

PART THIRTEEN - BUILDING CODE

CHAPTER 1301 - Ohio Building Code⁽¹⁾

Footnotes:

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Cross reference— See sectional histories for similar State law; Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261; Power to enact further and additional regulations - see Ohio R.C. 3781.01; Authorization by Board of Building Standards - see Ohio R.C. 3781.12; Enforcement - see Ohio R.C. 3781.03, 3781.031, 3781.10(E), 3781.102, 3781.19; Final jurisdiction - see Ohio R.C. 3781.04; Application - see Ohio R.C. 3781.06, 3781.10(E), 3781.11(A); Submission of plans - see Ohio R.C. 3791.04; Dead bolt locks in apartment buildings - see Ohio R.C. 3781.103; Smoke detection system for apartments and condominiums - see Ohio R.C. 3781.104; Automatic sprinkler systems - see Ohio R.C. 3781.105, 3791.041 et seq.; Fire suppression systems - see Ohio R.C. 3781.108; Use of public buildings by handicapped persons - see Ohio R.C. 3781.111; Energy conservation - see Ohio R.C. 3781.181, 3781.182, 3781.21; Abandoned service stations - see Ohio R.C. 3791.11 et seq.; Safety standards for refuse containers - see Ohio R.C. 3791.21.

1301.01 - ADOPTION.

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 Commerce as identified and published in Division 4101:1 et seq. of the Ohio Administrative Code (OAC).

(Ord. 0127-2007. Passed 6-18-07; Ord. No. [0034-2016](#), § 1(Exh. A), 4-18-16)

1301.02 - 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 Chief 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 Chief Building Official pursuant to Section 118 of the Ohio Building Code shall be constructed and installed in accordance with such approval.

(OBC 101.3; Ord. 0127-2007. Passed 6-18-07.)

1301.03 - SCOPE.

The provisions of the Ohio Building Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures. As provided in Section 3791.04(B) of the Ohio Revised Code, no plans or specifications shall be approved or inspection approval given unless the building represented by those plans or specifications would, if constructed, repaired, erected or equipped according to those plans or specifications, comply with Chapters 3781 and 3791 of the Ohio Revised Code and any rules adopted by the Board.

An owner may exceed the requirements of the Ohio Building Code in compliance with Section 102.7 of the Ohio Building Code.

Exceptions:

- (a) Detached one-, and two-, and three-family dwellings and structures incidental to those dwellings which are not constructed as industrialized units shall comply with local residential codes, if any, adopted by the authority having jurisdiction. This exception does not include the energy provisions required in "Chapter 13, Energy Efficiency" of the OBC (see Sections 3781.06, 3781.181 and 3781.182 of the Ohio Revised Code);
- (b) Buildings owned by and used for a function of the United States Government;
- (c) Buildings or structures which are incident to the use for agricultural purposes of the land on which said buildings or structures are located, provided such buildings or structures are not used in the business of retail trade; for the purposes of this section, a building or structure is not considered used in the business of retail trade if fifty percent or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller. (See Sections 3781.06 and 3781.061 of the Ohio Revised Code);
- (d) Agricultural labor camps;
- (e) Type A or Type B family day-care homes;
- (f) Buildings or structures which are designed, constructed and maintained in accordance with federal standards and regulations and are used primarily for federal and state military purposes where the U.S. Secretary of Defense, pursuant to 10 U.S.C. Sections 18233(a)(1) and 18237, has acquired by purchase, lease, or transfer, and constructs, expands, rehabilitates, or corrects and equips, such buildings or structures as he determines to be necessary to carry out the purposes of Chapter 1803 of the U.S.C.;
- (g) Manufactured homes constructed under "24 CFR Part 3280", "Manufactured Home Construction and Safety Standards".

(OBC 101.2)

1301.04 - 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)

- (b) 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)
- (c) No owner shall proceed with the construction, erection, alteration or equipment of any building to which the Ohio Building Code is applicable until the plans or drawings, specifications, and data have been approved as Ohio R.C. 3791.04 requires, or the industrialized unit inspected at the point of origin. No plans or specifications shall be approved or inspection approval given unless the building represented would, if constructed, repaired, erected, or equipped comply with Chapters 3781 and 3791 of the Ohio Revised Code and any rule made under those chapters. (ORC 3791.04)

1301.05 - EXISTING STRUCTURES.

The provisions of Chapter 34 of the Ohio Building Code shall control the alteration, repair, addition, and change of occupancy of any existing structure.

The occupancy of any structure currently existing on the date of adoption of this Code shall be permitted to continue without change provided the alleged occupancy can be shown to have existed for more than two years and there are no orders of the Chief Building Official pending, no evidence of fraud, or no serious safety or sanitation hazard.

Buildings constructed in accordance with plans which have been approved prior to the effective date of this Code are existing buildings.

(OBC 102.6; Ord. 0127-2007. Passed 6-18-07.)

1301.06 - VIOLATIONS.

- (a) *Adjudication Orders Required Before Legal Proceedings.* Before the Municipality attempts to enforce Chapters 3781 and 3791 of the Ohio Revised Code or any rules adopted pursuant thereto, by any remedy, civil or criminal, it shall issue an adjudication order within the meaning of Sections 119.06 to 119.13 of the Ohio Revised Code or a stop work order as provided in Section 1301.07. Every adjudication order shall:
 - (1) Cite the law or rules directly involved and shall specify what appliances, site preparations, additions, or alterations to structures, plans, materials, assemblages or procedures are necessary for the same to comply with Chapters 3781 and 3791 of the Ohio Revised Code.
 - (2) Include notice to the party of the procedure for appeal and right to a hearing if requested within thirty days of the mailing of the notice. The notice shall also inform the party that at the hearing he may be represented by counsel, present his arguments or contentions orally or in writing and present evidence and examine witnesses appearing for or against him.
- (b) *Notice of Violation.* The Chief Building Official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure. When the Chief Building Official finds that work or equipment is contrary to approved construction documents and the rules of the Board of Building Standards, the Chief Building Official shall send a notice in writing to the owner of said building or the owner's agent which shall state where and in what respect the work or equipment does not conform to the approved plans for same and the rules of the Board. The notice shall specify a reasonable period of time in which to conform to said plans or the rules of the Board. Before any work may continue on the construction, erection, alteration, or equipment of any building for which the approval is invalid, the owner of the building shall resubmit the plans or drawings and specifications for approval as required under Section 105.3 of the Ohio Building Code.

- (c) *Prosecution of Violation.* Upon the issuance of any order provided for in this section or Section 1301.07, the person receiving an order shall cease work upon the site preparations or structure to be constructed, or in the case of an industrialized unit, the installation of the unit, or shall cease using the appliance, materials, assemblages or manufactured product identified in the order until such time as the appeal provided for in accordance with the provisions of Section 3781.19 of the Ohio Revised Code and all appeals from such hearing have been completed, or the order has been released.

(OBC 113; Ord. 0127-2007. Passed 6-18-07.)

1301.07 - STOP WORK ORDER.

- (a) *Authority.* Whenever the Chief Building Official finds any work regulated by this Code being performed in a manner contrary to the provisions of this Code or in a dangerous or unsafe manner, the Chief Building Official is authorized to issue a stop work order whenever the Chief Building Official finds, after inspection, that the site preparations or structure to be constructed, or in the case of an industrialized unit, the installation of the unit, or that the use of an appliance, materials, assemblage, or manufactured product does not comply with the provisions of Chapters 3781 and 3791 of the Ohio Revised Code or the rules adopted pursuant thereto. The effect of such an order shall be limited to the matter specified in the order.
- (b) *Issuance.* The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent and the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.
- (c) *Unlawful Continuance.* Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition. Failure to cease work after receipt of a stop work order is hereby declared a public nuisance.

(OBC 114; Ord. 0127-2007. Passed 6-18-07.)

1301.08 - CONFLICT.

- (a) *General.* Where, in any specific case, different sections of the Ohio Building Code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- (b) *Other Laws.* The provisions of the Ohio Building Code shall not be deemed to nullify any provisions of state or federal law. The Municipality, under Section 3781.01 of the Ohio Revised Code, may make further and additional regulations, not in conflict with Chapters 3781 and 3791 of the Ohio Revised Code or with the rules of the Board of Building Standards. However, under Section 3781.12 of the Ohio Revised Code, approval by the Board of Building Standards of any fixture, device, material, system, assembly or product of a manufacturing process, or method or manner of construction or installation shall constitute approval for their use anywhere in Ohio. The rules of the Board of Building Standards shall supersede and govern any order, standard, or rule of the Division of the Fire Marshal or Industrial Compliance in the Department of Commerce, and Department of Health and of counties and townships, in all cases where such orders, standards or rules are in conflict with the rules of the Board of Building Standards, except that rules adopted and orders issued by the Fire Marshal pursuant to Chapter 3743, of the Ohio Revised Code prevail in the event of a conflict.

(OBC 102)

1301.09 - ENFORCEMENT.

- (a) *In General.* The Chief Building Official shall enforce provisions of the rules of the Board of Building Standards and of Chapters 3781 and 3791 of the Ohio Revised Code, relating to construction, arrangement, and the erection of buildings or parts thereof as defined in the rules of the Board in accordance with the certification. The Chief Building Official shall exercise exclusive responsibility for the enforcement of all design and construction requirements found in the Ohio Building Code and in other codes and referenced standards to the extent that the Building Code refers to those documents for design data, facts, figures, requirements, criteria, conditions, measures, and information except as follows:
- (1) *Fire.* The Fire Marshal or Fire Chief shall enforce all provisions of the rules of the Board relating to fire prevention. For those design and construction requirements and other requirements found in the Fire Prevention Code to which the Building Code refers, to the extent of the reference they shall be enforced by the Chief Building Official.
 - (2) *Health.* The Department of Health, or the boards of health of the City or general health districts the Division of Industrial Compliance of the Department of Commerce, or the Departments of Building Inspection of municipal corporations shall enforce such provisions relating to sanitary construction.
 - (3) *Engineering.* The City Engineer, in cities having such departments, has complete supervision and regulation of the entire sewerage and drainage system of the City, including the house drain and the house sewer and all laterals draining into the street sewers. Said department shall have control and supervision of the installation and construction of all drains and sewers that become a part of the sewerage system of the City and shall issue all the necessary permits and licenses for the construction and installation of all house drains and house sewers and of all other lateral drains that empty into the main sewers. Such department shall keep a permanent record of the installation and location of every drain and sewerage system of the City.
 - (4) *Enforcement.* This section does not exempt any officer or department from the obligation of enforcing any provision of the rules of the Board.

