

**ORDINANCE NO. 2023 - 38**

**AN ORDINANCE AMENDING CHAPTER 1303 OF THE PARMA HEIGHTS  
CODIFIED ORDINANCES TO PROVIDE FOR ADOPTION OF THE OHIO BUILDING  
CODE, AS MAY BE AMENDED BY THE STATE OF OHIO FROM TIME TO TIME,  
AND DECLARING AN EMERGENCY**

**WHEREAS**, the Director of Public Service and Chief Building Official recommend that Chapter 1303 of the City of Parma Heights Codified Ordinances be updated and amended, in part, to refer to, adopt, and incorporate the Ohio Building Code (OBC), as may be amended by the State of Ohio, Board of Building Standards, from time to time; and


**WHEREAS**, Ohio Revised Code Section 731.231 grants the City full authority to adopt, enforce, and incorporate by reference the Ohio Building Code.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Parma Heights, County of Cuyahoga, and State of Ohio:

Section 1: That Chapter 1303 of the Codified Ordinances shall be amended and, as amended, shall henceforth read as shown by edits set forth in Exhibit "A", which is attached hereto and incorporated by reference.

Section 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meeting open to the public, in compliance with the law.

Section 3: This Council declares this Ordinance to be an emergency measure for the immediate preservation of the public health, peace, and safety of this Municipality, and for further reason that it is necessary to update building standards to code within the Municipality as soon as possible; wherefore, it shall be in full force and effect immediately after its passage by council and approval by the Mayor.

PASSED:	<u>June 26, 2023</u>	 PRESIDENT OF COUNCIL PRO TEM
ATTEST:	<u>Barbara Allen</u> CLERK OF COUNCIL	<u>June 26, 2023</u> APPROVED
FILED WITH THE MAYOR:	<u>June 26, 2023</u>	<u>Marie Gallo</u> MAYOR MARIE GALLO

## EXHIBIT A

### **CHAPTER 1303 Ohio Basic Building Code**

- 1303.01 ~~1998 edition~~ Ohio Building Code adopted.
- 1303.02 ~~Purpose~~ Ohio Mechanical Code adopted.
- 1303.03 ~~Application~~ Ohio Plumbing Code adopted.
- 1303.04 Compliance; violations.
- 1303.05 ~~Change of use; maintenance.~~ (Repealed) (Reserved)
- 1303.06 ~~Enforcement.~~ (Reserved)
- 1303.07 File and distribution copies.
- 1303.08 Conflict of laws.
- 1303.09 Amendments.
- 1303.99 Penalty; equitable remedies.

#### CROSS REFERENCES

See section 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

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, 3781.061, 3781.10(A), 3781.11(A)

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

Use of public buildings by handicapped persons - see Ohio R.C. 3781.111

Energy conservation - see Ohio R.C. 3781.181

Submission of plans - see Ohio R.C. 3791.04

Abandoned service stations - see Ohio R.C. 3791.11 et seq.

Safety standards for refuse containers - see Ohio R.C. 3791.21

Smoke detectors generally - see FIRE PREV. 1505.02 (BOCA F-510.0)

### **1303.01 ~~1998 EDITION~~ OHIO BUILDING CODE ADOPTED.**

~~Pursuant to Ohio R.C. 731.231, the City adopts, enforces, and incorporates herein by reference, there is hereby adopted by and for the Municipality, the Ohio Basic Building Code (OBBC), being particularly the 1998 edition thereof, as adopted by the Ohio Board of Building Standards, as may be amended by said Board from time to time, pursuant to Revised Code 3781.10 and 4104.43, Department of Industrial Relations, and as published in Division 4101:1 2 of the Ohio Administrative Code (OAC). save and except such portions thereof as may be hereinafter amended or deleted.~~

### **1303.02 PURPOSE OHIO MECHANICAL CODE ADOPTED.**

~~Pursuant to Ohio R.C. 731.231, the City adopts, enforces, and incorporates herein by reference, the Ohio Mechanical Code, as adopted by the Ohio Board of Building Standards, as may be amended by said Board from time to time, pursuant to Revised Code 3781.10, and as published in Division 4101:2 of the Ohio Administrative Code (OAC).~~

