

~~Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.~~

### Section 3.14 – Sanitary Waste Systems

A. All water and sewer services shall be in compliance with the District Health Department's rules and the State of Michigan Laws. Outside toilets shall not be permitted in Alcona Township except in designated park areas and portable toilets on a temporary basis.

#### B. Septic System Regulations for Alcona Township

1. **Purpose:** In order to prevent or minimize nutrient pollution problems and avoid health risks associated with waterborne disease, the proper construction, operation and maintenance of on-site sewage disposal system is necessary, and is declared to be a public purpose.
2. **Evaluation of septic system prior to sale:** The owner of a dwelling unit or premise located in Alcona Township shall not sell or transfer ownership of the dwelling unit or premise unless and until the owner has requested the district health officer to evaluate the existing on-site sewage disposal system and the full results thereof have been furnished in writing to the prospective buyer or transferees as part of the land transaction.
  - a. **The term sell or transfer** as used in this section shall include all instances where another party succeeds to the interest of the owner, whether or not the transaction is voluntary, whether it occurs during the owner's life or as result of his death, whether or not the owner retains land contract, mortgage, or other security interest in the property, and whether or not the owner retains a reversionary interest therein. The terms shall exclude any instances where the owner retains a life estate, or any interest as a joint tenant or tenant by the entirety. The terms shall also exclude any instance where the owner retains the right to use and benefit from the property during his life, and any instance where the owner has a guardian, conservator or other fiduciary appointed by a court to manage his affairs.
  - b. The **evaluation** shall consist of a determination that the on-site sewage disposal system is or is not in substantial conformance with the standards of this Ordinance. The term "substantial conformance" shall mean that there shall not be more than minimal likelihood of water quality degradation by improper or malfunctioning sewage disposal systems. In making this determination, the following criteria shall be considered.

- 1) Vertical isolation distance between the seasonally high groundwater table and the point of sewage discharge.
  - 2) Isolation distance from surface water or wetlands, as defined by federal, state, county and township law and regulations.
  - 3) Isolation distance between sewage system and drinking water wells as defined by federal, state, county and township law and regulations.
  - 4) On-site conditions of the property, but not limited to soil types, groundwater elevation and flow, site topography and slope.
  - 5) Whether the sewage system meets the construction and design criteria, including size and capacity requirements established in state or district health department's code and regulations, as now or hereafter amended.
  - 6) Lot size and usable area for on-site sewage disposal system.
  - 7) Operational condition of the existing sewage disposal system.
  - 8) Proof that the septic tank has been checked and pumped out if needed within the past three (3) years, as shown by a signed and dated service receipt from a licensed waste hauler.
3. **Classification:** On-site sewage disposal systems located in Alcona Township shall be classified as either "Class 1" Or "Class 2". "Class 1" indicates a system constructed on or before the adoption of the sanitary code in 1972, or a sewage disposal system constructed at any time without permit or approval by the District Health Department, or a system where the age or approval status cannot be reliably determined. "Class 2" indicates a system constructed, approved and placed into operation after the adoption of the sanitary code in 1972, or a system which has been evaluated under the provisions of **§3.14 (B)(2)(b)** and found to be in substantial conformance with this Ordinance, or a system which has been upgraded under the provisions of **§3.14 (B)(4)** to bring it into substantial conformance with standards in this Ordinance. A search of the septic tank permit files shall be conducted by the district health department office to determine which properties meet Class 1 or Class 2 designation.
4. **Corrective action:** If upon notice of sale or transfer per **§3.14 (B)(2)** it is determined by the district health officer, based on an on-site inspection and/or a record inspection, that the system is not in substantial conformance as defined in **§3.14 (B)(2)(b)**, written notice of this fact shall be made to the owner and prospective purchaser or transferee by Alcona Township and the system shall be brought into substantial conformance as follows:

- a. **On receipt of notice regarding nonconformance**, the owner, if living, or the transferee, if the owner is not living, shall submit to the District Health Department within thirty (30) days a plan of corrective action for review and approval. All necessary corrective action shall be completed within one hundred twenty (120) days of plan approval. A construction time extension not to exceed sixty (60) days may be granted if weather conditions prohibit completion within the initial one hundred twenty (120) day period.
  - b. **Before the completion or closing of any real estate transaction** involving property located in Alcona Township, the owner, if living, or the transferee, if the owner is not living, shall notify Alcona Township that the property is served by a sewage disposal system either in substantial conformance with the Ordinance or shall submit proof of a contract to bring the system into conformance along with a surety bond issued by an insurance company authorized to do business in the State of Michigan. Any contract for corrective work shall include provisions for completion within one hundred twenty (120) days of property sale or transfer.
5. **Off-site, jointly used, or alternative sewage disposal system:** Nothing in this Ordinance shall prevent the use of off-site sewage disposal systems or joint use ownership of a sewage disposal system as long as such systems are in substantial conformance with the standards of this Ordinance and each affected property owner has written legally enforceable rights or easements for use of such system. The written instrument establishing the right to system use shall be furnished as part of the evaluation described in **§3.14(B)(2)** or on request of the Alcona Township or District Health Officer for the purpose of carrying out this Ordinance. Nor shall this Ordinance be interpreted to prevent use of alternative on-site wastewater disposal systems including but not limited to chemical, composting or incinerating toilets, or alternative septic system designs such as mound systems or dosing systems, providing such systems are reviewed and approved by the District Health Officer for use on the site in question.
6. **Enforcement**
- a. For the purposes of enforcement, existing septic systems regulated under **§3.14** of this Ordinance shall not be regulated as a nonconforming use but shall instead be held to the criteria and standards established in **§3.14** of this Ordinance.
  - b. Any violation of this section is a violation of Alcona Township Zoning Ordinance and as such is subject to administrative and enforcement procedures set forth in **Article 10** of the Ordinance.
  - c. In addition to these enforcement means, and in event of noncompliance with any provisions of Section 3.13, Alcona Township shall record an affidavit concerning status of the sewage disposal system with the Alcona County Register

of Deeds setting forth the fact that the property in question may not be served by a sewage disposal system in substantial conformance with this Ordinance.

- C. **Permitted industrial uses** shall be served by a public sewer service or an approved sanitary treatment facility, approved by the District Health Department. All treatment facilities shall meet all other applicable federal, state, and local standards and regulations. The effluent from same shall be disposed of in a manner and method which conforms to or exceeds the minimum standards of the State of Michigan Water Resources Commission and the District Health Department.

### **Section 3.15 – On Site Drainage and Runoff Requirements, Grading, and Soil Erosion Control**

- A. **Purpose:** The purpose of this Article is to prevent soil erosion and sedimentation from occurring as a result of nonagricultural development by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction, in order to promote the safety, public health and general welfare of the community.
- B. **Compliance with §3.15:** No site plan shall be approved unless said site plan includes soil erosion and sediment control measures consistent with the requirements of this article. No Zoning Permit shall be issued unless the applicant for said certificate shall have obtained a certificate of compliance indicating compliance with all grading plans and specifications and completion of permanent soil erosion control measures.

Permits shall not be issued where:

1. The work as proposed by the applicant will damage or interfere with any existing drainage course in such a manner as to cause damage or inconvenience to any adjacent property or result in the depositing of debris or sediment on any public way or into any waterway or create an unreasonable hazard to persons or property, or
2. The land area for which the grading is proposed is subject to geological hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce settlement, slope instability, or any other such hazard, or
3. The land area for which the grading is proposed may lie within the flood plain of any stream or watercourse not specifically designated and delineated by the Zoning Board as an area subject to flood hazard, unless a hydroponics report, prepared by a professional engineer, is submitted to certify that the proposed grading will have, in his/her opinion, no determined influence on the public welfare or upon the total development of the watershed.

~~Telecommunication towers, alternative tower structures, antennas, wind turbine generators, and anemometer towers shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.~~

### Section 3.15 - Sanitary Waste Systems

A. All water and sewer services shall be in compliance with the District Health Department rules and regulations and State of Michigan Laws. Outside toilets shall not be permitted in the Township except in designated park areas and portable toilets on a temporary basis.

