



**REGULATIONS GOVERNING WATER
SUPPLIES
FOR
LAPEER COUNTY**

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PREAMBLE

It is hereby recognized that supply of safe potable water is fundamental to individual, public, and community health; that water supply facilities installed and operated in a proper manner are necessary for safeguarding public health; that water supplies furnishing water for human consumption need to be isolated and protected from sewage or other sources of pollution; and that contamination of water resources and supplies, or the creation of conditions menacing the public health, should be prevented. These regulations governing water supplies are hereby adopted pursuant to Sections 2435 and 2441 of Act 368 of the Public Acts of 1978, State of Michigan, as amended, being Sections §333.2435 and §333.2441 of the Michigan Compiled Laws.

SECTION 1.0 – SCOPE

This regulation shall apply to all premises in Lapeer County, but does not apply to the installation of wells, water mains, services lines, etc., which are part of a Type I public water supply, as defined by Michigan’s Safe Drinking Water Act 399 of the Public Acts of 1976, and Administrative Rules, as amended.

Section 1.1 – Purpose.

The purpose of this regulation is the governing of the installation and construction of wells and water supplies. In no way is this regulation to be construed to guarantee the quality and or quantity of water supplied.

SECTION 2.0 – DEFINITIONS

SECTION 2.1 – General.

When not inconsistent with the context, 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 number. The work “shall” is always mandatory and not merely directory. Words and terms not defined herein shall be interpreted in the manner of their common usage.

SECTION 2.2 - Abandoned Water Supply.

“Abandoned water supply” means a water supply whose use has been permanently discontinued, a water supply or portion thereof which is in such disrepair that its continued use for the purpose of obtaining water is impractical, a water supply which has been left uncompleted, a water supply which is a threat to other sources of water of a water supply which is or may be a health or safety hazard.

SECTION 2.3 – Approved

“Approved” means acceptable for intended use as judged by the Health Officer by utilizing public health laws and regulations.

SECTION 2.4 – Habitable Building.

“Habitable building” means any house, building, structure, tent, shelter, trailer or vehicle, or portion thereof, in which human beings reside, are employed, or congregate.

SECTION 2.5 – Health Department

“Health Department” or “Department” means the Lapeer County Health Department or an authorized representative.

SECTION 2.6 – Health Officer

“Health Officer” means the Health Officer in charge of the Lapeer County Health Department or an authorized representative.

SECTION 2.7 – Permit

“Permit” means a water supply construction permit, unless otherwise noted.

SECTION 2.8 – Person

“Person” means an individual partnership, co-partnership company, firm, cooperative, public or private association or corporation, political subdivision, unit or agency of a local, state, or federal government, trust, estate, or any other legal entity, or their legal representative, agent or assigns.

SECTION 2.9 – Premise

“Premise” means a tract of land with or without a habitable building.

SECTION 2.10 – Public Water Supply.

“Public water supply” means a water supply which provides water for drinking or household purposes to persons other than the supplier of water, except those water supplies which supply water to only one living unit.

SECTION 2.11 – Safe and Adequate Water Supply.

“Safe and adequate water supply” means a water supply which is constructed and located in such a manner as to provide water which will not endanger the health of the user and which provides pressure to operate all connected plumbing fixtures.

SECTION 2.12 – Water Supply

“Water supply” means a system of pipes and structures through which water is obtained, including but not limited to, the source of the water such as wells, surface water intakes or hauled water storage tanks; and pumping and treatment equipment, storage tanks, pipes and appurtenances, or a combination thereof, used or intended to furnish water for domestic or commercial use.

SECTION 2.13 – Well Driller.

“Well Driller” shall mean a person holding a valid certificate of registration as a Well Drilling Contractor, as provided in sections 12703 to 12715 of Act 368 P.A. 1978 as amended.

SECTION 2.14 – Well

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

- a. A water supply well used to obtain water for drinking or domestic purposes.
- b. Irrigation well used to provide water for plants, livestock or other agricultural processes.
- c. A test well used to obtain information on ground water quantity, quality or aquifer characteristics, for the purpose of designing or operating a water supply well.
- d. A recharge well used to discharge water into an aquifer or surface water.
- e. A dewatering well used to lower the ground water level temporarily at a construction site.
- f. A head exchange well used for the purpose of utilizing the geothermal properties of earth formations for heating or air conditioning.
- g. An industrial well used to supply water for industrial processes, fire protection or similar non-potable uses.
- h. A fresh water well at an oil or gas well drilling site, when the fresh water well is to be retained after completed of the oil or gas drilling operation.

SECTION 3.0 – POWERS AND DUTIES OF THE HEALTH OFFICER

SECTION 3.1 Regulate

The Health Officer shall have the authority to regulate the design, installation, operation, and maintenance of all water supplies under the jurisdiction of Lapeer County Health Department.

SECTION 3.2 – Establish Guidelines

The Health Officer may establish guidelines concerning the interpretation of this code. Such guidelines shall be subject to review and approval by the Board of Health.

