

1303.05 EXISTING STRUCTURES.

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OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

1303.05 EXISTING STRUCTURES.

CHAPTER 1303 Residential Code of Ohio

1303.03 INTENT.

The purpose of this code is to establish uniform requirements for the erection, construction, repair, alteration, and maintenance of residential 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. Further, the rules shall consider the following:

(1) The impact that the state residential building code may have upon the health, safety, and welfare of the public;

(2) The economic reasonableness of the residential building code;

(3) The technical feasibility of the residential building code;

(4) The financial impact that the residential building code may have on the public's ability to purchase affordable housing.

(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.

This code does not prevent a local governing authority from adopting additional regulations governing residential structures if the regulations comply with this section.

(a) A local governing authority shall, and any person may, notify the board of building standards of any regulation the local governing authority adopts related to content within the scope of this code and request that the board of building standards determine whether that regulation conflicts with the state residential building code.

(1) Not later than sixty days after receiving a notice to review local regulations for conflict, the board shall determine, based upon a recommendation from the advisory committee, whether the regulation conflicts with the state residential building code and shall notify any person who submitted the notice and the local governing authority that adopted the regulation of the board's determination.

(2) If the board determines that a conflict does not exist, the board shall take no further action with regard to the regulation. If the board determines a conflict exists and the regulation is not necessary to protect the health or safety of the persons within the local governing authority's jurisdiction, the regulation is not valid and the local governing authority may not enforce the regulation.

(3) If the board determines that a conflict exists and that the regulation is necessary to protect the health or safety of the persons within the local governing authority's jurisdiction, the board shall adopt a rule to incorporate the regulation into the state residential building code. Until the rule becomes a part of the state residential building code, the board shall grant a temporary variance to the local governing authority and any similarly situated local governing authority to which the board determines the temporary variance should apply.

(Ord. 30-10. Passed 6-22-10.)

1303.04 COMPLIANCE.

(a) No architect, engineer, builder, plumber, carpenter, mason, contractor, subcontractor, foreman, or employee shall violate or assist in the violation of Chapters 3781 and 3791 of the Revised Code or rules or regulations adopted pursuant thereto or of any order issued thereunder.

(b) 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. 30-10. Passed 6-22-10.)

1303.05 EXISTING STRUCTURES.

The provisions of section 115 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 and there are no orders of the 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.

(Ord. 30-10. Passed 6-22-10.)

1303.06 VIOLATIONS.

(a) Adjudication Orders, Required Before Legal Proceedings. Before any department or any political subdivision attempts to enforce this code by any remedy, civil or criminal, it shall issue an adjudication order within the meaning of sections 119.06 to 119.13 of the Revised Code or a stop work order as provided in section 114. 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 this 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, the party may be represented by counsel, present arguments or contentions orally or in writing, and present evidence and examine witnesses appearing for or against the party.

(b) Notice of Violation. The residential 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 residential building or structure. When the residential building official finds that work or equipment is contrary to approved residential construction documents and the rules of the board, the residential building official shall send a notice in writing to the owner of said residential 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 residential building for which the approval is invalid, the owner of the residential building shall resubmit the plans or drawings and specifications for approval as required under section 105.3.

(c) Prosecution of violation. Upon the issuance of any order provided for in this section or in section 114, the person receiving an order shall cease work upon the site preparations or structure to be constructed 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 Revised Code, and all appeals from such hearing have been completed, or the order has been released.

(d) Failure to File Construction Documents, Penalty. When an owner fails to file residential construction documents as required by this code and fails to comply with an adjudication order issued under section 113.1, said owner may be prosecuted and is subject to a fine of not more than five hundred dollars as provided for in section 3791.04 of the Revised Code.

(e) Failure to Comply with Order to Conform to Construction Documents, Remedy. If an owner fails to comply with an order issued by the residential building official, and fails to comply with an adjudication order issued under section 113.1 and the time of appeal has expired, then the residential construction documents required under section 3791.04 of the Revised Code are deemed not to have been filed and approved, and the conditions of section 113.4 apply.

