



**CARROLL COUNTY
GENERAL HEALTH DISTRICT**
Healthy People — Safe Communities

**Resolution 21-021
Amendment to Resolution 601-MM**

Point of Sale Program Policy

Carroll County General Health District
Environmental Services

April 21, 2021

The Carroll County General Health District (CCGHD) initially instituted the Point of Sale Program on November 19, 2008, when it was recognized that the need existed to provide a service to buyers, sellers and their agents of real estate in the county when property is transferred. The goal of this policy is to use the inspection as a tool to educate parties on their household sewage treatment system (HSTS) and their contribution to personal and public health. This policy is also used to provide operation and maintenance management of HSTS in Carroll County. This program is designed to:

1. Protect ground and surface water by monitoring existing HSTS in the county and abating any nuisances found as defined in the Ohio Revised Code (ORC) 3701.01, 3709.21, 3718.011 and the Ohio Administrative Code (OAC) 3701-29.
 2. Promote education concerning HSTS including components, function, recommended repairs or upgrades, and operation and maintenance.
 3. Maintain complete and accurate records of HSTS in Carroll County.
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- A. An evaluation of a HSTS must be completed prior to or during the transfer of ownership of any parcel with said system unless a waiver is submitted and approved by CCGHD. The evaluation shall be conducted by a registered environmental health specialist or environmental health specialist in training of the CCGHD and necessary corrective action(s) shall be accomplished within the time directed.
 - B. A waiver and hold harmless agreement may be submitted if the home has been vacant for more than 30 days. If the home has been vacant then the buyer and seller may agree to submit the waiver application and appropriate fee(s) for the HSTS evaluation to the CCGHD prior to the transfer of property. It will then be the Buyer's responsibility to contact the CCGHD to schedule the inspection within 120 days of occupancy. Any deficiencies in the sewage treatment system or plumbing shall be corrected in accordance with all applicable regulations and is the responsibility of the buyer. If not submitted or denied by CCGHD for any reason, the point of sale inspection must take place. It will be the responsibility of the buyer and seller to make necessary arrangements in order to properly complete the inspection.

C. The following are exempt from the requirements listed above:

- 1. All transfers and partitions of real property under order of a court of competent jurisdiction, including but not limited to foreclosure sales, probate sales, and divorce decrees.**
- 2. Transfers from a sole owner to a survivorship when transferor is also one of the survivor transferees, and where no valuable consideration is paid at the time of the transfer.**
- 3. Transfers from a survivorship instrument/joint tenancy to one or both survivors so long as a non-party transferee is not added to the deed, and so long as no valuable consideration is paid at the time of the transfer.**
- 4. Transfers to one or more of the beneficiaries on a Transfer on Death (T.O.D.) deed, and so long as no valuable consideration is paid at the time of transfer.**
- 5. Transfers to a trust, when the transferor is the beneficiary of that trust, and so long as no valuable consideration is paid at the time of the transfer.**
- 6. Transfers from a trust to the remaining beneficiaries, when requirements in paragraph “#5” are met, and so long as no valuable consideration is paid at the time of the transfer.**
- 7. Transfers by and between spouses, as a result of death of one spouse or otherwise, from or to a survivorship or a tenancy in common, where the spouses are the only parties to the instrument, and so long as no valuable consideration is paid at the time of the transfer.**
- 8. Transfers from a parent to a child or grandchild, where the parent reserves a life estate, and so long as no valuable consideration is paid at the time of the transfer.**
- 9. Transfers made for corrective purposes, so long as the transfer inspection was completed before the time of the original transfer, or original transfer was exempt by virtue of these exemptions, or if the transfer inspections were not mandated at the time of the original transfer.**

The above exemptions shall not affect the Board of Health’s statutory and legal obligation to inspect these systems post-transfer and to assess the fee for said inspection against the assignee of said property pursuant to Ohio Revised Code Sections 3709.09 and 3709.091.

- D. Application for the evaluation shall be complete and contain all pertinent information as required by the Board of Health. Any fee established for the evaluation by law or by the Board of Health under authority of law shall accompany the application and be submitted to CCGHD prior to day of appointment. Payment will not be collected in the field and reminder calls to collect payment will not be made by CCGHD. Once written request has been made for this service, the fee is non-refundable.**

1. The CCGHD shall deny an evaluation if the information on the application is incomplete, inaccurate, and payment has not been received. The property owner or authorized agent, buyer, and both real estate agents representing the buyer, and the property owner must all sign the application. If completed application and payment is not received prior to the day of the appointment the appointment will be canceled.
2. The Environmental Administrative Assistant will make every effort to respond to the appointment request within three business days.
3. One or more of the representatives who signed the application must be present at the property throughout the entire inspection.