The Chief Building Official shall have the authority to render interpretations of the Ohio Building Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code.

- (b) *Applications and Approvals.* The Chief Building Official shall receive applications, require the review of submitted construction documents and issue plan approvals for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such approvals have been issued and enforce compliance with the provisions of this Code.
- (c) *Notices and Orders.* The Chief Building Official shall issue all necessary notices or orders to ensure compliance with this Code. When the Chief Building Official finds that work or equipment is contrary to approved plans therefor and the rules of the Board, the Chief Building Official shall send a notice in writing to the owner of said building or the owner's agent. The notice shall state where and in what respect the work or equipment does not conform to the approved plans for same and the rules of the Board, and specify a reasonable period of time in which to conform to said plans or the rules of the Board.
- (d) *Inspections.* If the plans for the erection, construction, repair, alteration, relocating, or equipment of a building are subject to inspection by the Chief Building Official, under Section 109 of the Ohio Building Code, the Chief Building Official shall cause to be made such inspections, investigations, and determinations as are necessary to determine whether or not the work which has been performed and the installations which have been made are in conformity with the approved plans and to safety and sanitation, except special inspections required under Section 1704 of the Ohio Building Code.
- (e) *Identification.* The Division of Building and Zoning Regulation personnel shall show, when requested, proper identification when entering structures or premises in the performance of duties under this Code.

- (f) *Right of Entry.* The Chief Building Official, or Chief Building Official's designee, is authorized to enter a structure or premises at reasonable times to inspect or to perform the duties imposed by this Code, provided that credentials are presented to the occupant and that entry is requested and obtained. Where permission to enter has not been obtained, is denied, or the Chief Building Official has probable cause to believe that there exists in a structure or upon a premises a condition which is a serious hazard the Chief Building Official shall have recourse to the remedies provided by law to secure entry.
- (g) *Division Records.* The Chief Building Official shall keep official records of applications received, certificate of plan approval issued, notices and orders issued, certificate of occupancy, and other such records required by the rules of the Board of Building Standards. Such information shall be retained in the official permanent record for each project. One set of approved construction documents shall be retained by the Chief Building Official for a period of not less than one hundred eighty days from date of completion of the permitted work, or as required by document retention regulations.
- (h) *Liability.* Liability of certified Division of Building and Zoning Regulation personnel for any tortuous act will be determined by Ohio courts to the applicable provisions of Chapter 2744 of the Ohio Revised Code.

(OBC 104; Ord. 0127-2007. Passed 6-18-07.)

1301.99 - PENALTY.

Whoever violates any provision of this chapter or any Code adopted herein or fails to comply with any lawful order issued pursuant thereto is guilty of a misdemeanor of the first degree and shall be fined not more than \$1,000.00 or imprisoned not more than six months or both. Each day during which noncompliance or a violation continues shall constitute a separate offense. The Municipality may institute injunction proceedings in Common Pleas Court to abate the nuisance of failure to cease work after receipt of a stop work order as referred to in Section 1301.07.

CHAPTER 1303 - Residential Building Code^[2]

Footnotes:

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Cross reference— Division of Building and Zoning Regulation - see BLDG. Ch. 1307; Permit fees - see BLDG. Ch. 1312; Local construction provisions - see BLDG. Ch. 1317; Storage buildings and sheds - see BLDG. Ch. 1329; Satellite earth stations - see BLDG. Ch. 1331.

1303.01 - ADOPTION OF THE RESIDENTIAL CODE OF OHIO FOR ONE, TWO AND THREE FAMILY DWELLINGS.

Pursuant to Section 4.16 of the Charter of the City of Gahanna, there is adopted, for the purpose of establishing rules and regulations for the construction, alteration, repair, and maintenance of detached one, two and three family dwellings not more than three stories in height, and their accessory structures the current edition, and any amendments thereto, of the Residential Code of Ohio for One, Two and Three Family Dwellings, except such portions as are hereinafter deleted, modified or amended. A copy of such Code shall be kept on file with the Clerk of Council for inspection by the public.

(Ord. 0127-2007. Passed 6-18-07.)

1303.02 - AMENDMENTS TO CODE.

The following sections of the Residential Code of Ohio for One and Two Family Dwellings are amended for this Building Code as follows:

- (j) Climatic Criteria - Section R-301.2 entitled "Climatic and Geographic Design Criteria" shall be amended, and as amended, shall read as follows: R-301.2 - Climatic and Geographic Design Criteria. Buildings shall be constructed in accordance with the provisions of this Code and as established in Table R301.2(1)

Table No. R-301.2

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA	
Ground Snow Load	20 PSF
Wind Speed (MPH)	90
Seismic Design Category Subject to Damage from:	B
Weathering	Severe
Frost Line Depth	32"
Termite	Moderate to Heavy
Decay	Slight to Moderate
Winter Design Temp	5° F
Ice Shield Underlayment Required	Yes
Flood Hazards	(1) 1976 (b) 1995
Air Freezing Index	1250
Mean Annual Temp	50° F

(Ord. 0127-2007. Passed 6-18-07.)

CHAPTER 1305 - Property Maintenance Code

1305.01 - ADOPTION.

Pursuant to Section 4.16 of the Gahanna City Charter, there is hereby adopted by the City of Gahanna, the International Property Maintenance Code, 2000 edition, as published by the Building Officials and Code Administrators International, Inc., subject to amendments as provided in Section 1305.02. One complete copy of such Code shall be kept on file in the office of the Clerk of Council for reference by interested persons.

(Ord. 0140-2007. Passed 7-16-07.)

1305.02 - AMENDMENTS.

The International Property Maintenance Code as adopted herein is modified by the enactment, amendment, or deletion of the following provisions as respectively indicated, which changes are hereby adopted as set forth herein:

101.1 - Title: These regulations shall be known as the Property Maintenance Code of the City of Gahanna, Ohio, hereinafter referred to as this Code.

103.1 - General: The Building and Zoning Division of the Department of Public Service of the City of Gahanna shall and is hereby designated as the Department of Property Maintenance Inspection, and the Gahanna Chief Building Official or the Chief Building Official's legally designated representative shall be known as the Code Official for the purposes of Section 103 of the Property Maintenance Code.

106.4 - Violation Penalties: Violators shall be subject to the provisions of Chapter 1305.99 of the Codified Ordinances of the City of Gahanna, Ohio.

111 Means of appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Board of Zoning and Building Appeals within thirty days from the date he receives notice of the action of the Code Official, by filing a written notice with the Clerk of Council. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that the strict application of any requirement of this code would cause an undue hardship. The Board of Zoning and Building Appeals shall hear such appeal in accordance with the provisions of Chapter 147 of the Codified Ordinances of the City of Gahanna, Ohio.

302.4 - Weeds: Properties shall be subject to the provisions of Chapter 945 of the Codified Ordinances of the City of Gahanna, Ohio.

303.14 - Insect Screens: During the period from April 1 to October 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition. (EXCEPTION: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed).

602.3 - Heat Supply: Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom shall supply heat to the occupants thereof during the period from January 1 to December 31 to maintain a temperature of not less than 65° F (18°C) in all habitable rooms, bathrooms and toilet rooms. (Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be 7°F (-14°C).

602.4 - Occupiable Work Spaces: Indoor occupiable work spaces shall be supplied with heat during the period from January 1 to December 31 to maintain a temperature of not less than 65° F (18°C) during the period the spaces are occupied. (Exceptions: 1) Processing, storage and operations areas that require cooling or special temperature conditions. 2) Areas in which persons are primarily engaged in vigorous physical activities.)

(Ord. 0140-2007. Passed 7-16-07; Ord. No. [0034-2016](#), § 1(Exh. A), 4-18-16)

1305.98 - NOTICE OF VIOLATION.

- (a) *Contents of Notice of Violation.* Whenever the Chief Building Official or the Chief Building Official's legally designated representative determines that any structure, dwelling unit, or rooming unit, or the premises surrounding any of these, fails to meet the requirements set forth in this chapter or in applicable rules and regulations adopted pursuant thereto, the Chief Building Official or the Chief Building Official's legally designated representative shall issue a notice setting forth the alleged failures, and advising the owner, occupant, operator, or agent that such failures must be corrected; and this notice shall:
- (1) Be in writing.
 - (2) Set forth the alleged violations of this code or of applicable rules and regulations issued pursuant thereto.
 - (3) Provide a reasonable time, not to exceed 30 days, for the correction of any violation alleged.
 - (4) Be served upon the owner and occupant, operator, or agent of the structure, dwelling unit, or rooming unit personally, or by registered mail, return receipt requested, addressed to the last known place of residence of the owner, occupant, operator, or agent. If one or more persons to whom such notice is addressed cannot be found after diligent effort to so do, after 14 days service may be made upon such person or persons by posting a notice in or about the structure, dwelling unit, or rooming unit described in the notice.
- (b) *Reinspection.* At the end of the period of time allowed for the correction of any violation alleged, or upon request, the Chief Building Official or the Chief Building Official's legally designated representative shall reinspect the structure, dwelling unit, or rooming unit described in the notice.
- (c) *Action upon Reinspection.* If, upon reinspection, the violations alleged are determined by the Chief Building Official or the Chief Building Official's legally designated representative not to have been corrected, the Chief Building Official or the Chief Building Official's legally designated representative shall issue a second notice of violation which shall constitute an order requiring that the then existing failures in meeting the requirements of this Code or of applicable existing rules or regulations issued pursuant thereto, shall be corrected within a reasonable time allowed, but not to exceed 30 days after the date of such reinspection, if the person aggrieved does not request a reconsideration or petition for a hearing on the matter in the manner hereinafter provided.
- (d) *Serving of Second Notice.* The Chief Building Official or the Chief Building Official's legally designated representative shall cause a copy of the second notice to be sent by registered mail to the last known address of the owner or operator of such structure, dwelling unit, or rooming unit and shall also post or place in or about such structure, dwelling unit, or rooming unit a public notice, which constitutes constructive notice to the owner and operator of such violation.
- (e) *Transferees Liable.* All subsequent transferees of the Structure, dwelling unit, or rooming unit in connection with which a second notice has been so recorded shall be deemed to have notice of the continuing existence of the violations alleged, and shall be liable to all penalties and procedures provided by this code and by applicable rules and regulations issued pursuant thereto. The sale of the building shall not stay the abatement of the order to repair.

