

ORDINANCE NO. 13-10
CITY OF CENTERVILLE, OHIO

Sponsored by Council Member John Beale on the 15th day
of November, 2010.

AN ORDINANCE AMENDING SECTIONS
1420.01, 1420.02, 1422.01, 1422.02, 1422.03,
1424.01, 1424.02, AND 1424.03, REGARDING
ADOPTION OF STANDARDIZED BUILDING
AND HOUSING CODES, AND ADDING
SECTIONS 1426.01 AND 1426.99 REGARDING
THE ESTABLISHMENT OF REQUIREMENTS
FOR ISSUANCE OF A DEMOLITION PERMIT

WHEREAS, the adoption of building and housing code standards helps ensure the safety of all Centerville residents; and

WHEREAS, establishing requirements for permits to demolish residential and commercial structures helps ensure the safety of residents and contractors and protects surrounding properties; 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 amendments to Sections 1420.01 and 1420.02 of the Centerville Municipal Code are 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:

1420.01 CURRENT EDITION ADOPTED.

Pursuant to Ohio R.C. 731.231, there is hereby adopted by and for the Municipality ~~the Ohio Building Code (OBC) and the Ohio Mechanical Code (OMC), being particularly the current editions thereof, as adopted by the Ohio Board of Building Standards, Department of Industrial Relations, and as published in Division 101.1 of the Ohio Administrative Code (OAC), save and except such portions thereof as may be hereinafter amended or deleted.~~ *the Ohio Building Code (OBC) 2007 Edition, as*

adopted by the Ohio Board of Building Standards, Division of Industrial Compliance, Ohio Department of Commerce, effective January 1, 2007, and as published in Chapters 4101:1-1 through 4101:2-35 of the Ohio Administrative Code; the Ohio Mechanical Code, 2007 Edition (OMC), as adopted by the Ohio Board of Building Standards, Division of Industrial Compliance, Ohio Department of Commerce and as published in Chapters 4101:2-1 through 4101:2-55 of the Ohio Administrative Code (OAC); the Ohio Plumbing Code, 2007 Edition (OPC), being the 2006 International Plumbing Code, Chapters 2 to 13, as published by the International Code Council, Inc., along with editorial changes adopted by the Ohio Board of Building Standards, Division of Industrial Compliance, Ohio Department of Commerce effective July 1, 2007 to be hereafter referred to as the Ohio Building Code.

1420.02 PURPOSE.

The purpose of the Ohio Building Code, as adopted in Section 1420.01, is to:

- (a) Provide uniform minimum standards and requirements for the erection, construction, repair, alteration and maintenance of buildings, including construction of industrialized units, such standards relating 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 practical, in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability; Establish such requirements, in terms of performance objectives for the use intended.~~
- (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; and
- (d) Encourage, so far as may be practical, the standardization of construction practices, methods, equipment, material and techniques, including methods employed to produce industrialized units.

Section 2. That the following amendments to Sections 1422.01, 1422.02 and 1422.03 of the Centerville Municipal Code are 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:

1422.01 2004 EDITION ADOPTED ADOPTION; PURPOSE; FILE AND DISTRIBUTION COPIES.

(a) Pursuant to Section 5.06 of the City Charter, that certain building code known as ~~the Residential Code of Ohio for One-, Two- and Three-Family Dwellings 2004 Edition, including Appendix J and local amendments, save and except such portions of such Code as may be hereinafter deleted or amended,~~ is hereby adopted *the Residential Code of Ohio for One-, Two-, and Three-Family Dwellings, 2006 Edition (RCO) as adopted by and as said RCO may be hereafter amended by the Ohio Board of Building Standards, Division of Industrial Compliance, Ohio Department of Commerce, and as published in Chapter 4101:8-1 through 4101:8-43 of the Ohio Administrative Code (OAC) and the Ohio Plumbing Code, 2007 Edition (OPC), being the 2006 International Plumbing Code, Chapters 2 to 13, as published by the International Code Council, Inc., along with editorial changes adopted by the Ohio Board of Building Standards, Division of Industrial Compliance, Ohio Department of Commerce effective July 1, 2007* is hereby adopted as the official building code for the City for the purpose of establishing rules and regulations concerning construction, alteration, repair, addition to and occupancy of nonindustrialized one, two and three-family dwellings in the City.

