

CODIFIED ORDINANCES OF OAKWOOD

PART THIRTEEN - BUILDING CODE

TITLE ONE - Standards Adopted.

- Chapter 1301. Adoption, Administration, General Matters.
- Chapter 1302. Permits.
- Chapter 1303. Building Relocation and Demolition.
- Chapter 1304. One, Two and Three-Family Dwelling Code.

TITLE FIVE - Local Provisions.

- Chapter 1321. Swimming and Other Pools.
- Chapter 1322. Moving of Buildings.
- Chapter 1325. Numbering Buildings.
- Chapter 1329. Plumbers.
- Chapter 1331. Unreasonable Noises in Construction.
- Chapter 1333. Minimum Floor Area.
- Chapter 1335. (Reserved for possible future use).
- Chapter 1337. Air Conditioning Systems.
- Chapter 1339. Driveways.
- Chapter 1341. Sidewalks.
- Chapter 1343. Traffic Studies.
- Chapter 1345. Fences.

CHAPTER 1301
ADOPTION, ADMINISTRATION, GENERAL MATTERS

1301.01	Adoption of Local Building Code for One, Two and Three-Family Dwellings; Reference to State Statutes and Ohio Building Code as being Separate Code Applicable to all other Construction; Standard of Work.	1301.08 1301.09 1301.10 1301.11 1301.12	Inspection and Approval. Sump Pump. Retaining Walls. Duty to Repair Damage to Streets; Bond as Security. Indemnification and Insurance regarding Demolition Damage or Injury to Persons or Property on a Public Street, Sidewalk or right-of-way.
1301.02	Two Separate Building Officials.		
1301.03	Fees.	1301.13	Violations and Equitable Remedies.
1301.04	Time Limits.		
1301.05	File and Distribution of Copies.	1301.14 1301.15	Conflict of Laws. Penalties.
1301.06	Number of Plans.		
1301.07	Grading and Utility Plans and Topographical Surveys under the City One, Two and Three-Family Dwelling Code.		

CROSS REFERENCES

1301.01 ADOPTION OF LOCAL BUILDING CODE FOR ONE, TWO AND THREE FAMILY DWELLINGS; REFERENCE TO STATE STATUTES AND OHIO BUILDING CODE AS BEING SEPARATE CODE APPLICABLE TO ALL OTHER CONSTRUCTION; STANDARD OF WORK.

A. The One, Two and Three Family Dwelling Code for this city (C123DC) is hereby adopted as set forth in Chapters 1301, 1302, 1303 and 1304 of the Codified Ordinances. It is applicable to one, two and three family dwelling houses which have not been constructed or erected as industrialized units as referred to in 3781.06 and 3781.10 O.R.C. The material in Chapter 1304 incorporates by reference the 2004 edition of the Ohio Residential Code for One, Two and Three Family Dwelling Code, with certain amendments as set forth in that Chapter 1304 as the C123DC. The 2004 edition of the Ohio Residential Code for One, Two and Three Family Dwellings is based on the International One, Two and Three Family Dwelling Code (2003 Edition) as amended by the Ohio Building Officials Association.

B. The construction, erection, repair, maintenance or alteration of, or addition to, any building other than one subject to C123DC shall be governed by the 2002 edition of the Ohio Building Code (OBC). The 2002 OBC includes requirements as set forth in the Building Officials and Code Administration (BOCA) National Building Code, International Building Code, Standard Building Code, Uniform Building Code, International Plumbing Code, International Mechanical Code, Code for the Installation of Heat-Producing Appliances, Standard Gas Code, Standard Mechanical Code, Uniform Mechanical Code and the National Electrical Code Control of such matters as to the buildings subject to the

Adoption, Administration, General Matters

OBC has been declared to be, for the most part, a matter of statewide concern governed by the general laws in the above-cited chapters of the O.R.C. Accordingly, except in limited situations and circumstances, the City of Oakwood may not enact any legislation in conflict with those chapters of the O.R.C. or with the OBC or any other rules issued by the Ohio Board of Building Standards.

C. In addition to compliance with the technical regulations of the codes referred to in A and B above, all work subject to either of those codes shall be performed in a workmanlike manner.

1301.02 TWO SEPARATE BUILDING OFFICIALS.

The City Manager or his designee shall serve as the Building Official for the one, two and three family dwelling units covered by Chapter 1304 of the Codified Ordinances. It shall be the duty of the Building Official to manage the enforcement of that building code and any regulations issued thereunder. For buildings subject to the OBC, the Oakwood Building Official shall be the same person who serves as Building Official in whatever certified building department contractually serves the City of Oakwood for review, inspection and enforcement of the building code.

1301.03 FEES.

As part of the schedule of fees to be established under Chapter 153 of the Administrative Code of this city, the City Manager shall have authority to set the fees for all matters subject to the Ohio Building Code and also to set the fees for all matters under the residential building code applicable to one, two and three family dwellings (i.e., the C123DC).

1301.04 TIME LIMITS.

In lieu of any reference to time limits governing approval of plans in the OBC, the following shall govern. The approval of plans or drawings, and specifications or data in accordance with the rules of the OBC is invalid if construction, erection, alteration or other work on the building has not commenced within 180 days of the approval of the plans, drawings or specifications.

A. One extension may be granted for an additional 180 day period if requested by the owner at least ten days in advance of the expiration date of the permit and upon payment of the established fee.

B. If, in the course of construction, work is delayed or suspended for more than 90 days, the approval of plans or drawings and specifications or data is invalid. Two extensions may be granted for 90 days each if requested by the owner at least ten days in advance of the expiration of the permit and upon payment of the established fee for each extension.

Adoption, Administration, General Matters

1301.05 FILE AND DISTRIBUTION OF COPIES.

One copy of this Code and its accompanying Building Codes shall be placed on file with the Clerk of Council for inspection by the public. Additional copies will be made available to the public at cost by the Building Official.

1301.06 NUMBER OF PLANS.

The actual number of plans required to be submitted to the City shall be in accordance with the policy of the Building Official, and shall adhere to the following:

A. One set of plans which has been approved by the Building Official shall be retained for permanent city records for the period required for the retention of public records.

B. One set of plans which has been approved shall be returned to the owner and shall be kept at the site of the work and shall be available for reference by the Building Official at all times during working hours while such work is in progress. The Building Official shall stamp or endorse additional sets of plans which have been approved when so requested by the owner or his or her agent.

1301.07 GRADING AND UTILITY PLANS AND TOPOGRAPHICAL SURVEYS UNDER THE CITY ONE, TWO AND THREE-FAMILY DWELLING CODE.

Under the C123DC, when the Building Official or City Engineer deems it necessary because of the contour of the particular property involved or of the adjoining land, he or she may require that there shall be submitted with the application for a building permit a topographical survey and a grading and utility plan. In the event that the grading and utility plan and the topographical survey, together with the other documents and information submitted in connection with the application for such a building permit, do not conform to good engineering practice, the application for the permit shall be denied.

1301.08 INSPECTION AND APPROVAL.

When the installation, extension, alteration or repair of an elevator, moving stairway, mechanical equipment, refrigeration, air conditioning or ventilating apparatus, plumbing, gas piping, electrical wiring, heating system or any other equipment is specifically controlled by the provisions of the OBC or the C123DC, it shall be unlawful to use such equipment prior to an authorized inspection, as provided in the appropriate Code, and approved by the Building Official or his agent.

1301.09 SUMP PUMP.

Notwithstanding any other provision of this Code, 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 public streets, sidewalks, or be discharged into any sanitary sewers. The fees for said permits shall be in accordance with fee schedules established by the City Manager.

Adoption, Administration, General Matters

1301.10 RETAINING WALLS.

Notwithstanding any other provisions of this ordinance, a permit is required for the installation, construction or alteration of a retaining wall. Design for retaining walls over four (4) feet in height shall be certified by a registered engineer or architect or as approved by the Building Official.

1301.11 DUTY TO REPAIR DAMAGE TO STREETS; BOND AS SECURITY.

A. General:

1. To provide assurance that any damage to the public streets, thoroughfares, or rights-of-way including vegetation, improvements of any type and utilities therein caused by agents, employees, equipment, or activities of the contractor or his subcontractors will be repaired at no cost to the City, the contractor shall enter into a written agreement (prior to issuance of a building or demolition permit) whereby the contractor agrees to repair any such damage. The form of the contract shall be satisfactory to the City Attorney.
2. As security for performance of the contract, the contractor shall enter into a performance bond with a surety company approved by the city and deliver that bond to the city prior to beginning any work authorized by said permit. In lieu of such a surety bond, the contractor may deliver to the city an irrevocable letter of credit or cash deposit, and any such form of surety is included within the meaning of the word "bond." The form of such bond shall be satisfactory to the City Attorney.
3. The contractor shall be obligated under this Code and the contract to repair all damage to any public street, thoroughfare, or right-of-way including vegetation, improvements of any type (including repairing and replacing adjacent walls thereto) and utilities therein, caused by agents, employees, equipment, or activities of the contractor or his subcontractor whether or not such damage was the result of negligence on the part of the contractor, subcontractors, or their agents or employees.
4. With regard to an application for a demolition permit, this Code and the written agreement of the demolition contractor shall require that contractor supply and complete such material and work as may be necessary to shut off water and sewer utility service to the site, and shall require that contractor repair all damage caused to adjacent lots and improvements thereon as caused by agents, employees, equipment, or activities of the demolition contractor or his subcontractors, whether or not such damage was the result of negligence on the part of the contractor, subcontractors, or their agents or employees. (See also Chapter 1303 Building Relocation and Demolition.)

Adoption, Administration, General Matters

B. Conditions:

1. The bond with regard to a building permit shall be in an amount equal to 15% of the estimated cost of the original job contract but in no case more than \$1,000.00. With regard to a demolition permit, the bond shall be in an amount equal to 25% of the estimated cost of the original job contract, but in no case less than \$25,000.00. The Building Official shall have authority to waive or reduce the requirements of a demolition bond with regard to small buildings such as sheds and garages and also based on location of the buildings to be demolished, or the lack of utilities therein.
2. The bond shall be payable to the order of the City of Oakwood.

C. Notice of Damage:

Written notice to the contractor, surety company, or any owner of the land involved of any damage requiring repair will be given by the city within forty-five (45) days after final inspection under the building permit. If no notice is given, the bond shall expire automatically at the end of that period of time.

