

## **NOTICE**

This City of Kettering Code section is not the official version and is provided only for the convenience of the public. The only official version of the City of Kettering Code is available through the office of the Clerk of Council, located in the City of Kettering Government Center, 3600 Shroyer Road, Kettering, Ohio 45429.

This version may, occasionally, differ from the official version and should only be relied upon for general information purposes. Any errors or omissions should be reported to the Clerk of Council. In no event shall the City of Kettering be held liable for damages of any nature, direct or indirect, arising from the use of this service or reliance on this unofficial document.

## CODIFIED ORDINANCES OF KETTERING

### PART THIRTEEN – BUILDING CODE

#### TITLE ONE – STANDARDS

#### Chapter 1301 Kettering Building Codes

SECTION 1301.01	Adoption of Building Codes	SECTION 1301.06	Maintenance of Construction Site
SECTION 1301.02	Other Work Requiring Permits	SECTION 1301.07	Conflicts of Law
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SECTION 1301.05	Application of Plan Approval		

#### CROSS REFERENCES

Power to regulate building erection – see Ohio Revised Code 715.26, 715.29, 737.37

Adoption of technical codes – see Ohio Revised Code 731.231

Ohio Building Code – see Ohio Revised Code 3781.10

Building construction or repairing (disturbing the peace) – see General Offenses Section 648.05(b)(10)

Depositing objectionable matter on street – see General Offenses Section 660.14

#### SECTION 1301.01 ADOPTION OF BUILDING CODES

To govern the erection, construction, repair, alteration and maintenance of buildings within the municipality the following are collectively adopted as the City of Kettering Building Code:

- (A) For all buildings, except one, two and three family dwellings, the edition of the “Ohio Building Code” (“OBC”) contained in Ohio Administrative Code

Chapters 4101:1-1 to 4101:1-35, as the OBC currently exists or may hereafter be amended, and all other codes and standards referenced by the OBC.

- (B) For all buildings not covered by the OBC, the edition of the “Residential Code of Ohio for One-, Two- and Three-Family Dwellings” (“RCO”) contained in Ohio Administrative Code Chapters 4101:8-1 to 4101:8-43, as the RCO currently exists or may hereafter be amended, and all other codes and standards referenced by the RCO.
- (C) The Codes referred to in Subsection (A) and Subsection (B) of this Section 1301.01 are both separately published and not codified herein. A copy of each of these codes is available for review in the administrative offices of the City.
- (D) Appeals from adjudication orders issued pursuant to the RCO shall be made to the certified municipal or county board of building appeals under contract with the City to hear such appeals as authorized in R.C. 3781.20. Appeals from adjudication orders issued pursuant to the OBC shall be made to the certified municipal or county board of building appeals under contract with the City to hear such appeals as authorized in R.C. 3781.20. If no certified municipal or county board of building appeals is under contract with the City to hear appeals of adjudication orders issued pursuant to the OBC or the Ohio Revised Code requires it, then appeals shall be to the state board of building appeals.

## **SECTION 1301.02 OTHER WORK REQUIRING PERMITS**

### **A. SUMP PUMPS**

Notwithstanding any other provisions of this Title, a permit is required for the installation of a sump pump for the purpose of disposing of ground water from a structure. The discharge of a sump pump shall be so constructed so that the discharge of water will not run onto or across a public street or sidewalk nor discharge into any sanitary sewer.

### **B. SWIMMING POOLS, HOT TUBS, SPAS**

Notwithstanding any other provisions of this Title, a permit is required for the installation of any electrical system associated with a swimming pool, hot tub, spa, or similar facility located on a property with a one, two, or three family dwelling. Any such electrical system shall meet all applicable requirements of the National Electric Code, NFPA 70, (“NEC”), as the NEC currently exists or may hereafter be amended, and all other codes and standards referenced by the NEC. A copy of the NEC is available for review in the administrative offices of the City.”

C. Fees for permits required under this Section shall be set in accordance with Section 133.02 of the Kettering Codified Ordinances.

### **SECTION 1301.03 OFFICE OF THE BUILDING OFFICIAL**

The City Manager shall appoint the Chief Building Official for the City of Kettering. It shall be the duty of the Chief Building Official to manage the enforcement of the building codes adopted herein. For the purposes of Part 13 of the Kettering Codified Ordinances, the term "Chief Building Official" shall have the same meaning as "Building Official".

