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POINT OF SALE INSPECTION

1. The property owner must contract with a registered firm/sewer contractor to perform the tests as indicated on the evaluation/inspection form. (Results of Sanitary and Storm Service Lateral Evaluation.)

THE CITY OF EASTLAKE IS NOT RESPONSIBLE FOR PERFORMING TESTS. ALL ARRANGEMENTS FOR TESTING MUST BE MADE BY THE PROPERTY OWNER OR HIS AGENT WITH A PRIVATE FIRM/SEWER CONTRACTOR. CONTRACTOR FEES ARE SEPARATE FROM THE \$300 APPLICATION FEE. THE FORM PROVIDED BY THE CITY IS THE ONLY FORM TO BE USED BY THE FIRM/SEWER CONTRACTOR TO REPORT TEST RESULTS.

2. The property owner or agent shall apply for a Certificate of Inspection and be issued the evaluation/inspection form. The property owner or agent will provide the form to the firm/sewer contractor performing the actual tests.

The firm/sewer contractor performing the test shall inform the Service Department, 440-951-2200 Ext 1006, when the test is to be performed.

3. Upon completion of the tests indicated on the evaluation/inspection form, the firm/sewer contractor performing the tests must complete the report form and return it to the City of Eastlake Service Department for review.
4. Upon review of the completed evaluation/inspection form, the Service Director will issue a Certificate of Inspection if no violations are found. Please allow at least one (1) business day. If there are violations, a follow up letter will be issued. Existing violations must be corrected prior to issuing the Certificate of Inspection. If they cannot be corrected prior to transfer, the homeowner can put the violation repairs into escrow. Corrections in escrow must be made within ninety (90) days of issuance of the Certificated of Inspection.
5. If review of the evaluation/inspection form by the Service Department indicates that corrections must be made, the Service Department will notify the property owner/agent by letter. The contractor chosen to made corrections must obtain proper permits from the City of Eastlake Building Department. The City of Eastlake Service Department must inspect all corrections. A twenty-four (24) hour notice is required from the contractor prior in inspection by the City.
6. When all required corrections have been made, a Certificated of Inspection will be issued. If the violations corrections are in escrow, the escrow will be released after the final inspection.

NOTE: A POINT OF SALE INSPECTION DOES NOT WARRANT OR GUARANTEE THE HEALTH, CONDITION, OR RELIABILITY OF THE SANITARY OR STORM WATER SEWER SYSTEM ON THE PROPERTY. IT IS PERFORMED FOR A LIMITED PURPOSE AND MUST NOT BE ACCEPTED AS A SUBSTITUTE FOR ANY SEWER OR PROPERTY INSPECTION. SERIOUS PROBLEMS MAY NOT BE DETECTED BY THIS LIMITED POINT OF SALE INSPECTION WHICH MAY REQUIRE REPAIRS. THESE REPAIRS ARE NOT THE RESPONSIBILITY OF THE CITY. THE CITY OF EASTLAKE HEREBY RECOMMENDS TO A HOMEOWNER OR PROSPECTIVE PURCHASER THAT THE PROPERTY IS SUBJECT TO FURTHER INSPECTION.

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949.05 TEE; RISER PIPE

A six-inch by six-inch tee shall be installed in each sewer line so that a six-inch riser will come to be a least two feet inside any easements, and/or the City's right-of-way. No tees shall be located on City easements or City right-of-ways. A cast iron cover that can be located with a metal detector shall be placed on top of riser pipes and secured with proper fittings. (Ord. 2009-060. Passed 6-9-09.)

949.06 HEIGHT OF RISER PIPE; MARKER; MEASUREMENTS

Both riser pipes over the test tees shall be brought up to within six-inches of finished or final grade. A diagonal measurement shall be taken from two permanent fixed locations; i.e. corners of house. A permanent mark shall be made on the sidewalk and curb if applicable to indicate location of sanitary and storm riser caps using a sign of a diamond for sanitary and plus sign for storm. (Ord. 2009-029. Passed 4-14-09.)

