



## **WASHTENAW COUNTY RULES AND REGULATIONS FOR THE DISPOSAL OF SEWAGE AND HUMAN EXCRETA**

Effective April 2, 1977

Adopted by: Health Committee of the Washtenaw County Board of Supervisors January 17, 1961

Approved by Washtenaw County Board of Supervisors  
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### PREAMBLE

Recognizing that the sanitary and safe disposal of human sewage wastes is fundamental to individual, public and community health, further recognizing that public sewerage facilities installed and operated in a proper manner are necessary for safeguarding public health in urban situations, still further recognizing that inherent operational limitations of individual, private, sewage disposal systems demand their use only under rural and isolated conditions, and insofar as possible, to prevent the creation of nuisances, sources of filth, and conditions menacing the public health these rules and regulations for the disposal of sewage wastes and human excrement are hereby established under the authority of Act No. 368 of the Public Acts of 1978.

### ARTICLE I Definitions

Sec. 1:1 Available sanitary sewer--A public sewerage system whose use is permitted by the municipality, which operates and maintains such sewerage system.

Sec. 1:2 Drainfield--A means of distributing treated sewage effluent below the ground surface by means of drain tile laid on a bed of aggregate with openings so as to allow the effluent to be absorbed by the surrounding soil and thence disbursed by infiltration and evaporation.

Sec. 1:3 Health Officer-- The Director of the Washtenaw County Health Department or his authorized representative.

Sec. 1:4 Maintenance--The pumping of a septic tank, cleaning of sewer lines, repairing or replacing of all or part of an existing sewage system in the same location.

Sec. 1:5 Municipality--Any city, village, township, county, authority, or other unit of government.

Sec. 1:6 Owner--Any person, agency, firm, or corporation having a legal or equitable interest in the property.

Sec. 1:7 Person--Any individual, firm partnership, party, corporation, company, society or association.

Sec. 1:8 Premise--A tract of land with or without any building thereon.

Sec. 1:9 Reconstruction--The construction, erection, replacement, expansion, conversion, or moving of a building or structure.

Sec. 1:10 Sewage Disposal System--A system for collection and disposal of sanitary sewage.

Sec. 1:11 Unsuitable Soil--Soils with low or moderate to very slow permeability.

Sec. 1:12 Washtenaw County Board of Health--The Board of Health established pursuant to Action No. 368 of the Public Acts of 1978.

## ARTICLE II Sanitary Disposal Required

Sec. 2:1 No building, structure, area, or premise shall be constructed or maintained for human occupancy, use, or assembly without adequate facilities for the sanitary and safe disposal of all human excreta together with all liquid and solid wastes that could hazard the public health or create objectionable nuisance conditions.

Sec. 2:2 Where a publicly operated system for collection and disposal of sanitary sewage is available, the utilization of such public sewerage system shall be considered the only safe and sanitary means of liquid waste disposal. No privy, septic tank or other private means of sewage or excreta disposal shall be maintained or used on property having a sanitary sewer available; provided, however, that all connections and discharges to a public sewerage system shall be in accordance with the rules and regulations or ordinance of the municipality operating and maintaining such sewerage system. Any connection required herein shall be completed within six (6) months after notice by the Health Officer to the owner of the premise having a sanitary sewer available; provided, however, that if an identifiable health hazard is created by the failure to connect to such available sanitary sewer, said connection shall be completed immediately upon notification by the Health Officer. The notice given under this section to the owner of the premise on which the building or structure is located, may be by first class or certified mail or posting on the property.

Sec. 2:3 All facilities for the disposal of human excreta or liquid sewage shall be so constructed, maintained and operated that there is:

(a) 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;

- (b) no unlawful pollution of any stream or other body of water;
- (c) adequate isolation to protect wells or other sources of water supply from contamination;
- (d) freedom from odor nuisance;
- (e) no discharge of septic tank effluent onto the surface of the ground.

Sec. 2:4 All private sewage disposal facilities shall be located wholly upon the property served except that under certain conditions where suitably executed and recorded easements or rights-of-way agreements exist this provision may be waived by the Health Officer.

