

RECORD OF ORDINANCE

Date Presented 08/08/2023

Sponsor Councilmember Tennant Ordinance No. 35-23 Date Passed Sept. 12, 2023

AN ORDINANCE ESTABLISHING THE PROCESS AND SETTING FINES FOR VIOLATING NEW CONSTRUCTION OCCUPANCY REQUIREMENTS AND DECLARING AN EMERGENCY;

Whereas, the village has seen more custom builders operating within the corporation limits; and

Whereas, in order to safeguard new resident's rights and safety and to clarify the process to custom builders who may not be familiar with municipal occupancy requirements; and

Whereas, the process of building a new home involves more than just the home construction; and

Whereas, the process includes, but is not limited to Utility inspections (completed by the Village), Home Construction inspections (completed by the Building Department) and DESC permits (Drainage Erosion and Sediment Control) inspections (completed via the Village's contract with Fairfield County Soil and Water); and

Whereas, each step in the process has its own approvals and the Final Occupancy Certificate is not issued until all steps have been completed; and

Whereas, some builders have moved residents into a new home before all the steps have been completed; and

Whereas, the village does not currently have a process in place to ensure the builder completes all the steps, except to placard the home and force residents out; and

Whereas, the village does not want to force residents out of their homes based on the negligence or misrepresentation of their builder; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LITHOPOLIS, FAIRFIELD COUNTY, STATE OF OHIO;

Section 1. Council hereby authorizes the Village Administrator to fine the party that applied for the Zoning or Building Permit or the DESC permit, or other responsible party, if a primary structure is inhabited prior to the issuance of a Temporary Occupancy Certificate or a Final Occupancy Certificate.

Section 2. The Village Administrator, on the knowledge that a house without a Temporary or Final Occupancy Certificate is inhabited, shall serve notice, and provide no less than 7 (seven) calendar days for the responsible party to secure a Temporary or Final Occupancy Certificate.

Section 3. If the responsible party fails to secure a Temporary or Final Occupancy Certificate within the 7 (seven) calendar days, the Village Administrator may fine the responsible party no more than \$150.00 (One hundred and fifty dollars) per day until the Temporary or Final Occupancy Certificate is issued.

Section 4. The Village may use any other means available by law to enforce its occupancy requirements or to enforce collection of fines for violation of this ordinance.

Section 5. This ordinance is hereby declared an emergency measure necessary for the immediate preservation of the public health, safety, and welfare in that it is necessary to provide the administration a means to hold violators accountable and shall be in full force and effect at the earliest date provided by law.

Attest/Date: Jacita Flowers
Clerk

Signed/Date: [Signature]
Mayor 9/12/23

Approved as to form: [Signature]
Jon M. Browning

First Reading 8/8/23 Second Reading 9/15/23
Revised Second Reading 9/12/23 Third Reading _____

VOTE FOR _____ AGAINST _____