D. Time for Performance:

Repairs by the contractor of all such damage shall be completed within one month after notice by the city to the contractor, surety company, or any owner. This time limitation is subject to reasonable delays caused by strikes, wars, public emergencies, acts of God, or other events beyond the contractor's reasonable control.

E. Remedy:

If the necessary repairs are not completed by the contractor within this one-month period, the city may exercise its rights under the bond and may use the proceeds of the bond to defray cost of the city in making those repairs, or contracting to have them made, without necessity of any court order.

**1301.12 INDEMNIFICATION AND INSURANCE REGARDING DEMOLITION
DAMAGE OR INJURY TO PERSONS OR PROPERTY ON A PUBLIC
STREET, SIDEWALK OR RIGHT-OF-WAY.**

Every demolition contractor or one who obtains a permit for demolition work shall be obligated under this paragraph to indemnify and hold the city harmless from any and all claim, demand, lawsuit or judgment in favor of any person whomsoever, arising out of the exercise of any privilege granted by the demolition permit and based upon property damage or personal injury, or both, to persons or property on a public street, sidewalk or right-of-way. Further, such indemnification and hold harmless obligation shall protect the city from any expense that might otherwise be incurred by the city by reason of any such claim, demand, lawsuit or judgment, and shall require that the demolition contractor or permit applicant assume responsibility for and defend any lawsuit which may arise therefrom. Any person granted such a demolition permit, whether or not that person is in the business of acting as a demolition contractor, shall be bound by the terms of this requirement without further contract

Adoption, Administration, General Matters

or agreement. Each applicant for a demolition permit shall procure and furnish satisfactory evidence that such applicant has and maintains in full force and effect a policy of liability insurance from any one accident, and not less than seventy-five thousand dollars (\$75,000.00) for such property damage from any one accident, so as to provide to the demolition permit holder and to the city protection as an insured party against any such claim, demand, lawsuit or judgment. The requirements of such insurance may be waived or reduced by the Building Official in the same manner and on the basis of the same factors set forth in Subsection B of Section 1301.11 (See also Chapter 1303 Building Relocation and Demolition.)

1301.13 VIOLATIONS AND EQUITABLE REMEDIES.

A. No person shall erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any building regulated by this Code in violation of the regulations of this Code or any approved amendment or supplement thereto.

B. In the event any building is or is proposed to be erected, constructed, enlarged, altered, repaired, improved, removed, converted, demolished, equipped, used, occupied or maintained in violation of this Code or any amendment or supplement thereto, the Building Official or the City Attorney or any owner of adjacent property who would be specifically damaged by such violation may institute injunctive, mandamus, abatement or any other appropriate actions or proceedings, in addition to other remedies provided by law, in order to prevent, enjoin, abate, or remove such unlawful erection, construction, enlargement, alteration, repair, improvement, conversion, use or occupancy.

1301.14 CONFLICT OF LAWS.

In the event of any conflict between the requirements of this Code and those requirements of any other codes, ordinances or regulations adopted by the city, that requirement which establishes the higher or more strict standard shall prevail. This principle shall also apply to conflicts, if any, between the typical language in any portion of Part Thirteen of the Codified Ordinances of this City (dealing with the Building Code) and the Ohio Residential Code adopted in Chapter 1304 or the Ohio Building Code (OBC) which has also been adopted by reference as part of the Building Code of this City.

1301.15 PENALTIES.

Whoever violates any regulation or provision of the OBC or the C123DC or any amendment, revision or attachment thereto, shall be deemed to be guilty of a third degree misdemeanor. A separate offense may be deemed committed each and every day during or on which an alleged construction, erection, repair or maintenance occurs or continues.

The provisions of this Chapter 1302 shall apply under both the C123DC and the OBC, except to the extent that the City may be precluded by law from revising the OBC provisions.

Adoption, Administration, General Matters

repeals Ordinance 4292; Ord. 4505, passed 5/6/02 effective 6/6/02; Ord. 4568, passed 1/10/05, effective 2/1/05.

Permits

CHAPTER 1302 PERMITS

- 1302.01 Application for Permit.
- 1302.02 Permit Approval, Revocation and Conditions.
- 1302.03 Annual Permit.

CROSS REFERENCES

+

For Ohio Building Code (OBC) see Ohio Administrative Code 4101:2
Edition of Ohio Residential Code for One, Two and Three Family Dwellings.

1302.01 APPLICATION FOR PERMIT.

A. When Permit is Required:

It shall be unlawful to construct, alter, enlarge, repair, move, remove, or demolish any building or structure, or change the occupancy thereof from one use or use group to another, or to install, alter, repair, remove, correct or replace any equipment for which provision is made or the installation of which is regulated by this Code, without first filing an application with the Building Official in writing and obtaining the required permit therefore; provided, however, that ordinary repairs as defined in Subsection U of Section 1302.01 and that do not involve any violation of the Code shall be exempt from this provision. Except as specifically otherwise authorized, an application for a permit for any work requiring a permit shall be submitted to and approved by the Building Official before any contract for installation and/or construction of the proposed work has been awarded, unless such award is made contingent upon the approval and issuance of the permit.

B. Emergency Repairs:

Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Building Official.

C. Form of Permit Application:

Each application for a permit shall be submitted in such a form as the Building Official may prescribe. In any event, the application must contain a representation by the applicant that every aspect of the work that does not conform to the description in the permit application will be torn down, removed, or otherwise corrected within a reasonable time after written notification from the Building Official, or his or her designate, to do so.

Permits

D. By Whom Application is Made:

Except as provided in Subsection E immediately below in this Section 1302.01, an application for a permit shall be made by the owner or lessee of a property concerned, if the owner or lessee is to perform the work requiring a permit. No person intending to perform any work on behalf of an owner or lessee of property, or under contract or agreement with an owner or lessee to do so, shall perform any such work unless that person has submitted an application for any required permit and until the permit has been issued solely in the name of such person as the permit holder. Accordingly, if an owner or lessee of property intends to use a third person contract to perform work requiring a permit, that permit must be issued to the third person contractor and not to the owner or lessee. The full names and addresses of the owner, any lessee, and any applicant if other than the owner or lessee, and of the responsible officers of owner and lessee if a corporate body or unincorporated association shall be stated in the application. All applicants for permits shall be duly qualified under applicable law.

E. Home Owners Exception:

The provisions of Subsection D above in this Section 1302.01 shall not be interpreted to require that the owner of a single-family dwelling shall be licensed to perform work on that owner's residence. All such work shall be done in conformity with the provisions of this Code and rules or regulations promulgated thereunder and no work shall be done unless all permits, inspections, and approvals required by this Code are secured.

F. Description of Work:

The application for a permit shall contain a general description of the proposed work, its location, the use and occupancy of all parts of the building or structure, the estimated cost of the proposed work and such additional information as may be required by the Building Official, including but not restricted to the project plans and specifications, plot plans, stormwater drainage plan (when required), and such other information as may be required elsewhere in this Code, all of which shall be submitted pursuant to Subsection D of Section 1302.01. All charges for transportation of such information accompanying the application shall be borne by the applicant for the permit.

G. Verification of Information:

All facts in the application shall be subject to affirmation or oath. If, in the judgment of the Building Official, any part or all of the data or application is incorrect (including but not limited to the estimated cost), he or she shall have the right, as a condition precedent to the issuance of the permit, to have said data or application verified and/or amended either by the Building Official or by others appointed by him or her and when so authorized the cost of such verifications and/or amendment shall be paid by the applicant.

H. Acting on Applications:

All applications for permits shall be dated on receipt by the Building Official and examined, within a reasonable time after filing, in order of their receipt, and no application

Permits

shall be acted on out of its regular order unless the work involved is of a complex character which requires prolonged examination. Applications which are returned without action because of being incomplete or because of violations of some of the provisions of this Code shall be taken in order as of the date of resubmission.

I. Plans and Specifications:

The plans and specifications submitted with the application for a permit shall be lettered, giving the name and address of the owner of the building, the purpose for which the building or structure is to be used, its location, and the name, address and telephone number of the architect, engineer, or other person by whom the plans and specifications were prepared. Electronic media documents are permitted to be submitted when approved by the Building Official. When quality of materials is essential for conformity to the Code, specific information shall be given to establish such quality, and in no case shall the Code be cited or the term "legal" or its equivalent be used as a substitute for specific information.

J. Drawings:

The drawings to be filed for buildings or structures shall consist of a plot plan; a foundation and footing plan, basement or cellar plan; plans of the upper floors and roof; all elevation sections; and such additional drawings as may be necessary to illustrate fully and show the style, size and other dimensions of all the structural parts and service equipment of the building, except as set forth otherwise in this Code, except that all drawings shall be drawn upon suitable material or by some approved photographic process that will not fade or obliterate within 5 years, to a scale that will clearly show the work to be done, but in no event less than 1/8 inch to the foot, and except that plot plan or other plans when specifically approved by the Building Official may be at an approved smaller scale. All distances, heights, dimensions, thicknesses and sizes of walls, supporting members, structural parts and openings shall be accurately listed by legible figures and drawings made accurate and complete. The drawing shall show all pertinent parts of the structures to be constructed and/or the service equipment and accessory mechanical and electrical piping and duct work to be installed including but not limited to the entire sewage, drain, soil, waste and vent pipes, location of all plumbing fixtures, hot water heaters, furnaces, steam or hot water heating boilers, power boilers, heater rooms, hot air registers, hot air riser ducts, cold air registers, steam or hot water radiators, plenum chambers, fans, ventilation ducts and flues, smoke flues, elevator hatchway enclosures, refrigeration units, gas lighting or heating outlets, electric wiring outlets including outlets for heating units, cooling units, motors, generators and transformers. The drawings accompanying an application for a demolition permit shall be prepared on the same scale but, at the discretion of the Building Official, may not be required to include drawings showing the internal layout or internal service, mechanical and electrical equipment.

Permits

K. Special Requirements of Plans:

The plans for each room, apartment, or part of the building or structure shall be lettered clearly, showing the purpose for which the same is designed to accommodate or the number of persons to be assembled therein. If the room, apartment, or part of the building or structure is to be used for any purpose for which the various sections of this Code restrict or limit the number of persons to be assembled or accommodated therein, the plans shall be clearly lettered to indicate the prescribed limitation.

