

**CITY OF XENIA, OHIO  
ORDINANCE 2022 – 51**

**AMENDING AND RENUMBERING TITLE TWO, AND REPEALING CHAPTERS 1438, 1442,  
1444, 1450, 1452, AND 1454 OF TITLE FOUR, OF PART FOURTEEN – BUILDING AND  
HOUSING CODES OF THE XENIA CITY CODE**

**WHEREAS**, Section 5.09 of the City Charter authorizes City Council, by ordinance, to adopt any standard code of technical regulations prepared by the State or any department, board, or other agency of the State;

**WHEREAS**, this Council has previously adopted the Ohio Building Code and the Residential Code of Ohio as the building codes for the City pursuant to Part Fourteen, Title Two of the Xenia City Code; and

**WHEREAS**, this Council finds it in the best interests of the health, safety, and welfare of the City and its inhabitants to make certain amendments and updates to the adoption of such technical codes and the City's building and housing codes,

**NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS**, a majority of the members of Council present concurring, that:

**Section 1.** Part Fourteen of the Xenia City Code is hereby renamed "Part Fourteen – Building and Housing Codes."

**Section 2.** Title Two: Building Standards of Part Fourteen of the Xenia City Code is hereby amended as follows: Chapter 1420 is hereby renumbered as Chapter 1402 and Sections 1420.01 to 1420.06 and 1420.99 are renumbered as Sections 1402.01 to 1402.06 and 1402.99, and the same are hereby amended as shown in the attached Exhibit A; Chapter 1422 is hereby retitled as "Residential Code," is hereby renumbered as Chapter 1404 and Sections 1422.01 to 1422.06 and 1422.99 are renumbered as 1404.01 to 1404.06 and 1404.99, and the same are hereby amended as shown in the attached Exhibit A.

**Section 3.** Existing Chapter 1420, Section 1420.01 to 1420.06 and 1420.99, and Chapter 1422, Sections 1422.01 to 1422.06 and 1422.99 of the Xenia City Code are hereby repealed.

**Section 4.** Chapter 1406, to be titled "Administration," and including Section 1406.01, 1406.02 and 1406.03 is hereby enacted, as shown in the attached Exhibit A.

**Section 5.** Existing Sections 1420.07, 1420.08, 1422.07 and 1422.08 of the Xenia City Code are hereby repealed in their entirety, as shown in the attached Exhibit A.

**Section 6.** Existing Chapters 1424 and 1426 of Title Two of Part Fourteen of the Xenia City Code, and Chapters 1438, 1442, 1444, 1450, 1452, and 1454 of Title Four of Part Fourteen are hereby repealed in their entirety, as shown in the attached Exhibit B.

**Section 7.** It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including ORC 121.22.

**Section 8.** This Ordinance shall become effective on February 11, 2023.

Introduced: December 28, 2022  
Adopted: January 12, 2023

Attest:

  
Michelle D. Johnson  
City Clerk

  
William J. Urschel  
President, Xenia City Council

PART FOURTEEN – BUILDING AND HOUSING CODES  
TITLE TWO: BUILDING STANDARDS

CHAPTER ~~1402~~ **1420**  
Ohio Building Code

|   |  |
|---|--|
| <del>1402</del> <b>20.01</b> <b>Adoption</b>                                  | <del>1402</del> <b>20.06</b> Separability Permits and Fees                 |
| <del>1402</del> <b>20.02</b> Compliance Purpose                               | <del>1420.07</del> File and Distribution Copies                            |
| <del>1402</del> <b>20.03</b> Enforcement Application                          | <del>1420.08</del> Conflicts of Laws                                       |
| <del>1402</del> <b>20.04</b> Permits & Fees <del>Compliance; Violations</del> | <del>1402</del> <b>20.99</b> <b>Penalties; Penalty; Equitable Remedies</b> |
| <del>1402</del> <b>20.05</b> Conflicts of Laws <del>Enforcement</del>         |  |

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**1402.01 ADOPTION.** ~~1420.01 LATEST EDITION ADOPTED.~~

Pursuant to **Section 5.09** ~~§ 5.08~~ of the City Charter, there is hereby adopted by ~~and for~~ the City, **and incorporated by reference as if set out at length herein,** the latest edition of the *Ohio Building Code, 2017 edition (hereinafter “OBC” or “Building Code”)*, as adopted **promulgated** by the Ohio Board of Building Standards, Department of Industrial Relations, as published in Division **and contained in Chapter 4101:1** of the Ohio Administrative Code, **and any subsequent revisions or amendments thereto, which are hereby adopted for incorporation by reference** (OAC), save and except such portions thereof as may be hereinafter amended or deleted.

(Ord. 79-48. Adopted 07/26/79; **Ord. 2022-51. Adopted \*\*/\*\*/23**)

~~1420.02 PURPOSE.~~

The purpose of the OBC, as adopted in § 1420.01, is to:

(a) ~~Provide uniform minimum standards and requirements for the erection, construction, repair, alteration and maintenance of buildings, including construction of industrialized units, such standards relating to the conservation of energy, safety and sanitation of buildings for their intended use and occupancy;~~

(b) ~~Formulate such standards and requirements, so far as is practical, in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability;~~

(c) ~~Permit, to the fullest extent feasible, the use of materials and technical methods, devices and improvements, including the use of industrialized units, which tend to reduce the cost of construction and erection without affecting minimum requirements for the health, safety and security of the occupants or users of buildings or industrialized units and without preferential treatment of types or classes of materials or products or methods of construction; and~~

(d) ~~Encourage, so far as may be practical, the standardization of construction practices, methods, equipment, material and techniques, including methods employed to produce industrialized units.~~

~~1420.03 APPLICATION.~~

The OBC 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 OBC (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 OBC;~~
- ~~(d) Buildings constructed in accordance with plans which have been approved prior to the effective date of the OBC;~~
- ~~(e) Buildings or structures which are incident to the use for agricultural purposes of the land on which the 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 50 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; and~~
- ~~(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.~~

**1402.02** ~~1420.04~~ COMPLIANCE; VIOLATIONS.

(a) **General Prohibitions.**

- (1)** No owners, **officers, member of a board or committee,** or any other person shall construct, erect, build or equip **an opera house, hall, theater, church, schoolhouse, college, academy, seminary** any building or structure to which the OBC is applicable, or make any addition thereto or alteration thereof, except in the case of repairs or maintenance **without that does not affecting** the construction, sanitation, safety or any other vital feature of such building or structure, without complying with **the provisions of** this chapter, **the OBC, ORC Ohio R.C. Chapters 3781. and 3791. or the rules or regulations adopted pursuant thereto** ~~OBC, or fail to comply with any lawful order issued pursuant thereto.~~
- (2)** ~~(b)~~ No architect, engineer, builder, plumber, carpenter, mason, contractor, subcontractor, foreman or employee shall violate or assist in **the violation of violating** any of the provisions of this chapter, **the OBC, ORC Ohio R.C. Chapters 3781. and 3791. or the rules or regulations adopted pursuant thereto** ~~the OBC, or fail to comply with any lawful order issued pursuant thereto. (ORC 3791.01)~~

