

ORDINANCE NO. 2025-1

AN ORDINANCE

AMENDING CERTAIN SECTIONS OF CHAPTER 1337 “POINT-OF-SALE INSPECTIONS” OF THE CODIFIED ORDINANCES OF ORANGE VILLAGE TO CHANGE THE VILLAGE’S PROCEDURES FOR CONDUCTING THE POINT-OF-SALE INSPECTION OF SEPTIC TANKS, AND DECLARING AN EMERGENCY.

WHEREAS, this Council desires to amend certain sections of the Orange Village point-of-sale inspection program to conform the Village’s sanitary septic system inspection program with the Cuyahoga County Board of Health requirements.

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

SECTION 1. That existing Section 1337.06, “Escrow; Required Use of Certificate of Compliance/Certificate of Conditional Transfer”, is amended to read as follows:

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

(a) The seller shall deposit in escrow, when an escrow has been established, a copy of a Certificate of Compliance or a Certificate of Conditional Transfer which has been signed and dated by the purchaser.

(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 occupied for a period of ~~sixty (60)~~ thirty (30) 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.

(c) In the event a dwelling or dwelling unit is sold at Sheriff’s sale or other court-ordered auction, subsection (a) does not apply and the purchaser must obtain a Certificate of Compliance from the Building Department as specified in Section 1337.02(b) hereof and, if applicable, comply with Section 1337.09 below.

(d) This Chapter set forth procedures and requirements that are applicable to the seller and purchaser at the time of a sale of a dwelling or dwelling unit as to Code violations relating to smoke detectors, carbon monoxide detectors, household sewage treatment systems and private water systems. Nothing contained in this Chapter shall be construed as limiting the Village, at any time, from proceeding against the owner of property as defined in the Codified Ordinances for violation(s) of any other ordinances.”

SECTION 2. That existing Section 1337.09, “Special Procedure for Vacant Dwellings and Dwelling Unites With Household Sewage Treatment Systems” is amended to read 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 occupied for a period of ~~sixty (60)~~ **thirty (30)** 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 ~~sixty (60)~~ **thirty (30)** or more than ninety (90) days after the household has been continuously occupied. 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 ~~sixty (60)~~ **thirty (30)** but no more than ninety (90) 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 continuously for more than ~~sixty (60)~~ **thirty (30)** 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 ~~sixty (60)~~ **thirty (30)** days but no more than ninety (90) days.

(3) The purchaser shall obtain a Certificate of Compliance from the Building Department within one hundred twenty (120) days of the date of sale, unless for good cause shown, the Building Department extends this compliance time.”

SECTION 2. That existing Sections 1337.06 and 1337.09 of the Codified Ordinances of Orange Village, Ohio, and any Ordinance or any part of any Ordinance that conflicts with this Ordinance is repealed to the extent of the conflict.

SECTION 3. That the 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

ORDINANCE NO. 2025-1

#3

the public, in compliance with all legal requirements including Chapter 105 of the Codified Ordinances of Orange Village.

SECTION 4. That this Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of Orange Village and, further for the reason that it provides for the usual daily operation of a municipal department and so that the Village's septic system inspection protocol matches the requirements of the Cuyahoga County Board of Health; wherefore, this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: February 5, 2025



Council President


Submitted to the Mayor for
approval on this 5th day of February, 2025

Approved by the Mayor this
5th day of February, 2025

ATTEST:



Clerk of Council



Mayor