

**PRIVATE COMMUNITY WASTEWATER SYSTEM (PCWS)
ORDINANCE #27
IOSCO TOWNSHIP, MICHIGAN**

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2600 STATEMENT OF PURPOSE

Pursuant to Part 41 of Act No. 451 of the Public Acts of 1994, as amended, the Michigan Department of Environmental Quality ("MDEQ") is authorized to issue permits for private community on-site wastewater disposal systems that serve more than one property (referred to as a "private community wastewater system" or "PCWS"). The Township requires assurance that, should an Act 451 permit be issued, the Township shall be indemnified from any costs or liability in connection with the design, construction, operation, maintenance, repair and/or replacement of that PCWS. Pursuant to Public Act 241 of 2005, as amended, the Township is not responsible for or subject to penalties or sanctions for unauthorized discharge from a PCWS, unless the Township has accepted responsibility in writing for the same and has also been notified in writing by the MDEQ of such responsibility. The Township also recognizes that should the services of a PCWS fail or improperly function, the extension of public sewer systems may not be possible, in such event an adequate replacement reserve for the PCWS is essential. Accordingly, no building or zoning permits shall be issued for any developments for which an Act 451 permit is required and/or has been issued unless the proposed PCWS also complies with the requirements of this Ordinance. For these purposes, this ordinance is intended to regulate PCWS within the Township.

2601 DEFINITIONS

- A) **ACT 98 PERMIT** – A permit issued in accordance with the provisions of Act. 98.
- B) **ACT 451** – Act. No. 451 MCL 324.4101 to 324.4111) of the Michigan Public Acts of 1994, as amended.
- C) **APPLICANT** means a person or entity having an ownership or other contractual interest in land who proposes to construct a PCWS or expand an existing PCWS.
- D) **ASSOCIATION** – For a condominium development, shall have the same meaning as "association of co-owners" found in Act No. 59 of the Michigan Public Acts of 1978, as amended. For a subdivision or other development, association shall mean an association of homeowners or property owners organized as a non-profit corporation, organized as an LLC, PLC, or PC, as defined in HB 4860 and authorized pursuant to deed restrictions and/or restrictive covenants in a particular development to govern the affairs of the subdivision or other development.
- E) **BEST MANAGEMENT PRACTICES** – Programs, practices, procedures or other directed efforts, initiated and implemented by a user, which can or does lead to the reduction, conservation or minimization of pollutants being introduced into the ecosystem. BMPs include, but are not limited to, equipment technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials and improvements in housekeeping, maintenance, training, or inventory control and may include technical and economic considerations.

- F) DEVELOPMENT** – Shall include a subdivision as defined by Act No. 288 of the Public Acts of 1967, as amended, a condominium pursuant to the provisions of Act No. 59 of the Public Acts of 1978, as amended, or any group of dwellings or structures that are proposed to be served by a PCWS.
- G) DEVELOPMENT DOCUMENT** – Means: (a) for a condominium project. The master deed and bylaws provided by Act No. 59 of the Public Acts of 1978, as amended; and (b) for a subdivision or other development, deed restrictions and/or restrictive covenants.
- H) EXPANSION** – Shall mean any activity whereby additional structures or users shall be added to an existing system and/or changes to the existing system that increases capacity of the system.
- I) MDEQ** – The Michigan Department of Environmental Quality, or its successors.
- J) OPEN SPACE** – The land area that shall remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenants, or other legal means that runs with the land. It shall not include land that is already prevented from development such as, but not limited to wetlands. It shall not include land encumbered by other rights or easements such as, but not limited to utility easements.
- K) OPERATOR** – A certified contractor or employee licensed and by the MDEQ to operate and maintain wastewater systems.
- L) OWNER** – The owner of a fee simple interest or a land contract purchaser of property that is served or is proposed to be served by a PCWS, their employees, agents, and assigns.
- M) PCWS DEVELOPMENT AGREEMENT** – A legal binding agreement with Iosco Township per requirements of this ordinance.
- N) PRIVATE COMMUNITY WASTEWATER SYSTEM OR SYSTEMS OR PCWS** – A facility for the transportation, collection, processing or treatment of sanitary sewage, which is owned by a non-governmental entity and which is proposed to service more than one structure. The PCWS shall be deemed to include any individual septic tanks, pumps, lines and appurtenances serving each residence, in addition to the community drain field and treatment system.
- O) PUBLIC SANITARY SEWER SERVICE AREA** – The area designated for public sanitary sewer service by the Township, as defined in the Master Plan.
- P) PUBLIC SANITARY SEWER SYSTEM** – A publicly-owned sanitary sewer system.
- Q) SANITARY SEWER SYSTEM** – A facility for transportation, collection, processing, or treatment of sanitary sewage.