**(b) Prohibition Against Failure to Obey Official Orders.**

- (1) No owner or person having the control as an officer or member of a board or committee or otherwise of any building or structure to which the OBC is applicable shall fail to obey any lawful order issued by the State Fire Marshal, boards of health of city and general health districts, the City's Chief Building Official, or the Superintendent of Industrial Compliance in the Ohio Department of Commerce pursuant to the OBC, ORC Chapters 3781. and 3791. or rules or regulations adopted pursuant thereto. (ORC 3791.02)**
- (2) No architect, engineer, builder, plumber, carpenter, mason, contractor, subcontractor, foreman, or employee shall violate or assist in the violation of any lawful order issued by the State Fire Marshal, boards of health of city and general health districts, the City's Chief Building Official, or the Superintendent of Industrial Compliance in the Ohio Department of Commerce pursuant to the OBC, ORC Chapters 3781. and 3791. or the rules and regulations adopted pursuant thereto or of any order issued thereunder. (ORC 3791.03)**

**(c) Submission of Plans and Necessity of Approval.** No owner or any other person shall ~~proceed~~ **begin** with the construction, erection, **or manufacture, or proceed with the construction, erection,** alteration, or equipment of any building or structure, **including industrialized units,** to which the OBC is applicable without complying with **the provisions of this chapter, the OBC, ORC 3781. and 3791. and the rules or regulation adopted pursuant thereto, as applicable,** and the plan and specification submission and processing requirements of the City municipality and/or the OBC 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)

**(d) Noncompliance as Public Nuisance.** **The construction, alteration, erection, and repair of buildings, including industrialized units, and the materials and devices of any kind used in connection with them and the heating and ventilating of them and the plumbing and electric wiring in them shall conform to the OBC, State statutes or the rules adopted and promulgated by the Ohio Board of Building Standards, and to the provisions of the Xenia City Code that are not inconsistent therewith. Any building, structure, or part thereof that is constructed, erected, altered, manufactured, or repaired not in accordance with the OBC, state statutes or with the rules of the Ohio Board of Building Standards, and any building, structure or part thereof in which there is installed, altered, or repaired any fixture, device, and material, or plumbing, heating, or ventilation system, or electrical wiring not in accordance with the OBC, state statutes or rules of the Ohio Board of Building Standards is hereby declared to be a public nuisance. (ORC 3781.11(C))**

**(e) Penalties.**

- (1) Whoever violates division (a) of this section, when such violation is detrimental to the health, safety, or welfare of any person, is guilty of a minor misdemeanor. (ORC 3791.99)**
- (2) Whoever violates division (b) of this section shall be fined not more than one thousand dollars (\$1,000). (ORC 3791.02; 3791.03)**
- (3) Whoever violates division (c) of this section shall be fined not more than five hundred dollars (\$500). (ORC 3791.04) (Ord. 2022-51. Adopted \*\*/\*\*/23)**

**1402.03** ~~1420.05~~ ENFORCEMENT.

(a) **Enforcement Official.** The **Chief Building Official and the City's Building Division** Code Enforcement Officer shall enforce the provisions of the OBC, as adopted in § 1420.01. (Ord. 79-48. Adopted 07/26/79; **Ord. 2022-51. Adopted \*\*/\*\*/23**)

(b) **Notice of Violations; Adjudication or Stop Work Orders.** **When the Chief Building Official denies any approval or takes action in response to findings of noncompliance with the provisions of the OBC, the provisions of this chapter, ORC Chapters 3781, or 3791, or any rules or regulations adopted pursuant thereto, such action shall be initiated by issuing an adjudication order, in compliance with OAC 4101:1-1-01, Section 109, prior to the City seeking any remedy, whether civil or criminal.**

**(OAC 4101:1-1-01, Section 109.1)**

**(Ord. 2022-51. Adopted \*\*/\*\*/23)**

When the municipality finds that work or equipment is contrary to this chapter, approved plans therefor or the OBC, 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)~~

~~(c) Prior to enforcement of Ohio R.C. Chapters 3781 and 3791, or any rules adopted pursuant thereto, including the OBC, as adopted in § 1420.01, by any remedy, civil or criminal, the municipality shall issue an adjudication order within the meaning of Ohio R.C. 119.06 to 119.13 or a stop work order as provided in § 4101:2-1-36 of the OAC.~~

~~(d) 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 OBC adopted in § 1420.01.~~

~~(e) The order shall include notice to the party of the procedure for appeal and right to a hearing if requested within 30 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.~~

~~(f) Upon the issuance of any order provided for herein or in § 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)~~

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

**1402.04** ~~1420.06~~ PERMITS AND FEES.

**The City Council shall prescribe fees to be paid by persons, political subdivisions, or any department, agency, board, commission, or institution of the state, for the acceptance, review and approval of plans and specifications pursuant to the OBC, for the making of inspections pursuant to**

**the OBC, and/or for the issuance of any required permits or certificates of occupancy. No permit for the construction, alteration, or repair of any building or structure, nor any certificate of occupancy, shall be issued by the Chief Building Official until all required fees have been paid.** No person shall construct, alter or repair any building or structure without first obtaining a permit therefor from the Code Enforcement Officer and paying the fees established as set forth in the fee schedule in Part Two—Title Twelve, Chapter 298 of these Codified Ordinances. The Code Enforcement Officer shall not issue any permits for the construction, alteration or repair of any building or structure until he or she has certified that the requirements of the Planning and Zoning Code and all applicable provisions of Chapter 1440 have been satisfied.

*(Statutory reference: ORC 3781.102)*

*(Ord. 79-48. Adopted 07/26/79; **Ord. 2022-51. Adopted \*\*/\*\*/23**)*

#### **1420.07 FILE AND DISTRIBUTION COPIES.**

At least one copy of the OBC, as adopted in § 1420.01, is on file with the Clerk of the City Council for inspection by the public. At least one copy of such code is also on file in the county law library. In addition, the Clerk of the City Council shall keep copies of such code available for distribution to the public, at cost.

