

# GOLDEN TOWNSHIP ZONING ORDINANCE

## 4.39 Septic System Inspection (amended 1-17-2013)

- A. Environmental and Public Health** - In order to protect environmental and public health onsite sewage disposal systems, OSDS, must be pumped, inspected and approved as operating effectively every five-years and a form (which includes: copies of the Maintenance Agreement and Testing Results for Advanced Treatment Units (ATU)) submitted by a registered sanitarian or inspector trained by District Health Department #10 (DHD#10) with copies to: a) the applicant, b) Zoning Administrator (ZA), and c) DHD#10 when any of the following conditions exist:
1. A zoning permit is requested to remodel or replace an existing dwelling.
  2. The OSDS is pumped, inspected and reported as above (this resets the five-year inspection cycle)
  3. The OSDS is pumped for suspected failure.
    - a. The township reserves the right to conduct a re-inspection after system is brought into compliance.
    - b. Inspector must make submissions of the report as above in paragraph **A**.
  4. If the OSDS fails this inspection it must be replaced by a system approved by the DHD#10.
- B. Each parcel** within the township that requires an OSDS by definition or virtue of any or all other ordinances, such as dwellings, zoning, etc., shall have an inspection performed and the inspection recorded in accordance with paragraph **A** above within 5 years of the implementation of this amendment dated <\_\_\_\_\_> and every 5 years thereafter.
1. This applies to all homeowners and businesses.
  2. If the OSDS fails to meet vertical separation distance requirements of DHD#10, then:
    - a. The replacement system must meet current DHD#10 requirements. (typically 4 feet from the bottom of the drain field to the seasonally high water table)
  3. When a parcel or any portion of the parcel with an OSDS installed is sold or exchanged then the above inspection must be completed and reported as in paragraph **A**.

- C. When within 200'** - Properties within 200' of a Body of Water must comply with DHD#10 Variance Policy 900.502.1 including any subsequent revisions. Inspections and reports made as specified in paragraph **A** above.

#### **D. Enforcement**

1. **If a property is found in violation of this Ordinance**, the Zoning Administrator (ZA) shall make a good faith attempt to enter into an agreement with the property owner including a reasonable time line for resolution as determined by the ZA. If an agreement cannot be reached, the ZA may issue a violation notice to the owner, accompanied by a statement of the facts upon which the notice is based requiring corrective action soonest. Failure to comply and remedy the violations could result in the ZA issuing a violation notice every thirty days and enacting Paragraph 4 below each month.
2. **District Health Department #10 representatives may**, after presenting proper documents as may be required by law and upon stating the authority and purpose for the investigation, enter and inspect property (not the dwelling) containing an OSDS at reasonable times in order to determine compliance or noncompliance with the Ordinance, this may include:
  - a. Inspection at reasonable times of any OSDS and related systems on the property.
  - b. Collection of evidence, samplings and information for the purpose of determining compliance with this Ordinance.
3. **Violation of this Ordinance.** Upon determining that there exists a violation of this Ordinance the ZA may:
  - a. Reach a Voluntary agreement with the Owner
  - b. Issue a Notice of Violation to be repeated (up to every 30 days) until a remedy is agreed upon (with incremental fines). This notice includes a plan of improvement and a time limit to remedy the violation within the discretion of the ZA.
  - c. Issue a Cease and Desist Order; suspend any permit, certificate or other approval issued pursuant to this Ordinance to the owner or other party violating the Ordinance; or
  - d. Request that the Golden Township Board authorize the commencement of legal action to enjoin the violation and to recover any and all costs related to the correcting, removing or abating the violation, including requesting DHD#10 to declare the property "Dwelling Unfit for Human Habitation".

4. **Penalties.** Property owners in violation of this Ordinance are guilty of a Municipal Civil Infraction punishable by a fine of not more than \$500.00 for the first offense and \$1000.00 for subsequent offenses. All such persons, regardless of their interest in property (for instance, owner or occupant) may be a separate offense.
5. **Assessment against the Property.** If an owner does not have his or her premises evaluated as specified by this Ordinance, the ZA may cause an inspection and evaluation report to be completed, and may charge all costs and fees incurred as a result to the owner of the premises. If the owner refuses on demand to pay any expenses incurred by the ZA for which the owner is responsible under this Ordinance, the sum of such expenses shall be assessed against the subject property and shall be collected and treated in the same manner as taxes assessed under the general tax law of this State.

#### **E. Definitions for Part 4.39:**

1. **Inspection** means visual inspection of tank for structural integrity, aeration equipment and effluent filter. Also inspection of the drain field, consisting of auguring 6' into and around the drain field to insure proper discharge of effluent into a viable drain field. Advanced Treatment Systems require an annual maintenance contract and shall be inspected for proper operation.
2. **OSDS failure** means; any of the following: a. backup of sewage into a structure; b. discharge of effluent onto the ground surface; c. structural failure of the septic tank; c. discharge of sewage into a body of water; d. liquid level in a disposal field above the outlet holes in the pipe of such field;
3. **Body of Water** – A body of water or waterbody (often spelled water body) is any significant accumulation of water, generally on a planet's surface. The term most often refers to oceans, seas, and lakes, but it also includes smaller pools of water such as ponds, wetlands, rivers, streams, creeks.
4. **Sale, Sell or Exchange** means; all conveyances of premises where a person other than the owner voluntarily succeeds to the interest of the owner regardless of whether such succession of interest occurs during the owners life or as a result of the owners death and regardless of whether the owner retains an interest in the premises by means of a revisionary interest, land contract, mortgage, or any type of security arrangement.