- R) TOWNSHIP** - The Iosco Township, Livingston County, Michigan, acting through authority of its duly elected Township Board.

2602 REGULATIONS

Any development of land that is proposed to be serviced by a PCWS must comply with the provisions of the Ordinance before any building and/or zoning permits may be issued for the development. Except as provided in this Ordinance, a development of land to be served by a PCWS shall not be commenced, and it shall be unlawful to construct, install, or operate a PCWS within the Township in conjunction with any such development unless in conformance with this Ordinance.

A PCWS shall only be allowed in areas of the Township outside of the Public Sanitary Sewer System.

A PCWS shall only be allowed as part of a Planned Residential Development (PRD) subject to all of the requirements of the Iosco Township PRD Zoning Ordinance. The PRD development shall be a single land use type as categorized by the Livingston County Health Department. Mixed land uses on a single PCWS are prohibited.

The primary purpose for and use of a PCWS in the Township shall be to enhance and enable significant clustering of residences and other development alteration to land and to preserve significant wetlands, natural features, open spaces or agricultural lands. A minimum of 50% of the land proposed for the development shall be preserved as agricultural land or as open space as defined in Section 2601 of this ordinance.

The treated effluent from PCWS shall not be discharged into any surface water.

2603 APPROVAL TO BEGIN CONSTRUCTION

- A)** Any PCWS shall comply with the terms of this Ordinance and applicable requirements of the Iosco Township Zoning Ordinance, applicable standards of the Michigan Department of Environmental Quality ("MDEQ"), the Michigan Department of Public Health, the Livingston County Health Department ("LCHD"), the Michigan Public Service Commission, the Michigan Occupational Safety and Health Administration, and any other applicable laws and regulations of the federal government, State of Michigan, Livingston County, and the Township.
- B)** No new PCWS or expansion of an existing PCWS shall be constructed, installed, or operated within the Township unless the plans for the installation and system design have been approved by the Township, the LCHD, the Michigan Department of Public Health, the MDEQ, the Michigan Public Service Commission and any other governmental authority having jurisdiction.

C) The applicant shall provide the following to the Township before Approval to Begin Construction of a PCWS may be granted:

- 1) A valid permit for installation of a PCWS issued by the applicable regulatory agency.
- 2) A certification from the PCWS design engineer indicating that the PCWS as designed and constructed will adequately process sanitary sewage and waste as required by applicable laws and regulations of the federal government, State of Michigan, County of Livingston, and the Township. The Township engineer shall review and make a recommendation regarding the adequacy of such certification. The Township Engineer's review shall include review of plans and documents for compliance with Township Ordinances, Engineering Standards, general engineering practices and best management practices.
- 3) An executed PCWS Maintenance Agreement among the applicant, the owner, the association, the Township and all other appropriate regulatory agencies, and the properly certified operator possessing the required ability to operate, inspect, monitor, maintain, repair, replace and manage the PCWS. The agreement shall contain provisions for:
 - a) Inspection, monitoring, operation, maintenance, repair and replacement of the PCWS;
 - b) Collection of charges for connection to, use and replacement of the PCWS;
 - c) Compliance with all applicable governmental laws, ordinances, regulations, Township zoning, and agreements regarding the PCWS. The agreement shall provide that it may not be terminated or amended without Township approval. The language of the agreement shall be reviewed and approved by the Township attorney and Township engineer prior to granting of approval of the PCWS by the Township Board. Any amendments, renewals, revisions or substitutions of the agreement shall require prior written approval of the Township.
- 4) An executed PCWS Development Agreement among the applicant, owner, the association, and the Township in a form acceptable to the Township specifying:
 - a) The party or parties responsible for inspection, monitoring, repairing, replacing, operating and maintaining the PCWS.
 - b) Standards for inspection, monitoring, operation, maintenance, repair and replacement of the PCWS in accordance with guidelines recommended by the Design Engineer, PCWS equipment manufacturer, the certified operator, the MDEQ, the LCHD, Best Management Practices, and other applicable governmental authorities, including the Township. The applicant shall provide the proposed standards to the Township for review and approval and

such standards shall be included in the PCWS Development documents. Standards shall include periodic reports to the Township and the right of the Township to inspect and compel remediation if these standards are not met.

