

MONROE COUNTY ENVIRONMENTAL HEALTH/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 Monroe County Environmental Health/Sanitary Code.

SECTION 100 JURISDICTION, ADMINISTRATION, FEES

100.01 Authority

By virtue of the power vested to the Board of Commissioners of Monroe County, as the local governing entity under Act 368 of the Public Acts of 1978, as amended, MCL 333.1101 et seq (Public Health Code), there are hereby provided regulations affecting public health, safety, and welfare, including the provisions for penalties for violation of said regulations.

100.02 Jurisdiction

The Health Department shall have jurisdiction throughout Monroe County, including all cities, villages and townships, in the administration and enforcement of the Monroe County Environmental Health/Sanitary Code (the Code) and all other 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 Monroe County to adopt more restrictive ordinances, or to enforce existing ordinances, relating to the regulation, 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 written approval from the Health Department indicating compliance with the requirements of the Environmental Health/Sanitary Code. Where public health protection issues arise, the Health Officer or designee may require additional criteria as conditions for permit issuances.

100.03 Enforcement

All premises affected by the regulations of this Code shall be subject to inspection by the Health Officer, and the Health Officer may collect such samples for laboratory examination as he/she deems necessary for the enforcement of these regulations. The Health Officer may issue a decision, notice, or order regarding compliance or enforcement of the provisions of the Monroe County Environmental Health/Sanitary Code. The Health Officer may also issue a citation and assess a civil penalty to a person believed to have violated this Code or a decision, notice or order issued under the authority of this regulation.

100.04 Right of Entry and Inspection

The Health Officer shall have the right to inspect or investigate premises or conditions at reasonable times and collect such samples for laboratory examination as he/she deems necessary for the enforcement of these regulations. If the Health Officer is refused entry or access to premises in the performance of his/her duty, the Health Officer shall seek access through the appropriate legal proceedings, including, but not limited to, a search warrant.

100.05 Criminal Penalty

Any person who shall fail to comply with any provision herein, shall be deemed guilty of a misdemeanor and on conviction thereof said misdemeanor shall be punishable by a fine not exceeding the sum of two hundred dollars or by imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment at the discretion of the court pursuant to MCL 333.2441. In the case of continuing violations, each day's violation shall constitute a separate offense. The Monroe County Prosecutor and the Michigan Attorney General, knowing of a violation of the Michigan Public Health Code, a rule promulgated under such Code or this Monroe County Environmental Health/Sanitary Code, may prosecute the violator pursuant to MCL 333.1299(2).

100.06 Injunctive Proceeding

Notwithstanding the existence or pursuit of any other remedy, the Health Officer may maintain an action in a court of competent jurisdiction for an injunction or other process against any person to restrain or prevent violations of this regulation.

100.07 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.

100.08 Validity and Severability of Sections

If any section, subsection, clause or phrase of these regulations is for any reason adjudged unenforceable, unconstitutional, or invalid, it is hereby provided that the remaining portions of these regulations shall not be affected thereby.

100.09 Repeal of Previously Adopted Codes

This Code hereby repeals provisions of previously adopted regulations of the Board of Health and chapters of the Monroe County Environmental Health/Sanitary Code.

100.10 Savings Clause

The repeal of any provision of any previously adopted regulations of the Monroe County Environmental Health/Sanitary Code shall not have the effect to release or relinquish any penalty, forfeiture, liability, or duty incurred under such regulation or chapter of any part thereof, unless this Code shall so expressly provide, and such regulation or chapter, or part thereof, shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, liability, or duty.

100.11 Conflict of Ordinances

Where any of the provisions of these regulations and the provisions of any other local or state ordinance apply, the more restrictive of any or all ordinances or regulations shall prevail.

100.12 Fee Schedule

A schedule of fees for licenses, permits and other services authorized by this Code shall be adopted from time to time by the Monroe County Board of Commissioners, pursuant to Section 2444 of Act 368 of the Public Acts of 1978, as amended. Fees shall be made payable to the Monroe County Health Department. Said fee schedule shall be effective as prescribed therein and after approval by the Monroe County Board of Commissioners.

100.13 Late Processing Fee

When permits are not obtained prior to the construction, alteration, or addition of any project, when said project requires a permit be issued under these regulations, or a temporary food license is not secured a minimum of ten days prior to the event or when an application for a license is not received prior to the expiration date of said current license, as per Act 368 of the Public Acts of 1978, as amended, and/or the provisions of these regulations, a fee which is double the standard fee for that permit or license as stated in the Health Department Fee Schedule shall be required. The payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work or operation, nor from any other penalties prescribed herein. In the event an emergency arises, a sewage disposal contractor, pump installer, or well driller may begin emergency repairs without a permit, and shall not be assessed the late processing fee if said contractor, pump installer, or well driller contacts the Monroe County Health Department by the end of the next regular business day.

100.14 Handling of Fees

All fees collected by the Health Officer shall be receipted for and be deposited with the Treasurer of Monroe County for the general fund, to the credit of the Health Department.

100.15 Amendments

The Board of Commissioners of Monroe County may, from time to time, amend, supplement or change these regulations, in accordance with Act 368 of the Public Acts of 1978, as amended.

100.16 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.

100.17 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.

100.18 Right of Appeal

Any person shall have the right of appeal from the decisions of the officials charged with the enforcement of these regulations to the "Environmental Health/Sanitary Code Board of Appeals", as provided for in these regulations.

100.19 Effective Date

This Code and any additions thereto or amendments thereof shall take effect at the time specified by the Monroe County Board of Commissioners.

SECTION 101 GENERAL DEFINITIONS

101.01 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/her own examination and evaluation, and/or on evidence of compliance with an applicable standard, specification, or criteria developed by a recognized agency.

101.02 Habitable Building or Dwelling

Any permanent or temporary building or structure where persons reside, live, sleep, cook, work, congregate, or any combination thereof.

101.03 Health Department

The Monroe County Health Department.

101.04 Health Officer

The Health Officer/Director of the Monroe County Health Department or his/or her authorized representative.

101.05 Municipality

Any incorporated city, village or township within the County of Monroe.

101.06 Nuisance

The word "nuisance" shall be held to embrace public nuisance as known in common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health; whatever building, structure, or premise is not sufficiently ventilated, sewerred, drained, cleaned, lighted, or maintained, 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, and all such nuisances are hereby declared illegal.

101.07 Owner

The owner or owners of the freehold of the premises or lessor estate therein, a mortgagee or vendee in possession of assigned rents, receiver, executor, lessee or other person, firm, or corporation in control of a building or premises, or their duly authorized agents.

101.08 Premise

A lot, plot, or parcel of land including any buildings or structures thereon.

101.09 Person

An individual, partnership, cooperative, association, private corporation, personal representative receiver, trustee, assignee, or any other legal entity.

101.10 Environmental Health/Sanitary Code Board of Appeals

An independent board appointed by the Monroe County Board of Commissioners.

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MONROE COUNTY ENVIRONMENTAL HEALTH/SANITARY CODE
CHAPTER II - MAINTENANCE OF HOUSING AND PROPERTY

SECTION 200 JURISDICTION AND ADMINISTRATION

200.01 Authority

The provisions of this chapter shall apply to all structures, habitable buildings, and premises, including travel trailers and mobile homes, which are substandard with respect to conditions that may be deemed to constitute a nuisance to the health, safety, or welfare of their occupants and/or the general public.

200.02 Jurisdiction

This regulation is applicable throughout the County of Monroe, except that a city, village, or township may elect to exempt itself by adopting and enforcing similar or more stringent standards. All buildings shall be constructed to meet applicable health and safety-related local, state and federal laws and regulations pertaining to building code and usage.

SECTION 201 ENFORCEMENT

201.01 Right of Entry

The Health Officer shall have the right to investigate at reasonable times all complaints of non-compliance with regard to this regulation. If the Health Officer is refused access to the premises stated in the complaint, the Health Officer may seek access through the appropriate legal proceedings, including, but not limited to, a search warrant.

201.02 Notices and Orders

Whenever the Health Officer finds that the condition, occupancy, or use of a habitable building violates any of the provisions of this regulation or finds that any other violation of this regulation exists or has occurred, he/she shall give notice of the violation to the person or persons responsible therefore. In addition to such other things as the Health Officer may consider appropriate, the notice shall:

- (a) Be in writing and state the date of the inspection and the name of the inspector who found the violation or violations;
- (b) Include a description of the violation or violations and what must be done to correct the violation or violations;
- (c) Order that the violation or violations be corrected within a specified, reasonable period of time, of at least 10 days, but not more than 90 days;
- (d) Be delivered to the owner by personal service or by registered mail/return receipt requested, addressed to such owner at the address shown on the tax records; and
- (e) If, 15 days or more after the date of the violation notice, one or more persons to whom notice is addressed cannot be found, service may be made upon the owner by posting said notice in or about the habitable building described in the notice.

201.03 Citation; Petition for Administrative Hearing

Any person who has been issued a citation for violation of this Environmental Health/Sanitary Code, or a rule promulgated, regulation adopted, or order issued under this Environmental Health/Sanitary Code, may within 20 days after receipt of the citation, and consistent with MCL 333.2462, petition the Health Department for an administrative hearing, before the Health Officer which shall be held within 30 days after the receipt of the petition. At the administrative hearing, the petitioner shall be permitted to present facts, reasons, and arguments in support of the request that the citation be dismissed or modified. Within 10 days following the close of the administrative hearing, the Health Officer shall issue his or her written decision. As a result of said hearing, the Health Officer may affirm, dismiss, or modify the citation. The decision of the Health Officer shall be final, unless within 60 days of a decision, the Monroe County Board of Commissioners, or a committee thereof, grants review of the citation.

201.04 Actions to Secure Compliance; Injunctions; Corrections of Violations

- (a) **Actions by the Health Department:** The Health Officer may institute an action in any court of competent jurisdiction for an injunction requiring an owner or occupant of a habitable building, or any other person responsible of any violation of this regulation, to abate or correct any violation of this regulation, or to comply with an order or notice of the Health Officer, or for such other relief as may be appropriate to secure continuing compliance with the provisions of this regulation. An action for injunctive relief hereunder may be brought in addition to or joined with any other sanctions and remedies for violations of the provisions of this regulation, except in a criminal prosecution.
- (b) **Actions by Owners or Occupants:** An owner or occupant of any habitable building or any other person adversely affected by any violation of this regulation may bring an action in his/her own name in a court of competent jurisdiction to enforce the provisions of this regulation. Upon application, the Health Department may be joined with the complainant.
- (c) **Preliminary Injunction:** In any action to enforce this regulation or to obtain compliance with a notice or order issued by the Health Officer, the court, on application of any of the parties or on its own motion, may issue a preliminary injunction to abate or correct violations of this regulation or to comply with a notice or order of the enforcing agency, or may grant such other preliminary relief as it may deem necessary to protect the health and safety of the occupants of a habitable building or other persons adversely affected by the violations until the entry of a final judgment or order.
- (d) **Service on Mortgages and Lienors:** In addition to all persons who may be defendants in such an action, mortgagees and lienors of record with the Register of Deeds shall be served with a copy of the complaint and summons. The complainant shall also file a notice of the pendency of the suit in the office of the Register of Deeds of the County of Monroe.
- (e) **Relief to be Granted:** The court, having obtained jurisdiction, shall make such orders and determinations as are consistent with the objectives of this regulation. Without limitation on the foregoing, the court may enjoin the continued existence of any violation of this regulation and may order the defendant to make such repairs or corrections as may be necessary to correct any violation. When an occupant is not the cause of any violation of this regulation and is a complainant, the court may authorize the occupant to correct the violation and deduct the cost thereof from his/her rent, upon such terms as the court determines to be just. Whenever the court shall find that an occupant is the cause of any violation of this regulation, the court may authorize the owner to correct the violation and assess the cost thereof against said occupant or said occupant's security deposit.

- (f) **Restriction on Demolition of Habitable Buildings:** The court shall not order any habitable building to be demolished unless the cost of the repairs determined by the court to be necessary to bring the habitable building into compliance with this regulation shall be greater than the state equalized value of the habitable building.

SECTION 202 CONDEMNATION OF UNFIT HABITABLE BUILDINGS, HABITABLE BUILDING UNITS, ROOMING UNITS AND PREMISES

202.01 Unfit Dwellings

The designation of dwellings, dwelling units, rooming units and premises which shall be designated under this regulation as unfit for human habitation, shall constitute a declaration that the same constitutes a public nuisance and provisions for their vacation, removal, repair, condemnation or demolition shall be carried out in accordance with this regulation.