(Ord. 0140-2007. Passed 7-16-07; Ord. No. [0034-2016](#), § 1(Exh. A), 4-18-16)

1305.99 - PENALTIES.

Whoever is convicted of violating any provision of this chapter and as cited by the Chief Building Official or the Chief Building Official's legally designated representative pursuant to authority granted by this chapter shall be deemed guilty of a minor misdemeanor on a first offense. For any second or subsequent offense within a year of a prior offense hereunder, any violator is guilty of a misdemeanor of the fourth degree. An organization convicted of an offense pursuant to Section 501.11 of the Codified Ordinances shall be punished as provided in Section 501.99 of the Codified Ordinances. Each day that any such violator continues to violate any provision of this chapter cited by the Chief Building Official or the Chief Building Official's legally designated representative pursuant to authority granted by this chapter shall constitute a separate and complete offense.

(Ord. 0140-2007. Passed 7-16-07; Ord. No. [0034-2016](#), § 1(Exh. A), 4-18-16)

1307.01 - Division established.

1307.01 - DIVISION ESTABLISHED.

There is hereby established in the Municipality the Division of Building and Zoning Regulation, which shall be under the jurisdiction of the Director of Public Service.

(Ord. 0140-2007. Passed 7-16-07; Ord. No. [0034-2016](#), § 1(Exh. A), 4-18-16)

1307.02 - COMPOSITION.

The Division of Building and Zoning Regulation shall consist of a Chief Building Official, Planning and Zoning Administrator, Building and Heating Inspector(s), Code Enforcement Officer(s), and such deputies and assistants as may be appointed through the civil service process, with funding approved by Council. Each full-time person engaged in the service of the Division of Building and Zoning Regulation shall give their entire time to the performance of the duties thereof, and shall not during the term of their office, enter into any contract for building for others or for furnishing materials.

(Ord. 0140-2007. Passed 7-16-07; Ord. No. [0034-2016](#), § 1(Exh. A), 4-18-16)

1307.03 - POWERS, DUTIES AND QUALIFICATIONS OF CHIEF BUILDING OFFICIAL.

(a) *Powers.*

- (1) *Generally.* The Chief Building Official or the Chief Building Official's legally designated representative is hereby authorized and directed to enforce the provisions of the Municipal and State Building Codes. For such purpose the Chief Building Office or the Chief Building Official's legally designated representative shall have the powers of a police officer.
- (2) *Right of entry.* (EDITOR'S NOTE: This subsection was repealed by Ordinance 76-85, passed September 17, 1985.)
- (3) *Stop orders.* Whenever any building work is being done contrary to the provisions of the Code, the Chief Building Official may order the work stopped, by serving a notice in writing on any persons engaged in the doing or causing to be done of such work. Any such persons shall forthwith stop such work until authorized by the Chief Building Official to proceed with the work.

Any person affected by an order of the Chief Building Official to stop work may appeal to The Board of Zoning and Building Appeals, as provided in Section 1307.05.

(b) *Duties.*

- (1) The Chief Building Official shall be the head of the Division of Building ~~and Zoning Regulation~~ and shall have the management of all matters and affairs pertaining thereto.
 - (2) The Chief Building Official shall prescribe rules and regulations for the persons engaged in the service of the Division. Such persons shall do and perform such duties as the Chief Building Official may require or direct, and shall be under the Chief Building Official's direction, supervision and control.
 - (3) The Chief Building Official shall be charged with the survey and inspection of buildings and structures and with the enforcement of all parts of the Codes.
 - (4) The Chief Building Official shall enforce all other laws and ordinances on the same subject matter.
 - (5) The Chief Building Official shall examine and approve all plans and specifications before a permit may be issued, and shall sign and issue all permits, certificates and notices required by Municipal ordinances and Codes.
 - (6) The Chief Building Official shall keep proper records showing the location, value and character of every building, structure or other work for which a certificate or permit is issued and a copy of every report or inspection of a building, structure or work, with the name of the inspector making the inspection and the date thereof.
 - (7) The Chief Building Official shall make a monthly report to Council, on or before the tenth day of each month, of the number of permits or certificates issued during the preceding calendar month and the estimated value of construction of such buildings, structures or works for which the permits or certificates were issued, and any further information that may be required by the Mayor or Council.
 - (8) The determination of value or valuation under any of the provisions of this chapter shall be made by the Chief Building Official.
 - (9) The Chief Building Official shall, in the Chief Building Official's discretion, issue registrations pursuant to Section 1311.04.
- (c) *Personal Nonliability.* Any suit brought against any officer or employee because of any act performed by the Chief Building Official or the Chief Building Official's legally designated representative in the enforcement of any provision of this chapter shall be defended by the Director of Law, until the final termination of the proceedings therein. The Municipality shall save such officer or employee harmless from personal liability.
- (d) *Qualifications.* To be eligible for appointment, the Chief Building Official shall have had at least five years' experience as an architect, structural engineer, superintendent of construction or deputy building inspector. The Chief Building Official shall be generally informed on the quality and strength of building materials, the prevailing methods of building construction, good practice in fire prevention, the accepted requirements for safe exit facilities and the proper installation of plumbing, electric wiring, elevators and other installations for the safety, comfort and convenience of the occupants. The Chief Building Official shall be in good health, physically capable of making the necessary examinations and inspections of buildings in the course of construction. The Chief Building Official shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into, used in, or in connection with building construction.
- (e) *Cooperation of Other Officials.* The Chief Building Official may request and shall receive, so far as may be necessary in the discharge of the Chief Building Official's duties, the assistance and cooperation of the City Engineer in fixing grades; the Chief of Police in enforcing orders; the City Attorney in prosecuting violations, and other Municipal officials.

(Ord. 0140-2007. Passed 7-16-07; Ord. No. [0034-2016](#), § 1(Exh. A), 4-18-16)

1307.04 - UNSAFE BUILDINGS.

- (a) *Generally.* All buildings or structures which are structurally unsafe, or are not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to the existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation or obsolescence are, for the purposes of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair and rehabilitation or by demolition, in accordance with the procedure set forth in this section.
- (b) *Notice to Owner.* The Chief Building Official or the Chief Building Official's legally designated representative shall examine or cause to be examined every building, structure or portion thereof reported as dangerous or damaged. If found to be an unsafe building, as defined herein, the Chief Building Official or the Chief Building Official's legally designated representative shall give to the building owner or person having charge or control of such building, including an administrator or executor, written notice stating the defects thereof. This notice shall require the building owner or person having charge or control of such building, including an administrator or executor, to commence within 30 days and to continue work either to complete the specified repairs or improvements or to demolish and remove the building, structure or portion thereof, leaving the premises in a clean, safe and sanitary condition, such condition being subject to the approval of the Chief Building Official or the Chief Building Official's legally designated representative. However, in cases of emergency, making immediate repairs necessary, the Chief Building Official or the Chief Building Official's legally designated representative may order the changes to be made within a shorter period.

If necessary, such notice shall also require the building, structure or portion thereof to be vacated forthwith. Should the building, structure or portion thereof be approved for improvements or repairs by the Chief Building Official or the Chief Building Official's legally designated representative, such notice, if necessary, shall also require the building, structure or portion thereof to be vacated and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the Chief Building Official or the Chief Building Official's legally designated representative.

Proper service of such notice shall be by personal service, residence service or by registered mail. However, such notice shall be deemed to be properly served upon such owner or person having charge or control of such executor, if a copy thereof is sent by registered mail to the last known address. If the owner or person in charge or control of such building, including an administrator or executor, cannot be located, nor can his address be ascertained, this notice shall be deemed to be properly served if a copy thereof is placed in a conspicuous place in or about the building or structure affected by this notice.

If such notice is by registered mail, the 30-day period within which such owner is required to comply with the order of the Chief Building Official or the Chief Building Official's legally designated representative shall begin as of the date the building owner or person having charge or control of such building, including an administrator or executor received such notice.

- (c) *Posting of Signs.* The Chief Building Official shall cause to be posted at each entrance to such building a notice to read: "Do Not Enter, Unsafe To Occupy, Division of Building Regulation, Municipality of Gahanna, Ohio". Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person to remove such notice without the permission of the Chief Building Official, or for any person to enter the building except for the purpose of making the required repairs or for demolishing the same.
- (d) *Right to Demolish.* In case the owner fails, neglects or refuses to comply with the notice to repair, rehabilitate or demolish and remove such building, structure or portion thereof, he shall be subject to the penalty set forth in Section 1307.99, and the Chief Building Official shall proceed with the work specified in such notice. The owner shall be personally liable for the cost of such work and, in the event such costs are not paid, the amount thereof shall be transmitted to Council, who shall cause the same to be paid and levied as a tax assessment against the property.
- (e) *Costs.* Costs incurred under subsection (d) hereof shall be paid out of the Municipal Treasury. Such costs shall be charged to the owner of the premises involved as a special assessment on the land on which the building or structure is located, and shall be collected in the manner provided for special assessments or the taking of a judgment against the owner.

(Ord. 0140-2007. Passed 7-16-07; Ord. No. [0034-2016](#), § 1(Exh. A), 4-18-16)

1307.05 - FAILURE TO COMPLY WITH ORDERS; APPEAL.

In the event the Chief Building Official or the Chief Building Official's legally designated representative orders work stopped or finds that the changes required in the Chief Building Official or the Chief Building Official's legally designated representative's written order to stop work are not complied with or if the Chief Building Official or the Chief Building Official's legally designated representative refuses to grant any permit required by this chapter, the person affected by such action may appeal to the Board of Zoning and Building Appeals within 30 days from the date the person affected by such action receives notice of the action of the Chief Building Official or the Chief Building Official's legally designated representative, by filing a written notice with the Clerk of Council. The Board of Zoning and Building Appeals shall hear such appeal in accordance with the provisions of Chapter 147 of the Codified Ordinances of Gahanna.

(Ord. 0140-2007. Passed 7-16-07; Ord. No. [0034-2016](#), § 1(Exh. A), 4-18-16)

1307.99 - PENALTY.

No person shall erect, construct, enlarge, alter, repair, move, remove, demolish, convert, equip, use, occupy or maintain any building, structure or any portion of any building or structure in the Municipality, contrary to or in violation of any provision of this chapter, or shall cause, permit or suffer the same to be done.

