

1st reading 4-3-19
 2nd reading 4-10-19
 3rd reading 5-1-19
 Voted On 5-1-19
 Ayes: 6 Nays: 0
 PASSED X DEFEATED _____

ORDINANCE NO. 2019-10

**AN ORDINANCE
 AMENDING CERTAIN SECTIONS OF CHAPTER 1337 OF THE
 CODIFIED ORDINANCES OF ORANGE VILLAGE REGARDING
 SEWAGE TREATMENT SYSTEM POINT-OF-SALE
 INSPECTIONS.**

WHEREAS, Subsection 1337.06(b) and Section 1337.09 provide that when a dwelling unit with a household sewage treatment system is to be sold, transferred or otherwise conveyed has been unoccupied for period of thirty (30) or more days, a household sewage treatment system evaluation may not be properly conducted; and

WHEREAS, Council has been made aware that the Cuyahoga County Board of Health currently requires that a dwelling unit with a household sewage treatment system be “continually occupied” for a minimum of sixty (60) days immediately prior to testing being performed; and

WHEREAS, Council desires to amend, clarify and update Section 1337.06(b) and Section 1337.09 in order to align the Village’s point of sale policies with the requirements enforced by the Cuyahoga County Board of Health.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE, CUYAHOGA COUNTY, STATE OF OHIO:

SECTION 1. That existing Subsection 1337.06(b), Escrow; Required Use of Certificate of Compliance/Certificate of Conditional Transfer, of the Codified Ordinances is hereby amended to read and provide, as follows:

“1337.06 ESCROW; REQUIRED USE OF CERTIFICATE OF COMPLIANCE/CERTIFICATE OF CONDITIONAL TRANSFER.

(b) In the event that a dwelling or dwelling unit with a household sewage treatment system is to be sold, transferred or otherwise conveyed and has **not** been **continuously** unoccupied for a period of ~~thirty~~ **sixty (60)** or more days, such that a household sewage treatment system evaluation may not be properly conducted, subsection (a) does not apply and the seller must comply with the provisions of Section 1337.09 below.

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SECTION 2. That existing Section 1337.09, Special Procedure for Vacant Dwellings and Dwelling Units with Household Sewage Treatment Systems, of the Codified Ordinances is hereby amended to read and provide, in its entirety, as follows:

“1337.09 SPECIAL PROCEDURE FOR VACANT DWELLINGS AND DWELLING UNITS WITH HOUSEHOLD SEWAGE TREATMENT SYSTEMS.

In the event that a dwelling or dwelling unit to be sold, transferred or otherwise conveyed in a manner requiring a Point-of-Sale inspection as provided in this Chapter has **not** been **continuously** unoccupied for a period of **thirty sixty** (360) or more days prior to the date of transfer such that a household sewage treatment system evaluation may not be properly conducted, the following procedure shall apply:

(a) An application for a Certificate of Compliance shall be filed by the seller upon forms provided by the Building Department before transfer of title and the Building Department shall issue a Certificate of Conditional Transfer stating that the household sewage treatment system must be tested not less than **thirty sixty** (360) or more than **sixty** (690) days after **the household has been continuously occupied** ~~occupancy~~. Compliance with Chapter 1373 shall also be noted thereon, with an Order for Correction if the dwelling or dwelling unit is noncompliant.

(b) The seller shall provide the purchaser with an exact copy of the Certificate of Conditional transfer that he/she received from the Building Department, and shall obtain the purchaser's signature and the date of signature thereon.

(c) The purchaser, the Building Department and the CCGHD shall agree on a mutually convenient day and time for the inspection(s) of the subject premises, which inspection(s) shall be conducted after the property has been **continuously** occupied for a period of no less than **thirty sixty** (360) but no more than **sixty ninety** (690) days.

(d) In the event a dwelling or dwelling unit with a household sewage treatment system is sold at Sheriff's sale or other court-ordered auction, and the property has **not** been ~~vacant~~ **continuously** for more than **thirty sixty** (360) days, the following procedure shall apply:

(1) Application for a Certificate of Compliance shall be made by the purchaser upon forms provided by the Building Department within thirty (30) days of the date of sale.

(2) The purchaser, the Building Department and the CCGHD shall agree on a mutually convenient day and time for the inspection(s) of the subject premises, which inspection(s) shall be conducted after the property has been **continuously** occupied for a period of no less than **thirty sixty** (360) days but no more than **sixty ninety** (690) days.

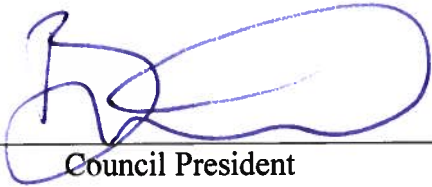
(3) The purchaser shall obtain a Certificate of Compliance from the Building Department within ~~ninety-one hundred twenty~~ (9120) days of the date of sale, unless for good cause shown, the Building Department extends this compliance time.”

SECTION 3. That existing Subsection 1337.06(b) and Section 1337.09 of the Codified Ordinances of Orange Village and any ordinance or any part of any ordinance in conflict with this Ordinance are repealed to the extent of the conflict.

SECTION 4. That actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Chapter 105 of the Codified Ordinances of Orange Village.

SECTION 5. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 5-1, 2019

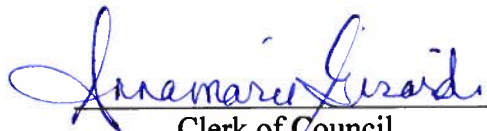


Council President

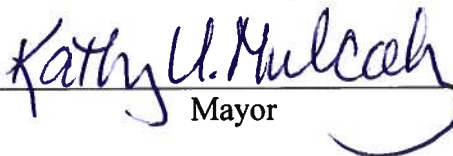
Submitted to the Mayor for approval on this 1st day of MAY, 2019

Approved by the Mayor this 1st day of MAY, 2019

ATTEST:



Clerk of Council



Mayor