

Article No. _ Shall an ordinance entitled “Chapter 14 Land Use Ordinance” be amended by deleting the language in strikethrough type and adding the underlined language to Article 7 – Townwide Performance Standards - section 7.16 Septic Inspection Required at Transfer - as shown below?

7.16 Septic Inspections Required at Time of Property Title Transfer. (Adopted May 5, 2001)

- ~~A. Prior to any title transfer of ownership of a lot containing a Subsurface Wastewater Disposal (SSWD) system or a structure connected to a SSWD system, the present owner of the property shall comply with the standards established in this section. A licensed Site Evaluator (SE) shall be hired, not at public expense, to test the SSWD system. The SSWD system will be tested with the standard die test, and the system evaluated to determine if it meets the standards in the Maine SSWD rules. The SE shall issue a written report of the findings, and a full copy of the report shall be forwarded to the Town within two weeks of the title transfer.~~
- ~~B. If the SE determines that the SSWD system is malfunctioning then the structure shall not be occupied until the system has been brought into conformance with the Maine SSWD Rules. In the event that the proposed title transfer is to occur between November and May and an adequate test is not able to be performed, the agreement between the present owner and the proposed owner shall ensure that funding sufficient to correct a malfunctioning system will be available.~~
- ~~C. The present title holder may not transfer, sell or offer to transfer/sell, any lot containing a SSWD system or structure connected to the SSWD system without advising the transferee/buyer of this requirement.~~
- ~~D. Noncompliance of this ordinance will result in an assessed fine of no less than \$500 to the seller or current owner of the property. Assessment of fine does not release the seller or current owner from the requirements of Sections “A” and “B” of this section 7.16. (Adopted May 10, 2008)~~

7.16 Septic Inspections Required at Time of Property Title Transfer. (Adopted May 5, 2001)

- A. Prior to the title transfer of ownership of a lot containing a Subsurface Wastewater Disposal (SSWD) system or a structure connected to a SSWD system, a person certified by the state shall be hired, not at public expense, to inspect the SSWD system. If the inspection finds that the SSWD system is malfunctioning, the system must be repaired or replaced within one year after transfer. The indications of a malfunctioning system are those specified in “system, malfunctioning” as provided in the definition section of 10-144, Chapter 241, the State of Maine Subsurface Wastewater Disposal Rules (Rules). The following are the only exceptions allowed to the requirement of this paragraph:
 - 1. When a SSWD system has been installed pursuant to rules adopted under Title 22 M.R.S. section 42, and Title 30-A M.R.S. subsection 4211, within 3 years prior to the date of the transfer of property title.
 - 2. When the current property owner has a written report from a person certified by the state for an inspection of the SSWD that was performed within 3 years prior to the date of transfer that certifies that the system was not found to be malfunctioning and the current property owner provides the inspection results to the purchaser.
 - 3. When weather conditions preclude an inspection of the SSWD by a person certified by the state prior to the date of transfer the inspection must be performed within 9 months after the date of transfer. If the inspection finds the system to be malfunctioning the system must be replaced or repaired.

4. When the person acquiring title to the lot containing an SSWD system or a structure connected to a SSWD certifies to the Town Code Enforcement Officer (CEO) that the system will be replaced with one installed pursuant to Title 22 M.R.S. section 42, and Title 30-A M.R.S. subsection 4211, within one year from the date of transfer.
- B. A full copy of the inspection results required under section A shall be provided to the CEO in a timely manner. If the person certified by the state determines that a SSWD system is malfunctioning then a structure connected to the SSWD system shall not be occupied until the system has been brought into conformance with the Rules.
- C. The present title holder may not transfer, sell or offer to transfer or sell any lot containing a SSWD system or structure connected to the SSWD system without advising the prospective new title holder of the requirements of this article.
- D. Noncompliance of this section will result in an assessed fine of no less than \$500 to the prior or new title holder. Assessment of a fine does not release the prior or new title holder from the requirements of this section.
- E. In this section the term, "Transfer" shall include the following: any transfer of ownership whether by sale, gift, devise, transfer to an entity, and inheritance, including transfers to a trust for which the current owner is the beneficiary.