

INGHAM COUNTY SANITARY CODE

PREAMBLE TO 1973 EDITION

** Amendments adopted 12/9/75

The Ingham County Sanitary Code, being a set of rules and regulations governing various conditions affecting environmental health and sanitation, includes:

Chapter I - General Provisions, stating definitions applicable to the entire Code, setting forth jurisdiction and administration of this Code; establishing a schedule of fees; providing for penalties and appeals; and repealing certain previous regulations.

Chapter II - Sewage Disposal, requiring approved sewage disposal facilities and establishing certain specifications for same; providing for permits.

Chapter III - Water Supplies, requiring approved water systems, and establishing certain specifications for same; providing for permits.

Chapter IV - Food Service Sanitation, regulating the businesses of operating fixed or mobile food service establishments, temporary food service establishments, and food vending machines; providing for administration of licenses and inspections as prescribed by Act No. 269 of the Public Acts of 1968; defining classes of establishment with relation to a schedule of fees; requiring the review of plans for new or altered construction; setting standards for personnel, equipment and business procedures to protect the public health; providing for suspension or revocation of licenses and condemnation of foods.

Chapter V - Public Assemblages and Institutions, setting minimum toilet facility requirements for large public assemblages and for certain institutional premises; regulating the conditions, maintenance and removal of such facilities.

** Chapter VI - Lansing Development; Nuisance Prevention and Control; Recreational Water Facilities; Environmental Evaluations of Residential Premises; REGULATION OF TATTOOING, providing for administration of health department responsibilities for subdivision development and platting; authorizing abatement of vermin infestations on public or private property; prohibiting certain nuisances and providing for their abatement; prescribing the condemnation of unsafe or uninhabitable buildings; restricting disposal methods for infectious or toxic waste materials and the sale or keeping of infected pets or animals; regulating natural or artificial bodies of water used for public recreational water contact recreation; requiring permits and providing for suspension thereof; establishing sanitary surveys of proposed public beaches; authorizing environmental evaluations of private property when needed for approval of mortgage; REGULATING BUSINESS OF TATTOOING: PROVIDING FOR A SCHEDULE OF FEES FOR CERTAIN SERVICES AUTHORIZED IN THIS CHAPTER.

Appendix (A) - List of Statutes and Rules Pertaining to Ingham County Sanitary Code, with Cross Reference to 1948 Compiled Laws and to Michigan Statutes Annotated.
(B) - Schedule of Fees for Services Authorized by Ingham County Sanitary Code.

CHAPTER I - GENERAL PROVISIONS

The provisions, rules and regulations contained herein, together with duly enacted additions or amendments hereto, shall be known as the INGHAM COUNTY SANITARY CODE.

SECTION 100. DEFINITIONS APPLICABLE TO ENTIRE CODE

Section 100.1 APPROVED OR ACCEPTABLE - Suitable for the proposed use in accordance with the intent and purpose of this Code, as determined by the Health Officer, based on his own examination and evaluation, and/or on evidence of compliance with an applicable standard, specification or criterion developed by a recognized agency.

Section 100.2 BOARD OF HEALTH - The Board of Health of Ingham County.

Section 100.3 HABITABLE BUILDING - Any permanent or temporary building or structure where persons reside, live, sleep, cook, are employed or congregate or any combination thereof.

Section 100.4 HEALTH COMMITTEE - The Health Committee of the Ingham County Board of Commissioners, as authorized by Act No. 306 of the Public Acts of 1927 as amended, or other standing Committee which has been designated by said Board to assume the duties and powers assigned to the Health Committee.

Section 100.5 HEALTH DEPARTMENT - The Ingham County Health Department.

Section 100.6 HEALTH OFFICER OR HEALTH AUTHORITY - The Director of the Ingham County Health Department or his authorized representative.

Section 100.7 MUNICIPALITY - Any incorporated city, any unincorporated village, or any township within the County of Ingham.

