at the expense of the owner.

Section 8 – Validity

8.1 If any section, subsection, paragraph, sentence, clause, phrase, or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

CHAPTER VI

Public Bathing Beach

Section 1 – Purpose

- 1.1 The purpose of these regulations is to protect the public health, through limited intent, from waterborne disease transmission due to bacterial contamination. These regulations do not protect the public health from other potential hazards associated with bathing beach activities, such as chemical hazards, safety hazards, inadequate supervision, etc.

Section 2 – Definition

- 2.1 Public Bathing Beach. Public bathing beach shall mean a beach or bathing area offered to the public for recreational bathing, swimming or wading.

Section 3 – Public Bathing Beach Operation

- 3.1 A public bathing beach shall not be used for its intended purpose unless it is in compliance with the following:
 - (1) The quality of the water is monitored through a water sampling program on a frequency of at least once per week or other frequency established by the Health Officer. A minimum of three (3) sampling locations or stations shall be designated per bathing beach with each station spaced an equal distance apart. One representative sample shall be collected from each station during the water sampling event or frequency and a total of not less than three (3) samples collected for the bathing beach per sampling event. Each sample shall be collected at a depth of one foot below the water surface in at least three feet of water.
 - (2) Samples shall be analyzed by a laboratory certified by the Michigan Department of Environmental Quality. The results of each sampling event shall be available for review to the Health Officer.
 - (3) The water quality meets the standards for recreational use as defined in Part 31 of Act 451 of the Public Acts of 1994.
 - (4) Information is conspicuously posted that informs the users that the water quality is monitored and provides the location of the sample test results. The sample results shall be posted at a designated area for public review.
 - (5) A telephone or other suitable means of communicating emergencies is available.
 - (6) The water supply is adequate and safe. The disposal of sewage is approved, meets the requirements as set forth in this regulation or applicable state criteria. The operation and maintenance is adequate and does not create a public health danger
 - (7) Refuse receptacles are adequate. Refuse shall be removed and disposed properly each day or as often as needed to prevent the emergence of insect larvae and discourage birds and vermin.
- 3.2 The Health Officer shall complete a sanitary survey each year. The survey shall follow established guidelines for the evaluation of a bathing beach.
- 3.3 The Health Officer shall review the water sample analysis reports to determine if the water quality meets the requirements as specified in this Code. If, during the sampling program, the water quality is determined to not meet the water quality standards as specified in this Code, the owner/operator shall prohibit use of the bathing beach by the public. The Health Officer may order the bathing beach closed or impose other measures to protect the health or safety of the public from unsafe or unacceptable water quality conditions. The owner/operator shall conspicuously post any closure of the bathing beach. The bathing beach closure shall be rescinded once the water quality standards are met.

Section 4 – Minimum Requirements

4.1 As a minimum, each beach must provide:

- (1) Adequately marked bathing, swimming and wading areas, including depth markers.
- (2) Qualified lifeguards available at all times of operation or signage conspicuously located, which indicates, “No Lifeguard – Swim at Own Risk”. A qualified lifeguard must be a capable swimmer, competent in lifeguarding techniques, and have successfully completed a recognized course in cardiopulmonary resuscitation as well as a nationally recognized lifeguarding course.
- (3) A sand or pea gravel bottom or equivalent that will not create turbidity.
- (4) A bathhouse and toilet facilities in accordance with the Michigan Plumbing Code.
- (5) An acceptable long spine board with a minimum of three (3) ties, runners, and a head immobilizer, ring buoy, or a floatation device attached to line suitable in length to reach across the width of the designated bathing area. Line shall be compatible with marine use and resistant to deterioration from exposure to water or ultraviolet rays.
- (6) Water free of turbidity, excessive weed growth, oil, grease, or any other nuisance to the public.
- (7) Beach areas free of oil, grease, or any other substance capable of creating a health or safety hazard or a nuisance to the public.
- (8) A bather/swimmer capacity limit in accordance with accepted standards. Signage shall be conspicuously posted with the maximum bather/swimmer limit.

Section 5 – Validity

5.1 If any section, subsection, paragraph, sentence, clause, phrase, or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

These regulations approved on the 29th day of May, 1974 by the Saginaw County Board of Health.

Approved December 4, 1974 by the Saginaw County Board of Commissioners.

Approved as amended by the Saginaw County Board of Health, March 1, 1976.

Approved as amended by the Saginaw County Board of Commissioners, August 24, 1976.

Approved as amended by the Saginaw County Board of Commissioners, May 13, 1980.

Approved as amended by the Saginaw County Board of Commissioners, December 26, 1990.

Approved as amended by the Saginaw County Board of Commissioners, June 22, 2004.