

CODIFIED ORDINANCES OF BEXLEY

PART FOURTEEN - BUILDING AND HOUSING CODE

TITLE TWO - Building Standards

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- Chap. 1468. Screening of Front Porches.
- Chap. 1470. Signs. (Repealed)
- Chap. 1472. Smoke Detectors.
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- Chap. 1490. Building and Property Maintenance Code.
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CODIFIED ORDINANCES OF BEXLEY
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TITLE TWO - Building Standards
Chap. 1410. CABO One and Two Family Dwelling Code.
Chap. 1412. Ohio Building Code.
Chap. 1414. National Electrical Code.
Chap. 1416. Ohio Plumbing Code.

CHAPTER 1410
CABO One and Two Family Dwelling Code

1410.01 Adoption by reference.	1410.04 Conflict of laws.
1410.02 Purpose.	1410.05 Smoke detectors.
1410.03 File and distribution copies.	1410.99 Penalty.

CROSS REFERENCES

Adoption of technical codes - see Ohio R.C. 731.231
Ohio Basic Building Code adopted - see B. & H. Ch. 1412
Superintendent of Buildings; appointment, term and duties - see
B. & H. 1430.01
Permit and license fees - see ADM. 244.01
Building Maintenance Code - see B. & H. Ch. 1490

1410.01 ADOPTION BY REFERENCE.

Pursuant to Ohio R.C. 731.231, there is hereby adopted by and for the City the current edition of the CABO One and Two Family Dwelling Code, and any and all amendments thereto, or exceptions adopted by the City, which Code is prepared and promulgated by Building Officials and Code Administrators International, Inc., the International Conference of Building Officials and the Southern Building Code Congress International, Inc. (Ord. 24-87. Passed 4-28-87.)

1410.02 PURPOSE.

The purpose of the CABO One and Two Family Dwelling Code, as adopted in Section 1410.01 is to provide minimum construction standards for the protection of life, limb, health, property and environment and for the safety and welfare of the consumer, general public and owners and occupants of one, two and three family dwellings and their accessory structures, except that all plumbing and electric shall be regulated by Chapters 1414, 1416, and 1456 of this Building and Housing Code.

(Ord. 47-99. Passed 7-27-99.)

1410.03 FILE AND DISTRIBUTION COPIES.

At least one copy of the CABO One and Two Family Dwelling Code, as adopted in Section 1410.01, is on file in the Building Department for inspection by the public.

(Ord. 47-99. Passed 7-27-99.)

1410.04 CONFLICT OF LAWS.

In the event of a conflict between any of the provisions of the CABO One and Two Family Dwelling Code, as adopted in Section 1410.01, and a provision of any other standard technical code adopted by the City, the stricter standard shall prevail. In the event of a conflict between any of the provisions of the CABO One and Two Family Dwelling Code and any local ordinance, resolution, rule or regulation, the local ordinance, resolution, rule or regulation shall control. In the event of a conflict between any of the provisions of such Code and a provision of State law, the State law shall control.

1410.05 SMOKE DETECTORS.

Smoke detectors shall be installed in each sleeping room, outside of each separate sleeping area in the immediate vicinity of the bedrooms and on each additional story of the dwelling, including basements and cellars, but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels, a smoke detector need be installed only on the upper level, provided the lower level is less than one full story below the upper level, except that if there is a door between levels, then a detector is required on each level. All detectors shall be interconnected such that the actuation of one alarm will actuate all the alarms in the individual unit and shall provide an alarm, which will be audible in all sleeping areas. All detectors shall be approved and listed and shall be installed in accordance with the manufacturer's instructions.

When alterations, repairs or additions requiring a permit occur, or when one or more sleeping rooms are added or created in existing dwellings, the entire building shall be provided with smoke detectors located as required for new dwellings. The smoke detectors are not required to be interconnected unless other remodeling considerations require removal of the appropriate wall and ceiling coverings to facilitate concealed interconnected wiring.

In all areas of new construction and in all areas where wall and ceiling coverings are removed exposing building wiring, required smoke detectors shall receive their primary power from the building wiring. Such direct wired smoke detectors shall, when primary power is interrupted, receive power from a battery. Smoke detectors in areas not affected by construction are required as for new construction, but may be battery operated.

(Ord. 47-99. Passed 7-27-99.)

1410.99 PENALTY.

(EDITOR'S NOTE: See Section 1430.99 for general Building and Housing Code penalty if no specific penalty is provided.)

CHAPTER 1412
Ohio Building Code

1412.01	Adoption.	1412.06	Violations.
1412.02	Purpose.	1412.07	Stop work order.
1412.03	Scope.	1412.08	Conflict.
1412.04	Compliance.	1412.09	Enforcement.
1412.05	Existing structures.	1412.99	Penalty.

CROSS REFERENCES

See sectional histories for similar State law
 Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261
 Power to enact further and additional regulations - see Ohio R.C. 3781.01
 Authorization by Board of Building Standards - see Ohio R.C. 3781.12
 Enforcement - see Ohio R.C. 3781.03, 3781.031, 3781.10(E), 3781.102, 3781.19
 Final jurisdiction - see Ohio R.C. 3781.04
 Application - see Ohio R.C. 3781.06, 3781.10(E), 3781.11(A)
 Submission of plans - see Ohio R.C. 3791.04
 Dead bolt locks in apartment buildings - see Ohio R.C. 3781.103
 Smoke detection system for apartments and condominiums - see
 Ohio R.C. 3781.104
 Automatic sprinkler systems - see Ohio R.C. 3781.105, 3791.041 et seq.
 Fire suppression systems - see Ohio R.C. 3781.108
 Use of public buildings by handicapped persons - see Ohio R.C. 3781.111
 Energy conservation - see Ohio R.C. 3781.181, 3781.182, 3781.21
 Abandoned service stations - see Ohio R.C. 3791.11 et seq.
 Safety standards for refuse containers - see Ohio R.C. 3791.21

1412.01 ADOPTION.

There is hereby adopted by the Municipality, the Ohio Building Code (OBC) and related codes as adopted by the Ohio Board of Building Standards, Department of Industrial Relations, effective March 1, 2005, and as identified and published in Division 4101:1 et seq. of the Ohio Administrative Code (OAC).

1412.02 PURPOSE.

The purpose of the Ohio Building Code is to establish uniform minimum requirements for the erection, construction, repair, alteration, and maintenance of buildings, including construction of industrialized units. Such requirements shall relate to the conservation of energy, safety, and sanitation of buildings for their intended use and occupancy with consideration for the following:

- (a) Performance. Establish such requirements, in terms of performance objectives for the use intended.
- (b) Extent of Use. Permit to the fullest extent feasible, the use of materials and technical methods, devices, and improvements which tend to reduce the cost of construction without affecting minimum requirements for the health, safety, and security of the occupants of buildings without preferential treatment of types or classes of materials or products or methods of construction.
- (c) Standardization. To encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material and techniques, including methods employed to produce industrialized units.

The rules of the Board of Building Standards and proceedings shall be liberally construed in order to promote its purpose. When the Building Official finds that the proposed design is a reasonable interpretation of the provisions of this Code, it shall be approved. Materials, equipment and devices approved by the Building Official pursuant to Section 118 of the Ohio Building Code shall be constructed and installed in accordance with such approval.

(OBC 101.3)

1412.03 SCOPE.

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 102.7 of the Ohio Building Code.

Exceptions:

- (a) Detached one-, and two-, and three-family dwellings and structures incidental to those dwellings which are not constructed as industrialized units shall comply with local residential codes, if any, adopted by the authority having jurisdiction. This exception does not include the energy provisions required in "Chapter 13, Energy Efficiency" of the OBC (see Sections 3781.06, 3781.181 and 3781.182 of the Ohio Revised Code);
- (b) Buildings owned by and used for a function of the United States Government;

- (c) 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 Sections 3781.06 and 3781.061 of the Ohio Revised Code);
- (d) Agricultural labor camps;
- (e) Type A or Type B family day-care homes;
- (f) 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.;
- (g) Manufactured homes constructed under "24 CFR Part 3280", "Manufactured Home Construction and Safety Standards".
(OBC 101.2)

1412.04 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.
(ORC 3791.01, 3791.02)

(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.
(ORC 3791.01, 3791.03)

(c) No owner shall proceed with the construction, erection, alteration or equipment of any building to which the Ohio Building Code is applicable until the plans or drawings, specifications, and data have been approved as Ohio R.C. 3791.04 requires, or the industrialized unit inspected at the point of origin. No plans or specifications shall be approved or inspection approval given unless the building represented would, if constructed, repaired, erected, or equipped comply with Chapters 3781 and 3791 of the Ohio Revised Code and any rule made under those chapters. (ORC 3791.04)

1412.05 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 existed 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.
(OBC 102.6)

1412.06 VIOLATIONS.

(a) Adjudication Orders Required Before Legal Proceedings. Before the Municipality attempts to enforce Chapters 3781 and 3791 of the Ohio Revised Code or any rules adopted pursuant thereto, by any remedy, civil or criminal, it shall issue an adjudication order within the meaning of Sections 119.06 to 119.13 of the Ohio Revised Code or a stop work order as provided in Section 1412.07. Every adjudication order shall:

- (1) 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 Chapters 3781 and 3791 of the Ohio Revised Code.
- (2) 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 may be represented by counsel, present his arguments or contentions orally or in writing and present evidence and examine witnesses appearing for or against him.

(b) Notice of Violation. The Building Official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure. When the Building Official finds that work or equipment is contrary to approved construction documents and the rules of the Board of Building Standards, the Building Official shall send a notice in writing to the owner of said building or the owner's agent which shall state where and in what respect the work or equipment does not conform to the approved plans for same and the rules of the Board. The notice shall specify a reasonable period of time in which to conform to said plans or the rules of the Board. Before any work may continue on the construction, erection, alteration, or equipment of any building for which the approval is invalid, the owner of the building shall resubmit the plans or drawings and specifications for approval as required under Section 105.3 of the Ohio Building Code.

(c) Prosecution of Violation. Upon the issuance of any order provided for in this section or Section 1412.07, the person receiving an 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 Section 3781.19 of the Ohio Revised Code and all appeals from such hearing have been completed, or the order has been released.

(OBC 113)

1412.07 STOP WORK ORDER.

(a) Authority. Whenever the Building Official finds any work regulated by this Code being performed in a manner contrary to the provisions of this Code or in a dangerous or unsafe manner, the Building Official is authorized to issue a stop work order whenever the Building Official finds, after inspection, that the site preparations or structure to be constructed, or in the case of an industrialized unit, the installation of the unit, or that the use of an appliance, materials, assemblage, or manufactured product does not comply with the provisions of Chapters 3781 and 3791 of the Ohio Revised Code or the rules adopted pursuant thereto. The effect of such an order shall be limited to the matter specified in the order.

(b) Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent and the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

(c) Unlawful Continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition. Failure to cease work after receipt of a stop work order is hereby declared a public nuisance.

(OBC 114)

1412.08 CONFLICT.

(a) General. Where, in any specific case, different sections of the Ohio Building Code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(b) Other Laws. The provisions of the Ohio Building Code shall not be deemed to nullify any provisions of state or federal law. The Municipality, under Section 3781.01 of the Ohio Revised Code, may make further and additional regulations, not in conflict with Chapters 3781 and 3791 of the Ohio Revised Code or with the rules of the Board of Building Standards. However, under Section 3781.12 of the Ohio Revised Code, approval by the Board of Building Standards of any fixture, device, material, system, assembly or product of a manufacturing process, or method or manner of construction or installation shall constitute approval for their use anywhere in Ohio. The rules of the Board of Building Standards shall supersede and govern any order, standard, or rule of the Division of the Fire Marshal or Industrial Compliance in the Department of Commerce, and Department of Health and of counties and townships, in all cases where such orders, standards or rules are in conflict with the rules of the Board of Building Standards, except that rules adopted and orders issued by the Fire Marshal pursuant to Chapter 3743, of the Ohio Revised Code prevail in the event of a conflict.

