

TOWNSHIP OF SYLVAN
COUNTY OF WASHTENAW, STATE OF MICHIGAN

SYLVAN TOWNSHIP ORDINANCE NO. _____

Adopted: _____

Effective: _____

ORDINANCE NO. _____

THE SYLVAN TOWNSHIP ZONING ORDINANCE AMENDMENT TO ESTABLISH A PUBLIC WATER SERVICE OVERLAY DISTRICT AND TO ENACT REGULATIONS GOVERNING THE USE OF PRIVATE WELL, PUBLICALLY OWNED AND OPERATED PUBLIC WATER SERVICE WORKS, TO REGULATE THE PLACEMENT OF PRIVATE WELLS, SPECIFIC PROVISIONS FOR STANDARDS AND AREAS OF SERVICE, AND OTHER STANDARDS, OVERLYING AND SUPERIMPOSED UPON THE PRESENT ZONING DISTRICTS OF THE TOWNSHIP.

THE TOWNSHIP OF SYLVAN ORDAINS:

Section 1. AMENDMENT. The Sylvan Township Zoning Ordinance, Ordinance No. _____, is amended by the addition thereto of Section _____ Public Water Service Overlay District (PWO-1):

SECTION _____. Public Water Service Overlay District (PWO-1):

A. Purpose and Intent - MCL 41.411 et seq., the Township Public Improvement Act, provides for determinations by the Township Board as to areas of the Township to be served by public improvements; and MCL 125.237, authorizes the Township to determine the general location, character and extent of streets, roads, highways, railroads, bridges, waterways and water front developments, flood prevention works, drainage, water service and water supply systems, and public utilities and structures. These districts are intended to be overlay districts for the Township and to apply to the lands and districts as set forth on the official overlay zoning map adopted with the text of this Amending Ordinance and for the purposes of improving and enhancing the furnishing of public water service

and to regulate the location of public water service. Pursuant to MCL 147.183 and MCL 460.601, the Township declares that it shall not grant any franchise to use public highways or rights of way for public water service outside of the specific districts to be served exclusively by publically owned and operated public water works and system, hereafter referred to as the ‘POWW.’

B. General Regulation

The district is an overlay district for the area identified on the official zoning map as the Public Water Service Overlay District (PWO-1). This district overlays several zoning districts. The regulations of the underlying zoning districts and all other regulations of the zoning ordinance shall continue to apply except where they might conflict with the provisions of the Public Water Service Overlay District (PWO-1), in which case the provisions of the Public Water Service Overlay District (PWO-1) shall supersede those other regulations.

C. General Standards

- 1 Structures served by potable water must in compliance with all State and local law and ordinances and:
 - a. Maintain an approved on-site water well, serving only one dwelling unit per well; or
 - b. Connect to the POWW.
2. When the conditions described in sub-section a, b or c, hereafter, occur on a property or as to a dwelling unit located thereon within the Public Water Service Overlay District (PWO-1) a direct connection of the dwelling unit to the POWW shall be made in compliance with all Township Ordinances and the Rules and Regulations of the Township regulating the POWW.
 - a. Where the private well serving a dwelling unit has failed and the County Environmental Health Department orders connection to the public sewer system;
 - b. Where a new dwelling unit is constructed; or

- c. Where an existing structure is improved or an existing dwelling unit expanded with additional residential or dwelling area on any floor or level of the structure or unit.

In application of the above provisions, the definitions in the Zoning Ordinance shall control. In such cases, any and all private wells, facilities and systems on the property shall be abandoned in a manner required by State law and as approved by the County Health Department.

Section 2. Severability. Should any provision or part of the within Ordinance be declared by an Court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

Section 3. Effective Date. This Ordinance shall take effect on _____. All ordinances or parts of ordinance in conflict herewith are hereby repealed.

NOTICE OF ORDINANCE ADOPTION

PLEASE TAKE NOTICE that the above Ordinance was adopted by the Sylvan Township Board on _____, 2014. The above is the full text of the Ordinance. The effective date is _____, 2014. A copy of the Ordinance may be purchased or inspected at the Sylvan Township Hall, 18027 Old US 12, Chelsea, Michigan 48118, during regular business hours, 9:00 a.m. to 12:00 p.m., Monday and Wednesday, except for legal holidays.

Dated: _____ 2014. _____
Douglas Smith, Clerk

STATE OF MICHIGAN)
COUNTY OF WASHTENAW)SS

I, Douglas Smith, Sylvan Township Clerk, do hereby certify that the above ordinance was adopted by a roll call vote of the Sylvan Township Board on the _____ day of _____, 2014, upon motion of Member _____, seconded by Member _____:

AYES _____

NAYES _____

I further certify that said Ordinance was adopted in accordance with the Open Meetings Act.

Sylvan Township Clerk

Dated: _____, 2014.

RECORD OF ADOPTION

Date of Adoption _____, 2014

Date of Publication - Affidavit Attached - _____, 2014

Date of Filing Ordinance in Township Book of Ordinances _____, 2014

Prepared by:
KEUSCH, FLINTOFT & CONLIN, P.C.
Attorneys for Sylvan Township
BY: PETER C. FLINTOFT, (P-13531)
119 South Main Street, P.O. Box 187
Chelsea, Michigan 48118
Telephone: (734)475-8671
Fax: (734)475-1622
flintoft@keuschlaw.com