

OAKLAND COUNTY HEALTH DIVISION

SANITARY CODE

ARTICLE XI

SEWAGE DISPOSAL SYSTEM INSTALLER LICENSING

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**OAKLAND COUNTY HEALTH DIVISION
SANITARY CODE**

**ARTICLE XI
SEWAGE DISPOSAL SYSTEM INSTALLER LICENSING**

To provide requirements for the licensure of persons that install, construct, alter, and/or repair onsite wastewater disposal and/or treatment systems or any combination thereof. Their purpose is to restore and maintain the quality of public waters and to protect the public health and general welfare of the people of Oakland County, Michigan.

SECTION 1 - DEFINITIONS

- 1.1 Code - The term “Code” shall mean the Oakland County Sanitary Code
- 1.2 Health Division - The term “Health Division” shall mean the Oakland County Health Division.
- 1.3 Health Officer - The term “Health Officer” shall mean the Manager of the Oakland County Health Division or his/her authorized representative.
- 1.4 Installer - The term “installer” shall mean any person that installs, alters constructs and/or repairs an on-site sewage disposal system.
- 1.5 Person - The term “Person” shall mean natural persons, individuals, firms, partnerships, corporations, companies, societies and associations, and every agent, officer, or employee of any thereof.
- 1.6 Residence – The term residence shall mean any dwelling of one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.
- 1.7 On-site Sewage Disposal System – The term on-site sewage disposal system shall mean any component of a sanitary sewage treatment and/or disposal system and installed to collect, treat and/or discharge/disperse wastewater from a dwelling or building in areas not served by municipal sanitary sewers. Included within the scope of this definition are septic tank, soil absorption systems, aeration systems, package treatment plants, lagoons, privies, or any similar contrivance used in the treatment and/or disposal of sewage as may be approved by the Health Officer.
- 1.8 Sanitary Code - The term “Sanitary Code” shall mean the Oakland County Sanitary Code
- 1.9 Septic Tank Effluent - Sewage, water, or other liquid, partially or completely treated or in its natural state, flowing out of a septic tank, subsurface wastewater

infiltration system, aerobic treatment unit, or other treatment system or system component.

- 1.10 Sanitary Sewage – The term sanitary sewage shall mean human excreta, as well as all waste discharges from toilets, urinals, sinks, laundries, shower baths, bathtubs, dishwashers, garbage grinders, and septic tank overflow or effluent generated from any dwelling or building.

SECTION 2 - LICENSE REQUIREMENT

- 2.1 It shall be unlawful to install, construct, alter, and/or repair any on-site sewage disposal system in Oakland County, Michigan without having first obtained a license issued by the Oakland County Health Division.

SECTION 3 - LICENSE EXEMPTION

- 3.1 The Health Division shall not prevent a property owner from constructing, installing, altering, or repairing an onsite sewage disposal system without a license on property owned by the person, which is intended for use as a single or two family residence by that person if the person meets the following requirements:
- A. The property owner adheres to all applicable laws, statutes, codes, guidance, criteria, policy and procedures relating to onsite sewage disposal systems and groundwater protection in Oakland County.
 - B. Any onsite sewage disposal system installed under this subsection must meet all of the requirements of any permit issued to install an onsite sewage disposal system issued by the Oakland County Health Division.
 - C. The property owner must achieve a minimum score of 70% on a written examination administered by the Health Division. The written examination is based on the contents of this Code. The property owner can retake the test as many times as necessary to achieve the minimum score.

SECTION 4 – SEWAGE DISPOSAL SYSTEM INSTALLER LICENSING PROGRAM REQUIRED

- 4.1 The Oakland County Health Division shall conduct a program for the licensure of onsite sewage disposal system installers. This program shall be directed toward onsite sewage disposal system installers as well as property owners exempt from the licensure requirement to demonstrate knowledge of applicable laws, statute, codes, guidance, criteria, policy and procedures relating to onsite sewage disposal systems and groundwater protection in Oakland County.

- 4.2 The Health Officer shall establish criteria on which to determine whether or not licensure is to be issued to an applicant. The Health Officer shall issue a license to each person who meets the criteria and successfully completes a written onsite sewage disposal system installer examination administered by the Health Division.
- 4.3 A valid onsite sewage disposal system installer license shall be maintained by any person engaged in the business of constructing, installing, altering, or repairing an onsite sewage disposal system. Proof of licensure as an onsite sewage disposal system installer shall be presented when requested by representatives of the Health Division. Any person unable to present proof of licensure will be in violation of this Article and may be subjected to any penalties referred to within.

SECTION 5 - APPLICATION, TRAINING, EXAMINATION AND ADMINISTRATION

- 5.1 As part of the licensing program, the Health Officer shall:
- A. Establish criteria and guidelines for licensure.
 - B. Administer and enforce this licensure requirement.
 - C. Develop application forms and applicant testing instruments.
 - D. Collect required fees and issue licenses to installers who meet minimum requirements for licensure.
 - E. Maintain a list of licensed installers.
 - F. Require remediation where there is evidence a licensed installer has conducted work in nonconformance with permit requirements or which exhibits a lack of competency or proficiency.
 - G. Establish training and minimum requirements for licensure.
 - H. Monitor onsite sewage disposal system installations, construction, alteration, repairs, operation and/or maintenance to ensure that all contracted work is performed by a licensed installer.
 - I. Notify all licensed installers of any changes to the Oakland County onsite sewage disposal system requirements at least sixty (60) days prior to implementation.