B. **Septic System Regulations**

1. **Purpose:** In order to prevent or minimize nutrient pollution problems and avoid health risks associated with waterborne disease, the proper construction, operation and maintenance of an on-site sewage disposal system is necessary, and is declared to be a public purpose.
2. **Evaluation of septic system prior to sale:** The owner of a dwelling unit or premise located in the Township shall not sell or transfer ownership of the dwelling unit or premise unless and until the owner has requested the District Health Department to evaluate the existing on-site sewage disposal system and the full results thereof have been furnished in writing to the prospective buyer or transferees as part of the land transaction.
  - a. The term sell or transfer as used in this section shall include all instances where another party succeeds to the interest of the owner, whether or not the transaction is voluntary, whether it occurs during the owner's life or as a result of his death, whether or not the owner retains land contract, mortgage, or other security interest in the property, and whether or not the owner retains a reversionary interest therein. The terms shall exclude any instances where the owner retains a life estate, or any interest as a joint tenant or tenant by the entirety. The terms shall also exclude any instances where the owner retains the right to use and benefit from the property during his life, and any instance where the owner has a guardian, conservator or other fiduciary appointed by a court to manage his/her affairs.
  - b. The **evaluation** shall consist of determination that the on-site sewage disposal system is or is not in substantial conformance with the standards of this Ordinance. The term "substantial conformance" shall mean that

there shall not be more than minimal likelihood of water quality degradation by improper or malfunctioning sewage disposal systems. In making this determination, the following criteria shall be considered:

- 1) Vertical isolation distance between the seasonally high groundwater table and the point of sewage discharge.
- 2) Isolation distance from surface water or wetlands, as defined by Federal, State, County and Township law and regulations.
- 3) Isolation distance between sewage system and drinking water wells as defined by Federal, State, County and Township law and regulations.
- 4) On-site conditions of the property, but not limited to soil types, groundwater elevation and flow, site topography and slope.
- 5) Whether the sewage system meets the construction and design criteria, including size and capacity requirements established in State or District Health Department codes and regulations, as now or hereafter amended.
- 6) Lot size and usable area for on-site sewage disposal system.
- 7) Operational condition of the existing sewage disposal system.
- 8) Proof that the septic tank has been checked and pumped out if needed with the past three (3) years, as shown by a sized and dated service receipt from a licensed waste hauler.

c. **Property without a Sewage Disposal System:** For property that does not contain any type of sewage disposal system, the transferor shall furnish the transferee with a statement stating that no sewage disposal system is currently or has ever been on the property.

d. **Property with a Sewage Disposal System:** For property that contains a sewage disposal system as referenced in the environmental health regulations for the District Health Department and does not exclude a system that may not be approved the transferor shall furnish the transferee with a copy of a final inspection or an approved installation record or an evaluation documenting substantial conformance as determined by District Health Department regulations. (Note: For animal waste, the Michigan Department of Agriculture, Department of

Environmental Quality or other State of Michigan Department may have permitted the system so they are to be substituted for District Health Department references.)

- 1) If an inspection by the District Health Department, or its approved agent, is required and the system is not in conformance with the Regulations, the transferor shall bring the system in substantial conformance before the final conveyance of title can be completed.
- 2) If the conveyance of title must be completed and the weather does not permit the system to be brought into substantial conformance, the transferor shall create an escrow account, surety bond, or bank note equal to one-hundred fifty (150) percent of the estimated cost to accomplish the needed work when the weather permits it to be done. Any monies left in the escrow, surety bond or bank note account after the system is in substantial conformance are to be returned to the transferor.

e. **Property with Other Types of Disposal Systems:** For other types of disposal systems such as incineration, chemical or composting, the transferor shall furnish the transferee with copies of the approved permits showing the system was properly installed (i.e.; meets the International Plumbing Code) or an inspection document stating that the system is properly installed. (If an inspection is required and the system was not properly installed, the transferor shall have the necessary repairs completed to have the system installed properly before the final conveyance of title can be completed.)

