

# **SANITARY REGULATIONS**

## **MUSKEGON COUNTY**

Enforcing Agency:  
Muskegon County Health Department Environmental Health Division  
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# MUSKEGON COUNTY SANITATION REGULATIONS

## CHAPTER I PURPOSE, ADMINISTRATION. AND GENERAL DEFINITIONS

### Section A Purpose

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

### Section B Authority, Jurisdiction, and Administration

Authority - By virtue of the power vested in the Board of Health of Muskegon County under the authority of Act 368 of the Public Acts of 1978, as amended, there are hereby provided regulations affecting the public health, safety, and welfare relating to sewage disposal and garbage disposal within the County of Muskegon, State of Michigan, and to provide penalties for the violations of such regulations.

Jurisdiction- The Muskegon County Health Department shall have jurisdiction throughout Muskegon County, including all cities, villages and townships, in the administration and enforcement of the regulations, including all amendments hereafter adopted unless otherwise specifically stated.

Nothing herein contained shall be construed to restrict or abrogate the authority of any municipality in Muskegon County to adopt more restrictive ordinances, or to enforce existing ordinances relating to these regulations, 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 a written statement from the Muskegon County Health Department indicating compliance with the requirements of these regulations.

Enforcement - All premises affected by the requirements of these regulations shall be subject to inspection by the health officer, and the health officer may collect such samples for laboratory examination as he deems necessary for the enforcement of these regulations.

Right of Entry and Inspection- No persons shall refuse to permit the health officer to inspect any promises nor shall any person molest or resist the health officer in the discharge of his duty, and the protection of the public health. In the event entry is refused, the department shall be authorized to procure a search warrant pursuant to Sections 2241 through 2246 of the State Health Code.

Fees - All fees collected by the Health Officer shall be receipted for and be deposited with the Treasurer of Muskegon County to the credit of the Muskegon County Health Department.

Penalty - Criminal - Any person who shall fail to comply with any provision herein shall be deemed guilty of a misdemeanor and, on conviction hereof, shall be punished by a fine of not more than One Hundred (\$100.00) Dollars or by imprisonment in the County Jail of not more than ninety (90) days or both such fine and imprisonment in the discretion of the Court. Each twenty-four hours that said owner shall knowingly permit said violation of these regulations shall be deemed an additional offense.

Interference with Notices - No person shall remove, mutilate, or conceal any notice or placard posted by the health officer except by permission of the Health Officer.

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 thereby.

Other Laws and Regulations - These regulations are 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 which shall supersede all local ordinances heretofore enacted inconsistent therewith and these regulations.

Notification - Notification of the adoption of all regulations promulgated by the Board of Health, under authority of Act 368 of the PA of 1978, as amended, and approved by the Board of Commissioners of Muskegon County shall be published in a newspaper circulated in the County within 30 days after such action, indicating where copies of such regulations can be obtained.

Effective Date - These regulations or amendments thereto shall become effective on the 30th day after the date of publication.

## **Section C    General Definitions**

### Words and Terms

When consistent with the context, words used in the present tense include the future, words used in the singular number include the plural and words in the plural include the singular number. The word 'shall' is always mandatory and not merely directional. Words and terms not defined herein shall be interpreted in the manner of their common usage.

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

“Board of Health” shall mean the Board of Health of Muskegon County comprised of its Health Committee.

“Health Department” shall mean the Muskegon County Health Department

“Health Officer” shall mean the Director or the Acting Director of the Muskegon County Health Department and/or his authorized representative

“Municipality” shall mean any incorporated city, village or township within the County of Muskegon.

“Habitable Building” shall mean any structure where persons reside, are employed, or congregate.

“Premise” shall mean any tract of land containing a habitable building.

“Person” shall mean an individual, or a firm, partnership, company, corporation, trustee, association, or any public or private entity.

“Dwelling” shall mean any house, building, structure, tent, shelter, trailer, or vehicle, or portion hereof, which is occupied in whole or in part as a home residence, living or sleeping place of one or more human beings, either permanently or transiently.

## **CHAPTER II** **SEWAGE DISPOSAL**

Scope: These regulations relate to sewage disposal systems and apply to all lots and premises used for residential purposes.

### **Section A General Definitions**

#### **Words and Terms**

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

“Sewage” shall mean the liquid wastes from all habitable buildings, and shall include human excreta and wastes from sink, lavatory, bathtub, shower, laundry, and any other water-carried wastes of organic or inorganic nature excluding roof, footing and storm drainage, either singly or in any combination thereof. Clear water waste from water-cooled machinery and brine wastes from water softeners shall also be excluded.

“Block trench absorption system” shall mean an underground enclosure connected to the outlet of a septic tank constructed of concrete block, brick, or precast concrete units laid within open joists so as to allow the septic tank effluent or overflow to be absorbed directly into the surrounding soil. Covers shall be reinforced and easily removable or provided with portholes for cleaning and inspection purposes.

