

ARTICLE III
Recordation of Onsite Sewage
Disposal Permit Limitations

143-15 New Systems.

Upon issuance by the Virginia Department of Health ("VDH") of an onsite sewage disposal system Operation permit ("Operation Permit") for a structure, the owner(s) of the property for which the Operations Permit is issued shall record in the Clarke County Circuit Court land records, within ten (10) days of the issuance of the Operations Permit, a Notice of Onsite Sewage Disposal Limitations, setting forth the limitations on the structure to be served by the approved onsite sewage disposal system, with a copy of the Operation Permit attached. The Notice of Onsite Sewage Disposal Limitations shall be on a form prepared by and available in the Clarke County Department of Planning.

143-16 Recordation of Certification Letter

Any owner(s) of an existing lot that is issued a VDH Certification Letter shall record said Certification Letter in the Circuit Court land records, within 10 days of issuance.

Prior to Health Department approval of a subdivision plat, the owner(s) of the property to be subdivided must apply for a VDH Certification Letter, at the Clarke County Health Department, for each lot to be created by the subdivision, and record said Certification Letters in the Circuit Court land records within 10 days after approval of the subdivision.

143-17 Certificate of Use and Occupancy

Any applicant requesting a Certificate of Use and Occupancy from the Clarke County Building Department, for a structure to be served by an onsite sewage disposal system, which is either new construction or the conversion of an existing structure to an occupied structure, or the addition to an existing structure so as to increase the number of bedrooms or to change the use of the structure so as to increase the gallons per day, shall record in the Circuit Court land records a Notice of Onsite Sewage Disposal Limitations, setting forth the limitations on the structure to be served by the approved onsite sewage disposal system, with a copy of the Operation Permit for that structure attached, and shall file with the building department a photocopy of the recorded Notice of Onsite Sewage Disposal Limitations, showing the Clerk's recording stamp. No such Certificate of Use and Occupancy shall be issued unless such a Notice of Onsite Sewage Disposal Limitations has been recorded for the structure. The Notice of Onsite Sewage Disposal Limitations shall be on a form prepared by and available in the Clarke County Department of Planning.

143-18 Building Permits for Existing Structures.

Any application for a building permit for the addition to or alteration of an existing structure, not requiring a certificate of occupancy when completed, which is served by an onsite sewage disposal system, shall comply with either A. or B.:

- A. Notice of Onsite Sewage Disposal Limitations not previously recorded
Record in the Circuit Court land records a Notice of Onsite Sewage Disposal Limitations for the structure, with a copy of the Operations Permit attached for each such structure on the property. If an Operation Permit has not been issued then a copy of the onsite sewage disposal system permit ("Sewer Permit") should be attached. Sewer Permits shall be identified on the Notice of Onsite Sewage Disposal Limitations as complete or incomplete. A photocopy of the recorded Notice of Onsite Sewage Disposal Limitations and Sewer Permit, showing the Clerk's recording stamp, shall be filed with the building permit application; or

- B. Notice of Onsite Sewage Disposal Limitations previously recorded
The applicant shall file with the application a photocopy of the previously recorded Notice Onsite Sewage Disposal Limitations with a copy of the Operations Permit attached for each such structure on the property. If an Operation Permit has not been issued then a copy of the Sewer Permit, showing the Clerk's recording stamp, should be attached. Sewer Permits shall be identified on the Notice of Onsite Sewage Disposal Limitations as complete or incomplete. A photocopy of the recorded Notice of Onsite Sewage Disposal Limitations and Sewer Permit, showing the Clerk's recording stamp, shall be filed with the building permit application.

No building permit for an existing structure, except for emergency repairs as described below, shall be issued unless a Notice of Onsite Sewage Disposal Limitations has been recorded for the structure. The Notice of Onsite Sewage Disposal Limitations shall be on a form prepared by and available in the Clarke County Department of Planning. The Definition of Complete and Incomplete Onsite Sewage Disposal Records shall also be prepared by and available in the Clarke County Department of Planning

Emergency Repairs. If the application for a building permit is for repairs that must be performed in an emergency situation, as determined by the building official, the Notice of Onsite Sewage Disposal Limitations shall be submitted to the building official within 5 working business days of issuance of the building permit.

143-19 Existing Systems.

Prior to the sale or transfer of any interest in any real property on which is located a structure or structures served by an onsite sewer disposal system, if a Notice of Onsite Sewage Disposal Limitations has not previously been recorded for each structure on the property, the owner of the property, prior to the recordation of the deed transferring ownership, shall record in the Circuit Court land records a Notice of Onsite Sewage Disposal Limitations for each structure on the property for which a Notice of Onsite Sewage Disposal Limitations has not previously been recorded, with a copy of the Operations Permit attached for each such structure on the property. If an Operation Permit has not been issued then a copy of the Sewer Permit should be attached. If a Sewer Permits is attached, it shall be identified on the Notice of Onsite Sewage Disposal Limitations as complete or incomplete. The Notice of Onsite Sewage Disposal Limitations shall be on a form prepared by and available in the Clarke County Department of Planning. The Definition of Complete and Incomplete Onsite Sewage Disposal Records shall also be prepared by and available in the Clarke County Department of Planning.

143-20 No Sewer Permit Available.

If an owner of property is unable to obtain a copy of a Sewer Permit after completing a VDH "File Search of Records" with the VDH, then in lieu of the recordation of the Notice of Onsite Sewage Disposal Limitations required under Sections 143-18 and 143-19, owner shall record in the Clarke County Circuit Court land records a Notice of No Sewer Permit Availability, with a signed VDH "File Search of Records" form attached, indicating that a copy of a Sewer Permit for the property is not available. The Notice of No Sewer Permit Availability shall be on a form prepared by and available in the Clarke County Department of Planning. The File Search of Records form is available from the Clarke County Health Department. Under the foregoing circumstances, the recordation of the Notice of No Sewer Permit Availability shall satisfy the requirements of Sections 143-18 and 143-19 for the recordation of a Notice of Onsite Sewage Disposal Limitations.

143-21 Violations

Any person violating the provisions of this Article shall be subject to a fine of \$100.00. Each day the violation continues shall constitute a separate offense.