3. **Corrective Action:** If upon notice of sale or transfer per **Section 3.15 (B)(2)** it is determined by the District Health Department, based on an on-site inspection and/or a record inspection, that the system is not in substantial conformance as defined in **Section 3.15 (B)(2)(b)**, written notice of this fact shall be made to the owner and prospective purchaser, or transferee by the Township and the system shall be brought into substantial conformance as follows:

- a. **On receipt of notice regarding noncompliance** , the owner, if living or the transferee, if the owner is not living, shall submit to the District Health Department within thirty (30) days a plan of corrective action for review and approval. All necessary correction action shall be completed within one hundred twenty (120) days of plan approval. A construction time extension not to exceed sixty (60) days may be granted if weather

conditions prohibit completion within the initial one hundred twenty (120) day period.

- b. **Before the completion of closing of any real estate transaction** involving property located in the Township, the owner, if living, or the transferee, if the owner is not living, shall notify the Township that the property is served by a sewage disposal system either in substantial conformance with the Ordinance or shall submit proof of a contract to bring the system into conformance along with a surety bond issued by an insurance company authorized to do business in the State of Michigan. Any contract for corrective work shall include provisions for completion within one hundred-twenty (120) days of property sale or transfer.
- 4. **Off-site, jointly used, or alternative sewage disposal system:** Nothing in this Ordinance shall prevent the use of off-site sewage disposal systems or joint use ownership of a sewage disposal system as long as such systems are in substantial conformance with the standards of this Ordinance and each affected property owner has written legally enforceable rights or easements for use of such system. The written instrument establishing the right to system use shall be furnished as part of the evaluation described in **Section 3.15 (B)(2)** or on request of the Township or the District Health Department for the purpose of carrying out this Ordinance. Nor shall this Ordinance be interpreted to prevent use of alternative on-site wastewater disposal systems including but not limited to chemical, composting or incinerating toilets, or alternative septic system designs such as mound systems or dosing systems, providing such systems are reviewed and approved by the District Health Department for use on the site in question.
- 5. **Enforcement**
  - a. For the purposes of enforcement, existing septic systems regulated under **Section 3.15** of this Ordinance shall not be regulated as a nonconforming use but shall instead be held to the criteria and standards established in **Section 3.15** of this Ordinance.
  - b. Any violation of this Section is a violation of the Caledonia Township Zoning Ordinance and as such is subject to administrative and enforcement procedures set forth in **Article 10** of the Ordinance.
  - c. In addition to these enforcement means, and in event of noncompliance with any provisions of **Section 3.14**, the Township shall record an affidavit concerning status of the sewage disposal system with the Alcona County Register of Deeds setting forth the fact that the property in question may



not be served by a sewage disposal system in substantial conformance with this Ordinance.

- C. **Permitted Industrial Uses** shall be served by a public sewer service or an approved sanitary treatment facility, approved by the District Health Department. All treatment facilities shall meet all other applicable Federal, State, and local standards and regulations. The effluent from same shall be disposed of in a manner and method which conforms to or exceeds the minimum standards of the State of Michigan Water Resources Commission and the District Health Department.

### **~~Section 3.16 On Site Drainage and Runoff Requirements, Grading, and Soil Erosion Control~~**

- A. **~~Purpose:~~** ~~The purpose of this Section is to prevent soil erosion and sedimentation from occurring as a result of nonagricultural development by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction, in order to promote the safety, public health and general welfare of the community.~~
- B. **~~Compliance with Section 3.16:~~** ~~No site plan shall be approved unless said site plan includes soil erosion and sediment control measures consistent with the requirements of this section. No Zoning Permit shall be issued unless the applicant for said certificate shall have obtained a certificate of compliance indicating compliance with all grading plans and specifications and completion of permanent soil erosion control measures.~~

~~Permits shall not be issued where:~~

- ~~1. The work as proposed by the applicant will damage or interfere with any existing drainage course in such a manner as to cause damage or inconvenience to any adjacent property or result in the depositing of debris or sediment on any public way or into any waterway or create an unreasonable hazard to persons or property; or~~
- ~~2. The land area for which the grading is proposed is subject to geological hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce settlement, slope instability, or any other such hazard; or~~
- ~~3. The land area for which the grading is proposed may lie within the flood plain of any stream or watercourse not specifically designated and delineated by the Zoning Board as an area subject to flood hazard, unless a hydroponics report, prepared by a professional engineer, is submitted to certify that the proposed~~