(OBC 102)

1412.09 ENFORCEMENT.

(a) **In General.** The Building Official shall enforce provisions of the rules of the Board of Building Standards and of Chapters 3781 and 3791 of the Ohio Revised Code, relating to construction, arrangement, and the erection of buildings or parts thereof as defined in the rules of the Board in accordance with the certification. The Building Official shall exercise exclusive responsibility for the enforcement of all design and construction requirements found in the Ohio Building Code and in other codes and referenced standards to the extent that the Building Code refers to those documents for design data, facts, figures, requirements, criteria, conditions, measures, and information except as follows:

- (1) **Fire.** The Fire Marshal or Fire Chief shall enforce all provisions of the rules of the Board relating to fire prevention. For those design and construction requirements and other requirements found in the Fire Prevention Code to which the Building Code refers, to the extent of the reference they shall be enforced by the Building Official.
- (2) **Health.** The Department of Health, or the boards of health of the City or general health districts the Division of Industrial Compliance of the Department of Commerce, or the Departments of Building Inspection of municipal corporations shall enforce such provisions relating to sanitary construction.
- (3) **Engineering.** The Department of the City Engineer, in cities having such departments, has complete supervision and regulation of the entire sewerage and drainage system of the City, including the house drain and the house sewer and all laterals draining into the street sewers. Said department shall have control and supervision of the installation and construction of all drains and sewers that 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. Such department shall keep a permanent record of the installation and location of every drain and sewerage system of the City.
- (4) **Enforcement.** This section does not exempt any officer or department from the obligation of enforcing any provision of the rules of the Board.

The Building Official shall have the authority to render interpretations of the Ohio Building Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code.

(b) **Applications and Approvals.** The Building Official shall receive applications, require the review of submitted construction documents and issue plan approvals for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such approvals have been issued and enforce compliance with the provisions of this Code.

(c) **Notices and Orders.** The Building Official shall issue all necessary notices or orders to ensure compliance with this Code. When the Building Official finds that work or equipment is contrary to approved plans therefor and the rules of the Board, the Building Official shall send a notice in writing to the owner of said building or the owner's agent. The notice shall state where and in what respect the work or equipment does not conform to the approved plans for same and the rules of the Board, and specify a reasonable period of time in which to conform to said plans or the rules of the Board.

(d) Inspections. If the plans for the erection, construction, repair, alteration, relocating, or equipment of a building are subject to inspection by the Building Official, under Section 109 of the Ohio Building Code, the Building Official shall cause to be made such inspections, investigations, and determinations as are necessary to determine whether or not the work which has been performed and the installations which have been made are in conformity with the approved plans and to safety and sanitation, except special inspections required under Section 1704 of the Ohio Building Code.

(e) Identification. The Building Department personnel shall show, when requested, proper identification when entering structures or premises in the performance of duties under this Code.

(f) Right of Entry. The Building Official, or Building Official's designee, is authorized to enter a structure or premises at reasonable times to inspect or to perform the duties imposed by this Code, provided that credentials are presented to the occupant and that entry is requested and obtained. Where permission to enter has not been obtained, is denied, or the Building Official has probable cause to believe that there exists in a structure or upon a premises a condition which is a serious hazard the Building Official shall have recourse to the remedies provided by law to secure entry.

(g) Department Records. The Building Official shall keep official records of applications received, certificate of plan approval issued, notices and orders issued, certificate of occupancy, and other such records required by the rules of the Board of Building Standards. Such information shall be retained in the official permanent record for each project. One set of approved construction documents shall be retained by the Building Official for a period of not less than one hundred eighty days from date of completion of the permitted work, or as required by document retention regulations.

(h) Liability. Liability of certified Building Department personnel for any tortuous act will be determined by Ohio courts to the applicable provisions of Chapter 2744 of the Ohio Revised Code.
(OBC 104)

1412.99 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 1412.07.

CHAPTER 1414
National Electrical Code

1414.01	Adoption by reference.	1414.05	Conflict of laws.
1414.02	Purpose.	1414.99	Penalty.
1414.03	File and distribution copies.		
1414.04	Standards; inspections; capacity of services.		

CROSS REFERENCES

Electric wires injuring trees - see S.U. & P.S. 1026.09
 Electrical disturbances - see P. & Z. 1260.19
 Electrical permits - see B. & H. 1430.02(a)(3)
 Electricians' licenses - see B. & H. 1430.02(a)(4)
 Electric fences - see B. & H. 1442.04

1414.01 ADOPTION BY REFERENCE.

Pursuant to Ohio R.C. 731.231, there is hereby adopted by and for the City the current edition of the National Electrical Code, and any and all amendments thereto, which Code is promulgated by the National Fire Protection Association.

1414.02 PURPOSE .

The purpose of the National Electrical Code, as adopted in Section 1414.01, is to establish uniform minimum requirements for all electrical materials and installations in dwelling units of one, two and three-family dwellings and mobile homes, multifamily dwellings and commercial and industrial occupancy.

1414.03 FILE AND DISTRIBUTION COPIES.

At least one copy of the National Electrical Code, as adopted in Section 1414.01, is on file with the Clerk of Council for inspection by the public. At least one copy is also on file in the County Law Library. In addition, the Clerk of Council has copies available for distribution to the public, at cost.

1414.04 STANDARDS; INSPECTIONS; CAPACITY OF SERVICES.

All electrical wiring and apparatus for light, heat or power installed in any building in the City shall be in accordance with the provisions of this chapter. The construction of electrical wiring and apparatus shall include the wiring and apparatus installed in or on a building to the point of contact with the service line on the outside thereof.

All material and workmanship of construction of such electrical wiring and apparatus shall be in accordance with the rules and regulations of the current edition of the National Electrical Code, as adopted in this chapter, and the Ohio Basic Building Code, as adopted in Chapter 1412.

No electrical work shall be done without first obtaining proper permits and licenses. No electrical wiring shall be concealed before it has been inspected and approved by the City's Electrical Inspector.

No person engaged in the business of transmission and sale of electric energy to users thereof shall make any connection to their transmission lines with electrical wiring and apparatus unless the construction of the electrical wiring and apparatus is in accordance with the provisions of this chapter and unless and until it has been inspected and approved by the Electrical Inspector. (Ord. 26-87. Passed 5-12-87.)

1414.05 CONFLICT OF LAWS.

In the event of a conflict between any of the provisions of the National Electrical Code, as adopted in Section 1414.01, and a provision of any other standard technical code adopted by the City, the stricter standard shall prevail. In the event of a conflict between any of the provisions of the National Electrical Code and any local ordinance, resolution, rule or regulation, the local ordinance, resolution, rule or regulation shall control. In the event of a conflict between any of the provisions of such Code and a provision of State law, the State law shall control.

1414.99 PENALTY.

(EDITOR'S NOTE: See Section 1430.99 for general Building and Housing Code penalty if no specific penalty is provided.)

CHAPTER 1416
Ohio Plumbing Code

1416.01	Adoption by reference.	1416.04	Conflict of laws.
1416.02	Purpose.	1416.99	Penalty.
1416.03	File and distribution copies.		

CROSS REFERENCES

Water - see S.U. & P.S. Ch. 1042
 Sewers - see S.U. & P.S. Ch. 1044
 Gas - see S.U. & P.S. Ch. 1046
 Furnaces, boilers and heaters - see B. & H. Ch. 1434
 Licensing of plumbers - see B. & H. Ch. 1456
 Private swimming pools - see B. & H. Ch. 1464

1416.01 ADOPTION BY REFERENCE.

Pursuant to Ohio R.C. 731.231, there is hereby adopted by and for the City the current edition of the Ohio Plumbing Code, and any and all amendments thereto, such Code consisting of Chapter 4101:2-51 of the Ohio Administrative Code (OAC).

1416.02 PURPOSE.

The purpose of the adoption of the Ohio Plumbing Code, as provided in Section 1416.01, is to provide uniform minimum standards and requirements for plumbing, plumbing materials, plumbing fixtures and plumbing installations so as to make buildings and structures safe and sanitary for their intended use and occupancy.
 (Ord. 25-87. Passed 5-12-87.)

1416.03 FILE AND DISTRIBUTION COPIES.

At least one copy of the Ohio Plumbing Code, as adopted in Section 1416.01, is on file with the Clerk of Council for inspection by the public. At least one copy is also on file in the County Law Library. In addition, the Clerk of Council has copies available for distribution to the public, at cost. (Ord. 25-87. Passed 5-12-87.)

1416.04 CONFLICT OF LAWS.

(a) Whenever a provision of the Ohio Plumbing Code, as adopted in Section 1416.01, conflicts with a provision of the Ohio Fire Code or any other order, standard or rule of the Ohio Department of Commerce, Division of State Fire Marshal, the provision of the Ohio Plumbing 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); ORC 3781.11(D))

(b) Whenever a provision of the Ohio Plumbing Code, as adopted in Section 1416.01, 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 control.

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

1416.99 PENALTY.

(EDITOR'S NOTE: See Section 1430.99 for general Building and Housing Code penalty if no specific penalty is provided.)

TITLE FOUR - Miscellaneous Building Regulations

- Chap. 1430. Administration, Enforcement and Penalty.
- Chap. 1432. Bexley Environmental Review District. (Repealed)
- Chap. 1434. Burners, Heaters and Stoves.
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- Chap. 1438. Exterior Air Conditioning Equipment.
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- Chap. 1470. Signs. (Repealed)
- Chap. 1472. Smoke Detectors.
- Chap. 1476. Unsafe Buildings.
- Chap. 1480. Demolition.

CHAPTER 1430

Administration, Enforcement and Penalty

- | | | | |
|---------|---------------------------------------|---------|--------------------|
| 1430.01 | Chief Building Official:
duties. | 1430.04 | Permit time limit. |
| 1430.02 | Permit and license fees. | 1430.99 | Penalty. |
| 1430.03 | Authority to employ
laborers, etc. | | |

CROSS REFERENCES

- Establishment of Building Department - see ADM. 238.02
- Sidewalk permits - see S.U. & P.S. 1022.04, 1022.05
- Driveway permits - see S.U. & P.S. 1024.03
- Zoning certificates and fees - see P. & Z. 1264.07 et seq.
- Building permits not to be issued prior to granting of
zoning certificate - see P. & Z. 1264.10
- Fence permits - see P. & Z. Ch. 1262
- Permits for wrecking and shoring - see BLDG. & HOUS. 1480.01

1430.01 CHIEF BUILDING OFFICIAL: DUTIES.

The Chief Building Official shall be responsible for the review and approval of all plans for construction within the City and shall be responsible for the issuance of all building permits, licenses, and mechanical permits. He shall be responsible for providing inspection services for all construction within the City. He shall see that the laws of the City and the state of Ohio are complied with relative to such construction. In the issuance of such permits and the inspection of such construction, he shall see that the Zoning Code of the City is met. (Ord. 68-95. Passed 12-26-95.)

1430.02 PERMIT AND LICENSE FEES.

Fees for the issuance of licenses and permits shall be as established by ordinance of Council and as set forth in Section 244.01 of the Administrative Code.

1430.03 AUTHORITY TO EMPLOY LABORERS, ETC.

(a) Subject to the limitations prescribed by the City Charter, the Service Director shall have the right to employ such laborers or other employees as may from time to time be necessary in the conduct of the affairs of the Building Department.

(b) All bills for labor shall be approved by the Mayor and shall be paid from the appropriation for the Building Department.
(Ord. 68-95. Passed 12-26-95.)