“Sewers hall mean a conduit pipe for carry off sewage.

“Absorption field” shall mean a system for distributing septic tank overflow or effluent below the ground surface by means of a series of branch lines of drain tile laid with open joints or other approved pipe so as to allow the overflow or effluent to be absorbed by the surrounding soil.

“Sewage disposal system” shall mean the method of disposing of sewage by means of a sewer line connected to a septic tank and one or more of the following: block trench, seepage bed, tile field or any other similar device or devices approved by the Health Officer.

“Septic tank” shall mean a watertight tank or receptacle of sufficient size used for the purpose of receiving wastes from flush toilets, sinks, lavatories, bathtubs, showers, laundry drains, basement floor drains, or other similar waste lines, and intended to provide for the separation of substantial portions of the suspended solids in such wastes and for the partial destruction by bacterial action of the solids so separated.

“Flush toilet” shall mean a type of closet or plumbing receptacle containing a portion of water which receives human excreta and so designed as by means of a flush of water to discharge the contents of the receptacle to an outlet connection.

“Other toilet devices” shall mean privies, septic toilets, composting toilets, chemical toilets, and other such devices used for the disposal of human excreta.

“Dosing tank” is a watertight tank or receptacle used for the purpose of retaining the overflow or effluent from a septic tank, pending its automatic discharge to a selected point.

“Automatic siphon” is a mechanical device which will automatically cause a liquid entering a receptacle to be retained until a predetermined high-water level has been attained after which it is automatically released from the receptacle until a second predetermined level has been reached, at which time the flow from such receptacle ceases until the high-water level has again been attained.

“Mean seasonal high water” shall mean the average of the seasonal high groundwater levels over a period of the ten years last past.

“Percolation test” is measuring the rate by which water drops in a presaturated test hole. The rate expresses the soil’s ability to transmit water in all directions simultaneously and is usually expressed in inches per hour.

“Public sanitary sewer system” means a sanitary sewer or a combined sanitary and storm sewer used or intended for use by the public for the collection and transportation of sanitary sewage for treatment or disposal and owned or operated by a governmental agency or a private corporation, association, partnership or individual.

“Permit shall mean a document issued by the Muskegon County Health Department authorizing the construction and operation of a sewage disposal system for an individual structure or group of structures according to plans and specifications as approved by the Health Department.

“Fill sand” shall mean clean sand free of clay, silt, black dirt, and vegetation.

“Structure in which sanitary sewage originates” means a building in which toilet, kitchen, laundry, bathing or other facilities which generate water-carried sanitary sewage, are used or are available for use for household, commercial, industrial or other purposes.

“Available sanitary sewer” shall mean a public sanitary sewer system located in a right-of-way, easement, highway, street or public way which crosses, adjoins or abuts upon the property and passing not more than 200 feet at the nearest point from a structure in which sanitary sewage originates.

“Health Officer” means the Public Health Officer of Muskegon County Health Department or any other employee of the Department designated or authorized by the Public Health Officer to perform services or functions pursuant to the provisions of these regulations.

## **Section B Approved Type Sewage Disposal System on All Premises**

### Disposal Facilities Required Prior to Occupancy

It shall be unlawful for any person to occupy, or permit to be occupied, any premise which is not equipped with adequate facilities for the disposal in premise which is not equipped with adequate facilities for the disposal in a sanitary manner of human excreta and sewage. Such facilities shall be constructed in accordance with the provisions of these regulations. All privies and other toilet devices shall be constructed and maintained in accordance with the regulations adopted by the State Council of Health, June 6, 1940, as last revised on July 20, 1946, entitled "A Regulation Pertaining to the Construction and Maintenance of Outhouses and to Safeguard the Public Health by Preventing the Spread of Disease and the Existence of Sources of Contamination" in accordance with Act No. 273, Public Acts of 1939.

### No Liquid Wastes to Ground Surfaces

Under no condition may the sewage from any existing or hereafter constructed premise, facility, travel trailer, camper, motor travel home or any waterborne craft be deposited upon the surface of the ground, into roadside ditches, water courses, ponds, lakes, or streams or into any closed drain other than a sanitary sewer.

## **Section C Privies Prohibited Where a Municipal Sewerage System is Provided**

No privy shall hereafter be constructed on, or moved to, any premise where the service of a publicly operated sewerage system is available, or if not available at the time of construction, then within 18 months after the same becomes available. Such systems shall be deemed available whenever a public sewer is located in a right-of-way, easement, street, highway or public right-of-way which crosses, adjoins or abuts upon the property and passes not more than 200 feet from a structure in which sanitary sewage originates, provided that the owner and operator of said public sewer will permit such connection. All privies on premises connected to the publicly operated sewerage system shall be abandoned in such a manner as to prevent any nuisance or menace to public health.

