

ORDINANCE NO. 5-90
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Brooks Compton ON THE
16th DAY OF April, 1990.

AN ORDINANCE ADOPTING BUILDING REGULATIONS
FOR THE CITY OF CENTERVILLE AND REPEALING
PREVIOUSLY ADOPTED REGULATIONS.

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. OUTDOOR ILLUMINATION; NOTICE OF
VIOLATION.

(A) SHIELDING OF OUTDOOR ILLUMINATION.

(1) No person, firm, or corporation shall erect, maintain, or cause to be erected or maintained an illuminated sign or other outdoor lighting which causes glare, light, or reflection of light upon adjacent residential premises or upon the street.

(2) All illuminated signs and other outdoor lighting shall be so designed, placed, shielded, or arranged so as not to cause a glare, light, or reflection of light upon adjacent residential premises or upon the street.

(3) For the purpose of this section a violation shall be deemed to exist if illumination at or beyond the boundary of any adjacent residential premises or street is in excess of 0.1 footcandle. ('74 Code, §1343.01)

(B) NOTICE OF VIOLATION

(1) The City Manager, City Engineer, or Building Inspector, after determining that a violation of division (A) of this section exists shall serve a written notice of such violation upon the owner and any tenant that the violation must be corrected within ten days of the date of notice. Extensions for compliance may be granted for reasonable periods by the officer issuing the notice, upon request of the violator.

(2) Each day during which such violation continues, following the expiration of the period within which a correction is permitted,

shall constitute a separate offense. ('74 Code, §1343.02) (Ord. 21-72, passed 4-17-72)

Section 2. CABO ONE AND TWO FAMILY DWELLING CODE WITH REVISIONS, ADOPTED BY REFERENCE; APPLICATION; AMENDMENTS.

(A) CODE ADOPTED; IDENTITY OF PURPOSE. The CABO One and Two Family Dwelling Code dated 1989 and local Amendments is hereby adopted. The purpose of the CABO Code is the regulation or construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures and their service equipment.

(B) APPLICATION. The CABO Code adopted in division (A) of this section is hereby declared to be the code which will be enforced in connection with the construction of all one, two, and three-family residential units except those which are factory constructed and commonly known as modular construction. In all other cases, the provisions of the Ohio Basic Building Code as the same may be amended from time to time, shall apply.

(C) AMENDMENTS. The CABO Code adopted in division (A) of this section is hereby amended in the manner respectively indicated:

(1) Part V (Chapters 20-21-22-23-24-25) Plumbing (Deleted).

(2) Stop Work Order

(a) Notice. Whenever it shall come to the attention of the administrative official that work of any kind is being performed contrary to the provisions of the Code or in an unsafe or dangerous manner, he shall promptly issue a stop-work order to the owner of the premises involved, or to the agent of such owner, or to the person doing such work and shall post at the site of the work a distinctive placard conforming to the approved rules informing the public and all concerned that work at the site has been stopped by official order. Upon receiving such order such recipient thereof shall immediately cease such work and cause such work to be ceased by all other persons engaged thereon. Such

order may be oral or written and shall in all cases state the conditions under which work may be resumed. Such order shall also direct the performance of such work as may be necessary to remove any violations of the Code and any conditions which the administrative official deems unsafe, and shall describe what such corrective work is necessary. In the event the recipient of an order disagrees therewith, he may request confirmation thereof in writing from the administrative official.

(b) Unlawful Continuance. Any person who shall violate any such order or continue any such prohibited work after notice, oral or written, that any such order has been issued shall be liable to the penalties prescribed in section 17.

(3) Certificate of Use and Occupancy. A certificate of use and occupancy shall be required for each building heretofore or hereafter erected in accordance with the requirements set forth in the following.

(a) New Buildings. No building hereafter erected shall be used or occupied in whole or in part until the administrative official shall have duly issued a certificate of use and occupancy therefor under the provisions of the Code.

(b) Temporary Occupancy. Upon the request of a holder of a permit, the administrative official may issue a temporary certificate of occupancy for a building or structure, or part thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be occupied safely prior to full completion of the building without endangering health, life or public welfare.