202.02 Unfitness Defined

"Unfit for Human Habitation" Any dwelling or dwelling unit which shall have any of the following defects shall be deemed "unfit for human habitation":

- (a) One which has been damaged by fire, wind, floods, or other causes so as to have become dangerous to life, safety, or the general health and welfare of the occupants or the people of the County of Monroe; or
- (b) One which, because of its condition, has become or, is so dilapidated, decayed, unsafe, unsanitary or which so utterly fails to provide amenities essential to decent living or are likely to cause sickness or disease or to work injury to the health, safety or general welfare of those living therein; or
- (c) One which has parts thereof which are so attached that they may fall and injure members of the public or property; or
- (d) One in which the owner or occupant fails to comply with orders of the Health Officer, based on the provisions of this regulation or on rules adopted pursuant thereto; or
- (e) One which become vacant, dilapidated and open at doors or windows, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

202.03 Procedure for Vacating

If the owner or occupant fails to comply with orders of the Health Officer as specified in Section 202.02, the Health Officer shall deem the dwelling, dwelling unit, rooming units, and/or premises to be in violation of this regulation. When the Health Officer so deems the same to be in violation of this regulation and shall have given notice to the owner, occupant, or operator to correct said violation, and if upon re-inspection at the end of the time specified for compliance, it is found that the violation or violations have not been corrected and no petition for an administrative hearing before the Environmental Health/Sanitary Code Board of Appeals is pending, the Health Officer may order the dwelling, or the part thereof affected by the continued violations, vacated in accordance with the following procedures:

- (a) Dwellings or parts thereof shall be vacated within a period of time not to exceed 30 days;
- (b) Vacated dwellings shall be placarded at all entrances to indicate that the dwelling has been condemned;

- (c) Vacated dwelling or parts thereof shall not again be used for human habitation until all violations of this regulation have been corrected and written determination is obtained from the Health Officer indicating that the habitable building at said date complies with all the provisions of this regulation and that a certificate of occupancy has been received from the municipality; and
- (d) If a dwelling or part thereof is not vacated within the time specified in the vacation order, the Health Officer may seek a court order in a court of competent jurisdiction for the vacation of said dwelling or part thereof notwithstanding the fact that such disobedience by the owner or occupant may also be punishable by fine or imprisonment, as hereafter provided in this regulation.

SECTION 203 SPECIFIC DEFINITIONS

203.01 Ashes

“Ashes” means residue from the burning of combustible materials.

203.02 Dwellings

- (a) One Family Dwelling is a building designed exclusively for one dwelling unit.
- (b) Two Family Dwelling is a building designed exclusively for two dwelling units.
- (c) Multi Family Dwelling is a building, or portion thereof, designed exclusively for occupancy by three or more families living independently of each other.
- (d) Hotel is a building arranged or used for the sheltering and sleeping, for compensation, of more than 10 individuals.

Dwelling Unit

“Dwelling unit” means a building, or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.

203.04 Extermination

“Extermination” means the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making materials inaccessible that may serve as their food; by poison, spraying, fumigating, trapping, or by any other approved pest elimination method.

203.05 Egress

“Egress” means a place or means of going out (exit).

203.06 Garbage

“Garbage” is the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

203.07 Habitable Room

“Habitable Room” is a room or enclosed floor space arranged for living, eating, or sleeping purposes (not including bathrooms, water closet compartment, laundries, pantries, foyers, hallways and other accessory floor space).

203.08 Harborage

“Harborage” means any place where insects, rodents, vermin, or other pests can live, nest, or seek shelter.

203.09 Ingress

“Ingress” means a place or means of entering.

203.10 Infestation

“Infestation” means the presence within or contiguous to a structure or premises of insects, rodents, vermin, or other pests.

203.11 Manufactured Home

“Manufactured Home” means a single-family manufactured living unit which is transported to a site as one or more modules, any of which is so constructed as to permit occupancy as a dwelling or sleeping place of one or more persons.

203.12 Motel

“Motel” means the same as a hotel.

203.13 Occupant

“Occupant” means any person over one year of age (including owner or operator) living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

203.14 Operator

“Operator” means any person who has charge, care, or control of a structure or premise that is let or offered for occupancy.

203.15 Permissible Occupancy

“Permissible Occupancy” means the maximum number of persons permitted to reside in a habitable building unit or rooming unit as established by state law and/or municipal ordinances for minimum square foot living space requirements.

203.16 Plumbing or Plumbing Fixtures

“Plumbing or Plumbing Fixtures” means water heating facilities, water pipes, gas pipes, garbage and disposal units, waste lavatories, bathtubs, shower baths, installed clothes washing machines, or other similar equipment, catch basins, drains, vents, or other similarly supplied fixtures, together with all connections to water, gas, sewer, or vent lines.

203.17 Premise

“Premise” means a lot, plot, or parcel of land including any buildings or structures thereon.

203.18 Refuse

“Refuse” means solid wastes, except body wastes, and including garbage, rubbish, ashes, street sweepings, and solid market and solid industrial wastes.

203.19 Refuse Container

“Refuse Container” means a watertight container that is constructed of durable material impervious to rodents, insects, vermin, or other pests. Openings shall have tight-fitting covers or lids.

203.20 Rubbish

“Rubbish” means combustible and non-combustible waste materials, except garbage, including ash, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, and other similar materials.

203.21 Safety

“Safety” means the condition of being free from danger and hazards that may cause accidents or disease.

203.22 Structure

“Structure” means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

203.23 Supplied

“Supplied” means installed, furnished, or provided by the owner, occupant, or operator.

203.24 Ventilation

“Ventilation” means the process of supplying and removing air by natural or mechanical means to or from any space.

203.25 Yard

“Yard” means an open unoccupied space on the same lot with a building.

SECTION 204 RESPONSIBILITIES OF HOMEOWNERS AND OCCUPANTS

204.01 Occupancy

No owner or other person shall occupy or let to another person any dwelling or dwelling unit unless it and the premises are maintained in a clean and sanitary condition and comply with all the provisions of this regulation.

204.02 Shared and Public Areas

Every owner of a habitable building containing two or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premise thereof.

204.03 Refuse Containers

Every owner of a habitable building containing two or more dwelling units shall supply approved and adequate refuse containers for the sanitary and safe storage of refuse. In the case of single-family dwellings, it shall be the responsibility of the occupant to furnish such refuse containers.

204.04 Removal from Premise

All refuse containers shall be emptied and the contents removed at least once each week. The removal of refuse shall be the responsibility of the occupant unless otherwise provided for by the owner.

204.05 Cleanliness

Every occupant of a building or part thereof shall keep that part of the building and the premises thereof which he/she occupies, controls, or uses in a clean and sanitary condition.

204.06 Disposal of Refuse

Every occupant of a building or part thereof shall dispose of all his/her refuse in a clean and sanitary manner by placing it in the containers as provided in Section 204.03 or by other methods approved by the Health Officer.

204.07 Maintained Clean and Sanitary

All building facilities, including fixtures, shall be maintained in a clean and sanitary condition by the occupant so as not to create a condition dangerous or detrimental to public health.

SECTION 205 ENVIRONMENTAL REQUIREMENTS - EXTERIOR

No person shall occupy as owner-occupant, or let to another for occupancy, any structure or portion thereof which does not comply with the requirements of this regulation.

205.01 Sanitation

All exterior areas of a premises shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage.

205.02 Noxious Weeds

All exterior areas of a premises shall be kept free from species of weeds or plant growth that are noxious or detrimental to the public health.

205.03 Insect and Rodent Harborage

Every owner of a structure or premises shall be responsible for the extermination of insects, rodents, vermin, or other pests in all exterior areas of the premises, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family habitable building. Whenever an infestation exists in two or more dwelling units, extermination shall be the responsibility of the owner. Whenever an infestation exists in only one dwelling unit, the occupant shall be responsible for the extermination of rodents, insects, vermin and other pests. Notwithstanding the foregoing provisions, whenever infestation of rodents is caused by failure of the owner to maintain any habitable building or multi-family habitable building in a rodent-proof condition, extermination of such rodents, insects, vermin, and other pests shall be the responsibility of the owner.

205.04 Accessory Structure

All accessory structures, including detached garages, shall be maintained structurally sound and in good repair.

205.05 Foundations, Walls and Roofs

Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rodents, insects, vermin, and other pests.

205.06 Structural Safety

Every outside stair, every porch, and every appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and shall be kept in sound condition and good repair.

205.07 Handrails

When the Health Officer deems it necessary for safety, every flight of stairs and porch shall have handrails. Each handrail shall be firmly fastened and shall be maintained in good condition and comply with local building codes.

205.08 Windows, Doors and Hatchways

Every window, exterior door, and basement hatchway shall be substantially tight and shall be kept in sound condition and repair.

205.09 Exit Doors

Every door acting as an exit shall be capable of being opened from the inside easily and without the use of a key.

SECTION 206 ENVIRONMENTAL REQUIREMENTS - INTERIOR

No person shall occupy as owner-occupant, or let to another for occupancy, any structure or portion thereof which does not comply with this regulation.

206.01 Sanitation

The interior of every habitable building and structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. Rubbish, garbage, and other refuse shall be properly kept inside temporary storage facilities as required under Sections 204.03, 204.04, 204.05, and 204.06 of this regulation.

206.02 Structural Members

The supporting structural members of every building shall be maintained structurally sound, showing no evidence of deterioration that would render them incapable of carrying the imposed loads.

206.03 Stairs and Railings

All interior stairs and handrails as provided for in Section 205.07 shall be maintained in sound condition and good repair.

206.04 Bathroom and Kitchen Floors

Every toilet, bathroom, and kitchen floor surface shall be constructed and maintained so as to permit such floor to be easily kept clean and sanitary.

206.05 Insect and Rodent Harborage

Buildings shall be kept free from rodents, insects, vermin, and other pest infestation, and where insects or rodents are found, they shall be promptly exterminated by acceptable processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

206.06 Interior Walls, Ceilings, and Floors

All interior walls, ceilings, and floors shall be structurally sound, in good repair, free from defects, and maintained clean.

SECTION 207 BASIC FACILITIES

The minimum sanitary facilities as specified in Sections 207.01 through 207.07 shall be provided and maintained in a sanitary, safe, and working condition.

207.01 Toilet and Bathing Facilities

Every dwelling unit shall contain a toilet and bathtub and/or shower which are separate from the habitable rooms and which affords privacy.

207.02 Lavatory

Every dwelling unit shall contain a lavatory that shall be in the same room or rooms, or immediately adjoined to the same room or rooms, which contain a toilet and bathing facilities.

207.03 Kitchen Sink

Every dwelling unit shall contain a kitchen sink separate from the lavatory required under Section 207.02.

207.04 Water and Sewer System

Every sanitary facility shall be properly connected to either a public water and sewer system or to an approved onsite water supply and sewage disposal system as provided in this regulation.

207.05 Heating Facilities

Every dwelling shall have heating facilities, and the owner of the structure shall be required to see that they are properly installed, safely maintained, and in good working condition, and that they are capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms located therein, to a temperature of at least an average of 68° Fahrenheit at three feet above the floor level in all habitable areas during all seasons.

207.06 Adequate Ventilation

Every habitable room shall have at least one window that can be easily opened or such other device as will adequately ventilate the room. Said window shall be adequately screened to prevent the entrance of flies and other vermin.

207.07 Cooking and Heating Equipment

All cooking and heating equipment, components, and accessories in every heating, cooking, and water heating device shall be maintained free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards.

SECTION 208 GARBAGE AND RUBBISH DISPOSAL

208.01 Garbage and rubbish disposal

Garbage and rubbish shall be disposed of in a manner that does not create a nuisance or menace to health in accordance with the provisions of Part 115 of Act 451 of the Public Acts of 1994 as amended. Any person or property owner disposing of garbage or rubbish from his/her own household upon a premises under his/her control can dispose of such material as long as such disposal method does not create a nuisance or hazard to health.

208.02 Dumping refuse

It shall be unlawful for any person to dump any refuse upon any street, alley premises, public or private, provided that the placing of leaves into the street shall be permitted where an organized pickup by the municipality having jurisdiction exists.

208.03 Transportation of garbage

Vehicles used in the transportation of garbage and rubbish shall be so constructed and maintained so that no portion of the contents therefrom shall be deposited on or along any public street, alley, or highway.

MONROE COUNTY ENVIRONMENTAL HEALTH/SANITARY CODE
CHAPTER III - WATER SUPPLIES

SECTION 300 SPECIFIC DEFINITIONS

300.01 Abandoned

- (a) A well which has its use permanently discontinued;
- (b) A well which is in such disrepair that its continued use for the purpose of obtaining groundwater is impractical;
- (c) A well which has been left uncompleted;
- (d) A well which is a threat to groundwater resources; and
- (e) A well that is or may be a health or safety hazard.

All abandoned wells shall be plugged in accordance with Part 127 of Act 368 of the Public Acts of 1978, as amended.

300.02 Alternate Water Supply System

“Alternate Water Supply System “ means an onsite water supply system that is not a properly constructed onsite well, or a direct connection to a municipal public water supply. The onsite water supply shall meet applicable local, state, and federal health laws, regulations and standards.

300.03 Approved Construction Material

“Approved Construction Material” means materials approved for construction of a well or water supply system in accordance with Part 127 of Act 368 of the Public Acts of 1978, as amended. Black steel pipe shall not be an approved construction material for a well or water supply system

300.04 Approved Potable Water Supply

“Approved potable water supply” means a drilled well or a municipal water supply.