## SECTION 8.08 – WATER SUPPLY AND SEWAGE DISPOSAL

### 8.08 A - HEALTH DEPARTMENT STANDARDS

Every building or structure hereafter erected or moved upon any premises, and used in whole or in part for human occupancy shall be provided with a safe and sanitary water supply and a septic tank sewage disposal, each system erected and maintained in accordance with the standards of material and installation recommended by the Michigan Department of Health, District #2.

### 8.08 B - INADEQUATE SOIL CONDITIONS

Where soil conditions are inadequate for the erection of safe septic tank system or sewage disposal system a special means shall be required to safeguard health conditions.

### 8.08 C - SETBACK REQUIREMENTS

No septic tank or sewage drain field shall be installed less than fifty (50) feet from any active water course or well or the minimum distance as established by the Michigan Department of Health, whichever is greater.

### 8.08 D - IMPROVEMENTS OF THE SEPTIC SYSTEM UPON TRANSFER OF OWNERSHIP

#### 8.08 D(1) UPON SALE OR TRANSFER

No sales or transfer of a residence, or business or other establishment required to provide a waste disposal system shall be within the terms of this ordinance unless or until the waste disposal system (septic system where applicable) of any structure shall be inspected and certified with a written form by the local health department to meet the standards as of the date of sale or transfer of the property.

The term sale or transfer as used in this ordinance shall include all instances where another party succeeds to the interest of the owner, whether it occurs during the owner's life or as a result of

his death, whether or not the owner retains land contract, vendors, mortgagors, or other security interest in the property, and whether or not the owner retains a reversionary interest therein.

A system which was improved under this ordinance within the last two years from the date of sale need not be improved to meet changes in the code that have occurred in that two year period unless required by county, state or federal laws. Further, a system which the health department judges to be working and in compliance with present codes at the time of inspection, may be sold anytime within the next eighteen (18) months without further inspection.

#### 8.08 D(2) - OCCUPANCY BEFORE IMPROVEMENTS IN WASTE DISPOSAL SYSTEM

When conditions such as weather make it impossible to have the work completed before the transfer of property, then the following section may be used to meet the requirements of 8.08 D(1).

When the present system has been inspected and has been judged by health department inspector to be a working system (non-failed) and no immediate health risk is present but not in compliance with code for new septic system, occupancy may occur when arrangements to bring the septic system into compliance have been agreed upon between the buyer and the seller.

#### SECTION 8.09 - PUBLIC UTILITY FACILITIES

The erection, alteration and maintenance of essential services but not including buildings of power, communication, disposal, distribution and similar public utility facilities, including accessories therewith as authorized and regulated by the law, shall be permitted in every District.

Transmission and Communication Towers (Commercial), Public Utility Microwaves and Public Utility TV Transmitting Towers

## **ARTICLE XI INLAND LAKE WATER QUALITY MAINTENANCE DISTRICT**

### **Section 11.1 PURPOSE**

In order to prevent or minimize nutrient pollution problems in inland lakes and avoid health risks associated with waterborne disease, proper construction, operation and maintenance of on-site sewage disposal systems is necessary in areas adjacent to inland lakes, and is declared to be a public purpose.

### **Section 11.2 SCOPE**

The Inland Lake Water Quality Maintenance District includes all properties having frontage on inland lakes in Hillman Township, or having deeded access or easement to an inland lake in Hillman Township.

### **Section 11.3 EVALUATION OF SEPTIC SYSTEM PRIOR TO SALE**

The owner of a year-round or seasonal dwelling unit or premise located in the Inland Lake Water Quality Maintenance District shall not sell or transfer ownership of the dwelling unit or premise unless and until the owner has requested the District Health Officer to evaluate the existing on-site sewage disposal system and the full results thereof have been furnished in writing to the prospective buyers or transferees as part of the land transaction.

