

TITLE ONE - General Standards

- Chap. 1301. Ohio Building Code.
- Chap. 1303. Residential Code of Ohio.
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- Chap. 1308. Ohio Mechanical Code.

CHAPTER 1301

Ohio Building Code

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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

1301.01 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 January 1, 2016, as amended to date, and as identified and published in Division 4101:1 et seq. of the Ohio Administrative Code (OAC).

1301.02 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 114 of the Ohio Building Code shall be constructed and installed in accordance with such approval.

(OBC 101.3)

1301.03 SCOPE.

(a) Application and Compliance. The provisions of the Ohio Building Code, the Ohio Mechanical Code and the Ohio Plumbing 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 102.9 of the Ohio Building Code.

This Building Code applies to detached one-, two-, and three-family dwellings and structures accessory to those dwellings only to the extent indicated in Section 310 of this Building Code.

(b) Exceptions.

- (1) Detached one-, two-, or three-family dwellings, structures accessory to those dwellings, or those single family dwellings with five or fewer persons receiving care in a supervised environment but capable of self-preservation with or without limited verbal or physical assistance are within the scope of the “Residential Code of Ohio for One-, Two-, or Three-Family Dwellings”;
- (2) Buildings owned by and used for a function of the United States Government;
- (3) Buildings or structures which are incident to the use for agricultural purposes of the land on which said buildings or structures are located, provided such buildings or structures are not used in the business of retail trade; for the purposes of this section, a building or structure is not considered used in the business of retail trade if fifty percent or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller (see Ohio R.C. 3781.06 and 3781.061);
- (4) Agricultural labor camps;
- (5) Type A or Type B family day-care homes, except for the inspection required for licensure by the Ohio Department of Jobs and Family Services (ODJFS). This required inspection shall be conducted by the certified building department having jurisdiction or the Division of Industrial Compliance and Labor in accordance with the inspection checklist found on the Board of Building Standard’s website;
- (6) 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.
- (7) Manufactured homes constructed under “24 CFR Part 3280”, “Manufactured Home Construction and Safety Standards” and within the scope of the rules adopted by the Ohio Manufactured Home Commission, including additions, alterations and all utility connections from the utility service point to the manufactured home. This exception does not apply to changes of occupancy of manufactured homes, except that a manufactured home located within a manufactured home park and used by the park operator to promote the sale/rental of manufactured homes in that part remains exempt.
- (8) Sewerage systems, treatment works, and disposal systems (the tanks, piping and process equipment associated with these systems), regulated by the legislative authority of a municipal corporation or the governing board of a county or special district owning or operating a publicly owned treatment works or sewerage system as stated in division (A) of Ohio R.C. 6111.032, however a building that houses such process equipment is within the scope of this Code.
- (9) Building sewer piping.
- (10) Amusement rides and portable electric generators and wiring supplying carnival and amusement park rides regulated by the Ohio Department of Agriculture pursuant to Ohio R.C. 1711.50 et seq.
- (11) Structures on the premises of and directly related to the operation of a generating plant defined as a major utility facility regulated by the Power Siting Board, including the structures associated with generation, transmission, and distribution. As a condition of the Power Siting Board’s approval, the Building Department may be requested to review and inspect these structures for compliance with the rules of the Board of Building Standards. However, the Building Department has no enforcement authority.
- (12) Structures associated with pipelines used for the transmission of natural gas and other hydrocarbons.
- (13) Public water systems (the tanks, foundations, piping and process equipment associated with these systems) regulated by the Ohio Environmental Protection Agency in accordance with division (A) of Ohio R.C. 6109.07, however, a building that houses such process equipment is within the scope of this Code.
- (14) Private water systems (the tanks, foundations, piping and process equipment associated with these systems) regulated by the Ohio Department of Health in accordance with Ohio R.C. 3701.344, however, a building that houses such process equipment is within the scope of this Code.
- (15) Fixed or floating docks (including the electrical wiring, lighting, and fire protection systems serving the docks) at marinas or boatyards, unless the docks directly serve as a means of egress from, or an accessible route to, a regulated building located at the marina or boatyard.
- (16) Portable mobile vehicles which have been issued a Vehicle Identification Number (VIN) by the United States Department of Transportation. The vehicles have wheels and license plates and are intended for transportation on the public streets and highways. Examples of the exempt vehicles include, but are not limited to, recreational vehicles, book mobiles, blood mobiles, mobile medical imaging units, mobile concession trailers, network television transmission and production trailers used at sporting events, mobile restroom facilities, mobile pet grooming units, etc.
- (17) Wind turbines, pumps, site lighting, and flagpoles not connected to building services equipment.
- (18) Mine elevator shafts and structures.
- (19) Ground signs.
- (20) Oil or gas beam pumping units and derricks.
- (21) Bungee jumping and zip line structures, and miniature golf courses.
- (22) Retaining walls, bridges, walkways or stairs not associated with a building or building egress. (OBC 101.2)