Sec. 2:5 Sewage holding tanks on vehicles or boats shall not be emptied or drained on any public property or private premises, excepting facilities designed or approved for this purpose.

Sec. 2:6 Nothing in these rules and regulations shall prevent the construction of sewage treatment plants in accordance with plans approved by the appropriate agency which discharge treated effluent to an approved outlet, and operate in such a manner that there is no menace to the public health or unlawful pollution of waters of the state.

### Article III Permit for Private Sewage Disposal System

Sec. 3:1 No private sewage disposal system shall be constructed, relocated, or expanded until a permit has been issued by the Health Officer; provided, however, in certain instances the Health Officer may require the installation of a septic tank or septic tanks prior to issuance of a health permit. Maintenance of existing sewage disposal systems shall not require the securing of a Permit.

Sec. 3:2 Application for a permit to construct a private sewage disposal system shall be made by the property owner or his authorized representative to the Health Officer. The application shall include the name and address of the applicant, the description of the property in which said construction, is proposed, and a plot plan showing the pertinent features of the waste water system and the well system along with the property lines and the building location. Soil tests and ground water information shall be provided, as deemed necessary by the Health Officer to make an adequate determination and finding that the proposed system should, in fact, if constructed, operate in accordance with the standards of these rules and regulations and give reasonable protection to the public health. The actual or proposed use of the property shall be indicated in all instances. Design plans and specifications for a sewage disposal system to serve premises other than a single-family dwelling which are acceptable to the Health Officer shall be prepared by a professional engineer or architect registered to practice in the State of Michigan. Any application for a private sewage disposal system shall be valid for a period not to exceed one (1) year after date of application.

Sec. 3:3 Application for a permit to expand or relocate an existing private sewage disposal system shall be made by the property owner or his authorized representative to the Health Officer. The application shall include the name and address of the applicant and a plot plan showing the pertinent features of the wastewater system and the well system along with the property lines, building location and any sewage system or well system within 150 feet of the proposed expansion or relocation. Before reconstruction of any existing building or structure

from which sewage originates, the existing sewage system shall be reviewed by the Health Officer to determine if it is adequate for the intended use. If the Health Officer determines that such system is not adequate for the intended use, a construction permit as described in Section 3:2 shall be required by the Health Officer.

Sec. 3:4 Written approval of plans for sewage disposal installation made in conjunction with, or prior to, the issuance of county or township building permits shall constitute a valid "permit" as required in this Article; provided, however, that where such approvals are not made prior to building construction it shall not relieve the owner from the necessity of obtaining a permit as required herein before proceeding with construction of any sewage disposal system or the installation of plumbing. Any permit for a private sewage disposal system shall be valid for a period not to exceed one (1) year after date of issue, unless declared void by the Health Officer. Prior to final inspection, said permit shall not be transferred or assigned by the permit holder to any new owner without permission of the Health Officer.

Sec. 3:5 The permit for a private sewage disposal system may be declared void or additional conditions imposed by the Health Officer if prior to final inspection and approval by the Health Officer the area designated for the soil absorption system is disturbed by major filling, eroding, excavating, paving, flooding, or by location of a water supply well or other feature so as to encroach on any required isolation distance. The permit may also be declared void or additional conditions imposed if there is any increase in the scope of the project prior to final inspection and approval of the system.

Sec. 3:6 A health permit shall be denied for one or more of the following reasons:

- (a) Where a publicly operated sewage system is available;
- (b) Where the septic tank would be inaccessible for cleaning or inspection purposes;
- (c) Where the property dimensions are too small for the required isolation distances specified in Article IV, Section 4:4, herein;
- (d) Where the maximum groundwater level is less than one (1) foot below the existing grade;
- (e) Where the soil conditions are deemed by the Health Officer to be unsuitable for the disposal of sewage. Unsuitability shall be determined by analysis of soil characteristics such as soil texture, drainage, color, structure, particle size, porosity, ground slope, and permeability;
- (f) Where the well, drainfield or septic tank would be below a 100-year flood elevation of a lake, river or stream. If it appears to the Health Officer that the area being considered near a lake, river or stream for a well or on-site sewage disposal system is above the 100-year flood, an exact elevation shall not be necessary;
- (g) Where conditions exist or may be created which may endanger the public health or the environment.

