

### **3701-29-24 Inclement Weather Occupancy Permit**

When during any time of the year an approved home sewage treatment system cannot reasonably be properly installed due to wet or other inclement weather or soil conditions, a temporary Inclement Weather Occupancy sewage permit may be issued to an applicant under the following terms and conditions. Such terms and conditions as contained herein are for the purpose of avoiding hardship to the prospective occupant while installation of such approved sewage system is delayed until weather conditions have arrived which are more conducive to the installation of a soil leaching trench system which comply with these regulations.

- (A) Prohibition - No person shall occupy a dwelling or maintain or operate a household sewage disposal system without first obtaining an inclement weather occupancy sewage permit from the Geauga County Health District. This prohibition applies to partially installed sewage systems as well as newly proposed installations.
- (B) Permit Application- Application shall be made on forms prescribed by the Health Commissioner and shall be accompanied by a fee established by the Board of Health and by the following additional items and documents on forms prescribed by the Health Commissioner:
  - (1) Applicant's Affidavit- agreeing to comply with the terms and conditions of this regulation and with the orders of the Health Commissioner and Board of Health and agreeing to placement of monies in escrow as required in this regulation.
  - (2) Homeowner's Affidavit- agreeing to comply with the applicable terms and conditions of this regulation and with the orders of the Health Commissioner and Board of Health and to make contact with septic tank pumpers or other approved agents in order to ensure pumping of holding tanks or other appropriate maintenance on a reasonable and adequate schedule, to do all things reasonable and necessary to prevent the temporary sewage device from producing a nuisance, and recognizing penalties for failure to comply plus the duty to notify any tenants of the dwelling.
  - (3) Pumper's/Maintenance Contractor's Contract and Affidavit- This shall consist of a signed pumping or maintenance contract with the applicant or with the dwelling occupant and an affidavit agreeing to perform the contract in a manner complying with these regulations and with the orders of the Health Commissioner and Board of Health, including the disposal of all pumpings at a facility approved by the Health Commissioner.
  - (4) Copy of Final Installer's Contract (Bid) for installation of the final, approved sewage system signed by a registered sewage system installer under these regulations and clearly setting forth the total contract price for the complete system.
  - (5) The regular sewage system installation permit for the final system must have been issued as required by regulation 3701-29-09, unless the same has already been submitted and is on file with the Geauga County Health District.
  - (6) The application fee as set by the Board of Health hereunder.
  - (7) The duly executed joint escrow document as specified in Paragraph (D) of this regulation.
- (C) Fee- The fee shall be set forth by the Geauga County Board of Health and shall be in

addition to sewage treatment installation permit. This fee does not include the lot evaluation fee or any other costs associated with the sewage system installation permit. This fee is non-refundable.

- (D) Escrow Deposit- Prior to the granting of any inclement weather occupancy permit hereunder, the Health Commissioner shall certify to the applicant an amount of monies to be placed in escrow by the applicant, which amount shall be ONE (1) times the reasonable contract as determined by the Health Commissioner based upon the final installer's contract (Bid), a submitted copy of which is required by Paragraph (B) (4) of this regulation. In no case, however, shall the escrow deposit be less than \$20,000.00. The escrow document shall be on forms prescribed by the Health Commissioner and shall hold the Geauga County General Health District, the Board of Health and all its officers and employees harmless from any damages or costs arising from the failure of the applicant, occupant, pumpers, maintenance agents or installers to comply with this regulation or with any of regulations 3701-29-01 to 3701-29-26 of the Home Sewage Treatment System Regulations of the Geauga County General Health District or other provisions of the Ohio Sanitary Code. Upon failure to comply with such regulations, including failure to properly install the final sewage system prior to expiration of the inclement weather occupancy permit granted hereunder, the escrow document shall provide that the monies in escrow shall be payable to the credit of the Board of Health Fund of the Geauga County General Health District. Said monies shall be employed by the Health District to cause final sewage system installation and other constructions or corrections to effect compliance with the previously mentioned regulations. The unused portion of Said monies shall be returned to the applicant within 30 days of the Health District's final approval of the completed sewage system.
- (E) Default of Escrow Monies-
- (1) Where required pumping of holding tanks is not properly executed in the judgment of the Health Commissioner, he/she may, after reasonable notification of the permit holder directly make arrangements for proper pumping of said tanks and enter the cost thereof as a claim upon the escrow account established in Paragraph (D) of this regulation and shall in such case make a written claim upon the permit holder to replenish the escrow account in the amount of funds thus utilized for pumping. Failure of the permit holder to so replenish the escrow account within 30 days after being requested in writing by the Health Commissioner to do so, shall disqualify the permit holder from obtaining any further inclement weather occupancy permits and may be found by the Board of Health as cause to revoke the inclement weather occupancy permit and order vacation of the dwelling.
  - (2) In the case of failure of the permit holder to comply with regulations 3701-29-01 to 3701-29-26 including failure to install the complete sewage disposal system as required prior to expiration of the inclement weather occupancy sewage permit, the escrow monies on deposit shall default to the Geauga County Health District, after ten (10) days written notice to the permit holder. The Health District, a party to the original installation contract, shall direct completion of said contract, or if not a party to the original contract, shall then seek three (3) qualified written quotes (bids) to install the complete sewage system. The Board of Health shall award a new contract to the registered installer submitting the lowest best quote (bid) at its discretion. Before completing the original contract or awarding a new contract, the Board of Health shall give the permit holder ten (10) days written notice by certified mail of their intent to do so.
- (F) Permit Validity Period-