SECTION 4.0 – INCORPORATION OF OTHER REGULATIONS

The Lapeer County Health Department incorporates by reference, and adopts as part of this code, the following:

- A. The “Safe Drinking Water Act”, Act No 399 of the Public Acts of 1976, being sections §325.1001 through 325.1023 of the Michigan Compiled Laws, and the following sections of Administrative Rules promulgated pursuant to that Act: Part 1, being R325.10101 to R 325.10115; Part 4 being R325.10401 to R 325.10409; Parts 7 and 8

being R 325.10701 to R 325.10833; and Parts 10 through 14, being R 325.11001 to R 325.11407 of the Michigan Administrative Code, and any subsequent revisions thereto, and

- B. Part 127 of Act No. 368 of the Public Acts of 1978, of Michigan's Public Health Code, being sections §333.12701 through 333.12715 of the Michigan Compiled Laws, and the administrative rules promulgated pursuant to that Act, being R 325.1601 through R 325.1676 of the Michigan Administrative Code and any subsequent revisions thereto.

SECTION 5.0 – UNLAWFUL TO OCCUPY

No person shall occupy, permit to be occupied, or offer for rent, lease, or occupancy, any habitable building which is not provided with an approved water supply, adequate in design and capacity to meet the peak water demands of the habitable building. Any habitable building which is not served with an approved water supply may be declared unfit for habitation and may be so posted by the Health Officer. The Health Officer may order the owner to connect the building to a municipal water supply, if available, or to construct a water supply in compliance with this code within 30 days.

SECTION 6.0 – PRIORITY OVER BUILDING PERMITS

Where an approved municipal water supply is not available, a municipality, township or other agency shall not issue a building permit, or otherwise allow construction to commence, for any habitable building until a water supply construction permit has first been issued by the Health Officer.

SECTION 7.0 – WATER SUPPLY CONSTRUCTION PERMIT REQUIRED

No person shall begin construction of a new water supply, or make extensive changes to existing water supplies, without first obtaining a water supply construction permit from the Lapeer County Health Department. Extensive changes include replacing the well casing, removing a well casing from the ground, changing aquifers or sources of water, changing screen elevation, deepening or plugging back a bedrock well, changing the pump type, installing a liner pipe and a significant increase in the capacity of the water supply.

SECTION 8.0 – PROJECT PERMIT

Where multiple wells of a similar nature are proposed to be constructed for the same project, a project permit may be issued. This shall be a single permit. An example would be a dewatering project or monitoring wells.

SECTION 9.0 – PERMIT APPLICATION PROCEDURE

SECTION 9.1 - APPLICATION FORM.

SECTION 9.2 – Completed Application

A completed application shall include:

- A. The signature of the property owner(s) or their authorized representative.
- B. The appropriate application fee.

- C. A site plan of the proposed or existing water supply showing the location of the proposed source of water (well, hauled water storage tank, etc.) in relation to the building, property lines, all known, suspected, or potential contamination sources, and all wells whether usable or abandoned, and data which maybe required by the Health Officer, for distances up to and including 1,000 feet away. For water supplies utilizing other than a well as the source of water, a scaled engineering drawing may be required.
- D. The location of property lines, legal description, easements, deed and plat restrictions, and all information necessary to determine the suitability of the premises for issuance of a permit.

SECTION 10.0 – LATE APPLICATION PENALTY

If a person fails to obtain prior to beginning construction of a water supply, a penalty fee equal to the normal application fee shall be charged, within five (5) working days of being notified of the permit violation, the person shall submit a water supply construction permit application, accompanied by the normal application fee and the penalty fee, to the Health Officer. Payment of the late application penalty fee shall not exempt said person from any further penalties prescribed for violation of this code.

SECTION 11.00 - PLUGGING OF WELL

The Health Office may require the plugging of a well this is constructed without a permit or is constructed in violation of this code or permit requirements.

SECTION 12.0 – WATER SUPPLY CONSTRUCTION PERMITS

SECTION 12.1 – Issuance

The Health Officer shall issue a water supply construction permit when the data obtained indicated that the requirements of this code and/or applicable state statutes have been or will be met, and that the quality of the ground water will not be degraded. A site evaluation may be required to the issuance of the permit. The permit may impose limitations, conditions or variances which the Health Officer deems necessary to protect the public health ground water quality.

SECTION 12.2 – Expiration

A water supply construction permit expires and becomes invalid two years from the date of issuance.

SECTION 12.3 – Transfer

Should the ownership of the property for which a permit has been issued change, the permit may be transferred to the new owner provided that no change in the scope of the project has or will occur. The transfer must be requested in writing and signed by both the new property owner and the previous permit holder. Permits are not transferable with respect to property or specific land parcel served.

SECTION 12.4 – Voidance

The Health Officer may declare a previously issued water supply construction permit to be null and void for any of the following reasons:

- A. False, inaccurate or incomplete information supplied by the permit holder.
- B. A change in the plans of the permit holder affecting circumstances relative to the water supply design, location or use.
- C. Acquisition of new knowledge or information about the aquifer in the area that may result in a health hazard.