(b) The Clerk of Council shall keep a complete copy of such Code on file for inspection by the public and shall also have copies available for distribution to the public, at cost. In addition, a complete copy of such Code shall be on file in the Washington-Centerville Public Library.

1422.02 CONFLICTS OF LAWS.

~~(a) In the event of a conflict between any of the provisions of the Residential Code of Ohio, as adopted in Section 1422.01, and a provision of any local ordinance, resolution, rule or regulation, the local provisions shall control.~~

~~(b)~~ (a) In the event of a conflict between any of the provisions of the Residential Code of Ohio for *One-, Two-, and Three-Family Dwellings* and a provision of State law, the provision of State law shall control.

~~(c)~~ (b) In the event of a conflict between any of the provisions of the Residential Code of Ohio for *One-, Two-, and Three-Family Dwellings* and a provision of any other standard or technical code adopted by the City by reference, the provision that establishes the higher or stricter standard shall control.

1422.03 AMENDMENTS.

The Residential Code of Ohio for *One-, Two-, and Three-Family Dwellings*, as adopted in Section 1422.01, is hereby amended as follows:

(a) ~~Flood Hazards. See Chapter 1462 of this Building and Housing Code.~~

(b) (a) Unsafe Buildings. See Title Eight - Property Maintenance Code, of this Building and Housing Code.

(e) (b) Private Sewage Disposal Systems.

- (1) Contents prohibited above ground. No privy vault, cesspool, septic tank, public or private sewer or drain receptacle for sewage or excreta shall be established, constructed, maintained and used, or permitted to remain and be used, so that the liquid or solid substances contained therein or intended to be contained therein shall be permitted to reach the surface of the ground or any street or gutter in the City.
- (2) Plan approval: inspections. No privy vault, cesspool, septic tank, public or private sewer or drain receptacle for sewage or excreta shall be established or constructed in the City unless and until plans and specifications therefor have been submitted to and approved, in writing, by the County Health Commissioner. When the same has been constructed, it shall not be used for such purpose until there has been a final inspection and written approval made by the County Health Commissioner and until the same has been filed with the City Engineer.

Section 3. That the following amendments to Sections 1424.01, 1424.02, and 1424.03 of the Centerville Municipal Code are 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:

1424.01 ~~2005 EDITION ADOPTED~~ ADOPTION; PURPOSE; FILE AND DISTRIBUTION COPIES.

(a) Pursuant to Section 5.06 of the City Charter, that certain code known as ~~the National Electrical Code, 2005 edition, published by the National Fire Protection Association,~~ *the National Electric Code, 2008 Edition (NFPA-70- 2008), as published by the National Fire Protection Association* save and except such portions as may be hereinafter deleted or amended, is hereby adopted by and for the City for the purpose of regulating the installation and maintenance of electrical systems and appliances in the City *and is hereafter referred to as the National Electric Code.*

(b) The Clerk of Council shall keep a complete copy of such Code on file for inspection by the public and shall also have copies available for distribution to the public, at cost. In addition, a complete copy of such Code shall be on file in the Washington-Centerville Public Library.

1424.02 CONFLICTS OF LAWS.

~~(a) In the event of a conflict between any of the provisions of the National Electrical Code, as adopted in Section 1424.01, and a provision of any City ordinance, resolution, rule or regulation, including the provisions of these Codified Ordinances, the City ordinance, resolution, rule or regulation shall control.~~

~~(b) (a) In the event of a conflict between any of the provisions of the National Electrical Code and a provision of State law, the State law shall control.~~

~~(c) (b) In the event of a conflict between any of the provisions of the National Electrical Code and a provision of any other technical code adopted by reference by the City, the higher or stricter standard shall control.~~

~~1424.03 AMENDMENTS.~~

~~The National Electrical Code, as adopted in Section 1424.01, is hereby amended as follows:~~

~~NEC 680-8. Overhead Conductor Clearances. Delete Exceptions No. 1 and No. 2~~

Section 4. That the following additions of Sections 1426.01 and 1426.99 to the Centerville Municipal Code are 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:

1426.01 DEMOLITION REQUIREMENTS.

(a) A certificate of approval from the City Planning Department must be obtained prior to the issuance of a demolition permit.

