

Ordinance No. 24

SANITARY SEWER CONNECTION TOWNSHIP OF COVERT, MICHIGAN Eff. Jan. 2, 1989

AS AMENDED BY ORDINANCE NO. 94

EFFECTIVE DATE OF AMENDMENTS: MAY 21, 2017

An Ordinance to require connection to the Covert Sanitary Sewer System.

THE TOWNSHIP OF COVERT ORDAINS:

ARTICLE I

SHORT TITLE

Sec. 1.1 SHORT TITLE.

This Ordinance shall be known as the "Covert Sanitary Connection Ordinance" and may be cited as such. (ord. No. 24 eff. Jan. 2, 1989)

ARTICLE II

DEFINITIONS

Sec. 2.1 DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (1) **BUILDING DRAIN.** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys said discharge to the Building Sewer, beginning five feet outside the inner face of the building wall.
- (2) **BUILDING SEWER.** The extension from the Building Drain to the Public Sewer or other place of disposal.
- (3) **CESSPOOL.** An underground pit into which raw Domestic Sewage or other untreated liquid waste is discharged, and from which the liquid seeps into the surrounding soil or is otherwise removed.
- (4) **COUNTY.** The County of Van Buren, Michigan.
- (5) **DOMESTIC SEWAGE.** The liquid wastes from all habitable buildings and residences and shall include human excreta and wastes from sinks, lavatories, bathtubs, showers, laundries, and all other water-carried wastes of organic nature either singly or in combination thereof.

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- (6) **HEALTH DEPARTMENT.** County Health Department.
- (7) **INDUSTRIAL WASTES.** The liquid wastes, solids, or semisolids from industrial processes as distinct from Domestic Sewage.
- (8) **MAY.** Is permissive.
- (9) **NATURAL OUTLET.** Any outlet into a Watercourse, pond, ditch, lake or other body of surface or ground water.
- (10) **NUISANCE.** Without limitation, any condition where Sewage or the effluent from any Sewage Disposal Facility is exposed to the surface of the ground; or is permitted to drain on or to the surface of the ground or into any Natural Outlet; or when the odor, appearance, or presence of this material has an obnoxious or detrimental effect on or to the senses and/or health of persons, or when it shall obstruct the comfortable use or sale of adjacent property
- (11) **PERSON.** Any individual, firm, company, association, society, corporation or group.
- (12) **PUBLIC HEALTH CODE.** Act 368 of the Public Acts of Michigan of 1978, as amended.
- (13) **PUBLIC SEWER.** The System, which is owned and controlled by the Township.
- (14) **SANITARY SEWER.** A Sewer which carries Sewage or Wastes. Storm, surface, and ground waters are not normally admitted to a Sanitary Sewer.
- (15) **SEEPAGE PIT.** A cistern or underground enclosure constructed of concrete blocks, bricks, or similar material loosely laid with open joints to allow Septic Tank overflow or effluent to be absorbed directly into the surrounding soil.
- (16) **SEPTIC TANK.** A watertight tank or receptacle used to receive Sewage or Wastes from flush toilets, sinks, lavatories, bathtubs, showers, laundry drains, and similar waste lines and is intended to provide for the separation of substantial portions of the Suspended Solids in such Sewage or Wastes and the partial decomposition by bacterial action of solids so separated.
- (17) **SERVICE CONNECTION OR LATERAL.** The extension of the Public Sewer laterally from the main collector sewer to the property line of parcel of property adjacent to the path of the Public Sewer.
- (18) **SEWAGE DISPOSAL FACILITIES.** Any Toilet Device, Cesspool, Seepage Pit, Septic Tank, Subsurface Disposal System, or other devices used in the disposal of Sewage or Human Excreta.

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- (19) **SEWAGE OR WASTES.** Any combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, including Industrial Wastes and Domestic Sewage.
- (20) **SEWER.** Any pipe, tile, tube or conduit for carrying Sewage or Wastes.
- (21) **SHALL.** Is mandatory.
- (22) **STRUCTURE IN WHICH SANITARY SEWAGE OR WASTES ORIGINATE.** A building in which toilet, kitchen, laundry, bathing or other facilities which generate water-carried sanitary sewage are used or are available for use for household, commercial, industrial or other purposes.
- (23) **SUBSURFACE DISPOSAL SYSTEM.** An arrangement for distribution of Septic Tanks effluent or overflow beneath the ground surface (also referred to as a “drainfield system” or a “soil absorption system”).
- (24) **SYSTEM.** The Sewage Works and Sewage Treatment Facility and all appurtenances thereto, known generally as the Covert Sanitary Sewer System.
- (25) **SWRC.** The State Water Resources Commission or any of its affiliates, the Michigan Department of Health, or Michigan Department of Natural Resources.
- (26) **TOWNSHIP.** The Township of Covert, located in Van Buren County, Michigan, and/or its duly authorized agent or representative.
- (27) **WATERCOURSE.** A channel in which a flow of water occurs, either continuously or intermittently. (ord. No. 24 eff. Jan. 2, 1989)

ARTICLE III

USE OF PUBLIC SEWERS REQUIRED.

Sec. 3.1 **DEPOSIT OF SEWAGE OR WASTES UPON PUBLIC OR PRIVATE PROPERTY.**

No Person shall place, deposit, or permit to be placed or deposited in any unsanitary manner upon public or private property within the Township any Sewage or Wastes. (ord. No. 24 eff. Jan. 2, 1989)

Sec. 3.2 **POLLUTED DISCHARGES TO NATURAL OUTLET.**

No Person shall discharge to any Natural Outlet within the District any Sewage or Wastes, or other polluted waters except where suitable treatment has been provided in accordance with standards established by the SWRC, U.S. EPA and the Township. (ord. No. 24 eff. Jan. 2, 1989)

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Sec. 3.3 CONNECTION REQUIREMENT.

