

ORDINANCE NO. 2019- 16

**AN ORDINANCE ESTABLISHING AN AVAILABLE INSPECTION OF SEWER CONNECTIONS FOR REAL PROPERTY IN THE VILLAGE OF SMITHVILLE, OHIO PARK.**

WHEREAS, the Council of the Village of Smithville is concerned about the increase in the flow in the sanitary sewer during and after rainfall; and

WHEREAS, the cause of the increased flow is due in part to houses and other buildings having downspouts, gutters, and other drains connected into the sanitary sewer; and

WHEREAS, it is unlawful to have storm water drained into sewers intended for sewage only.

**NOW, THEREFORE,** Be it Ordained by the Council of the Village of Smithville, County of Wayne, and State of Ohio that the Smithville Village Code shall be amended to include the following:

**SECTION 1:**

The owner of any real property, or a person entering into a contract for the purchase of such real property, may request that the Village inspect the structure or land to determine the condition of the sewer laterals, connections for sanitary and storm sewers, gutters, downspouts and footer drains located on the subject real property. The inspection shall occur during the working hours of the Department of Public Service or at some other time mutually agreed upon by the Village Engineer and the owner of the real property.

The inspection shall be conducted by the Village or its agents at the Village's cost and may include the use of a video camera in the sanitary and storm sewers and or smoke or dye testing or such other tests as determined by the Village Engineer.

**SECTION 2:**

Upon completion of the inspection, the Village Engineer shall issue a Certificate of Inspection, which certificate shall contain the following information:

- The street address, permanent parcel number or other identifying characteristics of the property;
- The name and address of the owner;
- The authorized use and occupancy of the building or structure; and
- An inspection report concerning the condition of the sewer laterals, connections for sanitary and storm sewers, gutters, downspouts and footer drains;

- A copy of any Village ordinance or other building code section that may be violated by the condition of the sewer laterals, connections for sanitary and storm sewers, gutters, downspouts and footer drains.

The Village Engineer shall serve a copy of the Certificate of Inspection upon the owner of the property and, if the inspection was requested by a prospective purchaser of the property, upon said prospective purchaser within ten days following the inspection.

In the event the inspection is requested by a prospective purchaser of the real property and the owner of said real property refuses to permit the inspection of said real property, the Village Engineer shall notify the prospective purchaser of the owner's refusal.

No owner of real property, having obtained a Certificate of Inspection shall transfer or convey any interest the real property without first providing the purchaser with a copy of the Certificate of Inspection.

### **SECTION 3:**

In the event potential violations are noted on the Certificate of Inspection, and the owner makes repairs to address such violations, then at the owner's request, the Village shall issue a Certificate of Completion, signed and dated by the Village Engineer, stating that any potential violations listed on the Certificate of Inspection have been corrected to the Village's satisfaction when all such violations have been corrected.

At the request of the owner of property, the Village may issue a letter or other written document signed and dated by the Village Engineer stating that some, but not all, of the violations listed on the Certificate of Inspection have been corrected to the Village's satisfaction.

### **SECTION 4:**

In issuing a Certificate of Inspection, the Village does not thereby ensure, warrant or guarantee to the holder thereof, to his or her assignees, or to any other interested party that such certificate contains all of the violations of these Codified Ordinances or statutes of the State. Such certificate should be considered by all parties as the Village's best effort to make known to owners and purchasers of real estate the known violations relating to the condition of the sewer laterals, connections for sanitary and storm sewers, gutters, downspouts and footer drains on a given property at the time the inspection is made. A copy of this section, or a digest hereof, shall be contained in each certificate of inspection.

In issuing a Certificate of Completion under this chapter, the Village does not thereby ensure, warrant or guarantee the quality of repair or standard of work completed in the correction of violations listed on a Certificate of Inspection. Such document should be construed only as a statement by the Village that some or all of the violations listed on the Certificate of Inspection

have been corrected to the Village's satisfaction. A copy of this section, or a digest hereof, shall be contained in each compliance document.

Nothing contained in this Chapter shall be construed as the Village's acceptance of liability beyond that imposed by the laws of the State of Ohio.

**SECTION 5:**

No person shall enter into an agreement or sell real property which is served by a sanitary sewer without disclosing to the buyer the availability of the inspection provided for herein. Said disclosure shall be made on a form provided by the Village Engineer.

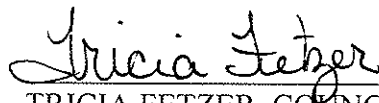
**SECTION 6:**

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor of the fourth degree.

PASSED in Council this 3<sup>rd</sup> day of September, 2019.

  
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THOMAS POULSON, MAYOR

  
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CLERK

  
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TRICIA FETZER, COUNCIL PRESIDENT