

ORDINANCE NUMBER 10-02  
CITY OF CENTERVILLE, OHIO

SPONSORED BY Roger W. Krass ON  
THE 19<sup>th</sup> DAY OF August, 2002

AN ORDINANCE TO AMEND THE CENTERVILLE  
MUNICIPAL CODE, PART FOURTEEN, CHAPTER  
1420, BUILDING AND HOUSING CODE.

**SECTION 1:** That the Centerville Municipal Code, Part Fourteen, Chapter 1420, be and is hereby amended as follows with the bracketed portions deleted and the underlined portions added:

CHAPTER 1420  
Ohio (Basic) Building Code

EDITOR'S NOTE: Resolution 25-85, passed September 16, 1985, authorized and directed the Manager to execute agreements with various political subdivisions of the County authorizing the Dayton Board of Building Appeals to hear and decide appeals from adjudication orders pertaining to the enforcement of the Ohio (Basic) Building Code. Copies of such Resolution and agreements may be obtained, at cost, from the Clerk of Council.

**1420.01 CURRENT EDITION ADOPTED.**

Pursuant to Ohio R.C. 731.231, there is hereby adopted by and for the Municipality the Ohio (Basic) Building Code (O (B) BC) and the Ohio (Basic) Mechanical Code (O (B) MC), being particularly the current editions thereof, as adopted by the Ohio Board of Building Standards, Department of Industrial Relations, and as published in Division (4101:2) 101.1 of the Ohio Administrative Code (OAC), save and except such portions thereof as may be hereinafter amended or deleted.

(Ord. 13-98. Passed 4-20-98.)

**1420.02 PURPOSE.**

The purpose of the Ohio (Basic) 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;

- (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.  
(OAC (4101:2-1-05) 101.3)

**1420.03. APPLICATION.**

The O (B) BC applies to all buildings except as follows:

- (a) Single-family, two-family and three-family dwelling houses which are not constructed of industrialized units, except for the energy conservation provisions required in "Chapter 13, Energy Conservation" of the O (B) BC (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 where their location, parts, equipment and other items do not constitute a serious hazard, unless otherwise regulated by the provisions of "Chapter 34, Existing Structures" of the O (B) BC;
- (d) Buildings constructed in accordance with plans which have been approved prior to the effective date of the O (B) BC;
- (e) Buildings or structures which are incident 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 Ohio Director of Human Services pursuant to Ohio R.C. 5104.03 for 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. 2233(a)(1), (5) and (6) and 2237, has:
  - (1) Acquired, by purchase, lease or transfer, and constructs, expands, rehabilitates or corrects and equips, such buildings or structures as he or she determines to be necessary to carry out the purposes of Chapter 133 of the U.S.C.;

- (2) Contributed to the State of Ohio such amounts for the acquisition, construction, expansion, rehabilitation and conversion by the State of Ohio of such additional buildings or structures as he or she determines to be required because of the failure of existing facilities to meet the purposes of Chapter 133 of the U.S.C.; or
- (3) Contributed to the State of Ohio such amounts for the construction, alteration or rehabilitation of arms storage rooms as he or she determines to be required to meet a change in U.S. Department of Defense standards relating to the safekeeping of arms.  
(OAC (4101:2-1-09) 101.2 & 102.6)

**1420.04 COMPLIANCE; VIOLATIONS.**

- (a) No owner or any other person shall construct, erect, build or equip any building or structure to which the Ohio (Basic) Building Code is applicable, or make any addition thereto or alteration thereof, except in the case of repairs or maintenance that does not affect the construction, sanitation, safety or any other vital feature of such building or structure, without complying with this chapter, Ohio R.C. Chapters 3781 and 3791 or the Ohio (Basic) Building Code, or fail to comply with any lawful order issued pursuant thereto. (ORC 3791.01, 3791.02)
- (b) No architect, builder, engineer, plumber, carpenter, mason, contractor, subcontractor, foreman or employee shall violate or assist in violating any of the provisions of this chapter, Ohio R.C. Chapters 3781 and 3791 or the Ohio (Basic) Building Code, or fail to comply with any lawful order issued pursuant thereto. (ORC 3791.01, 3791.03)
- (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 (Basic) 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. (ORC 3791.04)

**(1420.05 CHANGE OF USE; MAINTENANCE. (REPEALED)**

(EDITOR'S NOTE) Section 1420.05 was repealed as part of the 1995 updating and revision of these Codified Ordinances because substantially identical State law (OAC 4101:2-1-11 and 4101:2-1-13) was repealed by the Ohio Board of Building Standards with the adoption of the 1995 edition of the Ohio Basic Building Code.)]

**1420.06 ENFORCEMENT.**

- (a) When the Municipality finds that work or equipment is contrary to this chapter, approved plans therefor or the Ohio (Basic) 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. (OAC (4101:2-1-34) 1104.3)
- (b) Prior to enforcement of Ohio R.C. Chapters 3781 and 3791, or any rules adopted pursuant thereto, including the Ohio (Basic) 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 (4101:2-1-36) 114 of the Ohio Administrative Code.
- (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 (Basic) 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 Section (4101:2-1-36) 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. (OAC (4101:2-1-35) 113.3)
- (f) Failure to cease work after receipt of a stop work order as provided in Section (4101:2-1-36) 114 of the Ohio Administrative Code is hereby declared to be a public nuisance. (OAC (4101:2-1-36) 114.3)

**1420.07 FILE AND DISTRIBUTION COPIES.**

At least one copy of the Ohio (Basic) Building Code, as adopted in Section 1420.01, is on file with the Clerk of Council for inspection by the public. At least one copy of such Code is also on file in the Washington-Centerville Public Library. (In addition, the Clerk of Council shall keep copies of such Code available for distribution to the public, at cost.)

**1420.08 CONFLICTS OF LAWS.**

(a) Whenever a provision of the Ohio (Basic) Building Code, as adopted in Section 1420.01, conflicts with a provision of the Ohio Fire Code, the NFPA 101 Life Safety Code or any other order, standard or rule of the Ohio Department of Commerce, Division of State Fire Marshal, the provision of the Ohio (Basic) Building Code shall control, except that rules adopted and orders issued by the Fire Marshal pursuant to Ohio R.C. Chapter 3743 prevail in the event of a conflict.

(OAC (4101:2-1-04(B)) 102.2, ORC 3781.11(B).

(b) Whenever a provision of the Ohio (Basic) Building Code, as adopted in Section 1420-01, conflicts with a provision of any other standard technical code adopted by the Municipality, other than as provided in subsection (a) hereof, or any ordinance, resolution, rule or regulation of Council, the stricter standard shall prevail.

(c) When a special provision is made in a use group classification of the Ohio (Basic) Building Code and is inconsistent with a general provision of the Ohio (Basic) Building Code relating to buildings generally, the special provision governs, unless it appears that the provisions are cumulative. (OAC (4101:2-1-07) 102.1)

SECTION 2. This Ordinance shall become effective at the earliest date allowed by law.

DATED this 19<sup>th</sup> day of August, 2002.


Sally D. Beaks  
Mayor of the City of Centerville, Ohio

ATTEST:

Marie Jane Saylor  
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 correct copy of Ordinance No. 10-02, passed by the Council of the City of Centerville, Ohio on the 19<sup>th</sup> day of August, 2002.

  
Clerk of Council

Approved as to form, consistency  
with Ordinances, the Charter and  
Constitutional Provisions.

Department of Law  
Robert N. Farquhar  
Municipal Attorney