

1301.09 ENFORCEMENT.

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OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

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CHAPTER 1301 Ohio Building Code

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.)

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 one thousand dollars (\$1,000) 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 .

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

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

- Repealed)
- orders required
- order, prior to seeking any remedy, civil or criminal
- order shall:
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- 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
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- 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 witness
- order into compliance;
- 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
- orders
- 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
- order to stop work is hereby declared a public nuisance
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- Ord. 29-10
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- 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
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- ordinance with this section, and for the overall administration of a building department as follows:
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 - order as referred to in Section 1301
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