

GENERAL FACT SHEET

06-32

BILL NUMBER

BRIEF TITLE
Environmental Public Health
Property Transfer Ordinance

APPROVAL DEADLINE

REASON
To require inspection of on-site water and
wastewater treatment systems prior to sale
or transfer of property.

DETAILS

POSITIONS/RECOMMENDATIONS

<p>This ordinance requires that properties that have on-site water (well) and on-site wastewater (septic and lagoons) be inspected prior to being sold, conveyed or transferred. Inspections will be conducted by trained private contractors permitted by the Health Department as Property Transfer Inspectors. The Health Department will review each inspection report and do follow-up on properties found to pose a significant risk to public health or to contaminate groundwater or surface water. Such systems will be required to be repaired and brought into compliance with LMC 24.38 On-site Wastewater Treatment Systems and Chapter 4.10 Design Standards, Operation and Maintenance of On-site Wastewater Treatment Systems. Health Department staff have worked with key stakeholders over the past 8 months to develop this ordinance.</p>	Sponsor	Health Department/Board of Health
	Program Departments, or Groups Affected	All automated departments Environmental Public Health Regulated industry, businesses and entities Rural homeowners
	Applicants/Proponents	Applicant Health Department City Department Health Other Board of Health
<p>Discussion (Including Relationship to other Council Actions) The Council adopted LMC 24.38 and Chapter 4.10 Design Standards with the intent to protect the public health and safety. To quote from the purpose statement, "It is, therefore, declared to be the public policy of this city to eliminate and prevent health and safety hazards by regulating the design, construction, installation, operation, and maintenance of on-site wastewater treatment systems..." LMC 24.38 applies to newly installed systems and to situations in which a system failure is identified. However, about 300 rural properties are sold each year in Lancaster County and the City's 3-mile jurisdictional limit which rely on on-site wastewater treatment systems. Historically, the Health Department inspected almost all such systems since lenders required it prior to sale. However, most lenders no longer require such inspections. In the past year, just over 60 such inspections were requested (LLCHD charges \$200 for this work). Thus, over 70% of rural properties no longer have inspections of wells or on-site wastewater treatment systems performed before being sold. Health Department data shows that about 25% of such properties have significant problems with either their well or sewage system.</p>	Opponents	Groups or Individuals None specifically identified Basis of Opposition
	Staff Recommendations	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
	Board or Commission Recommendation	BY: Board of Health <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions or conditions (See Details column for conditions)
	CITY COUNCIL ACTIONS (For Council Use Only)	<input type="checkbox"/> Pass <input type="checkbox"/> Pass (As Amended) <input type="checkbox"/> Council Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not Pass

DETAILS

POLICY/PROGRAM IMPACT

About 10% of the sewage systems are in failure and about the same percentage have bacterial or Nitrate contamination in their well water. These conditions present risk to the people buying the property and to the public's health due to contamination of ground and surface water. In addition, we have become aware of many situations in which the new owner had problems with the well or wastewater treatment system - sometimes costing them thousands of dollars.

The Health Department will provide training and testing for and issue permits (\$20) to private Property Transfer Inspectors. The Health Department will charge \$75 per property transfer to conduct on-site follow-up inspections, develop a database, receive mail, review inspection reports, file, photocopy, enter data, and sending determination letters. We expect many requests for information on existing wells, water testing results, and construction and location of wastewater treatment systems. These fees should result in revenue of about \$22,500 per year, covering approximately 65% of program costs. No additional staffing will be needed to do this work.

The County Board approved these same regulations on February 28, 2006. There is great benefit to having consistent regulations in the 3-mile jurisdiction and the County for property transfers involving on-site wastewater treatment systems and wells.

The effective date for the inspection requirement is proposed to be May 29, 2006 to coincide with the effective date of the County Resolution.

POLICY OR PROGRAM CHANGE

NO YES

OPERATIONAL IMPACT ASSESSMENT

This ordinance will allow staff resources to be used more effectively to protect public health and the environment by focusing on failed sewage systems and problem wells.

FINANCES

COST AND REVENUE PROJECTIONS

COST of total project: \$ 0
 COST of this Ordinance/Resolution \$ 0

RELATED annual operating Costs \$ 0

INCREASE REVENUE EXPECTED/YEAR \$ 10,000

SOURCE OF FUNDS

CITY [Approximately]
 _____ \$ _____ %
 _____ \$ _____ %
 _____ \$ _____ %

NON CITY [Approximately]
 _____ \$ _____ %
 _____ \$ _____ %
 _____ \$ _____ %

BENEFIT COST

Front Foot
 Square Foot

Average Assessment
 \$ _____ \$ _____

APPLICABLE DATES:

FACT SHEET PREPARED BY: Scott E. Holmes, REHS, MS, Manager
 Environmental Public Health Division

REVIEW BY:

REFERENCE NUMBER