Section 100.8 NUISANCE - The word "nuisance" shall be held to embrace public nuisance as known at common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health; whatever building, structure, or premises is not sufficiently ventilated, sewerred, drained, cleaned or lighted, in reference to its intended or actual use; and whatever renders the air or human food or drink or water supply unwholesome, are also severally, in contemplation of this Code, nuisances; and all such nuisances are hereby declared illegal.

Section 100.9 OWNER - The owner of title of record, or the person legally occupying or in possession of any property or premises.

Section 100.10 PERSON - Any individual, firm, partnership, party, corporation, company, society or association.

Section 100.11 PREMISES - A tract of land with or without any building thereon.

** Section 100.12 WORKING DAY - A DAY OR ANY PART THEREOF WHEN THE HEALTH DEPARTMENT IS OPEN FOR BUSINESS.

SECTION 101. INTERPRETATION

Section 101.1 INTERCHANGEABILITY - When not inconsistent with the context, words used in the masculine form include the feminine, or the reverse, words used in the present tense include the future, words in singular number include the plural number, and words in the plural number include the singular.

Section 101.2 OTHER WORDS OR TERMS - The word "shall" is always mandatory and "may" is merely permissive. Words or terms not defined herein shall be interpreted in the manner of their common meaning.

SECTION 110. JURISDICTION, ADMINISTRATION, AND FEES

Section 110.1 JURISDICTION - The Health Officer shall have jurisdiction throughout Ingham County and all of the incorporated City of Lansing in the administration and enforcement of this Code and relevant public acts of the State of Michigan, including all regulations or amendments hereafter adopted unless otherwise specifically stated. Nothing herein contained shall be construed to restrict or abrogate the authority of any municipality in Ingham County in adopting more restrictive ordinances, or to prevent extending the jurisdiction of the Health Officer beyond the limits of Ingham County to coincide with the corporate limits of said municipality.

Section 110.2 ENFORCEMENT - All premises affected by this Code 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 this Code.

Section 110.3 RIGHT OF ENTRY AND INSPECTION - 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.

Section 110.4 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.

Section 110.5 FEE SCHEDULE - A schedule of fees for licenses and other services authorized by this Code shall be as from time to time adopted by the Ingham County Board of Health, pursuant to Act No. 306 of the Public Acts of 1927, as amended by Section 6 (3) of Act No. 361 of the Public Acts of 1972. Said fee schedule shall be effective as prescribed therein and after publication as provided in Section 130.5.

Section 110.6 HANDLING OF FEES - Unless otherwise specifically provided, all fees shall be collected by the Ingham County Health Department and shall be receipted for and deposited with the Treasurer of Ingham County, to be credited to the Health Fund. After being properly paid and accepted, no fee or portion thereof shall be refundable, unless specifically provided in this Code.

**Section 110.7 EXEMPTION FROM FEES - An establishment, facility or operation owned and operated by a religious or charitable organization, a school or other educational institution, or a governmental agency, shall be exempt from payment of any fees specified by this Code, but shall not be exempt from other applicable requirements of this Code. The Health Officer may be guided by evidence conforming to U. S. Department of Treasury, Internal Revenue Service, or other acceptable sources when determining eligibility for this exemption.

SECTION 120. PENALTY AND APPEAL

Section 120.1 PENALTY FOR VIOLATION - Any person who shall fail to comply with any provisions herein shall be deemed guilty of a misdemeanor, as provided in Act 361 of the Public Acts of 1972, being Section 6 of Act No. 306 of the Public Acts of 1927. In the case of continuing violations, each day's violation shall constitute a separate offense.

**Section 120.2 APPEALS BOARD - In order to provide for reasonable and equitable interpretations of the provisions of this Code, there is hereby created a "Sanitary Code Appeals Board". The Ingham County Board of Health shall constitute the Sanitary Code Appeals Board and shall hear STATEMENTS BY THE APPELLANT AND BY THE SANITARIAN OR OTHER EMPLOYEE OF THE HEALTH DEPARTMENT WHO HAS THE MOST FAMILIARITY WITH THE PREMISES OR SITUATION GIVING RISE TO any appeal presented in accordance with rules of procedure established by said Board. The Board shall furnish the appellant with a written report of its findings and decision.

