

**AN ORDINANCE**  
**AMENDING CODIFIED ORDINANCE CHAPTER 1331**  
**REGARDING THE OHIO BUILDING CODE**

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

**SECTION 1.** That Codified Ordinance 1331 which presently reads as follows:

“CHAPTER 1331  
Ohio Building Code

- 1331.01 Adoption.
- 1331.02 Purpose.
- ~~1331.03 Application.~~
- 1331.04 Compliance.
- 1331.05 New work and existing structures.
- 1331.06 Notice of violations; adjudication or stop work order.
- 1331.07 Copies.
- 1331.08 Conflict.
- 1331.09 Enforcement
- 1331.99 Penalty.

1331.01 ADOPTION.

There is hereby adopted by the Municipality, the Ohio Building Code (OBC)) as adopted by the Ohio Board of Building Standards, Department of Industrial Relations, ~~effective March 1, 2005~~; and as published in Division 4101:2 of the Ohio Administrative Code (OAC).  
(Ord. 05-139. Passed 11-21-05.)

1331.02 PURPOSE.

The purpose of the Ohio Building Code as adopted herein is:

- (a) To provide uniform minimum standards and requirements for the erection, construction, repair, alternation and maintenance of buildings, including construction of industrialized units. Such standards shall relate to the conservation of energy, safety and sanitation of buildings for their intended use and occupancy.
  - (b) Formulate such standards and requirements, so far as is practicable, in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability.
  - (c) Permit to the fullest extent feasible, the use of materials and technical methods, devices and improvements, including the use of industrialized units which tend to reduce the cost of construction and erection without affecting minimum requirements for the health, safety and security of the occupants or users of buildings or industrialized units and without preferential treatment of types or classes of materials or products or methods of construction.
  - (d) Encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material and techniques, including methods employed to produce industrialized units.
- (Ord. 05-139. Passed 11-21-05.)

~~1331.03 APPLICATION.~~

~~The provisions of the Ohio Building Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures. As provided in Section 3791.04 (B) of the Ohio Revised Code, no plans or specifications shall be approved or inspection approval given unless the building represented by those~~

~~plans or specifications would, if constructed, repaired, erected or equipped according to those plans or specifications, comply with Chapters 3781 and 3791 of the Ohio Revised Code and any rules adopted by the Board.~~

~~An owner may exceed the requirements of the Ohio Building Code in compliance with Section 012.7 of the Ohio Building Code.~~

~~The Ohio Building Code applies to all buildings except as follows:~~

~~(a) Single family, two family and three family dwelling houses and accessory structures incidental to those dwelling houses which are not constructed of industrialized units, except for the energy conservation provisions required in "Chapter 13, Energy Conservation" of the Ohio Building Code and the exception does not include the plumbing provisions required in the Ohio Building Code Plumbing Code (See Ohio R.C. 3781.06, 3781.181 and 3781.182);~~

~~(b) Buildings owned by and used for a function of the United States government;~~

~~(c) Existing buildings:~~

~~(1) Where their location, parts, equipment, and other items do not constitute a serious safety or sanitation hazard unless otherwise regulated by the provisions of "Chapter 34, Existing Structures" of the Ohio Building Code; or~~

~~(2) For which the alleged occupancy can be shown to have existed for more than two years provided there is no order of the building official pending, fraud, or serious safety or sanitation hazard;~~

~~(d) Buildings constructed in accordance with plans which have been approved prior to the effective date of the Ohio Building Code;~~

~~(e) Buildings or structures which are incidental to the use for agricultural purposes of the land on which said buildings or structures are located, provided such buildings or structures are not used in the business of retail trade; for the purposes of this section, a building or structure is not considered used in the business of retail trade if fifty percent or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller (see Ohio R.C. 3781.06 and 3781.061);~~

~~(f) Agricultural labor camps as defined in Ohio R.C. 3733.41;~~

~~(g) Single family, two family, and three family detached dwelling houses for which applications have been submitted to the Director of Human Services pursuant to Ohio R.C. 5104.03 for the purposes of operating type A family day care homes as defined in Ohio R.C. 5104.01;~~

~~(h) Buildings or structures which are designed, constructed, and maintained in accordance with federal standards and regulations and are used primarily for federal and state military purposes where the U.S. secretary of defense, pursuant to 10 U.S.C. Sections 18233 (a)(1) and 18237, has acquired by purchase, lease, or transfer, and constructs, expands, rehabilitates, or corrects and equips, such buildings or structures as he determines to be necessary to carry out the purposes of Chapter 1803 of the U.S.C.~~

(Ord. 05-139. Passed 11-21-05.)

