

ORDINANCE NO. 80 -2012

Offered by All of Council

AN ORDINANCE ENACTING NEW SECTION 926.211 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF RICHFIELD TO PROVIDE FOR THE PAYMENT OF SANITARY SEWER CHARGES DUE AND OWING AT THE TIME OF TRANSFER OR SALE OF THE PROPERTY

WHEREAS, Chapter 926 of the Codified Ordinances of the Village of Richfield contains provisions for the billing and collection of sanitary sewer charges and providing that delinquent sewer charges shall be a lien upon the real property served, which may be certified to the County Auditor for special assessment upon the tax duplicate; and

WHEREAS, this Council has determined that it is in the interest of the Village to enact a new Section of Chapter 926 of the Codified Ordinances of the Village to add procedural requirements promoting the payment of sanitary sewer utility charges due and owing at the time of transfer or sale of property and prohibiting escrow agents from disbursing funds to the seller of property unless a statement of such utility charges is provided to the buyer.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Richfield, Summit County, State of Ohio:

SECTION 1. That a new Section 926.211 of the Codified Ordinances of the Village of Richfield, entitled "Property Seller To Supply Statement Of Status Of Sanitary Sewer Utility Account", be enacted to read as follows:

926.211 PROPERTY SELLER TO SUPPLY STATEMENT OF STATUS OF SANITARY SEWER UTILITY ACCOUNT.

- (a) No person, agent, firm or corporation shall sell or transfer by deed, land contract or otherwise any premises within the Village of Richfield which is supplied with Village sanitary sewer services without furnishing the buyer or transferee, prior to such sale or transfer, a statement from the Director of Finance setting forth the current status of the sanitary sewer utility account for the premises, and when an escrow account has been established, depositing in escrow prior to delivery of possession or transfer of title a statement from the buyer or transferee acknowledging the receipt of this document and accepting responsibility for all future sanitary sewer utility charges in accordance with these Codified Ordinances. Upon the title transfer, the buyer or transferee will be responsible for the payment of any delinquent amount owed for sanitary sewer service to the premises and the Village shall have the right to place a lien on the premises after the transfer of ownership for delinquent charges which were incurred prior to transfer of ownership.
- (b) No person, firm or corporation acting in the capacity of an escrow agent in any real estate transaction involving the sale or transfer of any premises situated in the Village of Richfield which is supplied with sanitary sewer service from the Village shall disburse any funds unless the provisions of this

Section 926.211 have been met. Should the person, firm or corporation selling or transferring by deed, land contract or otherwise any premises within the Village act without an escrow agent, the selling person, firm or corporation shall comply with the requirements of this Section 926.211 that are placed on the escrow agent.

(c) Nothing under this section shall bar the rights of a buyer or transferee to recover by civil suit from either the previous owner (seller or transferor), real estate agent or escrow agent the charges paid by the buyer or transferee hereunder for sanitary sewer service supplied to the premises prior to the transfer of ownership to the buyer or transferee.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with legal requirements, including section 121.22 of the Ohio Revised Code. .

SECTION 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 12-4-12

Michael Wheeler
President of Council

Bobbie Baseman
Mayor

Dated: 12-4-12

ATTEST:
Carolyn E. Sullivan
Clerk of Council