1430.04 PERMIT TIME LIMIT.

Permits shall be issued for, and shall only be valid for, a period of six months. Permits for work which is not commenced within six months from the date of issue, or permits for work which is abandoned or suspended for a period of six months shall become null and void. An unexpired permit for which work has not commenced or has been suspended or abandoned for a period of less than six months may, upon proof of satisfactory reasons, be granted a one time extension. To renew a permit after it has expired, the permittee shall pay a new full permit fee. (Ord. 68-95. Passed 12-26-95.)

1430.99 PENALTY.

(a) Whoever violates or fails to comply with any of the provisions of this Building and Housing Code for which no penalty is otherwise provided is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) The application of the penalty in subsection (a) hereof shall not be deemed to prevent the enforced correction of prohibited conditions or the application of any other equitable remedy. (Ord. 68-95. Passed 12-26-95.)

(NOTE: The next printed page is page 19.)

CHAPTER 1432
Bexley Environmental Review District

EDITOR'S NOTE: Former Chapter 1432 was repealed by Ordinance 44-92, passed October 13, 1992, which reestablished the Bexley Environmental Review District as Chapter 1222 of the Planning and Zoning Code.

CHAPTER 1434
Burners, Heaters and Stoves

1434.01	Installation permits; fees.	1434.99	Penalty.
1434.02	Safety factors in the use of fuel-burning equipment, gas-fired equipment, hot water heaters and gas-fired ranges or hot plates.		

CROSS REFERENCES

Venting of heaters and burners - see GEN. OFF. 660.01
Fire Prevention Code - see F. P. Ch. 1610

1434.01 INSTALLATION PERMITS; FEES.

No person shall construct or install any warm air heating furnace or steam or hot water boiler or appurtenance thereto within the City without first obtaining from the Superintendent of Buildings a permit to do such work for which such person shall pay to such Superintendent for the use of the City a fee as set forth in Section 244.01 of the Administrative Code. (Ord. 43-79. Passed 12-11-79.)

1434.02 SAFETY FACTORS IN THE USE OF FUEL-BURNING EQUIPMENT, GAS-FIRED EQUIPMENT, HOT WATER HEATERS AND GAS-FIRED RANGES OR HOT PLATES.

(a) No person shall install, use or cause or permit to be installed or used in any building, a fuel-burning equipment for space heating, water heating or clothes drying unless such equipment is vented so as to prevent the accumulation of toxic or injurious gases or liquids. Such equipment shall have a closed-in combustion chamber with an outer jacket surrounding it. All vents shall conform to the latest American Gas Association regulations.

(b) No person shall install, use or cause or permit to be installed or used in any building, a gas-fired equipment unless such equipment has an operating safety valve which prevents gas from entering the burner upon extinguishment of the pilot.

(c) No person shall install, use or cause or permit to be installed or used in any building, a hot water heater unless the same is equipped with an approved relief valve to prevent excessive pressure causing damage to the line or equipment.

(d) No person shall install, use or cause or permit to be used in any building a gas-fired range or hot plate for other than cooking purposes.

(Note: Next printed page is page 23)

(e) The Superintendent of Buildings is hereby authorized and directed to make inspections to determine the condition of such equipment located within the City. For the purpose of making such inspections, upon presentation of proper credentials, the Superintendent is hereby authorized to enter any building and examine all equipment therein at all reasonable times and the owner or occupant shall give him free access to such building for the purpose of so inspecting it.

(f) Whenever the Superintendent determines that there has been a violation of any provision of this section, he shall give written notice thereof to the violator or leave it at his residence or mail it to his residence by certified mail. Such notice shall describe the violation and set forth the date it is to cease. No person shall fail to comply with such a notice within the time period stipulated therein. (Ord. 19-58. Passed 11-25-58.)

1434.99 PENALTY.

(EDITOR'S NOTE: See Section 1430.99 for general Building and Housing Code penalty if no specific penalty is provided.)

(c) Whenever any such public street or sidewalk areas are used as provided in subsection (a) or (b) hereof, the person shall place and keep on such materials, tools, appliances, machines or boxes, from sunset to sunrise, a lighted lantern with red or amber glass, and whenever the space occupied exceeds ten feet in length or breadth, one such lantern shall be placed at each end thereof. (Ord. 10-37. Passed 3-23-37.)

1436.99 PENALTY .

(EDITOR'S NOTE: See Section 1430.99 for general Building and Housing Code penalty if no specific penalty is provided.)

CHAPTER 1438
Exterior Air Conditioning Equipment

1438.01	Permit required.	1438.03	Posting of permit.
1438.02	Heat, noise and location restrictions.	1438.99	Penalty.

CROSS REFERENCES

Prohibited noise from blowers and fans - see GEN. OFF.
648.11(b)(14)
Electrical standards - see B. & H. Ch. 1414
Permit and license fees - see B. & H. 1430.02
Air conditioning permit fee - see B. & H. 1430.02(a)(4)G.

1438.01 PERMIT REQUIRED.

No person shall install or alter an air-conditioning or refrigerating system, other than self-contained window air conditioning units, without first obtaining a permit therefor. (Ord. 9-79. Passed 4-10-79.)

1438.02 HEAT, NOISE AND LOCATION RESTRICTIONS.

No permit shall be issued for a system which includes an exterior compressor, cooling tower, condensing unit, chiller unit or absorber, either singly or in any combination of the same, or as a part of any refrigerating or cooling system, and expelling heat or noise, where the location is in a R-3 or R-6 Zoning District, unless such exterior unit is located in the rear of the dwelling and exhausts to the rear or in a vertical direction and not to either side.

However:

- (a) Such exterior unit may be located at the side of any building where there is a minimum of forty feet between it and the adjoining building, but must exhaust to the rear or in a vertical direction when the unit is so designed and shall be mounted on a suitable and firm foundation. (Ord. 9-79. Passed 4-10-79.)
- (b) An exterior air conditioning unit may be located at the side of any building where there is less than a minimum of forty feet between it and the adjoining building, provided that an application has been filed and all residents of contiguous properties have been notified by mail by the City. Such notice shall advise each person that if there is no objection within seven days a permit will be issued and that if there is an objection, there will be a hearing at the next meeting of the Board of Zoning Appeals at which time the objector should be present to discuss the objection. At such hearing, the Board may take whatever action it deems advisable. (Ord. 32-86. Passed 6-24-86.)
- (c) An exterior air conditioning unit may be located at the front of any building, provided that an application for a variance has been filed and approval granted by the Board. The variance request shall follow established rules and procedures of the Board. The filing fee shall be the same as established for secondary structures. (Ord. 9-79. Passed 4-10-79.)

1438.03 POSTING OF PERMIT.

After a permit is issued, the permit or a copy thereof shall be posted at all times during the course of such work at the site of the work.

(Ord. 9-79. Passed 4-10-79.)

1438.99 PENALTY.

(EDITOR'S NOTE: See Section 1430.99 for general Building and Housing Code penalty if no specific penalty is provided.)

CHAPTER 1440
Exterior Lighting

1440.001	Intent.	1440.99	Penalty.
1440.01	Permit required; arrangement and shielding; hearings.		

CROSS REFERENCES

Electrical standards - see B. & H. Ch. 1414
Electrical permits - see B. & H. 1430.02(a)(3)

1440.001 INTENT.

It is the intent of this chapter to regulate exterior area lighting within R-1, R-2, R-3, R-6, R-12 and R-24 Residential Districts. It is further the purpose of this chapter to prohibit the placement of exterior area lighting which shines, glares, reflects or is directed in such a manner or with such a degree of brightness as to be detrimental or disturbing to the comfort or repose of other persons. (Ord. 35-88. Passed 5-24-88.)

1440.01 PERMIT REQUIRED; ARRANGEMENT AND SHIELDING;
HEARINGS.

(a) No person shall erect any light, including high-intensity discharge lights, incandescent lights or other types of lights for exterior area lighting of the type commonly used for lighting grounds around homes, including those now or hereafter offered by the Columbus Southern Power Company on a rental basis and designated as private area lights, without first obtaining a permit therefor. A person desiring to construct or erect such a light shall file an application for a permit and all residents within 200 feet of the property involved shall be notified by mail by the City. Such notice shall advise each resident affected that if there is no objection within seven days, a permit will be issued to the applicant, but that if there is an objection, there will be a hearing at the next meeting of the Board of Zoning Appeals at which the objector should be present to discuss the objection. At such hearing, the Board may take whatever action it deems advisable, including the imposition of conditions regulating matters such as pole height, shielding, wattage and hours of operation. No person shall fail to comply with a decision or order of the Board, or the conditions of any permit issued by the Board.

(b) All exterior area lights, of the kind described in subsection (a) hereof, whether now in operation or hereafter approved as provided in subsection (a) hereof, must be so arranged and shielded to reflect the light away from the nearby property of any neighboring owner or tenant. If such lights are not so arranged and shielded, any such neighboring owner or tenant-who claims to be affected by the operation and use of such lights may file an objection to their continued operation with the Board. Upon such objection, a hearing will be held at the next meeting of the Board at which both the owner and objecting party shall be present to discuss the objection. At such hearing, the Board may take whatever action it deems advisable, including prohibiting the continued use of the lights involved. No person shall fail to comply with a decision or order of the Board. (Ord. 35-88. Passed 5-24-88.)

1440.99 PENALTY.

(EDITOR'S NOTE: See Section 1430.99 for general Building and Housing Code penalty if no specific penalty is provided.)

CHAPTER 1442
Fences

EDITOR'S NOTE: Former Chapter 1442, as amended, is now
Codified as Chapter 1262 of the Planning and Zoning Code.

(The next printed page is 33)

CHAPTER 1444
Flood Damage Prevention

1444.01	Statutory authorization; findings of fact; purpose; methods of reducing flood losses.	1444.04	Administration.
1444.02	Definitions.	1444.05	Provisions for flood hazard reduction.
1444.03	General provisions.	1444.99	Penalty.

CROSS REFERENCES

Flood control as function of Ohio Commission on Interstate Cooperation - see Ohio R.C. 105.36

Flood control by soil conservation district supervisors - see Ohio R.C. 1515.08

Flood insurance - see Ohio R.C. 3425.34(C), 3941.02(A)(1)

Water supply, sanitation, ditches - see Ohio R.C. 6101.01 et seq.

Altering, polluting and diverting watercourses - see GEN. OFF. 660.04

1444.01 STATUTORY AUTHORIZATION; FINDINGS OF FACT; PURPOSE; METHODS OF REDUCING FLOOD LOSSES.

(a) Statutory Authorization. Article XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the Council of the City of Bexley, State of Ohio, does ordain as follows:

(b) Findings of Fact.

- (1) The flood hazard areas of the City of Bexley are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

(c) Statement of Purpose. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- (6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to minimize future flood blight areas; and,
- (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(d) Methods of Reducing Flood Losses. In order to accomplish its purposes, this chapter includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. 31-95. Passed 7-25-95.)