Whoever is convicted of violating any provision of any rule or regulation of this chapter and as cited by the Chief Building Official or the Chief Building Official's legally designated representative pursuant to authority granted by this chapter shall be deemed guilty of a misdemeanor of the fourth degree. An organization convicted of an offense pursuant to Section 501.11 of the Codified Ordinances shall be punished as provided in Section 501.99 of the Codified Ordinances. Each day that any such violator continues to violate any rule or regulation cited by the Chief Building Official or the Chief Building Official's legally designated representative pursuant to authority granted by this chapter shall constitute a separate and complete offense.

(Ord. 0140-2007. Passed 7-16-07; Ord. No. [0034-2016](#), § 1(Exh. A), 4-18-16)

CHAPTER 1309 - Responsibilities of Owners and Occupants

1309.01 - DEFINITIONS.

As used in this chapter, certain terms are defined as follows:

- (a) *Accessory Structure*. A secondary building, the use of which is incidental to that of the main building, which is not intended to be used for living or sleeping, and which is located on the same plot.
- (b) *Dwelling Unit*. A single unit providing complete independent living facilities intended for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- (c) *Occupant*. Any person living, sleeping, cooking, or eating in a dwelling unit or a rooming unit; except that in dwelling units a guest is not considered an occupant.
- (d) *One-room Efficiency*. An apartment having only one room which serves the functions of living, eating, sleeping and working.

- (e) *Operator.* Any person who has charge, care, control, or management of a building, or part thereof, in which dwelling units are let, as the representative of the owner.
- (f) *Owner.* Any person who alone or jointly, or severally with others:
 - (1) Shall have legal or equitable title to any structure, dwelling unit, or rooming unit together with the right to control or possess the same. When any such structure, dwelling unit, or rooming unit has been sold under a land contract whereby the right to possession and duties of maintenance are vested in the purchaser then such land contract purchaser shall be deemed to be the owner for purposes of this Building Code; or
 - (2) Shall have charge, care, or control of any structure, dwelling unit, or rooming unit, as owner or agent of the owner, as an executor, administrator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this ordinance.
- (g) *Ratproofing.* A form of construction which will prevent the ingress or egress of rats to or from a given space or building, or gaining access to food, water, or harborage. This construction consists of the closing and keeping closed of every opening in the foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings, and other places that may be reached and entered by rats by climbing, burrowing or other methods, by the use of materials.
- (h) *Refuse Container.* A water-tight container that is constructed of metal, or other durable material impervious to rodents, that is capable of being serviced without creating unsanitary conditions, or such other containers approved by the appropriate authority. Openings into the container such as covers and doors shall be tight-fitting.
- (i) *Rooming Unit.* Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking purposes. (Communal kitchens allowed.)
- (j) *Rubbish.* Solid Wastes that cannot be decomposed by biological methods (excluding ashes) which consist of either:
 - (1) Combustible wastes such as paper, cardboard, plastic containers, yard clippings, and wood; or
 - (2) Noncombustible wastes such as tin cans, glass and crockery.
- (k) *Structure.* Anything constructed to serve any purpose.

(Ord. 0140-2007. Passed 7-16-07.)

1309.02 - RESPONSIBILITIES OF OWNERS.

- (a) No owner or operator shall occupy or permit another person to occupy any structure, dwelling unit, or rooming unit unless the structure, dwelling unit, or rooming unit and premises are clean, sanitary, fit for human habitation, and are in compliance with the Health and Housing Codes of the State of Ohio, Franklin County, Ohio, and the City of Gahanna, Ohio.
- (b) Every owner and operator of a structure, dwelling unit, or rooming unit shall be in compliance with the provisions of Chapter 5321: Landlords and Tenants of the Ohio Revised Code.
- (c) Every owner of a structure containing two or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the structure and premises thereof.
- (d) Every owner of a structure containing three or more dwelling units shall supply facilities or refuse containers for the sanitary and safe storage and disposal of rubbish and garbage. In the case of single or two family structures, it shall be the responsibility of the occupant to furnish such facilities or refuse containers. Ratproof, insect-proof, water-tight refuse containers shall be used for storage pending collection.

- (e) The owner of a dwelling unit shall be responsible for providing and hanging all screens and double or storm doors and windows whenever the same are required under the provisions of this chapter or any rule or regulation adopted pursuant thereto, except where there is a written agreement between the owner and occupant. In the absence of such an agreement, maintenance or replacement of screens, storm doors and windows, once installed in any one season during the period of tenancy become the responsibility of the occupant.
- (f) No owner of a structure containing three or more dwelling units shall accumulate or permit the accumulation of rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rat harborage in or about the shared or public areas of a structure or its premises. Materials stored by the owner or permitted to be stored by the owner shall be stacked neatly in piles elevated at least 18 inches above the ground or floor.
- (g) No owner or occupant of a structure, dwelling unit, or rooming unit shall store or cause to be stored anything that may serve as food or sustenance for rats in any place which may be accessible to rats.
- (h) Every owner shall be responsible for providing facilities for the removal of sewage from the premises, and the same shall comply with the provisions of this code.
- (i) Every owner shall be responsible for the equipment for electrical and water service, including sinks and bathtub or shower, to the dwelling unit.
- (j) Any landlord and tenant may enter into an agreement in writing whereby the tenant is to perform repairs, maintenance, alteration and other such acts or remodeling if: (1) The agreement of the landlord and tenant is entered into in good faith and is not for the purpose of evading the obligations of the landlord to other tenants.

Any such agreement shall clearly and prominently disclose the consideration exchanged for such an agreement. No such agreement shall relieve the landlord of his, her, or its responsibilities under this Code.

(Ord. 0140-2007. Passed 7-16-07.)

1309.03 - RESPONSIBILITIES OF OCCUPANT.

- (a) Every occupant of a structure, dwelling unit, or rooming unit shall maintain in a clean and sanitary condition that part or those parts of the structure, dwelling unit, or rooming unit and premises thereof that he occupies and controls and shall be in compliance with the Health and Housing Codes of the State of Ohio, Franklin County, Ohio, and the City of Gahanna, Ohio.
- (b) Every occupant of a structure, dwelling unit, or rooming unit shall be in compliance with the provisions of Chapter 5321: Landlords and Tenants of the Ohio Revised Code.
- (c) Every occupant of a structure, dwelling unit, or rooming unit shall store and dispose of all his rubbish in a clean, sanitary and safe manner.
- (d) Every occupant of a structure, dwelling unit, or rooming unit shall store and dispose of all his garbage and any other organic waste which might provide food for insects or rats, in a clean, sanitary and safe manner.
- (e) Every occupant of a structure containing a single dwelling unit shall be responsible for the extermination of insects on the premises; and every occupant of a dwelling unit in a structure containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provision of this subsection, whenever infestation is caused by failure of the owner to maintain a structure in a ratproof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in ten percent of the units of any structure, or in the shared or common areas of any such structure containing two or more units, elimination of such infestation shall be the responsibility of the owner.

- (f) No occupant of a structure, dwelling unit, or rooming unit shall accumulate rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rat harborage in or about any structure, dwelling unit, or rooming unit. Such materials that may provide rat harborage shall be stacked neatly in piles elevated at least 18 inches above the ground or floor.
- (g) Every occupant of a structure, dwelling unit, or rooming unit shall keep all appliances and other equipment and facilities clean and sanitary, and shall be responsible for maintaining such equipment in the same condition as such equipment was in at the beginning of any rental agreement, normal wear excepted, and shall be responsible for the exercise of all due care in the proper use and operation thereof and shall only use such appliances and equipment for the use and operation thereof and shall only use such appliances and equipment for the use so intended.

(Ord. 0140-2007. Passed 7-16-07.)

1309.98 - NOTICE OF VIOLATION.

- (a) *Contents of Notice of Violation.* Whenever the Chief Building Official or the Chief Building Official's legally designated representative determines that any structure, dwelling unit, or rooming unit, or the premises surrounding any of these, fails to meet the requirements set forth in this chapter or in applicable rules and regulations adopted pursuant thereto, the Chief Building Official or the Chief Building Official's legally designated representative shall issue a notice setting forth the alleged failures, and advising the owner, occupant, operator, or agent that such failures must be corrected; and this notice shall:
 - (1) Be in writing.
 - (2) Set forth the alleged violations of this code or of applicable rules and regulations issued pursuant thereto.
 - (3) Provide a reasonable time, not to exceed 30 days, for the correction of any violation alleged.
 - (4) Be served upon the owner and occupant, operator, or agent of the structure, dwelling unit, or rooming unit personally, or by registered mail, return receipt requested, addressed to the last known place of residence of the owner, occupant, operator, or agent. If one or more persons to whom such notice is addressed cannot be found after diligent effort to so do, after 14 days service may be made upon such person or persons by posting a notice in or about the structure, dwelling unit or rooming unit described in the notice.
- (b) *Reinspection.* At the end of the period of time allowed for the correction of any violation alleged, or upon request, the Chief Building Official or the Chief Building Official's legally designated representative shall reinspect the structure, dwelling unit, or rooming unit described in the notice.
- (c) *Action upon Reinspection.* If, upon reinspection, the violations alleged are determined by the Chief Building Official or the Chief Building Official's legally designated representative not to have been corrected, he shall issue a second notice of violation which shall constitute an order requiring that the then existing failures to meet the requirements of this code or of applicable existing rules or regulations issued pursuant thereto, shall be corrected within a reasonable time allowed, but not to exceed 30 days after the date of such reinspection, if the person aggrieved does not request a reconsideration or petition for a hearing on the matter in the manner hereinafter provided.
- (d) *Serving of Second Notice.* The Chief Building Official or the Chief Building Official's legally designated representative shall cause a copy of the second notice to be sent by registered mail to the last known address of the owner or operator of such structure, dwelling unit, or rooming unit and shall also post or place in or about such structure, dwelling unit, or rooming unit a public notice, which constitutes constructive notice to the owner and operator of such violation.
- (e) *Transferees Liable.* All subsequent transferees of the structure, dwelling unit, or rooming unit in connection with which a second notice has been so recorded shall be deemed to have notice of the continuing existence of the violations alleged, and shall be liable to all penalties and procedures

provided by this code and by applicable rules and regulations issued pursuant thereto. The sale of the building shall not stay the abatement of the order to repair.

(Ord. 0140-2007. Passed 7-16-07; Ord. No. [0034-2016](#), § 1(Exh. A), 4-18-16)

1309.99 - PENALTIES.

