

**DRAFT Snohomish County Health Code ordinance – for community review  
Property Transfer Inspection Requirements**

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SNOHOMISH COUNTY BOARD OF HEALTH  
Snohomish County, Washington

ORDINANCE NO. BOH26-XX

RELATING TO ON-SITE SEWAGE SYSTEM REQUIREMENTS FOR REAL ESTATE  
TRANSACTIONS; ADDING A NEW CHAPTER TO THE BOARD OF HEALTH CODE

WHEREAS, WAC 246-272A-0270 provides that beginning February 1, 2027, at the time of property transfer, the owner of an on-site sewage system (OSS) must obtain an inspection, as required in WAC 246-272A-0260(5), by a third-party inspector authorized by the local health officer; and

WHEREAS, WAC 246-272A-0270 further provides that the local health officer may verify the results of the OSS inspection and may require additional inspections and other requirements not listed in WAC 246-272A-0260; and

WHEREAS, under RCW 70.05.060(3) the Snohomish County Board of Health has authority to enact such local rules and regulations as necessary in order to preserve, promote, and improve the public health and provide for the enforcement thereof, and, further, may adopt and enforce local rules governing OSS under WAC 246-272A-0013; and

WHEREAS, the Snohomish County Board of Health has determined that updating the existing Snohomish County Board of Health Code is necessary to effectively communicate the local rules and regulations to the people of Snohomish County;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. A new chapter is added to Title 5 of the Snohomish County Board of Health Code to read:

**CHAPTER 5.60  
ON-SITE SEWAGE SYSTEM REQUIREMENTS FOR REAL ESTATE  
TRANSACTIONS**

Sections:

- 5.60.010 Authority and purpose.
- 5.60.020 Applicability.
- 5.60.030 Definitions.
- 5.60.040 Report of property transfer required.
- 5.60.050 Report of property transfer - application review.

- 1 5.60.060 Report of property transfer - issuance and expiration.
- 2 5.60.070 Violations.

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4

5 **5.60.010 Authority and purpose.**

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7 A. *Authority.* The board of health adopts these regulations under the authority of  
8 chapters 70.05, 70A.105, and 70A.110 RCW and chapter 246-272A WAC. WAC 246-  
9 272A-0270 authorizes the health officer to respond to the results of inspections of on-  
10 site sewage systems (OSS) that are required to be submitted to the health officer by an  
11 OSS owner at the time of property transfer and to establish standards for such  
12 inspections, including requirements for addressing identified deficiencies or defects.

13

14 B. *Purpose:* The purpose of this chapter is to protect public health and the environment  
15 by requiring all real estate transactions involving properties served by an OSS to include  
16 a report of property transfer issued by the health officer. This process verifies if the  
17 OSS:

18

- 1. Is functioning properly and in compliance with this title;
- 19 2. Has a record drawing or site plan on file with the health department; and
- 20 3. Establishes requirements for addressing any identified deficiencies or defects
- 21 of the OSS at the time of property transfer.

22

23 **5.60.020 Applicability.**

24

25 A. *Applicability.* This chapter shall apply to all real estate transactions involving  
26 properties within Snohomish County served by on-site sewage systems.

27

28 B. *Exemptions.* This chapter does not apply to the following properties served by an  
29 OSS:

30

- 31 1. Properties where the OSS was installed within 12 months from the date of the  
32 real estate transaction; or
- 33 2. Properties that meet any of the criteria under RCW 64.06.010.

34

35 **5.60.030 Definitions.**

36

37 In addition to the definitions found in chapter 246-272A WAC, the following shall apply to  
38 this chapter:

39

40 “Certificate of competency” or “certification” means a document issued by the health  
department indicating an individual’s satisfactory completion of the application and

1 testing procedures relative to an installer, monitoring and maintenance specialist, or  
2 pumper.

