

ORDINANCE NO. 25-16
CITY OF CENTERVILLE, OHIO

Sponsored by Council Member Bill Serr on the 19th day
of December 2016.

AN ORDINANCE AMENDING SECTION 1420.05
ENFORCEMENT OF OHIO BUILDING CODE OF THE
CODIFIED ORDINANCE OF THE CITY OF CENTERVILLE,
OHIO.

WHEREAS, the City of Centerville adopted the current addition of the Ohio Building Code to provide uniform standards for the City's buildings; and

WHEREAS, the City periodically reviews said code for any changes in law; and

WHEREAS, Section 1420 of the Codified Ordinances of the City of Centerville sets forth the enforcement procedures for violations of the Building Code; and

WHEREAS, Section 1420 references both the Ohio Revised Code and the Ohio Administrative Code; and

WHEREAS, a portion of the Ohio Administrative Code had been rescinded and/or amended with regards to enforcement of the Building Code; and

WHEREAS, the City is authorized as a charter municipality to exercise the powers of local self-government; and

WHEREAS, Article V of the Charter for the City of Centerville sets forth the requirements for introduction and passage of ordinances and resolutions.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. That the following amendment to Section 1420.05 of the Centerville Municipal Code is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Section 5.02 of the Centerville Charter:

1420.05 ENFORCEMENT.

(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 the building involved or his or her agent. The notice shall state where and in what respect the work or equipment does not conform to such lawful requirements and shall specify a reasonable period of time in which to conform.

(b) Prior to enforcement of Ohio R.C. Chapters 3781 and 3791, or any rules adopted pursuant thereto, including the Ohio Building Code, as adopted in Section 1420.01, by any remedy, civil or criminal, the Municipality shall issue an adjudication order within the meaning of Ohio R.C. 119.06 to 119.13 or a stop work order as provided in ~~Section 144 of the Ohio Administrative Code~~ *Ohio R.C. 3781.031*.

(c) Every adjudication order shall cite the law or rules directly involved and shall specify what appliances, site preparations, additions or alterations to structures, plans, materials, assemblages or procedures are necessary for the same to comply with Ohio R.C. Chapters 3781 and 3791 and/or any rules adopted pursuant thereto, including the provisions of the Ohio Building Code adopted in Section 1420.01.

(d) The order shall include notice to the party of the procedure for appeal and right to a hearing if requested within thirty days of the mailing of the notice. The notice shall also inform the party that at the hearing he or she may be represented by counsel, present his or her arguments or contentions orally or in writing, and present evidence and examine witnesses appearing for or against him or her.

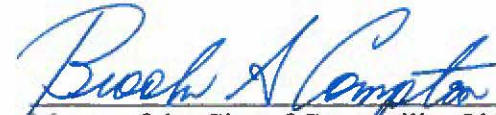
(e) Upon the issuance of any order provided for herein or in *Ohio R.C. 3781.031* ~~Section 114 of the Ohio Administrative Code~~, the person receiving such order shall cease work upon the site preparations or structure to be constructed, or, in the case of an industrialized unit, the installation of the unit, or shall cease using the appliance, materials, assemblages or manufactured product identified in the order until such time as the appeal provided for in accordance with the provisions of Ohio R.C. 3781.19, and all appeals from such hearing, have been completed, or the order herein has been released.

(f) Failure to cease work after receipt of a stop work order as provided in *Ohio R.C. 3781.031* ~~Section 114 of the Ohio Administrative Code~~ is hereby declared to be a public nuisance.

Section 2. This ordinance shall take effect at the earliest date allowed by law.

PASSED THIS 19th day of December, 2016.

PASSED THIS 19th day of December, 2016.


Mayor of the City of Centerville, Ohio

ATTEST:


Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 25-16, passed by the Council of the City of Centerville, Ohio on the 19th day of December, 2016.


Clerk of Council

Approved as to form, consistency
with existing ordinances, the charter
and constitutional provisions.
Department of Law
Scott Liberman
Municipal Attorney