1301.04 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)

1301.05 EXISTING STRUCTURES.

The provisions of Chapter 34 of the Ohio Building Code shall control the alteration, repair, addition, maintenance 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 there are no orders of the Building Official pending, no evidence of fraud, or no serious safety or sanitation hazard. When requested, such approvals shall be in the form of a "Certificate of Occupancy for an Existing Building" in accordance with Section 111.2 of the Ohio Building Code.

Buildings constructed in accordance with plans which have been approved prior to the effective date of this Code are existing buildings.

(OBC 102.7)

1301.06 ORDERS AND VIOLATIONS.

(a) Adjudication Orders Required. When the Building Official denies any approval or takes action in response to findings of non-compliance with the rules of the Board, such action shall be initiated by issuing an adjudication order, prior to seeking any remedy, civil or criminal. Every adjudication order shall:

- (1) Clearly identify the section of law or rules violated.
- (2) Clearly identify, in a contrasting and obviously marked manner, all violations related to accessibility.
- (3) Specifically indicate which detail, installation, site preparation, material, appliance, device, addition, alteration to structures, construction documents, assemblages or procedures are necessary to change to comply with the order.
- (4) When issued to stop work, the order shall also clearly indicate the specific work that is required to cease, when the work must cease and the conditions under which the cited work will be permitted to resume. The order to stop work shall be given to the owner of the property involved, to the owner's agent and the person doing the work.
- (5) Include notice of the procedure for appeal and right to a hearing if requested within thirty days of the mailing of the order. The order shall also indicate that, at the hearing, the owner may be represented by counsel, present arguments or contentions orally or in writing, and present evidence and examine witnesses appearing for or against the owner.
- (6) Any hearing(s) scheduled for accessibility issues shall cause the Building Official or the appeals board to notify a local advocate organization for people with disabilities of the scheduled hearing. When a local advocate organization is not available, a state organization representing people with disabilities, such as the "Governor's Council on People with Disabilities" shall be notified.
- (7) Specify a reasonable period of time in which to bring the item(s) on the order into compliance.
- (8) Include the signature of the Building Official.
- (9) The order shall be sent to the owner and the owner's representatives.

(b) Response to Orders. The person receiving an order shall exercise their right to appeal within 30 days of the mailing of the order, comply with the order, or otherwise be released from the order by the Building Official.

(c) Prosecution and Penalties. When an owner fails to comply with subsection (b) hereof, the owner may be prosecuted and is subject to the penalty provided in Section 1301.99.

(d) Unlawful Continuance. Failure to cease work after receipt of an order to stop work is hereby declared a public nuisance. (OBC 109)

1301.07 UNSAFE BUILDINGS.

(a) Unsafe Buildings Defined. Structures or existing equipment that are unsafe or unsanitary due to inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life, shall be deemed a serious hazard. Where a building is found to be a serious hazard, such hazard shall be eliminated or the building shall be vacated, and where such building, when vacated, remains a serious hazard, it shall be razed.

