

ORDINANCE NO. 02-2016 (AMENDED)

INTRODUCED BY: MAYOR ANN MARIE DONEGAN

AN ORDINANCE AMENDING AND UPDATING TITLE TWO, BUILDING STANDARDS, OF PART FOURTEEN, BUILDING REGULATIONS, OF THE CODIFIED ORDINANCES OF THE CITY TO BRING THE CITY'S BUILDING REGULATIONS INTO COMPLIANCE WITH THE OHIO REVISED CODE AND ADMINISTRATIVE CODES BY AMENDING AND ADOPTING CERTAIN SECTIONS AND REPEALING EXISTING CHAPTERS 1420 AND 1424 AND 1480.03 OF THE CODIFIED ORDINANCES OF THE CITY

WHEREAS, the Codified Ordinances of the City as contained in Part Fourteen relating to building regulations are outdated and in some cases have been superseded by new administrative regulations and codes adopted by the state including the Ohio Building Code and the Residential Code of Ohio; and

WHEREAS, consistent with Chapters 3781 and 3791 of the Revised Code, and in order to maintain local certified building department credentials, it is necessary and appropriate to amend, update, and repeal various sections of Part Fourteen of the City's Building Regulations. Now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, OHIO, THAT:

SECTION 1. That the Title of Part Fourteen of the Codified Ordinances is hereby amended to read:

"Part Fourteen – Building Regulations"

and that the following sections contained in Part Fourteen are hereby amended, revised, and enacted:

1426.01 Residential Code of Ohio Adopted

1426.02 Permit Requirements and Fees

1426.04 Conflict of Laws;

1430.01 Adoption

1442.03 Powers and Duties

1480.01 International Property Maintenance Code

1480.02 Applicability

1480.99 Penalty

and that the same are as stated in Exhibit "A" attached hereto and incorporated herein by reference as if fully rewritten.

SECTION 2. That current chapters 1420, Regional Building Code, and 1424, Regional Dwelling House Code, and current Section 1480.03, Amendments, are hereby expressly repealed.

SECTION 3. That in all other respects, all other sections as contained in Part Fourteen are hereby reaffirmed and in full force and effect except as amended, modified, or enacted hereby and that any and all provisions of the Codified Ordinances in conflict herewith are repealed to the extent of conflict with the changes enacted hereby.

SECTION 4. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 5. This Ordinance shall take effect at the earliest time allowed by law.

Jay Linn, President of Council

PASSED: _____

APPROVED: _____
Ann Marie Donegan, Mayor *Date*

APPROVED AS TO FORM: _____
Gregory Sponseller, Director of Law

ATTEST: _____
Angela Mancini, Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

	Yea	Nay
Linn	_____	_____
Garrity	_____	_____
Haviland	_____	_____
Sculac	_____	_____
Stibich	_____	_____
Duncan	_____	_____
Miller	_____	_____

CODIFIED ORDINANCES OF OLMSTED FALLS

PART FOURTEEN - BUILDING REGULATIONS AND HOUSING CODE

TITLE TWO - Building Standards

- Chap. 1420. Regional Building Code. **(Repealed)**
- Chap. 1424. Regional Dwelling House Code. **(Repealed)**
- Chap. 1426. Residential Code of Ohio.
- Chap. 1428. National Electrical Code.
- Chap. 1430. Ohio Building Code.

TITLE FOUR - Administration

- Chap. 1440. Building and Zoning Inspector.
- Chap. 1442. Building, Housing and Zoning Administrator.
- Chap. 1444. Architectural Board of Review.
- Chap. 1446. Foreclosure Filing.
- Chap. 1448. Permits and Fees.
- Chap. 1452. Developers Deposits and Other Fees.