#### **1331.04 COMPLIANCE.**

(a) No owner or any other person shall construct, erect, build or equip any building or structure to which the Ohio Building Code is applicable, or make any addition thereto or alteration thereof, except in case of repairs for maintenance without affecting the construction, sanitation, safety or other vital feature of such building or structure, without complying with this chapter, Ohio R.C. Chapters 3781 and 3791 or the Ohio Building Code, or fail to comply with any lawful order issued pursuant thereto.

(b) No architect, builder, engineer, plumber, carpenter, mason, contractor, subcontractor, foreman or employee shall violate or assist in violating this chapter, Ohio R.C. Chapters 3781 and 3791 or the Ohio Building Code, or fail to comply with any lawful order issued pursuant thereto.

(c) No owner or any other person shall proceed with the construction, erection, alteration or equipment of any building or structure to which the Ohio Building Code is applicable without complying with this chapter and the plan and specification submission and processing requirements of the Municipality, and until plans or drawings, specifications and data have been approved, or the industrialized unit has been inspected at the point of origin. (Ord. 05-139. Passed 11-21-05.)

***1331.05*** NEW WORK AND EXISTING STRUCTURES.

(a) New Work. No building or its equipment or appurtenances, to which the Ohio Building Code is applicable under Section 1331.03, shall be erected, constructed or installed, except in conformity with OBC.

(b) Existing Structures. The provisions of Chapter 34 of the Ohio Building Code shall control the alteration, repair, addition, and change of occupancy of any existing structure.

The occupancy of any structure currently existing on the date of adoption of this Code shall be permitted to continue without change provided the alleged occupancy can be shown to have existing for more than two years and there are no orders of the Building Official pending, no evidence of fraud, or no serious safety or sanitation hazard.

Buildings constructed in accordance with plans which have been approved prior to the effective date of this Code are existing buildings. (Ord. 05-139. Passed 11-21-05.)

***1331.06*** NOTICE OF VIOLATIONS; ADJUDICATION OR STOP WORK ORDER.

(a) When the Municipality finds that work or equipment is contrary to this chapter, approved plans therefor or the Ohio Building Code, notice in writing shall be sent to the owner of such building or structure or his agent. The notice shall state where and in what respect the work or equipment does not conform to such lawful requirements and specify a reasonable period of time in which to conform.

(b) Prior to enforcement of this chapter by any civil or criminal remedy, the Municipality shall issue an adjudication order within the meaning of Ohio R.C. 119.06 to 119.13 and Ohio Building Code Section 113, or a stop work order as provided in Ohio Building Code Section 114. Failure to cease work after receipt of an adjudication order is a violation of this chapter pending completion of appeal as provided in Ohio R.C. 3781.19, and failure to cease work after receipt of a stop work order is a violation of this chapter and is hereby declared a public nuisance pending completion of appeal as provided in Ohio R.C. 3781.19. (Ord. 05-139. Passed 11-21-05.)

***1331.07*** COPIES.

Copies of the Ohio Building Code as adopted in this chapter are on file with the Building Department for inspection by the public, and also on file in the County Law Library.

(Ord. 05-139. Passed 11-21-05.)

***1331.08*** CONFLICT.

(a) The Ohio Building Code shall supersede and govern any order, standard or rule of the Ohio Fire Code or the Division of State Fire Marshal, the Ohio Department of Commerce, the Ohio Department of Industrial Relations and the Ohio Division of Factory and Building Inspection therein, and the Ohio Department of Health, in all cases of conflict, except rules adopted and orders given by the Ohio Fire Marshal pursuant to Ohio R.C. Chapter 3743 entitled "Fireworks" shall prevail in the event of a conflict.

(b) In cases of conflict between the Ohio Building Code and any Municipal ordinance or technical code adopted thereby, the more restrictive provision shall govern.

(c) Where a special provision is made in a use group classification of OBC and is inconsistent with the general provision of OBC relating to buildings generally, the special provision governs, unless it appears that the provisions are cumulative.  
(Ord. 05-139. Passed 11-21-05.)