(c) Contents of Certificate. When a building or structure is entitled thereto, the administrative official shall issue a certificate of use and occupancy within 10 days after written

application. The certificate shall certify compliance with the provisions of the Code and the purpose for which the building or structure may be used in its several parts. The certificate of use and occupancy shall specify: the use group and any special stipulations and conditions of the building permit.

(4) Flood Hazards.

See Ordinance 9-87, passed 3-16-87.

(5) Unsafe Buildings.

See Ordinance 33-84, passed 11-19-84.

(6) Private Sewage Disposal Systems.

Cross References: Power to regulate water closets and privies - see Ohio R.C. 715.40 Regulations to control house sewers and connections to sewerage system - see Ohio R.C. 729.51.

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 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. (Ord. 20-39, passed 6-26-39)

Plan Approval; Inspection. 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 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 Health Commissioner and filed with the City Engineer. (Ord. 20-39, passed 6-26-39)

(7) Insulation Required in Buildings.

(a) It shall be mandatory to install insulation in all heated or mechanically cooled buildings, falling under the chapters quoted above, including all new additions to existing buildings.

(b) Determination of Performance of Insulating Materials.

The purpose of heat insulating materials is to provide resistance to the flow of heat. This concerns either heat escaping from the building during the cold seasons or heat entering the building during warm weather. Federal Specifications HH-1-521 (D) designates a certain "R" value for insulating materials which shows the heat stopping ability of the product. Said standards are adopted by reference to this Ordinance.

(c) Minimum Insulation Requirements.

Specific areas of buildings shall conform to the following minimum requirements:

(1) Ceiling areas to have insulation with R-30 rating.

(2) Exterior walls to have insulation with an R-11 rating. Walls between heated and unheated or partly heated areas are included in this category.

(3) Floors to have an R-13 rating if located above unconditioned space.

(4) If supply or heat return ducts are located in a crawl space under a floor or other unconditioned spaces, then all ducts must be wrapped with a minimum R-7 insulating material and vapor sealed.

(5) Supply and heat return ducts may be exposed, but in such case the entire crawl space is to be treated as conditioned space. All exterior walls should have a minimum R-7 rating.

(6) Buildings with concrete slab flooring. Rigid insulating is to be installed along the exterior wall perimeter of the concrete slab and along walls between heated and unheated or partly heated areas. Minimum width of such insulation to be twenty-four (24) inches, and minimum rating to be R-7.

(7) If basements are to be used for habitation, all provisions for insulating materials, as in any other heated or mechanically cooled parts of the building, apply. Only the portion of wall above grade need have the same insulation as an exterior wall. If the basement is uninhabited, it does not require insulation. In this case, however, the basement ceiling must conform to c(3).

(8) Specific attention is to be given to overhangs in frame structures. Such projections are to have at least R-11 rating and shall be considered part of an exterior wall. Overhang as used in this article means a projecting part of the building, as in tri-level or two story buildings, where the upper floor projects in front of the lower level. This designation does not include roof overhangs or soffits.

(9) All windows and sliding glass doors in exterior walls are to have either separate storm sash or are to have double glazing.

(10) All openings around windows, exterior doors, ducts, vents, etc., are to be properly sealed. Sill sealer insulation is to be used on all exterior walls, and between the wooden sill and concrete foundation. Specific attention shall be given by the building inspector to good workmanship and strict adherence to professional performance.

Section 3. OHIO BASIC BUILDING CODE ADOPTED BY
REFERENCE; APPLICATION.

1989 Code Adopted; Identity and Purpose;
Application.

The 1989 Ohio Basic Building Code is hereby adopted and incorporated by reference as if set out at length herein for the purpose of regulating the construction, alteration, addition, repair, installation, removal, demolition, use, location, occupancy, and maintenance of buildings and structures and their service equipment, other than one, two, and three family nonindustrialized buildings.

Section 4. 1990 NATIONAL ELECTRIC CODE ADOPTED BY
REFERENCE; AMENDMENTS.

(A) CODE ADOPTED; IDENTITY AND PURPOSE.

Pursuant to Section 5.06 of the Centerville Charter, the 1990 National Electric Code - NFPA 70-1990 is hereby adopted by reference with the following changes set forth in lieu of those provided in that Code:

(1) Article 110-16-(e) ILLUMINATION.