Whoever is convicted of violating any provision of this chapter and as cited by the Chief Building Official or the Chief Building Official's legally designated representative pursuant to authority granted by this chapter shall be deemed guilty of a minor misdemeanor on a first offense. For any second or subsequent offense within a year of a prior offense hereunder, any violator is guilty of a misdemeanor of the fourth degree. An organization convicted of an offense pursuant to Section 501.11 of the Codified Ordinances shall be punished as provided in Section 501.99 of the Codified Ordinances. Each day that any such violator continues to violate any provision of this chapter cited by the Chief Building Official or the Chief Building Official's legally designated representative pursuant to authority granted by this chapter shall constitute a separate and complete offense.

(Ord. 0140-2007. Passed 7-16-07; Ord. No. [0034-2016](#), § 1(Exh. A), 4-18-16)

CHAPTER 1311 - Registration

1311.01 - DEFINITIONS.

- (a) *Person* means only a natural person.
- (b) *Registered contractor* means a person or a corporation, partnership, proprietorship, firm or other such business organization which has as its employee, partner or principal, a person who has been registered to perform work in this City, pursuant to this chapter. For purposes of this chapter, a contractor is not thereby a registered contractor if he/she contracts with a subcontractor who is registered, nor is a subcontractor registered if he/she contracts with a registered contractor to perform work in this City pursuant to this chapter.
- (c) *Registered heating and air conditioning contractor* means a contractor registered to perform heating and air conditioning work.
- (d) *Heating and air conditioning work* means the installation, maintenance, alteration or repair of air conditioning and refrigeration systems, or heating systems.
- (e) "Plumbing contractor" means a contractor registered to perform plumbing work.
- (f) "Plumbing work" means the construction, installation, alteration or repairing of any plumbing drain, vent, sump, water closet, sink, lavatory or other plumbing fixture, but shall not include repairs not affecting sanitation, such as mending leaks in faucets, valves or water supply pipes, mending of broken fixtures, tanks, water heaters, releasing frozen pipes or rodding and flushing of any house sewer or drain.
- (g) *Registered electrical contractor* means a contractor registered to perform electrical work.
- (h) *Electrical work* means the installation, maintenance, alteration, or repair of electrical equipment, except repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, taping bare joints, repairing drop cords, repairing electrical parts or any appliance or electrical equipment.
- (i) *Gas piping contractor* means a contractor registered to perform gas piping work.
- (j) *Registered remodeling contractor* means a contractor registered to perform remodeling work.

(k) *Remodeling work* means the repair, replacement, remodeling, alteration, conversion, modernization or improvement (for which requires a permit from the city) of the land and building used as a commercial building and/or as a residence and a dwelling place, including, but not limited to: driveways, swimming pools, porches, garages and fallout shelters attached to a commercial building and/or a residence and a dwelling place, but shall not include new homes or landscaping.

(l) *Sign* means the definition as stated within Chapter 1165 of these Codified Ordinances.

(m) *General contractor*: means an individual, partnership, corporation, joint venture, or other entity which builds, constructs, remodels, alters, or otherwise improves any land or building or portion thereof (for which requires a permit from the city) and/or coordinates other contractors or subcontractors working on the same project.

(Ord. 0186-2014. Passed 1-2-15.)

1311.02 - CONTRACTOR REGISTRATION REQUIRED.

(A) No person or entity shall engage in the business of building, constructing, remodeling, alteration of or otherwise improving any land or building or portion thereof in the city unless the person or entity has a valid general contractor registration certificate issued by the city.

(B) No person shall permit another person or entity to act as a general contractor in the city unless the person or entity has a valid general contractor registration certificate issued by the city.

(C) No person or entity shall act as or claim to be a general contractor in the city (for which requires a permit from the city), unless that person or entity has a valid general contractor registration certificate issued by the city.

(D) No owner/resident shall engage in any work as a general contractor on their property that requires a building permit, unless such owner/resident currently resides at the property:

(1) They are the owner/resident of the property;

(2) They currently reside at the property or intend to reside at the property upon completion of the project;

(3) They will be performing the permitted work; and

(4) They will comply with all codes and ordinances.

(E) No person, or entity shall perform HVAC, electrical, plumbing, gas piping, remodeling work, sign or fence erection unless he/she is a registered contractor in each phase of the work. Fence erection registration is not required if the contractor holds a current home improvement registration. Gas piping registration may be included under plumbing or HVAC registration.

(F) Homeowners shall not be required to be registered for performing work for the dwelling which they occupy or intend to occupy. Homeowners shall obtain required permits and inspections for each phase of the work.

~~No person, partnership, corporation, contractor or business organization for consideration shall perform HVAC, electrical, plumbing, gas piping, remodeling work, sign or fence erection unless he/she is a registered contractor in each phase of the work. Fence erection registration is not required if the contractor holds a current home improvement registration. Gas piping registration may be included under plumbing or HVAC registration.~~

(Ord. 0186-2014. Passed 1-2-15.)

1311.03 - APPLICATION FEE AND INSURABILITY.

- (a) Any person seeking to perform building improvements, remodeling, alterations, heating and air conditioning, electrical, plumbing, gas piping, or sign construction, or remodeling work shall make application to the Chief Building Official and enclose therewith an application fee as established in the Development Building and Zoning Fee Schedule set forth in Section 448.12135.10 in Part One of these Codified Ordinances and proof of insurability for the faithful performance of his work in a reasonable amount of liability insurance as determined by the Chief Building Official.
- (b) The applicant seeking to perform HVAC, plumbing, gas piping, electrical or remodeling work shall have relevant experience, or be a journeyman in the trade in which he seeks to perform, or be a registered contractor to perform such work in the City of Columbus or the County of Franklin, Ohio.
- ~~(c) Homeowners shall not be required to be registered for performing work for the dwelling which they occupy or intend to occupy. Homeowners shall obtain required permits and inspections for each phase of the work.~~

(Ord. 0186-2014. Passed 1-2-15.)

1311.04 - QUALIFICATIONS OF APPLICANTS.

- (a) In determining whether to issue the registration for an applicant, the Chief Building Official shall consider the following factors:
 - (1) The applicant's training and other licenses and registrations granted applicant.
 - (2) The applicant's insurability to perform work faithfully.
 - (3) The applicant's reputation as to honesty, and competent and qualified work.
 - (4) The applicant's Ohio License(s) for performing the work when constructing under the requirements of the Ohio Revised Code.
- (b) If the Chief Building Official determines that the applicant is unqualified, the Chief Building Official shall so notify the applicant in writing and shall state the reasons therefor.
- (c) If the Chief Building Official determines that the applicant is qualified, the Chief Building Official shall so notify the applicant, who within forty-five days of the date of such notice, shall present proof of adequate liability insurance ~~and his/her performance bond~~ in the amount determined sufficient by the Chief Building Official and Ohio License when applicable to the Chief Building Official, who shall then issue the registration, which shall be valid for not longer than ~~365~~December 31 of the year in which the registration was issued, so long as the registered contractor retains his/her ~~bond liability insurance~~ and applicable Ohio License.
- (d) The Chief Building Official shall determine the qualifications of the applicant within sixty days of the filing of the application.

(Ord. 0186-2014. Passed 1-2-15.)

1311.05 - REGISTRATION RENEWAL.

- (a) A registered contractor may renew his/her registration by filing within thirty days after the expiration of his/her existing valid registration an application for renewal and enclosing therewith a filing fee as established in the [Development Building and Zoning](#) Fee Schedule set forth in Section ~~448.12~~[135.10](#) in Part One of these Codified Ordinances and his/her ~~bond for the faithful performance of his/her work liability insurance~~ in a reasonable amount as determined by the Chief Building Official and any applicable Ohio Licenses.
- (b) Unless the Chief Building Official notifies the applicants within thirty days of the filing of the application that the renewal is denied, the Chief Building Official shall issue the applicant ~~a license~~ their registration.

(Ord. 0186-2014. Passed 1-2-15.)

1311.06 - APPEAL TO DIRECTOR OF PUBLIC SERVICE.

- (a) An applicant whose application has been denied pursuant to Sections 1311.04 or 1311.05 may appeal that decision within 15 days of receipt of notice of denial to the Director of Public Service, who shall re-determine the application, taking into account the decision of the Chief Building Official and the factors described in Section 1311.04(a).
- (b) Within sixty days from the filing of the appeal, the Director of Public Service shall notify both the applicant and the Chief Building Official of his/her decision which shall be final. If the Director of Public Service determines that the applicant is qualified, he/she shall order the Chief Building Official to issue a registration upon the applicant's presenting the Chief Building Official with proof of adequate liability insurance and a bond as required.

(Ord. 0186-2014. Passed 1-2-15; Ord. No. [0034-2016](#), § 1(Exh. A), 4-18-16)

1311.99 - PENALTY.

Any person violating any provision of this chapter shall be charged with a minor misdemeanor on the first offense and for each subsequent offense shall be charged with a misdemeanor of the fourth degree.

(Ord. 0186-2014. Passed 1-2-15.)

CHAPTER 1312 - Permit and Fees³¹

Footnotes:

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Cross reference— [Development Building and Zoning](#) Fee Schedule - see ADM. ~~448.12 to 448.14~~[135.10](#)

1312.01 - FEES AND PERMITS.

- (a) Any person desiring to do or to cause to be done any work for any building item for which a fee is required by the Building and Zoning Fee Schedule set forth in Section [448.42135.10](#) in Part One of these Codified Ordinances, shall obtain a permit with the Division of Building and Zoning Regulation prior to commencement of such work.
- (b) Any person desiring to do or to cause to be done any work for which a permit is required by Part 13 - Building of these Codified Ordinances, the Ohio Building Code, or the Residential Code of Ohio shall, at the time the permit is issued, pay all required fees as established in the Building and Zoning Fee Schedule and comply with all requirements set forth in Section [448.42135.10](#) in Part One of these Codified Ordinances.

(Ord. 0127-2007. Passed 6-18-07; Ord. No. [0034-2016](#), § 1(Exh. A), 4-18-16)

1312.02 - DOUBLE FEES.

Where work for which a permit is required by Part 13 - Building of these Codified Ordinances, the Ohio Building Code, or the Residential Code of Ohio is started or proceeded with, prior to obtaining such permit, the fees shall be doubled. However, the payment of such double fee shall not relieve any persons from fully complying with the requirements of these Codes in the execution of the work, nor from any other penalties prescribed.

(Ord. 0127-2007. Passed 6-18-07.)