300.05 Consecutive Water Samples

“Consecutive Water Samples” means those samples taken by the Health Officer no less than eight hours apart and not more than 15 days apart.

300.06 Contaminated Water Supplies

Unless otherwise provided for in these regulations, when at least two consecutive samples of water from an existing water supply show the presence of coliform said water supplies may be condemned by the Health Officer in writing until such supply is corrected as described in Section 301.04.

300.07 Extensive Change

“Extensive Change” means a change that requires the entire water system to meet the requirements of this regulation unless a variance is issued pursuant to the provisions of this Code. This shall include relocation of a similar pump, relocation of a buried suction or pressure line, replacing the entire casing, removing a casing from the ground, exposing a buried well head, installing a pitless adapter, changing screen elevations, deepening or plugging back a bedrock well, hydraulic fracturing of a well, installing a liner pipe, or changing aquifers.

300.08 Public Water Supply

Waterworks system which provides water for drinking or household purposes to persons other than the supplier of water. Public water supplies are defined in Act 399, Public Acts of 1976, as amended:

- (a) Type I: All community supplies are classified as Type I public water supplies.
- (b) Type II: All non-community supplies are classified as Type II public water supplies.
 - 1) Type IIa: Type IIa public water supplies are Type II public water supplies with an average daily water production for the maximum month equal to or greater than 20,000 gallons per day.
 - 2) Type IIb: Type IIb public water supplies are Type II public water supplies with an average daily water production for the maximum month of less than 20,000 gallons per day.
- (c) Type III: All public water supplies which are not Type I or Type II public water supplies shall be classified as Type III public water supplies.

300.09 Water Supply System

“Water Supply System” means a well, pump, and pumping equipment to supply water to a single or two family dwelling and nonresidential facilities.

300.10 Well

“Well” is defined as an opening in the surface of the earth for the purpose of: obtaining groundwater, monitoring the quality or quantity of groundwater, obtaining geologic information on aquifers, recharging aquifers, purging aquifers, utilizing the geothermal properties of earth formations or removing groundwater for any purpose. Wells as defined in this section shall include:

- (a) A water supply well used to obtain potable water for drinking and/or domestic purposes;
- (b) An irrigation well that is used to provide water for plants, livestock, filling of lakes or ponds, or other agricultural processes;
- (c) A heat exchange well used for the purpose of utilizing the geothermal properties of earth formations for heating or air conditioning;
- (d) An industrial well used to supply water for industrial processes, fire protection, or similar non-potable uses;
- (e) A test well used to obtain information on groundwater quantity, quality, or aquifer characteristics for the purpose of designing or operating a water supply well;
- (f) A recharge well used to discharge water into an aquifer;

- (g) A dewatering well used to lower the groundwater level temporarily at a construction site;
- (h) A fresh water well at an oil or gas well drilling site.

SECTION 301 JURISDICTION AND ADMINISTRATION

301.01 Jurisdiction

These regulations apply to all water supply systems within Monroe County, excluding monitoring wells and Type I public water supplies.

301.02 State Laws and Regulations

Onsite water supplies, groundwater supplies, well drillers, pump installers, and water haulers shall conform to the applicable requirements of Part 127 of Act 368 of the Public Acts of 1978, as amended and Act 399 of the Public Acts of 1976, as amended, and to the rules and regulations adopted pursuant to said Acts.

301.03 Approvals

The Health Officer shall make such inspections or evaluations as deemed necessary to determine that a water supply system complies with the provisions of the Monroe County Environmental Health/Sanitary Code and Part 127 of Act 368 of the Public Acts of 1978, as amended.

301.04 Correction of Contaminated Water Supplies

Unless otherwise provided for in these regulations, contaminated water supplies shall be disinfected, developed, repaired or plugged, in accordance with Part 127 of Act 368 of the Public Acts of 1978 as amended. In addition, to meet the requirements of release from condemnation, at least two consecutive water samples shall indicate coliform is not present in the water supply.

301.05 Immediate Health Hazard

Contaminated water supplies that in the judgment of the Health Officer represent an immediate health hazard, shall be posted with suitable signs at each outlet, or the outlets shall be made inoperative.

301.06 Penalty

Any person violating these regulations or any provision of these regulations shall be guilty of a misdemeanor as stated in Section 100.05 of the Monroe County Environmental Health/Sanitary Code.

301.07 Water Supplies Required

Every habitable building shall be provided with an approved potable water supply system from which a minimum of 8 gallons of water per minute measured after two hours of continuous pumping shall be available at all times to meet the needs of all the occupants of said building.

SECTION 302 WATER SUPPLY PERMITS

302.01 Permit Required

Prior to any new construction, or extensive change affecting the basic unit or the suction line on any water supply system covered by these regulations, the owner, well driller, or pump installer shall obtain a permit from the Monroe County Health Department except as provided for in Section 302.02. The owner is responsible for supplying the necessary information which, in the judgment of the Health Officer, may consist of, but not be limited to, the location of the proposed onsite water supply, engineering drawings, maps, elevations of recorded or predicted floods, subsurface geological formations, locations of nearby sources of pollution, the intended use of the proposed water supply, and detailed plans of the proposed water supply system. A permit fee, as stated in the Health Department Fee Schedule, shall be made payable to the Monroe County Health Department. When a permit is required for an extensive change, the water supply system shall meet the construction requirements of Part 127 of Act 368 of the Public Acts of 1978, as amended and Act 399 of the Public Acts of 1976, as amended and to the rules and regulations adopted pursuant to said Acts.

302.02 Permits Issued by the Michigan Department of Environmental Quality

If required under Act 399 of the Public Acts of 1976, as amended, and to the rules and regulations adopted pursuant to said Act, the owner, well driller, or pump installer is required to obtain a permit directly or exclusively from the Michigan Department of Environmental Quality, it shall not be a requirement to obtain a permit from the Monroe County Health Department. When the Monroe County Health Department issues a permit for the installation or alteration of a public water supply system, under an agreement, contract, or cooperative arrangement as stated in Act 399 of the Public Acts of 1976, as amended, said permit shall be issued in accordance with Section 302.01 of these regulations.

302.03 Expiration of Permit

Any permit issued pursuant to the requirements of this chapter shall be valid for the term of 12 months from the date of issuance, unless declared void as provided for in Section 302.05 and no construction, alteration, and/or extension shall continue without renewal of said permit. Said permit shall not be transferable to any new owner or to another location on the same parcel of property or to a different location and/or owner at a different parcel of property. One 60-day permit extension may be granted providing the request for the extension is received in writing and prior to the expiration of said permit.

302.04 Priority Over Building Permits

No city, village, township, or agency shall issue a building permit or otherwise allow commencement of construction of any premises where public water supplies are not available until a permit has first been obtained from the Health Officer for a water supply system. No city, village, township, or agency shall issue a building permit or otherwise allow commencement of construction of an addition or major alteration to an existing habitable building if a municipal water supply system is not available until approval for the continued use of the existing water supply system has been given by the Health Officer or until a permit has been issued by the Health Officer for the construction of a water supply system.

302.05 Stop Work Order - Void Permit

When during construction, any new work or extensive change to an onsite water supply system is found in violation with the provisions of these regulations, the Health Officer may issue a stop work order by posting said notice at the site. Any valid water supply construction permit shall be declared void when a "Stop Work Order" is posted on the premises.

302.06 Alternative Water Supply System Permit

If a water well cannot be constructed in compliance with the provisions of these rules regulations due to hydrogeological limitations, the Health Officer may authorize the use of an alternate water supply system. Plans and specifications including monitoring, operating, and maintenance for the alternate water supply system shall be reviewed and approved by the Health Officer. Prior to issuance of an alternative water supply system permit an affidavit shall be signed and recorded with the Monroe County Register of Deeds. The affidavit referred to in this section shall become null and void when the single or two family habitable building or nonresidential structure connects to a municipal water supply.

302.07 Alteration or Repair of Existing Buildings – Permit Required

All water supply systems shall conform to the minimum construction requirements of this regulation if the following applies to the building(s) being served by the system:

- (a) Reconstruction after existing structure is voluntarily demolished; or
- (a) Reconstruction after fire or casualty destroys over 50% of the building; or
- (c) Reconstruction of existing building that exceeds 50% replacement.

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MONROE COUNTY ENVIRONMENTAL HEALTH/SANITARY CODE
CHAPTER IV - FOOD SERVICE SANITATION

A regulation defining food, potentially hazardous food, food service establishment, mobile food unit, temporary food service establishment, regulatory authority, utensils, equipment, etc., providing for the sale of only sound, properly labeled food; regulating the sources of food; establishing sanitation standards for food, food equipment and utensils, food service personnel, food service operations, food protection, sanitary facilities and controls, and other facilities; requiring permits for the operation of food service establishments; regulating the inspection of such establishments; providing for the examination and condemnation of food; providing for incorporation by reference of the” Michigan Food Law of 2000, as amended and any subsequent revisions of such law; and providing for the enforcement of this regulation.

SECTION 400 JURISDICTION AND ADMINISTRATION

400.01 General

There is hereby incorporated by reference, and adopted as part of these regulations the following publications or portion of publications, three certified copies of which are on file at the Monroe County Health Department. Provisions of Act No. 92 of the Public Act of 2000 “Michigan Food Law of 2000”, approved May 8, 2000, effective November 8, 2000 as amended.

400.02 Penalties

Any person who violates any of the provisions of this regulation shall be guilty of a misdemeanor as stated in Section 100.05 of the Monroe County Environmental Health/Sanitary Code.

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MONROE COUNTY ENVIRONMENTAL HEALTH/SANITARY CODE
CHAPTER V
ONSITE SEWAGE DISPOSAL

A regulation requiring approved onsite sewage disposal systems, establishing certain specifications and minimum standards for the installation of onsite sewage disposal systems; providing for the issuance and obtaining of permits; establishing licensing and bonding requirements for sewage disposal contractors.

SECTION 500 SPECIFIC DEFINITIONS

500.01 Approved

"Approved" means acceptable for intended use as judged by the Health Officer, according to state and/or local rules, regulations, and technical data.

500.02 Alternative Method of Onsite Sewage Disposal

"Alternative Method of Onsite Sewage Disposal" means a treatment and disposal system that is not a conventional system and provides for an equivalent or better degree of protection for public health and the environment either through uniform distribution of effluent to the final disposal system, enhanced treatment prior to final disposal, or combinations thereof.

500.03 Automatic Siphon

An "automatic siphon" means 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.

500.04 Biochemical Oxygen Demand (BOD)

"Biochemical oxygen demand" is a measure of the amount of oxygen needed by micro-organisms to break down solids and other readily degradable organic matter present in wastewater effluent, usually measured in mg/L or parts per million.

500.05 Contractor

"Contractor" means an individual with a written contract to do a specific job, who performs services at a specified price, for the construction of onsite sewage disposal systems.

500.06 Conventional System

A "conventional system" means an onsite sewage treatment and disposal system that contains a watertight septic tank with non-uniform distribution of effluent to subsurface soil trenches or an absorption bed.

500.07 Diversion Valve

"Diversion valve" means a mechanism provided to enable a switching of the effluent flow from one soil absorption system to another separate absorption system so as to permit alternate periods of loading and resting.

500.08 Dosing Chamber

"Dosing chamber" means a watertight tank or receptacle used for the purpose of retaining the overflow or effluent from a septic tank, pending its discharge to a selected point.

500.09 Effluent Filter

"Effluent filter" means an approved device installed, either inside or outside the septic tank, on the effluent side, for the purpose of improving the quality of the effluent from the septic tank to the soil absorption system.

500.10 Filter Material

"Filter material" means a medium of inert material or aggregate used in sewage disposal systems; e.g., washed gravel, stone, crushed rock, or other material, approved by the Health Officer.

500.11 Floodway

A "floodway" includes the channel of a river or stream and the area adjacent to the channel that will carry moving water during times of flood. This is a high hazard portion of the floodplain.

500.12 Flush Toilet

"Flush toilet" means a plumbing receptacle containing a portion of water, which receives human excreta and is designed to discharge the contents to an outlet connection by means of a flush of water.

500.13 Food Service Establishment

"Food service establishment" means a fixed or mobile restaurant, coffee shop, cafeteria, short order café, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, nightclub, drive-in, industrial feeding establishment, private organization serving the public, rental hall, catering kitchen, delicatessen, theater, commissary, or similar place in which food or drink is prepared for direct consumption through service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public.

500.14 Geosynthetic Fabric Standards

“Geosynthetic fabric” means a lightweight non-woven fabric used as the separation material on top of drainfield stone to provide separation between the soil cover and the stone. The fabric used shall meet the following specifications:

<u>Property Value</u>	<u>Test Method</u>	<u>Minimum Avg. Roll</u>
Grab Tensile, lbs	*ASTM D4632	35 lbs, minimum
Grab Elongation, %	*ASTM D4632	50%, minimum
Puncture lbs	*ASTM D4833	10 lbs, minimum
Trapezoidal tears, lbs	*ASTM D4533	11 lbs, minimum
**AOS.US Sieve #	*ASTM D4751	20US sieve#, min.
**AOS.US Sieve #	*ASTM D4751	70US sieve#, max.