TITLE SIX - Miscellaneous Building Regulations

- Chap. 1460. Temporary Driveways.
- Chap. 1461. Dish-Type Satellite Signal-Receiving Antennas.
- Chap. 1462. Decks.
- Chap. 1464. Moving of Buildings.
- Chap. 1465. Numbering of Buildings.
- Chap. 1468. Fences.
- Chap. 1469. Construction Site Soil Erosion, Sediment and Other Wastes and Storm Water Runoff.
- Chap. 1470. Controlling Riparian Setbacks and Wetlands Setbacks.
- Chap. 1472. Dangerous Buildings.
- Chap. 1474. Exterior Property Maintenance.
- Chap. 1475. Clandestine Drug Laboratories.
- Chap. 1476. Incinerators.
- Chap. 1477. Flood Damage Reduction.
- Chap. 1478. Smoke and Carbon Monoxide Detectors.
- Chap. 1479. Condominiums.

TITLE EIGHT - Housing

- Chap. 1480. ~~BOCA National~~ **International Property Maintenance Code.**

CODIFIED ORDINANCES OF OLMSTED FALLS

PART FOURTEEN – BUILDING REGULATIONS AND HOUSING CODE

TITLE TWO - Building Standards

- Chap. 1420. Regional Building Code. **(Repealed)**
 - Chap. 1424. Regional Dwelling House Code. **(Repealed)**
 - Chap. 1426. Residential Code of Ohio.
 - Chap. 1428. National Electrical Code.
 - Chap. 1430. Ohio Building Code.
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CHAPTER 1420
Regional Building Code
(Repealed)

EDITOR'S NOTE: The Regional Building Code contains its own penalty for violations thereof.

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|---------|--------------------------------|---------|---------------------------------|
| 1420.01 | 1959 edition adopted; purpose. | 1420.04 | Interpretation. |
| 1420.02 | File and distribution copies. | 1420.05 | Board of Building Code Appeals. |
| 1420.03 | Permit fees. | | |

CROSS REFERENCES

- Adoption of technical codes - see Ohio R.C. 731.231
- Ohio State building standards - see Ohio R.C. Ch. 3781
- State building regulations do not prevent municipality from making additional regulations - see Ohio R.C. 3781.01
- Ohio Building Code - see Ohio R.C. 3781.10
- Required submission of plans of public buildings - see Ohio R.C. 3791.04
- Fees for plan approval - see Ohio R.C. 3791.07
- Permits and fees - see B. & H. Ch. 1448

CHAPTER 1424
Regional Dwelling House Code
(Repealed)

EDITOR'S NOTE: The Regional Dwelling House Code contains its own penalty for violations thereof.

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|---------|--------------------------------|---------|---------------------------------|
| 1424.01 | 1966 edition adopted; purpose. | 1424.04 | Interpretation. |
| 1424.02 | File and distribution copies. | 1424.05 | Board of Building Code Appeals. |
| 1424.03 | Permit fees. | 1424.06 | Amendments. |
| | | 1424.07 | Registration of contractors. |

CROSS REFERENCES

Adoption of technical codes - see Ohio R.C. 731.231
Regional Building Code - see B. & H. Ch. 1420
Permits and fees - see B. & H. Ch. 1448

CHAPTER 1426
Residential Code of Ohio

1426.01 Residential Code of Ohio adopted.	1426.03 Board of Building Code Appeals.
1426.02 Permit requirements and fees.	1426.04 Conflict of laws.
	1426.99 Penalty.

CROSS REFERENCES

Adoption of technical codes - see Ohio R.C. 731.231
Ohio State building standards - see Ohio R.C. Ch. 3781; B. & H. Ch. 1430
Regional Dwelling House Code - see B. & H. Ch. 1424
National Electrical Code - see B. & H. Ch. 1428
Permits and fees - see B. & H. Ch. 1448

1426.01 RESIDENTIAL CODE OF OHIO ADOPTED.

(a) In order to regulate the erection, construction, repair, alteration and maintenance of residential buildings, the most current Edition of the Residential Code of Ohio for One-, Two-, and Three-Family Dwellings (RCO) and all related Codes and Referenced Standards as adopted by the Ohio Board of Building Standards and as may be amended and updated from time to time, pursuant to Ohio R.C. 3781.10, shall apply and be enforced within the Municipality.