## **Section D Connection Required to a Municipal Sewerage System**

All flush toilets, lavatories, bathtubs, showers, and laundry drains hereafter constructed on a premise shall be connected with a publicly operated sewerage system when such system is available. Such systems shall be deemed available whenever a public sewer is located in a right-of-way, easement, street, highway or public right-of-way which crosses, adjoins or abuts upon the property and passes not more than 200 feet at the nearest point from a structure in which sanitary sewage originates, provided that the owner and operator of said public sewer will permit such connection. In the absence of an available public sewerage system, connection shall be made to a sewage disposal system constructed in accordance with the provisions of these regulations. Footing drainage, roof water, and any other waste water not defined as sewage shall not be connected to or discharged into the septic tank system, the absorption field, or into a publicly operated sewage system. When any existing sewage disposal facility, serving any premise where a publicly operated sewerage system is available as above set forth, is found in violation or any provision of these regulations, or of any other applicable health law, ordinance, or regulation, the owner shall correct the violation by proper connection to said publicly operated sewerage system. Such connection shall be made within a time limitation, as specified herein. The Health Officer shall send a written notice to the property owner pursuant to the State Health code.

Within a period of 18 months after a public sanitary sewerage system becomes available as above set forth, all premises shall connect to the public sanitary sewer system.

## **Section E Separate Systems**

Unless specifically approved by the Health Officer, each on-site disposal system shall serve only one and two-family dwellings.

## **Section F Public or Private Drain**

Whenever the Health Officer shall determine that improperly treated sewage is flowing or emanating from the outlet of any public or private drain, he shall notify in writing persons owning, leasing, or residing in such premises from which such sewage originates, to connect such sewage flow to publicly operated sewage systems, if available, or in the absence thereof, to comply with the provisions of this Ordinance.

The notice to the owner, lessees, or residents of such properties shall inform said persons of such unlawful discharge of improperly treated sewage into such drain and shall specify the maximum period of time within which such unlawful discharge shall be terminated, which shall not be less than 30 days, except where there is an immediate hazard to public health, safety and welfare by the continued improper drainage.

If, after the expiration of the minimum period of time specified in the notice, such

unlawful discharge continues, the Health Officer may plug or cause to be plugged, the outlet or outlets to the drain through which the sewage is being conveyed. In instances where the sewage disposal system of the premises is incapable of satisfactory operation without such discharge of improperly treated sewage to the public drain, or, where the Health Officer is unable to plug the flow of sewage, the Health Officer shall institute all necessary and proper legal remedies to abate the nuisance and threat to public health, safety and welfare, which shall include restraining orders, temporary and permanent injunctions and summary proceedings to vacate the premises until such time as the sources of pollution have been eliminated.

### **Section G Type and Location of Private Sewer Lines**

Any buried sewer or pipe used to conduct untreated sewage from a dwelling or habitable building shall be constructed of service weight or heavier cast iron soil pipe with leaded and caulked joints tested for water tightness, or PVC Schedule 40 pipe or other acceptable material approved by the Health Officer. No buried sewer line shall be located less than ten (10) feet from a water suction line, well casing, spring structure, or other drinking water source. Where such pipes or sewers are located inside or beneath a habitable building, or within five (5) feet outside the inner face of such building, they shall be constructed of such materials as specified in this section.

### **Section H Condemnation of Existing Installations**

The Health Officer may condemn any existing sewage disposal system where the effluent therefrom is exposed to the surface of the ground or permitted to drain onto the surface of the ground or into any lake, river, storm sewer, or stream, or where the seepage of effluent therefrom may endanger a public or private water supply or where a public nuisance is created by any such system improperly constructed or maintained. An individual sewage disposal system so condemned shall be repaired, rebuilt, or replaced by a system constructed according to the provisions of these regulations within a period of time specified by the Health Officer. This becomes the responsibility of the owner of record for such repairs so ordered.

### **Section I Permit for Sewage Disposal System**

From and after the effective date of these regulations, it shall be unlawful for any person to construct, repair, or extend any sewage disposal system within Muskegon County unless he has a permit issued by the Health Officer. Failure to construct according to specifications herein shall be deemed a violation of these regulations for which the installer of the system may be held liable.

## **Section J Application and fees for a Sewage Disposal Permit**

### Permit Required

A permit to construct a sewage disposal system shall be in writing and shall be signed by the applicant.

### Information Required on Application

The person making application for a permit (hereinafter called the applicant) shall, on forms to be provided by the Health Officer of the Muskegon County Health Department, provide the following information:

Legal description and/or address of property where sewage disposal system is to be installed.

