

**CENTERVILLE TOWNSHIP**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REQUIRING SEPTIC INSPECTIONS AT TIME OF SALE OR TITLE TRANSFER**

WHEREAS, Centerville Township desires to promote the health and safety of the residents, visitors, and other community members by preventing the spread of diseases associated with failing On-site Sewage Disposal Systems (OSDS); and

WHEREAS, Centerville Township desires to protect water quality, and promote a quality environment by reducing contaminated runoff from failed or poorly maintained septic systems; and

WHEREAS, Centerville Township desires to ensure that OSDS are properly operated, inspected and routinely maintained; and

WHEREAS, such OSDS are under the jurisdiction of the Benzie-Leelanau District Health Department (BLDHD); and

WHEREAS, the Centerville Township shall require an inspection of a sanitary sewage or septic system at the time a property is sold or title transferred to ensure the system is in compliance with the BLDHD code; and

NOW, THEREFORE, CENTERVILLE TOWNSHIP ORDAINS:

**Section 1. Definitions.**

As used in this Ordinance:

- **Community System** - A shared, multiparty septic system designed to meet the Michigan Department of Environment, Great Lakes and Energy (EGLE) and BLDHD requirements.
- **BLDHD** shall mean Benzie-Leelanau District Health Department.
- **Failure** or **Failed System** includes the following:
  - the backup of sewage into a structure;
  - the discharge of effluent onto the ground surface;
  - the connection of an OSDS to a storm drain;
  - liquid level in the septic tank is above the top of the outlet pipe;
  - the structural defect of a septic tank which is likely to impair its proper operation;
  - the discharge of sewage from an OSDS into the soil, groundwater and/or any body of water.
- **On-site Sewage Disposal System** or **OSDS** means Sewage Disposal Facilities as that term is defined by the BLDHD in its Environmental Health Regulations and as those regulations may be amended in the future; but shall not mean any community wastewater treatment system serving more than one parcel which is subject to regulation pursuant to Part 31 of Michigan's Natural Resources and Environmental

Protection Act, PA 451 of 1994, as amended, and the rules promulgated thereunder, being Part 22, Groundwater Quality, of the Michigan Administrative Code; nor systems issued a National Pollution Discharge Elimination System (NPDES) permit pursuant to the federal Clean Water Act.

- **OSDS** means an On-site Sewage Disposal System.
- **Owner** means any person who has legal or equitable title to any premises.
- **Person** means any individual, firm, partnership, party, corporation, company, society, association, or other legal entity.
- **Premises** means any tract of land, or portion thereof, or combination of tracts of land under single or common ownership, operation or control, which contains (a) any type of structure that is, was, or will be occupied or inhabited either permanently or transiently, and (b) which is served by an OSDS.
- **Substantial conformance** shall mean that there shall not be more than a minimal likelihood of degradation of groundwater or surface water by improper or malfunctioning sewage disposal systems or water supply systems.

### **Section 2. Required Compliance with BLDHD Requirements.**

All sanitary sewage disposal systems either public or private, for any building hereafter erected, altered or relocated upon any premises shall be in compliance with BLDHD requirements in effect at the time of such erection, alteration or relocation of such systems. The written approval of such facilities by BLDHD shall be filed in the Centerville Township Office with the application for a Land Use Permit.

### **Section 3. Inspection Required at Point of Sale or Title Transfer.**

An owner of a premises on which there is a habitable building, or the owner of such building shall not sell, convey, assign or transfer ownership of, or exclusive rights in, said premises or said habitable building until the owner or the agent of the owner has:

- A. Requested that a Michigan licensed septic hauler, the BLDHD or in the case of a Community System, a State-certified Community Sanitary System Operator, to evaluate any existing on-site sewage disposal system or provided a written waiver of such evaluation as is provided for below.
- B. Furnished the results of such evaluation in writing to any prospective purchaser or transferee of the premises or the building on the premises. The evaluation shall bear the signature of acknowledgement from both buyer and seller, or transferee, and a copy shall be filed with the Township Office. An approved copy will be forwarded to the BLDHD and/or EGLE for their records.
- C. If, as a result of the inspection, the septic system is found to be failing via the required inspection, the inspector, the owner of the premise or the building on the premises, shall provide those findings to the BLDHD and the purchaser or transferee of the premises or the building.

