

## GLADWIN COUNTY BOARD OF COMMISSIONERS

### RESOLUTION TO AMEND THE CENTRAL MICHIGAN DISTRICT HEALTH DEPARTMENT SANITARY CODE BY ADDING A NEW ARTICLE VIII TO APPROVE REGULATIONS FOR THE INSPECTION OF ONSITE SEWAGE DISPOSAL SYSTEMS AND PRIVATE WATER SUPPLY SYSTEMS AT THE TIME OF PROPERTY TRANSFER

**WHEREAS**, the maintenance of residential wells and septic systems is essential to the protection of public health and protection of the surface and ground water; and

**WHEREAS**, the Michigan Public Health Code (MCL 333.2441) authorizes the local governing entities of a local health department (the County Board of Commissioners of Arenac, Clare, Gladwin, Isabella, Osceola, and Roscommon Counties for the Central Michigan District Health Department) to approve regulations adopted by the health department that are necessary or appropriate to implement or carry out the duties or functions vested by law in the local health department; and

**WHEREAS**, the Public Health Code requires local health departments to promote public health through organized programs, including the prevention and control of environmental health hazards; and

**WHEREAS**, the Central Michigan District Health Department (CMDHD) Sanitary Code, originally adopted and approved January 1, 1997, requires any new residential development which utilizes on-site water and/or sewage systems to obtain approval from the CMDHD, and the Code establishes criteria by which the Department shall evaluate any proposed residential development; and

**WHEREAS**, on-site water and sewage systems degrade over time, and can expose humans to diseases; and

**WHEREAS**, E.coli studies have been undertaken, and those studies establish that Isabella County has experienced a county-wide E. coli health hazard; and

**WHEREAS**, the Health Officer has proposed the adoption of an amendment to the CMDHD Sanitary Code by adding a new Article VIII which would require an inspection of on-site water and sewage disposal systems in Isabella County at the time of property transfers, and when necessary the repair and/or upgrading of those systems; and

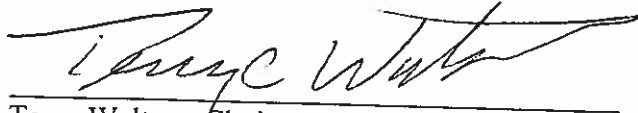
**WHEREAS**, notice of a public hearing was given in accordance with Section 2442 of the Public Health Code [MCL 333.2442] not less than 10 days before the public hearing and not less than 20 days before the adoption of the Amendment; and

**WHEREAS**, the Health Officer has notified the Board of Commissioners that notice of the scheduled August 23, 2017 public hearing was published in the Morning Sun newspaper on July

23, 2017, and has recommended that the Board of Commissioners approve the amendment to the CMDHD Sanitary Code which will add a new Article VIII and establish regulations for the inspection of onsite water and sewage disposal systems at the time of property transfer.

**THEREFORE BE IT RESOLVED**, that the Board of Commissioners of the County of Gladwin, Michigan, having considered the comments made at the public hearing on August 23, hereby approves an amendment to the CMDHD Sanitary Code by approving the addition of a new Article VIII, entitled the Isabella County Septic Inspection and Property Transfer Regulation, also known as the Time of Transfer Regulation (copy attached and incorporated by reference), being a regulation to require the inspection of onsite sewage disposal systems and private water supply systems prior to the transfer of property in Isabella County.

**BE IT FURTHER RESOLVED**, that the new Article VIII shall take effect 45 days after its approval by the Boards of Commissioners for Arenac, Clare, Gladwin, Isabella, Osceola, and Roscommon Counties.