#### ARTICLE IV Private Disposal Systems

Sec. 4:1 Where a publicly operated sewage collection and disposal system is not available all liquid waste, or sewage, from flush toilets, urinals, lavatories, sinks, showers, bath tubs, floor drains, laundry trays, or any similar fixture or device normally receiving and discharging liquid waste to a sanitary plumbing system shall be connected to a private sewage disposal system approved by the Health Officer and installed in accordance with these rules and regulations; provided that any private sewage disposal device in existence at the time of adoption of these rules and regulations may continue in use as long as the operation is in accordance with the standards set forth in Article II, Section 2:3, herein.

Sec. 4:2 Septic tank-drainfield systems are recognized as the most feasible means for private, individual sewage disposal; provided, however, that sewage disposal systems shall be installed only where suitable soil, drainage conditions and land area will permit the use of such systems with assurance that sewage effluent will be absorbed into the soil under all anticipated weather conditions and not contaminate the surface of the ground or any ground water supply, pollute surface waters, and where inevitable repairs and relocations of such systems can be made without creating a community health problem.

Sec. 4:3 All septic tanks shall be installed in such a location and manner as to be readily accessible for maintenance purposes and all drainfields shall be installed only under such circumstances where sufficient, suitable land area is readily available for necessary expansion and relocations of the disposal field. No sewage disposal system shall be installed under any building and no drainfield shall be permitted under any driveway, parking lot, or paved area.

Sec. 4:4 Minimum isolation distances shall be maintained as follows:

Isolation From	Septic Tank	Drainfield
Property Line	10 feet	10 feet
Building Foundation (no basement)	5 feet	10 feet
Basement Wall	10 feet	15 feet
Water Supply Well (25 feet or more deep)	50 feet-	100 feet*
Lake or Stream	25 feet	50 feet

\*Isolation distances shall be increased as required for wells serving other than individual dwellings.

Sec. 4:5 Soil tests shall be made in a manner approved in advance by the Health Officer to determine the suitability of soil to accept septic tank effluent. Suitability of soil shall be determined by the Health Officer from an adequate number of test holes as needed due to the nature of soil and topography, in the location of a proposed drainfield. If the soil test indicates that a high ground water condition may exist, additional observations shall be conducted in a

manner acceptable to the Health Officer to determine if the ground water will interfere with the disposal of sewage.

Sec. 4:6 An open, available location for the drainfield shall contain a gross area at least two and one-half (2 and 1/2 times that utilized by the initial installation in addition to meeting other tests of suitability. Size and design of the drainfield shall be in accordance with soil conditions as determined by required tests, anticipated probable use, and shall be approved by the Health Officer; provided, however, that no drainfield shall be installed where the soil conditions are deemed to be unsuitable for the disposal of sewage. Nothing contained herein shall prevent the use of special construction methods to develop sub-surface, permeable soil formations or to use other techniques providing the engineering design of such systems is first approved and their operation is in accord with the standards of Article II, Section 2:3, herein. Unless specifically approved by the Health Officer, each on-site sewage disposal system shall serve only one (1) family or one (1) business establishment.

Sec. 4:7 Drainfields shall be installed in such a manner and location that surface water drainage is diverted away from the installation although such drainage should generally not be toward any water supply well in the immediate vicinity.

Sec. 4:8 All sewage disposal systems shall be installed at an elevation of not less than twenty-four (24) inches above the maximum ground water level unless the water is in a confined aquifer, in which case it shall not be used for sewage disposal. When a site drainage improvement system is installed in an attempt to lower and control the ground water level, it shall be evaluated, prior to issuance of a permit, during periods of high groundwater to determine how effectively it has controlled the water table. If the water table has not been lowered to provide at least twelve (12) inches of naturally existing permeable soil above the high water table then a permit shall not be issued.