- c) Indemnification of the Township by the applicant, owners and association, jointly and severally, from any and all loss, liability, costs and expense incurred by the Township with respect to inspection, monitoring, operation, maintenance, repair and replacement of the PCWS.
- d) A statement that the applicant, owner and association shall maintain a policy of casualty insurance for the replacement value of the insurable components of the PCWS and a policy of comprehensive general liability insurance with limits acceptable to the Township, naming the Township as an additional insured.
- e) A statement that the Township shall have the option in its sole discretion to require that PCWS be abandoned and all properties in the development be connected to any public sanitary sewer system or publicly-owned community sewer system which may be constructed in the future and accessible to the development at the expense of the owners. If a PCWS is required to be abandoned, the costs of environmental remediation are to be borne by the Association.
- f) A statement acknowledging that the Township shall have the option to purchase for the sum of \$1.00 (1) marketable title to the PCWS and any lands required to be titled in the name of the Township by governmental or regulatory requirements, or (2) easements reasonably deemed by the Township to be necessary in conjunction with the PCWS or future publicly owned community wastewater system.
- g) A requirement that a special assessment district to be established as described in Section 2603.C.7 below.
- h) An Operations and Maintenance (O/M) Manual shall be provided prior to final approval of the PCWS. The O/M manual shall include any such items specified in the current Township Engineering standards, standard maintenance requirements and frequency, worksheets for replacement costs and 5 year O/M costs prepared in a format similar to worksheets required for those purposes by the MDEQ Policy for PCWS permitting. All maintenance records and analysis results shall be maintained on site for a minimum of three years.
- i) A statement that any PCWS Development Agreement and all PCWS associated development documents, as approved by the Township, shall be recorded at the office of the Livingston County Register of Deeds and shall not be changed without Township approval, and shall contain language to that effect.

The provisions of the PCWS Development Agreement described above and other obligations of the association set forth in this Ordinance shall be included in a separate disclosure document and the development documents in the form approved by the Township Attorney and shall be delivered to the prospective purchaser of a unit, lot or parcel served by a PCWS prior to the execution of a purchase agreement.

5) Documentation to verify the following conditions shall be submitted:

- a) Each PCWS shall be included in the general common elements of a condominium in which it is located, and included in the common areas of any other development, and the PCWS shall be inspected, monitored, operated, maintained, repaired and replaced by the Association with the right of the association to assess owners for all such costs including the cost of the annual Township review.
 - b) Each Association or Owner shall hire a certified operator to perform such inspection, monitoring, operation, maintenance, repair and replacement at the expense of the Association, and the Association shall provide the Township Clerk annually with copies of the signed agreements with the certified operators.
 - c) Each Association or Owner shall maintain a financial reserve sufficient for five (5) years of monitoring, inspection, operation, maintenance and repair of the PCWS and an adequate replacement reserve in the amounts certified by a design engineer or the certified operator and required by applicable governmental authorities and shall be subject to Township review and approval. The certified operator and the Association shall provide the Township with evidence of such reserves annually.
 - d) The Owner or association shall provide proposed rates for the first five (5) years of operations based on the above and any other appropriate costs typically included in utility fee calculations. A projected cash flow analysis showing the assumption of number of connections shall be included, along with anticipated escrow replenishments needed by the owner or the Association to balance the expenses vs. revenues before all lots are on-line, or to maintain the required maintenance and replacement escrows if necessary.
- 6) A permanent and irrevocable easement, in recordable form, shall be granted by the applicant, owner and Association to the Township and its employees, agents, and assigns authorizing the Township to enter on the development upon which the PCWS is located for the purpose of inspections and other purposes set forth in this ordinance, and the PCWS shall be maintained so as to be accessible at all times by the Township. No structures or landscaping within the access area shall be allowed that would unreasonably interfere with such access.