#### **1402.05 1420.08 CONFLICTS OF LAWS.**

(a) **OBBC Rules. The rules of the Ohio Board of Building Standards, including the OBC, shall supersede and govern any order, standard, or rule of the Division of Industrial Compliance in the Ohio Department of Commerce, Division of the State Fire Marshal, the department of health, and counties and townships, in all cases where such orders, standards, or rules are in conflict with the rules of the Board, except that rules adopted and orders issued by the State Fire Marshal pursuant to ORC Chapter 3743, prevail in the event of a conflict.**

Whenever a provision of the OBC, as adopted in § 1420.01, 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 OBC 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.

*(ORC 3781.11(B))*

(b) **Stricter Standard Prevails. In all other cases of conflict between the OBC and any other City ordinance or technical code adopted thereby, the more restrictive provision shall govern.**  
**(Ord. 2022-51. Adopted \*\*/\*\*/23)**

Whenever a provision of the OBC, as adopted in § 1420.01, conflicts with a provision of any other standard technical code adopted by the municipality, other than as provided in subsection (a) of this section, or any ordinance, resolution, rule or regulation of the City Council, the stricter standard shall prevail.

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

*(OAC 4101:2-1-07)*

#### **1402.06 SEPARABILITY.**

**The invalidity of any section or provision of this chapter or of the OBC herein adopted shall not invalidate any other section or provision thereof.**

**(Ord. 2022-51. Adopted \*\*/\*\*/23)**

**1402.99** ~~1420.99~~ **PENALTIES; PENALTY; EQUITABLE REMEDIES.**

(a) **Penalties.** Whoever violates any of the provisions of this chapter **or the Building Code adopted herein for which a penalty is not otherwise provided,** ~~including the OBC, as adopted in § 1420.01,~~ or fails to comply with any lawful order issued pursuant thereto is guilty of a misdemeanor and shall be fined not less than **five** ~~one~~ hundred dollars **(\$500)** ~~(\$100.00)~~ nor more than **one thousand** ~~two hundred fifty~~ dollars **(\$1,000)** ~~(\$250.00)~~ or imprisoned not more than **six (6) months** ~~30 days~~, or both, for each offense. **Each day during which noncompliance or a violation continues shall constitute a separate offense.** ~~A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. In addition, the violator shall pay all costs and expenses involved in the case.~~

(b) **Abatement Action.** The City may institute ~~injunction~~ proceedings in ~~Common Pleas Court~~ to abate the nuisance of failure to cease work after receipt of an **an adjudication** ~~stop work~~ order as referred to in **Section 1420.03(b)** ~~§ 1420.05(g)~~.

(c) **Injunction.** **For any violation of Section 1420.02(d) of this chapter, the City may institute proceedings pursuant to ORC Chapter 3767. to enjoin the public nuisance.**  
(Ord. 97-17. Adopted 05/08/97; **Ord. 2022-51. Adopted \*\*/\*\*/23**)

CHAPTER ~~1404~~ 1422  
**Residential Code**  
OBOA One, Two and Three Family Dwelling Code

|  |   |
|--|---|
| 140422.01 <b>Adoption</b> 1996 Edition Adopted             | 140422.05 <b>Conflicts of Laws</b> Enforcement          |
| 140422.02 <b>Compliance</b> Purpose                        | 140422.06 <b>Separability</b> Conflicts of Laws         |
| 140422.03 <b>Enforcement</b> File & Distribution<br>Copies | 1422.07 Plumbing Regulations                            |
| 140422.04 <b>Permits &amp; Fees</b> Definitions            | 1422.08 Amendments                                      |
|  | 140422.99 <b>Penalties;</b> Penalty; Equitable Remedies |

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**1404.01 ADOPTION.** ~~1422.01 1996 EDITION ADOPTED.~~

**Pursuant to Section 5.09 of the City Charter, there is hereby adopted by the City, and incorporated by reference as if set out at length herein, the Residential Code of Ohio for One-, Two-, and Three-Family Dwellings, 2019 edition (hereinafter “RCO” or “Residential Code”), promulgated by the Ohio Board of Building Standards, and contained in Chapter 4101:8 of the Ohio Administrative Code, and any subsequent revisions or amendments thereto, which are hereby adopted for incorporation by reference.**

~~Pursuant to § 5.08 of the City Charter, there is hereby adopted by and for the city the OBOA One, Two and Three Family Dwelling Code, being particularly the 1996 edition thereof, promulgated by the Ohio Building Officials Association, save and except such portions thereof as may be hereinafter amended or deleted.~~

~~(Ord. 97-54. Adopted 11/13/97; **Ord. 2022-51. Adopted \*\*/\*\*/23**)~~

**1404.02 COMPLIANCE.** ~~1422.02 PURPOSE.~~

**(a) Prohibition Against Failure to Obey Official Orders.**

**(1) No owner, or person having the control as an officer or member of a board or committee or otherwise of any building or structure to which the OBC is applicable shall fail to obey any lawful order issued by the State Fire Marshal, boards of health of city and general health districts, the City’s Chief Building Official, or the Superintendent of Industrial Compliance in the Ohio Department of Commerce pursuant to the RCO, ORC Chapters 3781. and 3791. or rules or regulations adopted pursuant thereto. (ORC 3791.02)**

**(2) No architect, engineer, builder, plumber, carpenter, mason, contractor, subcontractor, foreman, or employee shall violate or assist in the violation of any lawful order issued by the State Fire Marshal, boards of health of city and general health districts, the City’s Chief Building Official, or the Superintendent of Industrial Compliance in the Ohio Department of Commerce pursuant to the RCO, ORC Chapters 3781. and 3791. or the rules and regulations adopted pursuant thereto or of any order issued thereunder. (ORC 3791.03)**

**(b) Submission of Plans and Necessity of Approval. No owner or any other person shall begin with the construction, erection, or manufacture, or proceed with the construction, erection, alteration, or equipment of any residential building or structure to which the RCO is applicable without complying with the provisions of this chapter, the RCO, ORC 3781. and 3791. and the rules or regulation adopted pursuant thereto, as applicable, and the plan and specification submission and processing requirements of the City and/or the RCO 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)**

**(c) Noncompliance as Public Nuisance. The construction, alteration, erection, and repair of residential buildings and the materials and devices of any kind used in connection with them and the heating and ventilating of them and the plumbing and electric wiring in them shall conform to the RCO, state statutes or the rules adopted and promulgated by the Ohio Board of Building Standards, and to the provisions of the Xenia City Code that are not inconsistent therewith. Any residential building, structure, or part thereof that is constructed, erected, altered, manufactured, or repaired not in accordance with the RCO, state statutes or with the rules of the Ohio Board of Building Standards, and any building, structure or part thereof in which there is installed, altered, or repaired any fixture, device, and material, or plumbing, heating, or ventilation system, or electrical wiring not in accordance with the RCO, state statutes or rules of the Ohio Board of Building Standards is hereby declared to be a public nuisance. (ORC 3781.11(C))**

**(d) Penalties.**

- (1) Whoever violates division (a) of this section shall be fined not more than one thousand dollars (\$1,000). (ORC 3791.02; 3791.03)**
- (2) Whoever violates division (b) of this section shall be fined not more than five hundred dollars (\$500). (ORC 3791.04)**

The purpose of the OBOA One, Two and Three Family Dwelling Code, as adopted in § 1422.01, is to provide standards for the construction, alteration, removal, demolition, equipment, use, occupancy, location and maintenance of one-, two- or three-family dwellings and their accessory structures, including permits and penalties.

