

1301.05 EXISTING STRUCTURES.

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OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

1301.05 EXISTING STRUCTURES.

CHAPTER 1301 Ohio Building Code

1301.02 SCOPE.

The provisions of the "Ohio Building Code", the "Ohio Mechanical Code", and the "Ohio Plumbing 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 division (B) of section 3791.04 of the 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 Revised Code and any rules adopted by the board. An owner may exceed the requirements of the "Ohio Building Code" in compliance with section 102.9.

Exceptions:

- (1) This code applies to detached one-, two-, and three-family dwellings and structures accessory to those dwellings, only to the extent indicated in section 310 of this code;
- (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;

(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.

(8) Sewerage systems, treatment works, and disposal systems (including the 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.

(9) Building sewer piping.

(10) Portable electric generators and wiring supplying carnival and amusement park rides regulated by the Ohio Department of Agriculture.

(11) Structures directly related to the operation of a generating plant or major utility facilities regulated by the power siting board.

Appendices. The content of the appendices to the Administrative Code is not adopted material, but is approved by the board of building standards (BBS) and provided as a reference for code users. (Ord. 29-10. Passed 6-22-10.)

1301.03 INTENT.

(a) The purpose of this 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:

(1) Performance. Establish such requirements, in terms of performance objectives for the use intended.

(2) 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.

(3) 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.

(b) The rules of the board and proceedings shall be liberally construed in order to promote its purpose. When the building official finds that the proposed design is a reasonable interpretation of the provisions of this code, it shall be approved. Materials, equipment and devices approved by the

building official pursuant to section 114 shall be constructed and installed in accordance with such approval.

(Ord. 29-10. Passed 6-22-10.)

1301.04 COMPLIANCE.

(a) No owners, officers, member of a board or committee, or other person shall construct, erect, build, or equip an opera house, hall, theater, church, schoolhouse, college, academy, seminary, infirmary, sanitarium, children's home, hospital, medical institute, asylum, memorial building, armory, assembly hall, or other building used for the assemblage or betterment of people in any municipal corporation, county, or township in this state, 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 said building or structure, without complying with Ohio R.C. Chapters 3781 and 3791 or rules or regulations adopted pursuant thereto.

(b) No architect, engineer, builder, plumber, carpenter, mason, contractor, subcontractor, foreman, or employee shall violate or assist in the violation of Ohio R.C. Chapters 3781 and 3791 or rules or regulations adopted pursuant thereto or of any order issued there under.

(c) No owner shall proceed with the construction, erection, alteration, or equipment of any building until the plans or drawings, specifications, and data have been approved as this section 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 Revised Code and any rule made under those chapters.

(Ord. 29-10. Passed 6-22-10.)

1301.05 EXISTING STRUCTURES.

(a) The provisions of Chapter 34 shall control the alteration, repair, addition, and change of occupancy of any existing structure.

(b) The occupancy of any structure currently existing on the date of adoption of this code shall be permitted to continue without change provided there are no orders of the building official pending, no evidence of fraud, or no serious safety or sanitation hazard. When requested, such approvals shall be in the form of a "Certificate of Occupancy for an Existing Building" in accordance with section 111.2.

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

(Ord. 29-10. Passed 6-22-10.)

1301.06 VIOLATIONS.

(a) Adjudication orders required. When the building official denies any approval or takes action in response to findings of non-compliance, such action shall be initiated by issuing an adjudication order, prior to seeking any remedy, civil or criminal. Every adjudication order shall:

(1) Clearly identify the section of law or rules violated;

(i) Clearly identify, in a contrasting and obviously marked manner, all violations related to accessibility.

(2) Specifically indicate which detail, installation, site preparation, material, appliance, device, addition, alteration to structures, construction documents, assemblages or procedures are necessary to change to comply with the order;

(i) When issued to stop work, the order shall also clearly indicate the specific work that is required to cease, when the work must cease and the conditions under which the cited work will be

permitted to resume. The order to stop work shall be given to the owner of the property involved, to the owner's agent and the person doing the work.