~~(a) A certain document, one (1) copy of which is on file in the Building Department of the City of Olmsted Falls, being marked and designated as the Residential Code of Ohio, 2004 Edition, as amended from time to time, is hereby adopted as the Residential Code of the City of Olmsted Falls, in the State of Ohio, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one, two, and three family dwellings and multiple single family dwellings (townhouses) not more than three stories in height and with three separate means of egress as herein provided, and providing for the issuance of permits and collection of fees therefor. Each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the City of Olmsted Falls are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in subsection (b) hereof.~~

~~(b) The following sections of the Residential Code of Ohio are hereby revised:
Section R101.01. Insert: The City of Olmsted Falls
Table R301.2(1). Insert: See attached Table A~~

(Ord. 64-2006. Passed 5-23-06.)

1426.02 PERMIT REQUIREMENTS AND FEES.

(a) Work requiring approval by the Residential Code of Ohio adopted herein shall not proceed until fees have been paid as required by Chapter 1448 and a permit has been issued. No amendment to a permit shall be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure, has been paid.

(b) In addition to the requirements of the Residential Code of Ohio, approvals and permits shall be required for the following work:

- (1) Accessory structures **less than 200 square feet.**
- (2) Fences.
- (3) Driveways and sidewalks over 50 square feet.
- (4) Swimming pools over 18 inches deep.
- (5) Kitchen cabinets or countertops.
- (6) **Decks less than 200 square feet whether attached or not attached to the structure.**

(c) Standards of construction for approvals required by this section shall be those of the current Residential Code of Ohio. Permit fees shall be paid as required by Chapter 1448. (Ord. 64-2006. Passed 5-23-06.)

1426.03 BOARD OF BUILDING CODE APPEALS.

The Board of Zoning Appeals is hereby designated as the Board to carry out and perform the duties charged upon the Board of Appeals by the Residential Code of Ohio. Appeals shall follow the process noted in Olmsted Falls Planning and Zoning Code Section 1232.07, excluding subsection (b), Notice of Public Hearing.

(Ord. 64-2006. Passed 5-23-06.)

1426.04 CONFLICT OF LAWS.

(a) In the event of a conflict between any of the provisions of the Residential Code of Ohio adopted in this Chapter and any other Ordinance or Resolution of the City, the Residential Code of Ohio shall control.

~~(b) In the event of a conflict between any of the provisions of the Residential Code of Ohio and any of the provisions of the Regional Dwelling House Code adopted in Section 1424.01, the more restrictive provision shall control.~~

(Ord. 64-2006. Passed 5-23-06.)

1426.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter, including the provisions of the Residential Code of Ohio adopted herein, is guilty of a misdemeanor of the first degree and shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than six months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation of noncompliance occurs or continues.

(Ord. 64-2006. Passed 5-23-06.)

1430.01 ADOPTION.

There is hereby adopted by the Municipality, the Ohio Building Code (OBC) and all related Codes and Referenced Standards as adopted by the Ohio Board of Building Standards and as may be amended and updated from time to time, pursuant to Ohio R.C. 3781.10 and as published in Division 4101:2 of the Ohio Administrative Code (OAC).

~~There is hereby adopted by the Municipality, the Ohio Building Code (OBC) and related codes as adopted by the Ohio Board of Building Standards, Department of Industrial Relations, effective January 1, 2002, and as identified and published in Division 4101:1 et seq. of the Ohio Administrative Code (OAC).~~

1430.02 PURPOSE.

The purpose of the Ohio Building Code is to establish uniform minimum requirements for the erection, construction, repair, alteration, and maintenance of buildings, including construction of industrialized units. Such requirements shall relate to the conservation of energy, safety, and sanitation of buildings for their intended use and occupancy with consideration for the following:

- (a) Performance. Establish such requirements, in terms of performance objectives for the use intended.
- (b) Extent of Use. Permit to the fullest extent feasible, the use of materials and technical methods, devices, and improvements which tend to reduce the cost of construction without affecting minimum requirements for the health, safety, and security of the occupants of buildings without preferential treatment of types or classes of materials or products or methods of construction.
- (c) Standardization. To encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material and techniques, including methods employed to produce industrialized units.

The rules of the Board of Building Standards and proceedings shall be liberally construed in order to promote its purpose. When the Building Official finds that the proposed design is a reasonable interpretation of the provisions of this Code, it shall be approved. Materials, equipment and devices approved by the Building Official pursuant to Section 118 of the Ohio Building Code shall be constructed and installed in accordance with such approval.