1312.99 - PENALTY.

Any person, firm, partnership, corporation or syndicate which violates any provision of this chapter shall be fined not more than \$50.00. Each day the violation continues shall be considered a separate and new offense.

(Ord. 74-79. Passed 6-19-79.)

CHAPTER 1315 - Electrical Inspector

1315.01 - DEFINITIONS

As used in this chapter, certain terms are defined as follows:

- (a) *Electrical Inspector* means a person or a corporation, partnership, proprietorship or firm undertaking inspection of electrical systems in residential, commercial and industrial buildings and underground subdivision street lighting systems for the City.
- (b) *Inspection* means that after the installation of or alteration to any residential, commercial, industrial or underground street lighting system, the person responsible for the installation or alteration shall make arrangements to have the system inspected by the City Electrical Inspector.
- (c) *Inspection fees* means the amount of fees as established in the Building and Zoning Fee Schedule set forth in Section [448.42135.10](#) in Part One of these Codified Ordinances paid to the City for the installation of or alteration to any system, new or existing, as outlined and designated by the permit application.

(Ord. 0127-2007. Passed 6-18-07; Ord. No. [0034-2016](#), § 1(Exh. A), 4-18-16)

1315.02 - AUTHORITY.

The City is hereby authorized to contract for an Electrical Inspector, who shall report to the Chief Building Official and/or Director of Public Service the results of inspections. All inspections for installation of subdivision electrical system improvements or those improvements required by development standards shall be by request of the Chief Building Official and/or Director of Public Service.

(Ord. 0127-2007. Passed 6-18-07; Ord. No. [0034-2016](#), § 1(Exh. A), 4-18-16)

1315.03 - INSPECTION FEES.

The payment of fees as established in the Building and Zoning Fee Schedule set forth in Section [448.42135.10](#) in Part One of these Codified Ordinances shall be submitted prior to undertaking any such work and prior to the request for inspection. (Ord. 0127-2007. Passed 6-18-07; Ord. No. [0034-2016](#), § 1(Exh. A), 4-18-16)

1315.04 - FEES SPLIT AS COMPENSATION.

The inspection fees as established in the Building and Zoning Fee Schedule set forth in Section [448.42135.10](#) in Part One of these Codified Ordinances and as submitted with the permit application shall be divided on a basis of 60 percent to the Electrical Inspector and 40 percent to the City.

(Ord. 0127-2007. Passed 6-18-07; Ord. No. [0034-2016](#), § 1(Exh. A), 4-18-16)

CHAPTER 1317 - Local Construction Provisions⁴¹

Footnotes:

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Cross reference— Division of Building and Zoning Regulation - see BLDG. Ch. 1307; Permit fees - see BLDG. Ch. 1312

1317.01 - COMPLETION OF STREET REQUIRED BEFORE ISSUANCE OF BUILDING PERMIT; RELIEF.

- (a) Except under the conditions noted hereafter, no building permits shall henceforth be issued in the Municipality for the erection of new private residences, multiple dwellings or apartment houses, unless and until the street upon which such structures will front is completed, according to the specifications required by the Municipality. The question of sufficiency of completion shall be finally determined, in questionable cases, by the City Engineer.
- (b) Recognizing that in certain cases the above requirement would cause intolerable hardships, it is further ordained that in such cases, an application may be made to Council in the nature of a request for relief and, upon such application, Council may, by informal resolution, waive the requirements of subsection (a) hereof.

(Ord. 0127-2007. Passed 6-18-07.)

1317.02 - BUILDING SERVICE SEWER LATERALS.

Editor's note— Section 1317.02, Building Service Sewer Laterals, was repealed by Ordinance 8-75, passed February 4, 1975, which enacted a new Section 1317.02, Foundation Specifications; Ordinance 40-75, passed March 18, 1975, repealed this latter section.

1317.03 - COMPLETION AND COVERING OF BASEMENTS.

- (a) Within 20 days from the time any basement is excavated to a depth of at least four feet, such basement shall be completed and covered with material which will constitute, or be equal to, the subfloor of the building to be erected.
- (b) The Director of Public Service, for good cause shown may, at the Director of Public Service's sole discretion, grant an extension of time, not to exceed an additional 20 days, for compliance with this section, upon a written request.
- (c) For purposes of this section, a basement shall be defined as any excavation to a depth of four or more feet, started pursuant to a Building Permit issued by the City over all, or any part of which, any building or structure will be erected.

(Ord. 0127-2007. Passed 6-18-07; Ord. No. [0034-2016](#), § 1(Exh. A), 4-18-16)

1317.04 - SHEATHING.

Editor's note— This section was repealed by Ordinance 76-85, passed September 17, 1985. See Chapter 1303 for Residential Building Code provisions.

1317.05 - DRIVEWAY AND SIDEWALK ESCROW ACCOUNT; DEPOSIT DISPOSITION.

- (a) The Director of Finance is hereby authorized and directed to establish a separate account to be known as the "Sidewalk and Driveway Escrow Account" and to deposit thereto such amounts as shall be established by the Chief Building Official. Such amounts so deposited shall be credited by the Director of Finance to the account of the person or firm making the deposit and shall be released by the Director of Finance only as hereinafter provided.
- (b) The Chief Building Official is hereby authorized and directed, upon full completion of a building, except for sidewalks and driveways which he determines cannot reasonably be installed immediately, to issue an occupancy permit and to accept the escrow deposit for completion of sidewalks and driveways as established in the Building and Zoning Fee Schedule set forth in Section [448.12135.10](#) in Part One of these Codified Ordinances.
- (c) The Chief Building Official shall immediately forward all such amounts so collected to the Director of Finance, together with all such information as shall be necessary to enable the Director of Finance, to properly credit and account for such money.
- (d) All work for which such escrow deposits are made shall be completed to the satisfaction of the Chief Building Official within six months after the issuance of the occupancy permit by the person or firm making the deposit. The Chief Building Official shall thereupon notify the Director of Finance of such satisfactory completion and shall authorize the Director of Finance to release this deposit to the person or firm who made same.
- (e) In the event such work has not been completed within such six-month period, the Chief Building Official shall forthwith notify the Director of Planning and Development who shall immediately cause such work to be completed and paid for from the Escrow Account heretofore established. In the event the cost of such completion exceeds the amount escrowed therefor, such excess shall be charged against the person or firm making such deposit and against the person or firm to whom the occupancy permit was issued.

(Ord. 0127-2007. Passed 6-18-07; Ord. No. [0034-2016](#), § 1(Exh. A), 4-18-16)

1317.99 - PENALTY.

Any person, firm, partnership, corporation or syndicate in violation of Section 1317.03 shall be fined not more than \$50.00. Each day the violation continues shall be considered a separate and new offense.

(Ord. 30-72. Passed 5-2-72.)

CHAPTER 1319 - Apartment Security Regulations (Repealed)^[5]

Footnotes:

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Editor's note— Former Chapter 1319 was repealed by Ordinance 0186-2014.

CHAPTER 1321 - Numbering Buildings^[6]

Footnotes:

--- (6) ---

Cross reference— Power to regulate building numbering - see Ohio R.C. 715.26

1321.01 - SYSTEM ESTABLISHED.

All residential, industrial, commercial, or public buildings situated within the corporate limits of the Municipality shall be numbered in the manner and according to the plan or system hereinafter prescribed:

- (a) The initial or starting lines shall be Mill Street and Granville Street, respectively, for the streets running east and west and north and south. The numbers on any street not connected with either of the above initial streets shall be calculated and fixed in the same manner as if such streets did so connect, so that the same number on parallel streets shall be as near as possible the same distance from the initial line.
- (b) The even numbers shall be put upon the east and north sides of the streets, and the odd numbers upon the south and west sides of the streets.
- (c) There shall be an allowance of not more than fifteen feet, streets and alleys included, for each number. Where entrances are so congested as to require it, the half numbers shall be used.
- (d) The figures used shall not be less than four inches in height.
- (e) It shall be the responsibility of the Mayor or the Mayor's duly designated employee of the Municipality to enforce the provisions of this section.

(Ord. 53-88. Passed 6-21-88; Ord. No. [0034-2016](#), § 1(Exh. A), 4-18-16)

1321.02 - FEES FOR BUILDING NUMBERS.

The fees collected for establishing building units or structure number or renumbering, upon request, are as established in the Building and Zoning Fee Schedule set forth in Section [448-12135.10](#) in Part One of these Codified Ordinances.

(Ord. 0127-2007. Passed 6-18-07; Ord. No. [0034-2016](#), § 1(Exh. A), 4-18-16)

1321.03 - STREET NUMBERS REQUIRED.

An owner, occupant or other person having control over a residential, industrial, commercial or public building shall install, display and maintain in good repair the numerical address of the building in arabic numbers not less than four inches in height as follows:

- (a) Color of the numbers shall contrast to the color of the surface on which they are mounted and the numbers shall be clearly visible from the street on which the building is numbered.
- (b) Numbers shall be placed on the front of the building facing the street on which the building is numbered.
- (c) For buildings having multiple and separate occupied units, numbers of all units within such building shall be placed either on the wall of the building facing the street on which the building is numbered or on a sign in compliance with Chapter 1165 of the Codified Ordinances.
- (d) For buildings situated in excess of 50 feet from the right of way of the street on which they are numbered the minimum address number height and proportion shall be increased as necessary to allow the address number to be easily seen and read from the street or an additional set of address numbers complying with the requirements of this section shall be provided and maintained within 50 feet of the right of way of the street on which the building is numbered.
- (e) The owner of a residential building may post multiple sets of address numbers provided one set complies with the provisions of this section. Whoever is in noncompliance with this section or any part thereof, upon being notified in writing of such noncompliance by the Chief Building Official or the Chief Building Official's designated representative shall have 30 days in which to comply with provisions of this section.
- (f) The provisions of this section shall apply to all buildings under construction within the City as of the effective date of this section and shall apply to all existing buildings within the City 90 calendar days thereafter.

(Ord. 0127-2007. Passed 6-18-07; Ord. No. [0034-2016](#), § 1(Exh. A), 4-18-16)

1321.99 - PENALTY.

Any person, firm or corporation violating any provision, amendment or supplement of this chapter, or failing to obey any lawful order of the Chief Building Official issued in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than \$50.00. Each and every day during which such violation of any provision, amendment or supplement of this chapter occurs or each and every day during which there is a failure to obey any lawful order of the Chief Building Official, may be deemed a separate offense.

