

As Introduced

**131st General Assembly
Regular Session
2015-2016**

S. B. No. 58

**Senator Peterson
Cosponsors: Senators Patton, LaRose**

A BILL

To amend sections 317.08, 6112.01, 6112.03, and 1
6117.51 and to enact sections 6112.06, 6117.52, 2
and 6119.60 of the Revised Code to authorize a 3
property owner whose property is served by a 4
household sewage treatment system to elect not 5
to connect to a private sewerage system, a 6
county sewer, or a regional sewerage system 7
under specified conditions. 8

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 317.08, 6112.01, 6112.03, and 9
6117.51 be amended and sections 6112.06, 6117.52, and 6119.60 of 10
the Revised Code be enacted to read as follows: 11

Sec. 317.08. (A) The county recorder shall record all 12
instruments in one general record series to be known as the 13
"official records." The county recorder shall record in the 14
official records all of the following instruments that are 15
presented for recording, upon payment of the fees prescribed by 16
law: 17

(1) Deeds and other instruments of writing for the 18

absolute and unconditional sale or conveyance of lands,	19
tenements, and hereditaments;	20
(2) Notices as provided in sections 5301.47 to 5301.56 of the Revised Code;	21 22
(3) Judgments or decrees in actions brought under section 5303.01 of the Revised Code;	23 24
(4) Declarations and bylaws, and all amendments to declarations and bylaws, as provided in Chapter 5311. of the Revised Code;	25 26 27
(5) Affidavits as provided in sections 5301.252 and 5301.56 of the Revised Code;	28 29
(6) Certificates as provided in section 5311.17 of the Revised Code;	30 31
(7) Articles dedicating archaeological preserves accepted by the director of the Ohio historical society under section 149.52 of the Revised Code;	32 33 34
(8) Articles dedicating nature preserves accepted by the director of natural resources under section 1517.05 of the Revised Code;	35 36 37
(9) Conveyances of conservation easements and agricultural easements under section 5301.68 of the Revised Code;	38 39
(10) Instruments extinguishing agricultural easements under section 901.21 or 5301.691 of the Revised Code or pursuant to the terms of such an easement granted to a charitable organization under section 5301.68 of the Revised Code;	40 41 42 43
(11) Instruments or orders described in division (B) (2) (b) of section 5301.56 of the Revised Code;	44 45

(12) No further action letters issued under section 122.654 or 3746.11 of the Revised Code;	46 47
(13) Covenants not to sue issued under section 3746.12 of the Revised Code, including all covenants not to sue issued pursuant to section 122.654 of the Revised Code;	48 49 50
(14) Restrictions on the use of property contained in a no further action letter issued under section 122.654 of the Revised Code, restrictions on the use of property identified pursuant to division (C) (3) (a) of section 3746.10 of the Revised Code, and restrictions on the use of property contained in a deed or other instrument as provided in division (E) or (F) of section 3737.882 of the Revised Code;	51 52 53 54 55 56 57
(15) Any easement executed or granted under section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code;	58 59
(16) Any environmental covenant entered into in accordance with sections 5301.80 to 5301.92 of the Revised Code;	60 61
(17) Memoranda of trust, as described in division (A) of section 5301.255 of the Revised Code, that describe specific real property;	62 63 64
(18) Agreements entered into under section 1506.44 of the Revised Code;	65 66
(19) Mortgages, including amendments, supplements, modifications, and extensions of mortgages, or other instruments of writing by which lands, tenements, or hereditaments are or may be mortgaged or otherwise conditionally sold, conveyed, affected, or encumbered;	67 68 69 70 71
(20) Executory installment contracts for the sale of land executed after September 29, 1961, that by their terms are not	72 73