**~~1331.09~~** ENFORCEMENT.

(a) The Building Official shall enforce all the provisions of the Ohio Building Code relating to construction, arrangement, and erection of all buildings or parts thereof including fire protection as defined in Ohio Administrative Code 4101-2-2-02.

(b) The Fire Marshal or Fire Chief shall enforce all provisions of OBC relating to fire prevention as defined in Ohio Administrative Code 4101:2-2-02.

(c) The Health Department, Board of Health or Building Inspection Department shall enforce provisions relating to sanitary construction.

(d) The Department of the City Engineer, in cities having such departments, has complete supervision and regulation of the entire sewerage and draining system of the City, including the house drain and the house sewer and all laterals draining into the street sewers on all portions of said sewerage and drainage systems located on public property. The Building Department shall have control and supervision of the installation and construction of all drains and sewers that are located on private property and become a part of the sewerage system of the City and shall issue all the necessary permits and licenses for the construction and installation of all house drains and house sewers and of all other lateral drains that empty into the main sewers. The Department of the City Engineer shall keep a permanent record of the installation and location of every drain and sewerage system located on public property.

(e) This section does not exempt any officer or department from the obligation of enforcing any provision of the rules of the Board. (Ord. 05-139. Passed 11-21-05.)

1331.99 PENALTY.

Whoever violates any provision of this chapter or any Code adopted herein or fails to comply with any lawful order issued pursuant thereto is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both. Each day during which noncompliance or a violation continues shall constitute a separate offense. The Municipality may institute injunction proceedings in Common Pleas Court to abate the nuisance of failure to cease work after receipt of a stop work order as referred to in Section 1331.06 (b).  
(Ord. 05-139. Passed 11-21-05.)”

be and the same is hereby amended to read:

“CHAPTER 1331  
Ohio Building Code

1331.01 Adoption.

1331.02 Purpose.

**1331.03** Compliance.

**1331.04** New work and existing structures.

**1331.05** Notice of violations; adjudication or stop work order.

**1331.06** Copies.

**1331.07** Conflict.

**1331.08** Enforcement

1331.99 Penalty.

**1331.01 ADOPTION.**

There is hereby adopted by the Municipality, the Ohio Building Code (OBC)) as adopted by the Ohio Board of Building Standards, Department of Industrial Relations, **the most current edition**, and as published in Division 4101:2 of the Ohio Administrative Code (OAC).

**1331.02 PURPOSE.**

The purpose of the Ohio Building Code as adopted herein is:

- (a) To provide uniform minimum standards and requirements for the erection, construction, repair, alternation and maintenance of buildings, including construction of industrialized units. Such standards shall relate to the conservation of energy, safety and sanitation of buildings for their intended use and occupancy.
- (b) Formulate such standards and requirements, so far as is practicable, in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability.
- (c) Permit to the fullest extent feasible, the use of materials and technical methods, devices and improvements, including the use of industrialized units which tend to reduce the cost of construction and erection without affecting minimum requirements for the health, safety and security of the occupants or users of buildings or industrialized units and without preferential treatment of types or classes of materials or products or methods of construction.
- (d) Encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material and techniques, including methods employed to produce industrialized units.

**1331.03 COMPLIANCE.**

(a) No owner or any other person shall construct, erect, build or equip any building or structure to which the Ohio Building Code is applicable, or make any addition thereto or alteration thereof, except in case of repairs for maintenance without affecting the construction, sanitation, safety or other vital feature of such building or structure, without complying with this chapter, Ohio R.C. Chapters 3781 and 3791 or the Ohio Building Code, or fail to comply with any lawful order issued pursuant thereto.

(b) No architect, builder, engineer, plumber, carpenter, mason, contractor, subcontractor, foreman or employee shall violate or assist in violating this chapter, Ohio R.C. Chapters 3781 and 3791 or the Ohio Building Code, or fail to comply with any lawful order issued pursuant thereto.

(c) No owner or any other person shall proceed with the construction, erection, alteration or equipment of any building or structure to which the Ohio Building Code is applicable without complying with this chapter and the plan and specification submission and processing requirements of the Municipality, and until plans or drawings, specifications and data have been approved, or the industrialized unit has been inspected at the point of origin.

