

SEPTIC TANK WASTE DISPOSAL RULES AND REGULATIONS
ADOPTED BY BOARD OF HEALTH AND APPROVED BY MUSKEGON COUNTY
BOARD OF COMMISSIONERS
Effective July 17, 1978

The Muskegon County Board of Health hereby adopts the following rules and regulations governing the disposition of all wastes removed from septic tanks, seepage pits or cesspools situated in Muskegon County:

1. Definitions. All terms used in these rules and regulations shall have the same meaning as such terms are defined in Act 243 of the Michigan Public Acts of 1951, as amended.¹
2. License Required. No person shall engage in or carry on the business of servicing or maintaining septic tanks, seepage pits or cesspools within this county or act as a solicitor for such business unless licensed pursuant to the above cited state act.
3. Disposal of Wastes. All licensees shall dispose of all wastes removed from any septic tank, sewage pit or cesspool located within the County of Muskegon into an available municipal sewage treatment plant within Muskegon County, Michigan.
4. Designation of Available Sites. The Muskegon County Board of Health shall designate the plants made available within Muskegon County for the disposal of such waste and notify each licensee of such plants. It does hereby designate the Muskegon County Wastewater Management System No. 1 as an available plant and disposal shall be made at such points of access for such System designated by the Muskegon County Board of Public Works. Disposal may also be made at any other municipal treatment plants located within Muskegon County which is made available for such disposal.
5. Declaration of Purpose. The Board of Health does hereby declare that the disposal of such wastes into municipal treatment plants located within Muskegon County is necessary in order to enforce these regulations for the protection of the public health.
6. Civil Penalties. Any person who is found to have violated this regulation promulgated by the board and who shall not have taken corrective measures as are required by the Board within the time fixed by it, either originally or as extended, shall be liable for a penalty not to exceed the sum of \$100.00 and as additional penalty of not to exceed \$100.00 for each day during which the

¹ Act 243 Replaced by Act 381, P.A. 2004

violation continues, commencing on the first day after the expiration of the time fixed in the order of the Board for taking corrective measures. The penalties shall be levied by the Circuit Court of Muskegon County. In addition thereto, the person may be enjoined from continuing the violation. Provided, however, that the procedural requirements shall have first been complied with. The penalty provided in this section shall be recoverable in an action brought in the Circuit Court by the Prosecuting Attorney or Attorney General, any political subdivision on the State, any instrumentality of agency of the State or of a political subdivision thereof, any person, partnership, corporation, association, organization or other legal entity authorized to maintain actions pursuant to provisions of the Thomas J. Anderson, Gordon Rockwell Environmental Protection Act of 1970, 1970 PA 127, MCLA 691, 1204 et seq. MSA 14.528 (210) et seq. and subject to the limitations contained therein.²

An action or cause of action brought by such persons or organizations as described above for the recovery of penalty provided for under this article may be settled or compromised by such persons or organizations after proceedings are brought to recover such penalties prior to the entry of judgment therefore.

7. Criminal Penalties. Any person violating any of the provisions of this regulation shall be guilty of a misdemeanor and shall upon conviction be subject to a fine not to exceed one hundred dollars, or imprisonment in the county jail for a period not to exceed ninety days, or both such fine and imprisonment in the discretion of the court, and every day such violation continues shall be deemed a separate offense.

Penalties for violations, when enforced by the Health Director in accordance with Section 327.3 of compiled laws of 1948 of the State of Michigan, as amended, shall remain a misdemeanor and on conviction thereof shall be punished by a fine of 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.³

8. Effective Date. This regulation shall become effective forty-five days after its approval by the Muskegon County Board of Commissioners and publication thereof within 30 days of such approval in the Muskegon Chronicle, a newspaper of general circulation within Muskegon County.⁴

² Anderson/Rockwell Environmental Protection Act of 1970 replaced by Act 451 of 1994, The Natural Resources and Environmental Protection Act of Michigan.

³ Section 327.3 of compiled laws of 1948 of the State of Michigan replaced by the Michigan Public Health Code, Act 368 P.A. 1978

⁴ Effective date July 17, 1978