

## BENTON COUNTY ORDINANCE NO. 336

WHEREAS, the Benton County Department of Development instituted proceedings to amend the Benton County Ordinance 185; and,

WHEREAS, on September 11, 2001, Notice of Public Hearing and intent to amend Benton County Ordinance was published in the official newspaper of the county; and,

WHEREAS, on September 25, 2001, the Benton County Planning Commission held a public hearing thereon and recommended same to the Benton County Board of Commissioners for approval and passage; and,

WHEREAS, on October 2, 2001, the Benton County Board of Commissioners held a public hearing and approved the proposed ordinance amendment; and,

NOW PURSUANT TO THE AUTHORITY VESTED BY MINNESOTA STATUTES SECTION 394.25, THE BENTON COUNTY BOARD OF COMMISSIONERS ORDAINS: that Section 9.6 of the Benton County Ordinance 185 be amended as follows:

**Replace Section 9.6.23 with the following:**

**9.6.23 Sewage Treatment System Transfer Form**

Prior to the sale or transfer of real property, a Benton County Sewage Treatment System Property Transfer Form shall be signed by both the buyer(s) and seller(s) and filed with the Benton County Auditor's Office.

**Replace Section 9.6.24 with the following:**

**9.6.24 Point of Sale Certification Exemptions**

Prior to the sale or transfer of real property, a "Certificate of Compliance" indicating that the individual sewage treatment system on the said property is in compliance with Section 9.6 of the Benton County Development Code shall be submitted to the Benton County Auditor's Office.

A "Certificate of Compliance" is not required to be filed with the Auditor's Office prior to the sale or transfer of property if any of the following conditions exist:

1. The property to be transferred has no structures usable for human habitation;
2. There are no buildings with plumbing fixtures;
3. The dwelling(s) on the property are serviced by a public sewer system, a community sewer system, or a central sewer system; or
4. If the sale or transfer of property occurs during the winter months of December 1 through April 30<sup>th</sup>, the buyer or seller shall complete the "Certificate of Compliance" requirement, and if necessary, upgrade the individual sewage treatment system by the following June 30<sup>th</sup>.

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OFFICE OF  
BENTON COUNTY RECORDER  
BENTON COUNTY, MN  
CERTIFIED TO BE FILED  
AND/OR RECORDED ON

Oct 17 1 04 PM '01

MARILYN J. NOVAK  
COUNTY RECORDER

BY Ck DEPUTY *AB*

A "Certificate of Compliance" is a completed and signed Department of Development Sewage Treatment System Inspection Sheet that is 5 years old or less; or a MPCA Compliance Inspection Form for Existing Sewage Treatment Systems that is signed by a licensed ISTS professional which indicates that the system is in compliance and is 3 years old or less.

***Keep Section 9.6.24, renumber to 9.6.25, and change the language to the following:***

9.6. 25 Winter Compliance Inspections

If a compliance inspection can not be completed as required in Section 9.6.24 for the sale of real property due to weather conditions between December 1 and April 30, a Benton County Sewage Treatment System Property Transfer Form shall be signed by both the buyer and the seller indicating who will be responsible for completing the "Certificate of Compliance" requirement and filing it with the Department of Development by the following June 30<sup>th</sup>.

The Department will not accept winter certification agreements for the following application requests:

1. Variances;
2. Conditional Use applications;
3. Small Subdivision applications;
4. Land Use permits.

***(Note: the remaining section 9.6 will need to be renumbered accordingly.)***

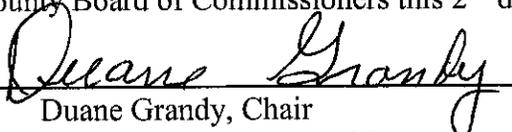
**Add to Section 3:**

Sale: For the purposes of Section 9.6, the term "sale" means a conveyance of real property as evidenced by the recording of a duly executed deed or contract for deed.

Certificate of Compliance: A "Certificate of Compliance" is a completed and signed Department of Development Sewage Treatment System Inspection Sheet that is 5 years old or less; or a MPCA Compliance Inspection Form for Existing Sewage Treatment Systems that is signed by a licensed ISTS professional which indicates that the system is in compliance and is 3 years old or less.

This ordinance shall be effective upon publication.

Approved and adopted by the Benton County Board of Commissioners this 2<sup>nd</sup> day of October in the year of 2001.

  
Duane Grandy, Chair  
Benton County Board of Commissioners

ATTEST:

  
Rick Speak, Clerk of the Board