

RESOLUTION NO. 031-24

**RESOLUTION AMENDING REGULATIONS FOR POINT OF SALE INSPECTIONS  
UNDER TITLE EIGHT OF THE ENVIRONMENTAL HEALTH CODE OF  
THE SUMMIT COUNTY COMBINED GENERAL HEALTH DISTRICT,  
REPEALING RESOLUTIONS INCONSISTENT THEREWITH  
AND DECLARING IT AN EMERGENCY.**

WHEREAS, an effective regulation and oversight of private water systems and household sewage treatment systems is essential in the administration of the functions of the Summit County Board of Health, and

WHEREAS, it is in the best interest of the citizens of Summit County, Ohio that private water systems and household sewage treatment systems be evaluated and inspected by qualified individuals and repaired or replaced if necessary prior to the transfer of real estate, and

WHEREAS, the Board of Health has determined that an effective regulation requiring such evaluations, inspections, and corrections is needed in the Environmental Health Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of Health of the Summit County Combined General Health District:

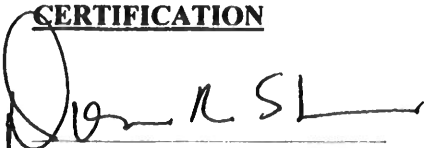
SECTION 1: That the rules and regulations of the Summit County Combined General Health District be amended as follows in the attached document.

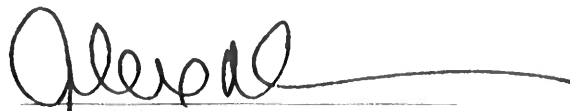
SECTION 2: That, to the extent these Rules and Regulations are in conflict with and change former rules and regulations, the matters set forth above shall control and have precedence, but as to matters not changed and altered, the above rules shall supplement and be in addition to the other rules and regulations of this Board.

SECTION 3: That this Resolution is hereby declared an emergency because it is necessary for the public health, the prevention or restriction of disease, and the prevention, abatement, or suppression of nuisances and that an effective Environmental Health Code is essential to the administration of the functions of the Summit County Board of Health. Therefore it shall take effect and be in force immediately upon execution.

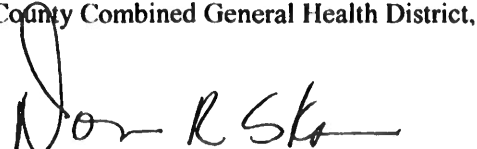
Adopted: November 14, 2024

**CERTIFICATION**

  
Secretary

  
President

I, Donna R. Skoda, MS, RD, LD, Secretary of the Board of Health of the Summit County Combined General Health District, Summit County, Ohio, do hereby certify that the foregoing resolution was duly and regularly adopted by the Board of Health of the Summit County Combined General Health District, Summit County, Ohio on the 14<sup>th</sup> day of November, 2024.

  
Donna R. Skoda, MS, RD, LD, Secretary

## CHAPTER 804

### Point of Sale Inspections

- 804.01** Definitions
- 804.02** Limitations on Sale, Transfer, or Conveyance of Property
- 804.03** Evaluations
- 804.04** Performance Standards
- 804.05** Registration of Private Water System Evaluators
- 804.06** Registration of Sewage Treatment System Evaluators
- 804.07** Fees
- 804.08** Nuisance (Failure)
- 804.09** Inspection Notification
- 804.10** Corrective Action
- 804.11** Enforcement and Compliance
- 804.12** Assessment Against the Property
- 804.13** Severability
- 804.99** Penalties

#### CROSS REFERENCES

Lien for unpaid sewage disposal system permit or inspection fee – ORC 3709.091  
Minimum and optimal achievable standards; sewage disposal – OAC 3701-36-13  
Point of sale fees – EHC 101  
Orders and regulations of board of general health district – ORC 3709.21  
Powers of board; abatement of nuisances – ORC 3707.01  
Uniform system of fees; public health council rules – ORC 3709.09  
Private Water System Rules – OAC-3701-28  
Sewage Treatment System Rules – OAC 3701-29  
Conditions under which sewage treatment system causes a nuisance – ORC 3718.011

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**EHC** - Environmental Health Code    **ORC** - Ohio Revised Code    **OAC** - Ohio Administrative Code

#### **804.01** **DEFINITIONS**

The following words and terms used in this Regulation, unless otherwise expressly stated, shall have the following meaning:

- A. “Conveyance” means the transfer of property from one person to another.
- B. “Dwelling” means the place which is occupied by a person or persons as their primary or secondary residence that may be seasonal or recreational.
- C. “Failure” is defined as follows:
  - 1. For a Private Water System (PWS):
    - a. Unsafe water sample, as determined by Ohio Department of Health (ODH) and Summit County Health District (SCHD) standards;