Section 120.3 HEARING OF APPEALS - The appellant shall deposit a fee upon filing his request for a hearing, which shall be returned or refunded to him after the hearing unless the Board determines that his request was not based on any reasonable objection to enforcement of this Code. The amount of the fee shall be stated in the Health Department Fee Schedule, Item 120.3. Opportunity for a hearing shall be granted at the next scheduled or regular meeting of the persons constituting the Sanitary Code Appeals Board, or at the discretion of the Chairman thereof at a special meeting called for the purpose; provided, that no hearing shall be scheduled within less than three days of receipt of written request and fee. The Sanitary Code Appeals Board may grant individual variances from the requirements of this Code when said Board has determined that all of the following conditions exist: *1) that no substantial health hazard or nuisance is likely to occur therefrom; (2) that strict compliance with Code requirements would result in unnecessary or unreasonable hardship; (3) that no state statute or other applicable laws would be violated by such variance; and (4) that the proposed variance would provide essentially equivalent protection for the public health and would be in the public interest.

SECTION 130. STATUS OF THIS CODE

Section 130.1 OTHER LAWS AND REGULATIONS - The requirements of this Code are minimum standards supplemental to the rules and regulations duly promulgated by the Michigan Department of Public Health or Michigan Department of Natural Resources and to the laws of the State of Michigan relating to public health and environment. Where any provision of this Code and a provision of any other state or local statute, ordinance or regulation both apply, the more restrictive of any or all codes, statutes, ordinances or regulations shall prevail.

**Section 130.1.1 RELATIONSHIP TO CITY OF LANSING ORDINANCES AND STATE CONSTRUCTION CODES - This Code is intended to apply as uniformly as practicable throughout all of Ingham County and throughout all of the City of Lansing, notwithstanding that the corporate limits of the City of Lansing extend into certain parts of Eaton County and Clinton County. This Code shall be construed to supplement the Code of the City of Lansing and the State Construction Codes. In the event of conflict between provisions thereof and this Code, which cannot be resolved within the discretion of the Health Officer, the matter shall be referred to the Board of Health for decision or negotiation.

Section 130.2 VALIDITY AND SEVERABILITY OF SECTIONS - If any section, subsection, clause or phrase of this Code is for any reason adjudged unconstitutional or invalid, it is hereby provided that the validity of remaining provisions of this Code shall not be affected thereby.

Section 130.3 REPEAL OF PREVIOUSLY ADOPTED CHAPTERS - This Code hereby repeals provisions of previously adopted regulations of the Board of Health and chapters of the Ingham County Sanitary Code, specifically as follows:

(A) Chapter I, General Provisions, in part adopted September 30, 1953 and effective on November 14, 1953; and in part adopted February 24, 1955 and effective on April 17, 1955; with amendment adopted November 9, 1971 and effective December 18, 1971.

(B) Chapter II, Sewage Disposal, in part adopted September 30, 1953 and effective on January 1, 1954, with amendments adopted February 27, 1958 and effective May 3, 1958.

(C) Chapter IV, Food Sanitation, adopted November 19, 1964, effective April 1, 1965 and Chapter IV, adopted March 20, 1969 and effective May 1, 1969.

(D) Chapter V, Meat and Slaughtering Regulations, adopted February 24, 1955, amended May 26, 1955, approved June 7, 1955.

(E) Chapter VII, Trailer Coach Parking, adopted January 27, 1955, revised July 24, 1958.

(F) Ingham County Sanitary Regulations, adopted August 26, 1942, amended June 16, 1943, further amended August 26, 1948, effective September 2, 1948.

(G) Any other rules and regulations in conflict with this Code

** (H) Any and all sections or subsections of this Code which have been duly amended by official action of the Board of Health and the Board of Commissioners of Ingham County.

Section 130.4 PRE-EXISTING VIOLATIONS - A condition of these repeals shall be that no violation of any repealed section or provision shall be made legal by virtue of a new effective date of this Code. Any act, situation or condition of premises or things which, when created or first allowed to exist was a violation of the Ingham County Sanitary Code, shall continue to be a violation of this Code if a similar section or provision is a part of this Code. Any action, issuance of permit, or maintenance of a condition that was mandatory, under the provisions of the Chapters now repealed, shall continue to be required if the same or similar provision is contained in this Code.