- (1) An inclement weather occupancy sewage permit hereunder shall be valid for one hundred and twenty (120) days from the date of issuance, or for such longer period as may be specified in the individual case by the Board of Health but in no case longer than six (6) months from the date of issuance.
  - (2) Inclement weather occupancy sewage permit regulation shall be in effect year round.
- (G) Pumping and Disposal
- (1) All pumpings of holding tanks or other system components under the inclement weather permit program shall be transported and deposited in a sewage treatment plant facility approved by the Health Commissioner.
  - (2) No pumpings under the inclement weather permit program shall be used for land application or any other purpose except as specifically authorized in this regulation.
  - (3) All persons performing pumping pursuant to this regulation shall be recognized as a Household Sewage Tank Cleaner with the Geauga County Health District.
- (H) Partially Completed Systems
- (1) Applications for inclement weather occupancy sewage permits may be made by persons with partially completed sewage systems seeking temporary occupancy. In such cases, the required degree of pumping, if any, and other maintenance will be established by the Health Commissioner or Board of Health as a condition of permit issuance. Uncovered leach trenches shall not be activated for the purpose of occupancy under this regulation. All other provisions of this regulation shall apply.
  - (2) The application fee in the case of partially completed systems shall be as provided in Paragraph (C) of this regulation.
  - (3) The escrow deposit amount shall be one & one half times the reasonable cost of completing the partially completed system based on the registered installer's contract (bid) price.
- (I) Refusal Of Issuance/Revocation Of Permit- The Health Commissioner may refuse to issue an inclement weather occupancy sewage permit based upon any of the following reasons:
- (1) The lot or the design of the final sewage system cannot be approved for reasons of non-compliance with Regulations 3701-29-01 to 3701-29-26 or other sections of the Ohio Sanitary Code;
  - (2) Adequate pumping and disposal facilities are not available in the area;
  - (3) Incomplete or inaccurate application information;
  - (4) Applicant's failure to document existence of a joint escrow deposit;
  - (5) Applicant's failure to provide signed affidavits, contracts and legal consent forms as required

- (6) Applicant's failure to provide a signed pumping or maintenance contract including, where applicable, the name of a sewage disposal facility approved by the Health Commissioner.
- (8) Evidence of the applicant's or occupant's unwillingness or inability to work cooperatively with the Health District.
- (8) The applicant's failure to secure approvals on:
  - (a) Plumbing system;
  - (b) Private water system;
  - (c) Safe water sample.
- (J) Minimum Components
  - (1) Unstarted systems (as distinguished from partially completed systems) shall have the following minimum components to qualify the applicant for an inclement weather occupancy sewage permit
    - (a) Two (2) 1,000 gallon or larger holding tanks connected in series. Said tanks shall be watertight, covered receptacles meeting the standards for septic tanks approved by the health district or constructed of synthetic materials and designed to standards approved by the Ohio Department of Health for septic.
    - (b) Holding tanks hereunder shall be securely anchored in place in a manner reasonably calculated to prevent flotation
    - (c) The outlet pipe of the last tank in the series shall have a tail pipe extending out two (2) feet from the tank and upward at a 90 degree angle to a point two (2) feet above grade. The tail pipe shall be properly vented and marked for prevention of pedestrian injury as required by the Health Commissioner.
    - (d) The last tank in the series shall have a high-level liquid alarm device installed within the tank with an audible alarm signal device installed inside the dwelling. This alarm shall be set to allow a safety margin of one (1) additional day's accumulation of sewage prior to overflow.
- (K) Inspection- Interim sewage arrangements pursuant to this regulation shall be inspected by the Health Commissioner as often as reasonably necessary to ensure compliance with this regulation and with Regulations 3701-29-01 to 3701-29-26 and other applicable provisions of the Ohio Sanitary Code.
- (L) Compliance-
  - (1) All household sewage systems shall comply with regulations 3701-29-01 to 3701-29-26 of the Geauga County Health District. No elements of any interim sewage arrangements made pursuant to inclement weather occupancy sewage permits hereunder shall in any way predispose or obligate the Board of Health to grant such elements as a variance to be included in the final approved sewage system. Any and all

variances to any sewage system shall be requested separately pursuant to regulation 3701-29-18 (C) as in & general case.

- (2) Where a variance for a final, approved sewage system has been granted by the Board of Health under regulation 3701-29-18 (C), the resultant design modifications may be considered by the Health Commissioner in determining the applicable minimum components of the interim sewage system arrangements pursuant to inclement weather occupancy as set forth in Paragraph (J) of this regulation.
- (M) Revocation of Permit - The Board of Health may revoke any inclement Weather Occupancy Sewage Permit hereunder for reasons including but not limited to the following:
- (1) Failure of the permit holder, occupant, pumping or maintenance contractor or installer to comply with this regulation, regulations 3701-29-01 to 3701-29-26, or with any contract, affidavit, covenant, or agreement entered into pursuant to such regulations.
  - (2) The interim sewage arrangements are causing a nuisance.
  - (3) This regulation is found in whole to be invalid by a Court of competent jurisdiction.
- (N) Vacation of Premises - In the case of revocation of an Inclement Weather Occupancy Sewage Permit hereunder, the Board may order the subject dwelling and premises vacated upon fifteen (15) days written notice to the permit holder and occupant.
- (O) Emergency - This regulation, of necessity, is adopted as an emergency measure to protect the public health and shall go into immediate effect. The reason for such necessity lays in the fact that an inclement weather condition may occur at any time during the year and we have experienced record-setting rainfall this year, and the regulation must take effect immediately in order to secure the public benefits being sought.