

## 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 ~~448-114~~ 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 ~~402.7102.9~~ of the Ohio Building Code.

Exceptions:

- 1. Detached one-, two-, or three- family dwellings, structures accessory to those dwellings, or those single family dwellings with five or fewer persons receiving care in a supervised environment but capable of self-preservation with or without limited verbal or physical assistance are within the scope of the "Residential Code of Ohio for One-, Two-, or Three-Family Dwellings".*
- 2. Buildings owned by and used for a function of the United States government.*
- 3. 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 per cent 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 Revised Code).

4. Agricultural labor camps.

5. Type A or Type B family day-care homes, except for the inspection required for licensure by the “Ohio Department of Jobs and Family Services (ODJFS)”. This required inspection shall be conducted by the certified building department having jurisdiction or the division of industrial compliance and labor in accordance with the inspection checklist found on the board of building standard’s website.

6. 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.

7. Manufactured homes constructed under “24 CFR Part 3280,” “Manufactured Home Construction and Safety Standards” and within the scope of the rules adopted by the Ohio Manufactured Home Commission, including additions, alterations and all utility connections from the utility service point to the manufactured home. This exception does not apply to changes of occupancy of manufactured homes, except that a manufactured home located within a manufactured home park and used by the park operator to promote the sale/rental of manufactured homes in that park remains exempt.

8. Sewerage systems, treatment works, and disposal systems (tanks, piping, and process equipment associated with these systems) regulated by the legislative authority of a municipal corporation or the governing board of a county or special district owning or operating a publicly owned treatment works or sewerage system as stated in division (A) of section 6111.032 of the Revised Code, however, a building that houses such process equipment is within the scope of this code.

9. Building sewer piping.

10. Amusement rides and portable electric generators and wiring supplying carnival and amusement rides regulated by the Ohio Department of Agriculture pursuant to sections 1711.50 to 1711.57 of the Revised Code.

11. Structures on the premises of and directly related to the operation of a generating plant defined as a major utility facility regulated by the power siting board, including the structures associated with generation, transmission, and distribution. As a condition of the power siting board’s approval, the building department may be requested to review and inspect these structures for compliance with the rules of the board of building standards. However, the building department has no enforcement authority.

12. Structures associated with pipelines used for the transmission of natural

gas and other hydrocarbons.

13. Public water systems (the tanks, foundations, piping, and process equipment associated with these systems) regulated by the Ohio Environmental Protection Agency in accordance with division (A) of section 6109.07 of the Revised Code, however, a building that houses such process equipment is within the scope of this code.

14. Private water systems (the tanks, foundations, piping, and process equipment associated with these systems) regulated by the Ohio Department of Health in accordance with section 3701.344 of the Revised Code, however, a building that houses such process equipment is within the scope of this code.

15. Fixed or floating docks (including the electrical wiring, lighting, and fire protection systems serving the docks) at marinas or boatyards, unless the docks directly serve as a means of egress from, or an accessible route to, a regulated building located at the marina or boatyard.

16. Portable mobile vehicles which have been issued a Vehicle Identification Number (VIN) by the United States department of transportation. The vehicles have wheels and license plates and are intended for transportation on the public streets and highways. Examples of the exempt vehicles include, but are not limited to, recreational vehicles, book mobiles, blood mobiles, mobile medical imaging units, mobile concession trailers, network television transmission and production trailers used at sporting events, mobile restroom facilities, mobile pet grooming units, etc.

17. Wind turbines, pumps, site lighting, and flagpoles not connected to building services equipment.

18. Mine elevator shafts and structures.

19. Unless otherwise required by this code, ground signs not over six feet in height above the adjacent grade.

20. Oil or gas beam pumping units and derricks.

21. Bungee jumping and zip line structures, and miniature golf courses.

22. Retaining walls, bridges, walkways or site stairs unless associated with or necessary for the building or the building egress to comply with the rules of the board.

23. Primitive transient lodging structures with only provisions for sleeping, with no building services equipment or piping, and not greater than 400 sq. ft. in area.

~~(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)

### 1301.09 - 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 ~~409-108~~ 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.)

#### 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~~general or remodeling contractor 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.

(Ord. 0186-2014. Passed 1-2-15; [Ord. No. 0088-2017, § 1\(Exh. A\), 11-20-17](#) )

#### 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 45 days of the date of such notice, shall present proof of adequate liability insurance 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 days, so long as the registered contractor retains his/her liability insurance and applicable Ohio License.
- (d) The Chief Building Official shall determine the qualifications of the applicant within 60 days of the filing of the application.

(Ord. 0186-2014. Passed 1-2-15; [Ord. No. 0088-2017, § 1\(Exh. A\), 11-20-17](#) )

#### 1315.04 - FEES SPLIT AS COMPENSATION.

The ~~inspection~~ fees required for electrical permits and inspection as established in the Building and Zoning Fee Schedule set forth in Section 135.10 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; [Ord. No. 0088-2017, § 1\(Exh. A\), 11-20-17](#) )



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 ~~448.42~~135.10 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~~Public Service and Engineering 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)