949.07 PIPES PASSING ANOTHER; FILLING IN; BACKFILL LANDSCAPE

Where one pipe passes over another premium backfill is required. Concrete encasement, concrete bridge may be required. Bedding and backing material shall be sand or granular material having a thickness of at least six inches below the bottom of the pipe and extending up around the pipe for depth of not less than thirty percent (30%) of its vertical outside diameter. After the sewer is laid and before it is covered, it shall be inspected and approved by the Chief Building Official or his representative. All pipe replacement and the backfilling shall be completed within three business days following initial exposure of the pipe unless the Chief Building Official or his representative issues a written time extension. Where trenches pass through grass covered areas, the backfill material shall be thoroughly compacted to minimize settlement and the top portion should be rounded and brought up no higher than three inches above the adjoining ground service. Proper landscaping of the excavated area is required. (Ord. 2015-017. Passed 3-10-15.)

949.08 OPEN CUTS; BACKFILLING; DEPOSIT

Where necessary to open cut under pavement, sidewalks and driveways the entire trench shall be premium backfilled. The applicant shall deposit, before proceeding with the work. Such repairs shall be made by the applicant (contractor or homeowner) unless other arrangements are made. In the case that the applicant does not make said repairs, replacements, the applicant's deposit will be used by the Service Department for that purpose. Any excess after the work is completed shall be refunded to the applicant and any deficiency shall be promptly paid by the applicant. (Ord.2009-029. Passed4-14-09.)

949.09 STREET EXCAVATION PERMIT

Where necessary to open cut under roadways, a special street excavation permit, as per Section 901.02, shall be obtained with the sewer, water or other utility permits. (Ord. 2009-029. Passed4-14-09.)

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949.10 SEWER PIPE SIZE; CONNECTED FIXTURES

All lateral piping shall not be less than six inches in diameter. All downspout piping shall not be less than four inches in diameter. All basement sub drain piping shall not be less than four inches in diameter. Where waterproofing is necessary, the Section will be enforced. Where a larger connection than six inches is found, a standard increaser shall be installed. The requirement of the Ohio Plumbing Code for sewer pipe sizes as to number of fixtures connected to the sewer is hereby adopted. (Ord. 2015-017. Passed 3-10-15.)

951.01 CERTIFICATE OF INSPECTION REQUIRED

- (a) The owner of any dwelling structure, commercial building structure or other building structure, or land upon which such building or structure is located, entering into an agreement to sell or otherwise convey any interest in such land, building or structure shall obtain from the Department of Public Service a Certificate of Inspection and shall present such certificate, or an exact copy thereof, to any prospective purchaser or grantee prior to the time of transfer of title to inspection shall contain the inspection report, if any, of a person designated by the Director of Public Service concerning the condition of the sidewalks/driveway apron located in the public right of way (hereinafter, "sidewalks") and lateral sewers on the subject real property and right of way. (Ord. 1994-037. Passed 2-24-94).
- (b) A Certificate of Inspection shall be required when there is a change in ownership of any building or structure whether or not alterations have been made or are required. No certificate shall be issued to a new owner of an existing building or structure until the applicant for such certificate has produced evidence satisfactory to the Director of Public Service that the sewer piping on the subject property from the building to the sanitary and storm main line is in good condition and free from infiltration and that the sidewalks are in good repair and condition. Preliminary testing shall be performed upon direction of the Director of Public Service by dye testing the sanitary and storm line, or such other tests as the Director determines appropriate, and shall include downspouts and outside storm drains and sanitary drains as well as sidewalks located in the public right of way. Such tests shall be performed by a licensed sewer contractor approved by the Director. All approvals of work to correct defective sidewalks, driveway aprons, downspouts, storm drains and lateral sewers, or defective sewer connections, shall be made by the City. (Ord. 2012-028. Passed 4-24-12)

951.02 APPLICATION AND ISSUANCE OF CERTIFICATE

- (a) Application for Certificate of Inspection required herein shall be made by the owner, or an agent of the owner, upon forms provided by the Department of Public Service. The applicant shall contract with a sewer contractor with a sewer contractor, licensed by the City Building Department, to perform the required tests. The contractor shall contact the Service department to schedule a mutually agreeable time when the inspection is to be made.
- (b) The following schedule for issuing a Certificate of Inspection shall be followed, except where a longer period of time is required because of the larger number of units in a building or structure of other causes beyond the control of the City:

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951.02 (Cont'd)

