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3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. 40 - 2011

6  
7 AN ORDINANCE ENACTING NEW SECTION 133.01 OF  
8 TITLE 5, PART 1 OF THE CODIFIED ORDINANCES,  
9 AMENDING SECTIONS 1306.01, 1306.02, 1306.03 AND  
10 1306.05 OF TITLE 1, PART 13 THEREOF, RELATING TO  
11 DUTIES OF THE CHIEF BUILDING OFFICIAL, AND  
12 DECLARING AN EMERGENCY  
13

14 WHEREAS, the City has entered into contract with Summit County to, among other  
15 things, perform the duties and functions of the Chief Building Official when  
16 administering the Residential Code of Ohio and the Ohio Building Code within the  
17 geographic limits of the City of Cuyahoga Falls, and  
18

19 WHEREAS, the Codified Ordinances of the City of Cuyahoga Falls establish  
20 numerous functions of the Chief Building Official that are unrelated to the duties and  
21 functions specified under the Residential Code of Ohio and the Ohio Building Code,  
22

23 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,  
24 County of Summit, and State of Ohio, that:  
25

26 Section 1. New Section 133.01 of the Codified Ordinances of the City of Cuyahoga  
27 Falls is hereby enacted to read in full as follows:  
28

29 133.01 CITY ENGINEER AS CHIEF BUILDING OFFICIAL

30 Wherever in the Codified Ordinances it is specified that any duties, functions or  
31 responsibilities are to be carried out or performed by the "Building Official" or the "Chief  
32 Building Official," these references shall be deemed to refer to the Chief Building Official  
33 of Summit County for all such functions arising out of or coming with the purview of  
34 the Residential Code of Ohio and the Ohio Building Code. With respect to duties,  
35 functions or responsibilities not arising out of or coming with the purview of the  
36 Residential Code of Ohio or the Ohio Building Code, these references shall be deemed to  
37 refer the City Engineer.  
38

39 Section 2. Sections 1306.01, 1306.02, 1306.03 and 1306.05 of the Codified  
40 Ordinances of the City of Cuyahoga Falls are hereby amended to read in full as follows  
41 (new text underlined; deleted text in ~~strikethrough~~):  
42

43 1306.01 POINT OF SALE INSPECTION PROVIDED.

44 (a) The owner of any real property, or a person entering into a contract for the  
45 purchase of such real property, may request that the City inspect the structure or land  
46 to determine the condition of the sewer laterals, connections for sanitary and storm  
47 sewers, gutters, downspouts and footer drains located on the subject real property. The  
48 inspection shall occur during the working hours of the Department of ~~Building and~~  
49 ~~Zoning Inspection~~ Public Service, or at some other time mutually agreed upon by the  
50 ~~Building Official~~ City Engineer and the owner of the real property.  
51

52 (b) The inspection shall be conducted by the City or its agents at the City's cost  
53 and may include the use of a video camera in the sanitary and storm sewers and or  
54 smoke or dye testing or such other tests as determined by the ~~Building Official~~ City  
55 Engineer.

56 1306.02 CERTIFICATE OF INSPECTION.

57 (a) Upon completion of the inspection, the ~~Building Official~~ City Engineer shall  
58 issue a Certificate of Inspection, which certificate shall contain the following  
59 information:

- 60 (1) The street address, permanent parcel number or other identifying  
61 characteristics of the property;  
62 (2) The name and address of the owner;  
63 (3) The authorized use and occupancy of the building or structure; and  
64 (4) An inspection report concerning the condition of the sewer laterals,  
65 connections for sanitary and storm sewers, gutters, downspouts and  
66 footer drains;  
67 (5) A copy of any City ordinance or other building code section that may be  
68 violated by the condition of the sewer laterals, connections for sanitary  
69 and storm sewers, gutters, downspouts and footer drains.  
70

