

Article 2

Proposed splits will require additional applications

SANITARY CODE OF THE OAKLAND COUNTY HEALTH DIVISION

ARTICLE II

Oakland County's unique subsurface geology, sustained growth and development (commercial, industrial, and residential), and lack of municipal sewer systems in developing areas make it necessary for Oakland County to develop regulations protecting its groundwater while allowing for growth and development vital to its continued well-being. A review of professional and scientific literature relating to groundwater contamination from on-site wastewater units, as well as a review of county population, demographics and building and water use trends in the housing industry, indicate that control of the application of wastewater effluent is the single most effective method of controlling groundwater contamination from on-site wastewater units. As a result of this review, it has been determined that density control, utilization of alternative and emergent technologies, land use restrictions and permitting procedures (i.e., a well permit system) are all valid and useful methods to be incorporated into a comprehensive groundwater protection policy. Consequently, this Article is enacted to protect the public health and safety of the residents and future residents of Oakland County who rely on on-site water supplies and on-site wastewater disposal.

SECTION I – DEFINITIONS

Residential Building Site – A parcel or division of land intended for construction of a single- or two-family residential unit relying upon on-site sewage disposal.

Commercial Development – A parcel or division of land intended for construction of a multiple family residential unit (i.e., more than two families) or business relying upon on-site disposal of sanitary waste only.

Industrial Site – A facility which produces liquid waste from industrial and commercial processes as distinct from sanitary sewage and generally requires a separate discharge permit from the Michigan Department of Natural Resources.

Sanitary Sewage – Water and contaminants discharged from the sanitary conveniences (e.g., bathroom, kitchen fixtures, and household laundry) of dwellings, office buildings, industrial plants, commercial buildings, and institutions.

Package Treatment Unit – A device designed and constructed to receive the discharge of sewage and to diminish waste material through the application of acceptable technology which creates an effluent acceptable for discharge to surface water or the groundwaters of the State of Michigan.

Municipal Sanitary Sewer – All or part of sewerage systems, including sewage treatment works owned and operated by a governmental agency where the sewage treatment works is under the supervision of a properly certified operator, as authorized by Public Act 98, of the Public Acts of 1913, as amended, being Sections 325.201 to 325.214 of the Michigan Compiled Laws.

Total Project – The gross land area available for residential development, excluding surface areas of lakes, streams, rivers, ponds, or other water courses.

SECTION 2 – RESIDENTIAL BUILDING SITES

Building Sites Defined – Any site which is not provided with municipal sanitary sewers will be subject to the provisions of this Article. It shall be unlawful for any person to develop a site established after the effective date of this Article which does not comply with this Article.

Minimum Residential Building Site – A single- or two-family residential building site must contain a minimum of one (1) acre of area for each three-bedroom residence. Minimum site size may be reduced when dedicated open spaces are provided as part of this total project (e.g., cluster homes). For purposes of this section, open spaces include areas set aside for roadways. Sites for structures in excess of three (3) bedrooms must contain an additional area at the rate of one-quarter (1/4) acre per bedroom.

Land Division – Any division of existing parcels of land after the effective date of this Code will not be approved for on-site sewage disposal systems unless they meet the minimum requirements of this Article. Land splits which are provided with municipal sanitary sewers do not fall under the provisions of this Code and will be allowed provided they meet local ordinances.

SECTION 3 – COMMERCIAL DEVELOPMENT (RESERVED)

SECTION 4 – ALTERNATIVE DEVICES AND SPECIAL CONSTRUCTION METHODS

Acceptance of Alternative Technology – The Health Officer or, when designated, the Administrator of Environmental Health Services, may accept the application of proven alternative technology of devices, materials, or special construction or installation techniques acceptable to the Health Division which provide reduction in the contamination loading of the waste stream. This technology acceptance must be approved in writing by the Health Officer or, when designated, the Administrator of Environmental Health Services and be consistent with the provisions of both this Article and Article III, which governs the construction and installation standards for on-site sewage disposal systems.

Waiver Modification – The provisions of Sections 2 or 3 relating to lot size and/or application rates may be modified due to unique or special circumstances, including the use of proven alternative technology as set forth in Section 4.1 above, so long as such waiver or modification does not diminish public health or safety.

Additional Monitoring – When in the opinion of the Health Officer or, when designated, the Administrator of Environmental Health Services, additional monitoring is required for an alternative method of sewage disposal, the right of entry for the purposes of testing, monitoring, or evaluating the system must be established for the property on which it is installed through legal binding methods for a period of time at least equivalent to a conventional sewerage disposal system.

Testing of System – When it becomes necessary to test sewerage systems to determine their effectiveness as part of the overall evaluation, the Health Division may establish reasonable charges not to exceed the actual cost incurred for the valuation of the sewerage system. The Health Division may also direct the proprietor to have specific tests conducted at a recognized laboratory. The cost of such test(s) will be incurred by the proprietor of the system.

SECTION 5 – APPEALS

Right of Appeal – Unless otherwise regulated, a person who has failed to demonstrate adequacy for an on-site sewage disposal system under this Article shall have the right of appeal by petition in writing to the Oakland County Health division and such appeals shall be heard before the Sanitary Code Appeal Board. The petition must be accompanied with a fee and must be submitted within 30 days from the receipt of written notice of the rejection by the Oakland County Health Division.

Right of Appeal for Other Regulated Facilities – Persons having projects or land regulated under another state or federal law regulation or agency must appeal the Health Division's decision to disallow the proposed usage to the state or federal agency having superintending regulatory responsibility.

SECTION 6 – EFFECTIVE DATES

This Article shall take effect on January 22, 1995. Adopted by the Oakland County Board of Commissioners on December 8, 1994.

AUTHORITY: Michigan Compiled Law 333.2441
Michigan Compiled Law 333.2433
Michigan Compiled Law 333.2435
Michigan Compiled Law 559.171a(1)
Michigan Compiled Law 559.171a(3)
Michigan Compiled Law 560.105(a)
1979 Administrative Code R 560.403
1979 Administrative Code R 500.404