required to be fully performed by one or more of the parties to them within one year of the date of the contracts;	74 75
(21) Options to purchase real estate, including supplements, modifications, and amendments of the options, but no option of that nature shall be recorded if it does not state a specific day and year of expiration of its validity;	76 77 78 79
(22) Any tax certificate sold under section 5721.33 of the Revised Code, or memorandum of it, that is presented for filing of record;	80 81 82
(23) Powers of attorney, including all memoranda of trust, as described in division (A) of section 5301.255 of the Revised Code, that do not describe specific real property;	83 84 85
(24) Plats and maps of town lots, of the subdivision of town lots, and of other divisions or surveys of lands, any center line survey of a highway located within the county, the plat of which shall be furnished by the director of transportation or county engineer, and all drawings and amendments to drawings, as provided in Chapter 5311. of the Revised Code;	86 87 88 89 90 91 92
(25) Leases, memoranda of leases, and supplements, modifications, and amendments of leases and memoranda of leases;	93 94
(26) Declarations executed pursuant to section 2133.02 of the Revised Code and durable powers of attorney for health care executed pursuant to section 1337.12 of the Revised Code;	95 96 97
(27) Unemployment compensation liens, internal revenue tax liens, and other liens in favor of the United States as described in division (A) of section 317.09 of the Revised Code, personal tax liens, mechanic's liens, agricultural product liens, notices of liens, certificates of satisfaction or partial	98 99 100 101 102

release of estate tax liens, discharges of recognizances, excise 103
and franchise tax liens on corporations, broker's liens, and 104
liens provided for in section 1513.33, 1513.37, 3752.13, 105
4141.23, 5111.022, or 5311.18 of the Revised Code; ~~and~~ 106

(28) Corrupt activity lien notices filed pursuant to 107
section 2923.36 of the Revised Code and medicaid fraud lien 108
notices filed pursuant to section 2933.75 of the Revised Code; 109

(29) Notices attached to deeds under section 6112.06, 110
6117.52, or 6119.60 of the Revised Code. 111

(B) All instruments or memoranda of instruments entitled 112
to record shall be recorded in the order in which they are 113
presented for recording. 114

The recording of an option to purchase real estate, 115
including any supplement, modification, and amendment of the 116
option, under this section shall serve as notice to any 117
purchaser of an interest in the real estate covered by the 118
option only during the period of the validity of the option as 119
stated in the option. 120

(C) In addition to the official records, a county recorder 121
may elect to keep a separate set of records that contain the 122
instruments listed in division (A) (24) of this section. 123

(D) As part of the official records, the county recorder 124
shall keep a separate set of records containing all transfers, 125
conveyances, or assignments of any type of tangible or 126
intangible personal property or any rights or interests in that 127
property if and to the extent that any person wishes to record 128
that personal property transaction and if the applicable 129
instrument is acknowledged before a notary public. If the 130
transferor is a natural person, the notice of personal property 131

transfer shall be recorded in the county in this state in which 132
the transferor maintains the transferor's principal residence. 133
If the transferor is not a natural person, the notice of 134
personal property transfer shall be recorded in the county in 135
this state in which the transferor maintains its principal place 136
of business. If the transferor does not maintain a principal 137
residence or a principal place of business in this state and the 138
transfer is to a trustee of a legacy trust formed pursuant to 139
Chapter 5816. of the Revised Code, the notice of personal 140
property transfer shall be recorded in the county in this state 141
where that trustee maintains a principal residence or principal 142
place of business. In all other instances, the notice of 143
personal property transfer shall be recorded in the county in 144
this state where the property described in the notice is 145
located. 146

Sec. 6112.01. As used in ~~sections 6112.01 to 6112.05,~~ 147
~~inclusive, of the Revised Code~~ this chapter: 148

(A) "Sewage" means any substance that contains any of the 149
waste products or excrementitious or other discharge from the 150
bodies of human beings or animals, which pollutes the waters of 151
the state. 152

(B) "Industrial waste" means any liquid, gaseous, or solid 153
waste substance resulting from any process of industry, 154
manufacture, trade, or business, or from the development, 155
processing, or recovery of any natural resource, together with 156
such sewage as is present, which pollutes the waters of the 157
state. 158

(C) "Other wastes" means garbage, refuse, decayed wood, 159
sawdust shavings, bark, and other wood debris, lime (except 160
hydrated or dehydrated lime), sand, ashes, offal, night soil, 161

oil, tar, coal dust, or silt, and other substances ~~which that~~ 162
are not ~~included within the definitions of sewage and or~~ 163
industrial waste ~~set forth in this section~~, which pollute the 164
waters of the state. 165

(D) "Sewerage system" means ~~pipe lines~~ pipelines or 166
conduits, pumping stations, and force mains, and all other 167
constructions, devices, appurtenances, and facilities that are 168
used for collecting or conducting water-borne sewage, industrial 169
waste, or other wastes to a point of disposal or treatment. 170

(E) "Treatment works" means any plant, disposal field, 171
lagoon, dam, pumping station, incinerator, or other works used 172
for the purpose of treating, stabilizing, or holding sewage, 173
industrial waste, or other wastes. 174