- a. The name and address of the owner and applicant.
- b. Date.
- c. Proposed use of the lot if other than for a single family residence shall be indicated.
- d. The water table level on the date of the application and the elevation of the mean seasonal high groundwater table where the same is within six (6) feet of the finished ground surface.
- e. The Health Officer may require soil percolation rates in minutes per inch as determined by the standard percolation test procedures as outlined in the Manual of Septic Tank Practice, U.S. Public Health Service.

### Fee to Accompany Application

A fee shall be charged for each permit issued for the installation of a sewage disposal system as defined herein. This fee shall be payable at the time of filing the application for permit by the owner to the Muskegon County Health Department to be deposited with the Muskegon County Treasurer. Such fee shall be established by the Muskegon County Board of Health.

### Variances

These regulations provide minimum standards to be used in the design and construction of all subsurface sewage disposal systems. However, special circumstances, limitations, dimensions, or features may exist creating a physical impossibility for compliance. Such circumstances or limitations may justify a variance from a portion of these regulations. Such variances may be granted in writing by the Muskegon County Health Officer if the variance will not create the potential for a public health hazard or nuisance condition, and if the variance will provide suitable treatment of the sewage.

### Validity

A sewage disposal permit shall remain valid for a period of two years from date of issuance unless an extension is requested from, and approved by, the Health Officer.

A sewage disposal permit shall not be transferable as to permit holder or property location.

## **Section K Criteria for Building Site Acceptance**

### **Drainage and Soil Conditions**

No permit shall be issued where percolation tests indicate the stabilized percolation rate exceeds 45 minutes per inch.\* All percolation tests shall be conducted at the proposed depth of the absorption field. A permit shall not be issued when the building site is subject to ponding or flooding in the areas proposed for the absorption field or where flooding of the area has occurred more than once within the preceding ten (10) years or if the proposed sewage disposal system cannot be built to comply with construction requirements set forth in these regulations. Percolation tests shall be made in the general area to be used for subsurface disposal systems. Health Department personnel shall not be required to run percolation tests. The person making the percolation tests shall furnish a certified statement as to the results of such tests. The person making the test shall be a licensed professional engineer or registered sanitarian in the State of Michigan. If fill sand is used to comply with these regulations, it must be of an approved type.

Grading of seepage field areas shall be so designed and executed with respect to elevation and slope that surface drainage is off the area and away from all nearby wells.

\*Soils with a percolation rate of more than 45 min/inch are unsuitable for subsurface absorption and site modification approved by the Health Officer must be pursued.

### **Protection of Sewage Disposal Systems**

After a seepage system has been approved, the area shall not be disturbed in any way unless alterations are specified in the permit. To prevent compaction, the seepage field area shall be protected against all vehicular traffic. Paving should not occur over a seepage system. No permanent structure shall be built over any portion of a sewage disposal system.

### **Sewage Disposal Systems in Close Proximity with Lakes, Lagoons, Rivers, or Similar Bodies of Water**

No permit shall be issued within 400 feet of a lake, lagoon, river, or similar body of water where the seasonal mean high water table is less than 48 inches below the bottom of the drainage system, unless site modifications as set forth in Section M of these regulations are approved by the Health Officer.

## Health Officer May Reject Application

The Health Officer shall have the right to reject an application under the following conditions:

- Where publicly operated sewage system is available.
- Where the septic tank would be inaccessible for cleaning or inspection purposes.
- Where the property served is too small for proper isolation from existing water wells, the premise water well, surface waters, or has insufficient drainage area.
- Where percolation rate exceeds 45 min/inch and site modification plans have not been approved by the Health Officer.

## Appeal Board

Any applicant who has been denied a permit to install a sewage disposal system may request a hearing from the Appeal Board. The appeal Board shall consist of the Muskegon County Board of Health and the township supervisor in whose township the permit was denied. A request for a hearing shall be submitted in writing to the Muskegon County Health Department not later than 30 days after the date of the permit denial.

## **Section L Existing Septic Tanks**

When repairs are made to an existing sewage disposal facility, existing septic tanks which are part of such facility, and which do not meet the standards contained in these regulations, may remain in service without modification. This provision shall apply only if the Health Officer determines that such existing septic tanks 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.

## **Section M Elevated Seepage Beds and Perimeter Fill Sand**

Site modifications such as cutting, grading, or filling, may be permitted in some cases for the purpose of overcoming soil permeability or high groundwater limitations of natural soils. When elevated seepage beds are used, the perimeter fill sand must extend from the final finished grade and extend in all directions from the seepage bed in a 4:1 slope.

## **Section N Specific Requirements for a Sewage Disposal System**

### Construction and Location

Any or all of the following requirements which are applicable shall be compiled within the location and construction of a sewage disposal system:

#### Inspection of Construction

An authorized representative of the Health Officer shall inspect and

approve the completed facility before backfilling may be started.