(3) Include notice of the procedure for appeal and right to a hearing if requested within thirty days of the mailing of the order. The order shall also indicate that, at the hearing, the owner may be represented by counsel, present arguments or contentions orally or in writing, and present evidence and examine witnesses appearing for or against the owner;

(i) Any hearing(s) scheduled for accessibility issues shall cause the building official or the appeals board to notify a local advocate organization for people with disabilities of the scheduled hearing. When a local advocate organization is not available, a state organization representing people with disabilities, such as the "Governor's Council on People with Disabilities" shall be notified;

(4) Specify a reasonable period of time in which to bring the item(s) on the order into compliance;

(5) Include the signature of the building official;

(6) The order shall be sent by certified mail, return receipt requested, to the owner and any individual designated as a representative or agent by the owner in such matters.

(b) Response to orders. The person receiving an order shall exercise their right to appeal within 30 days of the mailing of the order, comply with the order, or otherwise be released from the order by the building official.

(c) Prosecution and penalties. When an owner fails to comply with section 109.2, the owner may be prosecuted and is subject to a fine of not more than five hundred dollars (\$500.00) as provided for in Ohio R.C. 3791.04.

(d) Unlawful continuance. Failure to cease work after receipt of an order to stop work is hereby declared a public nuisance.

(e) Unsafe buildings. Structures or existing equipment that are unsafe or unsanitary due to inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life, shall be deemed a serious hazard. Where a building is found to be a serious hazard, such hazard shall be eliminated or the building shall be vacated, and where such building, when vacated, remains a serious hazard, it shall be razed.

(f) Orders, injunction proceedings. Where the building official finds that a building is a serious hazard and the owner of such building fails, in the time specified in an order from the building official, to eliminate such hazard, or to vacate or raze the building, the building official shall proceed under Ohio R.C. 3781.15.

(g) Restoration. Where the structure or equipment is determined to be unsafe by the building official, it is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are intended to be made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with Chapter 34 and this chapter.

(Ord. 29-10. Passed 6-22-10.)

1301.07 STOP WORK ORDER.

(a) Any person charged with enforcing Ohio R.C. Chapters 3781 and 3791 or the rules or regulations adopted pursuant to those chapters may issue a stop work order whenever the person finds, after inspection, that the site preparations or structure to be constructed, or the installation of an industrialized unit, or the use of an appliance, material, assemblage, or manufactured product does not comply with Ohio R.C. Chapters 3781 and 3791 or the rules adopted pursuant to those chapters. The effect of such an order shall be limited to the matter specified therein.

(b) Any adjudication order shall specify what appliances, site preparations, additions, or alterations to structures, plans, materials, assemblages, or procedures are necessary for compliance with Ohio R.C. Chapters 3781 and 3791.

(c) Upon the issuance of any order provided for in this section, the person receiving the order shall cease work upon the site preparations or structure to be constructed or the installation of an industrialized unit, or shall cease using the appliance, materials, assemblages, or manufactured product identified in the order until the appeal provided for in accordance with Ohio R.C. 3781.19, and all appeals from the hearing have been completed, or the order issued has been released.

(d) Notwithstanding Ohio R.C. Chapter 119 relating to adjudication hearings and proceedings , a stenographic or mechanical record of the testimony and other evidence submitted shall be taken at the expense of the agency. Any party adversely affected by an order issued following an adjudication hearing may appeal to the court of common pleas of the county in which the party is a resident or in which the premises affected by the order is located. The court shall not be confined to the record as certified to it by the agency but any party may produce additional evidence and the court shall hear the matter upon the record and additional evidence any party introduces. The court shall not affirm the agency's order unless the preponderance of the evidence before it supports the reasonableness and lawfulness of the order and any rule of the board of building standards upon which the order is based in its application to the particular set of facts or circumstances involved in the appeal.

(e) Failure to cease work after receiving a stop work order is hereby declared a public nuisance. (Ord. 29-10. Passed 6-22-10.)

1301.08 CONFLICT.

(a) General. Where, in any specific case, different sections of this 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 this code shall not be deemed to nullify any provisions of state or federal law. Municipal corporations may make further and additional regulations, not in conflict with Ohio R.C. Chapters 3781 and 3791 or with the rules of the board of building standards. However 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.

