

**AN ORDINANCE**  
**AMENDING CODIFIED ORDINANCE CHAPTER 1322 REGARDING**  
**RESIDENTIAL CODE OF OHIO FOR ONE-, TWO-, AND THREE-**  
**FAMILY DWELLINGS**

**BE IT ORDAINED** by the Council of the City of Bay Village, Ohio:

**SECTION 1.** That codified Ordinance Chapter 1322 which presently reads as follows:

“CHAPTER 1322  
Residential Code of Ohio for One-, Two-, and Three-Family Dwellings

1322.01	Application and enforcement.
1322.02	Board of Building Code Appeals.
1322.03	File and distribution copies.
1322.04	Definitions.
1322.05	Permit requirements and fees.
1322.06	Enforcement; right of entry.
<del>1322.07</del>	<del>Conflicts of laws.</del>
<del>1322.08</del>	<del>Homeowners' exception.</del>
<del>1322.09</del>	<del>Workmanship.</del>
1322.99	Penalty.

1322.01 APPLICATION AND ENFORCEMENT.

In order to regulate the erection, construction, repair, alteration and maintenance of residential dwellings, the Residential Code of Ohio for One-, Two-, and Three-Family Dwellings as adopted by the Ohio Board of Building Standards and as may be amended and updated from time to time, pursuant to Ohio R.C. 3781.10, shall apply and be enforced within the Municipality. (Ord. 06-111. Passed 11-6-06.)

1322.02 BOARD OF BUILDING CODE APPEALS.

The Board of Zoning Appeals is hereby designated as the Board to carry out and perform the duties charged upon the Board of Appeals by the Residential Code of Ohio. Appeals shall follow the process noted in Bay Village Planning and Zoning Code Chapter 1127. (Ord. 06-111. Passed 11-6-06.)

1322.03 FILE AND DISTRIBUTION COPIES.

One copy of the ~~2006~~ Residential Code of Ohio, as adopted in Section 1322.01, shall be on file with the Clerk of Council for inspection by the public and available on file with the Bay Village Library. In addition, the Clerk of Council shall have copies available for sale to the public, at cost. (Ord. 06-111. Passed 11-6-06.)

1322.04 DEFINITIONS.

As used in this chapter and in the ~~2006~~ Residential Code of Ohio adopted in Section 1322.01:

- (a) “Building Official” means the Building Director and Building Inspector of the City.
- (b) “City” or “Municipality” means the City of Bay Village.
- (c) “Planning and Zoning Code” means Part Eleven of the Codified Ordinances of the City. (Ord. 06-111. Passed 11-6-06.)

#### 1322.05 PERMIT REQUIREMENTS AND FEES.

(a) Work requiring approval by the Residential Code of Ohio adopted herein shall not proceed until fees have been paid as required by Chapter 1305 and the necessary permits have been issued.

(b) In addition to the requirements of the Residential Code of Ohio, approvals and permits shall be required for the following work:

- (1) Accessory structures.
- (2) Fences.
- (3) Driveways and sidewalks over 50 square feet.
- (4) Swimming pools over 12 inches deep as defined in Chapter 1349.
- (5) New kitchen wall and base cabinets and countertops.
- (6) Yard and lot grading.

(c) Standards of construction for approvals required by this Section shall be those of the current Residential Code of Ohio. Permit fees shall be paid as required by Chapter 1305.

(d) In reference to 1322.05(b)(5), whenever the wall, base cabinets and countertops are replaced, the entire kitchen area shall be brought to current code requirements for the electric and plumbing. Replaced, for the purposes of this Section, shall mean the replacement of all wall, base cabinets and countertops within a twelve (12) month period.(Ord. 06-111. Passed 11-6-06.)

#### 1322.06 ENFORCEMENT; RIGHT OF ENTRY.

The Building Official shall enforce the ~~2006~~ Residential Code of Ohio, as adopted in Section 1322.01, and all other laws relating to buildings and structures and, in the discharge of his or her official duties, shall have authority, upon proper identification, to enter any dwelling, building, structure or premises at any reasonable hour to enforce and ascertain compliance with such Code or law. (Ord. 06-111. Passed 11-6-06.)