- 7) Documentation attesting to the understanding of the following conditions of Approval to Begin Construction, signed by the Applicant, Owner, Operator, the PCWS design engineer and the Applicants legal representative.
- a) No building permit shall be issued for any structure or development proposed to be served by a PCWS until the Township has approved the PCWS in accordance with terms and provision of this ordinance and all other applicable ordinances.
 - b) The PCWS shall be inspected during construction by an independent engineer or consultant hired by the Township at the applicant's expense to ensure proper system construction and installation, and after construction to certify annually system capacity and function. In no case shall any underground installation that is backfilled prior to inspection, as-built measurement and documentation (and written approval) be accepted. Due to the sensitive nature of soil disturbance and placement for maximum percolation and service life, the Township reserves the right to require a new field to be constructed in another location if backfill occurs prior to the above acceptance requirements.
 - c) Anything in this ordinance to contrary notwithstanding, the Township shall not be responsible for or obligated to perform any needed or desired repairs, maintenance, improvement, and/or replacement of the PCWS or any portion thereof.
 - d) Prior to recording the development documents and sale of any unit, lot or parcel served by a PCWS, applicant and owner shall establish a special assessment district for the development, the purpose of which shall be to provide for assessment of the units, lots or parcels in each development by the Township for the costs of inspection, monitoring, maintenance, repair, operation or replacement of the PCWS in the event the association shall fail to properly perform such work or in the event the Township takes control of the PCWS.
 - e) The operator, the owner, the applicant, the association and the individual owners and users of the PCWS shall be responsible for all costs associated with the installation, operation, monitoring, inspection, maintenance, repair, replacement of the PCWS and all liability associated with the PCWS. The Township may, at its option, elect to collect all costs it may incur in connection with the PCWS pursuant to the provisions of this ordinance by a special assessment described above, and by direct court action against the applicant, the operator, the association, owners, and/or users of the PCWS.
 - f) Under no circumstances shall the Association accept responsibility for operation and maintenance of the system until such time as 80% of the proposed dwelling units in the project are occupied. Prior to that time the

owner of the development shall assume full responsibility for the operation and maintenance of system.

- g) At any time approval for a PCWS is granted, the Township shall condition such approval upon the applicant and current and future owners of property proposed to be served by the PCWS and the association, to adhere to the operational and maintenance requirements of this Ordinance. The owner and/or the association shall furnish annual operating and maintenance reports in accordance with the applicable operation and maintenance requirements. All such requirements shall be made a part of the PCWS Development Agreement and development documents.

2604 FINAL APPROVAL

Final approval of a PCWS shall be conditioned upon:

- A) Complete and full compliance with this Ordinance and other related Township Ordinances, such as but not limited to the Site Plan Review.
- B) A complete copy of the as-built drawings and documents, as defined by the Township's Engineering Standards, including electric, water, chemical, and physical systems, drain fields and final topography, signed by the Applicant, Owner and the PCWS design engineer, submitted to the Township Clerk as a permanent record.
- C) A copy of the PCWS Development Agreement and the development documents as approved by the Township and recorded at the office of the Livingston County Register of Deeds shall be submitted to the Township as a permanent record. The development documents, as they pertain to the PCWS, shall not be changed without Township approval and shall contain language to that effect.
- D) Receipt by the Township of copies of all regulatory approvals related to the PCWS, including but not limited to the Livingston County Health Department, the Michigan Department of Public Health, the MDEQ, the Michigan Public Service Commission and any other governmental authority having jurisdiction.

2605 SITE PLAN STANDARDS

The PCWS development project shall comply with all of the Area Plan and Site Plan requirements and other applicable sections of the Zoning Ordinance. In addition, the applicant shall submit the following information:

- A) Adequate buffering, as determined by the Township, from residential uses and adjacent properties to minimize process machinery noise level, minimize light intrusion, maximize odor dispersal and to ensure adequate isolation distances so that drinking water wells are not adversely affected by the PCWS.

