

## **Section 322. Water Protection Ordinance (Effective August 3, 2008)**

### **Purpose**

Because the entire Township lies within the Thunder Bay River, Hubbard Lake and Lake Huron watersheds, this Ordinance is an attempt to protect our creeks, rivers, streams, ponds, lakes and groundwater for the current and future generations. Further, in order to prevent or minimize nutrient pollution problems in our waters and avoid health risks associated with waterborne disease, the proper construction, operation and maintenance of on-site sewage disposal systems are necessary.

### **1. Scope and Coverage**

Whenever a current property title within the Township is to be conveyed to another party, whether by sale, inheritance, gift or other reason, the following procedure must be adhered to:

#### **a. 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.

#### **b. Property with a Sewage Disposal System**

For property that contains a sewage disposal system as referenced in the environmental health regulations for District Health Department No. 2 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 compliance as determined by District Health Department #2 policies (the Regulations). (Note: For animal waste, the Michigan Department of Agriculture, Department of Environmental Quality or other State Department may have permitted the system so they are to be substituted for the District Health Department No. 2 references within this Ordinance.)

- 1) If an inspection by District Health Department No. 2, or its approved agent, is required and the system is not in compliance with the Regulations, the transferor shall bring the system in substantial compliance 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 compliance the transferor shall create an escrow account, surety bond, or bank note equal to one-hundred fifty 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 compliance are to be returned to the transferor.

c. **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.)

d. **Closing of Any Real Estate Transaction**

Before the completion or closing of any real estate transaction involving property located in the Township, the transferor, if living, or the transferee, if the transferor is not living, shall notify the Township that the property is served by a sewage disposal system either in substantial compliance with this Ordinance, or shall submit proof of a contract to bring the system into substantial compliance, along with insurance of performance by means of a surety bond, escrow account or bank note as specified in Point 2 b (2) of this Ordinance. Any contract for corrective work shall include provisions for completion within one hundred twenty (120) days of property sale or transfer weather permitting. For weather-delayed corrections, the one hundred twenty (120) days begins the day after Alcona County lifts the weather related road limits in the spring.

**2. Off-Site, Joint Use, Cluster Sewage Disposal Systems**

Nothing in this Ordinance shall prevent the use of off-site sewage disposal systems or joint use or ownership of a cluster sewage disposal system, as long as such systems are in substantial compliance with the standards of District Health Department No. 2 or other applicable regulations and each affected property owner has written, legally enforceable rights or easements for use of such systems. The written instrument establishing the right to system use shall be furnished to the Township before the completion or closing of any real estate transaction involving property located in the Township utilizing the above stated sewage disposal systems.

**3. Enforcement**

Any violation of this section is a violation of the Caledonia Township Zoning Ordinance and is subject to administrative and enforcement procedures set forth in Article Seven, Section 705 of the Ordinance.

In addition to these enforcement means, and in the event of noncompliance with any provisions of this section, the Township shall record an Affidavit Concerning Status of Sewage Disposal System with the Alcona County Register of Deeds confirming that the property in question is not served by a sewage disposal system in substantial compliance with this Ordinance.