(OBC 101.3)

1430.04 COMPLIANCE.

(a) No owner or any other person shall construct, erect, build or equip any building or structure to which the Ohio Building Code is applicable, or make any addition thereto or alteration thereof, except in case of repairs for maintenance without affecting the construction, sanitation, safety or other vital feature of such building or structure, without complying with this chapter, Ohio R.C. Chapters 3781 and 3791 or the Ohio Building Code, or fail to comply with any lawful order issued pursuant thereto.

(ORC 3791.01, 3791.02)

- (a) No architect, builder, engineer, plumber, carpenter, mason, contractor, subcontractor, foreman or employee shall violate or assist in violating this chapter, Ohio R.C.

Chapters 3781 and 3791 or the Ohio Building Code, or fail to comply with any lawful order issued pursuant thereto.

(ORC 3791.01, 3791.03)

- (b) No owner or any other person shall proceed with the construction, erection, alteration or equipment of any building or structure to which the Ohio Building Code is applicable without complying with this chapter and the plan and specification submission and processing requirements of the Municipality, and until plans or drawings, specifications and data have been approved, or the industrialized unit has been inspected at the point of origin.

(ORC 3791.04)

CHAPTER 1442

Building, Housing and Zoning Administrator

- 1442.01 Establishment of position.
1442.02 Appointment.
1442.03 Powers and duties.
1442.04 Compensation; benefits; additional duties.
1442.05 Assistant Building, Housing and Zoning Administrator.

CROSS REFERENCES

Power to regulate building erection - see Ohio R.C. 715.26, 715.29, 737.28, 737.37

Building Department - see ADM. 244.01

Zoning Administrator - see P. & Z. 1206.02, 1210.01

Building and Zoning Inspector - see B. & H. Ch. 1440

1442.03 POWERS AND DUTIES.

The Building, Housing and Zoning Administrator shall supervise and govern the duties of the Building and Zoning Inspector and shall also:

(a) Enforce this Building and Housing Code, the Zoning Code and the Subdivision Regulations of the City;

(b) Under the direction of the Service Director and the Mayor, with the aid of a registered engineer and/or architect, operate the Building Department in the best interest of the community with regard to health, peace, welfare and safety;

(c) Issue all necessary permits and make all required inspections of public and private projects;

~~(d) Be familiar generally with the provisions of all appropriate building, housing, health, residential, fire and zoning codes, and specifically with the Ohio Basic Building Code, the CABO~~

~~One and Two Family Dwelling Code, the BOCA Codes and the 1966 Regional Dwelling House Code, as modified and adopted by the City, and Zoning Ordinance 44-75, passed May 11, 1976, and such modifications, revisions or additions to any of these as may be adopted later;~~

~~(d) (e)~~ Enforce all relevant codes and regulations concerning classification of buildings by type of construction and by use and occupancy;

~~(e) (f)~~ Enforce compliance with relevant technical requirements and administrative procedures set forth in Ohio and Municipal Building Codes;

~~(f) (g)~~ Enforce all ordinances and resolutions of the City pertaining to buildings, housing, construction, sanitation and drainage;

~~(g) (h)~~ Inspect and test all installations and repairs of plumbing and drainage systems and equipment, of electrical systems and equipment and of heating and air conditioning systems and equipment, in all types of buildings, structures and construction, to ensure conformity with all codes and regulations governing such installations and repairs;

~~(i)~~ ~~Inspect all maintenance, improvements or repairs of streets, sidewalks, lanes, bridges, sewers, sewer systems, drains, ditches, culverts and streams, to ensure conformity with approved engineering practices;~~

~~(h) (j)~~ Investigate complaints regarding alleged building, housing and zoning violations;

~~(i) (k)~~ Keep all required records and maintain departmental files in good order;

~~(j) (l)~~ Attend all Planning Commission meetings and meetings of City Council, the Board of Zoning Appeals and the Architectural Review Board upon the request of the Mayor;

~~(k) (m)~~ Preserve all surveys, maps and plans of City property; and

~~(l) (n)~~ Cause citations to be issued for violations of any enforcement authority set forth herein above or elsewhere in these Codified Ordinances.