L. Drawing for Alterations and Additions:

The requirements relative to the sections and elevations to be provided may be waived in the case of alterations in or additions to existing buildings, but not to the extent that such plans, sections or elevations as are submitted fully describe the parts of the building or service equipment which are to be altered or the addition added thereto and the extent to which the occupancy thereof will be changed.

M. Alterations and Erasures:

It shall be unlawful to erase, alter, or modify any lines, figures, coloring, written or printed matter contained upon any drawing or in any specifications or stormwater drainage plan filed with the Building Official after it has been approved by him or her except as follows:

1. If, during the progress of the execution of the work or prior thereto, and subject to the limitations of Subsection U of this Section 1302.01 as to ordinary repairs which require no application or notices to the Building Official, it is desired to deviate in any manner affecting the construction or other essential or vital feature of the work from the terms of the application, plans, specifications, or stormwater drainage plan, notice of such intention to alter or deviate shall be given in writing to the Building Official and his written consent shall be obtained before such alteration or deviation may be made.
2. If such change or deviation affects the bearing or structural parts of such work or its class of occupancy, new plans and specifications therefore shall be submitted for approval.
3. Notices of alterations and approvals therefore shall be filed with the original application for permit.

N. Plot Plan:

1. The certified plot plan shall consist of a plan of the lot or site upon which it is intended to build, erect, alter or add to such building or structure, and shall show the location and dimensions of such lot, as well as all existing structures, appurtenances, and impervious areas, if deemed necessary by the Building Official. The plot plan shall be a property survey bearing the name, address, telephone number, seal, and registration number of an individual licensed by the

Permits

State of Ohio to make such surveys.

2. The plot plan shall show the location of all easements and rights-of-way on such lot and all drainage facilities; the widths of the streets, alleys or court ways upon which the lot or site abuts; adjacent grades, and property lines the sidewalk and curb lines thereof; the location of car tracks, fire hydrants, and fire cistern manholes; the amount of space on such street or alley that will be used when such space is desired for the storage of building materials and rubbish; the location of any building or structure on the lot; the plan of the first story in heavy lines and all projections in their extremes in broken lines; the legible dimensions of the body of the building, its extreme projections and the distances thereof from the adjoining street or lot lines; and the distance between the building or structure and any other building or structure on the same lot or site. The plot plan shall be drawn to a uniform scale, and the scale and compass points shall be legibly marked on the plan. Where such plot plan indicates a conflict with any easement, right-of-way or facility of a public utility or public authority, the Building Official shall notify the utility or authority concerned of this conflict as soon as practicable after the application for the permit is filed and shall not issue the permit until the conflict has been resolved to his satisfaction.

Permits

O. Stormwater Runoff Mitigation:

1. All building applications and/or issues are subject to all provisions and requirements of the City's stormwater management code (Part Twelve – Stormwater Management Code). (Ord. 4673, passed 5/4/09, effective 6/4/09).

Permits

P. Additional Information Required:

In addition to the drawing and stormwater drainage requirements as above specified, the Building Official may require that such detailed installation drawings or other technical data accompany applications for permits as he deems necessary to determine compliance with the provisions of this Code as pertain thereto. The Building Official may require adequate details of structural, mechanical and electrical work including computations, stress diagrams and other essential technical data to be filed. All engineering plans and computations shall bear the signature of the engineer or architect responsible for the design.

Q. Specifications:

Except as provided below, each set of drawings submitted for a permit shall be accompanied by a set of specifications describing all materials to be used and the work contemplated to be done. The specifications shall be written in ink, typewritten or printed. The various subjects therein shall be grouped in the order of their construction, and all matters relating to the same subject shall be incorporated in that part of the specifications devoted to that subject. Where, in the opinion of the Building Official, all pertinent specification data necessary to determine compliance with this Code are adequately shown on the drawings, he may waive the requirement for submission of the specifications.

R. Imperfect Application, Drawings, Specifications or Statement:

If the application for a permit or the drawings, specifications, details, or stormwater drainage plan accompanying same indicate to the Building Official that the work to be done is not clearly or specifically defined and/or dimensioned or is imperfect, or is not in all respects in accordance with the provisions of this Code, he or she shall refuse to issue a permit until such application, drawings, specifications, details, and stormwater drainage plan shall have been made to conform in every respect with the requirements thereof. All drawings which are not completely dimensioned or which are illegible shall be deemed incomplete. Drawings may be adjusted, corrected or otherwise marked so as to show revisions or corrections.

S. Action on Application:

The Building Official shall examine or cause to be examined all applications for permits and amendments thereto within a reasonable time after filing. If the application or the plans do not conform to the requirements of this Code and of all pertinent laws and ordinances, he or she shall reject such application in writing, stating the reasons therefore. If the Building Official is satisfied that the proposed work conforms to the requirements of this Code and all laws and ordinances applicable thereto, he or she shall issue a permit therefore as soon as practicable.

T. Previous Approvals:

This Code shall not require changes in the plans, construction or designated use of a building for which a lawful permit has been heretofore issued or otherwise lawfully

Permits

authorized, and the construction of which shall have been actively prosecuted within 180 days after the effective date of adoption of this Code and has not been abandoned.

U. Ordinary Repairs:

Ordinary repairs to structures may be made without application or notice to the Building Official, but such repairs shall not include the cutting away of any load bearing wall, partition or portion thereof, adding partition walls, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit way requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

1302.02 PERMIT APPROVAL, REVOCATION AND CONDITIONS.

A. Signature to Permit:

The Building Official shall attach his or her signature to each approved permit, or may authorize a subordinate to affix such signature thereto.

B. Approved Plans:

The Building Official shall stamp or endorse in writing all sets of corrected plans APPROVED, and one set of such approved plans shall be retained by him or her and another set shall be kept at the building site, open to inspection of the Building Official or his or her authorized representative at all reasonable times.

C. Revocation of Permits:

The Building Official may revoke any permit or approval issued under the provisions of this Code or may stop the work for any of the following reasons:

1. Whenever there is a violation of any provision of this Code or law or ordinance relating to the same subject matter.
2. Whenever the continuance of any work becomes dangerous to life or property.
3. Whenever there is a violation of any condition on which the issuance of the permit or approval was based.
4. Whenever any false statement or misrepresentation has been made upon the application, plans or specifications, plot plan, or stormwater drainage plan on which the issuance of the permit or approval was based.

The revocation notice of the permit in every instance shall be in writing and shall be served upon the holder of the permit, the owner, his or her agent, or the person having charge of the work. Any revocation notice shall also be posted upon the building or structure in question by the Building Official. After the notice is received or posted, it shall

Permits

be unlawful for any person to proceed with any operation for which such a permit was issued. No part of the fees for such permit shall be returned. Revocation of a permit shall be subject to appeal as provided in this Code.

D. Approval in Part:

The Building Official may issue a permit for the construction of foundations or any other part of a building or structure before the entire plans and specifications for the whole building have been submitted, provided adequate information and detailed statements have been filed to demonstrate that an unjustifiable hardship will be placed upon the applicant if he is required to delay initiation of said work until completion and approval of the drawings and specifications, together with such other data as may be necessary to demonstrate that the work will comply with all the pertinent requirements of the Code. The holder of such permit for the foundations or other part of the building or structure shall proceed at his own risk with the building operation and without assurance that a permit for the entire structure will be granted.

E. Payment of Fee:

A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

F. Posting of Permit:

A true copy of the building permit shall be kept on the site of operations open to public inspection during the entire time of prosecution of the work and until the completion of same.

G. Conditions of Permit:

1. Compliance with Code: A permit shall be an authorization to proceed with the work, but shall not be construed as authority to violate, cancel, or set aside any of the provisions of the Code, zoning laws or other applicable laws or ordinances except as specifically allowed by any lawfully granted modification or deviation.
2. Compliance with Permit: All work shall conform to the approved application and plans for which the permit has been issued and any approved amendments thereto.
3. Compliance with Plot Plan: All new work shall be located strictly in accordance with the approved plot plan.
4. Change in Plot: No lot or plot shall be changed, increased or diminished in area from that shown in the application for permit without first amending the application to that effect, except where the change is caused by reason of an official street opening, street widening, or other public improvement.
5. Stormwater Drainage: The holder of the permit shall provide stormwater drainage both on and off the site in accordance with the stormwater drainage

Permits

plan required by Subsection O N of Section 1302.01. (Cross Reference: See 1171.05 for similar language that is part of the subdivision regulations.)

H. Expiration:

Every permit shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the work is commenced. A permit shall be deemed abandoned if no inspections have been approved in a 180 day period. The Building Official may grant, in writing, one or more extensions of time, for permits of not more than 180 days each. The extension shall be requested in writing and justification cause demonstrated.

I. Permit Renewal:

A permit which has expired for 180 days or less shall be permitted to be renewed provided no changes have been made in the original plans and specifications for such work. The renewal fee shall be one half the amount required for a new permit. Permits which have expired for greater than 180 days require a new application and payment of the full permit fee.

1302.03 ANNUAL PERMIT.

A. In lieu of requiring separate permits for operations incidental to regular maintenance and/or minor repairs of the structural, electrical, or mechanical systems, or installation of equipment or fixtures in existing buildings (to the extent such work is not exempt from permit requirements as minor or ordinary repairs), the Building Official may issue an annual permit. Two types of annual permits are available as follows:

B. Annual permits issued to organizations with a staff of mechanics qualified in the various disciplines of construction and supervised by qualified personnel:

Work done under such permits may include minimal rearrangement or replacement in kind of such elements or equipment. Any new construction, increases in height or area, additional building service equipment, deletion or reduction or removal of any load bearing elements, fire walls, smoke partitions, fire protection facilities, exitways or any changes in type of use or occupancy of a room or space will require plans and specifications for separate regular permits for each project. Such annual permits will be issued or renewed yearly for that current year in accordance with the provisions herein prescribed and upon application and only to persons, firms or corporations conforming to all of the following criteria:

1. They have a regularly established maintenance staff for performing the proposed work;

Permits

2. The maintenance staff is supervised by qualified personnel, satisfactory to the Building Official, which personnel will be held responsible for conformance of the proposed operations to the requirements of this Code; and
3. They shall keep records of all projects which require permits, which records shall be submitted to the City upon demand and the premises made available for inspection as required by Code.

