



## SEPTIC SYSTEM POINT OF SALE CERTIFICATE FORM

**Instructions for Buyer & Seller:** Complete the name, address, and property information. Determine which of the following statements applies to the septic system and check the appropriate categories. Follow specific instructions for the statement. Supporting documentation **MUST** be attached to this form. ***This completed form and the supporting documentation are required to be presented to the Buyer prior to the closing date. A completed form with the Planning & Environmental Services Representative's signature is required to be presented at the time of Property Transfer.***

### 1. PROPERTY INFORMATION:

Property Identification # (P.I.N.) Number(s): \_\_\_\_\_  
Address of Property: \_\_\_\_\_  
Seller's Name: \_\_\_\_\_  
Seller's Address: \_\_\_\_\_  
Seller's Phone: \_\_\_\_\_  
Buyer's Name: \_\_\_\_\_  
Buyer's Address: \_\_\_\_\_  
Buyer's Phone: \_\_\_\_\_

### 2. LIST OF EXEMPTIONS: (Check only if the conditions apply to this transfer)

- No inspection is necessary because:
  - The tract of land is without buildings or contains no dwelling or other building with water using devices.
  - The sale or transfer completes a contract for deed or purchase agreement entered into prior to January 1, 2012. This applies only to the original vendor and vendee on such a contract.
  - Any dwellings or other buildings with plumbing fixtures have been disconnected or are connected to a municipal wastewater treatment system.
  - A transfer that does not require a Certificate of Real Estate Value such as typographical corrections on deeds, Affidavits of Survivorship, divorce decrees, refinancing of the property, tax forfeitures or the establishment of a trust.

### **3. INDICATE WHICH CONDITION APPLIES TO THIS PROPERTY TRANSFER:**

- If any of the boxes in Section 2 above were checked, Section 4 below need not be completed. Complete Section 5 below.
- If **NONE** of the boxes in Section 2 above were checked, **Section 4 and 5 below MUST BE COMPLETED**

### **4. COMPLIANCE STATUS OF PROPERTY TO BE TRANSFERRED:**

- An MPCA Designated registered professional conducted a Compliance Inspection of the existing sewage treatment system. This report is 3 years old or less and is attached. The compliance inspection report indicates that the sewage treatment system is **IN COMPLIANCE** (Attach Copy of Inspection Report) :
- The system is **IN COMPLIANCE** as evidenced by a completed Winona County Septic System Certificate of Compliance issued by the Department that is 5 years old or less, and is attached;
- The MPCA Compliance Inspection Form conducted by a Designated registered professional indicates that the septic system is **NOT IN COMPLIANCE (FAILING and/or IMMINENT THREAT)** to public health or safety and shall be replaced or upgraded to MN Rules Ch. 7080 standards and the Winona County Ordinance within the specified time frame. The property sale/transfer may occur with the stipulation that the Seller and Buyer have a signed agreement as to who is responsible for the replacement or upgrade of the septic system.  
**A Winona County Septic System Responsibility Form must also be attached.**
- The sale or transfer of property occurs during the winter months of November 1<sup>st</sup> and April 30<sup>th</sup>, and as a result, cannot be completed due to weather conditions. It is the buyer's and seller's responsibility to ensure that the required compliance inspection is completed and filed with the Planning and Environmental Services Department by the following June 1<sup>st</sup>.  
**A Winona County Septic System Responsibility Form must also be attached.**

**PLEASE BE ADVISED OF THE FOLLOWING:** If the septic system to be transferred is found to be out of compliance, the property owner is required to obtain a sewage treatment system permit and complete the required upgrade and installation in accordance with the Winona County Zoning Ordinance, Chapter 13 Regulations and all applicable MPCA Chapter 7080 State Rules.

**5. BUYER (S) AND SELLER (S) SIGNATURES:**

By signing this Certificate Form, the buyer(s) and seller(s) agree to have provided accurate information for this property transfer, and if checked as incomplete due to winter conditions of November 1st through April 30<sup>th</sup>, shall submit the required Compliance Inspection report by the following June 1st. Please be aware that Winona County cannot and does not guarantee future operation of septic treatment systems. If this system should fail to function properly in the future, it will be the responsibility of the property owner to bring the system into compliance with applicable Winona County ordinances. Any increases in water use may adversely affect the longevity of the system.

