

CHAPTER 1446
Certificate of Inspection at Time of Sale

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CROSS REFERENCES

Ohio Building Code - see B. & H. Ch. 1420

Ohio Plumbing Code - see B. & H. Ch. 1424

National Electrical Code - see B. & H. Ch. 1426

Inspections of paint removal and exterior surface cleaning - see B. & H. 1474.04(c)

Inspections under Exterior Property Maintenance Code - see B. & H. 1490.14 et seq., 1490.20

1446.01 CERTIFICATE OF INSPECTION REQUIRED.

(a) The owner of improved real estate used or intended to be used for residential purposes shall obtain a certificate of inspection prior to selling, transferring, or conveying an interest in such property.

(b) No owner of real estate described in division (a) above shall sell, transfer or otherwise convey an interest in such property without first presenting the prospective purchaser or grantee with a copy of a certificate of inspection or a copy of a certificate of compliance issued by the Building Inspector within one year prior to the sale, transfer, or conveyance.

(c) In the event the real estate described in division (a) above is sold at Sheriff's sale or other court-ordered auction, and no certificate of compliance has been issued within one year prior to such sale, the purchaser shall apply in writing to the Director within 30 days after the date of sale for an inspection of the property. The method of application and inspection shall be as set forth in Section 1446.02.

(d) This chapter shall not apply to the individual transfer of property through inheritance or gift where no bona fide sale is intended.

(Ord. 43-02. Passed 6-4-02.)

1446.02 APPLICATION FOR INSPECTION.

(a) Application for the certificate of inspection required by this chapter shall be made by the owner, or an agent for the owner, upon forms provided by the Building Inspector.

(b) If the applicant consents to the inspection, the parties shall agree on a time during regular business hours of the Building Department.

(c) If, after application, the owner, authorized agent, or occupant refuses to consent to an inspection of the subject property or consent is otherwise unobtainable, the Building Inspector may make such inspection after first obtaining a search warrant.

(Ord. 43-02. Passed 6-4-02.)

1446.03 ORDERS FOR CORRECTION.

(a) Except in the case of immediate danger to the public health or safety, the certificate of housing inspection shall contain the order of the Building Inspector for the correction of any Code violations noted on the certificate, which shall be corrected by the owner of the property within 90 days of the issuance of the certificate, unless, for good cause shown, the Building Inspector has extended the time for such completion.

(b) As to property purchased at a Sheriff's sale, or other court-ordered auction, if violations noted in the certificate of inspection have not been corrected within 90 days as set forth in division (a) of this section, the Building Inspector may extend such time for completion, but shall require a performance bond or equivalent financial guarantee in form satisfactory and approved by the Law Director, issued to the Village in an amount reasonably calculated, as determined by the Law Director, to ensure the correction of such violations.

(Ord. 43-02. Passed 6-4-02.)

1446.04 FEES.

(a) The fee charged for the certificate of inspection shall be fifty dollars (\$50.00) for the first dwelling unit and an additional twenty dollars (\$20.00) for each additional unit in such structure.

(b) A re-inspection fee of twenty-five dollars (\$25.00) shall be charged for each re-inspection after the first two re-inspections, to be paid by the owner of the property at the time of the issuance of the certificate of compliance.

(Ord. 43-02. Passed 6-4-02.)

1446.05 REQUIRED USE OF CERTIFICATE OF INSPECTION.

(a) No person, agent, firm or corporation shall sell, transfer title or convey an interest in improved residential real estate without first providing the purchaser with a current certificate of inspection or a certificate of compliance.

(b) The seller shall deposit in escrow a statement signed by the purchaser acknowledging receipt of the certificate of inspection or certificate of compliance, and such statement shall list thereon the date the certificate was given to the purchaser.

(c) A copy of the purchaser's signed acknowledgment form, described in division (b) of this section, shall be provided to the Building Department as a condition of transfer of title.

(d) If all violations listed on the certificate of inspection are not corrected prior to transfer of title, an escrow account shall be established and funds, in an amount not less than one hundred dollars (\$100.00) and equal to 150% of the estimated cost of repairs, shall be deposited therein to pay for the cost to correct all remaining violations. The amount to be held in escrow shall be determined by procuring written estimates from at least two companies capable of performing the work, which are currently registered to do business in the Village. The amount deposited into escrow shall be 150% of the higher of the two estimates. If the party establishing the escrow (seller or purchaser) can demonstrate to the Building Inspector that after a good faith effort he or she is unable to obtain two written estimates, the Building Inspector may establish the amount of the escrow.

(e) Funds shall be disbursed only upon written authorization from the Building Inspector or his or her designee. If the funds held in escrow are less than five thousand dollars (\$5,000.00), no funds held in escrow shall be released until all violations are corrected. If the funds held in escrow exceed five thousand dollars (\$5,000.00), the Building Inspector or his or her designee may authorize one partial release of funds from escrow upon his or her determination that substantial progress has been made in correcting the violations, and that sufficient funds remain in escrow to correct all remaining violations.
(Ord. 43-02. Passed 6-4-02.)

1446.06 WARRANTY OF COMPLIANCE.

In every sale of realty to which this chapter applies, the seller of the property shall warrant, or be presumed to have warranted, that the structures and premises are in compliance with the Building Code, the Housing Code, the Zoning Code and other applicable ordinances of the Village at the time of the contract of sale, unless the seller has obtained and presented to the buyer a certificate of inspection or a copy of a certificate of compliance as provided for herein, or unless the buyer has actual knowledge of the deficiencies or violations in the structures at the time of the contract of sale.
(Ord. 43-02. Passed 6-4-02.)

1446.07 FORMS, RULES AND REGULATIONS; APPEALS.

The Building Inspector is authorized and directed to promulgate such forms, rules and regulations as are necessary for the efficient administration of this chapter.
(Ord. 43-02. Passed 6-4-02.)

1446.08 ESCROW AGENT OBLIGATIONS.

No person, firm or corporation acting in the capacity of an escrow agent in any real estate transaction shall transfer title, file any instrument to transfer title, or disburse funds from any sale unless the provisions of this chapter have been satisfied, including but not limited to the specific provisions of Section 1446.05.
(Ord. 43-02. Passed 6-4-02.)

1446.09 AUTHORITY OF VILLAGE PLANNING COMMISSION.

Where a single or two-family dwelling is located upon a parcel of land which comes within the provisions of the Subdivision Regulations and the owner makes application to the Village Planning Commission for a division of said parcel into two or more parcels under such regulations, the Planning Commission shall not grant such application until there is deposited with it by the owner a certificate of inspection disclosing that there are no known violations of any ordinance of the Village at the time of such inspection, and if such certificate of inspection shows a violation, such application shall be denied.

(Ord. 43-02. Passed 6-4-02.)

1446.99 PENALTY.

Any person violating any provision of this chapter is guilty of a misdemeanor of the first degree, shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than six months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(Ord. 43-02. Passed 6-4-02.)