(Ord. 97-54. Adopted 11/13/97; **Ord. 2022-51. Adopted \*\*/\*\*/23**)

**1404.03 ENFORCEMENT. 1422.03 FILE AND DISTRIBUTION COPIES.**

**(a) Enforcement Official. The Chief Building Official and the City's Building Division shall enforce the provisions of the RCO.**

**(b) Notice of Violations; Adjudication or Stop Work Orders. When the Chief Building Official denies any approval or takes action in response to findings of noncompliance with the provisions of the RCO, the provisions of this Chapter, ORC Chapters 3781, or 3791, or any rules or regulations adopted pursuant thereto, such action shall be initiated by issuing an adjudication order, in compliance with OAC 4101:8-1-01, Section 109, prior to the City seeking any remedy, whether civil or criminal. (OAC 4101:8-1-01, Section 109.1)**

At least one copy of the OBOA One, Two and Three Family Dwelling Code, as adopted in § 1422.01, is on file with the Clerk of the City Council for inspection by the public. At least one copy of such code is also on file in the county law library. In addition, the Clerk of the City Council shall keep copies of such codes available for distribution to the public, at cost.

(Ord. 97-54. Adopted 11/13/97; **Ord. 2022-51. Adopted \*\*/\*\*/23**)

**1404.04 PERMITS & FEES. 1422.04 DEFINITIONS.**

**The City Council shall prescribe fees to be paid by persons, political subdivisions, or any department, agency, board, commission, or institution of the state, for the acceptance, review and**

**approval of plans and specifications pursuant to the RCO, for the making of inspections pursuant to the RCO, and/or for the issuance of any required permits or certificates of occupancy. No permit for the construction, alteration, or repair of any building or structure, nor any certificate of occupancy, shall be issued by the Chief Building Official until all required fees have been paid.**

(Statutory reference: ORC 3781.102)

Wherever the term BUILDING OFFICIAL or ADMINISTRATIVE AUTHORITY appears in the OBOA One, Two and Three Family Dwelling Code, as adopted in § 1422.01, it shall be deemed to mean the Code Enforcement Officer of the city or his or her duly authorized agent. Wherever the term MUNICIPALITY, CITY or LOCAL JURISDICTION appears in such code, it shall be deemed to mean the City of Xenia. (Ord. 97-54. Adopted 11/13/97; **Ord. 2022-51. Adopted \*\*/\*\*/23**)

#### **1404.05 CONFLICTS OF LAWS** ~~1422.05 ENFORCEMENT.~~

**(a) OBBS Rules. The rules of the Ohio Board of Building Standards, including the RCO, shall supersede and govern any order, standard, or rule of the Division of Industrial Compliance in the Ohio Department of Commerce, Division of the State Fire Marshal, the department of health, and counties and townships, in all cases where such orders, standards, or rules are in conflict with the rules of the Board, except that rules adopted and orders issued by the State Fire Marshal pursuant to ORC Chapter 3743, prevail in the event of a conflict.**

Whenever a provision of the OBC, as adopted in § 1420.01, 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 OBC 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. (ORC 3781.11(B))

**(b) Stricter Standard Prevails. In all other cases of conflict between the RCO and any other City ordinance or technical code adopted thereby, the more restrictive provision shall govern.**

The Code Enforcement Officer shall enforce the provisions of the OBOA One, Two and Three Family Dwelling Code, as adopted in § 1422.01. (Ord. 97-54. Adopted 11/13/97; **Ord. 2022-51. Adopted \*\*/\*\*/23**)

#### **1404.06 SEPARABILITY.** ~~1422.06 CONFLICTS OF LAWS.~~

**The invalidity of any section or provision of this chapter or of the RCO herein adopted shall not invalidate any other section or provision thereof.**

In the event of a conflict between any of the provisions of the OBOA One, Two and Three Family Dwelling Code, as adopted in § 1422.01, and a provision of this Part Fourteen—Building and Housing Code, or any other provision of these Codified Ordinances, or any other local ordinance or resolution, the local provision shall prevail. In the event of a conflict between any of the provisions of the OBOA One, Two and Three Family Dwelling Code, as adopted in § 1422.01, and a provision of any other technical code or standard applicable to or adopted by the city, the stricter or higher standard shall prevail, except that the provisions of Chapters 4101:2-56 through 4101:2-69 (Plumbing) of the Ohio Building Code shall govern plumbing installations, as provided in § 1422.07.

(Ord. 97-54. Adopted 11/13/97; **Ord. 2022-51. Adopted \*\*/\*\*/23**)

#### ~~1422.07 PLUMBING REGULATIONS.~~

The provisions of Chapters 4101:2-56 through 4101:2-69 (Plumbing) of the Ohio Building Code, as adopted in Chapter 1420, are hereby adopted for plumbing installations in all one-, two- and three-family dwellings and accessory structures in the city.

~~1422.08 AMENDMENTS.~~

~~The following sections of the OBOA One, Two and Three Family Dwelling Code, as adopted in § 1422.01, shall be amended as follows:~~

~~(a) Chapter 1 of the OBOA One, Two and Three Family Dwelling Code shall be deleted in its entirety and replaced with the Miami Valley Amendments to the OBOA One, Two and Three Family Dwelling Code, which amendments are adopted by reference as Chapter 1 “General Administration.”~~

~~(b) At least one copy of the Miami Valley Amendments is on file with the Clerk of the City Council for inspection by the public.~~

~~(c) At least one copy of such amendments is on file in the county law library.~~

~~(d) In addition, the Clerk of the City Council shall keep copies of such amendments available for distribution to the public, at cost.~~

**1404.99** ~~1422.99~~ **PENALTIES; PENALTY; EQUITABLE REMEDIES.**

**(a) Penalties. Whoever violates any of the provisions of this chapter or the Building Code adopted herein for which a penalty is not otherwise provided or fails to comply with any lawful order issued pursuant thereto is guilty of a misdemeanor and shall be fined not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500) or imprisoned not more than three (3) months, or both. Each day during which noncompliance or a violation continues shall constitute a separate offense.**