SECTION 12.5 – Denial

The Health Officer may deny an application for a water supply construction permit when incomplete, inaccurate, or false information has been supplied by the applicant, or when the Health Officer determines that the requirements of this code and/or applicable state statutes have not or can not be met. The denial shall be furnished to the applicant in writing.

SECTION 13.0 - NOTIFICATION

The Health Officer shall be notified by the permit holder or well driller as follows:

- A. At least one (1) working day in advance of the time construction of the water supply is to begin; and
- B. Within one (1) working day following completion of the water supply construction or pumping equipment installation.

SECTION 14. 0 – INSPECTION

The Health Officer shall make inspections of water supplies during and/or after completion of construction as deemed necessary.

SECTION 15.0 – APPROVAL

A new water supply shall not be used until the construction and installation have been approved by the Health Officer. The following conditions shall be met before the Health Officer may approve a new water supply:

- A. An on-site inspection has been completed by the Health Officer and the water supply is found to be in compliance with applicable code and permit requirements.
- B. A completed "Water Well and Pump Record," prepared by the well driller and/or pump installer, as applicable, has been submitted to the Health Officer.
- C. The Health officer has received copies of the results of the analysis of water samples indicating that raw water quality meets minimum public health standards. Water sample analysis shall include coliform bacteria and any other parameter deemed necessary by the Health Officer. Analysis of water samples shall be performed by laboratories certified by the Michigan Department of Public Health. It shall be incumbent on the system owner or other person specifically designated by the Health Officer or the owner, to collect the required water samples.

SECTION 16.0 – STOP WORK ORDER

If the Health Officer determines that a water supply under construction does not comply with the requirements of this code, the Health Officer may issue a written stop work order. Work

shall not resume until the owner and/or contractor have agreed to make corrections to comply with this code and the Health Officer rescinds the stop work order.

SECTION 17.0 – EMERGENCY CONDITIONS

In the event an emergency arises where the lack of water will result in undue hardship and the office(s) of the Lapeer County Health Department is/are closed, or when the well driller is involved with repair work and it is deemed necessary to begin construction immediately on a new well, a registered well driller may begin extensive changes to or construction of a new water supply without notification or permit. The well driller shall contact the Health Officer on the next regular working day and obtain a permit for such installation. The late application penalty specified in SECTION 10.0 of this code is waived in these cases.

SECTION 18.0 – EXISTING WATER SUPPLIES

SECTION 18.1 – Inactive Water Supplies.

A water supply which has not been in use for more than three years shall not be put back into operation unless it can be shown to be in substantial compliance with this code.

SECTION 18.2 – Changes in Use.

A change in use of a premise which may result in a significant increase in the demand on the water supply shall not be allowed unless it can be shown that the water supply is in substantial compliance with this code.

SECTION 19.0 – PENALTY

Any person who shall fail to comply with any provision herein, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding the sum of five hundred dollar (\$500) or by imprisonment in the county jail not exceeding ninety (90) days or by both such fine and imprisonment in the discretion of the court. Each day the violation continues shall constitute a separate offense.

SECTION 20.0 – EFFECTIVE DATES

SECTION 20.1 – Code Effective Date.

This code shall become effective on July 1, 1996.

SECTION 20.2 Amendments To Code.

Any amendments to this code shall become effective on the 45th day following approval by the Board of Commissioners of Lapeer County.

SECTION 21.0 – RIGHT TO ENTRY AND INSPECTION

The Health Officer has the right to inspect any premises in accordance with Section 2446 of Act 368 of the Public Acts of 1978.

SECTION 22.0 – VALIDITY

In the event of any section, paragraph, sentence, clause, or phrase of these rules and regulations may be declared unconstitutional or invalid for any reason, the remainder of said rules and regulations shall not be affected thereby.

SECTION 23.0 INJUNCTION OR OTHER PROCESS

Notwithstanding the existence and pursuit of any other remedy, the Health Officer may maintain an action in the Name of Lapeer County Health Department in a court of competent jurisdiction for injunction or other appropriate process against any person to restrain or prevent a violation of these regulations.

SECTION 24.0 – FEES

A schedule of fees for licenses, application, permits, and other services authorized by these regulations may be established by the Board of Health, and approved by the Lapeer County Board of Commissioners, in accordance with Section 2444.(1) of Act 368 of the Public Acts of 1978, Michigan’s Public Health Code. Fee paid to Lapeer County Health Department shall be credited to the Lapeer County Health Department account with the Lapeer County Treasurer.

SECTION 25.00 APPEALS

When an applicant has followed all of the procedures in requesting a variation and has been issued a written denial, he may then appeal the decision of the Health Officer to the Board of Appeals.

An individual may, upon written request be allowed to meet with the Board of Appeals to discuss any decision of the Health Officer which in the opinion of the individual is unreasonable.

SECTION 12.00 – WATER SUPPLY CONSTRUCTION PERMITS

The Health Officer shall issue a water supply construction permit when the data obtained indicates that the requirements of this code and/or applicable state statutes have been or will be met, and that the quality of the ground water will not be degraded. A site evaluation may be required prior to the issuance of the permit. The permit may impose limitations, conditions or variances which the Health Officer deems necessary to protect the public health or ground water quality.