

1301.99 PENALTY.

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CHAPTER 1301 Ohio Building Code

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OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

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CHAPTER 1301 Ohio Building Code

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 Sheffield Lake, OH
- ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
- ORDINANCE NO. 116-84
- ORDINANCES OF SHEFFIELD LAKE
- ORDER
- Repealed)
- 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
- 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
- adopted pursuant to Ohio R
- adopted by the board pursuant to Ohio R
- Ord. 29-10
- ordinance with this section, and for the overall administration of a building department as follows:
- ordinance with the requirements of this code, and shall issue plan approvals for the construction, erection, alteration, demolition, and moving of buildings and structures
- Orders
- orders in accordance with section 109 to ensure compliance with this code
- ords
- ords 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
- ord for each project
- 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
- ordinance with section 108
- ordinance with section 108, under the direct supervision of an individual holding a building inspector certification
- orders of the local building official in the enforcement of Ohio R
- adopted thereunder
- orders may be reversed or modified by the board if it finds:
- order contrary to such laws or rules;
- order contrary to a fair interpretation or application thereof; or
- 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

(\$1,00

- order as referred to in Section 1301
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