

BENTON COUNTY ORDINANCE NO. 338

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

WHEREAS, on December 18, 2001, Notice of Public Hearing and intent to amend Benton County Ordinance was published in the official newspaper of the county; and,

WHEREAS, on January 3, 2002, 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 January 15, 2002, 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:

9.6.23 Point of Sale Certifications

No owner or other person acting with legal authority on behalf of an owner of a tract of land upon which a dwelling is located, or a tract of land upon which a structure is required to have an individual sewage treatment system is located, shall convey to another party said tract of land, unless all of the following requirements are met:

1. The seller shall provide a "Certificate of Compliance" to the buyer at or before the closing date. A Certificate of Compliance is: a) a Benton County Sewage Treatment System Inspection Sheet issued by the Department that is 5 years old or less, or b) a completed MPCA Compliance Inspection form issued by an MPCA Qualified Employee which indicates that the system is in compliance and is 3 years old or less.
2. A Certificate of Compliance shall be filed with a Benton County Sewage Treatment System Property Transfer Form.
3. 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 when filing a Certificate of Real Estate Value (CRV).

9.6.24 Point of Sale Certification Exemptions

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

1. The property to be transferred has no structures usable for human habitations;

2. The property to be transferred has no buildings with plumbing fixtures;
3. A public sewer system, a community sewer system or a central sewer system services the dwelling(s) on the property to be transferred;
4. The sale of land is exempt from the requirements that a CRV be filed with the County Auditor's Office as described in Minn. Statutes, Section 272.115, subdivision 1; or
5. The sale or transfer completes a contract for deed or purchase agreement entered into prior to the effective date of this ordinance. This subsection applies only to the original vendor and vendee on such a contract.

If the sale or transfer of property occurs during the winter months of December 1 through April 30th, the buyer or seller shall complete the "Certificate of Compliance" requirement, and if necessary, upgrade the individual sewage treatment system by the following June 30th. The responsibility of filing the completed Certificate of Compliance or for upgrading a system found to be non-conforming shall be determined by the buyer and seller, and indicated on the Benton County Sewage Treatment System Property Transfer Form.

At the time of submission of the Benton County Sewage Treatment Property Transfer Form, the buyer or seller shall also file with the Department written verification of the existence of an escrow account containing funds equal to 150% of the estimated cost of bringing the ISTS into compliance with all State and County laws, as determined by the Department. The terms of the escrow account shall permit withdrawal of the funds by the purchaser of the affected property, to be used for upgrading, repair or replacement of the identified ISTS.

This ordinance shall be effective upon publication.

Approved and adopted by the Benton County Board of Commissioners this 15th day of January in the year of 2002.



Duane Cekalla, Chair
Benton County Board of Commissioners

ATTEST:


Rick Speak, Clerk of the Board

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

JAN 18 1 22 PM '02

MARILYN J. NOVAK
COUNTY RECORDER
BY BW DEPUTY MB