(b) Orders, Injunction Proceedings. Where the Building Official finds that a building is a serious hazard and the owner of such building fails, in the time specified in an order from the Building Official, to eliminate such hazard, or to vacate or raze the building, the building official shall proceed under Ohio R.C. 3781.15.

(c) Restoration. Where the structure or equipment is determined to be unsafe by the Building Official, it is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are intended to be made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with Chapters 1 and 34 of the Ohio Building Code and this chapter.

(OBC 109)

1301.08 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 may make further and additional regulations, not in conflict with Ohio R.C. Chapters 3781 and 3791 or with the rules of the Board of Building Standards. However 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.

(c) Other Rules. As provided in division (B) of Ohio R.C. 3781.11, the rules of the Board of Building Standards shall supersede and govern any order, standard or rule of the Divisions of State Fire Marshal or Industrial Compliance in the Department of Commerce, and the 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 Ohio R.C. Chapter 3743 prevail in the event of a conflict.

There may be other requirements owners may be required to meet as set forth by other licensing agencies such as the Ohio State Fire Marshal, Ohio Department of Health, the Ohio Department of Jobs and Family Services, Ohio Department of Mental Health and Addiction Services, Ohio Department of Developmental Disabilities, federal agencies, or other licensing authorities. Owners and designers should investigate these additional licensing agency requirements to ensure they are incorporated into the building design before submitting to the certified building department for plan approval.

The rules of the Board of Building Standards adopted pursuant to Ohio R.C. 3781.10 shall govern any rule or standard adopted by the Board pursuant to Ohio R.C. 4104.02 and 4105.011.

(OBC 102)

1301.09 ENFORCEMENT.

(a) Building Official. The Building Official is responsible for the enforcement of the rules of the Board and of Ohio R.C. Chapters 3781 and 3791 relating to the construction, arrangement, and the erection of buildings or parts thereof. All building officials shall conduct themselves in a professional, courteous, impartial, responsive, and cooperative manner. The Building Official shall render interpretations of this 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. Building Officials shall be responsible to assure that a system is in place to track and audit all projects, to assure that all Building Department personnel perform their duties in accordance with this section, and for the overall administration of a Building Department as follows:

(b) Applications and Plan Approvals. The Building Official shall receive applications, require or cause the submitted construction documents to be examined, ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this Ohio Building Code, and shall issue plan approvals for the construction, erection, alteration, demolition and moving of buildings and structures. The Building Official shall require a master plans examiner or elective plans examiners to examine the construction documents to verify the construction indicated is in accordance with the requirements of this Code and shall assure coordination of plan review.

(c) Plan Examination by the Building Official. When the Building Department does not have in its full-time employ a certified master plans examiner, the certified Building Official shall examine construction documents to determine compliance with the rules of the Board if the registered design professional elects to submit construction documents that contain a written certification by the registered design professional indicating conformance with the requirements of the rules of the Board and Ohio R.C. Chapters 3781 and 3791.

(d) Orders. The Building Official shall issue all orders in accordance with Section 1301.06 to ensure compliance with the Ohio Building Code.

(e) Inspections.

(1) 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 108 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 construction documents. The Building Official shall identify any special conditions that would affect the timing of inspections and schedule inspections times mutually agreed upon by the Building Official and the owner.

(2) Special inspections are as required under Section 1704 of the Ohio Building Code.

(f) Department Records. The Building Official shall keep official records of applications received, certificate of plan approvals issued, notices and orders issued, certificates of occupancy, certificates of completion 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.

(g) Department Reports. The Building Official shall be responsible for the submission of reports and any requested special information to the Board of Building Standards as required in paragraph (F) of Rule 4101: 7-2-01 of the Administrative Code. Failure to submit these reports as required by rule or by special request or inquiry of the Board of Building Standards may be grounds for Board action as described in paragraph (F)(7) of Rule 4101:7-3-01 of the Administrative Code.

(h) Liability. Liability of certified Building Department personnel for any tortious act will be determined by Ohio courts to the applicable provisions of Ohio R.C. Chapter 2744.

(OBC 104)

1301.99 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.