#### ~~1322.07 CONFLICTS OF LAWS.~~

~~In the event of any conflict between the requirements of the 2006 Residential Code of Ohio, as adopted in Section 1322.01, and the Regional Dwelling House Code, as adopted in Section 1321.01, or any provisions of any other City ordinance or technical code adopted by the City, the 2006 Residential Code of Ohio shall govern. (Ord. 06-111. Passed 11-6-06.)~~

#### ~~1322.08~~ HOMEOWNERS' EXCEPTION.

No provisions of this chapter or of the ~~2006~~ Residential Code of Ohio, as adopted in Section 1322.01 shall be interpreted to require that the owner of dwelling governed by the ~~2006~~ Residential Code of Ohio who performs construction work shall be licensed or registered or hold a certificate of qualification personally to perform work upon the premises occupied, or to be occupied, by such owner thereof or by such owner's established resident. All such work shall be done by said owner, and work shall be done in conformity with the provisions of the ~~2006~~

Residential Code of Ohio and rules or regulations promulgated thereunder, and all other Ordinances of the City and no work shall be done unless all permits, inspections and approvals required by the ~~2006~~ Residential Code of Ohio are secured. (Ord. 06-111. Passed 11-6-06.)

~~1322.09~~ WORKMANSHIP.

~~(a) In addition to the provisions of the 2006 Residential Code of Ohio, as adopted in Section 1322.01, all erection, construction, alteration and repair of one, two and three-family dwellings and appurtenant structures shall be performed in a workmanlike manner including, but not limited to, the following:~~

~~(1) All work shall be in compliance with those performance standards recognized by the applicable trade or industry.~~

~~(2) Walls shall be plumb, floors level and corners square within accepted standards and tolerances within the trade or industry, unless required by design to be otherwise.~~

~~(b) —The mere fact that a particular erection, construction, alteration or repair is functional shall not give rise to a presumption that it has been performed in a workmanlike manner as discussed in subsection (a) hereof. (Ord. 06-111. Passed 11-6-06.)~~

1322.99 PENALTY.

Whoever violates this chapter shall be deemed guilty of a misdemeanor and fined not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1000.00) for a first offense and for a second or subsequent offense shall be guilty of a misdemeanor of the first degree. Each day's continued violation shall constitute a separate offense. (Ord. 06-111. Passed 11-6-06.)

be and the same is hereby amended to read:

“CHAPTER 1322

Residential Code of Ohio for One-, Two-, and Three-Family Dwellings

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### 1322.03 FILE AND DISTRIBUTION COPIES.

One copy of the most current edition of the Residential Code of Ohio, as adopted in Section 1322.01, shall be on file with the Clerk of Council for inspection by the public and available on file with the Bay Village Library. In addition, the Clerk of Council shall have copies available for sale to the public, at cost.

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(b) In addition to the requirements of the Residential Code of Ohio, approvals and permits shall be required for the following work:

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- (6) Yard and lot grading.

(c) Standards of construction for approvals required by this Section shall be those of the current Residential Code of Ohio. Permit fees shall be paid as required by Chapter 1305.

(d) In reference to 1322.05(b)(5), whenever the wall, base cabinets and countertops are replaced, the entire kitchen area shall be brought to current code requirements for the electric and plumbing. Replaced, for the purposes of this Section, shall mean the replacement of all wall, base cabinets and countertops within a twelve (12) month period.

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**1322.07** HOMEOWNERS’ EXCEPTION.

No provisions of this chapter or of the most current edition of the Residential Code of Ohio, as adopted in Section 1322.01 shall be interpreted to require that the owner of dwelling governed by the most current edition of the Residential Code of Ohio who performs construction work shall be licensed or registered or hold a certificate of qualification personally to perform work upon the premises occupied, or to be occupied, by such owner thereof or by such owner’s established resident. All such work shall be done by said owner, and work shall be done in conformity with the provisions of the most current edition of the Residential Code of Ohio and rules or regulations promulgated thereunder, and all other Ordinances of the City and no work shall be done unless all permits, inspections and approvals required by the most current edition of the Residential Code of Ohio are secured.

**1322.08** WORKMANSHIP.

**(a) All construction work regardless of trade shall be completed in a workman-like manner, within acceptable standards and tolerances recognized by such trade or industry.**

**(b) Meeting the performance standards of the applicable code and thus being ‘functional’ shall not be deemed a sufficient level of workmanship in and of itself. Work that is deemed shoddy, incomplete, haphazard, or inferior shall be construed as poor workmanship. The quality of the work shall reflect the value received and meet or exceed the minimum codes and the industry standards.**

**1322.99** PENALTY.

Whoever violates this chapter shall be deemed guilty of a misdemeanor and fined not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1000.00) for a first offense and for a second or subsequent offense shall be guilty of a misdemeanor of the first degree. Each day’s continued violation shall constitute a separate offense.”

and current Chapter 1322 is hereby repealed.

**SECTION 2.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

**SECTION 3.** That this ordinance shall be in full force and take effect at the earliest time permitted by law.

PASSED:

\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
CLERK

APPROVED:

\_\_\_\_\_  
MAYOR