(Ord. 35-96. Passed 6-11-96.)

TITLE EIGHT – Housing
Chap. 1480. ~~BOCA National Property Maintenance Code.~~
International Property Maintenance Code

CHAPTER 1480
~~BOCA National~~ **International Property Maintenance Code**

EDITOR'S NOTE: This chapter was previously titled the BOCA Basic Housing Code and the BOCA National Existing Structures Code. The title was changed to conform to the title of the 1996 edition of the Code ~~herein adopted by reference~~ **and is further updated to conform to the current code in effect, International Property Maintenance Code.**

- | | | |
|---------|--|--------------------------------|
| 1480.01 | 1996 edition adopted.
International Property Maintenance Code | 1480.03 Amendments. |
| 1480.02 | File and distribution copies. Applicability | 1480.99 Penalty. |

CROSS REFERENCES

- Adoption of technical codes - see Ohio R.C. 731.231
Occupancy certificates - see B. & H. 1448.04 et seq.
Buildings which violate health and safety standards defined -
see B. & H. 1472.01

1480.01 ~~1996 EDITION ADOPTED.~~ INTERNATIONAL PROPERTY MAINTENANCE CODE.

Pursuant to Ohio Revised Code Section 731.231, there is hereby adopted as the property maintenance code of the City of Olmsted Falls, Ohio, for the control of building and structures as therein provided, the most recent edition (2015) of the International Property Maintenance Code, all as the same may be amended or revised and the same is hereby incorporated by reference as if fully rewritten. (Ord. 55-2015 adopted 10/13/2015).

~~Pursuant to Ohio R.C. 731.231, there is hereby adopted as the property maintenance code of the City, for the control of buildings and structures as therein provided, that certain code known as the BOCA National Property Maintenance Code, 1996 edition, as published by Building Officials and Code Administrators International, Inc. Each of the regulations, provisions, penalties, conditions and terms of such Code are hereby referred to, adopted and made a part of this chapter by reference, as if fully set out in this chapter, save and except such portions as may be hereinafter amended or deleted.~~

1480.02 FILE AND DISTRIBUTION COPIES. APPLICABILITY

The IPMC is hereby adopted for the purpose of establishing the minimum regulations governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical items and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures. The IPMC shall be in full force and effect within the City and shall apply to all existing Residential and Non-Residential premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance, the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

~~One copy of the BOCA National Property Maintenance Code, as adopted in Section 1480.01, is on file with the Clerk of Council for inspection by the public and one copy is on file in the County Law Library. In addition, the Clerk of Council has copies available for distribution to the public, at cost.~~

1480.03 AMENDMENTS. (Repealed)

~~The BOCA National Existing Structures Code, as adopted in Section 1480.01, is hereby amended as follows:~~

~~PM-101.1 Title: Insert "City of Olmsted Falls."~~

~~PM 101.7 Application of other codes: Such section shall be amended to read as follows: Any repairs or alterations to a structure, or changes of use therein, which are caused directly or indirectly by the enforcement of this Code, shall be done in accordance with the procedures and provisions of the building, plumbing and mechanical codes listed in Chapter 8, the Regional Dwelling House Code adopted in Section 1424.01, the CABO One and Two Family Dwelling Code adopted in Section 1426.01, and the Ohio Building Code adopted in Section 1430.01, whichever is most restrictive.~~

~~PM-106.2 Penalty: The entire section shall be deleted.~~

~~PM 405.11 Occupants defined: Such section shall be added to read as follows: For the purpose of defining the number of legal occupants or persons, infants below the age of two years shall not be counted; children two years of age and over, but under five years, shall be counted as one half a person; and all occupants five years of age and older shall be counted as one person.~~

1480.99 PENALTY.

(a) Whoever violates any provision of the ~~BOCA National~~ **International** Property Maintenance Code, as adopted in Section 1480.01, is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues after due notice has been served in accordance with the terms and provisions of such Code.

(b) The application of the penalty provided for in subsection (a) hereof shall not be deemed to prevent the enforced removal of prohibited conditions.