- b. The PWS is not within substantial conformance with water well construction requirements;
    - i. PWS is causing a safety concern;
    - ii. Hand dug well is located on the property;
    - iii. PWS on the property that is no longer used for drinking water;
    - iv. Water sample results exceed maximum allowable limit for contaminants;
    - v. PWS that does not have required treatment (continuous disinfection, filtration, etc.)
  - 2. For a Sewage Treatment System (STS):
    - a. Prohibited discharge of effluent onto the ground surface, into a storm drain or ditch, or discharge into any stream or other body of water when the final water quality does not meet health or environmental standards set by the Ohio EPA NPDES requirements or, in the absence of NPDES requirements, requirements set forth in ORC;
    - b. The backup of sewage into a structure;
    - c. Liquid level in the septic tank above the outlet invert;
    - d. Structural failure of a septic tank or other components;
    - e. Or other conditions where the STS is determined not to be in substantial conformance with the STS requirements, the STS operation permit requirements, or is deemed unsafe or unsanitary by the SCHD
- D. "Household sewage treatment system" (HSTS) means any sewage treatment system, or part of such a system, that receives sewage from a single-family, two-family, or three-family dwelling and residential dwellings or appurtenances including but not limited to:
- 1. A bed and breakfast, residential facility, or other residence as described in the Revised Code 3717.42 (B)(2), (B)(4), and (B)(13). An ancillary restroom associated with a dwelling in a location such as a barn or personal garage that is not used as an additional dwelling, sleeping area, or business and the users of the ancillary restroom are the same users of the dwelling;
  - 2. An ancillary restroom shall not be available for public use;
  - 3. Vacation rental cabins provided there is a separate HSTS for each cabin;
  - 4. A dwelling with a home business having no access for the general public and does not generate additional sewage as part of its operation.
- E. "Owner" means any person or entity which has legal title to any premises.
- F. "Person" means any individual, firm, partnership, party, corporation, company, society, association, or other legal entity.
- G. "Premises" means any tract of land, or portion thereof, or combination of tracts of land under single or common ownership, operation or control, that contains any type of structure that is, was or will be inhabited either permanently or transiently, private water system or sewage treatment system, drains, drain field, underground tank or pipes or similar appurtenances containing sewage or other contaminants or combination thereof.
- H. "Private Water System" (PWS) means any water system, other than a public water supply system, for the provision of water for human consumption, if the system has fewer than fifteen service connections and does not regularly serve an average of at least twenty-five individuals

daily at least sixty days each year. A private water system includes any well, spring, cistern, pond, or hauled water and any equipment for the collection, distribution, transportation, filtration, disinfection, treatment, or storage of water extending from and including the source of the water to the point of discharge from any pressure tank or other storage vessel; to the point of discharge from the water pump where no pressure tank or other storage vessel is present; to where the pressure tank is outside of the building or dwelling; or , in the case of multiple service connections serving more than one dwelling, to the point of discharge from each service connection where the service connection enters the foundation of the dwelling. A private water system does not include the water service line extending from the point of discharge to a structure. (OAC 3701-28-01(ZZ))

- I. "Private Water System Contractor" means a person who constructs or develops a well for use as or as part of a private water system or otherwise constructs a private water system, installs pumping equipment for a private water system, alters a private water system, repairs a private water system, seals a private water system, or performs any combination of those activities for hire; or, who inspects or evaluates private water systems for hire. (OAC 3701-28-01(OOO))
- J. "Service Provider" means any person who services, but does not install or alter, a sewage treatment system.
- K. "Sewage Treatment System" (STS) means an HSTS, a small flow on-site sewage treatment system, or both as applicable.
- L. "Substantial Conformance" means there is a minimal likelihood of contamination of the PWS or surrounding PWSs posed by the improper construction or location of a PWS. Or, for a STS there is minimal likelihood of degradation of groundwater and surface water, or risk to public health caused by improper construction or location of an STS, or a malfunctioning STS.

#### **804.02 LIMITATIONS ON SALE, TRANSFER OR CONVEYANCE OF PROPERTY**

- A. There shall be no sale, transfer, or conveyance of any parcel within the SCHD served by a PWS and/or STS until the following are met:
  - 1. Interested party obtains a PWS evaluation report by the SCHD or files with SCHD a PWS evaluation report by a registered Private Water System Contractor and a Certificate of Transfer is issued;
  - 2. Interested party obtains a STS evaluation report by the SCHD or files with SCHD a STS evaluation report by a qualified registered STS Service Provider and a Certificate of Transfer is issued.