1. Size of Septic Tank  
To serve the plumbing fixtures and appliances commonly used in a single-family residence:

<u>Number of Bedrooms</u>	<u>Minimum Liquid Capacity</u>
1 or 2	800 gal.
3 or 4	1,000 gal.
5 or more	1,250 gal.

**Note:** Each additional bedroom requires 250 gallons of additional septic tank capacity. The above septic tank capacities are to be used only with a single-family residence. Larger septic tanks may be required for public and semi-public facilities. Consult the Muskegon County Health Department regarding the capacity of such septic tanks. Two septic tanks will also be required if an ejector pump is used to pump all of the raw sewage from a lower elevation to a higher elevation.

**Note:** In tight soils of loam or clay, or a combination of sandy loam or sandy clay, or where a garbage disposal unit will be used, two septic tanks in series shall be required.

3. Specifications for Septic Tank Construction
  - a
    1. A rectangular tank should be 2½ times longer than its width. A minimum of 4 horizontal feet shall be provided between inlet and outlet.
    2. Install a 4-inch concrete floor throughout which supports side walls.
    3. All concrete block walls must be constructed with the use of mortar.
    4. Inside walls must be sealed with brushed mortar or a block sealing tar compound or equivalent.
    5. The sections of a precast concrete tank shall be sealed with a watertight compound at time of installation.
    6. All septic tanks must be equipped with an outlet device consisting of a sanitary tee or vented ell or a precast baffle.
    7. Inlets and outlets to be properly sealed 360 degrees around pipe.
    8. The outlet device must extend downward to approximately 40% of the liquid depth.
    9. The tank shall be provided with a minimum liquid depth of 30 inches; 48 inches is preferred.
    10. An air space equivalent to 12-15% of the liquid depth shall be provided.
    11. Provide reinforced prefabricated covers or reinforced concrete

slabs.

12. Two manholes are strongly recommended in the top of a septic tank. As a minimum, one shall be provided at one end of a septic tank and an inspection opening installed at the opposite end. The manhole shall have a dimension of at least 18 inches.
  13. The vertical distance between the bottom of the inlet pipe shall be at least two (2) inches higher than the bottom of the outlet pipe.
  14. When the top of a tank is more than 20 inches below finished grade, manhole risers must extend to grade, or approximately 8 inches below finished grade.
- b Abandoned septic tanks shall be emptied of their contents and filled with earth or rock.
  - c Any tank used as a pump chamber and installed within the groundwater or below the mean seasonal high groundwater elevation shall have all seams double-sealed so as to provide a leak-proof receptacle
  - d When sewage must be pumped from a lower elevation to a higher elevation, the pump unit must be of a design to meet the purpose for which it is used.

4. Isolation Distances - Minimum safe distances in feet

From	Cast Iron Soil Pipe*	Other	Septic Tank	Absorption Field
Well	10	50	50	50
Property	2	5	10	5
Basement Wall	(1)	(1)	10	10
Water Lines	10	10	10	10
Bank or Drop-off	5	10	10	15
Lake or Stream	10	25	75	75

\*Pipe materials and type of joints as set forth in Michigan Department of Public Health Policy Letter No. 36-3, issued July 19, 1966, and Michigan Department of Licensing and Regulation, Plumbing Board Letter No. 68-1, September 20, 1968, can be substituted for cast iron soil pipe and leaded joints.

5. Absorption Area for Disposal Field, Seepage Bed, or Block Trench Based on Percolation Rate - Minimum required trench bottom area per bedroom.

Stabilized Percolation Rate (Average time in minutes for water to fall one inch)	Single Family Residence Number of Bedrooms			
	1	2	3-4	Each Additional
<b>Subsurface Absorption Bed - Minimum Absorption Area Requirements (square feet)</b>				
0-5	300	400	540	100
6-10	350	450	600	150
11-15	400	540	650	200
16-30	540	650	750	250
31-45	650	750	1000	300
over 45*				
<b>Subsurface Absorption Trenches - Minimum Absorption Area Requirement (square ft.)</b>				
0-5	300	350	400	75
6-10	325	375	450	90
11-15	375	450	550	100
16-30	450	550	700	150
31-45*	550	650	900	200
<b>Block Trenches or Precast Units - Length of Trench (feet)</b>				
0-5	45	45	45	15
6-10	50	55	60	15
11-15	60	75	90	15
over 15	Not suitable			

\*Soils with a percolation rate of more than 45 minutes/inch are unsuitable for subsurface absorption, and site modification approved by the Health Officer must be pursued.