1444.02 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

- (a) "Accessory structure" means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.
- (b) "Appeal" means a request for review of the Service Director's interpretation of any provision of this chapter or a request for a variance.
- (c) "Area of special flood hazard" means the land in the floodplain subject to a one percent or greater chance of flooding in any given year. (Areas of special flood hazards are designated by the Federal Emergency Management Agency as Zone A, AE, AH, AO, A1-30, and A99.)
- (d) "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one hundred (100) year flood.
- (e) "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

- (f) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (g) "Federal Emergency Management Agency" (FEMA) means the agency with the overall responsibility for administering the National Flood Insurance Program.
- (h) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters, and/or
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (i) "Flood Insurance Rate Map" (FIRM) means an official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazard.
- (j) "Flood Insurance Study" means the official report in which the Federal Emergency Management Agency has provided flood profiles, floodway boundaries, and the water surface elevations of the base flood.
- (k) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than .50 foot.
- (l) "Historic structure" means any structure that is:
 - (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
 - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 - (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - A. By an approved state program as determined by the Secretary of the Interior; or,
 - B. Directly by the Secretary of the Interior in states without approved programs.
- (m) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is built in accordance with the applicable design requirements specified in this chapter for enclosures below the lowest floor.
- (n) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

- (o) "Manufactured home park" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Ohio Revised Code, for which the Public Health Council has exclusive rule making power.
- (p) "Manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Ohio Revised Code, for which the Public Health Council has exclusive rule making power.
- (q) "New construction" means structures for which the "start of construction" commenced on or after the initial effective date of the Bexley Flood Insurance Rate Map, and includes any subsequent improvements to such structures.
- (r) "Recreational vehicle" means a vehicle which is:
 - (1) Built on a single chassis,
 - (2) 400 square feet or less when measured at the largest horizontal projection,
 - (3) Designed to be self-propelled or permanently towable by a light duty truck, and
 - (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (s) "Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.
- (t) "Structure" means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
- (u) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (v) "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
 - (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure"; or,
 - (3) Any improvement to a structure which is considered new construction.
- (w) "Variance" means a grant of relief from the standards of this chapter consistent with the variance conditions herein. (Ord. 31-95. Passed 7-25-95.)

1444.03 GENERAL PROVISIONS.

(a) Lands to Which This Chapter Applies. This chapter shall apply to all areas of special flood hazard within the jurisdiction of Bexley, Ohio as identified by the Federal Emergency Management Agency, including any additional flood hazard areas annexed by Bexley that are not identified on the effective Flood Insurance Rate Map. (Ord. 31-95. Passed 7-25-95.)

(b) Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study for Franklin County, Ohio and Incorporated Areas" dated March 16, 2004. This study, with accompanying Flood Boundary and Floodway Maps and/or Flood Insurance Rate Maps dated March 16, 2004 and any revisions thereto is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at the Bexley Municipal Building, 2242 East Main Street, Bexley, Ohio. (Ord. 8-04. Passed 2-24-04.)

(c) Compliance. No structure or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this chapter and all other applicable regulations which apply to uses within the jurisdiction of this chapter, unless specifically exempted from filing for a development permit as stated in Section 1444.04(b).

(d) Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(e) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under State statutes. Where a provision of this chapter may be in conflict with a State law, such State law shall take precedence over the chapter.

(f) Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create liability on the part of the City of Bexley, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 31-95. Passed 7-25-95.)

1444.04 ADMINISTRATION.

(a) Establishment of Development Permit. A Development Permit shall be obtained from the Bexley Service Director before construction or development begins within any area of special flood hazard established in Section 1444.03(b). Application for a Development Permit shall be made on forms furnished by the Bexley Service Director and may include, but not be limited to: site specific topographic plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. The following information is required:

- (1) Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures located in special flood hazard areas where base flood elevation data are utilized;
- (2) Elevation in relation to mean sea level to which any proposed structure will be floodproofed in accordance with Section 1444.05(b)(2) where base flood elevation data are utilized;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 1444.05(b)(2) where base flood elevation data are utilized;
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished.

(b) Exemption from Filing a Development Permit. An application for a Development Permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$1,000.00. Any proposed action exempt from filing for a Development Permit is also exempt from the standards of this chapter.

(c) Designation of the Flood Damage Prevention Chapter Administrator. The Bexley Service Director is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

(d) Duties and Responsibilities of the Service Director. The duties and responsibilities of the Service Director shall include but are not limited to:

- (1) Permit review.
 - A. Review all development permits to determine that the permit requirements of this chapter have been satisfied.

- B. Review all development permits to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the Department of the Army under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.
 - C. Review all development permits to determine if the proposed development is located within a designated floodway. Floodways are delineated in the Flood Boundary and Floodway Map or the Flood Insurance Rate Map of the Flood Insurance Study. Floodways may also be delineated in other sources of flood information. If the proposed development is located within a designated floodway, assure that the encroachment provision of Section 1444.05(c)(1) is met.
- (2) Use of other base flood elevation and floodway data. Areas of special flood hazard where base flood elevation data have not been provided by the Federal Emergency Management Agency in accordance with Section 1444.03(b), are designated as Zone A on the community's Flood Insurance Rate Map. Within these areas, the Service Director shall obtain review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, including data obtained under Section 1444.05(b)(6), in order to administer Section 1444.05(b)(1), (b)(2) and (c).
- (3) Information to be obtained and maintained. Where base flood elevation data are utilized within areas of special flood hazard on a community's Flood Insurance Rate Map, regardless of the source of such data, the following provisions apply:
- A. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and record whether or not such structures contain an enclosure below the lowest floor;
 - B. For all new or substantially improved floodproofed nonresidential structures:
 - 1. Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and,
 - 2. Maintain the floodproofing certifications required in subsection (a)(3) hereof.
 - C. Maintain for public inspection all records pertaining to the provisions of this chapter.
- (4) Alteration of watercourses.
- A. Notify adjacent communities and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. A watercourse is considered to be altered if any change occurs within its banks.

- B. Maintain engineering documentation required in subsection (a)(4) hereof that the flood carrying capacity of the altered or relocated portion of said watercourse will not be diminished.
 - C. Require that necessary maintenance will be provided for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished.
- (5) Interpretation of flood boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Where a map boundary and field elevations disagree, the elevations delineated in the flood elevation profile shall prevail. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection (e) hereof.
- (e) Variance Procedure.
- (1) Appeal Board.
- A. The Bexley Board of Zoning Appeals as established by Ordinance No. 8-72 shall hear and decide appeals and requests for variances from the requirements of this chapter.
 - B. The Board of Zoning Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Service Director in the enforcement or administration of this chapter.
 - C. Those aggrieved by the decision of the Board of Zoning Appeals or any taxpayer, may appeal such decision to the Franklin County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.
 - D. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - 1. The danger that materials may be swept onto other lands to the injury of others;
 - 2. The danger to life and property due to flooding or erosion damage;
 - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 4. The importance of the services provided by the proposed facility to the community;
 - 5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - 6. The necessity to the facility of a waterfront location, where applicable;
 - 7. The compatibility of the proposed use with existing and anticipated development;
 - 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- E. Upon consideration of the factors of subsection (e)(1)D. hereof and the purposes of this chapter, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
 - F. The Service Director shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- (2) Conditions for variances.
- A. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - B. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - C. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 1. to 11. of subsection (e)(1)D. hereof have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
 - D. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - E. Variances shall only be issued upon:
 1. A showing of good and sufficient cause;
 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this chapter, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection (e)(1)D. hereof, or conflict with existing local laws or chapter.
 - F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
(Ord. 31-95. Passed 7-25-95.)

1444.05 PROVISIONS FOR FLOOD HAZARD REDUCTION.

(a) General Standards. In all areas of special flood hazard the following standards are required:

- (1) Anchoring.
 - A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - B. All manufactured homes, not otherwise regulated by the Ohio Revised Code pertaining to manufactured home parks, shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- (2) Construction materials and methods.
 - A. All new construction and substantial improvements shall be constructed with materials resistant to flood damage;
 - B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and,
 - C. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (3) Utilities. The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:
 - A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
 - B. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
 - C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (4) Subdivision proposals.
 - A. All subdivision proposals, including manufactured home subdivisions, shall be consistent with the need to minimize flood damage;
 - B. All subdivision proposals, including manufactured home subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

- C. All subdivision proposals, including manufactured home subdivisions, shall have adequate drainage provided to reduce exposure to flood damage; and,
- D. All subdivision proposals, including manufactured home subdivisions, shall meet the specific standards of subsection (b)(6) hereof.

(b) Specific Standards. In all areas of special flood hazard where base flood elevation data have been provided as set forth in Sections 1444.03(b), 1444.04(d)(2) or subsection (b)(6) hereof, the following provisions are required:

- (1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to the base flood elevation.
- (2) Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - A. Be floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the base flood elevation. In order to be eligible for lower flood insurance rates, the structure should be floodproofed at least one foot above the base flood elevation.
 - B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - C. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this subsection. Such certification shall be provided to the official as set forth in Section 1444.04(a)(3).
- (3) Accessory structures. A relief to the elevation or dry floodproofing standards may be granted for accessory structures (e.g., sheds, detached garages) containing 576 square feet or less in gross floor area. Such structures must meet the encroachment provisions of subsection (c)(1)A. hereof and the following additional standards:
 - A. They shall not be used for human habitation;
 - B. They shall be designed to have low flood damage potential;
 - C. They shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;
 - D. They shall be firmly anchored to prevent flotation; and,
 - E. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.
- (4) Manufactured homes and recreational vehicles.
 - A. The following standards shall apply to all new and substantially improved manufactured homes not subject to the manufactured home requirements of Section 3733.01, Ohio Revised Code:
 - 1. Manufactured homes shall be anchored in accordance with subsection (a)(1)B. hereof.

2. Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at the base flood elevation.
- B. These standards also apply to recreational vehicles that are either:
 1. Located on sites for 180 days or more, or
 2. Not fully licensed and ready for highway use.
- (5) Enclosures below the lowest floor. The following standards apply to all new and substantially improved residential and nonresidential structures which are elevated to the base flood elevation using pilings, columns, or posts. Fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must:
 - A. Be certified by a registered professional engineer or architect; or,
 - B. Must meet or exceed the following criteria:
 1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 2. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other openings provided that they permit the automatic entry and exit of floodwaters.
- (6) Subdivisions and large developments. In all areas of special flood hazard where base flood elevation data have not been provided in accordance with Sections 1444.03(b) or 1444.04(d)(2), the following standards apply to all subdivision proposals, including manufactured home subdivisions, and other proposed developments containing at least 50 lots or 5 acres (whichever is less):
 - A. The applicant shall provide base flood elevation data performed in accordance with standard engineering practices;
 - B. If subsection (b)(6)A. hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of subsections (a) and (b) hereof.
- (c) Floodways.
 - (1) Areas with floodways. The Flood Insurance Study referenced in Section 1444.03(b) identifies a segment within areas of special flood hazard known as a floodway. Floodways may also be delineated in other sources of flood information as specified in Section 1444.04(d)(2). The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential. The following provisions apply within all delineated floodway areas:
 - A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a hydrologic and hydraulic analysis performed in accordance with standard engineering practices demonstrates that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

- B. If subsection (c)(1)A. hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of subsection (b) hereof.
 - C. Any encroachment within the floodway that would result in an increase in base flood elevations can only be granted upon the prior approval by the Federal Emergency Management Agency. Such requests must be submitted by the Service Director to the Federal Emergency Management Agency and must meet the requirements of the National Flood Insurance Program.
- (2) Areas without floodways. In all areas of special flood hazard where FEMA has provided base flood elevation data as set forth in Section 1444.03(b), but FEMA has not delineated a floodway, the following provisions apply:
- A. New construction, substantial improvements, or other development (including fill) shall only be permitted if it is demonstrated that the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.
 - B. If subsection (c)(2)A. hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.
(Ord. 31-95. Passed 7-25-95.)

1444.99 PENALTY.

Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor of the fourth degree. Any person who violates any provision of this chapter or fails to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Bexley. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Bexley from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Bexley shall prosecute any violation of this Ordinance in accordance with the penalties stated herein.

