

CHAPTER 1329

Point of Sale Inspection

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1329.01 CERTIFICATE OF INSPECTION REQUIRED.

(a) The owner of any commercial, semi-industrial or public facilities building structure or other building, or land upon which such buildings are located, entering into an agreement to sell or otherwise convey an interest in such land or building structures, shall obtain from the Building Commissioner a certificate of inspection, and present such certificate or an exact copy thereof to any prospective purchaser or grantee prior to the time of transfer of title to the purchaser, in order to permit the escrow agent to comply with this chapter. The certificate of inspection shall list thereon all known violations of Village codes determined from the inspection, as well as other informational material.

(b) In the event any property as described in subsection (a) hereof is sold at Sheriff's sale or other court ordered auction or sale or any person obtains title to the property for consideration by any means, and no certificate of inspection has been issued for said property within one year prior to the date of such sale or transfer of title, the purchaser or transferee of said property shall apply to the Building Commissioner for a certificate of inspection within thirty days after the time of transfer of title to the purchaser or transferee. The failure of the purchaser or transferee to obtain and/or file a deed with the County Recorder shall not excuse the purchaser or transferee from compliance with this chapter. The purchaser or transferee shall further comply with all of the obligations of a seller under this chapter including, without limitation, the duty to place funds in escrow for corrections of Class "A" violations.

(Ord. 2014-21. Passed 4-15-14.)

1329.02 APPLICATION AND ISSUANCE.

(a) Application for a certificate of 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 Building Commissioner. The Commissioner shall inform the applicant that he/she has a constitutional right to refuse entry by Village inspectors without a search warrant.

If the applicant shall consent to the inspection, the parties shall then agree to a time during the working hours of the Building Department, or at some other mutually agreeable time when the inspection is to be made.

If the applicant refuses to consent to the inspection, the Building Commissioner shall procure a search warrant as provided by law to gain entry.

(b) The following schedule for issuing a certificate of inspection shall be followed, except where a longer period is required because of the larger number of units in a building or other causes beyond the control of the Village:

(1) Within ten (10) working days after receipt of the application and required fee, the Building Commissioner shall cause an inspection of the designated property to be made.

(2) The Building Commissioner shall then issue a certificate of inspection within five (5) working days after gaining access to the subject property containing the following information:

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 structure or building;

D. The listing of violations of the Codified Ordinances of the Village existing at the time of such inspection; and

E. The current listing of water and sewer charges due against the property, the date of the last billing, and a statement contained therein that the purchaser of such property shall be responsible for any unpaid water and sewer charges existing as of the date of transfer.

(c) Except in the case of danger to the public health or safety, the certificate of inspection shall contain the order of the Building Commissioner 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 Building Commissioner 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 certificates of inspection within the time allotted in the notice given to the prior owner as that time may be extended by the Building Commissioner.

(d) Such certificate of inspection shall be valid for a period of one (1) year from the date of issuance.

(e) In case of resale within the one (1) year period, this certificate shall be transferred to any subsequent bona fide purchaser and shall be valid for the remainder of that period.

(Ord. 2014-21. Passed 4-15-14.)

1329.03 COMPLIANCE DOCUMENTS.

(a) At the request of the owner of property or his agent, the Village shall issue a letter or other written documents signed and dated by the Building Commissioner stating that violations listed on a specific certificate of inspection have been completed to the Village's satisfaction, when, in fact, all such violations have been corrected.

(b) At the request of the owner of property or his agent, the Village may issue a letter or other written document signed and dated by the Building Commissioner stating that some, but not all, of the violations listed on a specific certificate of inspection have been completed to the Village's satisfaction.

(Ord. 2014-21. Passed 4-15-14.)

1329.04 FEES.

(a) The fee charged for the certificate of inspection shall be one hundred fifty dollars (\$150.00) for the first business unit in any building or structure, and an additional fifty dollars (\$50.00) for each additional business unit in such building or structure. The fee(s) shall be paid at the time the application for a certificate of inspection is filed with the Village.

(b) There shall be no fee for any re-inspection requested by the same owner within one (1) year from the date of issuance of a certificate of inspection for the same property.

(Ord. 2014-21. Passed 4-15-14.)

1329.05 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 semi-industrial structure, public facilities structure, commercial building structure or other building, or land upon which such buildings are 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 1329.03 and/or a written statement agreed upon by the seller and the purchaser filed with the escrow agent setting forth an agreed sum of money that is sufficient to cover the costs of correcting those specific violations listed on the certificate of inspection which remain uncorrected.