~~The purpose of the OBBC, as adopted in Section 1303.01, is to:~~

- ~~—(a) Provide uniform minimum standards and requirements for the erection, construction, repair, alteration and maintenance of buildings, including construction of industrialized units, such standards relating to the conservation of energy, safety and sanitation of buildings for their intended use and occupancy;~~
- ~~—(b) Formulate such standards and requirements, so far as is practical, in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability;~~
- ~~—(c) Permit, to the fullest extent feasible, the use of materials and technical methods, devices and improvements, including the use of industrialized units, which tend to reduce the cost of construction and erection without affecting minimum requirements for the health, safety and security of the occupants or users of buildings or industrialized units and without preferential treatment of types or classes of materials or products or methods of construction; and~~
- ~~—(d) Encourage, so far as may be practical, the standardization of construction practices, methods, equipment, material and techniques, including methods employed to produce industrialized units.~~

~~(OAC 4101:2-1-05)~~

### **1303.03 APPLICATION OHIO PLUMBING CODE ADOPTED.**

~~Pursuant to Ohio R.C. 731.231, the City adopts, enforces, and incorporates herein by reference, the Ohio Plumbing Code, as adopted by the Ohio Board of Building Standards, as may be amended by said Board from time to time, pursuant to Revised~~

Code 3781.10, and as published in Division 4101:3 of the Ohio Administrative Code (OAC).

The OBBC applies to all buildings except as follows:

- ~~—(a) Single family, two family and three family dwelling houses which are not constructed of industrialized units, except for the energy conservation provisions required in “Chapter 13, Energy Conservation” of the OBBC (see Ohio R.C. 3781.06, 3781.181 and 3781.182);~~
- ~~—(b) Buildings owned by and used for a function of the United States government;~~
- ~~—(c) Existing buildings where their location, parts, equipment and other items do not constitute a serious hazard, unless otherwise regulated by the provisions of “Chapter 34, Existing Structures” of the OBBC;~~
- ~~—(d) Buildings constructed in accordance with plans which have been approved prior to the effective date of the OBBC;~~
- ~~—(e) Buildings or structures which are incident to the use for agricultural purposes of the land on which said buildings or structures are located, provided such buildings or structures are not used in the business of retail trade. For the purposes of this section, a building or structure is not considered used in the business of retail trade if fifty percent or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller (see Ohio R.C. 3781.06 and 3781.061);~~
- ~~—(f) Agricultural labor camps as defined in Ohio R.C. 3733.41;~~
- ~~—(g) Single family, two family and three family detached dwelling houses for which applications have been submitted to the Ohio Director of Human Services pursuant to Ohio R.C. 5104.03 for the purposes of operating type A family day care homes as defined in Ohio R.C. 5104.01;~~
- ~~—(h) Buildings or structures which are designed, constructed and maintained in accordance with Federal standards and regulations and are used primarily for Federal and State military purposes where the U.S. Secretary of Defense, pursuant to 10 U.S.C. 2233(a)(1), (5) and (6) and 2237, has:
  - ~~—(1) Acquired, by purchase, lease or transfer, and constructs, expands, rehabilitates or corrects and equips, such buildings or structures as he or she determines to be necessary to carry out the purposes of Chapter 133 of the U.S.C.;~~
  - ~~—(2) Contributed to the State of Ohio such amounts for the acquisition, construction, expansion, rehabilitation and conversion by the State of Ohio of such additional buildings or structures as he or she determines to be required because of the failure of existing facilities to meet the purposes of Chapter 133 of the U.S.C.; or~~~~

~~— (3) Contributed to the State of Ohio such amounts for the construction, alteration or rehabilitation of arms storage rooms as he or she determines to be required to meet a change in U.S. Department of Defense standards relating to the safekeeping of arms.~~

~~(OAC 4101:2-1-09)~~

#### **1303.04 COMPLIANCE; VIOLATIONS.**

(a) No owner or any other person shall construct, erect, build or equip any building or structure to which the OBBC is applicable, or make any addition thereto or alteration thereof, except in the case of repairs or maintenance that does not affect the construction, sanitation, safety or any other vital feature of such building or structure, without complying with this chapter, Ohio R.C. Chapters 3781 and 3791 or the OBBC, or fail to comply with any lawful order issued pursuant thereto.

(ORC 3791.01, 3791.02)

(b) No architect, builder, engineer, plumber, carpenter, mason, contractor, subcontractor, foreman or employee shall violate or assist in violating any of the provisions of this chapter, Ohio R.C. Chapters 3781 and 3791 or the OBBC, or fail to comply with any lawful order issued pursuant thereto.