CHAPTER 1303

Residential Code of Ohio

1303.01 Adoption.

CROSS REFERENCES

Adoption by reference - see Ohio R.C. 731.231

1303.01 ADOPTION.

(a) Ohio Administrative Code 4101:8-1 Residential Code of Ohio for One, Two and Three-Family Dwellings as promulgated by the Ohio Board of Building Standards as it may be updated from time to time, shall apply and be enforced within the City of Berea, Ohio.

(b) This section shall be in full force and effect from and after the earliest period permitted by law following promulgated of the Residential Code of Ohio for One, Two and Three- Family Dwellings by the Board of Building Standards through the certification process, adoption and effective date of certification issued by the Ohio Board of Building Standards.

(Ord. 2014-27. Passed 4-7-14.)

CHAPTER 1305

National Electrical Code

1305.01 Code adopted.

1305.02 Conflict of laws.

1305.03 Inspection copies.

1305.99 Penalty.

CROSS REFERENCES

Adoption of technical codes - see Ohio R.C. 731.231

Electrical permit and inspection fees - see BLDG. 1311.03

1305.01 CODE ADOPTED.

(a) Ohio Administrative Code 4101:35-1-The National Electric Code as promulgated by the Ohio Board of Building Standards, and as the same is updated from time to time, shall apply and be enforced within the City of Berea, Ohio.

(b) This section shall be in full force and effect from and after the earliest period permitted by law following promulgated of the National Electric Code by the Board of Building Standards through the certification process, adoption and effective date of certification issued by the Ohio Board of Building Standards. (Ord. 2014-24. Passed 4-7-14.)

1305.02 CONFLICT OF LAWS.

In the event of any conflict between the provisions of the National Electrical Code adopted herein and the provisions of any other City ordinance, that provision which establishes the higher or stricter standard shall prevail.

1305.03 INSPECTION COPIES.

Copies of the National Electrical Code adopted herein are on file with the Building Inspector for inspection by the public. The Building Inspector also has copies available for distribution to the public at cost.

1305.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree.

CHAPTER 1307

Ohio Plumbing Code

1307.01 Code adopted.

1307.02 Conflict of laws.

1307.03 Inspection copies.

1307.99 Penalty.

CROSS REFERENCES

Adoption of technical codes - see Ohio R.C. 731.231

Plumbing fees - see BLDG. 1311.04

1307.01 CODE ADOPTED.

(a) Ohio Administrative Code 4101:35-1- The Ohio Plumbing Code as promulgated by the Ohio Board of Building Standards, as the same is updated from time to time, shall apply and be enforced within the City of Berea, Ohio.

(b) This section shall be in full force and effect from and after the earliest period permitted by law following promulgated of the Ohio Plumbing Code by the Board of Building Standards through the certification process, adoption and effective date of certification issued by the Ohio Board of Building Standards. (Ord. 2014-25. Passed 4-7-14.)

1307.02 CONFLICT OF LAWS.

In the event of any conflict between the provisions of the Ohio Plumbing Code adopted herein and the provisions of any other City ordinance, that provision which establishes the higher or stricter standard shall prevail.

1307.03 INSPECTION COPIES.

Copies of the Ohio Plumbing Code adopted herein are on file with the Building Inspector for inspection by the public. The Building Inspector also has copies available for distribution to the public at cost.

1307.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree.

CHAPTER 1308

Ohio Mechanical Code

1308.01 Adoption.

CROSS REFERENCES

Adoption by reference - see Ohio R.C. 731.231

1308.01 ADOPTION.

(a) Ohio Administrative Code 4101:2-1-The Ohio Mechanical Code as promulgated by the Ohio Board of Building Standards, shall apply and be enforced within the City of Berea, Ohio.

(b) This section shall be in full force and effect from and after the earliest period permitted by law following promulgated of the Ohio Mechanical Code by the Board of Building Standards through the certification process, adoption and effective date of certification issued by the Ohio Board of Building Standards.

(Ord. 2014-26. Passed 4-7-14.)