- (1) Within five (5) working days after receipt of the application and required fee, the Service Department inspector shall meet with the contractor at designated property and observe the required test in progress. The contractor shall complete the test result form provided to the owner or agent of the property at the time of application and return the completed form to the Service Department.
- (2) The inspector of the Department of Public Service shall then review the test result form and issue a Certificate of Inspection containing the following information within five working days after receiving the test result from the contractor.
 - A. The street address, permanent parcel number or other identifying characteristics of the property;
 - B. The name and address of the owner, as defined in this chapter;
 - C. The authorized use and occupancy of the building or structure;
 - D. An inspection report concerning the condition of the sidewalks and lateral sewers on the subject property.
- (3) Except in the case of danger to the public health or safety, the Certificate of Inspection shall contain the order of the inspector of the Department for the correction of any Code violations noted on the certificate, which shall be corrected by the owner of the property within ninety (90) days of the issuance of the certificate unless, for good cause shown, the inspector has extended that time for compliance. If the owner of a property does not comply with the violations enumerated in the Certificate of Inspection prior to the time the title is transferred to the purchaser, then the purchaser of that property shall be required to comply with the violations contained in the certificate of inspection within the time allotted in the notice given to the prior owner as that time may be extended by the inspector.
- (4) Such Certificate of Inspection shall be valid for a period of two (2) years from the date of issuance.
- (5) In case of resale within the two (2) year period, this certificate shall be transferred to any subsequent bona fide purchaser and shall be valid for the remainder of that period.
(Ord. 1994-037. Passed 2-22-94.)

951.03 COMPLIANCE DOCUMENTS

- (a) At the request of the owner of property, or his agent, the City shall issue a letter or other written document signed and dated by the inspector of the Department of Public Service stating that the violations listed on a specific Certificate of 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 written document signed and dated by the inspector of the Department stating that some, but not all, of the violations listed on the specific Certificate of Inspection have been completed to the City's satisfaction.
(Ord. 1994-037. Passed 2-22-94.)

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951.04 FEES

- (a) A fee of three hundred dollars (\$300.00) shall be charged for the certificate of inspection and shall be for each building or structure, as established from time to time by the Director of Public Service. Such shall be in addition to the charge established in any other section of the Codified Ordinances and amendments thereto. The fee(s) shall be paid at the time the application for a Certificate of Inspection is filed with the City. In the event the property being conveyed is a condominium, the certificate should be in the unit owner's name rather than in the name of the condominium association.
(Ord. 2015-089. Passed 11-24-15.)
- (b) The Director shall have the right to determine if a re-inspection is necessary.
(Ord. 2012-028. Passed 4-24-12.)
- (c) In the event the contractor fails to show for an inspection appointment or if a re-inspection is required, then a fee of thirty dollars (\$30.00) shall be charged for each appointment missed or re- inspection performed. (Ord. 2013-35. Passed 5-14-13.)

951.05 REQUIRED USE OF CERTIFICATE OF INSPECTION

- (a) No person, agent, firm or corporation shall, in a bona fide sale for a good and valid consideration, transfer or convey any interest in a dwelling structure, commercial building structure, other building or structure, or land upon which such building or structure is located, without first providing the purchaser or prospective purchaser with a current Certificate of Inspection or an exact copy thereof as provided in this chapter.
- (b) The seller shall deposit in escrow a statement signed by the purchaser acknowledging receipt of the Certificate of Inspection, and such signed statement shall list thereon the date the certificate was given to the purchaser.
- (c) If, under the terms of the contract of sale, the seller is obligated to correct all violations listed on the Certificate of Inspection,, the seller shall deposit in escrow, before transfer of title to the purchaser, either a compliance document described in Section 951.03 or a written statement agreed upon by the seller and purchaser filed with the escrow agent and setting forth an agreed sum of money, which amount shall not be less than one and one-half times the cost of correcting those specific violations listed on the Certificate of Inspection and which remain uncorrected.
- (d) If, under the terms of the contract of sale, the purchaser's obligation for correction of violation listed on the Certificate of Inspection is limited to the contribution of a specifically stated dollar amount, or is limited to the purchaser's obligation to correct specific, but not all, Code violations, then the seller shall deposit in escrow either a compliance document described in Section 951.03(a), if, in fact, all such violations have been corrected, or a compliance document described in Section 951.03(b), together with a written statement agreed upon by the seller and purchaser filed with the escrow agent and setting forth an agreed sum of money, which amount shall not be less than one and one-half times the cost of correcting the violations cited on the Certificate of Inspection which remain uncorrected and for which the seller is responsible.