3 “Immediate health or safety hazard” means any condition of an on-site sewage system  
4 that poses an immediate or imminent risk to public health, safety, or the environment.  
5

6 “Inspection report” means a written record that documents the inspection of OSS  
7 components, including any work performed, that is prepared and submitted in the  
8 format, manner, and timeframe required under SCBHC 5.55.100.  
9

10 “On-site sewage system contractor” or “OSS contractor” or “contractor” means a person  
11 who is in possession of an installer, monitoring and maintenance specialist, or pumper  
12 certificate of competency.  
13

14 “Property buyer” or “buyer” means the person who acquires ownership of real property  
15 as a result of a real estate transaction.  
16

17 “Property seller” or “seller” means the person who holds ownership of real property  
18 immediately before a real estate transaction.  
19

20 “Pumping” means the process of removing septage from a sewage tank.  
21

22 “Pumping report” means a written record that documents the removal of septage from a  
23 sewage tank, including any work performed, that is prepared and submitted in the  
24 format, manner, and timeframe required under SCBHC 5.55.100.  
25

26 “Real estate transaction” or “property transfer” means a change in ownership of real  
27 property, including sale or deed transfer.  
28

29 “Report of property transfer” means a document issued by the health officer that verifies  
30 the OSS inspection, pumping, and system status before a real estate transaction.  
31

32 “Site plan” means a graphic and written record of the approximate location of all system  
33 components of an undocumented OSS relative to existing structures and prominent site  
34 features for a developed property; typically an unofficial record for informational  
35 purposes only.  
36

37 **5.60.040 Report of property transfer required.**  
38

39 *A. General.* No real property served by an OSS shall be transferred to a new owner  
40 without a report of property transfer issued by the health officer to the property seller,  
41 except for properties exempt under SCBHC 5.60.020(B). At the time of property

1 transfer, the seller must provide the buyer with a report of property transfer issued by  
2 the health officer, all available OSS maintenance and repair records, and a completed  
3 seller disclosure statement in accordance with chapter 64.04 RCW for residential real  
4 property transfers.

5  
6 **B. Report of property transfer requirements.** To obtain a report of property transfer from  
7 the health officer, a property seller shall submit an application to the health department  
8 on a form provided by the health department, together with the following:  
9

- 10 1. *OSS inspection report.* A full inspection of the OSS shall be conducted by an  
11 OSS contractor no sooner than 12 months before the property transfer.  
12 Documentation of the inspection shall be recorded in the inspection report, as  
13 defined under SCBHC 5.60.030;
- 14 2. *Documentation of pumping.* If the OSS inspection report recommends  
15 pumping the OSS, the OSS sewage tank shall be pumped by a certified  
16 pumper. Documentation of the pumping shall be recorded in the pumping  
17 report, as defined under SCBHC 5.60.030. If the OSS is pumped and  
18 inspected on the same day, then a single report may be submitted, provided all  
19 required pumping information is clearly documented on the inspection report;
- 20 3. *Record drawing of OSS.* The property seller must verify that a record drawing  
21 (as-built) of the OSS serving the property is on file with the health department.  
22 If no as-built is on file, the seller must have an OSS contractor prepare a site  
23 plan, as defined in SCBHC 5.60.030, at the time of inspection or pumping, and  
24 include this site plan in the report of property transfer application; and
- 25 4. *Application fee.* Payment of the application fee set forth in chapter 1.40  
26 SCBHC.  
27

#### 28 **5.60.050 Report of property transfer – application review.**

29  
30 Upon receipt of a complete application for a report of property transfer, the health officer  
31 shall verify compliance with the requirements set forth in SCBHC 5.60.040 and review  
32 the OSS service history, including the most recent OSS inspection report, to evaluate  
33 the status of the OSS. Based on this review, the health officer may take one of the  
34 following actions:  
35