Section 130.5 PUBLICATION - The Ingham County Sanitary Code and the Fee Schedule pertinent thereto, as adopted by the Board of Health with approval of the Board of Commissioners, shall be published at least once in a newspaper of general circulation in the County of Ingham.

Section 130.6 EFFECTIVE DATE - (A) This Code and any additions thereto or amendments thereof shall take effect on the 45th day after approval by the Ingham County Board of Commissioners, as prescribed in Section 6 of Act No. 306 of the Public Acts of 1927, as amended, or on the date stated in said Code or addition or amendment, whichever comes later. (B) This Code shall take effect on June 1, 1973. (C) AMENDMENT NUMBER ONE SHALL TAKE EFFECT ON March 1, 1976.

CHAPTER II SEWAGE DISPOSAL SYSTEM

This Chapter provides for sewage disposal from or on occupied or habitable premises, including performance requirements and specifications for design and construction of on-site sewage disposal systems. This Chapter provides for permits for construction of said systems and for the administration and enforcement of the requirements hereof.

SECTION 200. DEFINITIONS APPLICABLE TO THIS CHAPTER

Section 200.1 ABSORPTION FIELD, TRENCH, OR BED - A means of distributing septic tank effluent or outflow below the ground surface by means of a series of lines of drain tile laid on a bed of aggregate with openings so as to allow the effluent or outflow to be absorbed by the surrounding soil and thence dispersed by evaporation or diffusion.

Section 200.2 AUTOMATIC SIPHON - A mechanical device which will automatically cause a liquid entering a dosing chamber 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.

Section 200.3 DOSING CHAMBER - A water-tight tank or receptacle used for the purpose of retaining the overflow or effluent from the septic tank, pending its automatic discharge to a selected point by means of an automatic siphon or other device.

Section 200.4 DRY WELL, SEEPAGE PIT OR BLOCK TRENCH - An underground enclosure connected to the outlet of a septic tank, constructed of concrete block, dry well block, pre-cast concrete, brick or similar material laid with open joints so as to allow the septic tank outflow or effluent to be absorbed directly into the surrounding soil.

Section 200.5 FIXTURE UNIT (SEWAGE FLOW) - That rate of flow from a plumbing fixture or combination of fixtures which is equivalent to one cubic foot per minute or 7-1/2 gallons per minute.

Section 200.6 PERCOLATION TEST (SOIL ABSORPTION CAPACITY TEST); PERCOLATION RATE - A method of estimating the capacity of an existing soil formation to receive, disperse and absorb (percolate) the anticipated quantities of effluent (outflow) from a septic tank or other treatment device. The percolation test shall determine the "stabilized percolation rate," which is the average effective time for the water level in a properly pre-soaked test boring to be lowered one inch within the range from top to bottom of proposed distribution tile line, when the test is performed as directed by the Health Officer. The rate may be optionally expressed in terms of inches per hour that the water level is lowered.

Section 200.7 SEPTIC TANK - A water-tight receptacle used for the purpose of receiving sewage and designed and constructed to provide the separation of solids in suspension from such solids to undergo digestion and biological decomposition therein, releasing the liquid effluent or outflow to be dispersed beneath the surface of the ground.

Section 200.8 SEWAGE - Any liquid waste containing animal, vegetable, and/or chemical wastes in suspension or solution; more specifically, a combination of all the domestic and organic water-carried wastes from any premises where persons reside, are employed or congregate. This shall include, but not be limited to, waste from flush toilets, urinals, sinks, lavatories, bathtubs, showers, laundries, floor drains, or any other plumbing fixture, WHETHER OR NOT SAID WASTES HAVE PASSED THROUGH A SEPTIC TANK OR OTHER DEVICE: PROVIDED THAT THE TERM "SEWAGE" SHALL NOT INCLUDE EFFLUENT FROM RECHARGING OR FLUSHING OF WATER CONDITIONING OR SOFTENING EQUIPMENT.