(Ord. 30-10. Passed 6-22-10.)

1303.07 STOP WORK.

(a) Authority. Whenever any work regulated by this code is being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the residential building official is authorized to issue a stop work order whenever the building official finds, after inspection, that the site preparations, structure being constructed, the use of an appliance, materials, assemblage, or manufactured product does not comply with the provisions of Chapters 3781 and

3791 of the Revised Code or this code. 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. No person 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.

(Ord. 30-10. Passed 6-22-10.)

1303.08 CONFLICTS.

(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. An 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) Rules of the Board. 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 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 Chapter 3743 of the Revised Code prevail in the event of a conflict.

(d) Application of References. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

(e) Referenced Codes and Standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Unless specified otherwise in this code, reference in adopted sections to the term "International

Residential Code" shall be changed to "residential code"; reference to "International Fire Code" shall be changed to "fire prevention code"; and reference in design and construction provisions to "one-and two-family dwellings" shall be changed to "one-, two-, and three-family dwellings."

Because the "International Code Council" has placed design and construction information throughout its model code documents, including into the fire prevention code, any referenced code requirements relating to the design, construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of every building or structure within the scope of this code, shall be enforced by the residential building official. Where differences occur between provisions of this code and referenced standards listed in Chapter 43, the provisions of this code shall apply.

(f) Partial Invalidity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions thereof, and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions. (Ord. 30-10. Passed 6-22-10.)

1303.09 ENFORCEMENT.

(a) General. The residential building official in a municipality, township, or county, whose residential building department has been certified by the board of building standards, shall enforce provisions of the rules of the board and of Chapters 3781 and 3791 of the Revised Code, relating to construction of residential buildings or parts thereof as defined in the rules of the board in accordance with the certification. The building official shall exercise exclusive responsibility for the enforcement of all design and construction requirements found in this code and in other codes and standards referenced in this code to the extent that this 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 of municipal corporations or townships, having fire departments, 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 residential code refers, to the extent of the reference, they shall be enforced by the building official.

(2) Health. The boards of health of a city or general health district, or the residential building departments of municipal corporations shall enforce such provisions relating to sanitary construction.

(3) Engineering. The department of 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 departments 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 approvals 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.

(b) Applications and Approvals. The residential 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 residential 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 residential building official shall issue all necessary notices or orders to ensure compliance with this code. When the residential building official finds that work or equipment is contrary to approved residential plans and the Rules of the board, the residential 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 residential building are subject to inspection by the residential building official, under section 109, the residential 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.

(e) Identification. The residential building department 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 residential building official, or designee, is authorized to enter the residential 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 residential building official has probable cause to believe that there exists in a residential structure or upon a premises a condition which is a serious hazard the residential building official shall have recourse to the remedies provided by law to secure entry.

(g) Department Records. The residential building official shall keep official records of applications received, certificate of residential 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 residential construction documents shall be retained by the residential building official for a period of not less than as required by document retention schedule established in accordance with sections 149.38 or 149.39 of the Revised Code.

(h) Liability. Liability of certified residential building department personnel for any tortious act will be determined by Ohio courts to the applicable provisions of Chapter 2744. of the Revised Code.

(i) Alternative Materials, Design and Methods of Construction and Equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved in accordance with section 116. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of section 116.

(1) Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

(Ord. 30-10. Passed 6-22-10.)

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- ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
- ORDINANCE NO. 116-84
- ORDINANCES OF SHEFFIELD LAKE
- Repealed)
- ordable housing
- adopted the regulation of the board's determination
- Ord. 30-10
- adopted pursuant thereto or of any order issued thereunder
- orders of the building official pending, no evidence of fraud, or no serious safety or sanitation hazard
- ordance with plans which have been approved prior to the effective date of this code are existing buildings
- Orders, Required Before Legal Proceedings
- order within the meaning of sections 119
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- order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a residential building or structure
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- order has been released
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