CHAPTER 1456
Registration of Contractors

- | | | | |
|---------|--|---------|----------------------------|
| 1456.01 | Registration required. | 1456.04 | Use of registration fees. |
| 1456.02 | Issuance of registration; fee;
registration from other political
subdivision required. | 1456.05 | Bond required; conditions. |
| 1456.03 | Revocation of registration. | 1456.99 | Penalty. |

CROSS REFERENCES

- Power to license plumbers - see Ohio R.C. 715.27
Permit and license fees - see ADM. 244.01
Ohio Plumbing Code - see BLDG. & HOUS. Ch. 1416

1456.01 REGISTRATION REQUIRED.

No person shall engage in or work at the trade or occupation of plumber, general contractor, electrician, sewer tapper or heating and cooling contractor in the City, until that person obtains a registration in accordance with the provisions of this chapter. General contractor as used in this chapter means any person or firm engaged in the construction, alteration or addition of any structure which requires a building permit under the Ohio Basic Building Code or the C.A.B.O. One and Two-Family Dwelling Code as adopted by the City. Occupying homeowners who perform work on their own property with their own hands are not required to be registered but must comply with all other procedures.
(Ord. 75-01. Passed 11-27-01.)

1456.02 ISSUANCE OF REGISTRATION; FEE; REGISTRATION FROM OTHER POLITICAL SUBDIVISION REQUIRED.

The registration required by Section 1456.01 shall be issued to an applicant by the Chief Building Official upon payment by the applicant to the City of a fee as provided in Section 244.01 of the Administrative Code and upon presentation by the applicant of proof, satisfactory to the Building Official, of such applicant's meeting requirements established by the City Building Official. All registrations issued by the City shall expire on December 31 of the year in which it is issued.
(Ord. 75-01. Passed 11-27-01.)

1456.03 REVOCATION OF REGISTRATION.

A registration provided for in this chapter may, at any time, be revoked for incompetency, fraudulent use thereof or violation of the law of the State or the ordinances of the City relative to building after a full and fair hearing by the Building Official. After revocation for any of the causes aforesaid, no registration shall be issued to the person whose registration has been revoked until at least six months have elapsed.
(Ord. 75-01. Passed 11-27-01.)

1456.04 USE OF REGISTRATION FEES.

All money derived from the registration of applicants shall be placed to the credit of the General Fund.
(Ord. 75-01. Passed 11-27-01.)

1456.05 BOND REQUIRED; CONDITIONS.

All general contractors, plumbers, electricians, sewer tappers and heating and cooling contractors, registered to perform their trade within the City, as provided in this chapter shall, prior to the issuance of such registration, provide a bond in the penal sum of ten thousand dollars (\$10,000), which bond shall provide that the registrant shall fully indemnify and save harmless the City and any person or persons injured or damaged by the failure of such registrant to comply with the terms of any ordinance of the City and with the terms of the laws of the State of Ohio. Such bond shall be in force from the date of its acceptance and the issuance of such registration to the end of the year covered by such registration, and the bond shall be renewed annually upon the re-issuance of such registration.
(Ord. 75-01. Passed 11-27-01.)

1456.99 PENALTY.

Whoever violates or fails to comply with any provision of this chapter is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
(Ord. 75-01. Passed 11-27-01.)

CHAPTER 1464
Private Swimming Pools

1464.01	Construction; permit required; fee; issuance.	1464.07	Lights.
1464.02	Location relative to building restriction lines.	1464.08	Hours of use.
1464.03	Drainage onto adjacent property.	1464.09	Noise; radios, televisions, etc.
1464.04	Fences, gates and doors.	1464.10	Inspections.
1464.05	Drainage into sewers.	1464.11	Compliance of existing pools with fencing requirements.
1464.06	Use of City water required.	1464.99	Penalty.

CROSS REFERENCES

Permit and license fees - see ADM. 244.01
Private swimming pools - see P. & Z. 1260.12
Fences generally - see P. & Z. Ch. 1262

1464.01 CONSTRUCTION; PERMIT REQUIRED; FEE; ISSUANCE.

Before work is commenced on the construction of a swimming pool or family pool, which pool is to have or does have a depth in excess of eighteen inches, an application for a permit shall be submitted to the Building Department for its approval and such application shall be accompanied by such plans and specifications as may be required by such Department. The fee for such permit shall be as provided in Section 244.01 of the Administrative Code and it shall be issued by such Department when such Department is satisfied that such construction will comply with all pertinent City ordinances.

1464.02 LOCATION RELATIVE TO BUILDING RESTRICTION LINES.

No permit shall be issued as required in Section 1464.01 unless the pool is located so that all parts thereof, except underground water and drain pipes, are located five feet back of any front setback line and five feet inside all other building restriction lines provided in the Zoning Code. (Ord. 4-59. Passed 2-10-59.)

1464.03 DRAINAGE ONTO ADJACENT PROPERTY.

No permit shall be issued as required in Section 1464.01 unless the pool is located, constructed and maintained in such a manner that no water from the pool, or from

rainfall, will in any way drain or flow onto adjacent property in any additional amount than prior to such pool construction. (Ord. 4-59. Passed 2-10-59.)

1464.04 FENCES, GATES AND DOORS.

No permit shall be issued as required in Section 1464.01 unless the pool, or the yard in which it is located, is completely surrounded by a fence not less than four feet or more than six feet high which shall be so constructed as not to have openings, holes or gaps larger than four inches in any dimension, except for doors and gates; and if a picket fence is erected, the pickets shall not be spread more than three inches. A dwelling house, garage or accessory building may be used as part of such enclosure.

All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. (Ord. 4-59. Passed 2-10-59.)

1464.05 DRAINAGE INTO SEWERS.

No permit shall be issued as required in Section 1464.01 unless the pool will be constructed to drain into either a storm or sanitary sewer, and if into a sanitary sewer such drainage shall be through a four-inch trap and the opening from the pool shall not exceed a one and one-half inch pipe. No such permit shall be issued unless the pool will be so constructed as to assure complete drainage of the entire pool with no spots in which stagnant water would accumulate or remain. (Ord. 4-59. Passed 2-10-59.)

1464.06 USE OF CITY WATER REQUIRED.

All private swimming pools and family pools shall be filled with and use City water only. (Ord. 4-59. Passed 2-10-59.)

1464.07 LIGHTS.

All lights used in connection with private swimming pools and family pools, with a depth in excess of eighteen inches, shall be so installed, arranged and shaded as to prevent any light from shining on the adjoining premises. (Ord. 4-59. Passed 2-10-59.)

1464.08 HOURS OF USE.

No private swimming pool or family pool, with a depth in excess of eighteen inches, shall be used between the hours of 12:00 midnight and 7:00 a.m. (Ord. 4-59. Passed 2-10-59.)

1464.09 NOISE; RADIOS, TELEVISIONS, ETC.

While using a swimming pool or family pool, with a depth in excess of eighteen inches, no person shall make or cause to be made any unnecessary or unusual noise which disturbs, annoys, injures or endangers the comfort, repose, health, peace or safety of

others, or operate any radio, receiving set, television set, musical instrument, record player, phonograph or other machine or device for the producing or reproducing of sound at any time at a louder volume than is necessary for the convenient hearing of the person or persons who are using the pool. (Ord. 4-59. Passed 2-10-59.)

1464.10 INSPECTIONS.

The Superintendent of Buildings and members of the Police Department are hereby authorized to make inspections of swimming pools or family pools, having a depth in excess of eighteen inches, upon presentation of proper credentials, and to remove a sample of the water therein, and the owner or occupant shall give them free access for such purposes. (Ord. 4-59. Passed 2-10-59.)

1464.11 COMPLIANCE OF EXISTING POOLS WITH FENCING REQUIREMENTS.

All swimming pools or family pools, with a depth in excess of eighteen inches, in existence on the effective date of this chapter (Ordinance 4-59, passed February 10, 1959), shall be fenced in accordance with the requirements of Section 1464.04 on or before June 1, 1959, and thereafter no person shall maintain any swimming pool which is not fenced in accordance with the requirements of such section. (Ord. 4-59. Passed 2-10-59.)

1464.99 PENALTY.

(EDITOR'S NOTE: See Section 1430.99 for general Building and Housing Code penalty if no specific penalty is provided.)

CHAPTER 1468
Screening of Front Porches

1468.01 Permit required; restrictions. 1468.99 Penalty.

CROSS REFERENCES
Permitted encroachments into yards - see P. & Z. 1260.07(c)

1468.01 PERMIT REQUIRED; RESTRICTIONS.

(a) No open porch extending beyond the setback line provided by the Zoning Code shall be enclosed with screens without the owner first obtaining a permit to do so from the Building Department.

(b) In screening such porches such screens must be so installed as to be easily removable. There shall be no provision for or attempt to substitute glass in lieu of such screens. When such screens are removed there shall be no objectionable columns or braces remaining. Such screens shall extend from the top of such porch to a point not more than thirty inches above the floor of such porch. (Ord. 1014. Passed 6-11-29.)

1468.99 PENALTY.

(EDITOR'S NOTE: See Section 1430.99 for general Building and Housing Code penalty if no specific penalty is provided.)

CHAPTER 1470
Signs

EDITOR'S NOTE: Former Chapter 1470 was repealed by Ordinance 43-92, passed October 13, 1992, which reestablished sign regulations as Chapter 1230 of the Planning and Zoning Code.

(NOTE: Next printed page is page 61)

I understand that I must give the owner or manager a written notice of the inoperability of the detector and that the owner or manager shall be responsible for repairing or replacing an inoperable detector within seventy-two hours of receipt of my written notice. I also understand that it is illegal to tamper or interfere with the proper operation of a smoke detector."

(c) Exceptions. One and two-family dwellings and multiple single-family dwellings, as defined by the Ohio Basic Building Code, Article 2, OAC 4101:2-2-01, shall be exempt from the requirements of this section for existing buildings.

(d) Compliance by Existing Occupancies. Owners of existing dwelling occupancies, as set forth in subsection (a) hereof, shall comply with the requirements of this section not later than ninety days after its passage and approval by the Mayor (Ordinance 16-84, passed April 24, 1984) or as otherwise directed by Council.

(e) Tampering. No person shall tamper with, or interfere with the proper operation of, a smoke detector. (Ord. 16-84. Passed 4-24-84.)

1472.99 PENALTY.

(EDITOR'S NOTE: See Section 1430.99 for general Building and Housing Code penalty if no specific penalty is provided.)

CHAPTER 1476
Unsafe Buildings

1476.01	Definition; declaration of nuisance; abatement.	1476.05	Permits.
1476.02	Notice to owner.	1476.06	Noncompliance; remedy of City.
1476.03	Service of notice.	1476.07	Unsafe conditions; report required.
1476.04	Posting of signs.	1476.99	Penalty.

CROSS REFERENCES

Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261
 Permit and license fees - see B. & H. 1430.02
 Unsafe fuel-burning or gas-fired equipment, heaters and stoves - see
 B. & H. 1434.02
 Maintenance requirements for buildings - see B. & H. Ch. 1490

1476.01 DEFINITION; DECLARATION OF NUISANCE; ABATEMENT.

All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to an existing use constitute a hazard to health by reason of inadequate maintenance, dilapidation or obsolescence, are, for the purpose of this chapter, "unsafe buildings." All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair and rehabilitation or by demolition in accordance with the procedure set forth in this chapter. (Ord. 9-69. Passed 3-11-69.)

1476.02 NOTICE TO OWNER.

The Superintendent of Buildings shall examine or cause to be examined every building or structure or portion thereof reported as or believed to be an unsafe building, as defined in Section 1476.01. He shall give written notice to the owner of record, including any purchaser under a recorded land contract, and to the person occupying such building if he is not the owner thereof. The written notice shall specifically state the defects that cause the building to be unsafe and shall state that the work shall commence within thirty days and continue, either to complete the specified repairs or improvements or to demolish and remove the building or structure, or a portion thereof, leaving the premises in a clean, safe and sanitary condition, such condition being subject to the approval of

the Superintendent of Buildings. However, in the case of an emergency making immediate repairs necessary, the Superintendent of Buildings may order the changes or demolition to be made within a shorter period. The notice shall also require the building or portion thereof to be vacated forthwith by the occupants thereof.
(Ord. 9-69. Passed 3-11-69.)