Seller(s) \_\_\_\_\_ Date: \_\_\_\_\_

Seller(s) \_\_\_\_\_ Date: \_\_\_\_\_

Buyer(s) \_\_\_\_\_ Date: \_\_\_\_\_

Buyer(s) \_\_\_\_\_ Date: \_\_\_\_\_

If completed by a Third Party (i.e., realtor, attorney, auction company), please complete the following:

**Printed Name of Third Party:** \_\_\_\_\_

**Address of Third Party:** \_\_\_\_\_

**City/State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Signature/Date:** \_\_\_\_\_

This Certificate Form has been reviewed and approved by the Planning & Environmental Services Department:

Signature \_\_\_\_\_

Date \_\_\_\_\_

The Winona County Website containing applications, reference material and the Zoning Ordinance; is available at: <http://www.co.winona.mn.us/se3bin/clientgenie.cgi>

The MPCA Licensed Business List is available at <http://www.pca.state.mn.us/programs/ists>.

# Winona County Septic System Responsibility Form

The Winona County Zoning Ordinance requires that properties that are transferred that contain an existing septic system, must provide adequate documentation in regards to how a non-compliant system will be brought into compliance. This form is to be completed if the system in question cannot be inspected or replaced prior to the sale or transfer of the property. The purpose of the form is to legally define the responsibility for required future inspection, repair, replacement, and maintenance of the septic system(s) on the property.

Pursuant to Chapter 13.10.2 D. IV. of the Winona County Zoning Ordinance; If the seller fails to provide a Certificate of Compliance, the seller shall provide the buyer sufficient security in the form of an escrow agreement to assure the installation of a complying septic system. The security shall be placed in an escrow with a licensed attorney-at-law, or federal or state chartered financial institution. The amount escrowed shall be equal to one hundred and fifty (150) percent of a written estimate to install a complying septic system provided by a licensed and certified installer, or the amount escrowed shall be equal to one hundred and ten (110) percent of the written contract price for the installation of a complying septic system provided by a licensed and certified installer. After a complying septic system has been installed and a certificate of compliance issued, the Department shall provide the escrow agent a copy of the Certificate of Compliance.

Parcel Identification # (P.I.N.): \_\_\_\_\_  
Today's Date \_\_\_\_\_ Date of Transfer \_\_\_\_\_  
Seller(s) Name (please print): \_\_\_\_\_  
Property Address: \_\_\_\_\_  
Seller(s) forwarding address: \_\_\_\_\_  
Buyer(s) Name (please print): \_\_\_\_\_  
Buyer(s) Current Address: \_\_\_\_\_

## **Check condition that applies to property**

- The Compliance Inspection Form indicates that the septic system is an IMMEDIATE THREAT to public health or safety and shall be replaced or upgraded to MN Rules Ch. 7080 standards within ten (10) months. (*Attach Notice of Noncompliance.*)

Buyer(s) or Seller(s) (please print): \_\_\_\_\_ agree to install a sewage treatment system on the property, within 10 months of the date of the Notice of Noncompliance, that complies with County Ordinance. Date: \_\_\_\_\_.

- The Compliance Inspection Form indicates that the septic system is FAILING and shall be replaced or upgraded within 2 years. (*Attach Notice of Noncompliance.*)

Buyer(s) or Seller(s) (please print): \_\_\_\_\_ agree to install a sewage treatment system on the property, within 2 years of the date of the Notice of Noncompliance, that complies with County Ordinance. Date: \_\_\_\_\_.

- The property is being sold during the period of November 1<sup>st</sup> and April 30<sup>th</sup>. Due to time of year and weather conditions, a compliance inspection cannot be completed, but will be inspected before June 1st immediately following the date of this property transfer.

Buyer(s) or Seller(s) (please print): \_\_\_\_\_ agree to conduct a compliance inspection of the sewage treatment system on the property by the following June 1st and, if required, will repair the system within the time allowed by County Ordinance. Date: \_\_\_\_\_.

An escrow account has been established in the amount of \$ \_\_\_\_\_ held by \_\_\_\_\_ and said escrow shall name Winona County as the agent for purposes of determining if said funds may be released. A copy of the proposed escrow agent shall be forwarded to the Department for approval.

\_\_\_\_\_  
Seller(s) Signature(s)/Date

\_\_\_\_\_  
Buyer(s) Signature(s)/Date