71 (b) The ~~Building Official~~ City Engineer shall serve a copy of the Certificate of  
72 Inspection upon the owner of the property and, if the inspection was requested by a  
73 prospective purchaser of the property, upon said prospective purchaser within ten days  
74 following the inspection.  
75

76 (c) In the event the inspection is requested by a prospective purchaser of the  
77 real property and the owner of said real property refuses to permit the inspection of said  
78 real property, the ~~Building Official~~ City Engineer shall notify the prospective purchaser  
79 of the owner's refusal.  
80

81 (d) No owner of real property, having obtained a Certificate of Inspection shall  
82 transfer or convey any interest the real property without first providing the purchaser  
83 with a copy of the Certificate of Inspection.  
84

85 1306.03 CORRECTIVE REPAIRS; CERTIFICATE OF COMPLETION; LETTER OF  
86 PARTIAL COMPLIANCE.

87 (a) In the event potential violations are noted on the Certificate of Inspection,  
88 and the owner makes repairs to address such violations, then at the owner's request,  
89 the City shall issue a Certificate of Completion, signed and dated by the ~~Building~~  
90 ~~Official~~ City Engineer, stating that any potential violations listed on the Certificate of  
91 Inspection have been corrected to the City's satisfaction when all such violations have  
92 been corrected.  
93

94 (b) At the request of the owner of property, the City may issue a letter or other  
95 written document signed and dated by the ~~Building Official~~ City Engineer stating that  
96 some, but not all, of the violations listed on the Certificate of Inspection have been  
97 corrected to the City's satisfaction.  
98

99 1306.05 NOTIFICATION OF AVAILABILITY OF INSPECTION.

100 No person shall enter into an agreement or sell real property which is served by  
101 a sanitary sewer without disclosing to the buyer the availability of the inspection  
102 provided for herein. Said disclosure shall be made on a form provided by the ~~Building~~  
103 ~~Official~~ City Engineer.  
104

105 Section 3. Existing Sections 1306.01, 1306.02, and 1306.03 of the Codified  
106 Ordinances, as enacted by Ordinance No. 142-2004, passed October 25, 2004, are  
107 hereby repealed. Existing Section 1306.05 of the Codified Ordinances, as amended by  
108 Ordinance No. 32-2005, passed February 28, 2005, is hereby repealed.  
109



110 Section 4. Any ordinances or resolutions or portions of ordinances and resolutions  
111 inconsistent herewith are hereby repealed, but any ordinances and resolutions not  
112 inconsistent herewith and which have not previously been repealed are hereby ratified  
113 and confirmed.  
114

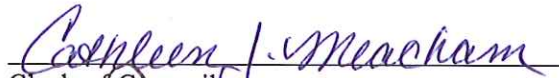
115 Section 5. It is found and determined that all formal actions of this Council  
116 concerning and relating to the passage of this ordinance were taken in an open meeting  
117 of this Council and that all deliberations of this Council and of any committees that  
118 resulted in those formal actions were in meetings open to the public, in compliance with  
119 all legal requirements including Chapter 107 of the Codified Ordinances.  
120

121 Section 6. That this ordinance is hereby declared to be an emergency measure  
122 necessary for the preservation of the public peace, health, safety, convenience and  
123 welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it  
124 receives the affirmative vote of two-thirds of the members elected or appointed to  
125 Council, it shall take effect and be in force immediately upon its passage and approval  
126 by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed  
127 by law.  
128

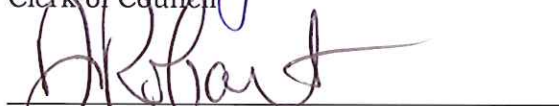
129  
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131 Passed: 4-11-11  
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President of Council

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134  
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Clerk of Council

137  
138 Approved 4/12/11  
139  
140

  
\_\_\_\_\_  
Mayor

141  
142 3/28/11  
143 O:\2011ords\enact C.O. 133.01 Engineer as CBO.doc