Delete exception in brackets - [Service equipment or panel boards, in dwelling units, that do not exceed 200 amperes].

(2) Article 310-2(b) CONDUCTOR MATERIAL.

Add the underlined portion - provided however that aluminum and copper clad aluminum conductors shall not be permitted in wire sizes smaller than #8 AWG.

(3) Article 680-8 OVERHEAD CONDUCTOR
CLEARANCES.

Delete Exceptions 1 and 2.

HEATING, VENTILATING, AIR
CONDITIONING, AND ELECTRICAL
CONTRACTORS

Section 5. PURPOSE.

It is the purpose of this chapter to establish and

maintain a register of all persons, firms, and corporations engaged or intending to engage in the installation or alteration of heating, air conditioning, and ventilation equipment, or those engaged or intending to engage in the installation or alteration of electrical services and equipment in or on real property in the City of Centerville. (Ord. 9-79, passed 7-16-79)

Section 6. REGISTRATION APPLICATION; EXPIRATION.

Any firm, corporation, contractor, property owner, or other person who engages or intends to engage in the installation or alteration of heating, ventilating, air conditioning, and electrical services and equipment shall make application on a form provided by the Department of Development. In addition to such other information as may be required by that Department, any firm, corporation, contractor, or other person or persons desiring a registration shall list each person to be covered under the registration and it shall be the obligation of the applicant to keep the listing current during the life of the registration. One such form shall be completed every year in which the applicant intends to carry on such work in the City of Centerville. Such an application may be filed on or after December 1 of the year preceding the year for which registration is being sought. Approved applications shall expire on December 31 of the year for which registration was obtained regardless of the time of making of the application. (Ord. 9-79, passed 7-16-79)

Section 7. REGISTRATION FEES.

There shall be a registration fee of \$25.00 per annum to be collected for each application for registration at the time the application is made. There shall be no proration of the registration fee if the application is made after the commencement of the year for which it is to remain in force. (Ord. 9-79, passed 7-16-79)

Section 8. REGISTRATION REVOCATION.

Heating, ventilating, air conditioning and electrical registrations may be revoked by the Director of Development or his authorized representative for failure of the registrant to obtain proper permits, for failure to obtain proper inspections, or for failure to comply with any

lawfully issued order. Appeals of any revocation order may be made by the registrant upon proper form supplied by the Department of Development within ten days from the date of the order of revocation and the appeal shall be to the City Manager who shall review all information relating to the revocation as may be supplied by the Department of Development, the registrant or any other interested person. The decision of the City Manager shall be final. (Ord. 9-79, passed 7-16-79)

Section 9. BONDING REQUIREMENT.

Upon approval of an application, the applicant shall post a surety bond with the Department of Development for the benefit of the person or persons who suffer damage as a result of a breach of any contract for the installation, service, or repair of heating, ventilation, air conditioning, or electrical equipment or damage as a result of a failure to comply with applicable codes through work done or omitted from being done by the applicant, his agents, subcontractors or employees. A bond in the amount of \$5,000.00 per firm, corporation, or individual applicant shall be executed and deposited with the city. The bond shall be required at the time of registration. (Ord. 9-79, passed 7-16-79)

Section 10. PERMIT REQUIRED; EXCEPTION.

(A) No person, firm, or corporation shall install or make alterations to any heating, air conditioning, or ventilation equipment in any building or at any site, nor shall any person, firm, or corporation install or make extended alterations to the electrical system in any building or at any site prior to obtaining the necessary permits from the Department of Development. All applications shall be made on a form provided by the Department of Development. The fees for the permits shall be determined in accordance with Section 6. No permits shall be issued to any person, firm, or corporation to install or make alterations to the heating, air conditioning, and ventilation, nor shall any permit be issued to any person, firm, or corporation to install, extend, or make alterations to the electrical system unless such person, firm, or corporation is on the register as provided in Section 6.

(B) The owner of a single family dwelling who installs heating, air conditioning, ventilation or

electrical work in the residence in which he resides or intends to reside, need not be registered. The owner shall sign an affidavit that he meets the residence requirements of this section. (Ord. 9-79, passed 7-16-79)

Section 11. RECIPROCITY.

