

**BARTON HILLS VILLAGE
WASHTENAW COUNTY, MICHIGAN**

ORDINANCE NO. 21

*[AN ORDINANCE TO REGULATE THE MAINTENANCE AND INSPECTION OF ON-SITE
SEWAGE DISPOSAL SYSTEMS]*

BARTON HILLS VILLAGE ORDAINS:

SECTION 1. PURPOSE.

The improper functioning of on-site sewage disposal systems can cause the pollution or impairment of ground and surface water quality, which can result in adverse effects on aquatic wildlife and affect the ability to use those ground and surface waters for public or private water supply. Periodic pumping and inspections of on-site sewage disposal systems can help prevent the improper functioning of such systems, thereby protecting and enhancing the public health, safety, and welfare.

SECTION 2. PERIODIC PUMPING AND INSPECTION OF ON-SITE SEWAGE DISPOSAL SYSTEMS.

Every owner of property in the Village of Barton Hills that has an on-site sewage disposal system (OSDS) shall comply with the following requirements:

A. At least once every four years, the septic tank(s) in the OSDS shall be emptied of accumulated waste. Written documentation of this work shall be filed with the Village Clerk within ten (10) days of work completion, on forms prescribed by the Clerk.

B. At least once every eight years, the physical condition and operational status of the entire OSDS shall be evaluated by an inspector who is currently certified by the Washtenaw County Environmental Health Division. The inspector shall prepare a written report which contains the following information:

1. the address of the site and date of the evaluation;
2. the name, address, and contact phone number of the owner or owner's agent;
3. the name, address, contact phone number, and current Washtenaw County certification information of the inspector.
4. the approximate location of the tank(s) and drain field in relation to structures or other landmarks on the property;
5. the estimated amount of wastes removed from the tank in the OSDS;
6. the estimated capacity in gallons of the septic tank;
7. the approximate size and condition of the subsurface absorption drain field;
8. the condition of the outlet device of the septic tank;
9. whether there is evidence of any back-flow occurring and, if so, a description of the amount and frequency of the back-flow;
10. an overall description of the current physical condition of the OSDS and an evaluation of the functional status of the system;
11. identification of any necessary repairs or need for replacement

**BARTON HILLS VILLAGE
WASHTENAW COUNTY, MICHIGAN**

ORDINANCE NO. 21

- of all or portions of the OSDS; and
12. a determination of:
- a. whether the OSDS structure and its functional status are in compliance with all currently applicable laws, regulations, and standards, including those of Washtenaw County Environmental Health Division and the State of Michigan; and
 - b. whether there is any evidence of structural or functional failure, or potential for failure, of the OSDS, either partially or fully. Failure of an OSDS is defined as a situation where the OSDS or any part thereof is not functioning properly. Indicators of failure include, but are not limited to: odor emanating from the OSDS; backup of sewage into a structure; discharge of sewage effluent onto the ground surface; connection of an OSDS to a storm drain; liquid level in the septic tank above the outlet invert; apparent structural failure or damage to a septic tank or subsurface absorption drain field; liquid level in a subsurface adsorption drain field above the outlet holes in the pipe or tile of the field; substantial nonconformance with water well isolation from contamination source requirements; and discharge of sewage from a structure which does not reach the OSDS.

A copy of the report shall be filed with the Village Clerk within ten (10) days of its completion.

C. An evaluation of an OSDS performed in connection with the sale or transfer of property as required by the Washtenaw County Regulation for the Inspection of Residential On-site Water and Sewage Disposal Systems at Time of Property Transfer shall be considered to meet the requirements for an inspection under subsection (b) of this Ordinance if a copy of the evaluation is filed with the Village Clerk.

D. This Ordinance is intended to establish minimum standards, but compliance with the standards in this Ordinance does not insure that an OSDS will remain functional and in good working order. Rather, it establishes minimum standards which should be adequate in most cases, but may not be adequate in all cases.

SECTION 3. ENFORCEMENT ACTION.

When a written report on an OSDS contains evidence or information that an OSDS has failed, is failing, or has the potential to fail before the next inspection of the OSDS required under this ordinance, the Village Clerk shall forward the written report to the Washtenaw County Environmental Health Division or other appropriate agency for enforcement action.

SECTION 4. PENALTY FOR VIOLATION.

Except in an emergency where more immediate action is required, any owner who violates Section 2, shall first receive a letter by certified mail from the Village Clerk, notifying the owner that he or she is in violation and that the pumping or inspection shall be accomplished within 6 months after receipt of the letter. An owner who does not comply within said six month period may appeal to the Village Board for an additional six month period, if the owner can demonstrate

**BARTON HILLS VILLAGE
WASHTENAW COUNTY, MICHIGAN**

ORDINANCE NO. 21

to the satisfaction of the Village Board that the problem has been identified and plans for repair and/or restoration are in progress. At the end of the applicable period, an owner who is still in violation of Section 2 shall be responsible for a municipal civil infraction brought for a violation involving the use or occupation of land or a building or other structure and shall be subject to the order of the district court including a civil fine not to exceed \$500.00 and costs to which the Village has been put in an amount not less than \$9.00 nor more than \$500.00. If the civil fine and/or costs are not paid promptly, as provided by law, the Village may obtain a lien against the property, place the lien on the tax roll, and enforce it in the manner prescribed by the general property tax act.

Each act of violation, and every separate day upon which any such violation occurs, shall constitute a separate offense.

SECTION 5. SEVERABILITY.

If any portion of this Ordinance is for any reason held invalid or unenforceable by a court of competent jurisdiction, such portion shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions of the Ordinance.

SECTION 6. EFFECTIVE DATE.

This Ordinance, or a synopsis of this Ordinance, shall be published in a newspaper of general circulation in Barton Hills Village within ten (10) days after its passage. This Ordinance shall be effective on September 1, 2001.

Adopted: June 18, 2001
Published: June 28, 2001
Effective: September 1, 2001

Doris E. Foss, Clerk
James O. Wilkes, President