- B) Adequate fencing and landscaping, as determined by the Township, to protect and screen the drain field, reserve field and treatment system from adjacent uses.
- C) A general location map showing the proposed treatment system and the development in relationship to prominent geographical features such as roads, rivers, streams, lakes, individual homes and other subdivisions or villages. The map shall show the all above features within a mile of the proposed treatment system. The PCWS shall be sited in such a way to generally discourage foot traffic, park use, future illegal landscaping, fill by adjacent residents, or other uses. An important secondary consideration in location shall be minimizing impact to existing and future homes.
- D) An accurate legal description of the boundaries of the development and the treatment system site. The entire development and treatment system site must be topographically mapped with a maximum contour interval of two feet. The legal description and topographic map must be prepared under the direction of a licensed professional surveyor. The drawing must be accurate and to a scale of no more than 100 feet to one inch.
- E) The location of soil borings or test pits and attached soil boring logs and results. Indicate the general nature of subsurface soils in the development and treatment system areas, including depth to groundwater, permeable strata, and confining layers.
- F) The major components of the proposed PCWS on the drawing, including pump stations, tanks, treatment units, drain fields, buildings and other significant items.
- G) The means of vehicle access to the PCWS. Provide at least one paved access drive at least 10 feet wide for year round access. Provide paved parking and turnaround area adequate for maintenance vehicles. Keep buried utilities a minimum of 10 feet from the edge of pavement.
- H) Sufficient details on the drawing to illustrate the method of storm water management; show general flow arrows for the direction of storm water runoff, and the points of discharge from the development. The drain field and reserve field shall be crowned and shall not receive any drainage runoff or be used for collection. If detention or other runoff storage is proposed nearby either one, the Township may require calculations sealed by a licensed professional engineer specializing in groundwater modeling and/or soils transmissivity, demonstrating that there will be no impact within the underground absorption area.
- I) The locations of and distances from nearby wells, existing and future structures, drains, water mains, or other utilities. In general, the preferred buffer from any off-site dwelling to the wastewater treatment component is 300 feet to 500 feet. On-site dwellings shall be buffered from any portion of the PCWS, disposal area or pump station by a minimum distance of isolation of 100 feet, or such distance as required by the appropriate regulatory agency. The PCWS must be located on a parcel of land not counted as an undevelopable area or an area encumbered by other easements.

- J) The placement of the adequate buffer space designed to decrease process machinery noise levels and light emission levels and maximize odor dispersal and a description of how placement of the PCWS will minimize odor concerns with neighboring properties.
- K) The locations of and distances to nearby surface water, wetlands, or floodplain. A minimum isolation of 100 feet from the established Wetland buffer is required. No PCWS may be located within the 100-year floodplain or wetlands. If the flood plain of the nearby water body or watercourse has not been established and there is reasonable doubt about potential conflict, the owner's engineer shall provide a hydraulic analysis establishing the 100-year flood elevations subject to the review and approval of the Township and Livingston County Drain Commissioner.
- L) Details of the screening to be provided around the PCWS, such as beams, trees, shrubs, fences, etc. Fencing shall be required (e.g. a 3 rail split rail fence on the parcel line of the drain field and reserve field.) All screening shall be reviewed and approved by the Planning Commission as part of the site plan review process.
- M) Show the source of water supply and its isolation from the proposed treatment and disposal system. Indicate the general direction of groundwater flow.

2606 BASIC DESIGN CRITERIA

- A) Design of the PCWS shall be performed under the direct supervision of a qualified professional engineer licensed to practice in the State of Michigan. The engineer shall have experience in the design of a PCWS. Upon request of the Township, the engineer shall provide a list of similar projects with location, size, construction cost, contact names and telephone numbers designed by the engineer.
- B) In the absence of actual flow data, the design shall be based upon the definition of one Residential Equivalent Unit (REU) equaling a minimum of 350 gallons per day.
- C) Design of the PCWS shall be limited to a maximum of 20,000 gallons per day.
- D) Options to by-pass certain components in order to accommodate the daily flows under conditions requiring service and/or repair.
- E) Design the PCWS for a service life of at least 20 years.
- F) Design the PCWS for expansion with a minimum of interruption of normal operation.
- G) Design of the PCWS shall permit ease of expansion and ultimate connection to a public sanitary sewer. Measures to accomplish this may include blind tees, plugs, stubs, and sleeves placed strategically to allow for future connection to a public system.
- H) In order to keep the PCWS operational during times of routine maintenance and/or repair, whenever possible, the treatment components shall be compartmentalized and have provisions for by-pass, so as to allow for repair and maintenance.