36 **A. No deficiencies in OSS inspection report.** If the OSS is functioning properly and no  
37 deficiencies or defects are identified in the OSS inspection report, the health officer may  
38 issue the report of property transfer to the property seller with no listed deficiencies or  
39 defects.  
40

41 **B. Deficiencies in OSS inspection report.** If deficiencies or defects are identified in the  
42 OSS inspection report, the health officer may issue the report of property transfer to the

1 property seller identifying all deficiencies or defects needing correction. The property  
2 owner shall be responsible for completing any needed repairs to promptly return the  
3 OSS to a proper operating condition, in accordance with WAC 246-272A-0270. If  
4 needed repairs are completed by the property seller, the health officer may re-issue the  
5 report of property transfer to the property seller indicating that all previously identified  
6 deficiencies or defects have been corrected.

7  
8 **C. Immediate health or safety hazard identified in OSS inspection report.** If surfacing  
9 sewage or any condition posing an immediate health or safety hazard to the public or  
10 the environment is identified in the OSS inspection report, the health officer shall  
11 conduct a site visit and may take any or all of the following actions:

- 12 1. Initiate enforcement action against the property owner until the immediate  
13 health or safety hazard is remedied;
- 14 2. Require a compliance schedule for repair of a failure; and
- 15 3. Record with the Snohomish County Auditor the report of property transfer  
16 identifying the OSS failure.

17  
18 Following the site visit, the health officer may issue a report of property transfer to the  
19 property seller based on the applicable criteria set forth in subsections (A) or (B) of this  
20 section.

#### 21 22 **5.60.060 Report of property transfer – issuance and expiration.**

23  
24 **A. Report of property transfer issuance.** A report of property transfer shall be valid for 12  
25 months from the date of issuance. Each report of property transfer is only valid for one  
26 on-site sewage system and one transfer of property.

27  
28 **B. Report of property transfer expiration.** An expired report of property transfer shall not  
29 be renewed. Upon expiration, the property owner must submit a new report of property  
30 transfer application, pay all required fees in accordance with chapter 1.40 SCBHC, and  
31 comply with all applicable provisions of this chapter.

32  
33 **C. Pending report of property transfer applications.** Report of property transfer  
34 applications expire 12 months from the original date of submission. Failure to complete  
35 the application requirements and resolve identified issues within that time frame shall  
36 require the property owner to submit a new report of property transfer application, pay  
37 all required fees in accordance with chapter 1.40 SCBHC, and comply with all  
38 applicable provisions of this chapter.

#### 39 40 **5.60.070 Violations.**

1 It shall be a violation of this chapter for a property seller to transfer property served by  
2 an on-site sewage system without first obtaining a report of property transfer from the  
3 health officer and providing the report to the property buyer, in addition to the  
4 requirements listed under WAC 246-272A-0270(k)(i). Violations are subject to  
5 enforcement under the applicable provisions of the Snohomish County Board of Health  
6 Code.

7  
8 Section 2. Severability. If any provision of this ordinance or its application to any  
9 person or circumstance is held invalid, the remainder of the ordinance or the application  
10 of the provision to other persons or circumstances is not affected.

11  
12 Section 3. Effective date, implementation. This ordinance shall take effect on  
13 November 1, 2026. The Health Department is authorized to take such actions as may  
14 be necessary to implement this ordinance on its effective date.

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16  
17  
18 PASSED this \_\_\_\_ day of \_\_\_\_\_, 2026.

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21  
22 SNOHOMISH COUNTY BOARD OF HEALTH  
23 Snohomish County, Washington

24  
25  
26  
27 \_\_\_\_\_  
28 Chairperson

29  
30 ATTEST:

31  
32  
33 \_\_\_\_\_  
34 Clerk of the Board

- 35  
36 ( ) APPROVED  
37 ( ) EMERGENCY  
38 ( ) VETOED

39 DATE: \_\_\_\_\_  
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Approved as to form only:

\_\_\_\_\_  
Deputy Prosecuting Attorney

DRAFT