(Ord. 0127-2007. Passed 6-18-07.)

CHAPTER 1325 - Swimming Pools

1325.01 - DEFINITION.

The following definition shall apply in the interpretation and enforcement of this chapter.

- (a) *In-ground pool* means a swimming pool including its decks, walks and sidewalls, which project less than two feet above the average finish grade of the pool site or portion of the lot immediately surrounding the pool to a distance of twenty feet beyond the pool or to a lot or property line, whichever is closer and, which exceeds eighteen inches in water depth at any point within the swimming pool when such pool is filled to design capacity.
- (b) *Above-ground pool* means a swimming pool including its decks, walks and sidewalls, which project two feet or more above the average finished grade of the pool site or portion of the lot immediately surrounding the pool to a distance of twenty feet beyond the boundary of the pool or to a lot or property line, whichever is closer and, which exceeds thirty inches in water depth at any point within the swimming pool when such pool is filled to design capacity.
- (c) *Swimming pool* refers to either an in-ground pool or an above-ground pool and shall not include any pool clearly identifiable as a child's wading pool.

(Ord. 175-92. Passed 8-4-92.)

1325.02 - PERMIT AND AUTHORIZATION REQUIRED.

No person shall locate, construct or install any swimming pool or make any change in such pool unless and until such person has first submitted an application and plans therefor, and has secured a permit and authorization from the Chief Building Official or when required by the Board of Health of the Municipality or by the State.

(Ord. 0127-2007. Passed 6-18-07.)

1325.03 - USE AND OPERATION.

No person shall use, operate, repair or permit water to accumulate or remain in any swimming pool except as authorized by the provisions of this chapter after permits are issued by the Chief Building Official or when required by the Board of Health of the Municipality or the State.

(Ord. 0127-2007. Passed 6-18-07.)

1325.04 - COMPLIANCE WITH CHAPTER.

No person shall locate, construct, use, operate, repair, maintain or permit or suffer the accumulation of water in any swimming pool except in compliance with the provisions of this chapter.

(Ord. 33-61. Passed 7-17-61.)

1325.05 - LOCATION, AREA AND HEIGHT.

No swimming pool shall be located closer than the building lot lines of the district in which the same is located. No lights or other accessories shall exceed ten feet above grade. No private swimming pool shall be located in any front yard or between any street and any required building line. A swimming pool may be extended into the required rear yard as an approved unattached accessory use structure subject to the

limitations imposed under the residential zoning district in which the swimming pool is located. No swimming pool shall be permitted to encroach upon any area designated as a "No-Build Zone".

(Ord. 73-89. Passed 6-20-89.)

1325.06 - COMPLIANCE WITH ZONING REGULATIONS.

No swimming pool shall be located, constructed, installed, used, operated or maintained except in compliance with the provisions and regulations for each zoning district and the off-street parking requirements contained in Municipal zoning ordinances. Commercial pools may be constructed in commercial and industrial districts, but only after special permits are granted by the Planning Commission for such usage.

(Ord. 0127-2007. Passed 6-18-07.)

1325.07 - CONSTRUCTION AND EQUIPMENT.

Any material which will provide a tight tank with smooth and easily cleanable surfaces may be used. Facilities, equipment and appurtenances shall be provided so that the pool water shall be of a safe, sanitary quality. All electric wiring, appliances, switches and outlets shall be installed in such a manner that there will be no possibility of shock hazard to bathers. All lights used for illuminating such pool or the surrounding areas shall be designed, located and installed so as to confine the direct beams thereof to the lot or parcel on which the pool is located, and so as not to constitute a nuisance or undue annoyance to occupants of abutting property. Provision shall be made for drainage of the pool into a public storm sewer or natural watercourse, where possible.

(Ord. 33-61. Passed 7-17-61.)

1325.08 - FENCE REQUIRED.

Fence requirements for all swimming pools can be found in Chapter 1171.

(Ord. 0046-2000. Passed 4-3-00.)

1325.09 - INSPECTION FEES.

No permit shall be granted until after receipt of the fees as established in the [Development Building and Zoning](#) Fee Schedule set forth in Section ~~448.12~~[135.10](#) in Part One of these Codified Ordinances.

(Ord. 0127-2007. Passed 6-18-07.)

1325.99 - PENALTY.

Whoever violates any of the provisions of this chapter shall be fined not more than \$50.00. Each day that any violation exists shall be deemed a separate offense.

(Ord. 33-61. Passed 7-17-61.)

CHAPTER 1329 - Storage Buildings and Sheds (Repealed)[\[Z\]](#)

Footnotes:

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Editor's note— Former Chapter 1329 was repealed by Ordinance 0186-2014.

CHAPTER 1331 - Safe and Sanitary Maintenance of Dwelling Units⁸¹

Footnotes:

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Cross reference— Duty to keep sidewalks in repair - see GEN. OFF. 521.06; Accumulation of trash - see GEN. OFF. 521.07 et seq.

1331.01 - DEFINITIONS.

As used in this chapter, certain terms are defined as follows:

- (a) *Accessory Structure*. A secondary building, the use of which is incidental to that of the main building, which is not intended to be used for living or sleeping, and which is located on the same plot.
- (b) *Dwelling Unit*. A single unit providing complete independent living facilities intended for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- (c) *Flashing*. Sheet metal or other impervious material used in roof and wall construction to protect a building from seepage of water.
- (d) *Occupant*. Any person living, sleeping, cooking, or eating in a dwelling unit or a rooming unit; except that in dwelling units a guest is not considered an occupant.
- (e) *One-room Efficiency*. An apartment having only one room which serves the functions of living, eating, sleeping and working.
- (f) *Operator*. Any person who has charge, care, control, or management of a building, or part thereof, in which dwelling units are let, as the representative of the owner.
- (g) *Owner*. Any person who alone or jointly, or severally with others:
 - (1) Shall have legal or equitable title to any structure, dwelling unit, or rooming unit together with the right to control or possess the same. When any such dwelling unit, or rooming unit has been sold under a land contract whereby the right to possession and duties of maintenance are vested in the purchaser then such land contract purchaser shall be deemed to be the owner for purposes of this Building Code; or
 - (2) Shall have charge, care, or control of any structure, dwelling unit, or rooming unit, as owner or agent of the owner, as an executor, Administrator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter.
- (h) *Ratproofing*. A form of construction which will prevent the ingress or egress of rats to or from a given space or building, or gaining access to food, water, or harborage. This construction consists

of the closing and keeping closed of every opening in the foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings, and other places that may be reached and entered by rats by climbing, burrowing or other methods, by the use of materials.

- (i) *Refuse Container.* A water-tight container that is constructed of metal, or other durable material impervious to rodents, that is capable of being serviced without creating unsanitary conditions, or such other containers approved by the appropriate authority. Openings into the container such as covers and doors shall be tight-fitting.
- (j) *Rooming Unit.* Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking purposes. (Communal kitchens allowed.)
- (k) *Rubbish.* Solid Wastes that cannot be decomposed by biological methods (excluding ashes) which consist of either:
 - (1) Combustible wastes such as paper, cardboard, plastic containers, yard clippings, and wood; or
 - (2) Noncombustible wastes such as tin cans, glass and crockery).
- (l) *Structure.* Anything constructed to serve any purpose.

(Ord. 0140-2007. Passed 7-16-07.)

1331.02 - STRUCTURE TO BE WATER-TIGHT AND WEATHER-TIGHT.

Every foundation, roof and exterior wall, door, skylight, and window shall be kept in sound condition and good repair.

(Ord. 0140-2007. Passed 7-16-07.)

1331.03 - PAINTING EXTERIOR WOOD SURFACES.

All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements by paint or other protective covering or treatment that adheres in all places.

(Ord. 0140-2007. Passed 7-16-07.)

1331.04 - FLOORS, INTERIOR WALLS AND CEILINGS.

Floors, interior walls and ceilings shall be sound and in good repair. All interior walls and ceilings of rooms and hallways shall provide:

- (a) A suitable base for decorative finish, and
- (b) A waterproof and hard surface for spaces subject to moisture. There shall not be noticeable surface irregularities or cracking so as to be a safety hazard.

(Ord. 0140-2007. Passed 7-16-07.)

1331.05 - TOXIC PAINTS ARE PROHIBITED ON INTERIOR SURFACES.

Toxic coatings, including those paints, lacquers, or any other coatings that contain a higher level of lead than permitted in the Federal Government's Lead Based Paint Poisoning Prevention Act, Public Law 91-695, and any amendments thereto, are prohibited.

(Ord. 0140-2007. Passed 7-16-07.)

1331.06 - GRADING TO ELIMINATE WATER SEEPAGE.

Every premise shall be graded, drained, free of standing water, and maintained in a clean, safe and sanitary condition. Grading shall be done to assure drainage away from basement walls.

(Ord. 0140-2007. Passed 7-16-07.)

1331.07 - KITCHEN AND BATHROOM FLOORS.

Floors in kitchens and bathrooms shall be of a durable, waterproof, nonabsorbent material. Wood finish flooring that is evidenced not to be impervious for these rooms is not acceptable and shall be covered with an impervious material.

(Ord. 0140-2007. Passed 7-16-07.)

1331.08 - STAIRS AND PORCHES.

Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

(Ord. 0140-2007. Passed 7-16-07.)

1331.09 - RAIN CARRIERS.

The owner of any structure shall be responsible for the installation and maintenance of adequate rain carriers where such rain carriers are required by the Building Code of the City of Gahanna or where the absence thereof creates a structural or a health hazard, or unsightly appearance of walls and windows.

(Ord. 0140-2007. Passed 7-16-07.)

1331.10 - OPENINGS TO BE INSECT-PROOF.

Every window, exterior door and hatchway or similar devices shall be rodent-proof and reasonably water-tight and weather-tight, and shall be kept in working condition and good condition and good repair.

- (a) During that portion of the year when there is a need for protection against mosquitoes, flies and other flying insects, every door opening directly from a dwelling unit to outside space used or intended to be used for ventilation, (or where ventilation or cooling is not provided by mechanical means), shall have supplied properly fitting screens having at least 16 mesh; and every window or other device with openings to outdoor space (exempting nonoperable windows or where ventilation or cooling is provided by mechanical means), used or intended to be used for ventilation, shall be supplied with screens; except that such screens shall not be required during such period:

- (1) In rooms deemed by the Chief Building Official or the Chief Building Official's legally designated representative to be located high enough in the upper stories of a building so as to be free from such insects; and

- (2) In rooms located in areas of this City of Gahanna which are deemed by the Chief Building Official or the Chief Building Official's legally designated representative to have so few insects as to render screens unnecessary.
- (b) Every window located at or near ground level used or intended to be used for ventilation and every other opening located at or near ground level which might provide an entry for rodents, shall be supplied with adequate screen or such other devices as will effectively prevent their entrance.