(b) Permits shall be obtained when any portion of a structure is removed, except for porches whose removal will have no effect on the structural integrity of the main structure. A demolition permit shall become invalid ninety (90) days after its issuance, however, upon presentation of substantial reasons for incompleteness, the Chief Building Official may grant an extension for up to an additional thirty (30) days.

(c) Permits for the demolition of commercial or residential buildings do not relieve the owner or contractor of the requirement to submit a "Notification of Demolition and Renovation" to the Regional Air Pollution Control Agency (RAPCA).

(d) Utility companies, the City and applicable County (Greene or Montgomery) agencies shall be notified for shut-off of services.

(e) Barricades shall be erected around the demolition site when required by the City Engineer, Chief Building Official or the Division of Police.

(f) A traffic plan shall be submitted prior to demolition for approval by the Engineering, Police and Fire Divisions.

(g) All sewer lines shall be capped as specified by the applicable County (Greene or Montgomery) agency and approved by a City inspector before backfill can proceed.

(h) All necessary precautions shall be taken to comply with the following:

(1) No person may cause or permit the handling, transporting, or storage of any material in a manner which allows or may allow particulate matter to become airborne in such quantities and concentrations that it remains visible in the ambient air beyond the premises where it originates.

(2) No person shall cause or permit a building or its appurtenances or a road, or a driveway, or an open area to be constructed, used, repaired or demolished without applying all such reasonable measures as may be required to prevent particulate matter from becoming airborne.

(3) The City Engineer may require such reasonable measures as may be necessary to prevent particulate matter from becoming airborne including but not limited to paving or frequent cleaning of roads, driveways and parking lots; application of dust-free surfaces; application of water; and the planting and maintenance of vegetative ground cover. All site excavations shall comply with the City Engineer's earth disturbance requirements in regards to the protection of storm water drains.

(4) When dust, fumes, gases, mist, odorous matter, vapors or any combination thereof escape from a building or equipment in such manner and amount as to cause a nuisance or to violate any provision of this section, the Chief Building Official may order that the building or equipment be tightly closed and ventilated in such a way that all air and gases and air or gas borne material leaving the building or equipment are treated by removal or destruction of air contaminants before discharge to the open air.

(i) Approval shall be obtained from the Police and Fire Divisions prior to the use of explosives.

(j) All buildings, structures and parts thereof, including foundation walls, columns, piers, partitions and retaining walls shall be removed to a level at least twenty-four (24) inches below finish grade unless otherwise

approved by the Chief Building Official.

(k) Garage foundations and concrete slabs found in good condition may remain if approved by the Chief Building Official provided all anchor bolts and protrusions above grade level are removed.

(l) Basement floors and in ground concrete slabs shall be broken-up.

(m) Inspection of the excavation shall be made by a City inspector prior to backfill.

(n) All demolition debris shall be quickly removed from the site. All lumber or materials kept for re-use shall be neatly stacked twelve (12) inches aboveground.

(o) On site burning of materials shall not be permitted.

(p) All excavations and depressions shall be filled with inorganic material not exceeding sixteen (16) inches by sixteen (16) inches by sixteen (16) inches in size. Backfill material and method of placement shall be approved and inspected by the City Engineer and Chief Building Official.

(q) The Chief Building Official and City Engineer shall approve the final grading plan. Finished grade shall consist of a four (4) inch surface layer of soil, seeded and mulched to reduce the germination and propagation of weeds or noxious vegetation, and to prevent fugitive dust conditions and soil erosion, unless otherwise approved by the Chief Building Official.

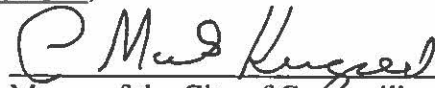
(r) All applicable State and City laws and ordinances shall be complied with in order to protect property and public health and safety.

1426.99 PENALTY

(EDITOR'S NOTE: See Section 1440.99 for general Building Code penalty if no specific penalty is provided.)


Section 5. This ordinance shall become effective from and after the earliest date allowed by law.

PASSED THIS 15th day of November, 2010.



Mayor of the City of Centerville,
Ohio

ATTEST:

Assistant


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. 13-10, passed by the Council of the City of Centerville, Ohio on the 15th day of November, 2010.

Julian M. Weaver
Assistant Clerk of Council

Approved as to form, consistency
with existing ordinances, the charter
and constitutional provisions.

Department of Law
Scott Liberman
Municipal Attorney