C. The annual permit shall list the personnel authorized to supervise the specific types of work for which they will be held responsible:

If, at any time, it is desired to change the designations of persons listed on the permit, such request shall be made in writing to the Building Official and an amendment to the permit shall be issued. All work performed under the annual permit shall be in conformance with the requirements of the Code, and the holder of an annual permit shall obtain an individual permit prior to commencing work.

D. Misrepresentations:

No person shall misrepresent a material fact in securing permits or appeals required under this Chapter.

(Ord. 4029, passed 12/17/90; Ord. 4505, passed 5/6/02, effective 6/6/02; Ord. 4568, passed 1/10/05, effective 2/1/05).

Building Relocation and Demolition

CHAPTER 1303 BUILDING RELOCATION AND DEMOLITION

- 1303.01 Relocation of Buildings.
1303.02 Demolition of Buildings.

CROSS REFERENCES

For Ohio Building Code (OBC) see Ohio Administrative Code 4101:2. Also see Chapter 1322.

1999 edition of Ohio Residential Code for One, Two and Three-Family Dwelling Code.

1303.01 RELOCATION OF BUILDINGS.

No building, other than temporary buildings, shall be relocated prior to compliance with the provisions of Section 1303.02 C and Section 1322.01 and until a permit has been issued. All work shall be in conformity with the following:

A. Notification:

The Building Official shall be notified and furnished the required information by the owner of the building under consideration not less than seven (7) days before the date on which it is proposed to relocate the building.

B. Contents of Notification:

The notification and required information shall include the following concerning the building:

1. Present and proposed address;
2. Type of construction;
3. A certified plot plan of the proposed location drawn to scale and having the distance from the building to all lot lines and other buildings on the same lot;
4. The approval of the highway and police authorities having jurisdiction when a street is to be used in relocation operations; and
5. Certification by the owner that the building will be relocated from the existing site within forty-five (45) days after issuance of the permit.
6. Submission of a performance bond or letter of credit in a form satisfactory to the city attorney guaranteeing completion of the relocation in the manner required by the provisions of this Code.

Building Relocation and Demolition

7. Such other information, as requested by the Building Official, which may be necessary to insure compliance with necessary Building Codes.

C. Landscaping, Screening and Stormwater Runoff Plan:

A landscaping screening and stormwater runoff plan that meets all of the requirements of Section 1303.02 C.

D. Inspection:

After the required notification and information have been received by the Building Official of his or her designate, he or she shall inspect said building or cause it to be inspected and if he or she finds it can be safely relocated in the manner proposed and that the proposed new location of the building will conform to the provisions of applicable Building Codes, zoning codes, and other applicable City of Oakwood requirements, and that the building in its new location will not be in conflict with provisions of such codes or requirements, he or she shall notify the owner or his agent in writing that the building may be relocated.

E. Permit and Fees:

No building shall be relocated until a Building Official has approved the relocation thereof through the issuance of a permit. The fees for permits and inspections shall be set by the City Manager under Chapter 153 of the Administrative Code.

(Amended by Ord. 4479, effective 2/15/01).

1303.02 DEMOLITION OF BUILDINGS.

No building shall be demolished until a permit has been issued. This section shall apply only to the demolition of fifty percent (50%) or more of any building. This section shall not apply to detached garages, sheds, accessory buildings or temporary structures. The fees for permits and inspections shall be set by the City Manager under Chapter 153 of the Administrative Code. All work shall be in conformity with the following:

A. Service Connection:

1. Before a structure can be demolished or removed, the owner or agent shall give notice of that proposed work to all utilities having service connections within the structure. This includes utilities providing water, electric, gas, sewer and all other utility services.
2. Before a permit to demolish or remove will be issued, all such utility lines, connections and equipment shall have been removed from the structure and from the lot or tract of land on which the structure is located, except as otherwise provided in this subsection A. At the option of the city manager, all such utility lines, connections and equipment must also have been removed from any adjoining street, alley or other city property back to the main line to which the

Building Relocation and Demolition

lateral line serving this particular structure was connected. If the city requires this procedure, it shall not be sufficient to use a shut-off valve at the lateral connection to the main line, but instead it shall be plugged, filled, grounded and/or stopped in some manner consistent with good utility practices and acceptable to the city. If the city exercises its discretion to allow the lateral to continue to exist from the main line and extend across the adjoining city property to the edge of the lot on which the structure is located, the city shall also have the option to require that lateral to be plugged instead of valve-stopped at its contact with the lot and/or filled so as to deter its collapse.

3. A permit to demolish or remove a structure shall not be issued until a signed document is obtained from all affected utilities stating that the work required by the city has been accomplished in a safe manner. Each such document shall require the utility company to indemnify, defend and hold the city harmless from any loss or damage which results from the work not having been performed in a safe manner.
4. To minimize excavations in recently paved streets or sidewalks, the Building Official may require that removal of underground utility lines, connections and equipment under streets, alleys or other public grounds be delayed for up to five years. This decision may be made as part of the options of the city referred to in paragraph 2 above. Further, the Building Official may allow certain utilities to continue in place and/or in use to the extent he determines that such utilities will be reasonably necessary for the property owner to meet the standards applicable to the screening plan described in sub-section C below in this 1303.02.
5. The Building Official shall also have discretion to allow the utility lateral to remain in place under abutting public property on the basis of a written undertaking by the property owner, in a form acceptable to the city attorney, to erect and complete within one year a new structure to be served by that lateral.
6. Whether or not the city makes a determination under this 1303.02 to allow any utility lateral to remain in place in adjoining public property, the bond referred to in sub-section C 6 below shall include the cost of eventual removal of the lateral from that property and of all accompanying matters included but not limited to the expenses of plugging the lateral and/or main line, repairs of the street and street openings and permit fees.

B. Lot Regulations:

Whenever a structure is demolished or removed, the premises shall be maintained free from all unsafe or hazardous conditions by the proper regulation of the lot and restoring of established grades and erection of the necessary retaining walls and fences in accordance with the provisions of the City of Oakwood Codified Ordinances. Such required walls, fences and any other safety precautions shall be continued until any basement on the premises is filled in as required by the City and the grade of the lot restored. Further, the premises shall also be maintained in such a manner as to insure the safety of persons and improvements on adjoining public and private property. The Building Official must approve all regulation of the lot and safety precautions referred to in this paragraph prior to issuance

Building Relocation and Demolition

of a demolition permit. All such regulations and safety precautions must continue in effect until such time as the demolition work is completed according to inspection by the city. Within sixty (60) days after the work of demolishing or removing the structure has been completed (weather permitting), the premises shall be planted with sod and/or with other vegetation or shall be seeded as described in the plan referred to below, except to the extent new construction is commenced within those sixty (60) days. The grass and other vegetation shall be maintained thereafter except to the extent such vegetation is replaced by structures or other improvements that comply with all city requirements.

C. Landscaping, Screening and Stormwater Runoff Plan:

Prior to the issuance of a relocation or demolition permit, a plan for such landscaping screening and stormwater runoff to protect adjacent properties, must be submitted in advance to the Planning Commission which shall approve, disapprove or modify that plan under the following standards:

1. The plan must describe plantings and/or other screening of such a nature as to make the appearance of the premises consistent with the appearance of adjacent residential properties and to screen those adjacent properties from any negative visual impact of such items as traffic, noise, parking, light spillage, or pedestrian traffic.
2. The plan must include such evergreen and/or deciduous plantings as will be necessary to protect abutting properties from any significant reduction of value that would otherwise result from the structure being demolished or removed.
3. The plan must include such structure(s), wall(s), evergreen and/or deciduous plantings as will be necessary to protect the occupants of abutting properties from any significant injury to the use and enjoyment of those properties that would otherwise result from the structure being demolished or removed.
4. All such plans shall include removal of all accessory structures and impervious surface if the principal structure is to be removed. If only an accessory structure is being demolished, it must be replaced with sod or other vegetation as described in the plan, but the screening requirements in the paragraphs above shall not apply.
5. The plan must describe how stormwater runoff from the property will be addressed. (see Part Twelve – Stormwater Management Code of the Oakwood Codified Ordinances). (Ord. 4673, passed 5/4/09, effective 6/4/09).

Building Relocation and Demolition

6. The plan must contain language obligating the permit holder to complete the work within the time required by this section. That language must be approved by the City Attorney. Further, the plan must be accompanied by a valid, recordable easement signed by the property owner giving the city the right to enter upon the property to implement or complete the plan if the permit holder fails to do so in a timely manner. A bond or letter of credit must be submitted at the time of permit issuance in a form acceptable to the City Attorney and in an amount which would reimburse the city if it became necessary for the city to implement the plan so as to bring the lot into compliance with the approved plan. The plan shall include a method to protect the subject area of the property from intrusion of motor vehicles.
7. Screening lines shall be established that coincide with the building setback lines, except that the Planning Commission may allow screening to be established in rear yards at locations other than the rear yard setback lines to the extent the Planning Commission determines that screening at such other locations will meet the standards required for a screening plan. If two or more adjacent properties are removed, the front yard setback lines shall be determined using one of the following alternatives, whichever results in establishing a greater distance from the right of way:
 - a. the setback line of the principal structure situated the greater distance from the right of way; or in the alternative
 - b. the setback line as described in the zoning ordinance Section 600.3.

D. Notice:

A notice of the Planning Commission meeting to consider the plan shall be mailed to all property owners within two hundred (200) feet of the perimeter of the property. Notice shall be by regular mail and a legal advertisement is not required. In measuring the 200', adjacent right of ways will be excluded from the measurement. The cost of such notice shall be paid by the applicant to the city, and the applicant shall be obligated to supply the city with the names and addresses of all such owners.