6. Construction Details of Tile fields or Seepage Beds

<u>Items</u>	<u>Unit</u>	<u>Maximum</u>	<u>Minimum</u>
Number of lateral trenches	–	–	2
Length of trenches	feet	100	–
Width of trenches	inches	36	18
Separation between trench side walls	feet	–	3
Depth of tile lines (top) below finish grade	inches	26	8
Distance between distribution lines in seepage beds	feet	3	3
Slope of tile lines	in./100 ft	4	level preferred
Depth of stone			
Under tile	inches	–	6
Over tile	inches	–	2
Size of stone	inches	1-1½	¾
Depth of backfill over stone	inches	24	6
Depth to mean seasonal high groundwater below stone	inches	–	30
Depth to mean seasonal high groundwater below stone within 400 feet of surface bodies of water	inches	–	48
Amount of gap between tile in disposal trenches	inches	½	¼

Tarpaper strips 5" X 8" shall be placed over the gap between sections of tile and so placed as to cover the top half of tile.

Other methods of protecting the gap between tile can be approved.

Straw or equivalent shall be placed between the stone and the backfill material.

7. Construction Details of a Block Trench Absorption System

Outside dimensions:      Length:      33 blocks (standard concrete blocks)  
    Width: 2 ½ blocks (standard concrete blocks)

	<u>Maximum</u>	<u>Minimum</u>
Depth of stone	*	16 inches
Width of stone	–	8 inches
Size of stone	3 inches	6A
Slope of block trench	1 inch/10 feet	level preferred
Depth to mean seasonal high groundwater below trench bottom	–	30 inches
Depth to mean seasonal high groundwater below trench within 400 feet of surface bodies of water	–	48 inches

Straw or equivalent shall be placed between stone and backfill material.

Tarpaper or equivalent may be used to cover gaps between covers.

Bottom of inlet pipe into block trench shall be a minimum of 16 inches above bottom of trench.

Connections between block trenches shall be made using elbows or tees and shall be made near the downstream end of the failed trench.

\*Stone must cover all side openings.

**CHAPTER III**  
**REGULATIONS GOVERNING WATER SUPPLIES**

**Section 1.0 Purpose**

The purpose of this Ordinance is to establish an enforcement mechanism for the control and regulation of water supplied to the consumer and residents of Muskegon County.

The purpose of this Ordinance is to provide a means for safe-guarding the environment in order to protect the health and welfare of the consumer and all residents of Muskegon County through the regulation of water supply facilities.

**Section 2.0 Authority**

This Ordinance is adopted pursuant to the authority vested in the County, by and through its board of commissioners, under Section 46.11 of the Michigan Compiled Laws and pursuant to authority vested in said Board, and its Department of Health, through Sections 333.2435 and 2441 of the Michigan Compiled Laws, being Sections 2435 and 2441 of Act 368 of the Public Acts of 1978, State of Michigan, as amended.

**Section 3.0 Scope**

This Ordinance shall apply to all suppliers or suppliers of water, all water supply facilities either existent or which may be hereafter constructed except for Type I public water supplies, as defined by Michigan's Safe Drinking Water Act, Act 399 of the Public Acts of 1976, and Administrative Rules, promulgated thereunder, as amended.

This Ordinance shall furthermore apply to all persons constructing a well or installing a pump as defined under Part 127 of Act 368 of the Public Acts of 1978, and Administrative rules, promulgated thereunder, as amended.

**Section 4.0 Definitions**

**Section 4.1 - General Incorporation by Reference**

Except as may be otherwise specifically defined hereunder, the terms used in this Ordinance shall convey the definitions as set forth under Part 127 of Public Act 368 of 1978, as amended, and Administrative Rules of the Department of Public Health, as promulgated thereunder, as amended, and under Act 399 of the Public Acts of 1976, and Administrative rules promulgated thereunder, as amended.

## **Section 4.2 “Water Supply”**

For purposes of this Ordinance, “water supply” shall mean a system of pipes and structures through which water is obtained, including, but not limited to, the source of the water, such as wells, surface water intakes, or hauled water storage tanks, and pumping and treatment equipment, storage tanks, pipes and appurtenances, or a combination thereof, used or intended to furnish water for domestic or consumer use.

## **Section 5.0 Incorporation of Other Regulations**

The following State of Michigan Codes and regulations are hereby incorporated by reference into this Ordinance:

- The “Safe Drinking Water Act”, Act 399 of the Public Acts of 1976, being Sections 325.1001 through 325.1023 of the Michigan compiled Laws, and the Administrative Rules promulgated pursuant to that Act, as amended.
- Part 127 of Act 368 of the Public Acts of 1978, of Michigan’s Public Health Code, being Section 333.12701 through 333.12722 of the Michigan Compiled Laws, and the Administrative Rules promulgated pursuant to that Act, as amended.

## **Section 6.0 Water Supply Requirements**

It shall be unlawful for any person to occupy, or permit to be occupied, any building which is not provided with a safe and adequate water supply.