1476.03 SERVICE OF NOTICE.

Proper service of such notice shall be by personal service, residence service, registered mail or certified mail. However, such notice shall be deemed to be properly served if a copy thereof is sent by registered or certified mail to the last known address. If any of the parties cannot be located, or his address cannot be ascertained, the notice shall be deemed to be properly served if a copy thereof is placed in a conspicuous place in or about the building or structure affected by the notice. If such notice is by registered or certified mail, the thirty-day period within which such owner is required to comply with the order of the Superintendent of Buildings shall begin as of the date he received such notice.
(Ord. 9-69. Passed 3-11-69.)

1476.04 POSTING OF SIGNS.

The Superintendent of Buildings shall cause to be posted at each entrance to an unsafe building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. BUILDING DEPARTMENT, CITY OF BEXLEY, OHIO." Such notice shall remain posted until the required repairs are made or demolition is completed. No person shall remove such notice without permission of the Superintendent of Buildings and no person shall enter the building, except for the purpose of making the required repairs or of demolishing the same.
(Ord. 9-69. Passed 3-11-69.)

1476.05 PERMITS.

In all cases of construction and repair pursuant to orders of the Superintendent of Buildings, permits covering such work shall be obtained if required by this Building Code or any other City ordinance. (Ord. 9-69. Passed 3-11-69.)

1476.06 NONCOMPLIANCE; REMEDY OF CITY.

If the owner of record, or the purchaser under a land contract, if that is the case, fails, neglects or refuses to comply with the notice to repair, rehabilitate or demolish and remove such building or structure or portion thereof, such person shall be subject to the provisions of this chapter and the Superintendent of Buildings shall proceed to have the building or structure or portion thereof demolished and removed from the premises, leaving the premises in a clean, safe and sanitary condition, and the cost of such work shall be paid by the City. If the City is not immediately reimbursed for such costs, the amount thereof shall be certified to the County Treasurer and levied as a special assessment against such property on which the building or structure is located and shall be collected in the manner provided for special assessments. (Ord. 9-69. Passed 3-11-69.)

1476.07 UNSAFE CONDITIONS; REPORT REQUIRED.

Any owner, manager, lessee or occupant of a building who discovers or who has reason to believe that there exists, on the premises, a condition which may endanger other property or the life or limb of any person, and such condition cannot be immediately remedied so as to remove any danger therefrom, shall, within twenty-four hours after such discovery, report the existence of such dangerous condition to the Superintendent of Buildings who shall forthwith take such steps as may be necessary to protect the public safety and welfare. If the Superintendent of Buildings cannot be located, such report shall be made to the Director of Public Safety or the Mayor. No person who is an owner, manager, lessee or occupant of a building on which premises such a dangerous condition exists and who knows or should know of such dangerous condition shall fail to make such report to either the Superintendent of Buildings or the Mayor within twenty-four hours after such knowledge is obtained or should have been obtained.

(Ord. 9-69. Passed 3-11-69.)

1476.99 PENALTY.

(EDITOR'S NOTE: See Section 1430.99 for general Building and Housing Code penalty if no specific penalty is provided.)

CHAPTER 1480
Demolition

1480.01	Permit required; application.	1480.04	Fees.
1480.02	General requirements.	1480.99	Penalty; equitable remedies.
1480.03	Definitions.		

CROSS REFERENCES

Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261

Noise from demolition of buildings - see GEN. OFF. 648.11(b)(8)

Demolition of unsafe buildings - see BLDG. & HOUS. 1476.06

1480.01 PERMIT REQUIRED; APPLICATION.

(a) Before commencing demolition of any building or structure, the construction or modification of which would require the issuance of a building permit, the owner or his agent shall first obtain a demolition permit from the Building Department. The filing of an application, the issuance of a demolition permit and/or the payment of fees may be waived by the Building Department for demolition of a building or structure with a floor area of less than 100 square feet if a determination is made by the Chief Building Official in writing that compliance with any or all of such requirements is not required to protect the public health, safety or welfare.

(b) No demolition permit shall be issued until an application has been filed with and approved by the Building Department. The application shall be on a form furnished by the Building Department and shall include, at a minimum, the following: the name of the owner; the location, including street address of the property; the name of the person that will perform the demolition; a description of the work to be done; the method of protecting the site and existing trees and vegetation to be preserved during demolition and replacement or restoration; where a replacement use is contemplated, all plans required to obtain a building permit for the replacement building or structure; where a replacement use is not contemplated, plans for restoration of the site; photographs of all elevations of any principal structure proposed to be demolished; and such other information as may reasonably be requested by the Building Department.

(c) The Building Department may, in issuing the demolition permit, impose such requirements and conditions as it deems necessary for the protection of adjoining property owners and the public interest.
(Ord. 8-00. Passed 5-9-00.)

1480.02 GENERAL REQUIREMENTS.

(a) All demolition work shall be performed in a workmanlike manner in accordance with the terms and conditions of the demolition permit.

(b) A demolition permit shall not be transferable.

(c) The demolition of all commercial buildings shall comply with requirements of the Ohio Building Code.

(d) No demolition permit shall be issued with respect to the demolition, partial demolition or removal of any building or structure unless all required permits, variances, zoning changes, certificates, reviews or other approvals have been granted or completed, except when demolition is determined by the Building Department to be required to abate a nuisance or eliminate an unsafe building as defined in Section 1476.01 of the Building and Housing Code. Without limiting the foregoing, such approvals shall include, in the case of:

- (1) A structure located in the Bexley Environmental Review District, environmental approval under Section 1222.04 of the Planning Code,
- (2) A structure located in the Main Street Redevelopment District, approval under Section 1224.04 of the Planning Code,
- (3) A structure located in the Bexley Architectural Review District, approval under Section 1223.04 of the Planning Code, and
- (4) A structure located in a Planned Unit District, approval by Council in accordance with the procedure for preliminary and final approval of a detailed development plan under Section 1264.21 of the Zoning Code. (Ord. 23-03. Passed 4-22-03.)
- (5) A structure located in the Campus Planning District, approval under Section 1224.04(b) of the Planning Code. (Ord. 88-03. Passed 2-24-03.)

(e) When demolition is required to abate a nuisance or eliminate an unsafe building in accordance without subsection (d) above, the owner shall promptly be required to restore the subject property, and the owner or the owner's agent shall submit a site restoration plan for approval by the Building Department within 10 days following the issuance of a demolition permit or waiver of the permit requirement pursuant to Section 1480.01. The owner shall also notify the City within 60 days following issuance or waiver of the demolition permit of the owner's plans for replacement of the demolished structure. If the owner does not intend to replace promptly the structure, the owner shall be required to landscape the property in a manner appropriate to the neighborhood and shall within 120 days following issuance or waiver of the demolition permit file an application for approval of a landscape plan pursuant to Sections 1222.04, 1223.04, 1224.04 or 1264.21, whichever is applicable.

(f) The site of every demolition, without regard to whether a demolition permit is required pursuant to this chapter, shall be restored in accordance with any required environmental approval, certificate of appropriateness or site restoration plan, or if none of the foregoing is required, in accordance with the minimum standards set forth in this subsection. Every restoration shall be performed in a manner which prevents erosion and shall include, at a minimum, promptly removal of debris, backfilling any excavation with granular material, grading, a six-inch overlay of topsoil, seeding with grass and preservation of existing trees and vegetation. Restoration of the site shall be completed within 30 days after completion of demolition. Site restoration shall not be required if building permits for a replacement structure have been obtained and construction begins within 30 days of the completion of demolition; provided that such construction date may be extended by the Building Department on such terms and conditions as it may impose. (Ord. 23-03. Passed 4-22-03.)

1480.03 DEFINITIONS.

Terms used in this chapter which are defined in the Planning and Zoning Code shall have the meanings ascribed to them in the Planning and Zoning Code. (Ord. 8-00. Passed 5-9-00.)

1480.04 FEES.

The fees for a demolition permit and cash cleanup bond for demolition of a building or structure shall be as provided in Section 244.01 of the Administrative Code.
(Ord. 8-00. Passed 5-9-00.)

1480.99 PENALTY; EQUITABLE REMEDIES.

Failure to comply with any provision of this chapter or the terms of any demolition permit or site restoration plan shall subject the owner and his agent to the penalty set forth in Section 1430.99 of the Building and Housing Code. In addition, the City may institute an appropriate action or proceeding to restrain, correct or abate a violation or to require compliance with the provisions of this chapter.
(Ord. 8-00. Passed 5-9-00.)

CHAPTER 1482
Underground Sprinkler Systems

1482.01 Installation.

1482.01 INSTALLATION.

(a) Upon application of the adjacent owner and upon showing that such owner's "yard" or "lawn" extends onto public property, or upon an easement or right-of-way granted to the City for public purposes, such property owner shall be granted permission to construct improvements, such as an underground sprinkler system, on the property in question.

(b) Such improvements shall be constructed and repaired at no cost to the City and such improvements shall be so constructed as to not impede nor interfere with, in any way, the use of the sidewalks and streets by other citizens.

(c) The applicant, his successors and assigns, as a condition precedent to the approval of his or her application, shall execute a hold harmless agreement with the City, to save the City harmless from any and all damages which may arise from or grow out of the construction, repair, maintenance, operation or use of such improvement and further agree, on behalf of himself or herself, his or her successors and assigns to defend, at his or her own expense, every suit in which the City shall be made a party, brought and prosecuted for the recovery of any such damages.

(d) The applicant, shall further agree, as a condition precedent to the grant of permission to use such property, that such occupancy is permitted solely as an accommodation to the applicant, and that no right, title, or interest of the public, is waived or abridged in any way, and that upon notice, duly authorized by the Council, the applicant shall remove said improvement and shall yield to the City all rights to occupy the space used for such improvement.

(e) Said improvements shall be so constructed as not to interfere with or damage any utility facilities, and that any additional costs or expenses incurred by the City for the installation, maintenance, repair or replacement of utility services occasioned by the location of the improvement in the easement/right-of-way area be the obligation of the property owner, his or her successors or assigns.

(f) The Mayor and Auditor are hereby authorized to enter into a consent and hold harmless agreement with such property owner, conditioned upon the satisfaction of the terms of this section. (Ord. 41-84. Passed 7-24-84.)

TITLE SIX - Housing Code
 Chap. 1490. Building and Property Maintenance Code
 Chap. 1492. Vegetation/Weed Control.

CHAPTER 1490
 Building and Property Maintenance Code

1490.01	Title, purpose and scope.	1490.10	Damaged structures.
1490.02	Definitions.	1490.11	Numbering of buildings.
1490.03	Basic standards for occupancy.	1490.12	Infestation.
1490.04	Maintenance responsibilities.	1490.13	Exterior property areas.
1490.05	Janitor, custodian or agent.	1490.14	Duties and powers of Code Official.
1490.06	General maintenance requirements.	1490.15	Notices, orders and enforcement procedures.
1490.07	Maintenance of foundations.	1490.16	Right of appeal.
1490.08	Maintenance of roofs, gutters, downspouts, and chimneys.	1490.17	Violations; equitable remedies.
1490.09	Maintenance of exteriors of structures.	1490.99	Penalty.

CROSS REFERENCES

Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261
 Intimidation in connection with housing - see GEN. OFF. 636.22
 Smoke detectors - see B. & H. Ch. 1472
 Unsafe buildings - see B. & H. Ch. 1476

1490.01 TITLE, PURPOSE AND SCOPE.

(a) Title. This chapter shall be known as and may be cited as the "Building and Property Maintenance Code of the City", or just the "Building and Property Maintenance Code".