(d) If, under the terms of the contract of sale, the purchaser's obligation for correction of violations listed on the certificate of inspection is limited to contribution of a specifically stated dollar amount, or is limited to 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 1329.03(a), if, in fact, all such violations have been corrected, or a compliance document described in Section 1329.03(b), together with a written statement agreed upon by seller and purchaser filed with the escrow agent setting forth an agreed sum of money that is sufficient to cover the costs of correcting the violations listed on the certificate of inspection which remain uncorrected and for which the seller is responsible.

(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 to 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 the purchaser shall be conditional upon the seller and purchaser agreeing in writing after the certificate of inspection has been exhibited to the purchaser, 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 title to purchaser, their written agreement as to each party's respective responsibility for correction of violations listed on the certificate of inspection remaining uncorrected, and such agreement may have attached thereto a compliance document described in Section 1329.03(b) evidencing seller's correction of those violations for which he is responsible, and/or an agreed sum of money that is sufficient to cover 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 sale of real estate, as to Code violations. Nothing contained in this chapter shall be construed as limiting the Village, at any time, from proceeding against the owner of property to require correction of Code violations, as the owner of property is defined in the Codified Ordinances.

(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.

(Ord. 2014-21. Passed 4-15-14.)

1329.051 CLASS "A" VIOLATIONS.

(a) The following types of violations are of particular concern to the Village's vital interest in maintaining property values:

Exterior

- Roof-chimney
- Paint-all related carpentry repairs
- Downspouts to storms sewers
- Replacement of deteriorated windows and/or doors
- Concrete replacement or major repair
- Dead tree removal
- Fences

Interior

- Major electrical repair (panel replacement, rewire of basement, etc.)
- Major plumbing repair (replacement of stacks, fixtures, supply lines, etc.)
- HVAC
- Foundation-support post, block wall bowed or collapsed
- Major breach of ceilings, walls or floors

The aforementioned types of violations are considered to be Class "A" violations and shall be designated as such by the Building Commissioner on all inspection reports.

(b) Title to any property in the Village shall not be transferred unless an escrow account with an amount of money equal to at least one hundred twenty-five percent (125%) of the estimated cost of correction of all outstanding Class "A" violations has been established and approved in writing by the Building Commissioner. In lieu of establishment of an escrow account hereunder, a purchaser may present proof of a commitment for a 203K or other rehabilitation loan from a recognized lending institution in an amount adequate to correct all Class "A" violations as approved by the Building Commissioner.

(c) No monies shall be released from the aforesaid escrow account without the written approval of the Building Commissioner.

(d) Subsections (c), (d) and (e) of Section 1329.05 shall not be applicable to Class "A" violations which shall instead be governed by the provisions of this Section 1329.051.

- (e) This section shall apply to all applications for certificate of inspections submitted on or after April 1, 2014.
- (f) The requirement for depositing funds in an escrow account may be varied in whole or in part in particular instances by the Mayor if the applicant for the variances is able to demonstrate to the Mayor that:
 - (1) Special circumstances exist necessitating the variance from the requirements in order to make the sale and repair of the property financially practicable; and
 - (2) The purchaser has the financial capability to correct the violations listed on the Village Certificate of Inspection within a reasonable period of time; and
 - (3) The variance is in the best interest of the Village and its residents.

(Ord. 2014-21. Passed 4-15-14.)

1329.06 ESCROW AGENT OBLIGATIONS.

No person, 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 or land upon which such buildings are located in the Village, 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 1329.05.

(Ord. 2014-21. Passed 4-15-14.)

1329.07 RELIANCE ON CERTIFICATE OF INSPECTION AND COMPLIANCE DOCUMENT.

(a) In issuing a certificate of inspection, the Village does not thereby insure, warrant or guarantee to the holder thereof, to his assignees or any other interested party that such certificate contains all of the violations of the Codified Ordinances of the Village 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 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 Village 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 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 thereof, shall be contained in each compliance document.

(Ord. 2014-21. Passed 4-15-14.)

1329.99 PENALTY.

Whoever violates any provision of this Chapter 1329, or any rule or regulation promulgated thereunder, or fails to comply therewith or with any written notice or written order issued thereunder, or whoever refuses to permit entry by the Building Commissioner or other Village personnel when a court order allowing entry exists, or whoever interferes with, obstructs or hinders the Building Commissioner or his/her authorized representatives while attempting to make inspections, where not otherwise specifically provided for, shall be deemed to have committed a civil offense and fined not more than one hundred dollars (\$100.00). Each day such violation occurs or continues shall be a separate offense. Notwithstanding anything herein to the contrary, nothing herein shall be construed to prevent, prohibit or preclude any homeowner, resident or occupant of any residence or structure from asserting any constitutional right to prevent any unlawful search or seizure of their residence, home, dwelling unit or structure.

(Ord. 2018-28. Passed 6-5-18.)