E. Inspection Requirements

1. The inspection of the HSTS will be conducted to assure compliance with OAC 3701-29.
2. All HSTS that are permitted with CCGHD shall have the HSTS component lids located, removed, and be easily accessible. This includes the following, but is not limited to, septic tanks, pump tanks, leach or drywells, drop boxes, diverter boxes, and distribution boxes.
3. If the HSTS is not permitted with CCGHD, and records are not on file, the parties listed on the application shall make every effort to locate components of the HSTS prior to the point of sale inspection.
4. If the HSTS is permitted and the components, are not accessible, the evaluation will be canceled, due to the inability to inspect the system thoroughly. CCGHD's reinspection fee will be charged.
5. If the HSTS components are not up to operating level, the evaluation will be canceled, due to the increased amount of time needed to fill the system to operating level. CCGHD's reinspection fee will be charged.
6. CCGHD's staff will not enter crawlspaces or confined spaces.
7. All excessive brush, weeds, bushes, and trees inhibiting the inspection near the HSTS shall be removed prior to the appointment.
8. Running water must be provided for the inspection, with an amount of sixty gallons per bedroom at a stable rate to hydraulic load the HSTS appropriately. If there is not a bathtub in the dwelling a water hose will need to be provided of sufficient length to reach the HSTS. This must be arranged by the parties on the application. If water is not available the evaluation will be canceled, and CCGHD's reinspection fee will be charged.

9. If the HSTS contains mechanical working components, such as an aerator motor that is routed to leach lines, a water hose of sufficient length will need to be provided to reach the component after the aerator. This must be arranged by the parties on the application. If this hose is not made available the evaluation will be canceled, and CCGHD's reinspection fee will be charged.
10. Access to the house and any other building connected to the HSTS must be provided for the inspection. An inspection of the plumbing to the HSTS will be conducted. If access is not provided to the house the inspection will be canceled, and CCGHD's reinspection fee will be charged.
11. Septic tanks and other HSTS components shall not be pumped prior to inspection, unless determined necessary by a registered environmental health specialist or environmental health specialist in training at the inspection. The inspection will not be able to be completed due to the system not being at operational level and CCGHD's reinspection fee will be charged.
12. If a water sample is scheduled to be taken for bacteriological analysis as part of the point of sale inspection, and chlorine is present within the water due to recent chlorination, the sample will not be able to be taken. CCGHD's reinspection fee will be charged to come back to obtain the sample at a future appointment. Unless the applicants state where the water sample is requested to be taken, the registered environmental health specialist or environmental health specialist in training will take the water sample from a point of human consumption where the screen and / or aerator can be removed from the faucet.

F. After the Inspection

1. A completed inspection report will expire after one calendar year from the date of the inspection.
2. The completed report will be delivered only to the individual(s) indicated on the application within five business days of completion of all inspections and after all test results have been received. The CCGHD will not hold up any sale of property.
3. If the HSTS or plumbing is creating a public health nuisance, orders will be issued to resolve the public health nuisance per OAC 3701-29 and ORC 3718.011, within six months, and a follow up inspection will be scheduled if applicable. Depending on the work completed, the appropriate CCGHD fee will be assessed. If the public health nuisance is due to improper routing of plumbing and is repaired by a licensed plumber in Carroll County, the reinspection may be waived upon receiving proper documentation of the work completed.
4. If the Private Water System (PWS) is presenting a health risk, CCGHD may issue orders to make necessary corrections within 6 months. If the PWS is sampled and exceeds the maximum contaminant levels per OAC 3701-28-04, the PWS shall be disinfected and resampled if it is a water well. If it is another type of PWS, i.e., springs, cisterns, additional requirements may be necessary

G. Point of sale inspection and reinspection fees are set by the Board of Health.

H. Any HSTS which has been altered or installed through a permit with CCGHD within one (1) year of the transfer of ownership will not require a point of sale inspection.

Amendments were made to the Real Estate Inspection Point of Sale Resolution 601-MM on April 29, 2015; May 27, 2015; August 19, 2015; April 21, 2021.

W.S. Stine MD
Dr. W.S. Stine, Board President

4/21/21
Date