

## BENTON COUNTY ORDINANCE NO. 345

WHEREAS, the Benton County Board of Commissioners instituted proceedings to amend Benton County Ordinance 185; and,

WHEREAS, on June 4, 2002, Notice of Public Hearing and intent to amend Benton County Ordinance 185 was published in the official newspaper of the county; and,

WHEREAS, on June 18, 2002, the Benton County Board of Commissioners held a public hearing and approved the proposed ordinance amendments; and,

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

### Section 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 Compliance Inspection or a Benton County Sewage Treatment System Inspection to the buyer at or before the closing date. A valid Compliance Inspection is an inspection, conducted by an MPCA Qualified Employee, which is 3 years old or less indicating that the system is in compliance or is out of compliance. A valid Benton County Sewage Treatment System Inspection is an inspection issued by the Department that is 5 years old or less.
2. A Compliance Inspection or a Benton County Sewage Treatment System Inspection 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 Compliance Inspection or a Benton County Sewage Treatment System Inspection 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 30<sup>th</sup>, the buyer or seller shall complete the Compliance Inspection, if necessary by the following June 30<sup>th</sup>. The responsibility of filing the completed Compliance Inspection 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.

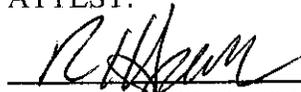
This Ordinance shall be effective upon publication.

APPROVED AND ADOPTED by the Benton County Board of Commissioners this 18<sup>th</sup> day of June in the year of 2002.



Duane Cekalla, Chair  
Benton County Board of Commissioners

ATTEST:



Rick Spear, Clerk of the Board

MARILYN J. NOVAK  
COUNTY RECORDER

BY KHC DEPUTY - Y

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

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