~~Whoever violates or fails to comply with any of the provisions of this chapter, including the OBOA One, Two and Three Family Dwelling Code, as adopted in § 1422.01, or fails to comply with any lawful order issued pursuant thereto, is guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) or imprisoned not more than 30 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. In addition, the violator shall pay all costs and expenses involved in the case.~~

**(b) Abatement Action. The City may institute proceedings to abate the nuisance of failure to cease work after receipt of an adjudication order as referred to in Section 1420.03(b).**

~~The application of the penalty provided in subsection (a) of this section shall not be deemed to prevent the enforced removal of prohibited conditions or the application of any other equitable remedy.~~

**(c) Injunction. For any violation of Section 1404.02(c) of this chapter, the City may institute proceedings pursuant to ORC Chapter 3767. to enjoin the public nuisance.**

~~(Ord. 97-54. Adopted 11/13/97; **Ord. 2022-51. Adopted \*\*/\*\*/23**)~~

CHAPTER 1406  
Administration

- 1406.01 Building Division  
1406.02 Other Codes  
1406.03 Permits & Fees
- 

1406.01 BUILDING DIVISION

The City's Building Division, through the Chief Building Official and other duly authorized inspectors shall enforce the provisions of the City's building and housing codes, including the provisions of the OBC and the RCO and any other codes adopted by reference in the OBC and RCO. (Ord. 2022-51. Adopted \*\*/\*\*/23)

1406.02 OTHER CODES.

In accordance with Section 5.09 of the City Charter, there is hereby adopted and incorporated by reference any technical codes adopted by reference in the OBC or RCO including, but not limited to:

- (1) Ohio Energy Code (2017 edition) as referenced and modified in the OBC and/or RCO (OAC 4101:1-13);
- (2) Ohio Mechanical Code (2017 edition) as referenced and modified in the OBC and/or RCO (OAC 4101:2);
- (3) Ohio Boiler and Pressure Vessel Rules, as referenced and modified in the OBC and/or RCO (OAC 4101:4);
- (4) Ohio Elevator Code, as referenced and modified in the OBC and/or RCO (OAC 4101:5);
- (5) Ohio Plumbing Code (2017 edition) as referenced and modified in the OBC and/or RCO (OAC 4101:3);
- (6) National Electrical Code (2017 edition) as referenced and modified in the OBC and/or RCO;

and any subsequent revisions or amendments thereto, which are hereby adopted for incorporation by reference.

(Ord. 2022-51. Adopted \*\*/\*\*/23)

1406.03 PERMITS & FEES.

(a) Administrative Fees. The City Council may prescribe administrative fees for inspections other than those required under the OBC or RCO and may set fees for any permit not specified in the OBC or RCO but required under this Part Fourteen – Building and Housing Codes. No such permit shall be issued until all required fees have been paid.

(Ord. 2022-51. Adopted \*\*/\*\*/23)

(b) Plumbing Permits and Fees. Permit and inspection fees associated with plumbing shall be in accordance with the fees set by the Greene County Public Health District, unless otherwise specified by City Council.

(Ord. 2022-51. Adopted \*\*/\*\*/23)

~~CHAPTER 1424  
National Electrical Code~~

~~1424.01—1999 Edition Adopted  
1424.02—Purpose  
1424.03—File and Distribution  
Copies~~

~~1424.04—Enforcement  
1424.05—Conflicts of Laws  
1424.99—Penalty; Equitable Remedies~~

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~~1424.01—1999 EDITION ADOPTED.~~

~~Pursuant to § 5.08 of the City Charter, there is hereby adopted by and for the city the National Electrical Code, being particularly the 1999 edition thereof, promulgated by the National Fire Protection Association and designated as NFPA 70, save and except such portions thereof as may be hereinafter amended or deleted.~~

~~1424.02—PURPOSE.~~

~~The purpose of the National Electrical Code, as adopted in § 1424.01, is to provide standards for the installation, alteration, repair and maintenance of all electrical wiring, equipment, facilities and apparatus in all occupancies in the city.~~

~~1424.03—FILE AND DISTRIBUTION COPIES.~~

~~At least one copy of the National Electrical Code, as adopted in Section 1424.01, is on file with the Clerk of the City Council for inspection by the public. At least one copy of such code is also on file in the county law library. In addition, the Clerk of the City Council shall keep copies of such code available for distribution to the public, at cost.~~

~~1424.04—ENFORCEMENT.~~

~~The provisions of the National Electrical Code, as adopted in § 1424.01, shall be enforced by an electrical safety inspector duly licensed by the state pursuant to Ohio R.C. Chapter 3783, either employed by the city or the services of whom are contracted for by the city.~~

~~1424.05—CONFLICTS OF LAWS.~~

~~(a) In the event of a conflict between any of the provisions of the National Electrical Code, as adopted in § 1424.01, and a provision of state law, the state law shall prevail.~~

~~(b) In the event of a conflict between any of the provisions of the National Electrical Code, as adopted in § 1424.01, and a provision of a local ordinance, resolution, rule or regulation, the local provision shall prevail.~~

~~(c) In the event of a conflict between any of the provisions of the National Electrical Code, as adopted in § 1424.01, and a provision of any other technical code adopted by the city by reference, the stricter or higher standard shall prevail.~~

~~1424.99—PENALTY; EQUITABLE REMEDIES.~~

~~(a) Whoever violates any of the provisions of this chapter, including the National Electrical Code, as adopted in § 1424.01, or fails to comply with any lawful order issued pursuant thereto, is guilty of a~~

~~misdemeanor and shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) or imprisoned not more than 30 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. In addition, the violator shall pay all costs and expenses involved in the case.~~

~~(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.~~

~~CHAPTER 1426  
RESIDENTIAL CODE OF OHIO~~

~~1426.01 Application and Enforcement~~

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~~1426.01 APPLICATION AND ENFORCEMENT.~~

~~(a) Ohio Administrative Code 4101:8 Residential Code of Ohio as promulgated by the Ohio Board of Building Standards, shall apply and be enforced within the City of Xenia, Ohio.~~

~~(b) This section shall be in full force and effect from and after the earliest period permitted by law following promulgation of the Residential Code of Ohio by the Board of Building Standards through the certification process including Appendix G Swimming Pools & Hot Tubs, adoption and effective date of certification issued by the Ohio Board of Building Standards.~~

~~CHAPTER 1438  
Definitions~~

~~1438.01 Definitions~~

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~~1438.01 DEFINITIONS.~~

~~For the purpose of these Codified Ordinances, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~*ALARM.* Any audible or visible signal indicating the existence of a fire or an emergency requiring a response and emergency action on the part of the fire fighting service.~~

