

Article 8, Section 6(E)

E. Septic Inspections Required at Time of Title Transfer of Property Located in the Shoreland District.

1. Prior to the title transfer of ownership of a lot or parcel located in the Shoreland District containing a Subsurface Wastewater Disposal (SSWD) system or a structure connected to a SSWD system, a person certified by the state shall be hired, not at public expense, to inspect the SSWD system. If the inspection finds that the SSWD system is malfunctioning, the system must be repaired or replaced within one year after transfer and a structure connected to the SSWD system shall not be occupied until the system has been brought into conformance with the Rules. A full copy of the inspection results required or a statement of exception(s) claimed, is required and shall be provided to the Town Code Enforcement Officer prior to transfer closing. The indications of a malfunctioning system are those specified in "system, malfunctioning" as provided in the definition section of 10-144, Chapter 241, the State of Maine Subsurface Wastewater Disposal Rules (Rules).

2. The following are the only exceptions allowed to the requirements of this paragraph:

a. When a SSWD system has been installed pursuant to rules adopted under Title 22 M.R.S. section 42, and Title 30-A M.R.S. subsection 4211, within 3 years prior to the date of the transfer of property title.

b. When the current property owner provides to the purchaser and to the Code Enforcement Officer (CEO) a written report from a person certified by the state to inspect the SSWD that was performed within 3 years prior to the date of transfer that certifies that the system was not found to be malfunctioning.

c. When weather conditions preclude an inspection of the SSWD by a person certified by the state prior to the date of transfer, then an inspection is to be performed within 9 months of the exception granted date of transfer. If the inspection finds the system to be malfunctioning, the system must be replaced or repaired.

d. When the person acquiring title to the lot containing an SSWD system or a structure connected to a SSWD certifies to the Town Code Enforcement Officer (CEO) that the system will be replaced with one installed pursuant to Title 22 M.R.S. section 42, and Title 30-A M.R.S. subsection 4211, within one year from the date of transfer.

3. The present title holder may not transfer, sell or offer to transfer or sell any lot containing a SSWD system or structure connected to the SSWD system without advising the prospective new title holder of the requirements of this article.

4. Any person who violates this subsection is subject to the civil penalties provision of Article 2(D), except that the minimum penalty for such violation is \$500.

5. In this section the term, "Transfer" shall include the following: any transfer of ownership whether by sale, gift, devise, transfer to an entity, and inheritance, including transfers to a trust or estate for which the current owner is the beneficiary.

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3. A full copy of the inspection results required under section E(1)A, or a statement of exception(s) claimed under allowed exemptions, is required and shall be provided to the Town Code Enforcement Officer (CEO) prior to transfer closing. If the person certified by the state determines that a SSWD system is malfunctioning, then a structure connected to the SSWD system shall not be occupied until the system has been brought into conformance with the Rules.

4.

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Noncompliance of this section will result in an assessed fine of no less than \$500 to the prior or new title holder. Assessment of a fine does not release the prior or new title holder from the requirements of this section.

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