#### ARTICLE V Construction Requirements

Sec. 5:1 Standards for the construction of privies shall be those set forth by the State of Michigan under authority of Act 368 Public Acts of 1978.

Sec. 5:2 All sewage disposal systems shall be constructed in accordance with accepted engineering practice, be of durable, serviceable materials and be installed in a workmanlike manner.

(a) All materials shall be tested as required by the Health Officer to verify compliance with current specifications.

(b) The septic tank shall have sufficient capacity for the anticipated loading which shall generally be not less than one and one-half (1 1/2) times the twenty-four (24) hour sewage flow, and shall be of a design and capacity approved by the Health Officer; provided, however, that no septic tank of less than seven hundred fifty (750) gallons shall be installed. Whenever the liquid capacity of the septic tank exceeds one thousand eight hundred (1,800) gallons, two (2) tanks or compartments shall be used.

(c) When the top of the septic tank is over eighteen (18) inches below the ground surface, it shall have a manhole to bring the depth of the manhole to within eighteen (18) inches of the top of

the ground for access. If located under a paved area, the access to the septic tank shall be flush with the pavement surface, or a manhole constructed with the rim flush with the pavement surface.

- (d) The excavation of the drainfield shall be inspected as required by the Health Officer.
- (e) The drainfield shall be constructed in such fashion that uniform distribution of effluent over the entire soil area is effectively accomplished, and in a manner approved by the Health Officer. Dosing tanks, or other special facilities, to help insure uniform distribution and improve the drainfield operation shall be provided if deemed necessary by the Health Officer. No part of any drainfield shall be constructed with less than twelve (12) inches, nor more than twenty-four (24) inches of cover over the top of the distribution tile.

Sec. 5:3 Private sewage disposal systems shall be connected to the sanitary plumbing system of the building or other premise served in a manner approved by the Health Officer.

- (a) Sewers shall have sufficient grade to give velocities of flow adequate to prevent clogging, but in no instance shall a sewer be less than four (4) inches in diameter and have less than twelve (12) inches fall in one hundred (100) feet.
- (b) Sewers if located within fifty (50) feet of a private well, shall be constructed of material as specified in R325.1622 of the Michigan Administrative Code. In no case shall a buried sewer, exclusive of drains for storm or clean water only, be located less than ten (10) feet from a water supply well.

Sec. 5:4 Other devices and systems may be approved the Health Officer for the treatment or disposal of sewage; provided, however, that before any such approval is granted, complete engineering plans and specifications shall be filed with the Health Officer and such approval will be given only after complete review to ascertain that the general standards outlined in Article II, Section 2:3, herein, will be maintained.

#### ARTICLE VI Administration, Penalties, Hearings, Appeals, and Fees

Sec. 6:1 No private sewage disposal system shall be placed in operation, or otherwise used for its intended purpose, without an approval of the construction and installation of such system by the Health Officer- provided however. that any private sewage disposal system existing at the time of adoption of these rules and regulations may be continued and maintained in service without the approval of the Health Officer as long as the standards of operation set forth in Article II, Section 2:3, herein, are being met. Inspection and approval shall be limited to the general layout and functional aspects and not be construed to be an approval of detailed workmanship.

- (a) The Health Officer shall be notified before any sewer line, septic tanks, disposal or treatment structures are covered with earth. Inspection of such facilities shall be promptly made and in every case within seventy-two (72) hours, excluding Saturdays and Sundays, and legal holidays after notification.
- (b) When, upon inspection, the facilities are found to be in general conformance with the approved plans and these rules and regulations the facilities shall be approved for use and

notification of such approval given. Notice to the building inspector having jurisdiction of such final approval shall constitute ample notification.

- (c) When, upon inspection, deficiencies are found that are in conflict with these rules and regulations, or accepted practice, the Health Officer shall give notice to the owner, contractor, or building inspector of the deficiencies, which must be corrected before final approval can be given.