~~*ALLEY NAME.* The name given to a city alley, as shown on dedicated plats and/or as approved by the City Council.~~

~~*APARTMENT BUILDING.* Includes buildings containing three or more living units, with independent cooking and bathroom facilities, whether designated as an apartment house, tenement or garden apartment, or by any other name.~~

~~*APPROVED.* Listed and/or approved for its intended use by a nationally recognized testing laboratory listed in Appendix O of the *Ohio Building Code*, hereinafter referred to as the OBC.~~

~~*AUTOMATIC DETECTING DEVICE.* An approved device which automatically detects heat, smoke or other products of combustion.~~

~~*AUTOMATIC FIRE ALARM SYSTEM.* A manual fire alarm system containing an automatic detecting device(s) which activates a fire alarm signal of such character and so located as to alert all occupants of the building or section thereof endangered by fire.~~

~~*AXIS STREETS.* The dividing streets between the east and west sides, or the north and south sides, of the city.~~

~~*BASE STREETS.* Any street that is used as a starting point for house numbering purposes for all streets that do not intersect an axis street.~~

~~*BUILDING.* A structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business, mercantile, storage, commercial, industrial or other similar purposes.~~

~~*BUSINESS BUILDING.* Includes all buildings or parts thereof which are used for the transaction of business, the rendering of professional services or other services that involve stocks of goods, wares or merchandise in limited quantities, for uses incidental to office uses or sample purposes, including, among others, offices, banks, civic administration activities, firehouses, outpatient clinics and similar establishments.~~

~~*CITY ALLEY.* Any public alley or thoroughfare, as defined by § 402.03 of the Traffic Code.~~

~~*CITY BLOCK.* The distance between two street intersections. House numbers under this chapter are not calculated according to city blocks.~~

~~*CITY ENGINEER.* The City Engineer or his or her authorized representative.~~

~~*CITY STREET.* Any public street or thoroughfare, as defined in § 402.48 of the Traffic Code.~~

~~*DISABLED PERSON* means an individual who (1) has a physical or mental impairment that substantially limits one or more of the major life activities; (2) a record of such an impairment; or (3) being regarded as having such an impairment.~~

~~*DWELLING UNIT.* Any room or group of rooms located within a building and forming a single family, habitable unit, with facilities which are used or intended to be used for living, sleeping, cooking, storing food or eating purposes.~~

~~*FACTORY AND INDUSTRIAL BUILDING.* Includes all buildings and structures, or parts thereof, in which occupants are engaged in performing work or labor in the fabricating, assembling or processing of products or materials, and shall include, among others, factories, assembling plants, industrial laboratories and all other industrial manufacturing uses.~~

~~*FIRE ALARM EQUIPMENT.* Includes alarms, automatic detecting devices, automatic fire alarm systems, manual fire alarm systems and smoke detectors.~~

~~*FIRE OFFICIAL.* The Chief of the Fire Division or an authorized designee.~~

~~*HOUSE NUMBER.* A number which is assigned to a house or business building and, when used with the street or alley name on which the house or business building faces, gives a recognized legal address for the building.~~

~~*MANUAL FIRE ALARM SYSTEM.* An interior alarm system, composed of sending stations and signaling devices, in a building, operated on an electric circuit, so arranged that the operation of any one station will initiate an alarm.~~

~~*MERCANTILE BUILDING.* Includes all buildings and structures, or parts thereof, which are used for displays and sales, involving stocks of goods, wares or merchandise incidental to such purposes and accessible to the public, including, among others, retail stores, shops, salesrooms and markets.~~

~~*ONE AND TWO FAMILY DWELLING.* Includes buildings containing not more than two dwelling units in which each living unit is occupied by members of a single family, with no more than three outsiders, if any, accommodated in rented rooms.~~

~~*ORDINATE or ORDINATE DISTANCE.* The distance from the axis street to the building entrance to be numbered, to a base street centerline or to an intersecting street centerline.~~

~~*ORDINATE NUMBER.* The closest unit of ten to the ordinate or ordinate distance.~~

~~*OWNER.* An owner or owners of a premises, contract buyer, mortgagee or vendee in possession, receiver, executor, administrator, trustee, lessee or other person in control of a building, or duly authorized agents thereof. Any person representing an *OWNER* shall be bound to comply with the provisions of this chapter to the same extent as if such person were the *OWNER*.~~

~~*PUBLIC ASSEMBLY BUILDING.* Includes buildings which are used or designed for places of assembly, as defined by the OBC and classified therein as assembly use groups: A 1 Structures; A 2 Structures; A 3 Structures; and A 4 Structures.~~

~~*PUBLIC NUISANCE.* Any fence, wall, garage, shed, house, building, structure, tree, pole or smokestack, or any excavation, basement, cellar, well, cistern or sidewalk subspace or part thereof, if, by reason of the condition in which the same is permitted to be or remain, shall or may endanger the health, life, limb or property of, or cause any hurt, harm, inconvenience, discomfort, damage or injury to, any one or more persons in the city in any one or more of the following particulars:~~

- ~~(1) — By reason of being detrimental to the general health of the community;~~
- ~~(2) — By reason of being a fire hazard;~~
- ~~(3) — By reason of being unsafe for occupancy or use on, in, upon, about or around the above mentioned premises; and~~
- ~~(4) — By reason of continued vacancy, thereby resulting in lack of reasonable or adequate maintenance of structures and grounds and causing deterioration and blighting influence on nearby properties and thereby depreciating the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such structure is situated.~~

~~*RESIDENTIAL BUILDING.* Includes all buildings in which sleeping accommodations are provided for normal residential purposes, and includes all buildings designed to provide sleeping accommodations. For the purposes of this chapter, *RESIDENTIAL BUILDINGS* include the following: hotels and motels; apartment buildings; dormitories; lodging and rooming houses; and one and two family dwellings.~~



~~*SLEEPING AREA.* The area or areas of the family living unit in which the bedrooms (or sleeping rooms) are located. Bedrooms (or sleeping rooms) separated by other use areas, such as kitchens or living rooms (but not bathrooms), shall be considered as separate *SLEEPING AREAS* for purposes of this chapter.~~

~~*SMOKE DETECTOR.* An approved detection device, capable of sensing visible or invisible particles of combustion and emitting an audible and/or visual signal of such detection.~~

~~*SPECIAL STREET.* Any street that does not conform to a standard street.~~

~~*SPRINKLER ALARM SYSTEM.* An alarm activated by water flow from an automatic sprinkler system.~~