E. Exception:

1. When, in the opinion of the Building Official, the delay caused by the plan review requirements would endanger the public, he may temporarily waive the plan review to allow for the immediate razing of the structure. In such an event, the Building Official shall require a bond or letter of credit in an amount to insure compliance with these regulations as soon as practicable thereafter.
2. If a building permit for a replacement building has been applied for and is to be issued at the same time as the demolition permit, the Building Official may grant an exemption from the plan submission and approval requirements of subsection C of this 1303.02. The standards to be met in order to obtain that exception are as follows:

Building Relocation and Demolition

- a. the size and location of the replacement structure must be such that its substitution for the building being demolished will not expose adjacent residential properties to any significantly greater negative impact than they had experienced (before the demolition began) from traffic, noise, parking, light spillage and pedestrian traffic.
- b. the building permit application must be accompanied by a written undertaking from the owner and/or contractor to landscape and/or screen the site and replacement building in a manner approved by a horticulturist (or other landscaping expert) on behalf of the city as being consistent with landscaping and/or screening of adjacent residential properties.
- c. the building permit must be accompanied by a written commitment from the owner that construction of the replacement building will be commenced within sixty (60) days after the demolition is completed and that the exterior walls, windows, doors and roof will be completed within ninety (90) days after construction began. Further, the same written commitment must assure that the landscaping and/or screening will be completed within one hundred twenty (120) days after construction began. All these time periods shall be subject to delays caused by weather.
- d. to provide security for completion of the landscaping and/or screening (or for completion of the landscaping and/or screening and water runoff measures that would have to be implemented if no replacement building construction is commenced within sixty (60) days after demolition is completed), a request for this exemption must be accompanied by a valid, recordable easement signed by the property owner giving the city the right to enter upon the property to complete the screening and/or landscaping plan or (if construction of the replacement building is not commenced within the required time after demolition is completed) to complete the landscaping and/or screening and water runoff measures required by the plan which would have been submitted under subsection C above. Further, a bond, cash deposit or letter of credit must be submitted at the same time in a form acceptable to the city attorney and in an amount which will be sufficient to cover the costs to the city of completing any such work not performed within the applicable time deadlines, including but not limited to the direct and indirect costs to the city employee who performed administrative, supervisory or other services in connection with these matters. (Ord. 4132, passed 5/4/92)

F. Miscellaneous Demolition Regulations:

1. The demolition must be completed and the site and grade restored within thirty (30) days after issuance of the permit, subject to delays caused by fire or other casualty, acts of God, or strikes. The fact that a demolition contractor (or any subcontractor) is busy on another job, or the inability to obtain or rent demolition equipment, shall not be a valid excuse for failure to complete the demolition work on time; such matters shall be taken into account by the contractor in making application for a demolition permit.

Building Relocation and Demolition

2. No water supplied by or through the city is to be used on the demolition work without advance express approval by the city on the basis of satisfactory arrangements having been made for payment of water charges. The hours of demolition work shall be limited to those permitted for construction work under Chapter 1331.01 of the Codified Ordinances of this city. If the demolition work is not completed within the time required, the demolition contractor shall be obligated to pay the sum of \$500.00 per day to the city for each additional day (or part thereof) that it takes to complete the work through final inspection and approval by the city. This per day payment is to defer direct and indirect administrative costs incurred by the city with regard to continuing inspections, rerouting plans, and all time of city employees and agents devoted to matters caused by failure to complete the work in time.

3. Prior to the issuance of a demolition permit, a performance bond or letter of credit (hereinafter jointly referred to as "bond") in a form satisfactory to the City Attorney must be submitted so as to guarantee completion of the demolition in the manner required by the provisions of this Code. The bond shall also guarantee completion of all landscaping, screening and storm water runoff work required under Subsection C of this Section 1303.02. The amount of the bond shall be not less than 100% of the cost of completing the performance of work guaranteed thereby, including all such work as may be necessary or appropriate to meet the standards of Subsection C of this Section 1303.02 if a new structure is or is not erected on the site. The Building Official shall determine the amount of the bond. The permit application shall be accompanied by a valid, recordable easement signed by the property owner giving the city the right to enter upon the property to complete the work guaranteed by the bond if the permit holder fails to do so within the time limit provisions of Subsection F of this Section 1303.02. All landscaping, screening and storm water runoff work required to be installed or provided for under Subsection C of this Section 1303.02 must continue to be maintained in good condition by the property owner. This shall include but not be limited to the obligation to replace deceased vegetation within thirty (30) days after notification by the city, weather permitting.

G. Conference with Demolition Contractor:

With regard to any application for a demolition permit, there shall be a conference between the permit applicant and the city prior to the permit being issued. The purpose of such conference will be to review information contained in the application and to enable the demolition contractor to supplement the application, if necessary, with such information and/or representations as may be necessary to demonstrate that said contractor has available or will obtain the proper equipment and manpower to commence and complete the work in advance with the requirements of this city.

H. Method of Demolition, Safety Procedures; Approval:

An application for a demolition permit shall indicate what method of demolition is to

Building Relocation and Demolition

be used and what safety measures are to be taken to insure persons, vehicles and improvements on adjacent public and private property. Such method of demolition and the safety measures must meet the reasonable approval of the Building Official before the permit is issued.

Legislative History: Ord. 4132, passed 5/4/92; Ord. 4158, passed 9/21/92; Ord. 4479, passed 1/15/0; Ord. 4505, passed 5/6/02, effective 6/6/02; Ord. 4568, passed 1/10/05, effective 2/1/05.

One, Two and Three Family Dwelling Code

**CHAPTER 1304
ONE, TWO AND THREE-FAMILY DWELLING CODE**

- Part 1 -- Administrative (including Sections 1-1 through -116).
Part 2 -- Building Planning (incorporating Chapters 2 through 28 of the Ohio Residential Code for One, Two and Three-Family Dwelling Code, 1999 Edition, with exceptions, deletions and/or additions as set forth in this Part 2).

1304.01 Penalty.

CROSS REFERENCE

Ohio Residential Code One, Two and Three-Family Dwelling Code,
1999 Edition, Chapters 2 through 28.-

**PART 1 -- ADMINISTRATIVE.
SECTION 101-TITLE**

These provisions shall be known as the "City of Oakwood One, Two and Three-Family Dwelling Code (C123DC)," may be cited as such, and will be referred to herein as "this code." This code constitutes and incorporates the Ohio Residential Code for One, Two and Three Family Dwellings Code, 2004 Edition, with the amendments set forth in the various chapters of this Part Thirteen of the Codified Ordinances of the City of Oakwood. The 2004 edition of the Ohio Residential Code for One, Two and Three-Family Dwellings is based on the International One, Two and Three-Family Dwelling Code (2003 edition) as amended by the Ohio Building Officials Association. Chapter 1 of the 2003 International One, Two and Three Family Dwelling Code is entirely omitted and is replaced by Chapter 1301 of the Codified Ordinances.

SECTION 102-PURPOSE

The purpose of this code is to provide minimum standards for the protection of life, limb, health, property, environment and for the safety and welfare of the consumer, general public and the owners and occupants of residential buildings regulated by this code.

SECTION 103-SCOPE

Notwithstanding any word, term or phrase, the provisions of this code apply to the construction, movement, addition, prefabrication, alteration, enlargement, replacement, repair, use and occupancy and maintenance of detached one, two and three-family dwellings not more than three stores in height, with a separate means of egress, and their accessory structures.

SECTION 104-APPLICABILITY

104.1 – Other Laws. The provisions of this Code shall not be deemed to nullify any provisions of local, state or federal law.

104.2 – 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

One, Two and Three Family Dwelling Code

such reference.

104.3 – 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.

SECTION 105-BUILDING OFFICIAL, DUTIES AND POWERS

The Building Official charged with the administration enforcement of the entire code shall in the enforcement and administration of the code act on any question relative to the make or manner of construction and the materials to be used in the erection, repair, removal, demolition, location, use, occupancy of any structure and the maintenance of, addition to and installation of service equipment in all buildings and structures, except as may otherwise be specifically provided for by requirements of others' laws or by other provisions of this Code. The standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of such reference.

One, Two and Three-Family Dwelling Code

Where differences occur between provisions of this code and referenced standards, the provisions of this code shall apply.

SECTION 106-ENTRY

Upon presentation of proper credentials, the Building Official or their duly authorized representative, shall be permitted to enter at reasonable times any building, structure or premises in the jurisdiction to perform any duty imposed upon the Building Official by this code, or whenever there is reasonable cause to believe that there exists in the building or premises a violation or condition which is unsafe, dangerous or hazardous. If such structure or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

SECTION 107-VIOLATIONS, PENALTIES AND ADJUDICATION ORDERS

107.1 - Unlawful Acts. It shall be unlawful for any person, partnership, joint venture, firm, or corporation whether as owner, lessee, sub-lessee or occupant to erect, construct, enlarge, alter, repair, improve, move, remove, convert, demolish, equip, use, occupy or maintain any one, two or three family dwellings or accessory structure regulated by this Code, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this code.

107.2 - Violations. It is hereby declared that any violation of this code constitutes a public nuisance, and in addition to any other remedies provided by this code for its enforcement, the city may bring civil suit to enjoin the violation of any provisions of this code.

When the Building Official finds that work or equipment is contrary to any provisions of this code, he or she shall send a notice in writing to the owner of said building or his or her

One, Two and Three Family Dwelling Code

agent. The notice shall state where and in what respect the work or equipment does not confirm to this code, and specify a reasonable period of time in which to abate the violation or appeal.

107.3 - Penalty. Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a third degree misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued or permitted, and upon conviction of any such person shall be punishable by a fine, or by imprisonment, or by both such fine and imprisonment as established by state or local applicable laws.

107.4 – Adjudication Order, Required Before Legal Proceedings. Before the city attempts to enforce this code, by any remedy, civil, or criminal, it shall issue an adjudication order. Such orders shall be prepared and executed in accordance with the Ohio Building Code, as adopted by the State of Ohio.

SECTION 108-RIGHT OF APPEAL

108.1 – General Residential Board of Appeals. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Code, there shall be Boards of Appeals established by the Montgomery County Commission and the Greene County Commission to hear all appeals of each jurisdiction adopting this Code within each respective county, in accordance with Section 108.1.1 through 108.10.

108.1.1 – Limitations on Authority. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equally good or better form of construction is proposed. The Board shall have no authority to waive requirements of this Code.

108.2 - Board. There is hereby created a Residential Board of Appeals, hereinafter referred to as “the Board.” The Greene County Board shall have the power to adopt and promulgate rules and regulations interpreting the process of this code. The Montgomery County Board shall have power to adopt and promulgate rules and regulations interpreting the provisions of this code and the most recent fire code adopted by the Southwest Ohio Fire Safety Council. The Board shall consist of five members.

108.3 - Qualifications of Members. The Board shall consist of five (5) members as follows:

1. One fire official;
2. One builder;
3. One architect or engineer, registered as such in Ohio;
4. One attorney, licensed to practice in Ohio;
5. One Building Official.