(b) Purpose and Scope. Within the scope of this chapter, the purposes of this chapter are to:

- (1) Establish minimum standards necessary to make all dwelling, accessory and commercial structures safe, sanitary, free from fire and health hazards, and beneficial to the public welfare;

- (2) Establish minimum standards governing the maintenance of all dwelling, accessory and commercial structures in such condition as will not constitute a blighting or deteriorating influence on the neighborhood and the community;
- (3) Protect property values and to maintain the character and appearance of the community and neighborhoods within the community;
- (4) Fix responsibilities for owners and occupants of dwelling, accessory and commercial structures with respect to sanitation, repair and maintenance;
- (5) Establish additional standards for multiple dwellings;
- (6) Authorize the inspection of dwelling, accessory and commercial structures and the premises thereof;
- (7) Establish enforcement procedures;
- (8) Authorize the vacation or condemnation of dwelling, accessory and commercial structures found unsafe or unfit for human habitation; and,
- (9) Fix penalties for violations.
(Ord. 54-97. Passed 12-9-97.)

1490.02 DEFINITIONS.

As used in this chapter:

- (a) "Code Official" means the Code Enforcement Officer, Assistant Code Enforcement Officer, Service Director, Chief Building Official, Zoning Officer, Mayor or other duly authorized representative of the City who is charged with the administration and enforcement of this Code.
- (b) "Communal kitchen" means a kitchen within a structure used by the occupants of more than one dwelling unit or shared or used by any person other than the members of one family.
- (c) "Dwelling structure" means a building or structure, or that part of a building or structure, used or designed or intended to be used, all or in part, for residential purposes.
- (d) "Dwelling" means a building consisting of one or more dwelling units as follows:
 - (1) Single-family dwelling, consisting of one dwelling unit only;
 - (2) Two-family dwelling, consisting of two dwelling units only; and,
 - (3) Multifamily dwellings, consisting of three or more dwelling units only.
- (e) "Dwelling unit" means a group of rooms arranged, maintained or designed to be occupied by a single family and shall consist of a complete bathroom with toilet, lavatory and tub or shower facilities and one, and one only, complete kitchen or kitchenette with cooking, refrigeration and sink facilities, and living and sleeping facilities, all of which are used exclusively by such family and by any authorized persons occupying such dwelling unit with such family. Where the required facilities for a dwelling unit are not contiguous, the Chief Building Official or Zoning Officer shall determine whether such facilities constitute a dwelling unit. The words "dwelling unit", "apartment" and "suite" shall be considered synonymous.
- (f) "Family" means a single individual living upon the premises as a separate housekeeping unit or a collective body of persons living together upon the premises as a single housekeeping unit in a domestic relationship based upon birth, marriage or other domestic bonds.

- (g) "Habitable room" means a room or enclosed floor space used or intended to be used for living, sleeping or eating purposes, excluding bathrooms, toilet rooms, laundries, pantries, dressing rooms, boiler rooms, basements and areas used for kitchen purposes. Wherever living, sleeping or eating space is included in a room or area also used for kitchen purposes, the Chief Building Official or Zoning Officer shall determine the portion of the floor area used for kitchen purposes and such portion, so determined, shall not constitute habitable floor area in determining the habitable floor area of a dwelling unit.
- (h) "Occupant" means any person living in, sleeping in, cooking or eating in, or having actual possession of, a dwelling unit or a room.
- (i) "Operator" means any person(s), lessee, agent, tenant, or other entity having management, charge, care or control of a structure or premises.
- (j) "Owner" means the owner or owners of a premises, including the holder of title thereto, subject to a contract of purchase, a vendee in possession, a mortgagee or receiver in possession, a lessee or joint lessee of the whole thereof, or any agent or any other person or fiduciary directly in control of the premises.
- (k) "Person" means an individual, corporation, partnership or any other group acting as a unit.
- (l) "Premises" means a lot, parcel or plot of land, including the buildings or structures thereon.
- (m) "Secondary, accessory, or appurtenant structure" means a structure the use of which is incidental or accessory to that of the principal structure and which is attached thereto or located on the same premises.
- (n) "Structure" means that which is built or constructed or a portion thereof.
- (o) "Supply" or "supplied" means paid for, furnished, provided by, or under the control of, the owner or operator.
- (p) "Commercial structure" means any structure or building other than a dwelling structure or structure accessory to a dwelling structure. This includes any building a part of which may be residential.
- (q) "Workmanlike manner" means work executed in a skilled manner; e.g., in conformance with generally accepted trade standards and is plumb, level, square, in line, undamaged, and installed without marring adjacent work. (Ord. 54-97. Passed 12-9-97.)

1490.03 BASIC STANDARDS FOR OCCUPANCY.

(a) Leasing for Occupancy; Restrictions. No owner shall rent or lease or offer for rental or lease any unit or structure, or any part thereof, which does not comply with the provisions of this chapter.

(b) Required Dwelling Unit Facilities. Every dwelling unit shall be provided with a kitchen sink installed in connection with the main cooking facilities of the dwelling unit. No such kitchen sink shall be placed within any water closet compartment or within any bathroom containing a water closet.

Communal kitchens are prohibited.

(c) Connection of Fixtures.

- (1) All plumbing fixtures in a structure shall be supplied with running water from the Municipal water system.
- (2) Every unit shall have a reasonable supply of running hot water properly connected to all plumbing fixtures requiring hot water.
- (3) All plumbing fixtures in a structure shall be so designed and installed as to prevent contamination of the water supply system.
(Ord. 54-97. Passed 12-9-97.)

1490.04 MAINTENANCE RESPONSIBILITIES.

The responsibilities for maintenance shall be as follows:

- (a) The owner or operator of every structure shall be responsible for the maintenance, good repair and safe condition of such as required by the provisions of this chapter. The owner or operator of every multiple dwelling or other structure with shared or common areas shall also be responsible for the maintenance of these shared or common areas in a clean, safe and sanitary condition.
- (b) The occupant of any structure or part thereof shall be responsible for maintaining in a clean and sanitary condition that part of the dwelling unit, dwelling structure or premises which he occupies and controls. In addition, such occupant shall be responsible for maintaining in good and safe working order the equipment and appliances which he owns.
(Ord. 54-97. Passed 12-9-97.)

1490.05 JANITOR, CUSTODIAN OR AGENT.

For any multiple dwelling in which the owner thereof does not reside, there shall be designated by the owner, a janitor, custodian, agent, or other responsible person, who shall be considered the operator.
(Ord. 54-97. Passed 12-9-97.)

1490.06 GENERAL MAINTENANCE REQUIREMENTS.

- (a) All structures and all parts thereof, both exterior and interior, shall be maintained in good repair. All parts of a structure shall be capable of performing their intended function.
- (b) All equipment and facilities appurtenant to a structure shall be maintained in good, safe working order.
(Ord. 54-97. Passed 12-9-97.)

1490.07 MAINTENANCE OF FOUNDATIONS.

- (a) All foundations of every structure shall be maintained structurally sound and in good repair.
- (b) All openings into the foundation of every structure shall be protected against the entrance of rodents.
(Ord. 54-97. Passed 12-9-97.)

1490.08 MAINTENANCE OF ROOFS, GUTTERS, DOWNSPOUTS, AND CHIMNEYS.

(a) All roofs of every structure shall be maintained weathertight and shall be equipped with gutters and downspouts, in good repair, that are connected directly or indirectly to a public storm sewer. Stormwater discharge requirements may be altered if, in the opinion of the Service Director, the drainage does not cause excessive erosion or water damage or does not create a nuisance on public or private property. Any pipe carrying storm water drainage to a sanitary sewer is prohibited.

(b) All chimneys and chimney caps of every structure shall be maintained structurally sound, secure and in good repair; and free of deteriorated, loose, missing, or broken mortar, brick, block or other material.

(c) All roofs of every secondary or appurtenant structure exceeding 100 square feet of roof shall meet the standards of subsection (a) of this section.
(Ord. 54-97. Passed 12-9-97.)

1490.09 MAINTENANCE OF EXTERIORS OF STRUCTURES.

(a) All exterior parts of every structure, including exterior walls, parapet walls, decorative additions, chimneys and all other exterior structural members, either above or below the roof line, shall be maintained in a safe, weathertight condition.

(b) All missing, buckled, rotten, or deteriorated structural members including, but not limited to, walls, doors, windows, porches, floors, steps, ceilings, soffits, posts, sills and trim must be repaired or replaced in a workmanlike manner. All such replacements must be consistent with the original design of the structure and/or part thereof.

(c) Any structure whose exterior surface is bare, deteriorated, decaying, disintegrating, is weathered with dirt and grime or has been impaired through peeling or flaking of the paint or other protective coating shall be repaired or repainted or resurfaced as follows:

- (1) All exterior surfaces shall be replaced or repaired to a good condition preparatory to repainting or recoating.
- (2) All painting or resurfacing must match the existing exterior surface of the structure if not completely resurfaced and must be done in a workmanlike manner.

(d) All secondary, accessory or appurtenant structures such as sheds, garages, etc., shall be maintained in good repair and free from health, safety and fire hazards.

(e) Commercial Structures with Dwelling Space. Any commercial building which is partially a dwelling structure, such as apartments above or on the same floor as stores or offices, shall be subject to the same maintenance responsibility as pertains to dwelling structures, including any empty stores, apartments or buildings.

(f) Commercial Building Tenants. Maintenance responsibility of commercial building tenants shall be to keep the premises, which includes the public sidewalk, free and clear of all trash, litter, bottles, cans, obstructions, snow, ice, etc.
(Ord. 54-97. Passed 12-9-97.)

1490.10 DAMAGED STRUCTURES.

All structures damaged by fire, explosion, weather or any other cause must be repaired and returned to their original intended use or made compatible with existing or neighboring buildings, or be razed. Work on such structures must be started within sixty (60) days unless given an extension of time by the Board of Zoning Appeals. (Exception: nonconforming structures. See Section 1264.04(e).)
(Ord. 54-97. Passed 12-9-97.)

1490.11 NUMBERING OF BUILDINGS.

(a) All residential structures and all commercial buildings within the City shall have designated street numbers, which numbers shall be assigned by the Building Department in accordance with the systems generally in effect and established for all of the County and heretofore used in the City, which system utilizes High Street and Broad Street in the City of Columbus as the lines of reference and provides that the numbers on the streets parallel thereto be dependent on the distance from the reference lines.

(b) Building numbers previously assigned and designated for existing residential and commercial structures within the City shall be certified as official and maintained as such on the records of the Building Department, and new numbers shall be certified and assigned for new construction at the time of the application for a building permit.

(c) The owner, agent, lessee, occupant or other person having control of any building in the City upon a street to which numbers of buildings have been assigned shall cause the certified house number to be placed and continuously maintained on the fanlight, transom, door, entrance, steps or other conspicuous place on the front of such building in such a manner that the number may at all times be legible and visible from the street pavement in front of such building. If the building numbers are not visible from the street pavement in front of such building due to landscaping, building setback distance, other structures or for any other reason the number shall also be conspicuously displayed at or near the walk, the driveway or the common entrance to such building so as to be legible and visible from the street pavement. As used in this section, "front" means that side of the building which faces the street to which the designated building number has been assigned, and that the building number shall be displayed on such side of the building. Any residential or commercial structure which abuts an alley or similar right of way to the rear of its premises shall also display in a clear and visible manner the certified building number in Arabic numerals of not less than the size required by this Code at the rear of the structure closest to the alley or right of way.