It shall furthermore be unlawful for any person to supply water in violation of any provision of the laws and regulations set forth in Section 5.0 of this Ordinance.

## **Section 7.0 Water Supply Construction Permit**

### **Section 7.1 - Requirement of a Permit**

No person shall begin construction of a new water supply, or make significant change to an existing water supply, without first obtaining a water supply construction permit from the Muskegon County Health Department. Significant change to existing water supply would include, by way of illustration, but not by way of limitation, replacing the well casing, removing a well casing from the ground, changing aquifers or sources of water, changing screen elevation, deepening or plugging back a bedrock well, changing the pump type, installing a liner pipe, or significantly increasing the capacity of the water supply.

A water supply which has not been in use for more than one year shall not be put back into operation unless it can be shown to be in substantial compliance with this Code.

Provided, however, this Section shall not apply either to a water supply excluded under Section 12703 or Part 127 of Act 368, the same being MCL 333.12703, or to a water supply that is to be used to provide water for plants, livestock, or other agricultural processes, and will not be used to supply water to habitable structures or for human consumption provided that the well and water supply are not physically connected to any habitable structure.

## **Section 7.2 - Permit Procedure**

### **Section 7.2.1 - Application for Permit**

An application for a Water supply Construction Permit shall be made on forms provided by the Health Department. A completed application shall include all information as may be deemed necessary by the Health Department, including at a minimum:

- Signature of the property owner or their authorized representative;
- Information regarding proposed location of water supply facility, relationship of same to buildings, property lines, know, suspected or potential sources of contamination;
- Information regarding property restrictions or limitations.

### **Section 7.2.2 - Issuance or Denial of Permit**

The Health Officer shall issue a Water supply Construction Permit when the information provided indicates that the requirements of this code and/or applicable State statutes have been or will be met, and that the quality of the groundwater will not be degraded. The Health Officer may propose limitations or conditions which the Health Officer deems necessary to protect the public health, or groundwater supply.

The Health Officer may deny an application for a Water supply Construction Permit when incomplete or false information has been supplied by the applicant, or when the Health Officer determines that the requirements of the Ordinance and/or applicable State statutes have not or cannot be met. The denial shall be forwarded to the applicant in writing or in person.

The Health Officer shall deny issuing a Water Supply Construction Permit for well installation in areas defined by the Michigan Department of Environmental Quality (MDEQ) as "Facilities" under Part 201, sites of environmental contamination and/or Part 213, Leaking Underground Storage Tank (LUST) facilities. No well permit variance shall be given without written approval from MDEQ.

### **Section 7.3 Effect of Issuing Construction Permit**

The issuance of a Construction Permit shall serve as authorization to the permittee to construct the proposed water supply in accordance with the application and any conditions or limitations imposed in the Permit. Such authorization shall not, however, relieve permittee of any obligation or limitation that may otherwise be imposed under any other applicable law, nor shall issuance of a construction Permit be deemed in any way to authorize permittee to use the water supply except for testing purposes.

### **Section 8.0 Approval to use Water Supply**

#### **Section 8.1 Unlawful Use of Water Supply**

No person shall use, or permit use, of a water supply subject to the permit requirements of this Ordinance except for testing purposes, unless and until the construction and installation of same has been approved by the Health Officer.

#### **Section 8.2 Issuance of Use Permit**

The Health Officer shall, upon determination that the water supply has been constructed and installed in accordance with Construction Permit requirements, conditions and limitations, issue a Use Permit. Such Use Permit may be issued conditionally pending receipt by Health Officer of a completed "Water Well and Pump Record" prepared by the well driller and/or pump installer, as applicable.

The Health Officer may elect to perform an onsite inspection prior to issuance of Use Permit.

Provided, however, Health Officer shall not issue a Use Permit until Health Officer has received copies of the results of the analysis of water samples indicating that raw water quality meets minimum public health standards. Water sample analysis shall include coliform bacteria and any other parameter deemed necessary by the Health Officer. Analysis of water samples shall be performed by laboratories certified by the Michigan Department of Environmental Quality. All water samples shall be collected in accordance with protocol established by Health Department.

### **Section 9 Deviations**

The Health Officer may issue a deviation from the requirements set forth herein, or incorporated herein by reference, provided such deviation does not result in a violation of State Law, if the spirit of intent of such requirements and laws are observed and the public health, safety and welfare are assured.

## **Section 10.0 Application and Approval Fee**

A fee to be determined by the Health Department shall be paid by any person for each water supply facility subject to the permit and approval requirements of this Ordinance. Such fee shall be paid on date of application for permit which shall be non-refundable. No permit shall be issued prior to satisfaction of the fee payment requirement.

## **Section 11.0 Enforcement**

The Health Officer and subordinates shall be authorized to administer and enforce this Ordinance and to pursue legal action as may be necessary and appropriate, to assure compliance with same.