Each member shall be appointed for a term of five (5) years, or until his or her successor is appointed, except that appointments to fill vacancies arising in mid-term shall be only for the unexpired portion of such terms.

One, Two and Three Family Dwelling Code

Nomination Sources:

The fire official shall be nominated by the Southwest Ohio Fire Safety Council. The builder shall be nominated by the Home Builders' Association of Dayton and the Miami Valley. The architect or engineer shall be nominated by the City of Dayton, the City of Kettering, or Montgomery County, in turn, by alphabetical order. The attorney shall be nominated by other jurisdictions which have adopted this Code, in turn, by alphabetical order. The Building Official shall be nominated by the Miami Valley Building Officials' Council. Members of both Boards shall have a minimum of six years of building design, construction or inspection experience, except the attorney, who shall have six years legal experience.

108.4 - Chairman and Secretary. The Board shall appoint one of its members to serve as its Chairman, and one as Vice-Chairman and shall appoint a person to act as secretary for the Board who shall keep a detailed record of all Board proceedings. The terms of service by the Chairman, Vice-Chairman, and Secretary shall be renewable in one year. The Secretary need not be a member of the Board.

108.5 - Disqualification. No member of the Board shall discuss or pass judgment on any question involving work on which he or she or his or her employer is or has been engaged or involved as a contractor or material dealer or superintendent, or for which he or she or his or her employer has prepared plans or specifications, or in which he or she has any personal or financial interest.

108.6 - Meetings. The Board shall meet within thirty (30) days after the filing of any appeal or request for action with the Secretary of the Board, and also periodically if the volume of its work so warrants. The Secretary shall be responsible for scheduling meetings, notifying the Board members of such meetings and for giving the required public notices for meetings.

108.7 - Representation. Each appellant or applicant, the building official, and any other person whose interests may be affected by an appeal or application, shall be given a fair opportunity to be heard orally, in person or by counsel, and to present written evidence to the Board.

108.8 - Application for Appeal or Action. Any person adversely affected may apply for an appeal a decision of a Building Official or Fire Official refusing to grant a permit, or to permit the use of a particular material and/or equipment or method of construction in a proposed structure, provided such appeal is filed within thirty (30) days of date of receipt of the written decision from the building official. The appeal application must include pertinent information, and payment of fees. A hearing shall be held within a reasonable time but not to exceed thirty (30) days following receipt of the appeals application by the Secretary of the Board. The Board shall provide the appellant with written notice of its determination within thirty (30) days after the hearing.

108.8.1 - Fee for Appeal or Action. Each application for an appeal to the Board from an action of a Building Official shall be accompanied by a fee of \$100.00. Fees shall be deposited in accordance with applicable laws and shall be used to defray the normal expenses of the Board including the payment for time of the Secretary, payment for the preparation of transcript of hearings by a court reporter when deemed necessary, or such

One, Two and Three Family Dwelling Code

similar expenses as the Board may authorize. The Secretary or the Board may provide for the presence of a court reporter at a hearing at the Secretary's discretion or at the discretion of the Board. The Appellant may require the presence of a court reporter at a hearing by giving notice to the Secretary to that effect at the time of filing the application for appeal.

108.8.2 - Delegation of Test. The Building Official shall, when he or she deems it desirable, request the Chairman to designate members of the Board to make an investigation into the facts and ramifications of an appeal and to make a report of findings to the Board. In this event, the decision of the Board may be postponed to a later date, within the discretion of the Board, but not to exceed sixty (60) days after the hearing at which such investigation was requested.

108.9 - Quorum. A majority of the members of the Board shall constitute a quorum. A majority of the quorum shall be necessary to make a decision on an appeal, modification, deviation or an approved rule.

108.10 - Re-hearing. The Board shall, upon application of either the appellant or the Building or Fire Official, grant a re-hearing before the Board in any case where new evidence is presented which, in the opinion of the Chairman, may justify each re-hearing. Such re-hearing shall not serve to stop execution of the previous decision of the Board so directing.

SECTION 109-PERMIT

109.1 - Permit Required. A permit shall be obtained before beginning construction, alteration, removal, demolition or repairs, other than ordinary repairs, using application forms furnished by the Building Official.

Ordinary repairs are non-structural repairs and do not include addition to, alteration of, or replacement or relocation of water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring, or mechanical or other work for which a permit is required by the Building Official.

109.1.1 – Permit Application. Any owner or contractor, who desires to obtain a permit, and who will be performing the work under the project shall first make application to the Building Official.

109.2 - Permit and Inspection Fees. Permit and inspection fees shall be set by the City Manager under Chapter 153 of the Administrative Code.

109.3 - Permit Expiration. A permit for any proposed work shall be deemed to have been abandoned 180 days after date of issue unless construction has been diligently pursued. Additionally, any permit shall be deemed to be abandoned if authorized work has not been diligently pursued for any 180 day period. For the purpose of this section, it shall be prima fascia evidence that construction has not been diligently pursued if there has been no approved inspection made on the project during a 180 day period.

When the Building Official determines a permit has been abandoned, he may serve notice

One, Two and Three Family Dwelling Code

upon the holder of the permit, the owner, his agent, or the person having charge of the work. Within 30 days of notification, the permit holder, the owner, his agent or the person having charge of the work, shall apply for a permit extension, arrange for final inspection of the project, file an appeal to the Residential Board of Appeals or remove all construction done to that point restoring the site to the condition before work was done. If requested, the Building Official may grant for just cause, one, but not more than two, extensions for an additional period not to exceed 90 days each.

If the permit holder, the owner, his agent, or the person having charge of the work does not remedy the abandoned permit within the stipulated 30 days, the Building Official may declare any partially completed work a public nuisance and may begin proceedings to eliminate a public nuisance as provided by local or state law.

109.3.1 Permit Extension - A permittee holding an unexpired permit may apply for a one-time 180 day extension, provided the permittee can show good and satisfactory reasons beyond permittee's control that the work cannot be commenced within the 180 day period from the original permit issue date. No additional fee is required for this one-time extension.

109.3.2 Permit Renewal - A permit which has expired for 180 days or less may be renewed provided no changes have been made in the original plans and specifications for such work. The renewal fee shall be one half the amount required for a new permit. Permits which have been expired for greater than 180 days require a new application and payment of the full permit fee.

109.3.3 Permit Validity - The issuance of a permit shall not authorize the violation of any of the provisions of this code or of any other city ordinance. The Building Official is also authorized to prevent occupancy or use of a structure when in violation of this Code or any other ordinances of this city.

109.4 - Previous Approvals. Nothing in the code shall require changes in the plans, construction, or designated use of a building for which a lawful permit has been issued or otherwise lawfully authorized before the effective date of the code, provided that work under such permit or authorization is under active prosecution upon such date, or is actively prosecuted within 90 days after such date, and that all work thereunder is completed, as so authorized, within two years after the date thereof or duly authorized extension of time; provided however, that if the work has been diligently prosecuted, an extension of time shall be granted for the completion of such work which shall permit its completion in accordance with the original permit.

109.5 - Approved Papers. All approved plans, specifications and other papers filed with the application for permit shall be so stamped or endorsed by the Building Official and one set shall be returned to the applicant for a permit. The stamped copies shall be kept at the building or work site until the project has been completed. True copies of all or as many of the drawings, specifications and statements as determined by the Building Official shall become public records.

109.6 - Revocation of Permits. The Building Official may revoke any permit or approval issued under the provisions of this code or may stop the work on an entire project or a

One, Two and Three Family Dwelling Code

portion of a project for any of the following reasons:

1. Whenever there is a violation of any provision of this code and/or statute relating to the subject matter.
2. Whenever the continuance of any work for which such a permit was issued or required becomes dangerous to life or property.
3. Whenever there is a violation of any condition on which the issuance of the permit of approval was based.
4. Wherever any false statement or misrepresentation has been made upon the application, plans or specifications on which the issuance of the permit or approval was based.

The revocation notice of the permit in every instance shall be in writing and shall be served upon the holder of the permit, the owner, his agent or the person having charge of the work. Any revocation notice shall also be posted upon the building or structure in question by the Building Official. After the notice is received or posted, it shall be unlawful for any person to proceed with any operation for which such a permit was issued. No part of the fees for such permit shall be returned. Revocation of a permit shall be subject to appeal to the Board (See Section 108).

109.7 - Approval in Part. The Building Official may issue a permit for the construction of foundations or any other part of a building or structure before the entire plans and specifications for the whole building have been submitted. The holder of such permit for the foundations or other part of the building or structure shall proceed at his own risk with the building construction and without assurance that a permit for the entire structure will be granted.

SECTION 110-PLANS

110.1 – Information on Plans: When required by the Building Official, plans shall be drawn to scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed and shall show in detail that it will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations. Electronic media documents are permitted to be submitted when approved by the Building Official. Plans shall include a plot plan drawn to scale showing the location of all easements, drainage facilities, adjacent grades, property lines, the proposed building including foundations plans, floor plans, all elevations, sections and details to adequately describe the work and the location and use. The name, address and telephone number of the person preparing the plans shall appear on the plans. The design loads shall be clearly indicated on the plans.

110.2 – Amended Plans: Work shall be constructed in accordance with the approved plans, and any changes made during construction that are not in compliance with the approved plans shall be resubmitted for approval as an amendment to the construction documents.

110.3 - Plans on Job Required: A copy of approved plans when required by the Building Official shall be kept on the site of the building or work at the time of inspection.

SECTION 111-INSPECTIONS

One, Two and Three Family Dwelling Code

111.1 - Types of Inspections. For on-site construction, from time to time, the Building Official, upon notification from the permit holder or his or her agents shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent wherein the same fails to comply with this code.

111.1.1 - Foundation Inspection. Commonly made after poles or piers are set or trenches or basement areas are excavated and forms erected and any required reinforcing steel is in place and prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations.

111.1.2 - Plumbing, Mechanical and Electrical. Rough Inspection of plumbing, mechanical and electrical shall be made prior to covering or concealment, before fixtures are set, and prior to framing inspection.

111.1.3 - Other Inspections. In addition to the called inspections above, the building department may make or require any other inspections to ascertain compliance with this code and other laws enforced by the building department.

