

## **Point of Sale Requirement**

St. Louis County Ordinance 61 requires a Point of Sale inspection when you are selling your property that has an individual sewage treatment (septic) system.

If you are thinking about selling your home, you may want to find out if you have a valid Certificate of Compliance and when your system was installed.

Any system approved and installed in the last 10 years does not require a point of sale inspection.

If your system is over 10 years old and you do not have a current Certificate of Compliance, it will need to be inspected prior to selling your home. A Certificate of Compliance is valid for 3 years.

If an inspection can't be completed due to frozen soil conditions, the County will require :

- a Transfer Agreement be signed and filed with the St. Louis County Environmental Services Department; and
- Either the seller or the buyer must set funds aside in an escrow or trust account to cover the cost of repair or replacement of the system.

## **Questions and Answers**

**Question: Will my septic system need to be replaced?**

**Answer:** Only systems defined as "failing" or an "imminent threat to public health" must be replaced. The following systems will need to be replaced:

- Any system with less than one vertical foot of separation from the bottom of the treatment system to the water table or bedrock.
- A system that is discharging to the ground surface, surface water or ground water source (imminent public health threat)

**Question: When is an escrow agreement required?**

**Answer:** Beginning June 30, 2014, an escrow agreement will be required:

- when a septic system fails a point of sale inspection and the system upgrade will occur after the property transaction, or;
- for homes sold when conditions do not allow for system inspections. For example, if the ground is frozen.

Any system built and approved within the last 10 years does not require an inspection or escrow account.

**Question: How much money must be set aside in escrow?**

**Answer:** 100% of the estimated cost to repair or upgrade the system is required by the ordinance. Please note that some mortgage/title companies may require more than 100% of a bid for repair or replacement or may not allow the buyer to use that mortgage product if an escrow agreement is required.

**Question: How long does the buyer have to upgrade a failing system?**

**Answer:** St. Louis County allows buyers up to two years to complete required upgrades for non-compliant systems, and ten months to upgrade systems determined to be imminent threats to public health.

**Question: What assistance is available if I can't afford to fix my system?**

**Answer:** St. Louis County Environmental Services Department may have grant funds available from the Board of Water and Soil Resources Clean Water Legacy Fund which can be used to assist low-income homeowners to repair or replace failing systems that are classified as Imminent Public Health threats. See contact information on reverse.

**Failure to Comply Language:**

Failure to comply with the Point of Sale requirement is a violation of Ordinance 61 and a misdemeanor.

# County Commissioners

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# Questions?

Call the Environmental Services Department

(218) 749-0625 or 1-800-450-9278,

or e-mail: [esdinfo@stlouiscountymn.gov](mailto:esdinfo@stlouiscountymn.gov)

More information can be found at:  
[stlouiscountymn.gov/ordinance61](http://stlouiscountymn.gov/ordinance61)

Information provided by St. Louis County  
and the Duluth Area Association of  
REALTORS®

INFORMATION ON  
REQUIREMENTS FOR  
SALE OF PROPERTY  
WITH A SEPTIC SYSTEM  
IN ST. LOUIS COUNTY

**St. Louis County  
Subsurface  
Sewage Treatment  
Ordinance 61**

Courtesy of:

**Duluth Area Association of REALTORS®  
4031 Grand Avenue  
Duluth, MN 55807**