- A. The term sell or transfer as used in this Article shall include all instances where a third party succeeds to the interest of the owner, whether or not the transaction is voluntary or involuntary, whether it occurs during the owner's life or as a result of his death, whether or not the owner retains land contract vendors, mortgagors, or other security interests in the property, and whether or not the owner retains a reversionary interest therein. The terms shall exclude any instance where the owner retains a life estate, or an interest as a joint tenant or tenant by the entirety. The terms shall also exclude any instance where the owner transfers the property to a trust where the owner retains the right to use and benefit from the property during his life, and any instance where the owner has a guardian, conservator or other fiduciary appointed by a court to manage his affairs.
- B. The evaluation shall consist of a determination that the on-site sewage disposal system is in substantial conformance with the standards of this ordinance. The term "substantial conformance" shall mean that there shall not be more than a minimal likelihood of water quality degradation by improper or malfunctioning sewage disposal systems. In making this determination, the following criteria shall be considered:
  - 1. Vertical isolation distance between the seasonally high groundwater table and the point of sewage discharge;
  - 2. Isolation distance from surface water or wetlands, as defined by Federal, State, County and Township law and regulations;
  - 3. Isolation distance between sewage system and drinking water wells;
  - 4. On-site conditions of the property, including but not limited to soil types, groundwater elevation and flow, site topography and slope;

5. Whether the sewage system meets the construction and design criteria, including size and capacity requirements, established in State or District Health Department's Code and Regulations, as now or hereafter amended;
  6. Lot size and usable area for on-site sewage disposal;
  7. Operational condition of the existing sewage disposal system.
  8. Proof that the septic tank has been checked and pumped out if needed within the past three years, as shown by a signed and dated service receipt from a licensed septage waste hauler.
- C. When a subsequent sale or sales occur less than five (5) years after the first sale, and the on-site sewage disposal system was found to be in substantial conformance at the time of the first inspection on sale, subsequent inspections within a five (5) year period shall be waived.

#### **Section 11.4 CLASSIFICATION**

On-site sewage disposal systems located in the Inland Lakes Water Quality Maintenance District shall be classified as either "Class I" or "Class II." "Class I" indicates a system constructed on or before December 31, 1969 or a sewage disposal system constructed at any time without permit or approval by the District Health Department, or a system where the age or approval status cannot be reliably determined. "Class II" indicates a system constructed, approved and placed into operation after December 31, 1969, or a system which has been evaluated under the provisions of Section 11.3 (2) and found to be in substantial conformance with this ordinance, or a system which has been upgraded under the provisions of Section 11.8 to bring it into substantial conformance with standards in this ordinance. However, any Class II system which does not meet the requirement in Section 11.3 (2) (h) regarding septage checking and pumping as needed may be reclassified as a Class I system until this requirement is met.

#### **Section 11.5 NOTIFICATION**

All owners of Class I on-site septic systems located in the Inland Lake Water Quality Maintenance District shall notify the Township in writing on or before September 1, 1995. Failure to file written notice by this date shall be deemed a violation of this ordinance. Written notification shall include the following:

- A. Name, address and telephone number of the owner and the current occupant of the property served by a Class I sewage disposal system, address of the property, and property tax number;
- B. A drawing showing property boundaries, location of all buildings, water well location and sewage disposal system location;
- C. A description of the sewage disposal system, including its size, type of construction and age. If the age of the system is not known, it will be deemed constructed on or before December 31, 1969;

- D. The date the dwelling unit was constructed and the last date the unit was altered, modified, changed or expanded.

#### **Section 11.6 SCHEDULING OF INSPECTION**

Upon receipt of notification, the Township shall request the District Health Officer to arrange an on-site inspection and evaluation of the system to determine whether it is in substantial conformance with this ordinance, as defined in Section 11.3 (2). The owner of the on-site sewage disposal system shall be responsible for the District Health Department inspection fee.

#### **Section 11.7 RIGHT OF USE**

Upon filing written notice per Section 11.5, the owner of any Class I system shall have an automatic right to use the system for a period not to exceed ten (10) years from the date notice is received by the Township. If the owner fails to file notice before September 1, 1995, the owner shall lose the ten year right of use.