111.1.4 Fire-Resistance-Rated Construction Inspection. Where fire-resistance-rated construction is required between dwelling units, or due to location on property, the Building Official shall require an inspection of such construction after all lathing and/or wall board is in place, but before any plaster is applied, or before wall board joints and fasteners are taped and finished.

111.1.5 - Final Inspection. Commonly made after building is completed and ready for occupancy. Occupancy may not occur without a final inspection and approval.

111.2 - Approval Required. Work shall not be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the Building Official. Such written approval shall be given only after an inspection shall have been made of each successive step in the construction as indicated by each of the inspections required above.

In addition to any other penalty provided for in this code, the permit holder shall expose, at his expense, any work which is covered without the approval of the Building Official.

111.3. - The Building Official may request, and if requested, the permit holder shall provide evidence of lot boundaries.

111.4. – Occupancy Approval: Occupancy may not occur without a final inspection and approval.

111.4.1. – New Buildings: A dwelling unit hereafter erected shall not be used or occupied in whole or in part until the Certificate of Occupancy has been issued by the Building Official.

111.4.2. – Additions, Alteration, Accessory Structures: A dwelling unit hereafter added to or

One, Two and Three Family Dwelling Code

altered, and residential accessory buildings shall not be used or occupied, in whole or in part, until a final inspection is approved, except that any use or occupancy which was not discontinued during the work of alteration shall require a final inspection and approval within thirty (30) days of the completion of the alteration.

111.4.3. – Temporary Occupancy: Upon the request of the holder of a permit, the Building Official may issue a Temporary Certificate for a building or structure, in part thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be occupied safely prior to full compliance of the building or structure without endangering life or public welfare. Temporary occupancy approval shall be valid for a time period determined by the Building Official. Use or occupancy of a structure after a Temporary Certificate of Occupancy has expired, and without obtaining final occupancy approval, shall be a violation of this Code.

SECTION 112-PREFABRICATED CONSTRUCTION

A certificate of approval by an approved agency shall be furnished with every prefabricated assembly, except where all elements of the assembly are readily accessible to inspection at the site. Placement of prefabricated assemblies at the building site shall be inspected by the Building Official to determine compliance with this code, and a final inspection shall be provided in accordance with Section 111.1.5.

NOTE: Provisions for foundation systems and building service equipment connections necessary to provide for the installation of new manufactured homes on privately owned (non-rental) lots and existing manufactured homes to which additions, alterations or repairs are made are contained in Appendix C and shall be enforced only when specifically adopted by the jurisdiction.

SECTION 113-PERMIT CARD

The permit holder or his agent shall post the permit card on the job site in an accessible and conspicuous place. The card shall be maintained by the permit holder until the final inspection has been made and approved.

SECTION 114-EXISTING STRUCTURES

114.1 - Continuation of Existing Use - Buildings and structures in existence at the time of the adoption of this code shall be permitted to have their existing use continued if such use was legal at the time of the adoption of this code, provided such use is not dangerous to life.

114.2 - Addition, Alteration or Repairs - Addition, alterations or repairs to any structure shall conform to that required of a new structure without requiring the existing structure to comply with all of the requirements of this code, unless otherwise stated. Additions, alterations or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building. Any building plus new additions shall not exceed the height in stories specified for new buildings in Section 103.

114.3 - Structural and Fire-Resistance Rated Limits - Alterations or repairs to an existing

One, Two and Three Family Dwelling Code

structure which are structural or adversely affect any structural member or any part of the structure having a required fire-resistance rating shall be made with materials required for a new structure.

114.4 – Unsafe Buildings – When a building is found to be unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitutes a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be razed and removed or made safe, as the Building Official deems necessary. A vacant structure that is not secured against entry shall be deemed unsafe.

Where the Building Official finds that a building is a serious hazard and the owner of such building fails in the time specified in a written notice from the Building Official, to eliminate such hazard, or to vacate or raze the building, the Building Official shall proceed under Section 107.4 of this Code and the Ohio Building Code.

If an unsafe condition is found, the Building Official shall serve on the owner, agent or person in control of the structure, a written notice that describes the unsafe condition and specifies the repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time.

Such notice shall be properly serviced if a copy thereof is: a) personally delivered to the owner; b) sent by certified or registered mail to the owner at the last known address with return receipt required; or c) delivered in any other manner as prescribed by law. If the certified or registered letters is returned showing that the letter was not delivered, a copy of the letter shall be posted in a conspicuous place in or about the structure affected by such notice.

SECTION 115 – MODIFICATIONS

115.1 Practical Difficulties – When there are practical difficulties involved in carrying out the provision of this Code, the Building Official shall be permitted to grant modifications for individual cases. The Building Official shall first find that a special

individual reason renders the strict letter of this Code impractical and that the modification is in conformity with the intent and purpose of this Code and that such modification does not lessen health, life safety and fire safety requirements. The details of actions granting modifications shall be recorded and entered in the file of the code enforcement agency.

SECTION 116 – LIABILITY

116.1 – Relief for Personal Responsibility – The Building Official or the Building Official's authorized representative, acting in good faith and without malice in the discharge of his or her duties required by this Code or other pertinent law or ordinance, shall not be personally liable for any damage that occurs to persons or property as a result of any act or by reason of any act or omission in the discharge of his or her official duties. This Code shall not relieve or

One, Two and Three Family Dwelling Code

lessen the responsibility of an owner, operator or contractor of a building for any damage to the person or property incurred by defects, nor shall the building department or the city be held to assume any such liability by reason or inspection or permits authorized by this Code.

SECTION 117 - STOP WORK ORDERS

117.1 – General – Upon notice from the Building Official that work on any building structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of this Code or in an unsafe and dangerous manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work, and shall state the specific violations and the conditions under which work shall be permitted to be resumed. The Building Official shall post the notice on the jobsite. It shall not be obstructed, defaced or removed. Only the Building Official may remove it. Where an emergency exists, the Building Official shall not be required to give a written notice prior to stopping the work.

1304.01 PENALTY.

Any person found in violation of any of the requirements contained in this Chapter 1304 shall be deemed to have committed a minor misdemeanor. (Ord. 4391, passed 12/1/97).

Legislative History: Ord. 4292, Passed 5/1/95; Ord. 4419, dated 8/10/98 and which repeals Ord. 4292; Ord. 4505, passed 5/6/02, effective 6/6/02; Ord. 4568, passed 1/10/05, effective 2/1/05.

TITLE FIVE - Local Provisions

Chapter 1321	Swimming and Other Pools
Chapter 1322	Moving of Building
Chapter 1325	Numbering Buildings
Chapter 1329	Plumbers
Chapter 1331	Unreasonable Noises in Construction
Chapter 1333	Minimum Floor Area
Chapter 1335	(Reserved for possible future use)
Chapter 1337	Air Conditioning Systems
Chapter 1339	Driveways
Chapter 1341	Sidewalks
Chapter 1343	Traffic Studies
Chapter 1345	Fences

**CHAPTER 1321
SWIMMING AND OTHER POOLS**

1321.01	Fence required; covers	1321.99	Penalty
1321.02	Erection of pools; permit fees		

CROSS REFERENCES

Fences - see GEN. OFF. 517.07
Fences, maintenance - see HSG. 1707.01 (b)
Fences - see Zoning Code 1115.09

1321.01 FENCE REQUIRED, COVERS.

The owner of property on which there is located any swimming or other type of pool that contains twenty-four inches or more of water in depth at any point, including but not limited to hot tubs, shall erect and maintain a fence with a minimum height of at least four (4) feet or other adequate enclosure surrounding the pool area (or the entire property on which the pool is located) sufficient to make the body of water inaccessible to small children. Fence materials shall be consistent with the requirements of section 1115.01 of the codified ordinances.

On lots containing at least forty thousand (40,000) square feet any such pool need not be surrounded by an enclosure, however, to the extent it is equipped with a removable cover capable of being locked and having a load capacity at least equal to that set forth in "Standard performance specification for safety covers and labeling requirements for all covers for swimming pools, spas and hot tubs" published by the American Society for Testing and Materials and designated as F 1346-91, or as modified which standard is incorporated herein by reference as if fully rewritten.

Swimming and Other Pools

The cover must be kept locked when the pool is not in actual use or when it is unattended. (Amended by Ord. 4407, passed 3/2/98).

1321.02 ERECTION OF POOLS; PERMIT FEE.

With respect to above-ground swimming pools, as set by the City Manager under Chapter 153 of the Administrative Code, the City, in issuing any required permit for the erection and/or inspection of such pools shall charge a fee.

1321.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be fined not more than three hundred dollars (\$300.00) or imprisoned for not more than thirty days, or both, for each offense. A separate offense shall be deemed to have been committed upon each day during or on which the violation occurs or continues.

Legislative History: Ord. 2386, passed 10/4/65; Ord. 2413, passed, 2/21/66; Ord. 2532, passed 2/5/68; Ord. 3723, passed 2/1/88; Ord. 4008, passed 10/15/90; Ord. 4407, passed 3/2/98.

**CHAPTER 1322
MOVING OF BUILDINGS**

1322.01 Permit required; bond and expenses

1322.99 Penalty

CROSS REFERENCE

Power to license house movers -- see Ohio R.C. 715.27(C)
Relocation and demolition of building -- see Chapter 1303.

1322.01 PERMIT REQUIRED; FEE, BOND AND EXPENSES.

No person, firm, corporation or institution shall move any building or part thereof over or upon any of the streets, alleys, public easements or rights-of-way or occupy any part thereof within the corporate limits of the City without first having filed an application in writing with the City Manager for the purpose of procuring a permit, as required by Section 1303.01, and in addition thereto, submitting an amount equal to the reasonable expectations of damages to such streets or any structure including, but not limited to, trees, poles and drainage appurtenances located within the rights-of-way of the City. Further, the applicant shall be required to indemnify the City against any loss or damages that may be incurred by the moving or the tearing down of such buildings by giving a bond in the amount fixed by the City Manager conditioned upon the aforesaid purposes. The City Manager is hereby directed to promulgate such reasonable rules and regulations as is necessary to protect the City in these cases. Such rules and regulations shall include but not be limited to the routes to be taken for such moving, protective devices to keep the public free from harm and approval of types of equipment to be used in such operation. In addition to the bond, the mover shall be charged for those reasonable expenses incurred by the City in ascertaining that the operation is done in a safe and property manner.