(d) All residential building numbers shall be Arabic numerals, not less than four (4) inches in height and the color of the numbers shall contrast with the color of the surface on which they are mounted, applied or appear. Internally luminated numbers or other numbers of an architectural nature shall require approval by the Architectural Review Board. The owner, agent, lessee, occupant or other person having control of such building may post additional sets of building numbers in other locations or in another manner such as in script, provided that one (1) set at the front and one set at the rear, if required, complies with the provisions of this chapter.

(e) All commercial building numbers shall be Arabic numerals, shall be not less than six (6) inches in height and the color of the numbers shall contrast with the color of the surface on which they are mounted, applied or appear. Internally luminated numbers or other numbers of an architectural nature shall require approval by the Main Street Redevelopment Commission. The owner, agent, lessee, occupant or other person having control of such building may post additional sets of building numbers in other locations or in another manner such as in script, provided that one (1) set at the front and one set at the rear, if required, complies with the provisions of this chapter.

(f) No person shall place or retain on any building any number other than the one duly assigned if such additional number could reasonably be mistaken for the assigned street number. (Ord. 21-04. Passed 4-13-04.)

1490.12 INFESTATION.

(a) All structures and the premises thereof shall be maintained free from sources of breeding, harborage and infestation by insects, vermin or rodents. Rat screening shall be required on all structures that do not rest on a full foundation.

(b) All firewood shall be stored and stacked neatly.
(Ord. 54-97. Passed 12-9-97.)

1490.13 EXTERIOR PROPERTY AREAS.

No owner or occupant of any premises shall maintain or permit to be maintained the exterior property areas of such premises in a condition that deteriorates or debases the appearance of the neighborhood, reduces property values in the neighborhood, adversely alters the appearance and general character of the neighborhood, creates a fire, safety or health hazard or is a public nuisance. Such violations include, but are not limited to the following:

- (a) Broken or dilapidated fences, walls or other structures;
- (b) Broken, uneven or improperly maintained walks or driveways;
- (c) Driveways or driveway aprons having loose stones, gravel or other material spilling onto any public right-of-way;
- (d) Motor vehicles, trailers, boats and/or other motorized vehicles parked in grass or upon any premises except upon driveways, parking lots, in garages or on areas improved for vehicular use and in accordance with zoning regulations.
- (e) The storage of building materials or materials such as earth, sand or dirt upon any premises when such materials are not intended for current use on the property on which they are located.
- (f) Out of use or nonusable appliances or automobile parts.
- (g) Rugs, rags or other materials hung on lines or in other places on such premises in such a manner or for such period of time as to be unsightly or offensive; broken, dilapidated or unusable furniture or the outdoor use of furniture intended for indoor use, mattresses or other household furnishings; plastic materials, paints, miscellaneous coverings and/or any other materials, including those described in this section, placed at or on the premises in such a manner as to be unsightly, grotesque or offensive.
- (h) Improperly disposed of materials, materials collected for salvage, unkempt garbage, trash, litter, and yard waste including brush, tree limbs, leaves and weeds. Improperly disposed of materials include those materials set out for collection by the City's waste hauler that do not meet the waste hauler's guidelines for collection or in accordance with the regulations set forth in Chapter 1060.

(Ord. 54-97. Passed 12-9-97.)

1490.14 DUTIES AND POWERS OF CODE OFFICIAL.

(a) All Code Officials are hereby authorized to make, or cause to be made, inspections of all structures and premises to determine whether such structures and premises conform to the provisions of this chapter.

(b) All Code Officials shall be supplied with official identification and shall show such identification when entering any structure or premises.

(c) All Code Officials shall have the right of entry to any structure or premises or any part thereof for the purpose of conducting an inspection pursuant to the regulations and requirements of this Code.

(d) Rules and Regulations: Existing Codes. The Code Official is hereby authorized to adopt such written rules and regulations as may be necessary for the proper interpretation and enforcement of this chapter.
(Ord. 54-97. Passed 12-9-97.)

1490.15 NOTICES, ORDERS AND ENFORCEMENT PROCEDURES.

(a) Notices; Method of Service. Whenever a Code Official finds any structure or premises, or any part thereof, to be in violation of this chapter, the Code Official shall give or cause to be given, by regular mail, to the owner, operator or occupant of such structure or premises a written notice stating the violations therein. Such notice shall order the owner, operator or occupant, within a stated time, to repair, remove, improve, or vacate the structure or premises to which it relates.

(1) If the owner, operator or occupant to whom a violation notice is addressed cannot be found within the City after a reasonable and diligent search, then such notice shall be posted in a conspicuous place on the structure or premises to which it relates. Such posting shall be deemed legal service of notice.

(b) Notice to Remove.

(1) A Code Official shall cause a written notice to remove to be served by regular mail or personal service upon the owner, operator or occupant of those premises in violation of Section 1490.13(e), (f), (g) and (h). Such notice shall order the owner, operator or occupant to remove the articles in violation within the stated time as designated in the notice.

(2) If the owner, operator or occupant to whom a notice to remove is directed fails, neglects or refuses to comply with the requirements of the notice, the Code Official shall cause such articles and/or materials to be removed from the premises and may employ the necessary labor to perform such task.

(3) Upon the performance of such labor, the Code Official shall issue, by regular mail or by personal service, a report of the costs thereof to the owner, operator or occupant of such premises. The cost of removing the articles in violation, which includes a charge for the use of equipment, transportation, removal/hauling, operator's fee and/or other fees incurred by the City for the performance of labor shall be:

- A. All direct costs for the removal of such items; plus,
- B. An administrative fee.

- (4) In the event that the owner, operator, or occupant fails to pay such expenses within thirty (30) days after being notified in writing, by regular mail, of the amount thereof by the Code Official, the expenses set forth in subsection (b)(3) hereof may be collected using one or more of the following methods, provided that the expenses may only be collected once:
- A. Such expenses may be certified by City Council to the County Auditor and placed upon the tax duplicate for collection as a special assessment; or,
 - B. The City Attorney is authorized to bring suit and take other necessary legal action to collect all such expenses.

(c) Notice to Vacate. A notice to vacate shall be issued in accordance with subsection (a) hereof whenever a structure or premises is found to be unsanitary, unsafe or otherwise unfit for human habitation. A structure shall be declared unfit for human habitation when it is found to be vermin or rat infested, lacking sanitary cooking, bathing or toilet facilities, lacking heat and/or water supplies, containing filth or an accumulation of garbage, rubbish or debris and/or any other condition that may be harmful or injurious to the owner, operator, occupant or public.

- (1) Whenever the owner, operator or occupant of a structure fails, neglects, or refuses to comply with a notice to vacate, the Code Official may request the court to enforce the orders of such notice of vacation and cause the structure or a part thereof, to be vacated in accordance with the terms of such notice.
- (2) Cases of emergency. Whenever the condition of a structure or premises, or a part thereof, constitutes an immediate hazard to human life or health, the Code Official shall declare a case of emergency and shall order immediate vacation of the structure or premises, or part thereof.
- (3) Placards. Whenever the Code Official orders a structure or premises, or a part thereof, to be vacated, the Code Official shall cause to be posted at each entrance of the structure or premises, or part thereof, a placard ordering such vacation. No person shall deface or remove such placard until the repairs or demolition are completed, without the permission of the Code Official.
No person shall enter or use any structure or premises so placarded except for the purpose of making the required repairs or demolishing such structure or premises.
(Ord. 54-97. Passed 12-9-97.)

1490.16 RIGHT OF APPEAL.

The owner, operator or occupant of any structure or premises shall have the right of appeal to the Board of Zoning Appeals concerning any compliance order or written notice issued by a Code Official. The appeal must be filed within seven (7) days from the date such notice was delivered, posted or otherwise received. Such appeal must be in writing and based only on a claim that the true intent of the Code had been incorrectly interpreted. Failure to file a written appeal with the Board within the time prescribed herein shall constitute a waiver of the right to an appeal. The Board will hear the appeal at its next regular or special meeting. This section does not apply to cases of emergency.
(Ord. 54-97. Passed 12-9-97.)

1490.17 VIOLATIONS; EQUITABLE REMEDIES.

(a) No person shall violate or fail to comply with any of the provisions of this chapter or with any rule or regulation promulgated hereunder or with any written notice or written order issued thereunder, or interfere with, obstruct or hinder the Code Official, while attempting to make an inspection pursuant to this chapter.

(b) The imposition of any penalty shall not preclude the City Attorney from instituting an appropriate action or proceeding in a court of proper jurisdiction to restrain, correct or abate a violation, or to prevent the occupancy of a building, structure or premises, or to require compliance with the provisions of this chapter, or other applicable laws, ordinances, rules or regulations or the orders or determinations of the Code Official or the Board of Zoning Appeals.
(Ord. 54-97. Passed 12-9-97.)

1490.99 PENALTY.

(EDITOR'S NOTE: See Section 1430.99 for general Building and Housing Code penalty if no specific penalty is provided.)

CHAPTER 1492
Vegetation/Weed Control

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|---------|-----------------------------------|---------|---|
| 1492.01 | Vegetation/weed control required. | 1492.03 | Noncompliance. |
| 1492.02 | Notice to cut and destroy. | 1492.04 | Costs; responsibility of owner, operator or occupant. |

CROSS REFERENCES

Statutory provisions - see Ohio R.C. 731.51 et seq.
Destruction of weeds - see Ohio R.C. 971.33 et seq.
Noxious weeds - see OAC Ch. 901:5-31

1492.01 VEGETATION/WEED CONTROL REQUIRED.

(a) No owner or occupant having charge or control of a premises in the City shall permit noxious or rank vegetation/weeds to grow thereon, constituting a nuisance or danger to public health and safety.

(b) "Noxious vegetation/weeds" are defined to include, but are not limited to, thistle, burdock, jimson weed, ragweed, milkweed, mullein, poison ivy, poison oak and poison sumac. Vegetation of rank growth includes, but is not limited to grass/lawn areas that exceed eight inches in height and bushes, shrubs, flowers, trees, branches and limbs that extend into or overhang the public right-of-way. Such vegetation shall constitute a public nuisance or danger to public health and safety.
(Ord. 54-97. Passed 12-9-97.)

1492.02 NOTICE TO CUT AND DESTROY.

The Code Official shall cause written notice to be served by regular mail upon the owner, operator or occupant of such premises in violation of Section 1492.01, notifying them that the noxious and/or rank vegetation/weeds be cut within seven (7) days of the notice and that the premises be maintained in accordance with this chapter. If the address of such owner, operator or occupant is unknown, it shall be sufficient to post notice once on the property.
(Ord. 54-97. Passed 12-9-97.)

1492.03 NONCOMPLIANCE.

Upon failure of any owner, operator or occupant of such premises to comply with the notice stipulated under the provisions of Section 1492.02, the Code Official shall cause such vegetation, weeds and/or otherwise abated by the City.
(Ord. 54-97. Passed 12-9-97.)

1492.04 COSTS; RESPONSIBILITY OF OWNER, OPERATOR OR OCCUPANT.

(a) Upon the performance of the labor under Section 1492.02, the Code Official shall issue, by regular mail, a report of the cost thereof to the owner, operator or occupant of such premises. The cost of cutting, which shall include a charge for the use of equipment, transportation, removal/hauling, operator's fee and/or other fees incurred by the City for the performance of labor shall be:

- (1) All direct costs for the cutting of such premises; plus,
- (2) An administrative fee.

(b) In the event that the owner, operator or occupant fails to pay such expenses within thirty (30) days after being notified in writing, by regular mail, of the amount thereof by the Code Official, the expenses set forth in subsection (a) may be collected using one or more of the following methods, provided that the expenses may only be collected once:

- (1) Such expenses may be certified by City Council to the County Auditor and placed upon the tax duplicate for collection as a special assessment;
or,
- (2) The City Attorney is authorized to bring suit and take other necessary legal action to collect all such expenses.
(Ord. 54-97. Passed 12-9-97.)