**Section 4. Evaluation Standards.**

It is not the intent of this Ordinance to require that all sewage disposal systems be brought up to the same standards that would apply to a new system being installed, but rather to ensure that such systems are working properly. In that regard, the evaluation shall consist of a determination that the sewage disposal system is in substantial conformance with the standards of the Michigan Public Health Code and its regulations.

**Section 5. Exemptions.**

Notwithstanding the provisions of Section 2, above, in the event of a sale, conveyance, assignment or transfer ownership of, or exclusive rights in a premises or a habitable building on the premises, any OSDS on said premises is not subject to a required inspection at the time of point of sale in the following instances:

- A. The purchaser provides a notarized letter of intent to remove the structure and related OSDS entirely and bear full responsibility for meeting all code requirements in the future;
- B. The title is changing due to the addition or deletion of a spouse; or
- C. The title is changing but the existing ownership remains unchanged; such as the owner(s) transferring title to a trust in which they are the trustee(s); or such as a transfer of title to an LLC, partnership, or other legal entity in which the membership is a mirror image of the existing owners;
- D. The system was constructed BLDHD within the past three (3) years in a manner fully conforming to code.
- E. A Community Septic System has passed inspection by the BLDHD and/or a State of Michigan Certified Community Sanitary System Operator. within the previous three (3) years.

**Section 6. Duty of Owner Regarding Documentation.**

The owner of the premises or the owner of the building on the premise shall provide the BLDHD or Centerville Township whatever information the BLDHD requires so that the BLDHD and the Township will be able to maintain a record of each septic system or OSDS installed, inspected, repaired and altered.

**Section 7. Authorized Local Officials.**

The Centerville Township Zoning Administrator is hereby authorized to enforce this ordinance and to issue municipal civil infraction citations or municipal civil infraction violation notices for violations of this ordinance.

**Section 8. Severability**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. Should any part, clause, sentence, paragraph or section of this Ordinance be found invalid or unconstitutional for any reason by any court of competent jurisdiction, any such decision shall not affect the validity of the remainder of this Ordinance.

**Section 9. Conflict and Interpretation**

The standards and provisions of this Police Power Ordinance shall be interpreted as being the minimum requirements necessary to uphold the purposes of this Ordinance. Whenever this Ordinance imposes a higher standard than that required by other regulations, ordinances, or rules, or by easements, covenants or agreements, the provisions of this Ordinance shall govern. When the provisions of any other statute impose higher standards the provisions of such statutes shall govern. When it is alleged by a petitioner that there is an error in interpretation of this Ordinance by the Zoning Administrator or designee, the Township Board shall review such an appeal, provided that a written appeal is filed within thirty (30) days of the decision of the Zoning Administrator or designee. The concurring vote of a majority of the Township Board shall be necessary to reverse any interpretation of this Ordinance by the Zoning Administrator or designee.

**Section 10. Savings Clause**

All proceedings pending and rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

**Section 11. Effective Date**

The provisions of this Ordinance are ordered to take effect thirty (30) days after publication (as the full text or as a summary thereof) in a newspaper of general circulation in Centerville Township.

**Section 12. Adoption**

This Ordinance was duly adopted by the Centerville Township Board of Trustees at its regular meeting called and held on the \_\_\_\_ day of \_\_\_\_\_, 2024.

**Section 13. Publication**

The Township Clerk shall cause this Ordinance or summary of this Ordinance to be published in a newspaper of general circulation within Centerville Township within thirty (30) days after adoption.

\_\_\_\_\_  
Ron Schaub, Supervisor, Centerville Township

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Beth Chiles, Clerk, Centerville Township

Adoption date:  
Publication date:  
Effective date:

**CERTIFICATION**

I, Elizabeth Chiles, the Clerk for Centerville Township, Leelanau County, Michigan, do hereby certify that the foregoing is a true and complete copy of this Ordinance adopted by the Township of Centerville Board of Trustees at a regular meeting held on \_\_\_\_\_, 2024.

The following members of the Centerville Township Board of Trustees were present at the

meeting:

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The Ordinance was adopted by the Centerville Township Board with \_\_\_ members of the Council voting in favor (\_\_\_\_\_) and \_\_\_ voting against (\_\_\_\_\_).

A copy of the Ordinance or a summary thereof was published in the Leelanau Enterprise on \_\_\_\_\_.

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Beth Chiles, Clerk, Centerville Township