

City of Wickliffe Point of Sale Ordinance

Requires homeowners to make improvements to property, **including sewer lateral testing and repair if necessary**. First passed in 1976, this ordinance has been renewed by every administration since then. About 200 properties per year need to have sewers tested and many need to be replaced in this city of about 13,000 people. Based on the success of this ordinance in alleviating basement flooding at no political cost to the administration, two counties in Ohio have also implemented similar ordinances. The political cost is very low, because the existing homeowner, who has to pay for the improvements, is moving out of town.

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1303.70 CERTIFICATE OF OCCUPANCY.

Land shall not be occupied or used and a building which has been erected or altered shall not be occupied or used until a Certificate of Occupancy has been applied for and issued as follows:

(a) Certificate Required.

(1) Occupancy of a building. A Certificate of Occupancy shall be required before occupancy of any building which has been altered, remodeled, moved, changed in use or changed as to off-street parking or loading requirements. The Certificate shall only be issued after the completion of the erection or alteration of the building or buildings, and found upon inspection to conform with the provisions of this Zoning Ordinance and Building Code.

A Any person, firm, corporation, association, club, organization or any other entity, prior to entering into occupancy of any building, including but not limited to residential structures, any portion, unit, apartment or any room therein, either as owner of a fee, land installment purchaser, lessee, tenant, licensee or possessor of other color of title, shall apply for, and upon such Application for Permit to Occupy being found to conform to and in compliance with the Building Code and Planning and Zoning Code, be issued a Certificate of Occupancy, therefore. In the event any of the above designated persons or entities are found to be in possession of any building, portion, unit, apartment or any room therein without having been issued a Certificate of Occupancy pursuant to the Codified Ordinances of the Building Code and Planning and Zoning Code, they shall be required to apply therefore, and upon such applicant's occupancy being found to conform to and be in compliance with the

provisions of the Building Code and Planning and Zoning Code, shall be issued a Certificate of Occupancy.

B. Such Certificate of Occupancy shall be issued and signed after an on-site inspection by the Building Commissioner or his/her designee and the Fire Chief or his/her designee.

(2) Occupancy of land. A Certificate of Occupancy shall be required before occupancy of the land or where the use of the land has been changed to a use different from the prior use. A Certificate shall be issued when it has been found upon inspection to conform to the provisions of this Zoning Ordinance.

(3) Change in use of nonconforming building or use. A Certificate of Occupancy shall be required when there is a change of ownership of the building whether or not alterations have been made or required.

(4) Change in ownership of a building. A Certificate of Occupancy shall be required when there is a change of ownership of the building whether or not alterations have been made or are required.

(5) Sewer, sidewalk, apron inspection and repair. No Certificate shall be issued to a new owner of an existing building until the applicant for such Certificate shall have produced evidence, satisfactory to the Building Commissioner, that the sewer piping on such property from building to right-of-way is in good condition and reasonably free from infiltration and that sidewalks and aprons within the public right-of-way on said property are in good repair and condition. If the City performs tests required under this section, there is a minimum fee of sixty dollars (\$60.00) for the first hour required to perform such test and sixty dollars (\$60.00) per hour for each additional hour or portion thereof. A deposit of two hundred dollars (\$200.00) is required prior to the scheduling of any required dye test. Balance of the deposit will be returned after fees are deducted. The homeowner shall be responsible for locating and raising the inspection tee before any test is done. No person, agent, firm or corporation shall sell, by land contract or otherwise, any interest in any existing building or structure without furnishing the buyer, prior to the sale, proof that the sewer piping on the property from building to right-of-way is in good condition and reasonably free from infiltration and that sidewalks and aprons within the public right-of-way are in good repair and condition, and, where an escrow has been established, without depositing in escrow, prior to delivery of possession or transfer of title a statement from the buyer acknowledging receipt of such proof relating to the condition of the sewer pipe, the sidewalks and aprons on the property within the public right-of-way.

(6) Temporary certificate. Pending the issuance of a Certificate of Occupancy, a temporary certificate for partial occupancy of a building or occupancy of an independent component, may be issued by the Building Commissioner for a period not exceeding six (6) months, during which time alterations are being made or while a dwelling or other building is being completed. Such temporary certificates shall not be construed as altering the respective rights, duties or obligations of the owners or of temporary certificate shall not be issued except under such restrictions.

(b) Certificate for Existing Buildings or Use. Upon application by the owner, the Building Commissioner shall inspect all buildings and land as they exist at the effective date of this Zoning Ordinance and shall issue a Certificate of Occupancy therefor, certifying:

- (1) The use of the building or land; and
- (2) Whether such use conforms to all the provisions of this Zoning Ordinance, or
- (3) If it is a lawfully existing nonconforming use.

(c) Application and Records.

(1) Applications for a Certificate of Occupancy may be submitted separately or accompany an application for a building permit. Accurate information shall be furnished by the owner, lessee or agent, as to size and location of the lot, buildings or structures occupying the lot, the dimensions of all yards and open spaces, the use of land or building operations or processes and other information as may be requested by the City. The Certificate shall state that such use is nonconforming but may be occupied legally for such use.

(2) A record of all applications and certificates issued shall be on file in the Office of the Building Commissioner and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the land or building affected.

(3) Subsections 1303.70(a)(1)A. and 1303.70(a)(1)B., shall have no retroactive effect to occupancies prior to January 27, 1992.

(Ordinance. 1999-42. Passed 6-14-99.)