(F) "Disposal system" means a system for disposing of 175
sewage, industrial waste, or other wastes, and includes sewerage 176
systems and treatment works. 177

(G) "Waters of the state" mean all streams, lakes, ponds, 178
marshes, watercourses, waterways, wells, springs, irrigation 179
systems, drainage systems, and all other bodies or accumulations 180
of water, surface and underground, natural or artificial, ~~which~~ 181
that are situated wholly or partly within, or border upon, this 182
state, or are within its jurisdiction, except those private 183
waters ~~which that~~ do not combine or effect a junction with 184
natural surface or underground waters. 185

~~(H) "Person" means a person, firm, partnership,~~ 186
~~association, or corporation, other than a county, township,~~ 187
~~municipal corporation, or other political subdivision.~~ 188

Sec. 6112.03. Applications for approval of plans for the 189
construction and installation of facilities under this chapter 190

shall be made in the manner and form prescribed by the director 191
of environmental protection and shall be accompanied by plans, 192
specifications, and other data that the director may require 193
relative to the facilities for which approval of plans is 194
requested. Thereafter, the director shall review and act upon 195
the application in accordance with law and the rules adopted 196
pursuant thereto under section 6111.03 of the Revised Code. 197

Sec. 6112.06. (A) As used in this section: 198

(1) "Health district" means a city or general health 199
district as created by or under authority of Chapter 3709. of 200
the Revised Code. 201

(2) "Household sewage treatment system" has the same 202
meaning as in section 3718.01 of the Revised Code and includes a 203
household sewage disposal system as defined in rule 3701-29-01 204
of the Administrative Code. 205

(B) A person that submits plans to install a sewerage 206
system under section 6112.03 of the Revised Code simultaneously 207
shall notify by certified mail the owner of each parcel of 208
property that is served by a household sewage treatment system 209
and the board of health of the health district in which the 210
affected parcel of property is located of the installation of 211
the sewerage system if the owner or operator of the sewerage 212
system has determined that the parcel of property is reasonably 213
accessible to the sewerage system and may be required to connect 214
to it. The notice shall include a statement indicating that if 215
the person receiving the notice chooses to elect out of 216
connecting to the sewerage system after receiving the notice, 217
the cost of connecting to the sewerage system in the future may 218
be higher. 219

(C) Except as provided in division (E) of this section, a person who receives a notice under division (B) of this section shall not be required to connect to the sewerage system specified in the notice if both of the following apply:

(1) The person notifies the owner or operator of the sewerage system and the board of health of the health district in which the affected parcel of property is located that the person elects not to connect to the specified sewerage system. The notice shall be in writing and shall be sent by certified mail not later than sixty days after the person has received a notice under division (B) of this section. Not later than one hundred twenty days after the board of health receives the notice, the board shall evaluate the household sewage treatment system serving the affected parcel of property to determine if the system operates and is maintained in accordance with Chapter 3718. of the Revised Code and with rules adopted under that chapter by the director of health and by the board, if any. The owner of the affected parcel of property is responsible for reasonable costs of the evaluation.

If the owner of the affected parcel of property is aware that the property will be vacant at any time during the one-hundred-twenty-day period, the owner shall notify the board of health of the dates during which the property will be vacant. In order for the required inspection to occur, the owner shall ensure that the property is occupied for at least ninety consecutive days within the one-hundred-twenty-day period and shall notify the board of health of the dates of occupancy. Failure to so notify the board or so occupy the property constitutes termination of the authorization under this section for the property owner to elect not to connect to the sewerage system.

(2) The applicable board of health determines under 251
division (C)(1) of this section that the household sewage 252
treatment system operates and is maintained in accordance with 253
Chapter 3718. of the Revised Code and with rules adopted under 254
that chapter by the director and by the board, if any. The board 255
shall so notify the person and the owner or operator of the 256
sewerage system. However, if the board determines that a 257
nuisance exists under section 3718.011 of the Revised Code, the 258
board shall so notify the person. If the board determines that 259
minor repairs will eliminate the nuisance, the person may make 260
those repairs to the system, but shall do so within sixty days 261
after receiving the notice. For purposes of this section, the 262
director shall adopt rules in accordance with Chapter 119. of 263
the Revised Code defining "minor repair." 264