*American Society for Testing and Materials Standards
**Apparent Opening Size: A property that indicates the approximate largest particle that would effectively pass through the geosynthetic fabric.

500.15 Gley colorations

“Gley Colorations” means a type of hydric soil that exhibits a greenish-blue-grey soil color due to wetland conditions.

500.16 Highest Known Water Table

"Highest Known Water Table" means the elevation in the soil profile where evidence is present that water has displaced oxygen in the soil for a prolonged period of time, determined by the presence of redoximorphic features, gley colorations, or free water in the soil.

500.17 Homeowner

“Homeowner” means any person who owns a single or two family dwelling and has the intention of occupying said dwelling.

500.18 Installer

“Installer” means any person licensed under this Code to construct and install onsite sewage disposal systems.

500.19 Maintenance Agreement

“Maintenance agreement” means a contract for a period of time to provide maintenance of mechanical equipment provided by a qualified service provider.

500.20 Manual of Septic Tank Practice

“Manual of Septic Tank Practice” means a publication of the United States Department of Health, Education and Welfare Publication No. (HSM) 72-10020, formerly known as "PHS Publication No. 526," revised 1967, for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20201

500.21 Nonresidential

“Nonresidential” means any parcel being developed for any use other than a single or two family habitable building or for a residential habitable building in a platted subdivision that falls under the jurisdiction of Act 288 of the Public Acts of 1967, as amended, commonly referred to the Land Division Act.

500.22 Nuisance

"Nuisance", under this Code, means any condition where effluent from any onsite sewage disposal system is exposed to the surface of the ground or is permitted to drain on or to the surface of the ground, into any ditch, storm sewer, lake, pond, river, or stream, or when the odor, appearance, or presence of the effluent may have an obnoxious or detrimental effect on or to the senses and/or health of persons.

500.23 Onsite Sewage Disposal System:

"Onsite Sewage Disposal System" method of wastewater disposal other than a public system which is under the jurisdiction of the Michigan Public Health Code, Part 41 of Act 451 of the Public Acts of 1994, as amended, which receives human excreta, liquid wastes, or both from one premise. Included within the scope of this definition are septic tank-soil absorption systems, privies, chemical toilets, and such other types as may be approved by the Health Officer.

500.24 Ped

Ped means a unit of soil structure; an aggregate, such as prism, block, or granule formed by natural process.

500.25 Pretreatment System

“Pretreatment system” means any technology or combination of technologies that precedes the discharge of wastewater to the onsite sewage disposal system for the purpose of improving the water quality of the effluent.

500.26 Redoximorphic Features

“Redoximorphic Features” means mottling of soil and is identified by the presence of oxidized and reduced states of iron in the same ped.

500.27 Septic Tank

A "septic tank" is a watertight and structurally sound receptacle used for storage and decomposition of human excrement and domestic wastes. Septic tanks and dosing tanks used for onsite sewage disposal systems shall be structurally sound when installed, so as to support the weight of the soil around and above the tank in both a full and empty condition and be of sufficient weight to prevent buoyancy

500.28 Service Provider

“Service Provider” means an individual authorized by the manufacturer of the pretreatment or onsite sewage disposal system and recognized by the Monroe County Health Department, who represents the manufacturer and/or is the distributor of a pretreatment or onsite sewage disposal system who contracts services to perform maintenance on pretreatment or onsite sewage disposal systems.

500.29 Sewage

"Sewage" means a combination of the domestic liquid or semi-solid wastes. This includes human excreta, garbage disposal wastes, dishwater, bath water, and laundry wastes, together with all liquid wastes that could be a hazard to public health or create a nuisance.

500.30 Sewer

A "sewer" is a watertight conduit for carrying sewage.

500.31 Single Installation License

“Single Installation License” means a license to install one onsite sewage disposal system serving a dwelling within Monroe County in which the homeowner has the intention of occupying.

500.32 Soil Absorption System

"Soil Absorption System" means a method of utilizing the soil for subsequent absorption of sewage; e.g., a trench, bed, or a combination thereof.

500.33 Surface Water

“Surface Water” means the water that is exposed or flows on the ground surface.

500.34 Total Suspended Solids (TSS)

“Total suspended solids” means a measure of the amount of solid matter in wastewater or effluent usually measured in mg/L or parts per million.

500.35 Variance

“Variance” means a written authorization to deviate from a specific provision of this regulation.

SECTION 501 JURISDICTION AND ADMINISTRATION

501.01 Jurisdiction

This regulation applies to the installation and maintenance of all onsite sewage disposal systems within Monroe County serving:

- (a) Single and two family habitable buildings
- (b) Nonresidential structures with effluent discharge less than 1000 gallons per day (gpd)

501.02 State Laws and Regulations

The installation and use of onsite sewage disposal systems shall conform to the applicable requirements of Sections 2433 through 2446 of the Michigan Public Health Code, 1978 PA 368, as amended, Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and Part 22, Administrative rules and Part 4, Department of Environmental Quality Administrative Rules for On-Site Water Supply and Sewage Disposal for Land Divisions and Subdivisions, R 560.406 to R 560.428, the Michigan Criteria for Subsurface Sewage Disposal, April 1994, as amended and to the rules and regulations adopted pursuant to said Acts and criteria. Privies shall conform to the Public Health Code, Part 127 of P.A. 1978, as amended.

501.03 Sewage Disposal Facilities Required

All devices including flush toilets, urinals, lavatories, sinks, bathtubs, showers, laundry sinks, or any other device from which sewage emanates shall be connected to an approved onsite sewage disposal system. However, when public sanitary sewers are available, specified in the Natural Resources and Environmental Protection Act, Part 31, of Act 451 of the Public Acts of 1994, as amended, all devices where sewage emanates shall be connected to said public sanitary sewer system. Footing drainage, downspouts, water softener regenerating water, or any other waste not defined as sewage shall not be connected to or discharged into any part of the onsite sewage disposal system, or its immediate vicinity.

501.04 Premise Occupancy

It shall be unlawful for any person to occupy, or permit to be occupied, any premise that is not equipped with an adequate onsite sewage disposal system for the disposal of all forms of sewage in a sanitary manner. Such facilities shall be constructed in accordance with the provisions of this regulation. Under no condition may the sewage from an existing or hereafter constructed premise be discharged or deposited upon the surface of the ground, or into any lake, river, stream, county drain, ditch, pond, or storm sewer. Any premise constructed or maintained that is not in accordance with these regulations may be declared unfit for habitation and may be so posted by the Health Officer. A habitable building posted as unfit for human habitation shall be vacated within a reasonable period of time not to exceed 30 days, unless said violation has been corrected within this specified time limit.

501.05 Condemnation of Existing Installations

The Health Officer may condemn and order repaired or replaced any existing onsite sewage disposal system where the effluent therefrom is exposed to the surface or is permitted to drain onto the surface of the ground, or into any lake, river, county drain, storm sewer, pond, or stream, or where the seepage of effluent therefrom may endanger a

public or private water supply, or where an improperly constructed or maintained onsite sewage disposal system creates a public or private nuisance.

501.06 Drains

When the Health Officer determines that improperly treated sewage is flowing from the outlet of any public or private drain of unknown course or origin, he/she may issue public notices requiring the owner of the property from which such sewage originated, to comply with the provisions of Section 501.03 of these regulations. Public notices shall consist of the posting of at least five conspicuous notices in the area served by said drain. After not less than 30 days following posting of the notices, the Health Officer may plug, or cause to be plugged, the outlet of said drain, except an established county or inter-county drain, until such time as the sources of the sewage have been located. Owners of premises known to be discharging improperly treated sewage in said drain posted by the Health Officer shall be given written notice of corrections required within the time allowed by the posted notices. Failure to comply shall be considered a violation of this regulations. The Health Officer shall not be liable for any damages, that result or might result from action authorized by this section.

501.07 Separate Systems for Each Habitable Building

Unless specifically approved by the Health Officer, each onsite sewage disposal system shall serve only one habitable building. No septic tank, tile field, or any part thereof shall be located on any property other than that where the habitable building is located except by a properly recorded deed restriction and written permission of the Health Officer.

501.08 Maintenance

An onsite sewage disposal system shall be continually operated and maintained in accordance with this regulation. A septic tank shall be serviced by having sludge pumped out at such intervals as necessary to prevent carry-over of solids into the absorption field. The pumping service shall be provide by a septage hauler licensed under Part 117 of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, as amended.

501.09 Mechanical Systems for Sewage Treatment

Before the installation of residential or nonresidential mechanical device or system for treatment of sewage by aeration, flotation, or other processes exclusive of conventional septic tanks and/or dosing tanks, written application shall be made to the Health Officer for approval. Complete information about the mechanical system shall be provided to the Health Officer, including but not limited to, manufacturer, model number, design specifications, independent test data, warranties, guarantees, and other data needed for evaluation. Prior to approval by the Health Officer, a continuing maintenance agreement for the life of the mechanical system shall be required and submitted by a qualified service provider authorized to do business in Michigan.

501.10 Abandonment of Onsite Sewage Disposal Systems

When any existing onsite sewage disposal system is abandoned or its use terminated, the existing septic tank(s), dosing tank(s), and drywell(s) shall be pumped, the tank top removed, and the tank filled with material approved by the Monroe County Health Department or crushed and removed from the premise.

501.11 Engineered Onsite Sewage Disposal System Plans

Plans at scale prepared by a licensed engineer in the State of Michigan, or a Registered Sanitarian in the State of Michigan, or a Registered Environmental Health Specialist as specified by the National Environmental Health Association shall be required for all onsite sewage disposal systems serving nonresidential structures as defined in this regulation.

SECTION 502 LICENSING AND BONDING OF CONTRACTORS

502.01 Initial Licensing:

A contractor, prior to commencing any work to install onsite wastewater disposal systems within Monroe County, shall apply for and obtain an annual sewage disposal system installation license from the Monroe County Health Department. Each applicant for such license shall take and successfully pass a written examination prepared by the Health Officer. A fee, as stated in the Health Department Fee Schedule, shall accompany each application. The annual licensing period shall expire on December 31st of each year.

A license shall not be issued to any contractor for hire to install septic tanks and onsite sewage disposal systems unless a performance bond, the amount of said bond as stated in the Health Department Fee Schedule, that is valid for a period of at least one year beyond the expiration date of said license, is made, executed, and delivered to the Health Officer in the name of Monroe County. The bond shall be made available for payment to the Monroe County Health Department in the event of necessary servicing, repair, and/or replacement of any onsite sewage disposal system covered by said bond. If at any time the contractor does not have a valid bond as outlined in this chapter, the Health Officer may declare void the permit for each private sewage treatment system covered by said bond and may forthwith order the vacating of any or all premises served by such system, in accordance with Section 202.03 of this regulation. Charges against this bond may include necessary costs of servicing, repair, replacement, and subsequent inspection of said sewage treatment system, with customary allowance for overhead charges. A surety company authorized to do business in Michigan shall execute the bond..

502.02 Initial Licensing: Homeowner

A homeowner prior to commencing any work to install an onsite sewage disposal system shall apply for and be issued a single installation license to install an onsite sewage disposal system serving a habitable building within Monroe County in which the homeowner has the intention of occupying. Each applicant for such license shall take and successfully pass a written examination prepared by the Health Officer. A single application license shall not require a performance bond as described in Section 502.01.

502.03 License Renewal

Before renewal of the onsite sewage disposal system installation license issued under the provisions of Section 502.01, any contractor licensed under the provisions of Section 502 shall be required to take and successfully pass a written examination prior to renewal of a license. If the person or contractor has installed a minimum of five sewage disposal systems in the past calendar year the written examination may be waived at the discretion of the Health Officer.

502.04 License Revocation

Any license issued pursuant to Section 502.01 of these provisions may be forthwith revoked by the Monroe County Health Department if in the judgment of the Health Officer one or more of the following conditions are present:

- (a) The performance bond as stated in Section 502.01 expires or becomes ineffective; or
- (b) The contractor installs any onsite sewage disposal system without first obtaining a permit from the Monroe County Health Department; or
- (c) Violations of constructional requirements as stated in the construction permit and/or other provisions of these regulations.

SECTION 503 PERMITS, APPROVAL, FEES

503.01 Permit Required

It shall be unlawful for any person to construct, repair, alter, or extend any onsite sewage disposal system within Monroe County unless the Health Officer has issued a permit for an onsite sewage disposal system in accordance with this regulation.

503.02 Application

- (a) Before a permit to construct an onsite sewage disposal system will be issued, an application shall be made to the Health Officer on a form provided by the Health Department. A site assessment shall be conducted and evaluated as described in sections 503.06, 503.07 and 503.08.
- (b) The application shall include the name and address of the applicant, the description of the property on which said construction, alteration, or extension is proposed, and the actual or proposed use of the property.
- (c) The application fees, as specified in the Health Department Fee Schedule, shall accompany the application for a permit.