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951.05 (Cont'd)

- (e) If, under the terms of the contract of sale, the seller has either not agreed to correct all violations as provided in subsection (c) hereof, or the purchaser's obligation is not limited payment of a stated sum of money or to correction of specific violations as provided in subsection (d) hereof, then the contract of sale between the seller and purchaser shall be conditional upon the seller and the purchaser agreeing, in writing, after the Certificate of Inspection has been exhibited to the purchase as to their respective obligations for correction of the remaining uncorrected violations listed on such certificate. The seller and purchaser shall thereafter deposit in escrow, before transfer of the title to the purchaser, their written agreement as to each party's respective responsibility for correction of violations listed on the certificated of inspection remaining uncorrected, and such agreement may have attached thereto a compliance document described in Section 951.03 (b) evidencing the seller's correction of those violations for which he is responsible, and/or an agreed sum of money, which amount shall not be less than one and one-half times the cost of correcting those violations remaining uncorrected for which the seller is responsible.
- (f) This chapter sets forth requirements and procedures applicable to relationships between the seller and purchaser at the time of the sale of real estate as to Code violations relating to sidewalks and lateral sewers. Nothing contained in this chapter shall be construed as limiting the City, at any time, from proceeding against the owner of property as provided in the Codified Ordinances, the CABO Building Code or the Ohio Basic Building Code.
- (g) This chapter shall not apply to the individual transfer of property through inheritance or gift where no bona fide sale is intended or completed. However, in the event that the building or structure of land upon which such building or structure is located is sold at the Sheriff's Sale or other court-ordered auction, and no Certificate of Inspection has been issued within one year prior to such sale, service within thirty (30) days after the date of sale for an inspection of the property. The method, application, inspection and corrections of violations shall be as set forth in this chapter, with the purchaser accepting responsibility for correction of all code violations relating to sidewalks, driveway aprons and lateral sewers within ninety (90) days of the issuance of the Certificate of Inspection.
(Ord.1994-037. Passed 2-22-94.)

951.06 ESCROW AGENT OBLIGATIONS

- (a) No person, agent, firm or corporation acting in the capacity of an escrow agent in any real estate transaction involving the bona fide sale or conveyance of any interest in a dwelling structure, commercial building structure or other building, structure of land upon which such buildings or structures are located in the City, shall file for record an instrument to transfer title thereto or disburse any funds from such sale unless the provisions of this chapter have been satisfied, including but not limited to the specific provisions of Section 951.05.
- (b) 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 such sale, proof that the sewer piping on the subject property from the building to the sanitary and storm main lines is in good condition and is reasonably free from infiltration; and, when escrow has been established, without depositing in escrow prior to the delivery, possession or transfer of title, a statement from the buyer acknowledging receipt of such proof relating to the condition of the sewer pipe. (Ord. 1994-037. Passed 2-22-94.)

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951.07 RELIANCE ON CERTIFICATE OF INSPECTION AND COMPLIANCE DOCUMENT

- (a) In issuing a Certificate of Inspection, the City does not thereby insure, warrant or guarantee to the owner thereof, to his assignees, Or any other interested party that such certificate contains all of the violations of the Codified Ordinances of the City or statutes of the State. 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 violations relating to the condition of sidewalks and lateral sewers on a given property at the time the inspection is made. A copy of this section, or a digest thereof, shall be contained in each Certificate of 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 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 Inspection have been corrected to the City's satisfaction. A copy of this section, or a digest thereof, shall be contained in each compliance.
(Ord. 1994-037. Passed 2-22-94.)

951.08 PURCHASER'S RESPONSIBILITY

If the seller fails to make application and obtain the Certificate of Inspection prior to transfer, the Director shall then advise the purchaser in writing that the purchaser is required to make application the Director of Public Service within thirty (30) days for Inspection of the property. The method, application, inspection and correction of violations shall be as set forth in this chapter, with the purchaser accepting responsibility for correction of all Code violations relating to sidewalks, driveway aprons and lateral sewers within ninety (90) days of the issuance of the Certificate of Inspection.
(Ord. 1994-037. Passed 2-22-94.)

951.99 PENALTY

Whoever violates any of the provisions of the chapter is guilty of a misdemeanor of the second degree as defined in Section 501.99 of the General Offenses Code. (Ord. 1994-037. Passed 2-22-94.)