(D)(1) Division (C) of this section does not apply to a 265
household sewage treatment system that is either a discharging 266
system or within an area subject to final findings and orders 267
issued by the director of environmental protection under Chapter 268
6111. or 6117. of the Revised Code. The notification required by 269
division (B) of this section shall be issued to an applicable 270
property owner regardless of whether the property owner's system 271
is a discharging system or inside such an area. 272

(2) For purposes of this section, a discharging system is 273
one of the following: 274

(a) A system for which an NPDES permit has been issued 275
under Chapter 6111. of the Revised Code and rules adopted under 276
it; 277

(b) A system for which an NPDES permit would be required, 278
but that has not been issued such a permit. 279

(E) A person that is not required to connect to a sewerage 280
system in accordance with division (C) of this section 281
subsequently shall abandon the household sewage treatment system 282
serving the property in accordance with rules adopted by the 283
director and the board, if any, and connect to the sewerage 284
system not later than fifteen years from the date on which 285
construction of the sewerage system is completed. If the person 286
transfers ownership of the affected parcel of property during 287
the fifteen-year period and the parcel of property has not yet 288
been connected to the sewerage system, the transferor shall 289
notify the transferee of the requirement to connect to the 290
sewerage system and of the date by which connection must occur. 291
The notice shall be attached to the deed and recorded by the 292
applicable county recorder in accordance with section 317.08 of 293
the Revised Code. The transferee is subject to the connection 294
requirement established in this division. A person that fails to 295
comply with this division is subject to the same enforcement 296
procedures and penalties as if the person violated Chapter 3718. 297
of the Revised Code or rules adopted or orders issued under it. 298

(F) If a connection tap to a sewerage system is installed 299
at a parcel of property at the time of construction of the 300
sewerage system, the owner of the parcel of property, regardless 301
of whether the owner has elected not to connect to the sewerage 302
system under this section, shall pay the costs of the 303
installation of the connection tap in accordance with one of the 304
following: 305

(1) Pay the total amount at the time of the installation 306
of the connection tap; 307

(2) Make incremental payments in accordance with a payment 308
plan agreed to by the applicable political subdivision that has 309

acquired or will acquire the sewerage system; 310

(3) Pay the total amount at any time the parcel of 311
property is required to connect to the sewerage system under 312
this section. 313

Sec. 6117.51. If the board of health of the health 314
district within which a new public sewer construction project is 315
proposed or located passes a resolution stating that the reason 316
for the project is to reduce or eliminate an existing health 317
problem or a hazard of water pollution, the board of county 318
commissioners of the county, by resolution, may order the owner 319
of any premises located in a sewer district in the county, the 320
owner's agent, lessee, or tenant, or any other occupant of the 321
premises to connect the premises to the sewer for the purpose of 322
discharging sewage or other waste that the board determines is 323
originating on the premises, to make use of the connection, and 324
to cease the discharge of the sewage or other waste into a 325
cesspool, ditch, private sewer, privy, septic tank, semipublic 326
disposal system as defined in division (B)(1)(a) of section 327
3709.085 of the Revised Code, or other outlet if the board finds 328
that the sewer is available for use and is accessible to the 329
premises following a determination and certification to the 330
board by a registered professional engineer designated by it as 331
to the availability and accessibility of the sewer. This section 332
does not apply to any of the following: 333

(A) Any discharge authorized by a permit issued under 334
division (J) of section 6111.03 of the Revised Code other than a 335
discharge to or from a semipublic disposal system as defined in 336
division (B)(1)(a) of section 3709.085 of the Revised Code; 337

(B) Wastes resulting from the keeping of animals; 338

(C) Any premises that are not served by a common sewage collection system when the foundation wall of the structure from which sewage or other waste originates is more than two hundred feet from the nearest boundary of the right-of-way within which the sewer is located;

(D) Any premises that are served by a common sewage collection system when both the foundation wall of the structure from which the sewage or other waste originates and the common sewage collection system are more than two hundred feet from the nearest boundary of the right-of-way within which the public sewer is located;

(E) Any dwelling house located on property that is listed on the county's agricultural land tax list as being valued for tax purposes as land devoted exclusively to agricultural use under section 5713.31 of the Revised Code, when the foundation wall of the dwelling house is two hundred feet or less from the nearest boundary of the right-of-way within which the sewer is located, if both of the following also apply:

(1) The sewer right-of-way for the property on which the dwelling house is located was obtained by appropriation due to a public exigency pursuant to division (B) of section 307.08, 6101.181, 6115.211, 6117.39, or 6119.11 of the Revised Code.