~~*STANDARD STREET.* A street that runs in a relatively straight line and in an approximate north and south or east and west direction. A *STANDARD STREET* would intersect one axis street, or its centerline extended would intersect one axis street. A standard alley would follow the same definition.~~

~~*STREET INTERSECTION.* The intersection of two streets either with a full intersection as a cross-intersection, or a half intersection as a T-intersection.~~

~~*STREET NAME.* The name given to a city street, as shown on dedicated plats and/or as approved by the City Council.~~

~~*UNIT OF MEASUREMENT.* The distance, in feet, for which a house number can be assigned.~~

#### CHAPTER 1442 Assistance to the Disabled

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|--|--|
| <del>1442.01 Purpose</del>   | <del>1442.05 Sanitary Facilities</del>   |
| <del>1442.02 Physically Handicapped Defined</del>                      | <del>1442.06 Public Telephones and Elevators</del>                                   |
| <del>1442.03 Parking Lots, Building Approaches<br/>And Entrances</del> | <del>1442.07 Hanging Fixtures and Signs; Corridors<br/>and Room Identification</del> |
| <del>1442.04 Stairs, Ramps, Doors and<br/>Multilevel Floors</del>      | <del>1442.08 Special Rooms</del>   |
|  | <del>1442.99 Penalty</del>   |

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#### ~~1442.01 PURPOSE.~~

~~The purpose of this chapter is to provide for the construction or remodeling of buildings, other than nontransient residential buildings, so as to provide for their accessibility to and their utilization by the disabled.~~

#### ~~1442.02 PHYSICALLY HANDICAPPED DEFINED.~~

~~*DISABLED PERSON* means an individual who (1) has a physical or mental impairment that substantially limits one or more of the major life activities; (2) a record of such an impairment; or (3) being regarded as having such an impairment.~~

#### ~~1442.03 PARKING LOTS, BUILDING APPROACHES AND ENTRANCES.~~

~~(a) A parking lot servicing the entrance of a building shall have a minimum of five percent, but at least one, of the parking spaces located near or adjacent to a walkway or drive and identified as reserved for disabled persons. Each reserved parking space shall be surfaced suitably for wheelchair travel and shall be at least 12 feet wide, unless paralleling a walkway or drive. Where a curb exists between a parking lot surface and sidewalk surface, an inclined walk or curb cut with a maximum gradient of one foot in eight feet, shall be provided for wheelchair access.~~

~~(b) At least one primary entrance to the building, conforming to the requirements of § 1442.04(c), shall be accessible from the parking lot or the nearest street by way of a hard surfaced, nonslip walk, uninterrupted by steps or abrupt changes in level and having a minimum width of five feet and a maximum gradient of one foot in 20 feet, or a ramp meeting the requirements of § 1442.04(b).~~

#### ~~1442.04 STAIRS, RAMPS, DOORS AND MULTILEVEL FLOORS.~~

~~(a) Stairs designed for public use shall have risers, not exceeding seven and one half inches, and rounded nosings. Stairs shall have handrails 32 inches above the stair nosings on both sides, with the handrail extended 18 inches beyond the top and bottom step on the wall side of main stair landings. Intermediate stair landings shall have continuous handrails on both sides.~~

~~(b) A required outside or inside access ramp shall have a maximum gradient of one foot in 12 feet (eight and one third percent), with a level platform five feet long by at least five feet wide at the top and bottom and at turns. No ramps shall exceed 30 feet in run without an intervening level platform. Ramps shall have a minimum clear width, inside handrails, of 36 inches. Outside and inside ramps, including platforms, shall have handrails 32 inches high on both sides, with the handrail extended 12 inches beyond the top and bottom of the ramp on at least one side. All ramps, including platforms, shall have a hard, nonslip surface.~~

~~(c) Passage doors shall have clear openings of at least 30 inches when open. In the case of double doors, at least one leaf of the pair shall meet this requirement. Interior floors shall be level for a distance of two feet, six inches, from the latch edge of the door throughout the door swing, and shall extend one foot to the side of the latch jamb of the door. Exterior stoops may slope away from the door a maximum of one-fourth of an inch per foot of run.~~

~~(d) All areas accessible to the public on the same floor shall be of a common level or connected by a ramp meeting the requirements of subsection (b) hereof.~~

#### ~~1442.05 SANITARY FACILITIES.~~

~~(a) The following provisions shall apply to all toilet rooms when more than one water closet, more than one urinal or more than one lavatory are required by the *Ohio Building Code*.~~

~~(b) Toilet rooms shall have at least one water closet compartment conforming to the following:~~

- ~~(1) A minimum width of three feet;~~
- ~~(2) A minimum depth of five feet;~~
- ~~(3) The door, where doors are used, shall swing out and be a minimum of 32 inches wide. There shall be a minimum of four feet clear distance between the door side or open end of the partition and the wall on the opposite side of the room; and~~
- ~~(4) There shall be one handrail on each side, mounted 33 inches high and parallel to the floor, with a minimum one and one fourth inch outside diameter and a minimum one and one half inch clearance between the handrail and wall, and fastened securely.~~

~~(c) At least one of the lavatories shall have a minimum of 27 inches of clearance under its apron. Faucets shall have handles for ease of operation, such as wing or single lever handles.~~

~~(d) At least one of the shelves and the lower edge of mirrors shall not be more than 40 inches above the floor.~~

~~(e) Toilet rooms shall have at least one of the urinals wall mounted, with the opening of the basin 19 inches from the floor, or shall have floor mounted urinals that are level with the main floor of the toilet room.~~

~~(f) Toilet rooms shall have at least one towel rack, towel dispenser or other dispensers and disposal units mounted no higher than 48 inches from the floor to its dispensing point.~~

~~(g) Toilet rooms not required to meet the restriction in subsection (a) hereof shall have its passage doors opening outward.~~

~~(h) Wall mounted drinking fountains or coolers shall have spouts and controls near the front of the unit, with the basin located not more than 36 inches above the floor. Fully recessed fountains or coolers shall not satisfy the requirements of this subsection.~~

#### ~~1442.06 PUBLIC TELEPHONES AND ELEVATORS.~~

~~(a) Where public telephones are installed, at least one in each location shall be located outside a conventional booth, with the dial and handset not more than 48 inches above the floor.~~

~~(b) (1) At least one elevator shall be provided in all buildings, three or more stories high, to serve the floor serving the entrance meeting the requirement of § 1442.04(c) and all other floors —accessible to the public.~~