- I) All units within a proposed development containing a PCWS shall be connected to the PCWS.
- J) The minimum number of homes connected to a PCWS shall be 20.
- K) Design piping to allow for flushing, draining, repairing, and other maintenance activities.
- L) Provide adequate lifting and handling devices for heavy or awkward components of the system.
- M) Provide aluminum access hatches with gaskets to control odors.
- N) Subsequent to a review of the overall data submitted, the Township may require the installation of groundwater observation wells around the disposal area. If the wells are required, the following criteria shall apply:
 - 1) A minimum of three (3) wells shall be triangulated around the final disposal area with the exact locations jointly determined by the design engineer and the Township.
 - 2) The wells shall be a minimum of 2" diameter and properly screened at the depth of the receiving aquifer.
 - 3) Each well shall be equipped with a latch able cap.
 - 4) The Township shall establish sampling frequency and parameters on a case by case basis.
- O) Slope paved surfaces a minimum of 1 % and a maximum of 3%. As referenced in 04, G).
- P) Landscaped or grassed areas that require periodic mowing may be sloped up to a maximum of 1 vertical to 4 horizontal.
- Q) All elevations within the area of any component of the wastewater system shall be graded so as to promote runoff away from the system to a designated drainage area.
- R) At the discretion of the Township, the reserve area may be required to be prepared in full or in a portion thereof. The extent of preparation shall be subject to the following items.
 - 1) Future availability of public sewer.
 - 2) Overall site grading and/or clearing.
 - 3) Depth and accessibility of proposed excavation.
 - 4) Conditions observed during construction, inspection, or other field investigation that vary from design assumptions, such as lack of uniform subsurface soil conditions, location of groundwater, percolation, construction methods especially those resulting

in "smearing", or any other conditions or factors that are suspected to impact the optimal performance of the design, as described in the Michigan Criteria for Subsurface Sewage Disposal, or other generally accepted publications regarding field conditions or other factors that may affect performance or service life.

- S) Install, inspect, and maintain all soil erosion and sedimentation control measures as required by the Township and any other regulatory agency with jurisdiction.
- T) The reserve tile field area shall be graded so as to provide for no more than a 1 on 4 slope within the defined boundary.
- U) Recharge water from residential water softeners shall not be discharged into the PCWS. Other sources of salt or other chemical compounds such as pavement de-icing runoff or other sources shall not be directed toward the surface or subsurface of the drain field, reserve field, or PCWS system components.
- V) Where topographical constraints do not allow for all-gravity collection systems, the Township's goal is to maximize gravity systems. Therefore, systems reliant on pumps at each home will not generally be permitted. Collection systems that require pumping shall create the least number of pumping or lift stations feasible, even if there are initial installation costs.
- W) The PCWS shall have an emergency generator, capable of operating the entire system in such a manner that no untreated material shall be discharged.
- X) No user of a PCWS shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation or performance of the PCWS.

2607 APPLICATION, FEES, PENALTIES AND ENFORCEMENT

- A) **Applications** - Applications for a development which includes a PCWS under this Ordinance shall be accompanied by a non-refundable administrative application fee in addition to any other required fees and in an amount specified from time to time by resolution of the Township Board. In addition, an applicant shall pay an additional escrow fee in an amount determined by resolution of the Township Board for the estimated cost of outside consultant(s) who may be retained by the Township in connection with the Township's review of materials and documents related to the proposed PCWS. In the event the cost of the services of the consultant(s) is less than the escrow fee, the applicant shall be refunded the balance. In the event the cost of the services of the consultant(s) exceeds the amount of the escrow fee, the applicant shall pay the deficiency to the Township prior to the approval of the development or issuance of any building or zoning permits. A denial of an application for a permit shall not affect the applicant's obligation to pay the application or escrow fee provided for in this Section. In addition, all fees associated with Planned Residential Development (PRD), and site plan review applications shall apply.

