

Introduced by: C. Johnson

FIRST READING December 8, 2020

SECOND READING Waived

THIRD READING Waived

RESOLUTION AMENDING SECTION 125 OF THE RULES AND REGULATIONS
OF THE VILLAGE OF BURTON BOARD OF PUBLIC AFFAIRS REQUIRING A
POINT OF SALE INSPECTION FOR ALL PROPERTIES
AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Resolution No. 2020-28, the Board of Trustees of the Board of Public Affairs of the Village of Burton, enacted Section 125 of the Board of Public Affairs Rules and Regulations, which established a Point of Sale Inspection of the water and sewer systems of Any property prior to any transfer, sale or conveyance of such property to ensure for the safe, economical, and efficient management and protection of its public utilities; and

WHEREAS, the Board of Public Affairs desires to amend Section 125 of the Rules and Regulations of the Board of Public Affairs to require that such sewer systems inspection performed by an independent contractor at the property owner's expense include an inspection of any downspout, sump pump, and/or other method of surface water infiltration as part of the Point of Sale Inspection and to provide the form for the Point of Sale Sewer Inspection Report.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Public Affairs:

SECTION 1. Section 125 of the Rules and Regulations shall be amended and read in full as follows:

“SECTION 125 – POINT OF SALE INSPECTION

“There shall be no sale, transfer or conveyance of any parcel within the Village of Burton whose water and/or sewer systems are served by the Village of Burton until the following are met:

- “(1) The owner and/or seller of the property obtains a Point of Sale Inspection for the water and sewer systems of the property for the purpose of ensuring compliance with the Rules and Regulations of the Village of Burton Board of Public Affairs and the Village of Burton's Codified Ordinances, which Point of Sale Inspection shall include: (a) an inspection of the sewer lines, including a televised camera check, and an inspection of any downspout, sump pump, and/or other method of surface water infiltration to ensure proper connection to the storm sewer, performed by an independent contractor at the cost and expense of the owner and/or

Resolution 2020-37 Amended

seller of such property; and (b) an inspection of the water lines provided by the Village of Burton Utilities Operator and or his/her designee;

- “(2) A copy of the video of the televised camera check of the sewer lines, as well as a copy of the report (in a form substantially similar to the Village of Burton’s Point of Sale Sewer Inspection Report attached hereto and incorporated herein by reference as **Exhibit “A”**), executed by the independent contractor as referenced in section (1)(a) above is provided to the Village of Burton Utilities Operator for review;
- “(3) The inspection of the sewer lines, downspouts, sump pumps, and/or any other method of surface water infiltration performed by the independent contractor as referenced in section (1)(a) above, as reviewed by the Village of Burton Utilities Operator, and the inspection of the water lines as performed by the Village of Burton Utilities Operator is certified in a Point of Sale Inspection Final Report issued by the Village of Burton Utilities Operator and/or his/her designee to the owner and/or seller of the property;
- “(4) The Point of Sale Inspection Final Report is acknowledged and executed by the owner and/or seller of the property and is submitted to the Village of Burton for record keeping purposes along with the applicable \$150.00 fee for such Point of Sale Inspection paid by the owner/seller of the property;
- “(5) Any water and/or sewer system of the property in which there is clear infiltration, roots in a sewer and/or line, cracks in a sewer and/or water line, and/or where any downspout, sump pump, and/or other method of surface water infiltration is improperly connected to the sanitary sewer in any manner will be deemed to be functioning improperly, such improper functioning will be noted in the Point of Sale Inspection Final Report referenced in sections (3) and (4) above, and such improperly functioning water and/or sewer system and/or improperly connected downspout, sump pump and/or other method of surface water infiltration is required to be corrected and/or brought up to the current standards of the Village of Burton by the owner and/or seller at the owner and/or seller’s expense, unless the owner and/or seller and the buyer enter into a different agreement arranging for the payment of the expense to make the corrections; and
- “(6) The owner and/or seller provides a copy of the completed and executed State of Ohio Department of Commerce Residential Property Disclosure Form to the Village of Burton, if applicable.

“If a owner and/or seller of a property does not have his/her property inspected as specified by this Section 125, the Village of Burton shall cause an inspection to be performed and shall charge all costs and fees for the inspection to the owner and/or seller of the property.”

SECTION 2. It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open

Resolution 2020-37 Amended

meeting, and that all deliberations of this Board and of any of its Committees, on or after December 2, 1975, that resulted in 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. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Village of Burton and to provide for the safe, economical, and efficient management and protection of its public utilities.

SECTION 4. This Resolution shall be effective immediately upon its passage.

Passed this 8th day of December, 2020.

Curt Johnson, BPA Chairman
Village of Burton

Clerk