(2) The local health department has certified that the household sewage disposal system is functioning properly.

The board shall not direct an order under this section to a resident tenant unless it determines that the terms of the tenancy are such that the owner lacks sufficient rights of access to permit the owner to comply with the terms of the order.

~~An Except as provided in section 6117.52 of the Revised~~ 368
~~Code, an owner, agent, lessee, tenant, or occupant shall comply~~ 369
with the order of the board within ninety days after the 370
completion of service of the order upon that person as provided 371
in this section. The board, upon written application filed prior 372
to the expiration of the ninety-day period, may waive compliance 373
with any order either temporarily or permanently and 374
conditionally or unconditionally. 375

In its resolution, the board shall direct its clerk, or 376
the clerk's designee, to serve its order upon the owner, agent, 377
lessee, tenant, or occupant. Service of the order shall be made 378
personally, by leaving the order at the usual place of residence 379
with a person of suitable age and discretion then residing 380
therein, or by certified mail addressed to the owner, agent, 381
lessee, tenant, or occupant at that person's last known address 382
or to the address to which tax bills are sent. If it appears by 383
the return of service or the return of the order forwarded by 384
certified mail that the owner, agent, lessee, tenant, or 385
occupant cannot be found, that person shall be served by 386
publication of the order once in a newspaper of general 387
circulation within the county, or if that person refuses 388
service, that person shall be served by ordinary mail addressed 389
to that person's last known address or to the address to which 390
tax bills are sent. The return of the person serving the order 391
or a certified copy of the return, or a returned receipt for the 392
order forwarded by certified mail accepted by the addressee or 393
anyone purporting to act for the addressee, is prima-facie 394
evidence of the service of the order under this section. The 395
return of the person attempting to serve the order, or the 396
return to the sender of the order forwarded by certified mail 397
with an indication on the return of the refusal of the addressee 398

to accept delivery, is prima-facie evidence of the refusal of 399
service. 400

No owner, agent, lessee, tenant, or occupant shall violate 401
an order issued under this section. Upon request of the board, 402
the prosecuting attorney shall prosecute in a court of competent 403
jurisdiction any owner, agent, lessee, tenant, or occupant who 404
violates an order issued under this section. Each day that a 405
violation continues after conviction for the violation of an 406
order issued under this section and the final determination 407
thereof is a separate offense. The court, for good cause shown, 408
may grant a reasonable additional period of time for compliance 409
after conviction. 410

Any owner, agent, lessee, tenant, or occupant violating an 411
order issued under this section also may be enjoined from 412
continuing in violation. Upon request of the board, the 413
prosecuting attorney shall bring an action in a court of 414
competent jurisdiction for an injunction against the owner, 415
agent, lessee, tenant, or occupant violating an order. 416

The Ohio water development authority created under section 417
6121.02 of the Revised Code, in addition to its other powers, 418
has the same power and shall be governed by the same procedures 419
in a waste water facilities service area, or in any area 420
adjacent to a public sewer operated by the authority, as a board 421
of county commissioners in a county sewer district under this 422
section, except that the authority shall act by order, and the 423
attorney general, upon request of the authority, shall prosecute 424
any person who violates an order of the authority issued under 425
this section. 426

Sec. 6117.52. (A) As used in this section, "household 427
sewage treatment system" has the same meaning as in section 428

3718.01 of the Revised Code and includes a household sewage disposal system as defined in rule 3701-29-01 of the Administrative Code. 429
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(B) Except as provided in division (D) of this section, a person who receives an order issued under section 6117.51 of the Revised Code and whose property is served by a household sewage treatment system shall not be required to connect to the public sewer specified in the order if both of the following apply: 432
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(1) The person notifies the board of county commissioners and the board of health of the health district in which the affected parcel of property is located that the person elects not to connect to the specified public sewer. The notice shall be in writing and shall be sent by certified mail not later than sixty days after the person has received an order issued under section 6117.51 of the Revised Code. Not later than one hundred twenty days after the board of health receives the notice, the board shall evaluate the household sewage treatment system serving the affected parcel of property to determine if the system operates and is maintained in accordance with Chapter 3718. of the Revised Code and with rules adopted under that chapter by the director of health and by the board, if any. The owner of the affected parcel of property is responsible for reasonable costs of the evaluation. 437
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If the owner of the affected parcel of property is aware that the property will be vacant at any time during the one-hundred-twenty-day period, the owner shall notify the board of health of the dates during which the property will be vacant. In order for the required inspection to occur, the owner shall ensure that the property is occupied for at least ninety consecutive days within the one-hundred-twenty-day period and 452
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shall notify the board of health of the dates of occupancy. 459
Failure to so notify the board or so occupy the property 460
constitutes termination of the authorization under this section 461
for the property owner to elect not to connect to the public 462
sewer. 463