**1331.04 NEW WORK AND EXISTING STRUCTURES.**

(a) **New Work.** No building or its equipment or appurtenances, to which the Ohio Building Code is applicable under Section 1331.03, shall be erected, constructed or installed, except in conformity with OBC.

(b) **Existing Structures.** The provisions of Chapter 34 of the Ohio Building Code shall control the alteration, repair, addition, and change of occupancy of any existing structure.

The occupancy of any structure currently existing on the date of adoption of this Code shall be permitted to continue without change provided the alleged occupancy can be shown to have existing for more than two years and there are no orders of the Building Official pending, no evidence of fraud, or no serious safety or sanitation hazard.

Buildings constructed in accordance with plans which have been approved prior to the effective date of this Code are existing buildings.

**1331.05** NOTICE OF VIOLATIONS; ADJUDICATION OR STOP WORK ORDER.

(a) When the Municipality finds that work or equipment is contrary to this chapter, approved plans therefor or the Ohio Building Code, notice in writing shall be sent to the owner of such building or structure or his agent. The notice shall state where and in what respect the work or equipment does not conform to such lawful requirements and specify a reasonable period of time in which to conform.

(b) Prior to enforcement of this chapter by any civil or criminal remedy, the Municipality shall issue an adjudication order within the meaning of Ohio R.C. 119.06 to 119.13 and Ohio Building Code Section 113, or a stop work order as provided in Ohio Building Code Section 114. Failure to cease work after receipt of an adjudication order is a violation of this chapter pending completion of appeal as provided in Ohio R.C. 3781.19, and failure to cease work after receipt of a stop work order is a violation of this chapter and is hereby declared a public nuisance pending completion of appeal as provided in Ohio R.C. 3781.19.

**1331.06** COPIES.

Copies of the Ohio Building Code as adopted in this chapter are on file with the Building Department for inspection by the public, and also on file in the County Law Library.

**1331.07** CONFLICT.

(a) The Ohio Building Code shall supersede and govern any order, standard or rule of the Ohio Fire Code or the Division of State Fire Marshal, the Ohio Department of Commerce, the Ohio Department of Industrial Relations and the Ohio Division of Factory and Building Inspection therein, and the Ohio Department of Health, in all cases of conflict, except rules adopted and orders given by the Ohio Fire Marshal pursuant to Ohio R.C. Chapter 3743 entitled "Fireworks" shall prevail in the event of a conflict.

(b) In cases of conflict between the Ohio Building Code and any Municipal ordinance or technical code adopted thereby, the more restrictive provision shall govern.

(c) Where a special provision is made in a use group classification of OBC and is inconsistent with the general provision of OBC relating to buildings generally, the special provision governs, unless it appears that the provisions are cumulative.

**1331.08** ENFORCEMENT.

(a) The Building Official shall enforce all the provisions of the Ohio Building Code relating to construction, arrangement, and erection of all buildings or parts thereof including fire protection as defined in Ohio Administrative Code 4101-2-2-02.

(b) The Fire Marshal or Fire Chief shall enforce all provisions of OBC relating to fire prevention as defined in Ohio Administrative Code 4101:2-2-02.

(c) The Health Department, Board of Health or Building Inspection Department shall enforce provisions relating to sanitary construction.

(d) The Department of the City Engineer, in cities having such departments, has complete supervision and regulation of the entire sewerage and draining system of the City, including the house drain and the house sewer and all laterals draining into the street sewers on all portions of said sewerage and drainage systems located on public property. The Building Department shall have control and supervision of the installation and construction of all drains and sewers that are located on private

property and become a part of the sewerage system of the City and shall issue all the necessary permits and licenses for the construction and installation of all house drains and house sewers and of all other lateral drains that empty into the main sewers. The Department of the City Engineer shall keep a permanent record of the installation and location of every drain and sewerage system located on public property.

(e) This section does not exempt any officer or department from the obligation of enforcing any provision of the rules of the Board.

1331.99 PENALTY.

Whoever violates any provision of this chapter or any Code adopted herein or fails to comply with any lawful order issued pursuant thereto is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both. Each day during which noncompliance or a violation continues shall constitute a separate offense. The Municipality may institute injunction proceedings in Common Pleas Court to abate the nuisance of failure to cease work after receipt of a stop work order as referred to in Section 1331.05.

and current Chapter 1331 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

7/24/13 jc