Sec. 6:2 The Health Officer of Washtenaw County shall have jurisdiction throughout Washtenaw County, including all cities, villages, townships, and charter townships, in the administration and enforcement of these rules and regulations and any amendments hereafter adopted, unless otherwise specifically stated. All premises affected by the rules and regulations shall be subject by the Health Officer, and the Health Officer may collect such samples for laboratory examination as he deems necessary for the enforcement of this Code.

Sec. 6:3 No person shall refuse to permit the Health Officer to inspect any premises at reasonable times, nor shall any person molest or resist the Health Officer in the discharge of his duty.

Sec. 6:4 No person shall remove, mutilate or conceal any notice or placard posted by the Health Officer except by permission of the Health Officer.

Sec. 6:5 Any person who shall fail to comply with any provision herein shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than two hundred dollars (\$200) or by imprisonment in the County Jail for not more than six (6) months or by both. In the case of continuing violations, each day's violation shall constitute a separate offense.

Sec. 6:6 Notwithstanding the existence or pursuit of any other remedy, the Health Officer may maintain an action in the name of the County in a court of competent jurisdiction for an injunction or other appropriate process against any person to restrain or prevent violations of these rules and regulations.

Sec. 6:7 The Washtenaw County Board of Health shall hear appeals and may grant individual variances from these rules and regulations by a concurring vote of the majority of its members where it is determined no substantial health hazard is likely to occur therefrom and unnecessary hardship might result from strict compliance with these rules and regulations. A written notice of appeal and/or request for a variance, together with a fee of twenty-five dollars (\$25) for appeals on residential property and fifty dollars (\$50) for an appeal on non-residential property shall be filed with the Health Officer within ninety (90) calendar days after the written decision to deny an application for a permit to construct a private sewage disposal system; provided, however, that said ninety (90) day period may be extended by the Board of Health upon a showing of good cause. The notice of appeal shall specify the particular grounds on which it is based. A request for a variance shall contain a detailed description of the variance sought. Opportunity for a hearing shall be given at the next regularly scheduled Board of Health meeting following receipt of the notice of appeal unless such notice is received within less than fourteen (14) calendar days of the time for such hearing, in which event a hearing shall be provided at a subsequent regular or special board meeting. Due notice of such hearing shall be given to all persons listed on the last assessment roll for the township as the owner(s) of any real property contiguous to the appellant's property. In addition, notice of such hearing shall be

published at least five (5) calendar days prior to the date of the hearing in a newspaper of general circulation published in Washtenaw County. Neither failure of the Board of Health to give notice to all contiguous owners nor failure to publish such notice shall invalidate such notice or any finding and decision by the Board of Health. The Board shall furnish the appellant with a written report of its findings and decision within sixty (60) calendar days of the date of such hearing.

Sec. 6:8 A schedule of fees for licenses and other services as authorized or required by these rules and regulations may be fixed and required from time to time by the Washtenaw County Board of Health, or may be revoked, enlarged or amended by the Washtenaw County Board of Commissioners pursuant to Act 306, Public Acts of 1927, as amended. All fees collected by the Health Officer shall be receipted for and deposited with the treasurer of Washtenaw County to the credit of the Washtenaw County Health Department.

Sec. 6:9 Section 2 entitled "Sewage and Excreta Disposal" of the Washtenaw County Sanitation Regulations of 1942, adopted February 24, 1942, by the Health Committee of the Washtenaw County Board of Supervisors, is hereby repealed and these rules and regulations made to stand in lieu thereof.

Sec. 6:10 These rules and regulations shall be enforced by the Health Officer or his designated representative in accordance with procedures and guidelines, which may hereafter, be adopted by the Washtenaw County Board of Health.

Sec. 6:11 Should any section, paragraph, sentence, clause, or phrase of these rules and regulations be declared unconstitutional or invalid for any reason, the remainder of said rules and regulations shall not be affected thereby.

Sec. 6:12 These rules and regulations or any amendments thereto shall become effective forty-five (45) days after approval by the Washtenaw County Board of Commissioners.