503.03 Priority Over Building Permits

No city, village, township, or agency shall issue a building permit or otherwise allow commencement of construction of any premises where public sewers are not available until a permit has first been obtained from the Health Officer for an onsite sewage disposal system. No city, village, township, or agency shall issue a building permit or otherwise allow commencement of construction of an addition or major alteration to an existing habitable building if public sewers are not available until approval for the continued use of the existing onsite sewage disposal system has been given by the Health Officer or until a permit has been issued by the Health Officer for the construction of an onsite sewage disposal system.

503.04 Expiration of Permits

Any permit issued pursuant to the requirements of the preceding sections shall be valid for the term of 12 months from the date of issuance, unless declared void as provided for in Section 503.05, and no construction, alteration, and/or extension shall continue without renewal of said permit. Said permit shall not be transferable to any new

owner or to another location on the same parcel of property or to a different location and/or owner at a different parcel of property. One 60-day permit extension may be granted provided the request for the extension is received in writing and prior to expiration of said permit.

503.05 Stop Work Order - Void Permit

The permit for an onsite sewage disposal system may be declared void and a "Stop Work Order" posted by the Health Officer if the area designated for the onsite sewage disposal system is disturbed by major filling, excavating, paving, or flooding, or by the installation of a public sewer, 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 if there is any increase in the scope of the project prior to, during, or following construction of said system, or when the construction of the onsite sewage disposal system is found in violation with the provisions of these regulations.

503.06 Onsite Sewage Disposal System Permit Evaluation Process

Before a permit to install an onsite sewage disposal system will be issued, test borings shall be made by a representative of the Monroe County Health Department, or excavations conducted by a backhoe operator independently contracted by the property owner or applicant, while the representative of the Monroe County Health Department is present, within the area proposed for the sewage disposal system to determine that the groundwater level and soil formation comply with this section. The following criteria shall be used in determining the suitability of the property to provide satisfactory drainage and area for an onsite sewage disposal system:

- (a) Soil Analysis - The soil classification and interpretations as provided by the United States Department of Agriculture, Natural Resources Conservation Service, and the use limitations pertaining to that soil classification will be considered by the Health Officer and used as part of the property evaluation. Test borings or excavations shall be made, to a minimum depth of four feet, within the area proposed for the onsite sewage disposal system to determine that the groundwater level and soil formation comply with this section.
- (b) Highest Known Water Table
- (c) Hardpan Clay, Impervious Material - Impervious hardpan clay, stone or shale, if present, shall be at least four feet below the bottom of the soil absorption system, and shall also be at least four feet below the parent ground surface.
- (d) Filled Ground - Filled ground or "made land" shall be acceptable only under specific written approval of the Health Officer and in any case shall be compacted or allowed to settle for at least one year from time of the filling. Filling shall not be allowed over unstable soil, peat, muck, organic material, or within 100 feet of any lake, stream, pond, or other surface body of water.
- (e) Replacement Area - Sufficient area shall be set aside or put on reserve for a future replacement system. Such replacement system area shall at least equal the area required for the initial system.

503.07 Denial of Onsite Sewage Disposal Permit Application

The Health Officer shall have the right to reject an application for construction of an onsite sewage disposal system if any of the following are present:

- (a) Where a publicly operated sewage system is available; or
- (b) When the property served lacks sufficient area for an original and replacement onsite sewage disposal system; where the replacement area is at least equal the area required for the initial system; and/or lacks sufficient area to maintain the proper isolation distances from property lines, surface waters, and water supply systems; or
- (c) Where the soil classification as determined by the United States Department of Agriculture, Natural Resources and Conservation Service, indicates a percolation rate of more than 60 minutes per inch and a field evaluation confirms the presence of soils containing a high proportion of silt and/or clay except as provided for in Section 503.08; or
- (d) Where the highest known water table or evidence thereof is less than two feet from the natural ground surface, except where present in soils containing a high proportion of silt and/or clay as provided for in Section 503.08; or
- (e) Where the property is subject to flooding by inclusion within the floodway as determined by the United States Geological Survey (USGS) or Housing and Urban Development (HUD); or
- (f) Where rock formation or other impervious strata is within four feet of the natural ground surface; or
- (g) Where slopes are greater than 12%; or
- (h) Where the parcel is in violation of Act 288 of the Public Acts of 1967, as amended, commonly referred to the Land Division Act, or
- (i) Where conditions exist or may be created which may endanger the public health or environment; or
- (j) Where the septic tank or any part of the onsite sewage disposal system would be inaccessible for cleaning or inspection.

503.08 Exceptions to Denial of Onsite Sewage Disposal System Permit

Except that the presence of soils containing a high proportion of silt and/or clay shall not be the sole determinant for rejecting an application for construction of an onsite sewage disposal system, and

If the application for construction is for a single or two family dwelling or a nonresidential structure with projected effluent flows less than 1000 gallons per day; (*) and

If the size of the parcel has enough width and depth to provide the area for the onsite sewage disposal system and a replacement area of equal size, then;

- (a) The applicant shall submit an acceptable plan drawn to scale prepared by a Professional Engineer licensed by the State of Michigan, or a Registered Sanitarian in the State of Michigan, or a Registered Environmental Health Specialist as specified by the National Environmental Health Association for review and approval by the Monroe County Health Department;
- (b) The onsite sewage disposal plans shall indicate sufficient area for all planned structures, onsite water supply, and the areas designated for onsite wastewater disposal.

Prior to issuance of an onsite sewage disposal permit issued under the following exceptions, the applicant shall record with the Monroe County Register of Deeds the current affidavit being used by the Monroe County Health Department for construction of onsite sewage disposal systems. The affidavit shall become null and void when the single or two family habitable building or nonresidential structure has been legally connected to an approved public wastewater disposal system.

(*) The criteria for determining whether a permit for an onsite sewage disposal system shall be issued for a residential dwelling in a platted subdivision shall be that which is stated in Act 288 of the Public Acts of 1967, as amended, commonly referred to the Land Division Act.

503.09 Nonresidential Site Acceptance Criteria:

- (a) Only developments where daily flows will be less than 1000 gallons per day (gpd).
- (b) Plans drawn to scale as specified in this regulation shall be for a mechanical onsite sewage disposal system providing a uniform distribution of effluent to the onsite sewage disposal system.
- (c) Food service facilities shall not be considered unless the site meets all criteria contained in Appendix F of the Michigan Criteria for Subsurface Sewage Disposal, April 1994, as amended.
- (d) When pretreatment is required, it must produce effluent meeting wastewater performance standards of ≤ 30 mg/L for total suspended solid (TSS) and ≤ 30 mg/L for Biochemical Oxygen Demand (BOD) or the current industry standards.
- (e) The owner is responsible to ensure lifetime maintenance and operation of the pretreatment system by a qualified service provider.
- (f) Only contractors licensed by the Monroe County Health Department shall be authorized to install nonresidential onsite sewage disposal systems.
- (g) The contractor shall install the onsite sewage disposal and/or pretreatment system only in conformance with the manufacturer's installation requirements.
- (h) The property owner shall be required to connect to public sanitary sewer when it is available as defined by Act 368 of the Public Acts of 1978, as amended.

503.10 Nonresidential Pump and Haul Criteria

- (a) Only nonresidential developments where daily flows will be less than 100 gallons per day (gpd) and unsuitable soil conditions.
- (b) Plans drawn to scale by a Professional Engineer licensed by the State of Michigan, or a Registered Sanitarian in the State of Michigan, or a Registered Environmental Health Specialist specified by the National Environmental Health Association, shall be submitted for review and approval by the Monroe County Health Department.
- (c) The holding tank shall be structurally sound, watertight, and meet current industry standards.
- (d) The holding tank shall be equipped with an audio and visual high- level alarm.
- (e) The nonresidential facility will be equipped with low flow fixtures.
- (f) The holding tank shall have sufficient openings to allow access for servicing, inspections, and maintenance, and be properly constructed to prevent infiltration of surface water.
- (g) The holding tank capacity shall be sized with a minimum of two days storage capacity.
- (h) The holding tank shall be located in an area to prevent the contamination of surface or ground waters or create a public health hazard or nuisance.
- (i) The tank shall be located in an area that protects the environment and limits public access.
- (j) The owner is responsible to ensure lifetime maintenance and operation of the holding tank.
- (k) The owner shall submit an annual pumping report to the Monroe County Health Department
- (l) The owner shall be subject to an annual site inspection and assessed a fee for such inspection as indicated in the Monroe County Health Department fee schedule.

- (m) The owner shall prepare and implement a contingency plan. The contingency plan at a minimum shall outline a program to respond to the rapid mitigation of:
 - 1. Equipment failure
 - 2. Utility failure
 - 3. Excessive flows
 - 4. Other conditions or events that create a public health hazard or nuisance
- (n) The owner may be required to install a subsurface sewage disposal system if the daily flows increase to greater than 100 gallons per day.

Prior to issuance of a pump and haul permit issued under the preceding criteria, the applicant shall record with the Monroe County Register of Deeds the current affidavit being used by the Monroe County Health Department for construction of a pump and haul facility. The affidavit shall become null and void when the nonresidential structure has been legally connected to an approved public wastewater disposal system or subsurface sewage disposal system.

503.11 Moratorium on Construction

The Health Officer, at his/her discretion, may institute a moratorium on construction of onsite sewage disposal systems when conditions are present in the soils that would adversely affect the proper construction, installation, and operation of an onsite sewage disposal system. Said moratorium shall be published in a newspaper of general circulation and take immediate effect. By written authorization of the Health Officer consideration may be given to a specific installation, when that installation is in the best interest of public health protection.

503.12 Variances

A variance to provisions of this regulation may be made when the Health Officer determines that a special circumstance is present. Upon written authorization of the Health Officer, the owner may construct or cause to be constructed an onsite sewage disposal system, under the direction of the Health Officer and subject to such conditions as he/she may require, considering the limitations of the property, the protection of public health, and the prevention of any nuisance. An alternate method of onsite sewage disposal may be approved by the Health Officer when in his/her judgment, special factors warrant such a variation. Requests for variances to install an alternative method of onsite sewage disposal shall be in writing and presented to the Monroe County Health Department.

503.13 Installation Inspection Required

After construction of the onsite sewage disposal system has been completed to the extent of the placement of all sewer and distribution lines, and before any portion of the distribution lines have been covered or placed in operation, a request for an inspection shall be made to the Health Officer. It shall be the responsibility of the licensed installer to notify the Health Officer that the onsite sewage disposal system is ready for inspection. An inspection by the Health Officer is required or may be conducted any time deemed necessary, to ensure compliance with all permit specifications and to ensure protection of public health and the environment, after the onsite sewage disposal system has been completed but before any portion of the onsite sewage disposal system has been covered or placed in operation. Upon approval of the system for backfill, the onsite sewage disposal system shall not be allowed to remain open for longer than 48 hours, unless otherwise approved by the Health Officer. The following site conditions shall exist at the time of the final inspection or be viewed and approved by the Health Officer prior to issuance of final approval

- (a) All inlets and outlets to the septic tank(s) shall be exposed;
- (b) The access cover(s) of the septic tank(s) shall be exposed;
- (c) The sewer line from the septic tank(s) to the onsite sewage disposal system shall be exposed;
- (d) When a soil absorption bed or field (i.e., trenches) is installed, the individual bed or trenches shall be exposed with the aggregate in place.

503.14 Altered or Repaired Existing Onsite Sewage Disposal Systems

An onsite sewage disposal system shall conform to the minimum construction requirements of this regulation if the following applies to the building(s) being served by the system:

- (a) Reconstruction after existing structure is voluntarily demolished; or
- (b) Reconstruction after fire or casualty destroys over 50% of the building; or
- (c) Reconstruction of existing building that exceeds 50% replacement; or
- (d) The intended use for the existing habitable building is to be changed.

