

§ 52.199 TRANSFER OF PROPERTIES.

(A) Whenever a conveyance of land occurs, the following requirements shall be met:

(1) The seller of the property is responsible for providing a completed Carver County point of sale certificate and MPCA existing SSTS compliance inspection form, with any required attachments, to the buyer at or before closing. These documents shall provide the status and location of all known SSTS and components thereof on the property and, if applicable, the requirements for bringing the SSTS into compliance with this chapter;

(2) The buyer is responsible to file the Carver County point of sale certificate, and required attachments, along with the certificate of real estate value at the County Auditor's Office; and

(3) If the seller fails to provide a certificate of compliance, sufficient security must be established in the form of an escrow account to assure the installation of a complying SSTS. The security, in the amount set forth in the Carver County Fee Schedule, shall be placed in an escrow with a licensed real estate closer, licensed attorney-at-law, or federal or state chartered financial institution. The SSTS must be installed within the time frame established in §§ 52.055 and 52.056. After a complying SSTS has been installed and a certificate of compliance issued, the escrow may be released.

(B) The MPCA existing SSTS compliance inspection form need not be obtained if the sale or transfer involves one of the following circumstances:

(1) Tract of land is vacant or contains no structures with plumbing fixtures;

(2) The SSTS serving the existing dwelling or other structure with plumbing has been abandoned per § 52.058. Attach the MPCA's SSTS abandonment reporting form;

(3) The transfer does not require the filing of a certificate of real estate value, as described in M.S. § 272.115;

(4) The transfer is a foreclosure or tax forfeiture. This subsection applies only for the transfer from the original mortgagee, to the financial/lending institution or local unit of government. The subsequent transfer shall meet the requirements of this chapter;

(5) A refinance of a property;

(6) The sale or transfer is to the seller's spouse or ex-spouse only. The sale or transfer may be by deed, through a joint tenancy, of a testamentary nature, or by trust document;

(7) The sale or transfer completes a contract for deed or purchase agreement entered into prior to February 24, 1998. This division applies only to the original vendor and vendee on such a contract; or

(8) Dwellings or other structures connected exclusively to a municipal wastewater treatment system. Including 201 systems which discharge directly to the Metropolitan Council Environmental Services interceptor/collector sewer and do not utilize a septic tank(s) or soil treatment and disposal system.

(C) All property conveyances subject to this chapter occurring during the period between November 1st and April 30th, and SSTS compliance cannot be determined due to frozen soil conditions, shall have an escrow account established pursuant to the Carver County Fee Schedule. The buyer is responsible to have the compliance inspection completed by the following June 1st by a licensed SSTS inspector. If, upon inspection, the SSTS is found to be in compliance, the funds in escrow may be released. If, upon inspection, the SSTS is found to be non-compliant, the SSTS shall be brought into compliance within ten months from the date of property transfer.

(D) Should the seller fail to have the compliance inspection completed, and neither party established an escrow account, the buyer of the property becomes wholly responsible and shall have a certificate of compliance on the existing SSTS submitted to the Department within 30 days of the property transfer or have the SSTS brought into compliance within 90 days of the property transfer. (Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999