(c) Other rules. As provided in Ohio R.C. 3781.11(B), the rules of the board of building standards shall supersede and govern any order, standard, or rule of the divisions of state fire marshal or industrial compliance in the department of commerce, and the 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 Ohio R.C. Chapter 3743 prevail in the event of a conflict.

The rules of the board of building standards adopted pursuant to Ohio R.C. 3781.10 shall govern any rule or standard adopted by the board pursuant to Ohio R.C. 4104.02 and 4105.011.

(Ord. 29-10. Passed 6-22-10.)

1301.09 ENFORCEMENT.

(a) General. Personnel of building departments and local boards of appeals that have been certified by the board of building standards, pursuant to section 103, shall be responsible for performing the duties described in this section.

(b) Building department personnel duties and responsibilities. Municipal, township, or county

building departments certified by the board shall have personnel qualified to perform the enforcement duties and responsibilities described in this section.

(1) Building official. The building official is responsible for the enforcement of the rules of the board and of Ohio R.C. Chapters 3781 and 3791 relating to the construction, arrangement, and the erection of buildings or parts thereof. All building officials shall conduct themselves in a professional, courteous, impartial, responsive, and cooperative manner. Building officials shall be responsible to assure that a system is in place to track and audit all projects, to assure that all building department personnel perform their duties in accordance with this section, and for the overall administration of a building department as follows:

(i) Applications and plan approvals. The building official shall receive applications, require or cause the submitted construction documents to be examined, ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code, and shall issue plan approvals for the construction, erection, alteration, demolition, and moving of buildings and structures.

(A) Plan examination by the building official. When the building department does not have in its full-time employ a certified master plans examiner, the certified building official shall examine construction documents to determine compliance with the rules of the board if the registered design professional elects to submit construction documents that contain a written certification by the registered design professional indicating conformance with the requirements of the rules of the board and Ohio R.C. Chapters 3781 and 3791.

(ii) Orders. The building official shall issue all orders in accordance with section 109 to ensure compliance with this code.

(iii) Inspections. If the plans for the erection, construction, repair, alteration, relocating, or equipment of a building are subject to inspection by the building official, under section 108, the 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 construction documents.

Exception: Special inspections required under section 1704.

(iv) Department records. The building official shall keep official records of applications received, certificate of plan approvals issued, notices and orders issued, certificates 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 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.

(2) Inspectors. An inspector is responsible for performing inspections and determining that work, for which they are certified to make inspections, is performed in compliance with the approved construction documents. All inspectors shall inspect the work to the extent of the approval given when construction documents were approved by the building official and for which the inspection was requested. All inspectors shall effectively communicate the results of their inspections as required by section 108, and shall conduct themselves in a professional, courteous, impartial, responsive, and cooperative manner.

(i) Building inspector. A building inspector is responsible to determine compliance with the approved construction documents in accordance with section 108.

(ii) A building inspector trainee is designated to determine compliance with approved construction documents, in accordance with section 108, under the direct supervision of an

individual holding a building inspector certification.

(3) Liability. Liability of certified building department personnel for any tortuous act will be determined by Ohio courts to the applicable provisions of Ohio R.C. Chapter 2744.

(c) Certified boards of building appeals duties and responsibilities. Before performing its duties, a jurisdiction wishing to establish a local board of building appeals shall receive certification by the board of building standards as required in section 103.14.

(d) Powers, local boards of building appeals. Certified municipal and county boards of building appeals shall hear and decide the adjudication hearings referred to in section 109.1 within the jurisdiction of and arising from orders of the local building official in the enforcement of Ohio R.C. Chapters 3781 and 3791 and rules adopted thereunder. The orders may be reversed or modified by the board if it finds:

(1) The order contrary to such laws or rules;

(2) The order contrary to a fair interpretation or application thereof; or

(3) That a variance from the provisions of such laws or rules, in a specific case, will not be contrary to the public interest where literal enforcement of such provisions will result in unnecessary hardship.

(e) Materials. A certified board of building appeals may not prohibit the use of materials or assemblages authorized for statewide use by the board of building standards pursuant to Ohio R.C. 3781.12.

(Ord. 29-10. Passed 6-22-10.)

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- Ordinances of Sheffield Lake, OH

- ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
- ORDINANCE NO. 116-84
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