(Ord. 0140-2007. Passed 7-16-07; Ord. No. [0034-2016](#), § 1(Exh. A), 4-18-16)

1331.11 - RATPROOFING.

Every structure, dwelling unit, and rooming unit and the premises on which it is located shall be maintained in a rat-free and ratproof condition in areas of heavy rat infestation.

- (a) All openings in the exterior walls, foundations, basements, ground or first floors and roofs which have a half-inch diameter or more opening shall be ratproofed in an approved manner if they are within 48 inches of the existing exterior ground level immediately below such openings, or if they may be reached by rats from the ground by climbing unguarded pipes, wires, cornices, stairs, roofs, and other items such as trees or vines or by burrowing.
- (b) Skirting, lattice, or other non-ratproofed enclosure creating a possible rat harborage under a porch or any portions of a building shall be ratproofed at all locations where a rat could find, burrow, or gnaw an access opening.
- (c) All doors shall be constructed so that the space between the lower edge of the door and the threshold shall not exceed three-eighths inch; provided further that the space between sections of folding and sliding doors when not closed shall not exceed three-eighths inch.
- (d) Interior floors of basements, Cellars and other areas in contact with the soil shall be paved with concrete or other rat impervious material such as to prevent rodent access to the interior.
- (e) In areas of heavy rat infestation, the Chief Building Official or the Chief Building Official's legally designated representative shall require that the lower eight inches of wooden exterior doors be covered with an impregnable material. Metal shall be formed into a cuff and channel so that no wood edges are exposed and so that all exposed metal edges are rolled or folded to eliminate any hazard; an alternate method shall be acceptable if it is equally ratproof Bolts for attaching sheet metal to the door shall not project more than one-sixteenth inch beyond the fastening nuts.
- (f) In areas of heavy rat infestation, the Chief Building Official or the Chief Building Official's legally designated representative shall require that every exterior door be equipped with an automatic closing device, or with a screen door which shall be equipped with such a device and shall be fitted as specified in this Code.
- (g) In areas of heavy rat infestation, all window openings or other lighting or ventilating openings below grade, or within 48 inches above ground level, or otherwise accessible to rats, shall be ratproofed in an approved manner by an impregnable material attached to sturdy frames and so fabricated that no exposed wood is accessible for gnawing.
- (h) Openings for outside stairways, elevator shafts, coal holes, etc., below grade shall be provided with tight fitting metal covers and frames flashed with 24 gauge galvanized sheetmetal or other approved materials unless they are of the open type, and, in this case, they shall have the door or window opening in the foundation protected as required above for doors or window openings. Walls of such portions of any structure shall be of ratproof material.
- (i) All sewers, pipes, drains, or conduits through which rats may pass shall be closed with a properly secured device designed to allow water to pass through but to prevent the access of rats.

- (j) All openings for pipes, conduits, and other utility services accessible to rats shall be closed solidly for the full thickness of the wall, floor, roof, etc., with an approved ratproof material or fitted with a collar or shield, securely fastened to the wall or floor, of not less than 24 gauge galvanized sheetmetal or other approved materials, extending at least three inches beyond all sides of the opening.
- (k) Skylights shall be designed to fit tightly and shall be constructed of approved ratproof materials. Adjustable skylights which may be opened shall be screened with hardware cloth or expanded metal.
- (1) Roof ventilators, chimneys, pipe vents, downspouts, etc., shall be protected against entry by impregnable material or other acceptable ratproof material.
- (m) The following specifications shall apply to the installation of all ratproof walls:
 - (1) Ratproof walls of concrete construction or other material permitted by the Building Code shall be required beneath the exterior wall of every building or enclosed part thereof and every enclosed shed, porch, bay, or other enclosed structure which is not supported on a continuous masonry foundation wall.
 - (2) All ratproof walls shall be at least four inches thick and extend at least 12 inches above grade and to a depth of 24 inches below grade at all points.
 - (3) The concrete used in ratproof walls shall not be inferior to a mixture of one part cement to six parts of combined aggregate (sand and gravel) by volume. This is approximately equivalent to the commercial "five-bag-per-cubic-yard" mix. Nothing shall be put into the trenches except fresh concrete of this quality, and each section of the wall must be placed in one "pour" without interruption.
- (n) If the space between two buildings is too small to permit inspection of the exterior walls of such building, such space shall be sealed so as to prevent the entrance of rats. Provisions shall be made in the ratproofing in such cases that drainage is not obstructed.
- (o) After extermination, all of the rat holes or burrows in the ground shall be eliminated or filled with earth or other suitable material.

(Ord. 0186-2014. Passed 1-2-15; Ord. No. [0034-2016](#), § 1(Exh. A), 4-18-16)

1331.12 - FENCES.

All fences provided by the owner or agent on the premises and/or all fences erected or caused to be erected by an occupant shall be constructed and maintained subject to Chapter 1171 of these Codified Ordinances.

(Ord. 0140-2007. Passed 7-16-07.)

1331.13 - ACCESSORY STRUCTURE.

Accessory structures shall be structurally sound, and be maintained in good repair and free of insects and rats, or such structures shall be removed from the premises. The exterior of such structures shall be made weather resistant through the use of decay resistant materials or the use of paint or other preservatives.

(Ord. 0140-2007. Passed 7-16-07.)

1331.14 - DISCONTINUANCE OF UTILITIES IS PROHIBITED.

No owner, operator, or occupant shall cause any service, facility, equipment or utility which is required under this chapter to be removed from or shut off from or discontinued for any occupied dwelling unit let or occupied; except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the appropriate authority.

(Ord. 0140-2007. Passed 7-16-07.)

1331.15 - CONFORMANCE OF MEANS OF EGRESS.

All construction and materials, ways and means of egress, and installation and use of equipment shall conform with the appropriate statutes, ordinances, and regulations dealing with fire protection of the City of Gahanna and the State of Ohio.

(Ord. 0140-2007. Passed 7-16-07.)

1331.16 - FLASHING.

All critical joints in exterior roof and wall construction shall be protected by sheetmetal or other suitable flashing material to prevent the entrance of water.

(Ord. 0140-2007. Passed 7-16-07.)

1331.98 - NOTICE OF VIOLATION.

- (a) *Contents of Notice of Violation.* Whenever the Chief Building Official or the Chief Building Official's legally designated representative determines that any structure, dwelling unit, or rooming unit, or the premises surrounding any of these, fails to meet the requirements set forth in this chapter or in applicable rules and regulations adopted pursuant thereto, he shall issue a notice setting forth the alleged failures, and advising the owner, occupant, operator, or agent that such failures must be corrected; and this notice shall:
- (1) Be in writing.
 - (2) Set forth the alleged violations of this code or of applicable rules and regulations issued pursuant thereto.
 - (3) Provide a reasonable time, not to exceed 30 days, for the correction of any violation alleged.
 - (4) Be served upon the owner and occupant, operator, or agent of the structure, dwelling unit, or rooming unit personally, or by registered mail, return receipt requested, addressed to the last known place of residence of the owner, occupant, operator, or agent. If one or more persons to whom such notice is addressed cannot be found after diligent effort to so do, after 14 days service may be made upon such person or persons by posting a notice in or about the structure, dwelling unit, or rooming unit described in the notice.
- (b) *Reinspection.* At the end of the period of time allowed for the correction of any violation alleged, or upon request, the Chief Building Official or the Chief Building Official's legally designated representative shall reinspect the structure, dwelling unit, or rooming unit described in the notice.
- (c) *Action upon Reinspection.* If, upon reinspection, the violations alleged are determined by the Chief Building Official or the Chief Building Official's legally designated representative not to have been corrected, he shall issue a second notice of violation which shall constitute an order requiring that the then existing failures to meet the requirements of this Code or of applicable existing rules or regulations issued pursuant thereto, shall be corrected within a reasonable time allowed, but not to exceed 30

days after the date of such reinspection, if the person aggrieved does not request a reconsideration or petition for a hearing on the matter in the manner hereinafter provided.

- (d) *Serving of Second Notice.* The Chief Building Official or the Chief Building Official's legally designated representative shall cause a copy of the second notice to be sent by registered mail to the last known address of the owner or operator of such structure and shall also post or place in or about such structure a public notice, which constitutes constructive notice to the owner and operator of such violation.
- (e) *Transferees Liable.* All subsequent transferees of the Structure, dwelling unit, or rooming unit in connection with which a second notice has been so recorded shall be deemed to have notice of the continuing existence of the violations alleged, and shall be liable to all penalties and procedures provided by this Code and by applicable rules and regulations issued pursuant thereto. The sale of the building shall not stay the abatement of the order to repair.

(Ord. 0140-2007. Passed 7-16-07; Ord. No. [0034-2016](#), § 1(Exh. A), 4-18-16)

1331.99 - PENALTIES.

Whoever is convicted of violating any provision of this chapter and as cited by the Chief Building Official or the Chief Building Official's legally designated representative pursuant to authority granted by this chapter shall be deemed guilty of a minor misdemeanor on a first offense. For any second or subsequent offense within a year of a prior offense hereunder, any violator is guilty of a misdemeanor of the fourth degree. An organization convicted of an offense pursuant to Section 501.11 of the Codified Ordinances shall be punished as provided in Section 501.99 of the Codified Ordinances. Each day that any such violator continues to violate any provision of this chapter cited by the Chief Building Official or his legally designated representative pursuant to authority granted by this chapter shall constitute a separate and complete offense.

(Ord. 0140-2007. Passed 7-16-07; Ord. No. [0034-2016](#), § 1(Exh. A), 4-18-16)

CHAPTER 1333 - Satellite Earth Station (Repealed)^[9]

Footnotes:

--- (9) ---

Editor's note— Former Chapter 1333 was repealed by Ordinance 0186-2014.

PART FOURTEEN - HOUSING CODE^[10]

Footnotes:

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Editor's note— Due to the overlap and interrelatedness of the Housing Code and the Building Code, Part Fourteen - Housing Code was repealed by Ordinance 0140-2007 and its provisions incorporated into Part Thirteen - Building Code.