### **SECTION 1301.04 COMPLIANCE WITH REGULATIONS**

No structure, mechanical equipment, plumbing or electrical systems shall be erected, converted, enlarged, reconstructed, moved or structurally altered except in conformance with the regulations established in this Title and a Certificate of Plan Approval has been secured from the Building Official.

### **SECTION 1301.05 APPLICATION OF PLAN APPROVAL**

Except as may be required by the OBC or RCO, an application for plan approval along with the required fee and number of plans shall be submitted to the office of the Building Official for all construction work covered by this Title. The Building Official shall issue a Certificate of Plan Approval in accordance with the OBC or RCO.

- (A) Fees: In lieu of any reference to fees established by the OBC or RCO, all fees shall be in accordance with Section 133.02 of the Kettering Codified Ordinances.
- (B) The actual number of plans required to be submitted to the City shall be in accordance with the policy of the Building Official.

### **SECTION 1301.06 MAINTENANCE OF CONSTRUCTION SITE**

All structures, buildings, premises, and job sites for which a certificate of plan approval has been issued, shall be maintained in a clean, safe, secure and sanitary condition.

### **SECTION 1301.07 CONFLICTS OF LAWS**

In the event of any conflict between the requirements of this ordinance and those of any other codes adopted by the City or any City Ordinances, that requirement which established the higher or stricter standards shall prevail.

**SECTION 1301.08 UNLAWFUL ACTS**

- A. No person shall erect, construct, repair or maintain any building regulated by this Title in violation of the regulations of this Title or any amendment or supplement thereto adopted by City Council.
- B. Notwithstanding anything else to the contrary in the OBC or RCO, if any structure is, or is proposed to be, erected, constructed, repaired or maintained in violation of the Kettering Building Code, or in violation of any code of which the Kettering Building Code is partially composed, or any amendment or supplement of the Kettering Building Code, then the Building Official or the Official's designee may, after consultation with the Kettering Law Director, take appropriate legal action or enter into or engage in proceedings to prevent, enjoin, abate or remove such unlawful construction, repair, erection or maintenance.
- C. It shall be unlawful for any person, firm or corporation to be in conflict with or in violation of any of the provisions of this Chapter. No person shall fail or refuse to comply with any decision or order of the Chief Building Official or any provision of this Chapter. Notwithstanding the provisions of the OBC or RCO to the contrary, the Chief Building Official shall serve notices or orders using any of the methods specified in the OBC, RCO, or as set forth below:
- (i) Delivered personally; or
  - (ii) Successfully transmitted via facsimile transmission to the last known fax number of the person, firm, or corporation to be served; or
  - (iii) Left at the usual place of abode or business of the person, firm, or corporation to be served upon and with someone who is 18 years of age or older; or
  - (iv) Sent by certified, postage-paid U.S. mail to the last known address of the person, firm, or corporation to be served; or
  - (v) If the notice is attempted to be served by certified, postage-paid U.S. mail and then returned showing that the notice (letter) was not delivered, or the certified letter is not returned within fourteen (14) days after the date of mailing, then notice may be sent by regular, postage-paid, first-class U.S. mail to the last known address of the person, firm, or corporation to be served; or
  - (vi) If the notice is attempted to be served by regular, first class U.S. mail, postage prepaid, and within fourteen (14) days after the date of mailing the letter is then returned showing that the letter was not delivered, or is not returned within fourteen (14) days after the date of mailing, then notice shall be posted in a conspicuous place in or about the development, structure, building, premises, job site, or property affected by such notice.

**SECTION 1301.99 PENALTIES**

Whoever violates any regulation in or any provision of this ordinance shall be fined not more than Five Hundred Dollars (\$500). A separate offense may be deemed committed every day during or on which an illegal construction, erection, repair or maintenance occurs or continues.”

**Legislative History:** Ord. 3440-90; passed 4/24/90. Ord. 3497-91; passed 5/28/91. Ord. 3587-93; passed 1/26/93. Ord. 3622-93; passed 10/26/93. Ord. 3744-97; passed 4/8/97. Ord. 3770-98; passed 2/24/98. Ord. 3783-98; passed 5/12/98. Ord. 3897-01; passed 12/11/01. Ord. 3992-05; passed 1/25/05. Ord. 4198-12; passed 6/12/12. Ord.4240-15; passed 2/24/15; Ord.4391-23; passed 3/28/23.