SECTION 504 REQUIREMENTS FOR THE CONSTRUCTION AND MAINTENANCE ONSITE SEWAGE DISPOSAL SYSTEMS

504.01 Septic Tanks

- (a) Location. No septic tank or onsite sewage disposal system shall be located where it is inaccessible for cleaning or inspection purposes nor shall any structure be placed over any existing tank making the same inaccessible for cleaning and inspection purposes.
- (b) Manholes. Every septic tank shall be provided with one or more suitable openings with covers. One of the openings is to be located over the outlet to permit inspection and cleaning. Where the top of the septic tank is located more than six inches below the finished grade, watertight manholes shall be built up to within six inches of the finished grade.
- (c) Inlets and Outlets. The bottom of the inlet line into the septic tank shall be at least two inches above the operating water level of the tank. The outlet shall be constructed to permit withdrawal of liquid from the middle third of the depth of the liquid in the tank and to prevent the escape of floating or settled solids and must allow for a minimum air chamber of eight inches. The inlet must be so designed to permit gas above the liquid level to pass through the inlet line and out the vent pipe servicing the sewer line leading to the tank. All pipe connections to a septic tank shall be watertight and surrounding excavation shall be properly backfilled.
- (d) Construction Material. Concrete pre-fabricated tanks shall be constructed of washed aggregate, and properly vibrated to produce concrete tanks having a minimum compressible strength of 4000 pounds per square inch. All septic tanks shall be fitted with inlet and outlet-connectors that conform to American Society for Testing and Materials (ASTM) C923 specifications. Septic tanks constructed of materials other than concrete must be approved by the Health Officer. No septic tank shall be less than four feet in depth measured from the flow line, or less than five feet between the inlet and outlet.
- (e) Number and Capacities. Septic tanks hereafter installed shall have a minimum liquid capacity equal to the maximum volume of sewage flowing into it during any 36-hour period. The first septic tank in

any sewage disposal system shall be a minimum of 1,500 gallons capacity with at least two chambers or consist of two septic tanks in series totaling a minimum of 1,500 gallons. Minimum size for any additional septic tank in series shall be 500 gallons. For each additional bedroom over four add 500 gallons to septic tank capacity.

- (f) Dosing Tanks and Pumps. A dosing tank and pump may be required when the liquid capacity of the septic tank is over 2,000 gallons. The dosing tank shall be constructed of watertight material approved by the Health Officer. It shall be equipped with a watertight manhole which terminates no lower than finished grade and which facilitates repair, maintenance, and cleaning. The pumps shall be of the type designated as sewage lift pumps and constructed of material approved by the Health Officer. The pumps shall be sized to properly dose the subsurface sewage disposal system in accordance with current industry standards and proper application rates. A minimum of an audio/visual high water level warning device shall be installed in all dosing tanks. All electrical connections associated with the dosing tank shall comply with the local electrical codes.
- (g) Effluent Filter. An effluent filter shall be installed on the effluent side of the septic tank and shall be accessible for cleaning. The effluent filter shall be sized based on the estimated flow from the structure served by the onsite sewage disposal system. Effluent filter material shall be no greater than 1/16th inch in size.

504.02 Onsite Disposal Systems

- (a) Location: The soil absorption system shall not be located under any drive parking area, paved surface, or building;
- (b) Distribution Header: A header shall be set so as to afford an even distribution of all septic tank effluent throughout the subsurface distribution lines. The pipe between a septic tank and distribution system shall be connected in the center of the distribution header, except for a manifold header shall be required for headers exceeding 25 feet in length;
- (c) Distribution System: The soil absorption system shall be constructed with materials that comply with Michigan Department of Environmental Quality (MDEQ) standards. Straw or other approved materials that meet current industry standards shall be placed between the stone and final cover of soil to prevent soil from filtering into the stone. Approval of an onsite sewage disposal system may be withheld if the distribution lines are not laid at a uniform grade, or is in poor condition, or if soil has been allowed to fill up the void spaces around the filter material, or if the soil at the soil aggregate interface has been sealed due to improper construction technique, or when the installation does not conform to the requirements of the permit;
- (d) Elevated Absorption Areas: Proper construction practices require that when any construction and installation of a soil absorption sewage disposal system involves an elevated absorption area, the sand berm shall be installed around the entire system. When construction of an onsite sewage disposal system results in an increase in the elevation of the parcel, construction of a surface water diversion to divert surface water from said elevated system shall be required to prevent runoff onto adjacent properties. The diversion shall be approved by the municipality in which the system will be constructed. Exceptions to this requirement:
 1. A 100-foot isolation distance is maintained between the property line and the gravel within the wastewater disposal system;
 2. Where a minimum of four feet of permeable soil is present to allow for the rapid percolation of water into the ground.

- (e) Connection of Distribution Lines: All distribution lines in a soil absorption system shall be connected with a header and footer. The header is to be a solid plastic pipe; the footer shall be perforated;
- (f) Excavation of Soils: Any excavation for the installation of an onsite sewage disposal system shall be done in a manner that does not smear or seal the sides or bottom of the soil excavation;
- (g) Aggregate: Stone used in any subsurface disposal system shall be washed gravel, or limestone. The source of the stone shall meet the specifications of and be approved in writing by the Health Officer prior to its use in any subsurface disposal system;
- (h) Depth of Earth Cover: The onsite sewage disposal system shall be covered with a soil texture equal to or more permeable than a loamy sand to a minimum depth of 12 inches to a maximum depth of 18 inches. No portion of the onsite sewage disposal system shall be covered with impermeable soils such as clays or silts. The cover shall be graded so as to aid in the runoff of rainwater.

504.03 Required Minimum Isolation Distance in Feet

FROM THE:	TO SEPTIC TANK:	TO ABSORPTION FIELD / ABSORPTION BED	TO SEWER LINE:
Drilled Well	50	50	50
Buried Water Holding Tank or Cistern	50	50	50
Point Well (Dug Well)	100	100	100
Property Line	10	10	5
Basement Wall	10	15	N/A*
Crawl Space or Foundation	5	10	N/A*
Bank or Drop-off	10	25	10
Road Right-of-Way	10	10	10
Surface Water	100	100	25
Swimming Pools	25	25	10
Center of County Drains	100	100	25
Center of Roadside Ditches	25	25	N/A*
Edge of Driveway	10	10	N/A*

*N/A means "not applicable"

ITEMS	MAXIMUM	MINIMUM
Absorption system : distance between distribution lines	4 feet	2 feet
Absorption system: distance between distribution lines and bed wall	2 feet	1 foot
Number of lateral trenches	---	2
Size of gravity distribution conduit	---	4 inches
Size of pressurized distribution conduit	---	½ inch
Length of trenches	100 feet	N/A
Width of trenches	36 inches	18 inches
Space between trenches, wall-to-wall	5 feet	3 feet
Depth of cover material	18 inches	12 inches
Slope of tile lines	4"/100 feet	Level Preferred

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MONROE COUNTY ENVIRONMENTAL HEALTH/SANITARY CODE
CHAPTER VI - ENVIRONMENTAL HEALTH/SANITARY CODE BOARD OF APPEALS

A regulation establishing an appeals board; defining membership of the appeals board; establishing a procedure for hearing appeals to the regulations established in this Code.

SECTION 600 MEMBERSHIP

The Monroe County Board of Commissioners shall establish an "Environmental Health/Sanitary Code Board of Appeals" consisting of seven members. The Environmental Health/Sanitary Code Board of Appeals members shall serve two-year staggered terms.

SECTION 601 PROCEDURE

601.01 Appellant Request

Request for an appeal from a ruling or decision of the Health Officer charged with enforcement of the Monroe County Environmental Health/Sanitary Code shall be made in writing to the Environmental Health/Sanitary Code Board of Appeals no later than 30 days following the date of the ruling or decision. The appeal shall include the basis upon which the appeal is being made. The appellant shall pay an appeal-filing fee as stated in the Monroe County Health Department Fee Schedule upon filing a request for a hearing. The Environmental Health/Sanitary Code Board of Appeals may waive all or part of said fee if a financial hardship can be demonstrated.

601.02 Schedule for Hearing

A hearing shall be held no less than ten days nor more than 45 days following the request. The Environmental Health/Sanitary Code Board of Appeals shall notify the appellant in writing of the date, location, and time of the hearing. A written notice shall be sent to the appellant at least seven days prior to the date established for the appeal hearing.

601.03 Granting of Variances

The Environmental Health/Sanitary Code Board of Appeals may grant individual variances from the requirements of these regulations when the Board has determined that all of the following conditions exist:

- (a) No substantial health hazard or nuisance is likely to occur as a result of the variance;
- (b) Strict compliance with regulations or requirements would result in unnecessary or unreasonable hardship;
- (c) No state statute or other applicable laws would be violated as a result of the variance; and
- (d) The proposed variance would provide essentially equivalent protection for the public health and would be in the public interest.

601.04 Final Decision and Notification

The final decision of the Environmental Health/Sanitary Code Board of Appeals shall be an affirmative vote of at least three members and will establish the time period for a successful applicant to complete the subject project as allowed under the variance or appeal granted, after which time period the granting of such variance or appeal shall automatically become null and void. A written decision of the Environmental Health/Sanitary Code Board of

Appeals shall be provided to the appellant, the local city, village, or township and Health Officer no later than ten days following the hearing.

MONROE COUNTY ENVIRONMENTAL HEALTH/SANITARY CODE
CHAPTER VII - PUBLIC GATHERING

A regulation establishing public health requirements for large, extended public gatherings.

SECTION 700 PUBLIC GATHERINGS DEFINED

A public gathering is any event or succession of events with an expected or actual total attendance of at least 4,000 persons within a 100-day period or at which 1,000 persons are present at any one time, in which the event, or any part thereof, includes a public show, display, theatrical entertainment, amusement or other exhibition, including but not limited to, music festivals, rock music festivals, or similar gatherings. This definition shall not include:

- (a) A fund raising event sponsored by a governmental unit or a not-for-profit charitable, religious, fraternal, service, or civic organization; or
- (b) An event held within the confines of a permanent building and restricted to the activity for which the building was constructed; or
- (c) An event at a location for which a campground license has been issued in accordance with Part 125 of Act 368, Public Acts of 1978, as amended.

SECTION 701 SUITABLE FACILITIES FOR PUBLIC ASSEMBLAGES

701.01 Approved Toilet Facilities

If water flushed fixtures are provided, they shall be supplied with adequate water for flushing and shall be connected to a public sewer or to an approved onsite sewage disposal system constructed in accordance with Chapter V of this regulation. If toilet facilities of the non-water-flush type are provided, they shall be constructed so as to be sturdy, reasonably fly-tight, easily cleanable, and able to retain all human wastes pending collection and disposal. All toilet facilities shall be equipped and arranged to provide shelter, privacy, segregation of sexes, adequate ventilation and lighting, and toilet tissue in suitable dispensers. Water flush toilets shall be required for public assemblages that are a succession of events.

701.02 Number of Facilities for Public Assemblages

Based on expected or actual attendance, whichever is greater, the number of fixtures or toilet units at a public gathering shall be provided as indicated in the following table. Attendance is assumed to be 50% of each sex.

Males		Females	
Number	Water Closets	Number	Water Closets
1-50	1	1-50	3
51-100	2	51-100	4
101-150	3	101-150	5
151-300	4	151-300	7

- (a) In addition, one water closet shall be provided for each 150 men or 100 women, or fraction thereof, starting at 301.
- (b) Urinals, for men, may be substituted for not more than one-half of the required number of water closets.

701.03 Approved Water Facilities

Based on expected or actual attendance, whichever is greater, the quantity of drinking water supplied shall be at least one pint, per person, per hour, that the event is open. Hand washing facilities shall be provided as indicated in the following table. Hand washing facilities shall be provided to maintain a constant flow of tempered water of no less than 100⁰ Fahrenheit to each facility. All hand washing facilities shall be connected to a public sewer or approved onsite sewage disposal system, constructed in accordance with Chapter V of this regulation. Water, furnished to any hand washing facility, drinking fountain, or other fixed device or equipment from which consumption or body contact is possible, shall be potable and obtained from an approved public water supply or approved onsite water supply constructed in accordance with Chapter III of this regulation. Hauled water shall not be acceptable for an approved water supply. Attendance is assumed to be 50% of each sex.

Males		Females	
Number	Lavatories	Number	Lavatories
1-50	1	1-50	1
51-100	1	51-100	1
101-150	2	101-150	2
151-300	3	151-300	3

In addition, one lavatory shall be provided for each 150 men or 100 women, or fraction thereof, starting at 301.

701.04 Garbage and Rubbish Removal

Garbage and rubbish storage containers shall be provided in sufficient quantity and strategically located throughout the site. Each container shall be serviced as often as necessary to prevent an unsanitary condition or problem with insects and/or rodents. All waste shall be removed from the premise as necessary to prevent a nuisance, and shall be disposed of at an approved, licensed, solid waste disposal facility. Onsite burning of garbage and rubbish is prohibited.

SECTION 702 NOTIFICATION OF APPROPRIATE AGENCIES

Prior to the issuance of a permit, under Section 703 of this regulation, the Health Officer shall be supplied with written documentation that all applicable state, county, and municipal government agencies, including but not limited to, fire, police, Monroe County Road Commission, have been notified in writing and are aware of the planned event.

SECTION 703

PERMIT REQUIRED FOR PUBLIC GATHERING

No person shall conduct or allow public gathering upon any premises within Monroe County without first having obtained a valid permit issued by the Health Officer authorizing such public gathering. At least 30 days prior to the event, an application to hold a public gathering shall be filed with the Health Officer. The application shall include, but not be limited to, the name and address of the applicant, location, date, time, duration of the event, and other information determined to be necessary by the Health Officer. The owner of the property and/or premises, if other than the applicant, shall verify in writing to the Health Officer that he/she is aware of the proposed event. The necessary fees as specified in the Health Department Fee Schedule shall accompany all applications. If the Health Officer deems that the necessary health related facilities exist, or will be provided prior to the event, in accordance with this regulation, a permit to conduct a public assemblage shall be issued. Said permit does not exempt any person from obtaining any other necessary permit or complying with other requirements of local, or state governmental agencies.

