

**Sec. 4-275. Clearwater Inspections, separation requirements and inspection of pre-1980 residential properties.**

~~(a) No person shall sell, transfer or convey ownership of any one (1) or two (2) family residential building, constructed before January 1, 1980 and serviced by a sanitary sewer, until such time as a clear water inspection has been made or approved by the building inspection department as provided in this section. Changing ownership or accepting change of ownership without such an inspection shall constitute a violation of this section and shall be subject to the penalties set forth in §4-24.~~

~~(a**b**)~~ The building inspection ~~department~~division shall, when deemed necessary by the Director of Public Works or designee thereof, or upon a reasonable request~~by the owner of record~~, conduct an inspection of the premises to ensure compliance with the provisions of the~~the~~ Ccode this section relating to illegal surface or ground water connections into the sanitary sewer system. ~~Such inspection shall occur on or before the sale, transfer or conveyance of title of any such building but may occur thereafter if for some reason not requested earlier by the owner.~~

~~(e**b**)~~ A notice of noncompliance shall be issued by the building inspection ~~department~~division to the owner of record of any ~~residential~~ building ~~not to be found not to be~~ in compliance with the provisions of the Ccode this section. The notice shall set forth areas of noncompliance and shall order the owner to bring the building into compliance within an established period of time.

(c) Failure to bring the property into compliance within the applicable compliance period shall constitute a violation of this section and shall be subject to the penalties set forth in Sec. 4-24.

~~(d) Where a request for inspection is made pursuant to this section, and if it is found that the premises was subject to an approved clear water inspection within the timeline established by the Inspections Division and approved by the Common Council, the owner may verify in writing that no changes have been made since the last inspection that would cause the premises to be noncompliant with this section and a re inspection will not be required. This acknowledgement must be received by the Inspections Division within two (2) months after the sale of a property.~~

~~(e) In order to avoid delay or prevent a pending sale of a property affected by this section, a buyer or other transferee may file with the building inspection department evidence of a contract or accepted bid for work which, when completed, will bring the property~~

~~into compliance with this section. Compliance shall be met within the time limits set forth in subsection (e) above, along with evidence that adequate funds have been escrowed to complete said work. Also, a signed stipulation shall be on record agreeing to bring the property into compliance with this section within the applicable time limits. Said evidence and stipulation may only be filed after the inspection provided for in subsection (b) above is made. Failure by the buyer or transferee to bring the property into compliance within the applicable compliance period shall constitute a violation of this section and shall be subject to the penalties set forth in §4-24.~~

~~(f**d**)~~ *No warranty.* An inspection meeting compliance only indicates that so far as can be reasonably determined by a visual inspection of the premises and review of City records, the premises meets the requirements of this section. Neither the City nor its inspectors assume any liability in the inspection findings, whether compliant or not, and we the City does not guarantee or warrant the condition of the premises inspected.

~~(g**e**)~~ *Not liable.* The City ~~of Appleton~~ will not be liable for any unsafe or sanitary conditions that exist in any building inspected for clearwater compliance. However, if any such conditions exist, and are noticed by an inspector, authority shall be granted to issue orders to correct such conditions.

J:\Attorney\WORD\Jamie\Ordinances\2015 Ords\Clearwater Ordinance (Dec 2015).doc