(2) The applicable board of health determines under 464
division (B) (1) of this section that the household sewage 465
treatment system operates and is maintained in accordance with 466
Chapter 3718. of the Revised Code and with rules adopted under 467
that chapter by the director and by the board, if any. The board 468
shall so notify the person and the board of county 469
commissioners. However, if the board of health determines that a 470
nuisance exists under section 3718.011 of the Revised Code, the 471
board shall so notify the person. If the board determines that 472
minor repairs will eliminate the nuisance, the person may make 473
those repairs to the system, but shall do so within sixty days 474
after receiving the notice. For purposes of this section, the 475
director shall adopt rules in accordance with Chapter 119. of 476
the Revised Code defining "minor repair." 477

(C) (1) Division (B) of this section does not apply to a 478
household sewage treatment system that is either a discharging 479
system or within an area subject to final findings and orders 480
issued by the director of environmental protection under this 481
chapter or Chapter 6111. of the Revised Code. 482

(2) For purposes of this section, a discharging system is 483
one of the following: 484

(a) A system for which an NPDES permit has been issued 485
under Chapter 6111. of the Revised Code and rules adopted under 486
it; 487

(b) A system for which an NPDES permit would be required, 488
but that has not been issued such a permit. 489

(D) A person that is not required to connect to a public 490
sewer in accordance with division (B) of this section 491
subsequently shall abandon the household sewage treatment system 492
serving the property in accordance with rules adopted by the 493
director and the board, if any, and connect to the public sewer 494
not later than fifteen years from the date on which construction 495
of the public sewer is completed. If the person transfers 496
ownership of the affected parcel of property during the fifteen- 497
year period and the parcel of property has not yet been 498
connected to the public sewer, the transferor shall notify the 499
transferee of the requirement to connect to the private sewer 500
and of the date by which connection must occur. The notice shall 501
be attached to the deed and recorded by the applicable county 502
recorder in accordance with section 317.08 of the Revised Code. 503
The transferee is subject to the connection requirement 504
established in this division. A person that fails to comply with 505
this division is subject to the same enforcement procedures and 506
penalties as if the person violated Chapter 3718. of the Revised 507
Code or rules adopted or orders issued under it. 508

(E) If a connection tap to a private sewer is installed at 509
a parcel of property at the time of construction of the private 510
sewer, the owner of the parcel of property, regardless of 511
whether the owner has elected not to connect to the private 512
sewer under this section, shall pay the costs of the 513
installation of the connection tap in accordance with one of the 514
following: 515

(1) Pay the total amount at the time of the installation 516
of the connection tap; 517

(2) Make incremental payments in accordance with a payment plan agreed to by the board of county commissioners; 518
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(3) Pay the total amount at any time the parcel of property is required to connect to the private sewer under this section. 520
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Sec. 6119.60. (A) As used in this section: 523

(1) "Health district" means a city or general health district as created by or under authority of Chapter 3709. of the Revised Code. 524
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(2) "Household sewage treatment system" has the same meaning as in section 3718.01 of the Revised Code and includes a household sewage disposal system as defined in rule 3701-29-01 of the Administrative Code. 527
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(B) The board of trustees of a regional water and sewer district that submits plans to install a sewerage system under this chapter simultaneously shall notify by certified mail the owner of each parcel of property that is served by a household sewage treatment system and the board of health of the health district in which the affected parcel of property is located of the installation of the sewerage system if the board of trustees has determined that the parcel of property is reasonably accessible to the sewerage system and may be required to connect to it. The notice shall include a statement indicating that if the person receiving the notice chooses to elect out of connecting to the sewerage system after receiving the notice, the cost of connecting to the sewerage system in the future may be higher. 531
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(C) Except as provided in division (E) of this section, a person who receives a notice under division (B) of this section 545
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shall not be required to connect to the sewerage system 547
specified in the notice if both of the following apply: 548