Any person, firm, or corporation having received a license or a registration from any other municipality in Montgomery County, Ohio, which license or registration was issued pursuant to an ordinance or a code requirement similar to the provisions of this chapter and, if in the opinion of the Director of the Department of Development, the citizens of Centerville will receive substantially similar protection under that ordinance or code requirement as they would receive under the provisions of this chapter, the Director of Development may waive the registration or bonding requirements of this chapter. (Ord. 9-79, passed 7-16-79)

Section 12. SEPARABILITY.

It is the intention of the Council of the City of Centerville that this chapter and every provision thereof shall be considered separable and the invalidity of any section, clause, provision, or part or portion of any section, clause, or provision of this chapter shall not affect the validity of any other portion of this chapter.

Section 13. PERMIT FEES FOR BUILDING AND ELECTRICAL PERMITS.

(1) PLAN REVIEW FEE SCHEDULE FOR CONSTRUCTION

(A) Initial plan review fee has been figured in permit cost.

(B) The fee for all additional plan review (after initial review) shall be at the current hourly rate of the City designated Plans Examiner for each hour or part thereof.

(C) Plans for other than one, two and three family residential uses shall bear the identification of the engineer or architect responsible for the provisions of safety and sanitation shown therein.

(D) The plan review fee is designed to reflect costs incurred for this service, and the fee is non-refundable.

(E) Any additional plan review fee will be added to the permit fee and paid for with the permit.

(2) CONSTRUCTION COST.

For new construction "cost" shall be estimated from the current BOCA "Building Valuation Data Report" published twice each year (June & December). This construction cost shall be less any mechanical (plumbing, electric and heat). Permit fees will be figured on this "cost" unless proof of construction cost is furnished in which event "cost" shall be based upon such proof.

(3) BUILDING PERMIT FEES BASED ON COST (SEE 2 ABOVE).

Cost of Work to be Done

Less than \$500.00	\$10.00	
501.00 - 1000.00	20.00	
1001.00 - 5000.00	20.00	plus 5.00 for each 1000.00 cost or fraction thereof in excess of 1001.00
5001.00 - 100,000.00	40.00	plus 4.50 for each 1000.00 cost or fraction thereof in excess of 5001.00
100,001.00 - 500,000.00	467.50	plus 2.10 for each 1,000.00 cost or fraction thereof in excess of 100,001.00
500,001.00 and over	1,307.50	plus 1.40 for each 1,000.00 cost or fraction thereof in excess of 500,001.00

(4) OTHER PERMIT FEES

Antennas & towers (excepting roof mounted units)	\$25.00
Dish Antennas	20.00

Heating Permit	15.00
Air Conditioning Permit	15.00
Combination Heating & Air Conditioning Permit	25.00
Demolition Permit	20.00
Structure Moving Inspection	15.00
Fireplace Insert/Stove (each unit)	15.00
Masonry Fireplace (Add on)	25.00
Occupancy Permit	25.00
Gas Piping	
Each Meter	25.00
Each Opening	3.50
Existing	15.00

(5) ELECTRICAL PERMIT FEES

Service	13.00
Additional Service	5.00
Service Change	15.00
2 & 3 W. Circuits	1.50
Rough Inspection	10.00
Final Inspection	13.00
Reconnect	15.00
Re-Inspect	15.00
Elec. Sign	15.00
Furnace Air Cond.	15.00
Adv. Gr. Pool Bndg.	15.00
In. Gr. Pool Bndg.	25.00
Temp. Pole	15.00
Pre-Heat	15.00
Special	15.00

(6) THE FOLLOWING APPLIES TO ALL PERMITS

(a) Fee for Reinspection. Permit fees provide for customary inspections only. Where additional inspections or trips are made necessary by incomplete or faulty work or because of incorrect address given or failure of owner or agent to keep appointment or for similar reasons, no fee shall be charged for the first reinspection, but a fee of \$15.00 shall be charged for the second reinspection and \$10.00 for each additional such reinspection or extra trip. This fee shall be paid by the holder of the permit since it is not the intent of this regulation to penalize others for the shortcomings of the constructor or installer.