(ORC 3791.01, 3791.03)

(c) No owner or any other person shall proceed with the construction, erection, alteration or equipment of any building or structure to which the OBBC is applicable without complying with this chapter and the plan and specification submission and processing requirements of the Municipality and/or the OBBC and until plans or drawings, specifications and data have been approved or the industrialized unit has been inspected at the point of origin. (ORC 3791.04)

#### **1303.05 RESERVED CHANGE OF USE; MAINTENANCE. (REPEALED)**

~~— (EDITOR'S NOTE: Section 1303.05 was repealed as part of the 1995 updating and revision of these Codified Ordinances because substantially identical State law was repealed by the Ohio Board of Building Standards in the 1995 edition of the OBBC.)~~

#### **1303.06 ENFORCEMENT. (RESERVED).**

~~(a) When the Municipality finds that work or equipment is contrary to this chapter, approved plans therefore or the OBBC, notice in writing shall be sent to the owner of the building involved or his or her agent. The notice shall state where and in what respect the work or equipment does not conform to such lawful requirements and shall specify a reasonable period of time in which to conform. (OAC 4101:2-1-34)~~

~~(b) Prior to enforcement of Ohio R.C. Chapters 3781 and 3791, or any rules adopted pursuant thereto, including the OBBC, as adopted in Section 1303.01, by any remedy, civil or criminal, the Municipality shall issue an adjudication order within the meaning of Ohio R.C. 119.06 to 119.13 or a stop work order as provided in Section 4101:2-1-36 of the OAC.~~

~~—(c) Every adjudication order shall cite the law or rules directly involved and shall specify what appliances, site preparations, additions or alterations to structures, plans, materials, assemblages or procedures are necessary for the same to comply with Ohio R.C. Chapters 3781 and 3791 and/or any rules adopted pursuant thereto, including the provisions of the OBBC adopted in Section 1303.01.~~

~~—(d) The order shall include notice to the party of the procedure for appeal and right to a hearing if requested within thirty days of the mailing of the notice. The notice shall also inform the party that at the hearing he or she may be represented by counsel, present his or her arguments or contentions orally or in writing, and present evidence and examine witnesses appearing for or against him or her.~~

~~—(e) Upon the issuance of any order provided for herein or in Section 4101:2-1-36 of the OAC, the person receiving such order shall cease work upon the site preparations or structure to be constructed, or, in the case of an industrialized unit, the installation of the unit, or shall cease using the appliance, materials, assemblages or manufactured product identified in the order until such time as the appeal provided for in accordance with the provisions of Ohio R.C. 3781.19, and all appeals from such hearing, have been completed, or the order herein has been released. (OAC 4101:2-1-35)~~

~~—(f) Failure to cease work after receipt of a stop work order as provided in Section 4101:2-1-36 of the OAC is hereby declared to be a public nuisance.~~

~~(OAC 4101:2-1-36)~~

### **1303.07 FILE AND DISTRIBUTION COPIES.**

At least one copy of the OBBC, as adopted in Section 1303.01, is on file with Clerk of Council for inspection by the public. At least one copy of such Code is also on file in the Cuyahoga County Law Library. In addition, the Clerk of Council shall keep copies of such Code available for distribution to the public at cost.

### **1303.08 CONFLICT OF LAWS.**

(a) Whenever a provision of the OBBC, as adopted in Section 1303.01, 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 OBBC 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(B))

(b) Whenever a provision of the OBBC, as adopted in Section 1303.01, conflicts with a provision of any other standard technical code adopted by the Municipality, other than as provided in subsection (a) hereof, or any ordinance, resolution, rule or regulation of Council, the stricter standard shall prevail.

(c) When a special provision is made in a use group classification of the OBBC and is inconsistent with a general provision of the OBBC relating to buildings generally, the special provision governs, unless it appears that the provisions are cumulative.

(OAC 4101:2-1-07)

### **1303.09 AMENDMENTS.**

The Ohio Basic Building Code adopted in Section 1303.01 is hereby amended as follows:

#### OBC SECTION 109.3 PROSECUTION AND PENALTIES. (Amended)

When an owner fails to comply with Section 109.2, the owner may be prosecuted and is subject to a fine of not more than five hundred dollars as provided for in Section 3791.04 of the Revised Code criminal penalties shall be imposed pursuant to Section 1303.99 herein.

