

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2019-29

By Jim Maxwell Sponsored By Mayor Cyril M. Kleem

AN ORDINANCE

REPEALING CHAPTER 1360, EXTERIOR POINT OF SALE INSPECTION, OF PART THIRTEEN, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA, AND DECLARING AN EMERGENCY.

WHEREAS, it is important to periodically review and appropriately amend the Codified Ordinances of the City of Berea to ensure that it continues to serve the best interest of the City and its residents and businesses; and

WHEREAS, the City reviewed Chapter 1360, Exterior Point of Sale Inspection, of the Codified Ordinances of the City of Berea, and determined that the inspections are redundant of those already being performed pursuant to Chapter 1329, Exterior Property Maintenance Code, of the Codified Ordinances of the City of Berea; and

WHEREAS, the Council of the City of Berea and the Administration believe that the City can better address exterior property maintenance issues in a more effective and efficient manner by a uniform enforcement of a single code; and

WHEREAS, providing a uniform approach to exterior property maintenance issues will require that Chapter 1360 of the Codified Ordinances of the City of Berea be repealed.


NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, State of Ohio:

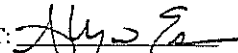
SECTION 1. That Chapter 1360, Exterior Point of Sale Inspection, of Part Thirteen, Building Code, of the Codified Ordinances of the City of Berea, attached hereto as Exhibit "A" and incorporated herein by reference, shall be expressly repealed.

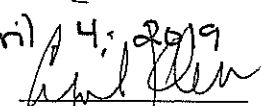
SECTION 2. That is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that many homes are placed on the market in April, May and June and the public would be best served by repealing the Ordinance before the prime real estate season. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.


PASSED: April 1, 2019


President of Council

ATTEST: 
Clerk of Council

APPROVED: April 4, 2019

Mayor

Approved as to Form:


Director of Law

CHAPTER 1360
Exterior Point of Sale Inspection

Exhibit
"A"

- 1360.01 Scope.
- 1360.02 Certificate of exterior inspection required.
- 1360.03 Application and issuance.
- 1360.04 Compliance document.
- 1360.05 Fees.
- 1360.06 Reliance on certificate of exterior inspection and compliance document.
- 1360.99 Penalty.

1360.01 SCOPE.

The purpose of this chapter is to provide a procedure whereby one, two, and three family residential properties are inspected for violations of the exterior maintenance codes of the City and, where necessary, repaired prior to the sale or transfer of such properties thereby preserving the value of residential properties in the City. This chapter only applies to one, two, and three family residential properties.

(Ord. 2003-11. Passed 3-17-03.)

1360.02 CERTIFICATE OF EXTERIOR INSPECTION REQUIRED.

The owner of any one, two or three family home, building, structure or premises entering into an agreement to sell such real property shall obtain from the City of Berea Building Department a Certificate of Exterior Inspection, and present such bona fide Certificate or an exact copy thereof to any prospective purchaser prior to the time of transfer of title to the purchaser. A Building Department Official shall list thereon all known violations of Section 202, "Off-Street Parking Standards for Residential Districts" of the Zoning Code, Chapter 327, "Trees and Weeds" Chapter 1323, "Swimming Pools" and Chapter 1329 "Exterior Maintenance Code" of the Codified Ordinances determined from the exterior inspection, as well as other informational material related to such inspection.

(Ord. 2003-11. Passed 3-17-03.)

1360.03 APPLICATION AND ISSUANCE.

(a) Application for a Certificate of Exterior Inspection required by the provisions of this chapter shall be made by the owner, or an agent for the owner, upon forms provided by the City of Berea Building Department. The owner or occupant shall upon written request permit a Building Department Official access to real property during the hours of 9:00 a.m. to 6:00 p.m. Monday through Saturday of each week, excepting legal holidays, for the purpose of making the exterior inspection of the land, building or structure. The refusal to allow access to real property for exterior inspection during the period provided for herein and upon identification of a Building Department Official shall be deemed a violation of this chapter.

(b) The following schedule for issuing a Certificate of Exterior Inspection shall be followed, except where a longer period is required because of causes beyond the control of the City:

(1) Within ten working days after receipt of the application for a Certificate of Exterior Inspection and payment of the required fee, a Building Department Official shall cause an exterior inspection of the designated property to be made.

(2) A Building Department Official shall then issue a Certificate of Exterior Inspection within five working days after the exterior inspection. The Certificate of Exterior Inspection shall contain the following information:

A. The street address, permanent parcel number, or other identifying characteristics of the property;

B. The name and address of each owner; and

C. The list of violations, if any, of Chapter 202 of the Zoning Code; Chapter 327 of the Codified Ordinances; Chapter 1323 of the Codified Ordinances and/or Chapter 1329 of the Codified Ordinances existing at the time of inspection.