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MONROE COUNTY ENVIRONMENTAL HEALTH SANITARY CODE
CHAPTER VIII – TATTOO OPERATIONS AND/OR
INTRADERMAL COSMETICS STUDIOS

A regulation to protect the public health of Monroe County residents by providing for the issuance of certificates/licenses; defining tattooing, branding, body piercing, and intradermal cosmetics; establishing minimum sanitation standards for tattoo, branding, body piercing, and intradermal cosmetics operations; prescribing duties, responsibilities, and authority of the Monroe County Health Department.

SECTION 800 GENERAL DEFINITIONS

800.01 Body Piercing

“Body Piercing” is the perforation of human tissue for the purpose of placing jewelry or similar items into the body or skin for a non-medical purpose with the exception of piercing the ear.

800.02 Branding

“Branding” is a permanent mark made on human tissue by burning with a hot iron or other instrument that produces a permanent imprint on the skin by the application of heat.

800.03 Intradermal Cosmetics

“Intradermal Cosmetics” is altering the appearance of the skin by applying or injecting permanent make-up, eg., eyeliner, by placing an indelible mark on the skin of another individual.

800.04 License Holder

License Holder is the entity that is legally responsible for the operation of the tattoo facility, including the owner, the owner’s agent, or other person operating under apparent authority of the owner possessing a valid license to operate a tattoo facility.

800.05 Minor

“Minor” is an individual under the age of 18 years.

800.06 Operator/Technician

“Operator/Technician” is any person who controls, operates, manages, conducts, or practices body art activities at a tattoo facility and who is responsible for compliance with these regulations, whether actually performing body art activities or not.

800.07 Patron

“Patron” is any individual receiving a tattoo, branding, body piercing, or intradermal cosmetic procedure.

800.08 Tattoo

“Tattoo” is the placement of an indelible mark on the body of an individual by the insertion of a pigment under the skin; or, placement of an indelible design upon the body of an individual by production of scars other than by branding.

800.09 Tattoo Facility

“Tattoo Facility” is the specific premise at a geographic location in which an operator/technician does any of the following:

- (a) Places an indelible mark on the body of an individual by the insertion of a pigment within the skin; or
- (b) Places an indelible design upon the body of an individual by production of scars; or
- (c) Pierces the body/skin for the purpose of placing jewelry into the body/skin for a non-medical purpose with the exception of piercing the non-cartilaginous part of the ear; or
- (d) Places a permanent mark made on human tissue by burning with a hot iron or other similar instrument, i.e., branding.

SECTION 801 LICENSING & OPERATOR CERTIFICATION REQUIREMENTS

801.01 Required License

It shall be unlawful for any person to operate any practice, business or occupation of tattooing, branding, body piercing, or intradermal cosmetics within the jurisdiction of the Monroe County Health Department unless the owner of said business possesses a valid license issued by the Health Officer.

801.02 Required Compliance

A person shall comply with all applicable requirements of this regulation in order to be entitled to receive and to retain said license. A license shall not be transferable to another person or place. The license shall be placed in a location readily visible to a customer of every tattoo facility.

801.03 Expiration of License

A license issued hereunder shall expire at midnight on December 31st of each year following date of issuance, or as otherwise stated on the license. Any required license shall be deemed to be in effect as of the date of the Health Officer’s approval of the application for same.

801.04 Regulated Activity

An individual shall not tattoo, brand, perform intradermal cosmetics or engage in the body piercing of an individual unless each of the following conditions are met:

- (a) The tattooing, branding, intradermal cosmetics, or body piercing occurs at a tattoo facility licensed under these regulations; and,
- (b) An individual will not tattoo, brand, or perform intradermal cosmetics or body piercing on a minor unless the individual obtains prior written, informed consent of the minor’s parent or legal guardian. The minor’s parent or legal guardian will execute the written, informed consent required under this sub-section in the presence of the operator/technician.

SECTION 802

PROCEDURES FOR LICENSING AND PLAN REVIEW SUBMITTAL

802.01 Application Submittal

Any person desiring to operate a tattoo facility shall make written application for a license on form(s) provided by the Health Officer. The appropriate fee as specified in the fee schedule shall accompany such application. Failure on the part of the person to fully complete the required application may be deemed cause for refusal to issue a license.

802.02 Plans Required

No person, firm, association or corporation shall construct, install, operate, equip or extensively alter a tattoo facility until plans have been submitted to and approved in writing by the Health Officer. When such plans are submitted to the Health Officer, they shall be reviewed within 30 days after date of receipt.

802.03 Plan Specification

The plans and specifications submitted for approval by the Health Officer shall clearly show and describe that applicable provisions of these regulations can be adequately met and will include:

- (a) The total area (square feet) to be used for the tattoo, branding, body piercing or intra-dermal cosmetics operation;
- (b) Entrances and exits;
- (c) Location, number, and types of plumbing fixtures,
- (d) Plan of light, both natural and artificial;
- (e) Detailed floor plan, drawn to scale, of not less than one-fourth inch equals one foot;
- (f) Equipment schedule that includes make and model numbers of all instruments and sterilization equipment;
- (g) Finish schedule of floors, walls and ceilings; and
- (h) Location and type of water supply and sewage disposal system(s).

802.04 Application Approval

Upon receipt of the properly completed application accompanied by the appropriate fee, completion of a plan review and obtaining a passing score on a written and/or oral examination by the applicant, the Health Officer shall make an inspection of the facility. Upon confirmation that all of the applicable requirements of these regulations have been satisfactorily met, a license shall be issued to the owner/person by the Health Officer. The owner/person may thereafter be referred to as Licensee.

SECTION 803

DENIAL, SUSPENSION AND REVOCATION OF LICENSE

803.01 Denial

If the Health Officer finds good and sufficient reason to deny an application for a license, he/she shall issue a notice to the person in writing that the license will not be issued, citing the deficiencies or non-complying items that constitute his/her reasons for not issuing the license. Until the person has satisfactorily complied with the requirements of these regulations and the terms and conditions of the notice, he/she shall be denied a license.

803.02 Suspension

Any license issued pursuant to the provisions of these regulations may be suspended by the Health Officer for failure of the licensee to comply with the applicable requirements of these regulations. Upon discovery, the Health Officer may issue a written notice to the licensee or operator/technician thereof, citing such conditions and stating that the license is immediately suspended. Upon receipt of said notice of suspension, all tattooing, branding, body piercing, or intra-dermal cosmetics operations will immediately cease and the licensee or operator/technician will close the establishment.

803.03 Reinstatement of Suspended Licenses

The licensee may, at anytime, make a written request for reinstatement of the license. Such a written request will include a statement signed by the person to the effect that in the person's opinion the conditions causing such suspension of the license have been corrected. Within a reasonable time, not to exceed ten working days following receipt of such request, the Health Officer shall make a re-inspection of the tattoo facility. If the licensee is then in satisfactory compliance with the applicable provisions of these regulations, the license shall be reinstated upon payment of the reinstatement fee prescribed in the fee schedule.

803.04 Revocation

For serious or repeated violations of any of the requirements of these regulations or for interference with the Health Officer in the performance of his/her duties, a license may be revoked by the Health Officer after an opportunity for a hearing has been provided. Prior to such action to revoke a license, the Health Officer shall notify the licensee in writing, stating the reasons for which the license is subject to revocation and advising that the license will be revoked at the end of five days following service of such notice, unless the licensee files a request for a hearing within such five days, and unless the licensee at said hearing satisfactorily shows cause why his/her license should not be revoked. A license may be suspended for cause pending its revocation or a hearing and decision relative thereto.

SECTION 804 EQUIPMENT & FACILITY REQUIREMENTS

804.01 Minimum Floor Space

Tattoo facilities will have not less than 150 square feet of usable floor space. If more than one operator/technician is engaged in the same facility, there will be a minimum of 100 square feet of floor space for each operator/technician. The building will be enclosed on four sides and maintained free from dust, dirt or contamination and will have self-closing doors and windows equipped with screens in good repair if the windows are intended to be used for ventilation.

804.02 Illumination

The tattoo facility will be provided with artificial light sources equivalent to at least 20 foot-candles at a distance of 30 inches above the floor throughout the facility. A minimum of 50 foot-candles of light will be provided at the level where the tattooing, branding, body piercing, or intradermal cosmetics is being performed. Spotlighting may be utilized to achieve this required degree of illumination.

804.03 Walls, Ceilings, and Floors

All walls, floors, ceilings, and all procedure surfaces of a tattoo facility will be smooth, free of open holes or cracks, light-colored, washable, and in good repair. Walls, floors, and ceilings will be maintained in a clean condition. All procedure surfaces, including patron chairs/benches, will be of such construction as to be easily cleaned and sanitized after each patron. All tattoo facilities will be completely separated by solid partitions or by walls extending from floor to ceiling for any room used for human habitation, a food service establishment, or room where food is prepared, a hair salon, retail sales, or other such activity that may cause potential contamination of work surfaces.

Effective measures will be taken by the operator/technician to protect the entrance into the establishment and the breeding or presence on the premises of insects, vermin, and rodents and other pests. Insects, vermin, rodents, and other pests will not be present in any part of the facility, its appurtenances, or appertaining premises.

804.04 Toilet Facilities

A toilet and lavatory will be conveniently located and accessible to the operator/technician and patron(s).

804.05 Hand Washing Sink

A lavatory or hand washing sink, with hot and cold running water, liquid or granular soap and single-use towels shall be located in close proximity for each Operator/Technician. The flow of water into the sink will be controlled by means other than the use of hands.

804.06 Plumbing Waste Lines

There shall be no overhead or otherwise exposed sewer lines so as to create a potential hazard to the sanitary environment of the facility. All plumbing improvements will comply with local and state plumbing Codes.

804.07 Solid and/or Medical Waste Disposal

Sufficient receptacles shall be provided for the disposition of trash. Each trash receptacle shall have a lid and be kept closed at all times. All medical waste, including needles or other sharps, shall be disposed of in a manner prescribed by the Michigan Department of Environmental Quality (MDEQ) or approved by the Health Officer.

Contaminated waste, which may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled, must be placed in an approved "red" bag that is marked with the international biohazards symbol. A waste hauler approved by the MDEQ must then dispose of it. Sharps ready for disposal shall be disposed of in an approved sharps container. Contaminated waste, which does not release liquid blood or body fluids when compressed, or does not release dried blood or body fluids when handled, may be placed in a covered receptacle and disposed of in a normal, approved disposal method. Storage of contaminated waste onsite shall not exceed the period as specified by the Health Department or more than a maximum of 30 days.

804.08 Operating Tables or Chairs

All operating tables or chairs shall be constructed of material that can be sanitized and shall be located at least six feet from any observer or waiting customers and/or separated by a panel at least four feet high.

804.09 Records

The tattoo facility licensee shall keep records on all patrons receiving tattoos, branding, body piercing, or intradermal cosmetics indicating the name, address, age, patron health history questions as stated in Section 805.01, signature of the patron, as well as a brief description of the work performed, the location on the body where the work was performed, and the name of the operator/technician completing the job. These records shall be recorded and kept on file for a minimum of 10 years. Access to these records shall not be denied to the Health Officer or any duly authorized agent of a law enforcement agency. All customer and operator/technician records shall be turned over to the Monroe County Health Department upon termination of the business.

804.10 Animals

No animals of any kind shall be allowed in a tattoo facility except service animals used by persons with disabilities. No animals of any kind shall be allowed in the area where body piercing, branding, and tattooing actually take place.

804.11 Requirement for Operator Certification

All persons engaged in tattoo and/or intradermal cosmetic activities who work in a tattoo facility licensed under this regulation, shall obtain a tattoo, branding, body piercing, intradermal cosmetics education certificate every two years from the anniversary date of the original certificate. The issuance of this certificate shall be contingent upon successful completion of a written or oral examination provided by the Health Officer. A person failing such examination may apply for re-examination after 30 days. Upon the successful completion of said examination, the person can be referred to as Operator/Technician.

804.12 Operator/ Technician Requirements

The following information shall be kept on file on the premises of a tattoo facility and available for inspection by the Health Department for all current and past operator/technicians:

- (a) Full names and exact duties;
- (b) Date of birth;
- (c) Home address;
- (d) Home/work phone number(s);
- (e) Identification photos of all operator/technicians.

804.13 Age Requirements

The operator/technician shall be a minimum of 18 years of age.

804.14 Exemptions

Physicians licensed by the State of Michigan who perform either independent of, or in connection with, body art procedures as part of patient treatment are exempt from these regulations. Individuals who pierce only the outer perimeter and lobe of the ear and use a pre-sterilized single-use stud and clasp ear piercing system are exempt from these regulations. Individuals who use ear-piercing systems must conform to the manufacturer's directions on use and applicable U.S. Food and Drug Administration requirements. The Health Department retains authority to investigate consumer complaints relating to alleged misuse or improper disinfection of ear piercing systems.