- A. The ten year right of use shall be at the risk of the owner or occupant. No representation is made by the Township or the District Health Department with respect to the working condition or operation of the sewage disposal system.
- B. No property right or interest is created by virtue of the ten year right of use.
- C. Any owner of a system qualifying for the ten year right of use shall maintain the existing system, including meeting the requirement of Section 11.3 (2) (h) to have the septicage checked and pumped if needed at least once every three (3) years. The owner or occupant shall notify the District Health Officer in the event of any visible pollution of ground or surface waters attributable to system malfunction.
- D. Any system qualifying for the ten year right of use shall be inspected by the District Health Officer prior to its sale or transfer, per Section 11.3.
- E. At the expiration of the ten (10) years, the owner shall bring the system into substantial conformance as defined by Section 11.3 (2). Further, this section and the ten year right of use shall not be construed to prohibit the District Health Department or other body having regulatory authority from instituting an enforcement action for a violation of its regulations.

#### **Section 11.8 CORRECTIVE ACTION**

If, upon inspection per Section 11.6 or inspection upon notice of sale or transfer per Section 11.3, or at the end of the ten year period specified in Section 11.7, it is determined that the system is not in substantial conformance as defined in Section 11.3 (2), written notice of this fact shall be made to the owner and prospective purchaser or transferee by the District Health Officer, and the system shall be brought into substantial conformance as follows:

- A. On receipt of notice regarding nonconformance, the owner, if living, or the transferee, if the owner is not living, shall submit to the District Health Department within thirty (30) days a plan of corrective action for review and approval. All necessary corrective action shall be completed within one hundred and twenty (120) days of plan approval. A

construction time extension, not to exceed sixty (60) days, may be granted if weather conditions prohibit completion within the initial 120 day period.

- B. Before the completion or closing of any real estate transaction involving property located in the Inland Lake Water Quality Maintenance District, the owner, if living, or the transferee if the owner is not living, shall notify the Township that the property is served by a sewage disposal system either in substantial conformance with this ordinance, or shall submit proof of a contract to bring the system into conformance, along with a surety bond issued by an insurance company authorized to do business in the State of Michigan, or in the alternative a cash deposit with the Township, equal to one and a half (1 1/2) times the projected cost required to complete the corrective work. Any contract for corrective work shall include provisions for completion within one hundred and twenty (120) days of property sale or transfer.

#### **Section 11.9 OFF-SITE, JOINTLY USED, OR ALTERNATIVE SEWAGE DISPOSAL SYSTEMS**

Nothing in this ordinance shall prevent the use of off-site sewage disposal systems, or joint use or ownership of a sewage disposal system, so long as such system is in substantial conformance with the standards of this ordinance, and each affected property owner has written, legally enforceable rights or easements for use of such system. The written instrument establishing the right to system use shall be furnished as part of the evaluation described in Section 11.3, and/or on request of the Township or the District Health Officer for the purpose of carrying out this ordinance.

Nor shall this ordinance be interpreted to prevent use of alternative on-site wastewater disposal systems, including but not limited to chemical, composting or incinerating toilets, or alternative septic system designs such as mound systems or dosing systems, providing such systems are reviewed and approved by the District Health Officer for use on the site in question.

#### **Section 11.10 ENFORCEMENT**

- A. For the purposes of enforcement, existing septic systems regulated under Article XI of this ordinance shall not be regulated as a nonconforming use, but shall instead be held to the criteria and standards established in Article XI of this ordinance.
- B. Any violation of this section is a violation of the Hillman Township Zoning Ordinance, and as such is subject to administrative and enforcement procedures set forth in Articles XIX, XX, and XXI of the ordinance.
- C. In addition to these enforcement means, and in the event of non-compliance with any provisions of Article XI, the Township or District Health Officer may record an Affidavit Concerning Status of Sewage Disposal System with the Montmorency County Register of Deeds setting forth the fact that the property in question may not be served by a sewage disposal system in substantial conformance with this ordinance.