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Terry Walters, Chairperson  
Gladwin County Board of Commissioners



# ISABELLA COUNTY BOARD OF COMMISSIONERS

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George A. Green  
Chairperson  
District #1

October 3, 2017

David A. Ling  
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District #6

Terry Walters, Chairperson  
Gladwin County Board of Commissioners  
401 W. Cedar Avenue  
Gladwin, MI 48624

Frank Engler  
District #2

Jerry Jalosynski  
District #3

**Re: Amendment of CMDHD Sanitary Code to Establish the Isabella County Septic Inspection and Property Transfer Regulation**

Jim Horton  
District #4

Dear Commissioners:

James S. Moreno  
District #5

Tobin Hope  
District #7

As part of a comprehensive response to a public health concern in Isabella County relating to E. coli contamination, Isabella County has requested that the Central Michigan District Health Department (CMDHD) adopt a new health regulation requiring an evaluation of all onsite sewage disposal systems and private water supply systems in Isabella County before the property can be legally transferred (sold). The evaluations would be required at the time of transfer, and would ensure that any failed systems would be required to be corrected and brought into compliance with the CMDHD Sanitary Code.

**This new regulation would apply only in Isabella County at this time**, because of the urgency of the situation in Isabella County. The Regulation could be made applicable to one or more of the other Counties in the Central Michigan Health District upon a future amendment. However, **in order for the CMDHD Sanitary Code to be amended to add the new Regulation, each of the six County Boards of Commissioners in the District must approve the adopted Health Regulation (even though it will not apply in your County).**

The Michigan Public Health Code authorizes local governing entities the authority to adopt and approve regulations to implement or carry out the duties and functions vested by law in their local health department. The County Boards of Commissioners of Arenac, Clare, Gladwin, Isabella, Osceola, and Roscommon are the governing entities for the Central Michigan District Health Department and are the only entities who have the authority to approve such regulations.

The CMDHD Sanitary Code establishes criteria and regulations related to onsite sewage disposal and private water supply systems. The inspection and enforcement criteria for on-site water supply and sewage disposal is an important public health function, assuring that humans are not exposed to diseases. The existing Sanitary Code provides for adequate oversight and protection at the time of construction of dwellings

and on-site water supply and sewage disposal systems. However, these systems degrade over time and can expose humans to diseases. Currently, there is no mechanism in the existing Sanitary Code to require periodic evaluations or ongoing maintenance of such systems. And, there is no mechanism in the existing Sanitary Code to require evaluation of these systems at the time of property transfer.

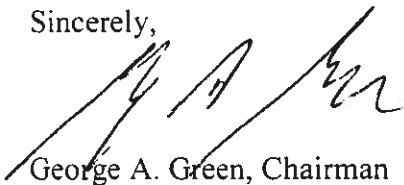
Many states and communities across the country have established a requirement that on-site sewage disposal and water supply systems be evaluated at the time the property is transferred to new owners. That is what Isabella County had originally intended to do as a County Ordinance, but may not because a County does not possess the authority necessary to pass a County Ordinance on septic systems. That is why Isabella County is currently proposing this new District Health Regulation.

The proposed amendment to the CMDHD Sanitary Code would require property owners in Isabella County with on-site sewage disposal and/or water supply systems to have those systems evaluated prior to transferring the property to a new owner. If a water supply or sewage disposal system needs to be repaired or upgraded to meet current standards, that upgrade and/or repair would have to take place before the transfer of ownership, or an escrow account established to ensure that the systems come into compliance.

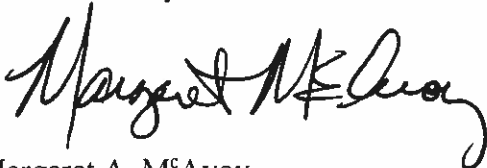
Isabella County is asking for your support in approving this new District Health Regulation. **Enclosed is a proposed Resolution by which your County Board gives its approval to the Sanitary Code Amendment which, again, would apply only in Isabella County.** Unless each of the six Counties in this Health District formally approve the amendment, the new regulation cannot become effective.

Please contact us if you have any questions.

Sincerely,



George A. Green, Chairman  
Isabella County Board of Commissioners



Margaret A. McAvoy  
Isabella County Administrator/Controller

Enclosure

cc: Gayle Reid, Board Secretary