- B) Inspections** - An escrow account shall be established to cover the cost of the regular inspections of the PCWS performed by Township Utility Department or its designees. The amount of the escrow account shall be established by resolution of the Township Board.
- C) Enforcement** - The Iosco Township Ordinance Officer or his/her agent, officer or employee shall have authority under this Ordinance to enter upon privately-owned land for the purpose of performing the Township's duties under this ordinance and may take or cause to be made such examinations, surveys or samplings as are deemed necessary.
- D) Civil remedies** - The provisions of this division shall be enforceable through any and all remedies at law or in equity in any court of competent jurisdiction.
- E) Penalties** - In addition to the rights and remedies herein provided to the Township, a violation of this ordinance shall be a civil infraction and subject to fines set forth in the Township ordinances. Each day such violation is continued or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.
- F) Injunction** - Any activity conducted in violation of this Ordinance, MDEQ regulations and requirements, Livingston County Health Department regulations, or that is contrary to any permit issued by MDEQ and/or the Livingston County Health Department is declared to be a nuisance per se, and the Township may commence a civil suit in any court of competent jurisdiction for an order abating or enjoining the violation, and/or requiring restoration of the property as nearly as possible to its condition before the violation.
- G) Stop-Work Order** - The Township may also issue a stop-work order and withhold land use permits, until the provisions of this ordinance, including any conditions attached to a permit, have been fully met. Failure to obey a stop-work order shall constitute a violation of this ordinance.
- H) Appearance Tickets** - In all prosecutions for violation of this Ordinance, appearance tickets and the appropriate procedures set forth in Act 147, Michigan Public Acts of 1968, as amended, may be used. In the event of a malfunction of the PCWS such that untreated or excess water is discharged, the operator shall notify the Livingston County Drain Commission immediately.
- I) Malfunctions** - In the event of a malfunction of the PCWS such that untreated or excess water is discharged, the operator shall notify the Township Utility Department immediately.

2608 ORDINANCE CONFLICT

Nothing in this Ordinance shall be interpreted to conflict with present or future state statutes in the same subject matter; conflicting provisions of this Ordinance shall be abrogated to, but only to, the extent of the conflict. Moreover, the provisions of this Ordinance shall be construed, if possible, to be consistent with relevant state regulations and statutes. If any part of this Ordinance is found to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision. Such holding shall not affect the validity of the remaining portions of this ordinance, which shall remain in force. Rights and duties which have matured, penalties which have been incurred, proceedings which have begun and prosecutions for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance. This ordinance supercedes the Zoning Ordinance Section 3.15 (B) and the Growth Management Plan references to private community wastewater systems prohibitions. This ordinance supersedes the Iosco Township Master Plan and any references it may contain to private community waste water systems.

2609 EFFECTIVE DATE

This ordinance is hereby declared adopted by the Township Board of the Township of Iosco at the meeting thereof held on the 19th day of July, 2007, and ordered to be given publication in accordance with the statutes made and provided. This ordinance shall take effect and shall be in force the day after publication of this ordinance.

I,  Iosco Township Clerk, hereby certify as follows:

The above ordinance was passed by the Iosco Township Board of Trustees on the 19th day of July, 2007. The names of the members voting thereon and how each member voted was as follows:

Yeas: Miller, Delmerico, Michaud, Parker

Nays: None

Absent: DeGroot

Iosco Township PCWS Approval Checklist

Applicant: _____
 PRD Project Name: _____
 Road Name(s): _____
 PCWS Engineering Firm: _____

In addition to the requirements of Iosco Township Private Community Wastewater System Ordinance #27, the following are required by the Iosco Township Board, prior to the Final Approval of any PCWS or final approval of any Zoning Compliance Certificates or issuance of County building permits other than as required to complete the PCWS specifically:

	<u>Completed</u>	<u>Date Submitted to Township Zoning Administrator or Clerk</u>
PCWS Application to Township with fees	<input type="checkbox"/>	_____
PA 451 Permit Obtained	<input type="checkbox"/>	_____
Engineering Certification of PCWS Design	<input type="checkbox"/>	_____
PCWS Maintenance Agreement (Section 2603)	<input type="checkbox"/>	_____
PCWS Development Agreement (Section 2603)	<input type="checkbox"/>	_____
Site Plan Submitted (Must be part of PRD)	<input type="checkbox"/>	_____
Recorded Easement	<input type="checkbox"/>	_____
Regulatory Approvals (Section 2603)	<input type="checkbox"/>	_____
Township Start of Construction Approval	<input type="checkbox"/>	_____
As Built Plans Complete	<input type="checkbox"/>	_____
Engineering Certification of PCWS As Built	<input type="checkbox"/>	_____
Final Regulatory Approvals (Section 2604)	<input type="checkbox"/>	_____
Special Assessment District Recorded	<input type="checkbox"/>	_____

Iosco Township Comments:

Approval to Begin Construction (date) _____ Township Zoning Administrator _____

Final PCWS Approval (date) _____ Township Zoning Administrator _____