SECTION 6 - LICENSE STATUS

- 6.1 Application - Each person engaged in business for the purposes of installing, constructing, altering, and/or repairing any on-site sewage disposal system in Oakland County shall file an application with the Health Division with such information as required by the Health Officer. An application for a license shall be submitted to the Health Division prior to January 1st of each year, accompanied by a license fee, as established by the Oakland County Board of Commissioners per section 8.2. A licensed installer that submits a late application may be subject to a late fee as established in section 8.3.
- 6.2 Issuance of License - Prior to a person being issued a license as a sewage disposal contractor, all regulations pertaining to sewage disposal shall be reviewed by the applicant and a statement signed that he and/or his firm, company or corporation will comply with such regulations. The individual must achieve a minimum score of 70% on a written examination before the issuance of the initial license. The written examination is based on the contents of this Code relating to onsite sewage disposal and treatment and groundwater protection. An applicant can retake the test as many times as necessary to achieve the minimum score. No new license will be issued to any person by the Health Division until such time that all outstanding fines or fees assessed to that person are paid in full.
- 6.3 Application Review - If after review of the application the Health Officer is satisfied the applicant has met the minimum qualifications to install, construct, alter, and/or repair an on-site sewage disposal system in a manner not detrimental to public health and safety, has completed the application per section 6.1, and met the requirements as indicated in section 6.2, the Health Officer shall issue or cause to be issued a license to the applicant.
- 6.4 License Renewals - All of the requirements of this section must be met prior to issuance of a renewal license with the exception of the completion of the written examination. No renewal license will be issued to any person by the Health Division until such time that all outstanding fees and fines assessed to that person are paid in full.
- 6.5 License Validity - An installer license shall be valid from January 1 until December 31 of the current year.

SECTION 7 – WORKMANSHIP

- 7.1 All work done on sewage disposal systems in Oakland County shall be completed in accordance with the Code and shall be performed in a workmanlike manner and the property served left in a safe and sanitary condition, free from any unprotected holes such as dry wells, and the premises free of any pooled sewage, sludge, or septic tank effluent.

- 7.2 A licensed installer shall place the valid onsite sewage disposal permit at the site prior to the commencement of any work performed. The permit and licensed installer's name and telephone contact information shall be placed in a prominent location at the site by a method that protects it from adverse weather conditions.

SECTION 8 - LICENSE FEES

- 8.1 Pursuant to MCL 333.2444, the Oakland County Board of Commissioners may establish a fee for services authorized or required to be performed by the Health Division under this Article. The fee charged shall not be more than the reasonable cost of performing the service or Administration of this Article.
- 8.2 A fee as established by the Oakland County Board of Commissioners shall accompany each application for a license.
- 8.3 A late fee as established by the Oakland County Board of Commissioners shall accompany an application submitted by a licensed installer after January 1st.

SECTION 9 – FAILURE TO COMPLY WITH REGULATIONS

- 9.1 The Health Officer shall have the authority to deny, suspend, limit, revoke or refuse to renew a license in any case where he/she finds that there has been a failure to comply with the provisions of this Article, and any local, state, or federal rules, regulations or laws. The Health Officer shall have the right to require additional training and/or the successful completion of a written reexamination for licensed installers that fail to comply with the requirements of this Code.
- 9.2 The Health Officer may revoke the license of an installer under one or more of the following circumstances:
- A. Installing, constructing, altering, and/or repairing any onsite sewage disposal system or any of its components without appropriate permits from the Health Division.
 - B. Failure to maintain current licensure with the Health Division.
 - C. Failure to request required inspections by the Health Division.
 - D. Failure to construct an onsite sewage disposal system or any of its components in accordance with the terms and conditions of an onsite sewage disposal system permit issued by the Health Division.
 - E. Negligence in the discharge of his/her duties as outlined in the licensure requirements.

- F. Submittal of false or misleading information to the Health Division.
- G. Failure to demonstrate competence in performing work performed under licensure.
- H. Promoting or advertising products and services as being certified or approved for use by the Health Division.
- I. Negligently or intentionally violating a provision of this code.

9.3 If at any time the Health Officer determines that the installation, construction, alteration, and/or repair of any onsite sewage disposal systems is occurring or has occurred by an unlicensed person, a cease and desist order shall be issued by the Health Officer.

SECTION 10 - FINES AND PENALTIES

10.1 A person who violates this regulation of the Code is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of not more than \$250.00, or both. Each day that the violation continues is considered to be a separate violation.

SECTION 11 – INJUNCTIVE PROCEEDINGS

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

SECTION 12 – INTERFERENCES WITH NOTICES

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

SECTION 13 - RIGHT TO APPEAL

13.1 Appeal of licensing or regulatory actions taken by the Oakland County Health Division under this Article XI may be made to the Oakland County Sanitary Code Appeal Board as provided in Article V of the Oakland County Sanitary Code.

SECTION 14 – SEVERABILITY

14.1 If any part of the requirements of this Article is found by a court of competent jurisdiction to be void or unenforceable, all remaining parts of this Article shall remain fully valid and enforceable.

SECTION 15 - EFFECTIVE DATES

15. 1 This code shall become effective forty-five (45) days after approval by the Board of Commissioners of Oakland County.

SECTION 16 - AUTHORITY

1978 PA 368, as amended

Michigan Compiled Law 333.1101 et seq.

Michigan Compiled Law 333.2401 et seq.