(c) Except in the cases of danger to the public health or safety, the Certificate of Exterior Inspection shall contain the order of the Building Department Official for the correction of any Code violations noted on the Certificate, which shall be corrected by the owner of the property within sixty days of the issuance of the Certificate unless, due to adverse weather, illness or some other good cause shown, a Building Department Official has extended that time for compliance.

(d) Within ten (10) days of the date of issuance of a Certificate of Exterior Inspection, any person affected by the notice may request a hearing thereon before the Municipal Planning Commission by filing a written request with the Secretary of the Commission. The Chairman of the Commission upon receipt of the request, shall, within forty-five (45) days therefrom, and upon at least five (5) days notice to the party and the Building Department, set the matter down for hearing. The Commission may sustain, modify, or dismiss, in whole or in part, any action required to correct or abate the violation or the amount of time in which such action must be completed, both of which are set forth in the Certificate of Exterior Inspection. The Commission shall issue an order incorporating its determinations, and such order shall be a Final Order as to these administrative proceedings.

(e) If the owner of a property does not correct the violations enumerated in the Certificate of Exterior Inspection prior to the time the title is transferred, then the person to whom the property is transferred will be required, within the allotted time, to correct the violations contained in the Certificate of Exterior Inspection, unless the time for compliance has been extended pursuant to subsection (c) or (d) above.

(f) Nothing in this Chapter 1360 shall be construed as limiting the City, at any time, from proceeding against the owner of record or the current occupant to require corrections of code violations.

(g) Such Certificate of Exterior Inspection shall be valid for a period of one year from the date of issuance, unless an extension is approved by a Building Department Official. In case of resale within the one-year period, this Certificate shall be transferred to any subsequent bona fide purchaser and shall be valid for the remainder of that period.

(Ord. 2003-11. Passed 3-17-03.)

1360.04 COMPLIANCE DOCUMENT.

(a) At the request of the owner of the property or his agent, the City shall issue a letter or other document signed and dated by a Building Department Official stating that violations listed on a specific Certificate of Exterior Inspection have been completed to the City's satisfaction, when, in fact, all such violations have been corrected.

(b) At the request of the owner of the property or his agent, the City may issue a letter or other document signed and dated by a Building Department Official stating that some, but not all, of the violations listed on a specific Certificate of Exterior Inspection have been completed to the City's satisfaction.

(Ord. 2003-11. Passed 3-17-03.)

1360.05 FEES.

The fee charged for this Certificate of Exterior Inspection shall be seventy-five dollars (\$75.00). The fee shall be paid at the time the application for a Certificate of Exterior Inspection is filed with the City.

(Ord. 2003-11. Passed 3-17-03.)

1360.06 RELIANCE ON CERTIFICATE OF EXTERIOR INSPECTION AND COMPLIANCE DOCUMENT.

(a) In issuing a Certificate of Exterior Inspection, the City does not thereby issue, warrant or guarantee to the holder thereof, to his assignees, or any other interested party that such Certificate of Exterior Inspection contains all of the violations of the Zoning Code and/or Codified Ordinances of the City. Any item omitted from the Certificate shall not be construed to mean that such omitted item is in good working order. Such Certificate should be considered by all parties as the City's best effort to make known to owners and purchasers of real estate the known exterior maintenance violations on a given property at the time the exterior inspection is made. A copy of this section, or a digest thereof, shall be contained in each Certificate of Exterior Inspection.

(b) In issuing a Compliance Document under the provisions of this chapter, the City does not thereby insure, warrant or guarantee the quality of repair or standard of work completed in the correction of violations listed on a Certificate of Exterior Inspection. Such document should be construed only as a statement by the City that some or all of the violations listed on the Certificate of Exterior Inspection have been corrected to the City's satisfaction. A copy of this section, or digest thereof, shall be contained in each Compliance Document.

(c) No civil cause of action against the City, its agents or employees shall be inferred by any purchaser, transferee or grantee of any parcel of land from the failure of any seller, transferor or grantor to comply with this chapter or any provision of this chapter, nor is the same implied by any provision contained in this chapter.

(Ord. 2003-11. Passed 3-17-03.)

1360.99 PENALTY.

(a) Any person, agent, firm or corporation, who participates in a transaction in which a Certificate of Exterior Inspection is required and is not obtained, shall be, upon conviction of the same, guilty of a misdemeanor of the fourth degree.

(b) Any person, agent, firm or corporation, who violates any provision of Chapter 1360 or fails to comply with any of its requirements, shall be, upon conviction of the same, guilty of a misdemeanor of the fourth degree.

(Ord. 2003-11. Passed 3-17-03.)