

BLUE EARTH COUNTY

*Effectively and Efficiently
Delivering Essential Services*

www.co.blue-earth.mn.us

COMMISSIONERS

- District 1 Colleen Landkamer
- District 2 Tom McLaughlin
- District 3 Mark Piepho
- District 4 Will Purvis
- District 5 Kip Bruender

Courthouse

204 S. Fifth St.
PO Box 8608
Mankato, MN 56002

Administration
TEL: 507-304-4284
FAX: 507-304-4344

Finance
TEL: 507-304-4181
FAX: 507-304-4077

Physical Plant
TEL: 507-304-4249
FAX: 507-304-4203

Government Center

410 S. Fifth St.
Mankato, MN 56001

Human Services
PO Box 3526
TEL: 507-304-4319
FAX: 507-304-4379

Environmental Services
PO Box 3566
TEL: 507-304-4381
FAX: 507-304-4431

**Taxpayer Services /
License Center**
PO Box 3524
Tel: 507-304-4340
FAX: 507-304-4396

Veterans Services
PO Box 8608
TEL: 507-304-4246
FAX: 507-304-4379

County Attorney
PO Box 3129
TEL: 507-304-4352
Fax: 507-304-4389

Information Technology
PO Box 8608
TEL: 507-304-4204
FAX: 507-304-4355

TDD: 507-304-4399

Nichols Building

410 Jackson St.
Mankato, MN 56001

Corrections
PO Box 3543
TEL: 507-304-4550
FAX: 507-304-4585

Extension
PO Box 8608
TEL: 507-304-4325
FAX: 507-304-4059

Taxpayer Services
PO Box 3567
TEL: 507-304-4251
FAX: 507-304-4075

Public Works

35 Map Dr.
PO Box 3083
Mankato, MN 56002
TEL: 507-304-4025
FAX: 507-304-4049

Law Enforcement Center

710 S. Front St.
PO Box 228
Mankato, MN 56002
TEL: 507-387-8710
TDD: 507-387-5601
FAX: 507-387-4929

Library

100 E. Main St.
Mankato, MN 56001
TEL: 507-304-4001
FAX: 507-304-4009

April 1, 2009

Dear Realtor

Please share this with your entire staff.

As you and many of your staff are seeing changes in the real estate market, I wanted to take a moment to refresh your memory on requirements for property transfers in Blue Earth County. This applies to all types of sale or transfer of ownership.

The excerpt of County Code on compliance inspections is as follows: (the full county code can be found at www.municode.com under Blue Earth County)

Sec. 6-285. Compliance inspection requirements for existing systems.

(a) *Generally.* Only a qualified employee or authorized licensee or licensed designer I or inspector independent of the owner shall conduct an inspection when a compliance inspection is required for an existing ISTS. A copy of the certificate of compliance or notice of noncompliance resulting from a compliance inspection shall be provided to the property owner and the county within 30 days of the inspection.

(b) *Compliance inspections of existing systems.* An ISTS shall require a compliance inspection when any one of the following conditions occur:

(1) When an owner of a tract of land on which a dwelling is located, or a tract of land on which a structure which is required to have an individual sewage treatment system is located, shall sell or transfer to another party such tract of land unless requirements as stated in subsections (e)--(h) of this section are met.

.....

(e) *Sale or transfer of property.*

(1) A certificate of compliance or noncompliance shall be provided by the seller to the buyer at or before the closing.

(2) The certificate of compliance or noncompliance shall be completed by a state licensed designer I or inspector in compliance with Minn. Rules ch. 7080, as amended.

(3) If one of the exemptions listed in this division applies, the certificate must be signed by both parties to the transaction.

(4) The certificate should be submitted to the county land records department along with the certificate of real estate value.

(f) *Exempt transactions.* The certificate need not be completed if the sale or transfer involves the following circumstances:

(1) A tract of land without buildings or contains no dwellings or other buildings with plumbing fixtures.

(2) No certificate of real estate value needs to be filed with the county land records department, as per Minn. Stats. ch. 272.115.

(3) The sale or transfer completes a contract for deed entered into prior to February 27, 1998. This exemption applies only to the original vendor and vendee on such a contract, and does not apply to subsequent contracts or an assignment of a party's interest of the original contract, if entered into after February 27, 1998.

(4) A dwelling or other building with running water which is connected to a municipal wastewater treatment system.
(g) *Transactions occurring when climatic conditions do not allow for a compliance inspection to be completed (between November 1 and April 30).* If the transaction occurs between November 1 and April 1 and climatic conditions do not allow for a compliance inspection to be completed, the transfer may occur with a stipulation that a compliance inspection shall be completed by the following June 1 and a certificate of compliance or notice of noncompliance is completed and submitted to the county environmental services department.

(h) *Conveyance compliance.* In accordance with Minn. Stats. § 394.37, the board of commissioners directs the land records department to collect ISTS certificate of compliance and noncompliance for forwarding to the environmental services department.

With the housing market as it is, there are many foreclosures that are trying to be sold "as is". This is not a statement that alleviates the responsibility of the ordinance. The seller, or agent representing the property, must have the compliance inspection or certificate of compliance done by the time of the sale and disclosed to the buyer as to what the compliance status is. This requirement is not new, but may be overlooked on these bottom dollar deals.

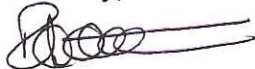
This proper disclosure of the system became very apparent on a property during the 2008 construction season in which the buyer was not properly advised of the system status and the timeline for upgrade. The buyer successfully won legally the costs associated with a new system from the representative of the property. This is not to be a scare tactic, but a caution of what has and may happen when things are not done correctly.

A compliance inspection can only be done by a state certified septic inspector. There are numerous inspectors currently working in Blue Earth and surrounding counties. The inspection is required to be delivered to the owner/agent of the property and to the County within 30 days of inspection. The County maintains records of installation and compliance inspection for each property. With in our records, a new system is covered for 5 years under the original certificate of compliance and an existing system is covered for 3 years on any subsequent inspections found to be in compliance, unless a condition is identified in that time frame that poses an imminent public health threat. This would require an immediate repair or upgrade.

We will help you in any way that we can to determine the status of a system you might represent. However, if we do not have a current certificate of compliance, we will direct you to have an inspection completed. We appreciate as much notice in looking up information on a system as possible so that what we tell you is accurate and correct.

If you have questions on this or other environmental questions as it pertains to property in Blue Earth County please call our office at 507 304 4381. One of our three staff members; Pete Otterness, Stacey Feser, or Tim Grant, will assist you in your request.

Sincerely,



Pete Otterness
Environmental Health Specialist
Blue Earth County