#### OBC SECTION 110.1 HEARING AND RIGHT OF APPEAL, PARMA HEIGHTS LOCAL BOARD OF ZONING BUILDING APPEALS. (Amended)

In order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be a local appeals process established within the certified jurisdiction. Adjudication hearings shall be in accordance with sections 119.09 to 119.13 of the Revised Code, as required by section 3781.031 of the Revised Code.

~~Adjudication hearings shall be in accordance with sections 119.09 to 119.13 of the Revised Code, as required by section 3781.031 of the Revised Code, and the following:~~

~~1. Requests for hearing shall be within thirty days of the mailing date of an adjudication order. The local board shall schedule a hearing and notify the party. If the hearing concerns section 3781.111 of the Revised Code or rules adopted thereunder, reasonable notice of time, date, place, and subject of the hearing shall be given to any local organization composed of or representing persons with disabilities, as defined in section 3781.111 of the Revised Code, or if there is no local organization, then to any statewide organization composed of or representing persons with disabilities.~~

~~1.1 For purposes of conducting adjudication hearings, the local board may require attendance of witnesses, production of records and papers, and may take depositions of witnesses in accordance with section 119.09 of the Revised Code.~~

~~1.2 Testimony shall be under oath and, as outlined in section 109.1, a stenographic or mechanical record of testimony and other evidence submitted shall be taken at the expense of the local board of building appeals.~~

~~1.3 The local board may postpone or continue any adjudication hearing on its own motion or upon the application of any party.~~

~~1.4 The board shall keep a full and complete record of all proceedings which shall be open to public inspection.~~

~~2. The Board shall render its decision within thirty days after the hearing.~~

~~3. Following the hearing, an order shall be entered on its journal, and the local board shall serve by certified mail, return receipt requested, upon the party affected thereby, a certified copy of the order and a statement of the time and method by which an appeal may be perfected. A copy of the order shall be mailed to the attorney or other representatives of record representing the party.~~

~~4. Any municipal or county officer, official municipal or county board, or person who was a party to the hearing before the municipal or county board of building appeals, may apply to the state board of building appeals for a de novo hearing, or may appeal to the court of common pleas of the county in which he is a resident or in which the premises affected by such order is located.~~

~~5. In addition, when the adjudication hearing concerns section 3781.111 of the Revised Code, or any rule made thereunder, any local organization composed of or representing persons with disabilities, or if no local organization exists, then any statewide organization representing persons with disabilities may file appeals as indicated in paragraph 4 of this section.~~

~~6. Application for a de novo hearing before the state board shall be made no later than thirty days after the municipal or county board renders its decision.~~

~~—OBBC SECTION 508.0 UNDERGROUND UTILITY FIXTURES (Added)~~

~~—508.1 Required: No commercial building, multiple family dwelling, apartment house or sign pole shall be constructed hereafter unless all the wires, cables, conduits, pipes or other means of supplying a public utility, or any other service that is continuously required by such premises, are placed underground in accordance with other provisions of the ordinances of the City relating to depth, insulation and other requirements for the safety of the inhabitants of the City.~~

~~(Ord. 1987-44. Passed 10-13-87.)~~

~~—OBBC SECTION 509.0 STRUCTURES ON FLAT ROOFS (Added)~~

~~—509.1 Limitations: No commercial building, multiple family dwelling or apartment house shall be constructed hereafter with a flat roof unless the walls of such building extend at least twelve inches above the top of any mechanical equipment or other structures placed upon the roof of such building or unless there is constructed completely around any mechanical equipment or structures placed upon the roof a screening that is suitable in design and construction to the building itself.~~

~~(Ord. 1966-41. Passed 4-25-66.)~~

~~—OBBC SECTION 510.0 SPECIFICATIONS FOR CERTAIN DOORS (Added)~~



~~510.1 Doors for commercial buildings. All doors in commercial buildings enclosing areas or rooms used for storage purposes, garage purposes or mechanical equipment shall be B-label doors and all hardware used thereon shall be B-rated hardware.~~

~~(Ord. 1966-51. Passed 5-23-66.)~~

### **1303.99 PENALTY; EQUITABLE REMEDIES.**

(a) Whoever violates or fails to comply with any of the provisions of this chapter, including any provision of the OBBC adopted in Section 1303.01, 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, for each offense. Unless otherwise provided, 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 provided in subsection (a) hereof shall not be deemed to prevent the enforced removal of prohibited conditions, or the application of any other equitable remedy, including nuisance abatement. ~~of the nuisance referred to in Section 1303.06(f).~~