804.15 Hepatitis B Vaccination

Proof shall be provided upon request of the department that all operators/technicians have either completed or were offered and declined, in writing, the hepatitis B vaccination series. A positive Hb_sAB is also acceptable as proof of hepatitis B immunity.

804.16 Demonstration of Knowledge

All operator's/technicians must demonstrate knowledge of the following subjects:

- (a) Anatomy;
- (b) Skin diseases, disorders, and conditions (including diabetes);
- (c) Infectious disease control, including waste disposal, hand washing techniques, equipment sterilization, operation, and general sanitation and disinfection methods and techniques;
- (d) Facility safety and sanitation knowledge of the above subjects may also be demonstrated through submission of documentation of attendance/completion of basic safety and sanitation courses.

SECTION 805 MINIMUM SANITATION STANDARDS

805.01 Health History

The operator/technician shall inquire of a patron about the following conditions:

- (a) History of jaundice or any type of hepatitis;
- (b) History of lymphadenopathy or lymphadenitis (swelling of lymph nodes);
- (c) History of blood donation exclusion (for other than hypertension and immediate illness);
- (d) History of skin disease or skin cancer;
- (e) History of allergies or anaphylactic reaction to needle injections; and
- (f) History of diabetes;
- (g) History of skin diseases, skin lesions, or skin sensitivities to soaps, disinfections;
- (h) History of allergies or adverse reactions to pigments, dyes, or other skin sensitivity;
- (i) History of epilepsy, seizures, fainting or narcolepsy;
- (j) Taking medications, such as anticoagulants, which thin the blood and/or interfere with blood clotting;
- (k) History of communicable disease;
- (l) The general, overall, present state of health

805.02 Prohibited Service

Patrons indicating a history of any of the above shall be refused service. Any patron who, in the judgment of the operator/technician, is inebriated or obviously under the effects of alcohol or drugs shall be refused service. The operator/technician shall verify the age of the patron by requiring proof of a valid form of identification. The individual receiving the tattoo, branding, intradermal cosmetics or body piercing must be 18 years of age or older, unless a minor obtains the prior written, informed consent of the minor's parent or legal guardian. The minor's parent or legal guardian shall execute the written informed consent required under this sub-section in the presence of the operator/technician.

805.03 Release

The operator/technician shall require the patron to sign a release form confirming that the above information was obtained or attempted to be obtained. The patron shall be asked to disclose any other information that would aid the operator/technician in the patron's body art healing process evaluation.

SECTION 806 OPERATOR/TECHNICIAN HYGIENE

806.01 Personal Health

The operator/technician shall be free of communicable disease. The skin of the operator/technician shall be free of rash or infection. No person or operator/technician affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions, or acute respiratory infection shall work in any area of a tattoo facility in any capacity in which there is any likelihood that they could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.

806.02 Clothing

All operator/technicians, while tattooing, branding, performing body piercing, or applying intradermal cosmetics, shall wear clean, washable covering garments.

806.03 Hand Washing

Immediately prior to beginning any tattooing, branding, body piercing, or intradermal cosmetics operation, each operator/technician shall wash their hands in warm water for at least three minutes with liquid or granulated soap, or equivalent, as approved by the Health Officer. An individual hand washing brush shall be used by each operator/technician. After washing hands, as herein required, the operator/technician shall rinse their hands in 70% alcohol (rubbing alcohol) or in an antiseptic solution approved by the Health Officer. The operator's/technician's fingernails shall be kept clean and short.

806.04 Gloves

The operator/technician shall wear and then discard a separate set of disposable surgical gloves approved by the Health Officer for each patron. Should the gloves develop a break or tear they shall be immediately replaced.

806.05 Lap Cloth

All operator/technicians who utilize lap cloths shall launder the lap cloth at least daily and shall be replaced immediately if contaminated by blood or other body fluids.

806.06 Smoking/Eating or Drinking

There shall be no smoking, eating or drinking by the patron or operator/technician during any tattoo, branding, body piercing, or intradermal cosmetics operation.

SECTION 807 TATTOOING, INTRADERMAL COSMETICS AND BODY PIERCING OPERATION

807.01 Skin Surface

Tattooing, branding, body piercing and/or intradermal cosmetics shall only be done on a normal healthy skin surface. None of the above operations shall be done on scar tissue. Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection. No operator/technician will attempt to remove tattoo marks. Patrons wishing to have a tattoo removed shall be referred to a licensed physician.

807.02 Razors

Separate disposable razors with single service blades shall be used for shaving each patron and then discarded.

807.03 Shaving

Before shaving the area that is to be tattooed, branded, pierced, or receive intradermal cosmetics, the area shall be thoroughly cleansed with tincture of green soap (U.S.P.) or its equivalent, as approved by the Health Officer, and then washed with a 70% alcohol solution. After shaving the area the 70% alcohol solution shall be applied to the skin.

807.04 Skin Lubricant

Only sterile anti-microbial ointment in collapsible metal or plastic tubes or its equivalent, as approved by the Health Officer, shall be used on the area to be tattooed, branded, pierced or receive intradermal cosmetics and shall be applied by use of sterile gauze, but not directly with the fingers.

807.05 Treatment of Blood Flow

No operator/technician shall use styptic pencils, alum blocks, or any other solid styptic to check the flow of blood.

807.06 Dyes or Inks

All dyes or inks used in tattooing or intradermal cosmetics shall be manufactured by a reputable manufacturer and used without alteration of the original formula. Single service disposable containers of dye or ink shall be used for each patron. Dye or ink from these individual single service containers must be discarded and cannot under any circumstance be re-used on another patron or placed back into the original stock container. The single use containers shall be disinfected prior to use. If non-disposable containers are used, they must undergo the cleaning and sterilization procedures.

807.07 Tattoo Disinfection

Excess dye or ink shall be removed from the skin with individually wrapped sterile gauze or individual sterile cotton squares. The completed tattoo shall be washed with a piece of sterile gauze or individual sterile cotton saturated with 70% alcohol or a germicidal solution approved by the Health Officer. The tattooed area shall be allowed to dry and sterile anti-microbial ointment from a collapsible metal or plastic tube or its equivalent, as approved by the Health Officer, shall be applied. Sterile gauze dressing shall be applied to the site and secured with medically approved first-aid adhesive tape.

807.08 Equipment Storage

Needles, dyes, and inks used in tattooing, branding, body piercing, or intradermal cosmetics shall be kept in a clean, sterile, and non-toxic condition. Other materials and equipment shall be maintained in a clean and sanitary condition to prevent transmission of etiologic agents. Violation of this provision is hereby declared detrimental to health and dangerous to human life and shall be considered a threat to the public health for the purpose of these regulations.

807.09 Public Notification Requirements

Verbal and written public information, approved by the Health Department, shall be required to be given to all patrons requesting body art procedure(s). The operator/technician, upon completion of the procedure, shall provide verbal and written instructions approved by the Health Department for the aftercare of the site to each patron. The written instructions shall advise the patron to consult a physician at the first sign of infection or swelling and contain the name, address, and phone number of the establishment. These documents shall be signed and dated by both parties, with a copy given to the patron and the operator/technician retaining the original with all other required records. In addition, all establishments shall prominently display a disclosure statement provided by the Health Department, which advises the public of the risk and possible consequences of body art services. The facility permit holder shall also post in public view the name, address, and phone number of the Health Department having jurisdiction over this program and the procedure for filing a complaint. The disclosure statement and the notice for filing a complaint will be included in the establishment plan review, license application package.

807.10 Logs

A log must be kept of dyes and inks and all other instruments. This log shall include serial number, stock number and expiration date.

807.11 Dressing and Materials

The use of paper napkins, other non-sterile materials and non-medically approved tape for dressing is prohibited. Only commercially available and approved surgical dressings and tape shall be used on patrons.

807.12 Posted Procedures

Procedures listed in Sections 808 and 809 for instrument cleaning and sterilizing shall be prominently posted at the facility where tattooing, intradermal cosmetics, or body piercing takes place. In addition all sanitation standards and tattoo, intradermal cosmetic and body piercing requirements listed in Sections 805 and 807 shall be prominently posted at the facility where tattooing, intradermal cosmetics or body piercing takes place.

807.13 Safe Practices

The operator/technician shall follow the safe practice of one needle per patron; the needle used on one patron may not touch or penetrate another patron or other patron's dye or ink/dye without prior cleaning and sterilization.

807.14 Stencils

Body art stencils shall be single-use and disposable. Acetate stencils shall be allowed for reuse if the Health Department approves sanitation procedures.

SECTION 808 CLEANING OF INSTRUMENTS PRIOR TO STERILIZATION

808.01 Ultrasonic Cleaning

After each use, the tattooing, branding, or piercing device shall be disassembled, soaked in warm detergent water, and then rinsed in clean warm water prior to being placed in an ultrasonic-type machine to remove the excess dye or skin tissue from the needle(s), tubes, and needle bars. When this process is completed, the needle(s), tubes, needle bars, and piercing device(s) shall then be placed into a covered container for disinfection.

808.02 Disinfection

After ultrasonic cleaning, needle(s), needle tube(s) and grip(s) shall be placed in a fresh commercially available disinfectant solution approved by the Health Officer for approximately ten minutes or as specified by the manufacturer.

808.03 Instrument Washing

After placement in the disinfectant solution, clean and scrub needle(s), needle tube(s), and grip(s) in a detergent soap and warm water solution.

808.04 Instrument Rinsing

After equipment has been washed, rinse needle(s), needle tube(s) and grip(s), in clean warm water and prepare for sterilization.

SECTION 809 STERILIZATION

809.01 Posted Procedures

Procedures approved by the Health Department for sterilization shall be posted at the site where sterilization of instruments is to be conducted.

809.02 Sterilization

Each tattoo facility shall provide sterilizers and a written protocol for sterilization approved by the Health Officer. All needle bar(s), needle(s), grip(s) and tube(s) shall be sterilized before using on each patron by one of two procedures:

- (a) Autoclaving for 30 minutes at 15 to 20 pounds pressure per square inch at 255 °F; or
- (b) Dry heat sterilization at 300 °F for 2-1/2 hours; or
- (c) 320 °F for 2 hours or 340 °F for 1 hour or other method approved by the department.

All instruments to be sterilized shall be placed in approved wrappers or bags prior to placing them in the autoclave or dry heat sterilizer.

809.03 Sterilization Verification

Regardless of the method used for sterilization, the services of an independent testing establishment shall be used by the tattoo facility to check for biologic growth. Said testing shall be done at least once every calendar quarter at a minimum, unless otherwise established by the Health Officer. A copy of each test result will be forwarded to the Monroe County Health Department. If the tattoo facility is notified by the testing establishment that a test result is positive for biologic growth, the tattoo facility shall immediately cease all operations and notify the Monroe County Health Department. Operations in the tattoo facility cannot resume until test results that are negative for biologic growth have been provided to the Monroe County Health Department by the testing establishment.

Each time the autoclave is used, a registered tape that is sensitive to temperatures exceeding 255 °F and pressures of 15 to 20 pounds per square inch must be used. If dry heat sterilization is employed, sterilization temperatures must be checked each time the unit is operated by using a temperature indicator label capable of measuring temperatures of 300, 320, or 340 °F depending upon the time allotted for proper sterilization. Copies of all test results, including the registered tape strips and temperature indicator labels, are to be kept onsite in a logbook. These results are to be made available to the inspecting agency upon request.

If at any time during the sterilization process, the registered heat tapes or temperature indicator labels fail to indicate proper sterilization temperatures were achieved, all items in the units must go through a second sterilization cycle.

809.04 Storing of Instruments

During the sterilization process all tubes, grips, and needle bars shall be left in approved wrappers or sterilizer bags. They will remain in these wrappers or bags until they are used. These wrapped articles shall be stored in a closed glass case or storage cabinet. This enclosed glass case or storage cabinet shall be maintained in a sanitary manner at all times.

809.05 Working Surfaces

Each working surface shall be cleaned after each use with a tuberculocidal disinfectant approved by the Health Officer.

SECTION 810 INSPECTION OF TATTOOING FACILITIES

The Health Officer shall have the authority to inspect every premise and location at which the aforesaid practice is being carried on within the jurisdiction of the Health Department as often as deemed necessary for the enforcement of these regulations. The Health Officer may at any reasonable time make inspections of the tattoo facility to insure compliance with these regulations. All tattoo facilities within the jurisdiction of the Monroe County Health Department shall be inspected a minimum of 2 times per year by the Health Officer.

SECTION 811 VARIANCE PROVISION

The Monroe County Environmental Health/Sanitary Code Board of Appeals may grant a hearing to a tattoo operator/technician and authorize, for specific cases, such variance from the requirements of these regulations as shall not be contrary to the protection of the public health and when the operator/technician shows that because of practical difficulties or other special conditions, their strict application shall cause unusual and unnecessary hardship. However, no variance will be granted that shall defeat the spirit and general intent of these regulations, or otherwise not be consistent with the protection of the public health.

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