

CHAPTER 872

Multiple Home Site Allotment

- 872.01 Installation of individual systems prohibited.
- 872.02 Evaluation of proposed allotment for water and sewer service.
- 872.03 Multiple home site allotment application.
- 872.04 Board of Health plat restrictions.
- 872.99 Penalty.

CROSS REFERENCES

Powers and duties of Environmental Protection Agency Re: water resource planning and waste disposal and treatment - see ORC 3745.01(A)
Private sewer systems - see ORC 6112
Private sewers - see OAC 4101:2-51-411
Private systems prohibited where public system is available - see EHC 816.04

EHC Environmental Health Code **ORC** Ohio Revised Code **OAC** Ohio Administrative Code

872.01 INSTALLATION OF INDIVIDUAL SYSTEMS PROHIBITED WITHOUT BOARD OF HEALTH APPROVAL.

No person shall install a household sewage treatment system (HSTS) on any lot in any multiple home site allotment recorded after the effective date of Resolution 10-74, passed February 12, 1974 without Board of Health approval.

872.02 EVALUATION OF PROPOSED ALLOTMENT FOR WATER AND SEWER SERVICE.

The developer of a major subdivision or his/her agent shall request an evaluation by the Ohio Environmental Protection Agency and the Summit County Sanitary Engineer of the proposed allotment for water service and construction or connection to an existing or proposed sanitary sewerage system and sewage treatment facility. The applicable Clean Water Quality Plans (208 Plans) for the Lake Erie and Ohio River watershed basins will also be reviewed for consistency in determining sanitary sewer availability and eligibility to install individual HSTSs for minor and major subdivisions.

872.03 MULTIPLE HOME SITE ALLOTMENT APPLICATION.

If any person wishes to apply to the Board of Health for approval of a multiple home site allotment the following procedures and application requirements apply:

- (a) Application for major subdivision or minor subdivision must be made on forms provided by the Health Commissioner. Application must be accompanied by the review fee, as set forth in Chapter 220 of the EHC.
- (b) Any person proposing to create a multiple home site allotment shall submit to the Board of Health, for approval, plans clearly showing that the provisions of the EHC can be adequately met, before any of the lots in the allotment are sold or offered for sale, whether or not such sale entails a transfer of title or deed.

- (c) No person shall install HSTS in a multiple home site allotment, unless it is considered to be impracticable or inadvisable by the Board of Health and Ohio Environmental Protection Agency to install a central sewerage system.
- (d) Plans for a major subdivision (minor subdivision plan requirements are found in EHC Chapter 824) shall show:
- (1) The total land area to be used;
 - (2) Proposed location and sizes of all lots, roadways, open space, easements, storm water structures, etc.;
 - (3) The properties and characteristics of the soils in the subdivision;
 - (4) Depth to normal ground water table and rock strata;
 - (5) Locations of all bodies of water, streams, ditches, sewers, drain tile, existing and proposed potable water supply sources and lines on this or adjacent lots within the one hundred feet of the proposed allotment, or any other information which may affect the installation or operation of HSTS and/or private water systems or the enforcement of rules of the EHC.
 - (6) Existing grade and proposed finished grade of all lots.
- (e) A ground water, quality, availability and impact study may be required by the Health Commissioner.
- (f) Each proposed lot within a multiple home site allotment must be capable of meeting the minimum requirements of the EHC.
- (g) Approval of the final plat of a major subdivision does not constitute a guarantee on behalf of the Board of Health that every sub-lot within the subdivision will ultimately be able to have a home constructed upon it.

872.04 BOARD OF HEALTH PLAT RESTRICTIONS.

The following language shall appear on the Final Plat of any Board of Health approved major subdivision:

BOARD OF HEALTH PLAT RESTRICTIONS

THIS SUBDIVISION HAS BEEN DESIGNED TO PROVIDE FOR ON-SITE HOUSEHOLD SEWAGE TREATMENT SYSTEMS (HSTS). HOWEVER, NO GUARANTEE OF SATISFACTORY OPERATION OF EACH HSTS IS MADE OR IMPLIED. ALL PERSONS, INCLUDING CORPORATIONS, WHO NOW OWN OR SHALL HEREAFTER ACQUIRE ANY LAND DESCRIBED IN THIS PLAT, SHALL BE TAKEN AND HELD TO AGREE WITH OWNER OF ABOVE-DESCRIBED LAND AND WITH ITS SUCCESSORS AND ASSIGNS TO CONFORM TO AND OBSERVE THE FOLLOWING RESTRICTIONS AND STIPULATIONS AS TO THE USE THEREOF AND CONSTRUCTION OF IMPROVEMENTS THEREON UNTIL SUCH TIME AS THE SUMMIT COUNTY COMBINED GENERAL HEALTH DISTRICT (HEALTH DISTRICT) DETERMINES THAT SAID RESTRICTIONS AND STIPULATIONS ARE NO LONGER REQUIRED TO WIT:

- A. Prior to the transfer of a deed or other instrument of conveyance for a lot within this subdivision, the grantee or grantor shall secure the approval of the Health District for the location and design of an HSTS and location of the private water system for the lot being transferred. No variance will be granted for any lots on which conditions not meeting the sanitary regulations of the Health District are found.
- B. Acceptance by the grantee or his agent of the Health District's HSTS Plan constitutes an agreement by the grantee and his heirs or assigns to locate and construct the home and to locate and construct

the HSTS and private water system as set forth in the plan and to operate and maintain such HSTS as set forth by the Health District, until such time as the construction of a public sanitary sewer system which will serve the lots in the subdivision, at which time grantee shall connect to such system.

- C. The subdivision plat may illustrate the proposed location of a HSTS and replacement area, alternative locations for the HSTS and replacement area may be possible as long as all Health District codes can be met, without requiring a Board of Health variance. All building shall be located to conform to the isolation distances from the designated HSTS and replacement area, as required in Section 840.04 of the Summit County Environmental Health Code.
- D. There shall not be constructed nor caused to be constructed any structure, building, device, driveway, parking area, swimming pool, livestock enclosure, geothermal heating/cooling device, or other obstruction on the portion of the lot designated by the Health District to be used for the HSTS or on any area designated for replacement of said system.
- E. Grantee must conform all landscaping and final grading on any lot within this subdivision to the operation of said lot's HSTS. Grantee must construct and maintain surface water diversion and/or surface drainage to conform with proper operation of the HSTS as such construction and maintenance are needed.
- F. Except the subdivision described on this plat, there shall be no further subdivision of lands on this plat for the purpose of creating additional building sites without the consent of the Board of Health.
- G. The grantee, by ownership of any lot, whether expressly stated or not in the deed or other instrument of conveyance, consents to the construction of a public sanitary sewer system which will serve the lots in this subdivision. In the event of the construction of the aforesaid sewer servicing this subdivision, the grantee shall connect to said system and pay all lawful assessments, fees, or charges incurred in connection therewith. (See also paragraph B.)
- H. Once construction of an HSTS is completed and until the HSTS has been abandoned due to sewer connection or other reason, the Health District reserves the right to periodically inspect the operation of each HSTS on each subplot within this subdivision and charge a reasonable fee to the owner of the subplot for the operation inspection.
- I. The seller of any subplot within this subdivision has the responsibility of making any potential buyer of any subplot within this subdivision aware of these plat restrictions.

872.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this Environmental Health Code shall be in violation of ORC 3707.48, 3709.20, 3709.21 or 3709.22, and subject to penalties provided in ORC 3707.99 and 3709.99.

(Resolution 165-07, July 12, 2007)