(b) Fee for Commencing of Work Prior to Issuance of Permit. Where a permit is required

for a particular type of work, and such type of work is commenced on a project before taking out a permit, the administrative official shall take necessary steps to determine whether work performed prior to date of permit and inspection conforms to Code. The fee for making such necessary investigations prior to issuance of permit shall be equal to the fee for the permit and shall be in addition thereto, but in no event shall the fee for investigation prior to issuance of permit exceed \$250.00. The payment of the aforesaid fees shall not relieve any person from fully complying with the requirements of this Code in the execution of the work nor from any penalty prescribed herein.

(c) Fees for Work Not Specifically Provided. The amount of fees for permits for regulated construction, appliances, equipment or devices where fees are not specifically provided, shall be assigned by the administrative official to that classification which he considers most reasonable and appropriate.

(d) Fee for Changes and Additions to Plans and Specifications. Nothing shall prohibit the filing of changes and/or additions to plans and specifications at any time before the completion of work for which a permit has been granted, provided such changes and/or additions are in compliance with the appropriate Code. Such changes and/or additions after approval shall be made a part of the plans and specifications and filed as such. If such changes and/or additions to the plans involve an increase in the cost of the work to be done, a fee shall be paid which will make the total fee the same as if figured for one permit. However, no refund of fee will be made in the event such changes involve a decrease in the cost of the work to be performed.

Section 14. ENFORCEMENT BY CITY MANAGER.

(A) The City Manager is hereby designated as the administrative official charged with the duties of administering and enforcing the provisions of this chapter and he is authorized and directed to cause all of the provisions of the Building Code to be carried out and, in connection therewith, he is authorized and directed to cause the prosecution of

any violations of the Building Code of the city.

(B) The City Manager is declared qualified to administer and enforce the Building Code by virtue of his being ultimately responsible for the supervision of the Building Inspector and the activities of building inspection. The City Manager is authorized to designate any member of the Building Inspection Department, licensed by the state to act as a Building Inspector for the city, as his duly authorized representative to administer and enforce the Building Code. ('74 Code, §1305.01) (Ord. 2-72, passed 1-17-72)

Section 15. BUILDING DIVISION ESTABLISHED.

The City Building Division is hereby established as a permanent Division operating in the manner and form as established by City Council. ('74 Code, §1305.02) (Ord. 42-69, passed 10-6-69)

Section 16. CONTRACTS WITH OTHER POLITICAL SUBDIVISIONS.

The Building Division and the City Manager are hereby authorized to enter into contracts with other municipalities, counties, health districts, or other political subdivisions, persons, firms, or corporations to undertake plans, approval, and inspections for the city. ('74 Code, §1305.03) (Ord. 44-72, passed 7-10-72)

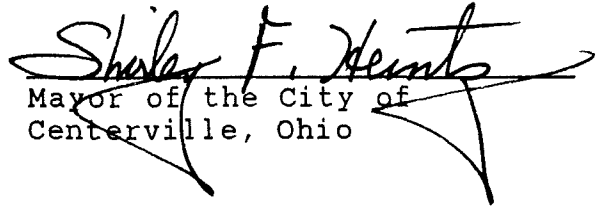
Section 17. PENALTY.

(A) Whoever violates any provision of this chapter, where no other penalty is provided, shall be fined not more than \$100.00. Each day on which a violation occurs or continues shall constitute a separate offense. ('74 Code, §1305.99)

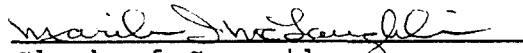
(B) Any person, firm, or corporation violating any provision of Sections 2 through 11 shall be fined not less than \$25.00 nor more than \$500.00 or imprisoned not less than 30 days nor more than six months, or both. The separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 9-79, passed 7-16-79)

Section 18. This Ordinance shall become effective from and after the earliest date allowed by law.

PASSED THIS 16th day of April, 1990.


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. 5-90, passed by the Council of the City of Centerville, Ohio on the 16th day of April, 1990.


Clerk of Council

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

Department of Law
Robert N. Farquhar
Municipal Attorney

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