**804.03 EVALUATIONS**

- A. Any parcel that is served by an STS and/or a PWS that is used for human consumption, must be evaluated prior to any sale, transfer, or conveyance.
  - 1. If the parcel contains multiple dwellings, each dwelling that is serviced by a PWS or STS shall be inspected and evaluated prior to the sale, transfer, or conveyance.
- B. Proof of exemption must be shown in order for SCHD to waive a PWS and/or STS transfer evaluation. An exemption application shall be submitted to SCHD and approved prior to closing.
- C. Transfers exempt from inspections include:
  - 1. Transfers which are exempt from the Summit County Fiscal Office's conveyance fee (see the Summit County Fiscal Office form DTE 100 EX for a list of exemptions);
  - 2. Structures with a new or replacement PWS and/or, STS approved by SCHD submitted within twenty-four (24) months preceding the date of property transfer;
  - 3. Systems that had a point of sale evaluation conducted by SCHD or an approved private water system evaluator or sewage treatment system evaluator that submitted the evaluation form to SCHD within twenty-four (24) months preceding the date of property transfer;
- D. The PWS shall be evaluated by a representative of the Health Commissioner or a private water system contractor =..
- E. The STS shall be evaluated by a representative of the Health Commissioner or a registered STS Service Provider.
- F. When a system is inspected by a PWS contractor or a STS Service Provider, a report on an approved form shall be submitted to SCHD within thirty calendar days of completion of inspection with the required review fee.
- G. After the report is received, SCHD shall review the report and issue a certificate of transfer review to the evaluator.
- H. A copy of the private inspectors' evaluation report will be issued to the applicant.

**804.04 PERFORMANCE STANDARDS**

- A. The evaluation shall determine whether the system(s) :
  - 1. Are causing a public health nuisance
  - 2. Are in substantial conformance
  - 3. Meets standards set forth in local and state codes.
- B. Water samples that are collected shall be analyzed at a laboratory certified by the Ohio Environmental Protection Agency (OEPA) to determine the presence of total coliform and E.coli bacteria.
  - 1. The process used for collection of water samples shall comply with Ohio Department of Health (ODH) rules and regulations.

**804.05 FEES**

- A. Fees adopted in the EHC of the SCHED shall be paid prior to the compliance evaluation by the SCHED.
- B. When the inspection has been performed by a private evaluator, the review fee shall be paid when inspection reports are filed with the SCHED.
- C. The fee rates are established as set forth in section 101 of the EHC.

**804.06 NUISANCE (FAILURE)**

- A. When a PWS and/or STS fails, as defined in section 804.01, the owner, agent or other responsible party shall contact the SCHED. Mandated corrective actions shall be completed as required by SCHED.
- B. If, as a result of SCHED paper and/or on-site review of the transfer evaluation conducted by a PWS Contractor and/or STS Service Provider, SCHED finds that the PWS and/or STS is not in substantial conformance and/or is creating a nuisance, the SCHED will notify the property owner of record of its findings and order corrections.
- C. SCHED will follow up in within thirty (30) days from the date the Certificate of Transfer was issued. If SCHED finds that the STS and/or PWS is still not in substantial conformance and/or is creating a nuisance, the property owner shall be subject to enforcement as provided by SCHED policy.

**804.10 ASSESSMENT AGAINST THE PROPERTY**

- A. If an owner does not have his/her property evaluated as specified by this regulation, the SCHD may cause an inspection to be performed and may charge all costs and fees for the evaluation to the owner of the premises.
- B. If the owner or party violating this regulation refuses on demand to pay such expenses incurred by the SCHD to inspect, abate, correct or remove a violation, unsanitary condition or nuisance, the sum shall be assessed against the property and shall be collected and treated in the same manner as taxes assessed under the general tax laws of the State of Ohio, Ohio Revised Code Section 3709.091.

**804.11 SEVERABILITY**

- A. Each provision of this regulation must be interpreted in a way that is valid under Ohio law. If any provision is held invalid, the rest of the regulation shall remain in full effect.

**804.99 PENALTIES**

- A. Whoever violates or fails to comply with any of the provisions of this Environmental Health Code shall be in violation of ORC 3707.48, 3709.20, 3709.21 or 3709.22, and subject to penalties provided in ORC 3707.99 and 3709.99.

*(Resolution 031-24, approved November 14, 2024)*

*(Resolution 016-24, approved May 9, 2024)*

Effective Date: This Regulation became effective on September 1, 2008.