The owners of all Structures in which Sanitary Sewage or Wastes originate, now situated or hereafter constructed within the Township and abutting on now situated right-of-way, easement, highway, street, or public way in which there is now located or may in the future be located a Public Sewer of the Township, provided, that the Public Sewer is not more than two hundred (200) feet at the nearest point from the Structure in which Sanitary Sewage or Wastes originates, are hereby required at their expense to connect said structure's Building Sewer directly to the Public Sewer in accordance with the applicable Township Ordinances. (ord. No. 24 eff. Jan. 2, 1989)

Sec. 3.4 TIME LIMIT FOR CONNECTION.

As a matter of public health, all connections to the Public Sewer required hereunder, shall be completed no later than three (3) months after the last to occur of the date of official notice by the Township to make said connections or the modification of a structure so as to become a Structure in which Sanitary Sewage or Wastes originates. (ord. No. 24 eff. Jan. 2, 1989)

ARTICLE IV

PRIVATE SEWAGE DISPOSAL

Sec. 4.1 WHERE PUBLIC SEWER NOT AVAILABLE.

If a Public Sewer is not available to a parcel of land located in the Township under provisions of Article III, the Building Sewer shall be connected to private Sewage Disposal Facilities constructed in compliance with requirements of the Health Department and the SWRC. (ord. No. 24 eff. Jan. 2, 1989)

Sec. 4.2 OPERATION AND MAINTENANCE OF FACILITIES.

The owner shall operate and maintain the private Sewage Disposal Facilities in a sanitary manner at all times, at no expense to the Township. (ord. No. 24 eff. Jan. 2, 1989)

Sec. 4.3 ADDITIONAL REQUIREMENTS.

No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Township, the Health Department, the SWRC or any other governmental agency with jurisdiction over the Township. (ord. No. 24 eff. Jan. 2, 1989)

Sec. 4.4 WHEN PUBLIC SEWER BECOMES AVAILABLE.

At such time a Public Sewer becomes available to a parcel served by private Sewage Disposal Facilities, as provided in Article III, the Building sewer shall be connected to the Public Sewer in compliance with this Ordinance. The private Sewage Disposal Facilities shall be abandoned and filled with suitable materials, as required by the Township, the Health Department and the SWRC. (ord. No. 24 eff. Jan. 2, 1989)

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ARTICLE V

PENALTIES

Sec. 5.1 FAILURE TO COMPLETE CONNECTION.

A Person who fails to complete a connection to the Public Sewer required by Article III shall be subject to notice and the rights of the Township under the Public Health Code to bring an action for a mandatory injunction or suitable court order to compel such connections. (ord. No. 24 eff. Jan. 2, 1989)

Sec. 5.2 PENALTY.

- a. Any person or entity who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or any order issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance.
- b. Any person or entity responsible for a violation of this Ordinance, whether as an occupant, owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.
- c. Any violation of this Ordinance is hereby declared to constitute a public nuisance, and shall constitute a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.
- d. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
- 1st Offense within 3-year period*	\$ 150.00	\$500.00
- 2nd Offense within 3-year period*	250.00	500.00
- 3rd Offense within 3-year period*	350.00	500.00
- 4th or More Offense within 3-year period*	500.00	500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Covert Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 or more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent Jurisdiction for the purpose of obtaining an injunction, restraining order, or

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other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense."

Sec. 5.3 NUISANCE PER SE.

Any Nuisance or any violation of this Ordinance is deemed to be a nuisance per se. The Township, in the furtherance of the public health, is hereby empowered to make all necessary repairs or take other corrective action necessitated by such nuisance or violation. The person who violated the Ordinance or permitted such Nuisance or violation to occur shall be responsible to the Township for the costs and expenses incurred by the township in making such repairs or taking such action. (ord. No. 24 eff. Jan. 2, 1989)

Sec. 5.4 LIABILITY.

Any Person violating any of the provisions of this Ordinance shall become liable to the Township for any expense, including reasonable attorney's fees, loss, or damage occasioned by the Township by reason of such violation. (ord. No. 24 eff. Jan. 2, 1989)

ARTICLE VI

VALIDITY

Sec. 6.1 REPEAL.

All ordinances or parts of ordinances in conflict herewith and relating to the System are hereby repealed. (ord. No. 24 eff. Jan. 2, 1989)

Sec. 6.2. VALIDITY.

The validity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts. (ord. No. 24 eff. Jan. 2, 1989)

ARTICLE VII

PUBLICATION AND EFFECTIVE DATE

Sec. 7.1 PUBLICATION.

A true copy or a summary of this Ordinance shall be published in *The Herald Palladium* within thirty (30) days after the adoption of the Ordinance by the Township. (ord. No. 24 eff. Jan. 2, 1989)

Sec. 7.2 FILING WITH COUNTY CLERK.

Within seven (7) days after publication, the Township Clerk shall file or cause to be filed an attested copy of this Ordinance with the County Clerk. (ord. No. 24 eff. Jan. 2, 1989)

Sec. 7.3 EFFECTIVE DATE.

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This Ordinance shall be in full force and effect thirty (30) days after its publication as provided by law. (ord. No. 24 eff. Jan. 2, 1989)

ARTICLE VIII

AMENDMENT

Sec. 8.1 AMENDMENT.

Subject to compliance with the rules and regulations of the Farmers Home Administration-United States Department of Agriculture, the Township specifically reserves the right to amend this Ordinance in whole or in part, at one or more times hereafter, or to repeal the same. (ord. No. 24 eff. Jan. 2, 1989)

Adopted and Approved: November 14, 1988

Published: December 3, 1988

Filed with County Clerk: December 12, 1988