## **Section 12.0 Penalties**

Any person who shall fail to comply with the provisions set forth herein shall be deemed guilty of a misdemeanor and may be punished by a fine of not more than \$200 or imprisonment in the County Jail for not more than 90 days or both, in the discretion of the Court.

## **Section 13.0 Incorporation into Muskegon County Sanitary Regulations Amendment and Repeal**

### **Section 13.1 Incorporation**

This Ordinance, in its entirety, shall be incorporated upon adoption into that Ordinance and Regulatory document entitled "*Muskegon County Sanitary Regulations*", effective October 14, 1984, constituting chapter III, entitled "*Water Supply*".

### **Section 13.2 Amendment**

By adoption of same, the Ordinance entitled "Muskegon County Sanitary Regulations, Effective October 14, 1984", is amended.

### **Section 13.3 Repeal**

Chapter III of the "Muskegon County Sanitary Regulations, Effective October 14, 1984", in previous form, is hereby repealed.

## **Section 14.0 Savings Clause**

Should any part or provision of this amendatory Ordinance be deemed of no force and effect, then any part or provision not so determined inform shall remain in full force and effect.

### **Section 15.0 Notification**

At least (30) days prior to any modification, lapse or revocation of Chapter III, Regulations Governing Water Supplies, the Health Department shall notify the Michigan Department of Environmental Quality (MDEQ) or a successor agency to the MDEQ.

### **Section 16.0 Effective Date**

These regulations shall become effective thirty (30) days after the date of publication.

Adopted this 14<sup>th</sup> day of September, 1999.

[Chapter III, Notice of Adoption, published September 30, 1999, effective October 29, 1999].

## **CHAPTER IV GARBAGE, RUBBISH AND TRASH**

### **Section A General Definitions**

#### Words and Terms

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

“Garbage” shall mean rejected food wastes including waste accumulation of animal, fruit, or vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit, or vegetable.

“Rubbish” shall mean tin cans, bottles, paper cartons, rags, discarded clothing, discarded utensils, discarded containers, sweeping, glass, crockery, nails, tine, wire, light bulbs, signs, advertising matter, and such other material as are normally discarded from a household. This does not include discarded household furniture and appliances or building wastes.

“Trash” shall include such items of discard which are not normally associated with residential usage; also, discarded household appliances, dismantled vehicles or their parts; discarded or dismantled machinery or tools and such, other items that shall constitute a health or safety hazard or menace to persons residing in the neighborhood.

### **Section B Garbage and Rubbish Storage**

- No person, firm or corporation shall store garbage or rubbish on any premises unless such materials be completely contained within watertight containers, having a capacity of not less than ten (10) gallons, nor more than thirty-four (34) gallons with sides tapered to an enlarged opening and equipped with handles and a tightly fitting cover, except that plastic garbage and rubbish bags shall not be stored outside awaiting collection by a refuse service for a period exceeding twelve (12) hours. Putrescible wastes shall not be stored more than seven (7) days.
- The owner of every multiple dwelling, and in the case of private and two-family dwellings, shall keep clean and in place, proper watertight containers having a capacity of not less than ten (10) gallons, nor more than thirty-four (34) gallons with sides tapered to an enlarged opening and equipped with handles and a tightly fitting cover. Putrescible wastes shall not be stored more than seven (7) days.
- Containers used for the storage of garbage or rubbish shall be maintained in a clean and sanitary condition, and shall be tightly covered except at such times as material is being placed within or removed from containers.

- Containers for garbage and rubbish of greater capacity than thirty-four (34) gallons of a design and construction specifically approved by the Health Officer of the Muskegon County Health Department may be used for the storage of garbage and rubbish within Muskegon County, Michigan.

### **Section C Trash Storage**

Storage, deposit or accumulation of trash is prohibited on any lot or parcel located in Muskegon County.

### **Section D Transportation**

No person, firm or corporation shall transport garbage, rubbish or other waste materials upon any street, alley, road, right-of-way, or highway in Muskegon County in any vehicle unless such vehicle is so constructed and maintained as to prevent offensive odors or exhalations therefrom, and leaking, sifting, dropping, spilling, or blowing of the contents thereof upon any street, alley, road, right-of-way, highway, public or private property.

### **Section E Disposal**

No person, firm or corporation shall deposit any garbage, trash, or other waste matter upon any road, street, alley, highway, right-of-way, or within any park, stream, lake, or river in Muskegon County.

Disposal or deposit of garbage rubbish, trash and other waste material shall be permitted upon a site licensed under Act 641 of the Public Acts of 1978 and Regulations.

## Muskegon County Sanitary Regulations

Effective April 26, 2005 As Amended  
Effective October 14, 1984  
Amended April 26, 1994 [CHAPTER III]  
Amended September 14, 1999 [Chapter III]