(1) The person notifies the board of trustees of the 549
regional water and sewer district and the board of health of the 550
health district in which the affected parcel of property is 551
located that the person elects not to connect to the specified 552
sewerage system. The notice shall be in writing and shall be 553
sent by certified mail not later than sixty days after the 554
person has received a notice under division (B) of this section. 555
Not later than one hundred twenty days after the board of health 556
receives the notice, the board shall evaluate the household 557
sewage treatment system serving the affected parcel of property 558
to determine if the system operates and is maintained in 559
accordance with Chapter 3718. of the Revised Code and with rules 560
adopted under that chapter by the director of health and by the 561
board, if any. The owner of the affected parcel of property is 562
responsible for reasonable costs of the evaluation. 563

If the owner of the affected parcel of property is aware 564
that the property will be vacant at any time during the one- 565
hundred-twenty-day period, the owner shall notify the board of 566
health of the dates during which the property will be vacant. In 567
order for the required inspection to occur, the owner shall 568
ensure that the property is occupied for at least ninety 569
consecutive days within the one-hundred-twenty-day period and 570
shall notify the board of health of the dates of occupancy. 571
Failure to so notify the board or so occupy the property 572
constitutes termination of the authorization under this section 573
for the property owner to elect not to connect to the sewerage 574
system. 575

(2) The applicable board of health determines under 576

division (C) (1) of this section that the household sewage 577
treatment system operates and is maintained in accordance with 578
Chapter 3718. of the Revised Code and with rules adopted under 579
that chapter by the director and by the board, if any. The board 580
shall so notify the person and the board of trustees of the 581
regional water and sewer district. However, if the board of 582
health determines that a nuisance exists under section 3718.011 583
of the Revised Code, the board shall so notify the person. If 584
the board determines that minor repairs will eliminate the 585
nuisance, the person may make those repairs to the system, but 586
shall do so within sixty days after receiving the notice. For 587
purposes of this section, the director shall adopt rules in 588
accordance with Chapter 119. of the Revised Code defining "minor 589
repair." 590

(D) (1) Division (C) of this section does not apply to a 591
household sewage treatment system that is either a discharging 592
system or within an area subject to final findings and orders 593
issued by the director of environmental protection under Chapter 594
6111. or 6117. of the Revised Code. The notification required by 595
division (B) of this section shall be issued to an applicable 596
property owner regardless of whether the property owner's system 597
is a discharging system or inside such an area. 598

(2) For purposes of this section, a discharging system is 599
one of the following: 600

(a) A system for which an NPDES permit has been issued 601
under Chapter 6111. of the Revised Code and rules adopted under 602
it; 603

(b) A system for which an NPDES permit would be required, 604
but that has not been issued such a permit. 605

(E) A person that is not required to connect to a sewerage system in accordance with division (C) of this section subsequently shall abandon the household sewage treatment system serving the property in accordance with rules adopted by the director and the board, if any, and connect to the sewerage system not later than fifteen years from the date on which construction of the sewerage system is completed. If the person transfers ownership of the affected parcel of property during the fifteen-year period and the parcel of property has not yet been connected to the sewerage system, the transferor shall notify the transferee of the requirement to connect to the sewerage system and of the date by which connection must occur. The notice shall be attached to the deed and recorded by the applicable county recorder in accordance with section 317.08 of the Revised Code. The transferee is subject to the connection requirement established in this division. A person that fails to comply with this division is subject to the same enforcement procedures and penalties as if the person violated Chapter 3718. of the Revised Code or rules adopted or orders issued under it.

(F) If a connection tap to a sewerage system is installed at a parcel of property at the time of construction of the sewerage system, the owner of the parcel of property, regardless of whether the owner has elected not to connect to the sewerage system under this section, shall pay the costs of the installation of the connection tap in accordance with one of the following:

(1) Pay the total amount at the time of the installation of the connection tap;

(2) Make incremental payments in accordance with a payment plan agreed to by the applicable political subdivision that has

acquired or will acquire the sewerage system; 636

(3) Pay the total amount at any time the parcel of 637
property is required to connect to the sewerage system under 638
this section. 639

Section 2. That existing sections 317.08, 6112.01, 640
6112.03, and 6117.51 of the Revised Code are hereby repealed. 641

Section 3. Sections 1 and 2 of this act take effect 642
January 1, 2016. 643