

**BOARD OF HEALTH
LORAIN COUNTY GENERAL HEALTH DISTRICT**

**Resolution No. 2003-47 ADOPTING A POLICY IN REGARDS TO MANDATORY
SEWER CONNECTIONS WHEN THE INSTALLED SYSTEM IS
LESS THAN SEVEN (7) YEARS OF AGE.**

The Board of Health of the Lorain County General Health District met at the offices of the Lorain County Health Department on July 9, 2003. Dr. Denise Saker moved the following resolution:

Recitals:

Whereas, there is increased development in many parts of Lorain County which has resulted in sewers being constructed in areas where there are newly installed individual household sewage disposal systems; and

Whereas, the Board of Health recognizes that there may often be practical difficulties and other special conditions that the strict application of Ohio Administrative Code Sections 3701-29-02(L) and 3701-29-02(M) may cause unusual and unnecessary hardship.

Whereas, this is especially evident when a property owner has expended large sums of money to install a new sewage disposal system; such system is properly maintained and operating; and a sewer connection is nevertheless ordered;

NOW THEREFORE, under the authority of Ohio Administrative Code Section 3701-29-20(A), this Board of Health resolves that a variance from the requirement of OAC Section 3701-29-02 (M) to connect to accessible sewers shall be granted to any owner(s) of residential property that is serviced by a household sewage disposal system which has been installed for less than seven (7) years, provided the following conditions are met:

1. The owner(s), before the deadline for connection to the sewers, applies for such variance on forms provided by the Lorain County Health Department and pays the prescribed fee of \$50.00.
2. The owner(s) signs and returns to the Health Department, on forms provided by the Health Department, a declaration of deed restrictions, which acknowledges that connection to accessible sewers must be completed by the owner or his or her heirs, successors or assigns, on a date certain, which date is 30 days after the system becomes seven (7) years of age. This declaration of deed restriction shall specifically provide that, in the event the property owner fails or refuses to timely connect to sewers as agreed, the Health District or its designee shall have authority to enter onto the owner's property in order to complete the sewer connection and to place the costs of the same as a lien upon the property to be collected as other taxes. The property owner shall be responsible for the costs of recording such document.
3. The household sewage disposal system for which the variance is sought must:
 - a. Have been installed and operated, and must continue to be maintained and operated, in accordance with the rules and regulations of the State of Ohio and of the Lorain County General Health District;
 - b. Have been approved by a Registered Sanitarian employed by the Lorain County General Health District;

- c. Not be creating a nuisance
- d. Not have been previously ordered to be repaired/replaced or abandoned by the Lorain County Health Department.

It is further resolved and determined by this Board as follows:

For purposes of this policy, the seven (7) year period of time for determining the age of a system shall commence at the date the system is installed and inspected by the Health Department, regardless of when occupancy of the home begins.

This policy is not self-executing. It shall be the responsibility of the property owner to timely apply for and to obtain the available variance. Property owners who fail to do so shall be subject to sewer connection orders as are the property owners with older systems.

The Health Commissioner or his designee is authorized to grant these variances, as appropriate, to eligible individuals, without Board review or approval. The Health Commissioner or his designee shall keep a record of variances which are granted under this policy, and shall report these variances to the Board at its regular meetings.

Nothing contained in this policy or otherwise shall be construed to prevent the Lorain County Health District from ordering and enforcing a sewer connection order if a system fails, or if the property owner refuses or fails to properly operate and maintain the same, before the system becomes seven (7) years of age.

This policy, and the relief it affords, shall not be available to any property owner who offers his or her property for sale at or any time after the time he or she knows that connection to available public sewers is required. In any such case, connection to the sewers will be required immediately upon sale of the property, regardless of the age of the individual sewage treatment system servicing such property.

The foregoing resolution was seconded by William Spreng, and upon voice vote, was unanimously approved and adopted.

Certification

The undersigned certifies that the foregoing is an accurate record of the proceedings of the Lorain County District Advisory Council at its regular annual meeting held on July 9, 2003

/ s /
Kenneth G. Pearce, Secretary