1322.99 PENALTY

Whoever violates any provision of this chapter shall be fined not less than twenty-five dollars (\$25.00) for the first offense and not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) for the second offense. Each day that the violation continues under this chapter shall be a separate offense.

Legislative History: Ord. 2611, passed 2-3-69.

**CHAPTER 1325
NUMBERING BUILDINGS**

1325.01	All structures to be numbered.	1325.04	Application for number.
1325.02	Assignment of numbers.	1325.99	Penalty.
1325.03	New streets; map; numbering.		

CROSS REFERENCE

Power to regulate building numbering - see Ohio R. C. 715.26

1325.01 ALL STRUCTURES TO BE NUMBERED.

All residences, business houses, shops and other structures fronting on the streets, avenues, lanes or public highways in the City shall be numbered in accordance with this chapter.

1325.02 ASSIGNMENT OF NUMBERS

It shall be the duty of the City Manager or his authorized representative to perform the services herein required in connection with the numbering herein provided for.

The property situated on the easterly and southerly sides of streets shall received the even numbers, and property on the westerly and northerly sides thereof shall receive the odd numbers.

A number shall be assigned to each twenty feet of property fronting on streets. If a block does not exceed 500 feet between intersecting streets, 100 numbers shall be assigned thereto.

The plat of the streets of the City showing the property fronting thereon, and having numbers assigned thereto, and on file with the Clerk as of the date of this chapter (Ord. 141, passed 4-6-14), is approved an adopted, and all structures now on the property shown on such map shall be numbered in accordance therewith and, as buildings are hereafter constructed on any of such property, they shall receive numbers in accordance with such plat.

1325.03 NEW STREETS; MAP; NUMBERING.

Whenever a new street is laid out in the City, a map thereof assigning numbers to the property abutting thereon shall be made and filed with the City Manager or his authorized representative, and structures on the property fronting thereon shall be numbered in accordance with the map thereof.

1325.04 APPLICATION FOR NUMBER.

The owner of any structure in the City which is required to be numbered shall apply to the City Manager or his authorized representative for the number thereof and shall then procure and attach to such structure, in a prominent place where it will be easily legible from the highway in front of the premises, the appropriate number in metal figures not less than three inches high.

1325.99 PENALTY.

The owner of any structure who violates a provision of this chapter shall be guilty of a minor misdemeanor. The fine for the first such violation shall not exceed \$25.00.

Legislative History: Ord. 141, passed 4/6/14; Ord. 3576, passed 9/15/86.

**CHAPTER 1329
PLUMBERS**

1329.01 Plumber's registration required.
1329.02 Exception.

1329.99 Penalty.

CROSS REFERENCES

Power to license - see Ohio R.C. 715.27

1329.01 PLUMBER'S LICENSE REQUIRED.

No person shall engage in the business of plumbing or do any plumbing in the City without first being registered to do so. The fee shall be set by the City Manager under Chapter 153 of the Administrative Code.

1329.02 EXCEPTION.

Any person holding a registration from the City of Kettering to engage in the business of plumbing in such City may engage in a like business in the City of Oakwood.

1329.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than fifty dollars (\$50.00).

Legislative History: Ord. 168, passed 8/17/14, Ord. 4007, passed 10/15/90, effective 11/15/90; Ord. 4505, passed 5/6/02, effective 6/6/02.

**CHAPTER 1331
UNREASONABLE NOISES IN CONSTRUCTION**

1331.01	Noisy construction and maintenance work prohibited during certain hours.	1331.03	Operation of machinery prohibited during certain hours.
1331.02	Directing or permitting such construction prohibited.	1331.04	Directing or permitting such operation prohibited.
		1331.99	Penalty.

CROSS REFERENCE

Disturbing the peace - see GEN. OFF. 509.02

1331.01 NOISY CONSTRUCTION AND MAINTENANCE WORK PROHIBITED DURING CERTAIN HOURS.

No person shall engage in any labor in the construction, maintenance, improvement or repair of any building, structure or tract of land in the City on a weekday or Saturday after the hour of 9:00 p.m. at the prevailing time, or before 7:00 a.m., at the prevailing time, or on a Sunday or holiday after 9:00 p.m. or before 9:00 a.m. At the prevailing time, if in the performance of such labor any noise therefrom is audible outside the building, structure or the borders of such tract of land, other than emergency activities.

1331.02 DIRECTING OR PERMITTING SUCH CONSTRUCTION PROHIBITED.

No contractor, builder, foreman or other person directing the performance of labor upon any building or structure shall order, direct or permit any person under his control or direction to perform any labor in the construction, improvement or repair of any building or structure in the City during hours prohibited by Section 1331.01, if, in the performance of any such labor, any noise therefrom is audible outside of the building or structure.

1331.03 OPERATION OF MACHINERY PROHIBITED DURING CERTAIN HOURS.

No person shall operate any excavating machinery or dirt moving machinery in the City except during the hours permitted under Section 1331.01.

1331.04 DIRECTING OR PERMITTING SUCH OPERATION PROHIBITED.

No contractor, builder, foreman or other person directing the operation of excavating machinery or dirt moving machinery shall order, direct or permit any person under his direction or control to operate any such machinery during hours prohibited under Section 1331.01 above.

1331.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than twenty-five dollars (\$25.00). Each calendar day during which such violation occurs shall be deemed a separate offense.

Legislative History: Ord. 1316, passed 9-16-40; Ord. 2575, passed 7-15-68; Ord. 3111, passed 12-17-79

**CHAPTER 1333
MINIMUM FLOOR AREA**

- 1333.01 One-, Two- and Three-Family Dwellings
1333.02 Multi-Family Dwellings

CROSS REFERENCES

General building limitations - see Art. 3, Uniform Building
Occupancy load - see 608.0, Uniform Building Code
Minimum floor space - see HSG. 1711.01

1333.01 ONE-, TWO- AND THREE-FAMILY DWELLINGS

No single-family, two-family or three-family dwelling shall be constructed within the City unless the floor area is at least one thousand square feet of clear living space per dwelling unit, exclusive of open porches, garages, closets and steps. Basements may be included toward this 1,000 square foot requirement for single-family and two-family dwellings only if they meet the requirements of the Housing Code applicable to such dwelling.

1333.02 MULTI-FAMILY DWELLINGS

No multi-family dwelling may be constructed within the City unless the floor area is at least seven hundred and fifty square feet of clear living space per dwelling unit, exclusive of open porches, garages, closets, steps and areas common to all dwelling units.

Legislative History: Ord. 2759, passed 9/13/71; Ord. 3179, passed 1/19/81.

CHAPTER 1335

Chapter reserved for possible future use.

**CHAPTER 1337
AIR CONDITIONING SYSTEMS**

1337.01 Certain units to discharge into storm sewers.

CROSS REFERENCES

Sewage discharge - see S. & P.S. 913.02, 917.01

Storm sewers - see S. & P.S. Ch. 917

1337.01 CERTAIN UNITS TO DISCHARGE INTO STORM SEWERS

Any and all air conditioning units which, when in operation, discharge thirty gallons of water or more each day must be so connected that all such water is discharged into the storm sewer system of the City rather than into any sanitary sewer line.

Legislative History: Ord. 2588, passed 11/4/68.

**CHAPTER 1339
DRIVEWAYS**

- 1339.01 Ribbon driveways prohibited.
1339.02 Permits required.

CROSS REFERENCES

Administrators (BOCA) Code, as set forth in Section 4101: 2-1-09 of the Ohio Administrative Code (OAC), sometimes referred to as the Ohio Basic Building Code (OBBC).

1339.01 RIBBON DRIVEWAYS PROHIBITED.

All driveways shall be constructed of any material with weight bearing capacity of not less than 1,000 PSI (pounds per square inch) in the form of a continuously abutting surface that connects the driveway apron on the street right-of-way to the garage, carport, or an outdoor location at which a vehicle may be stored. Driveways with ribbons or tracks of any such material separated by grass or some other material with lesser weight bearing capacity shall not be permitted.

1339.02 PERMITS REQUIRED.

No construction shall be commenced toward the installation of a driveway until and unless the City has issued a permit for such work. Fees for such permit shall be charged under Chapter 153 of the Administrative Code of this city.

Legislative History: Ord. 3432, passed 7/9/84; Ord. 4505, passed 5/6/02, effective 6/6/02.

**CHAPTER 1341
SIDEWALKS**

1341.01 Authority to require sidewalks.

1341.01 AUTHORITY TO REQUIRE SIDEWALKS

Issuance of a building permit for a new residential structure may be conditioned upon a sidewalk being installed at the expense of the permit applicant, to the extent such a requirement is based upon vehicular and pedestrian traffic reasonably to be expected in the neighborhood and upon all other conditions within the applicable block.

Legislative History: Ord. 3559, passed 7/14/86.

**CHAPTER 1343
TRAFFIC STUDIES**

1343.01 Traffic studies required.

CROSS REFERENCES

Authority of City Manager to adopt traffic regulations regarding acceleration of de-acceleration lanes and other traffic devices: 305.03.

1343.01 TRAFFIC STUDIES REQUIRED.

In populous, in high traffic and in business areas where there are traffic control problems that will be intensified by permitting additional construction or change in use of a property if a permit is requested for such additional construction or change in use, the City Manager shall have authority to require the permit applicant to submit a traffic study by a duly qualified traffic engineer and reviewed (at the applicant's expense under Chapter 152 of the Administrative Code) by the City's engineer or a consultant selected by the city.

This study shall set forth the factual assumptions upon which it is based, shall include scale drawings to the extent required by the Manager and shall include the name, title, education and experience of the traffic engineer who made the study.

Such a traffic study shall express conclusions as to the various traffic control designs and devices that may be necessary or appropriate.

Legislative History: Ord. 3595, passed 11/3/86; Ord. 4505, passed 5/6/02, effective 6/6/02.

**CHAPTER 1345
FENCES**

1345.01 Construction and Reconstruction of Fences.

1345.01 CONSTRUCTION AND RECONSTRUCTION OF FENCES.

Materials used in the construction or reconstruction of fences shall be limited to fencing materials described in the Zoning Code as being permitted for new fences. The construction or reconstruction of any fences shall be accomplished in such a manner that the relationship of a smooth side of the fence and of a rough or protruding side of the fence to abutting properties is as required by the Zoning Code for new fences.

Legislative History: Ord. 3966, passed 6/4/90.

