

La Porte County Property Transfer Ordinance

Ordinance No. 2024-3
Of The Board of Commissioners
Of LaPorte County, Indiana

Whereas, the Board of Commissioners of La Porte County recognized the need to protect the health, safety, welfare and property of the residents of La Porte County by ensuring appropriate information is provided to prospective buyers concerning the quality of the drinking water prior to the acquisition of properties.

Section 1: Definitions:

- A. **Authorized Agent:** Any person who collects a fee or other compensation to represent a seller during a transfer of ownership of a property, including, but not limited to any real estate company, Title Company, law firm, or their authorized employee or agent.
- B. **Buyer:** A person who has made a written offer to purchase property.
- C. **Closing:** The act of transferring ownership of a property from one person to another involving the signing of final documents for the transfer.
- D. **Health Department:** The La Porte County Health Department.
- E. **Health Officer:** The La Porte County Health Department Health Officer or his/her duly authorized representative.
- F. **Person:** Any individual, trust, joint stock company, federal agency, corporation (including a government corporation), limited liability company, partnership, copartnership, company, estate, municipal corporation, city, school city, town, school town, school district, school corporation, county, state agency, association, state, commission, political subdivision of a state, any interstate entity or legal representative.
- G. **Potable Water System:** The well and distribution system of a residential or commercial water system used or intended for use for drinking or culinary purposes.
- H. **Primary Point of Use:** The most commonly used source(s) of drinking water. For residences, the primary point of use is usually the kitchen faucet.
- I. **Property:** A residential / commercial property within La Porte County, Indiana.

- J. **Property Transfer:** The conveyance of an interest in a property by any of the following:
- 1) A deed or other instrument of conveyance of fee title to property.
 - 2) A lease whose term, if all options were exercised, would be more than forty (40) years.
 - 3) A collateral assignment of a beneficial interest in a land trust.
 - 4) An installment contract for the sale of a property.
- K. **Seller:** The owner of the property being sold or their authorized agent.

Section 2: Applicability:

- A. These Standards and Requirements apply to the transfer of any property in La Porte County including all residential and commercial properties.

Section 3: General Requirements:

- A. It shall be a violation of the Ordinance for any seller or their authorized agent to participate in the closing of a property transfer unless the requirements of the Ordinance and these Standards and Requirements have been met.
- B. It shall be a violation of the Ordinance for any person or their authorized agent to participate in the closing of a property transfer to provide false information to the Health Department concerning the transfer of the ownership of a property.
- C. If the property has a potable water well, the seller/buyer or their authorized agent shall have the potable water tested prior to closing the property and shall provide the results of the inspection and tests to the buyer and the Health Department.
- D. Properties that are on municipal water and/or sewer will need to supply the Health Department with a bill for these services or an affidavit. There will be no fee for a Property Transfer for properties with municipal water and sewer services.
- E. The Health Department may refuse to accept data or information from any party found to have violated this Ordinance.
- F. The fee for the Property Transfer and statement of compliance will be established by the La Porte County Commissioners.
- G. Property Transfer Inspection shall be valid for 1 year from the date the inspection was completed.
- H. The seller/buyer or their authorized agent shall have the tests described herein performed and shall submit a Property Transfer Application form and all

applicable fees to the Health Department according to the schedule established in Section 6.

Section 4: Potable Water Well:

- A. Each potable well on the property shall be analyzed by a certified laboratory for the following contaminants:
 - 1) Total coliform
 - 2) *E. coli*
 - 3) Nitrate (NO₃)
 - 4) Arsenic
 - 5) Lead for homes built prior to 1973
- B. Any additional tests as deemed reasonable and ordered by the Health Officer to the extent that the tests protect against a health threat.
- C. The laboratory shall report the results of the water analysis along with the U.S. Environmental Protection Agency Drinking Water Standard so that it is clear to the lay person whether the water meets standards.

Section 5: Reporting:

Water tests should be performed as early as possible in the property transfer process.

- A. The following must be received by the prospective buyer(s) three (3) days prior to closing:
 - 1) A copy of all water analyses as defined in Section 4.A. or a copy of the water bill or a letter from the municipality as defined in Section 3.D.
 - 2) A copy of the sewer bill or a letter from the municipality as defined in Section 3.D.
- B. The following information must be received by the Health Department not later than Five (5) days after the date of closing.
 - 1) A copy of all water analyses as defined in Section 4.A. or a copy of the water bill or a letter from the municipality as defined in Section 3.D.
 - 2) A copy of the sewer bill or a letter from the municipality as defined in Section 3.D.
 - 3) A completed Property Transfer Application form.

4) The fee designated by the County Commissioners.

C. Health Department Statement of Compliance.

- 1) Upon receipt of all required information, application, fees, and the completion of all required actions by the seller, the Health Department shall issue a certificate of compliance or non-compliance to the seller or their authorized agent upon.
- 2) Upon receipt of a non-compliant inspection, the seller or their authorized agent shall be informed by the Health Department of the nature of the violative conditions and the time allowances for the satisfactory correction thereof for full compliance.
- 3) A certificate of compliance issued for the water well does not guarantee its continued future performance, water quality, or operation.

Section 6: Violation Notices, Penalties and Fines:

- A. Any person found to be violating any provision of this Ordinance shall be served by the County Board of Health or the duly appointed Health Officer with a written order stating the nature of the violation conditions that may transmit disease and provide a time limit for satisfactory correction thereof.
- B. If a person refuses or neglects to obey an order issued under this section or IC 16-20-1-25, proceedings may be instituted in the courts for enforcement or an order may be enforced by injunction if the action is a criminal offense and a law enforcement authority with the jurisdiction over the location where the offense occurred shall be notified.
- C. Any person who violates any provision of this Ordinance shall be deemed to have committed an ordinance violation and shall be fined not more than (\$500.00) five hundred dollars for the first offense and not more than one thousand dollars (\$1000.00) for the second offense and for the third and each subsequent offense by a fine of not more than two thousand five hundred dollars (\$2,500.00). Each day after the expiration of the time limit as ordered by the County Board of Health or by the duly appointed Health Officer of the County shall constitute a distinct and separate offense. Such fines collected shall be accounted for and shall be transferred to the health fund of the taxing unit.

Section 7: Effective Date and Repeal:

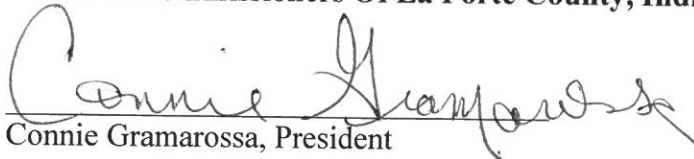
This Ordinance shall take effect on the date of its passage, publication, and recording as provided by law, accordingly. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

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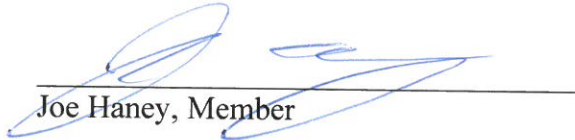
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Adopted and Approved by the Board of Commissioners of La Porte County, IN this 20th day of June, 2024.

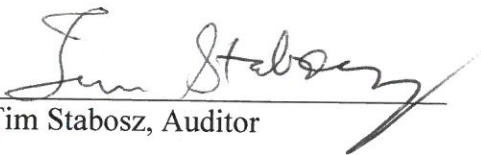
Board of Commissioners Of La Porte County, Indiana


Connie Gramarossa, President


Rich Mrozinski, Vice-President


Joe Haney, Member

1st Reading 6-5-2024
2nd Reading 6-20-2024

Attest: 
Tim Stabosz, Auditor