~~(2) Wherever elevators are installed, at least one elevator cab shall have a minimum depth of four feet and doors with a minimum clear opening of 32 inches. Plates with raised or incised markings shall be provided for controls. The maximum height of control buttons shall be 60 inches above the floor. Plates with raised or incised marking shall be provided for floor designation on each floor, 60 inches above the floor, on the fixed jamb at the cab control side of the elevator door. An audible signal shall sound as the cab approaches each floor.~~

#### ~~1442.07 HANGING FIXTURES AND SIGNS; CORRIDORS AND ROOM IDENTIFICATION.~~

~~(a) Light fixtures, protruding signs and similar hanging objects or signs and fixtures shall not be lower than six feet, eight inches above the floor.~~

~~(b) Corridors shall conform to applicable chapters of the *Ohio Building Code*, but shall be not less than four feet in width and shall have a minimum area of five feet by five feet at the end thereof to permit turning a wheelchair around. There shall be not more than 40 feet between the five feet by five feet areas.~~

~~(c) Room identification plates made of metal, plastic or other suitable material, with a minimum one-inch high raised or incised letters or numbers, shall be affixed to the wall surface approximately five feet above the floors, in a horizontal line, adjacent to the latch side of a door. Doors leading to dangerous areas, such as fire escapes, loading platforms, switch rooms, street exits and mechanical rooms, shall be equipped with knobs, handles or push bars that have a knurled or an approved abrasive tape surface.~~

#### ~~1442.08 SPECIAL ROOMS.~~

~~Rooms having sloping floors, fixed seats or both shall have level areas that will accommodate wheelchairs in accordance with *Ohio Building Code* as to space requirements. These areas shall be accessible from a common level floor or by a ramp meeting the requirements of § 1442.04(b).~~

~~1442.99 PENALTY.~~

~~Whoever violates any of the provisions of this chapter is guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) or imprisoned not more than 30 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. In addition, the violator shall pay all costs and expenses involved in the case.~~

**CHAPTER 1444**  
**Awnings, Marquees and Signs**

|  |   |
|--|---|
| <del>1444.01 Permit Required; Application; Examination</del> | <del>1444.05 Temporary Signs in Business and Industrial Districts</del> |
| <del>1444.02 Awnings</del>                                   | <del>1444.06 Signs in Street Right of Way</del>                         |
| <del>1444.03 Marquees</del>                                  | <del>1444.99 Penalty</del>  |
| <del>1444.04 Signs Generally</del>                           |   |

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~~1444.01 PERMIT REQUIRED; APPLICATION; EXAMINATION.~~

~~Any person desiring to erect or maintain any awning, sign or signboard upon any street or sidewalk, or over any sidewalk, shall first make application for a permit to do so to the Code Enforcement Officer, who shall thereupon make examination into the matter as to the manner of the erection and construction of the same. If the Code Enforcement Officer is satisfied that the provisions of this chapter will be carried into effect and complied with, he or she shall thereupon grant a permit for the erection of the same.~~

~~1444.02 AWNINGS.~~

~~No person shall erect or cause to be erected or cause to be maintained any awning over or across any sidewalk a distance greater than eight feet from the line of any building and at a height from the sidewalk of less than seven feet.~~

~~1444.03 MARQUEES.~~

~~The provisions of §§ 1444.02 and 1444.04 shall not apply to any marquee which is constructed at a height of not less than seven feet from the sidewalk and which does not extend over or across any sidewalk a distance greater than to a point one foot within the line of the curb.~~

~~1444.04 SIGNS GENERALLY.~~

~~No person shall set up or place over or across any sidewalk, or extend more than eight feet from the line of any building, fence or other structure, any signboard, sign or other device.~~

~~1444.05 TEMPORARY SIGNS IN BUSINESS AND INDUSTRIAL DISTRICTS.~~

~~In business and industrial districts, temporary signs shall not exceed 32 square feet in area per face. Permits therefor shall be issued by the Code Enforcement Officer upon payment of a fee as provided for in the fee schedule in Part Two—Title Twelve, Chapter 298 of these Codified Ordinances. Such temporary signs are limited to one sign for a period not to exceed 90 days in any calendar year. Temporary signs shall be placed no closer than five feet from the lot line or the public right of way and shall not obstruct the view of any public street, alley or private driveway.~~

~~1444.06 SIGNS IN STREET RIGHTS OF WAY.~~

~~No person shall erect or cause to be erected or maintained any sign, billboard or commercial advertisement within a dedicated street right of way. This section, however, shall not prohibit the erection of directional signs showing the location of churches within the city, provided that no church shall have more than three such signs not exceeding 24 inches by 30 inches in size, and provided, further, that the location and installation of such signs shall be approved by the Code Enforcement Officer.~~

~~1444.99 PENALTY.~~

~~Whoever violates any of the provisions of this chapter is guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) or imprisoned not more than 30 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. In addition, the violator shall pay all costs and expenses involved in the case.~~

CHAPTER 1450

Fire Alarm Systems and Smoke Detectors

~~1450.01 Definitions~~

~~1450.02 Application of Chapter~~

~~1450.03 Responsibility of Building Owners~~

~~1450.04 Automatic Fire Alarm Systems~~

~~Required; Exemptions~~

~~1450.05 Manual Fire Alarm Systems Required~~

~~1450.06 Power Supply; Signals~~

~~1450.07 Smoke Detectors Required~~

~~1450.08 Smoke Detector Specifications~~

~~1450.09 Enforcement~~

~~1450.99 Penalty~~

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~~1450.01 DEFINITIONS.~~

~~—The following words and/or phrases used in this section are defined in Chapter 1438, § 1438.01.~~

~~—ALARM~~

~~—APARTMENT BUILDING~~

~~—APPROVED~~

~~—AUTOMATIC DETECTING DEVICE~~

~~—AUTOMATIC FIRE ALARM SYSTEM~~

~~—BUSINESS BUILDING~~

~~—DWELLING UNIT~~

~~—FACTORY AND INDUSTRIAL BUILDING~~

~~—FIRE ALARM EQUIPMENT~~

~~—FIRE OFFICIAL~~

~~—MANUAL FIRE ALARM SYSTEM~~

- ~~—MERCANTILE BUILDING~~
- ~~—ONE AND TWO FAMILY DWELLING~~
- ~~—OWNER~~
- ~~—PUBLIC ASSEMBLY BUILDING~~
- ~~—RESIDENTIAL BUILDING~~
- ~~—SLEEPING AREA~~
- ~~—SMOKE DETECTOR~~
- ~~—SPRINKLER ALARM SYSTEM~~

~~1450.02 APPLICATION OF CHAPTER.~~

~~All new and existing residential, business, assembly, mercantile, factory and industrial buildings shall provide fire alarm equipment capable of signaling the presence of a fire and notifying the occupants in danger of the fire. Such protection equipment shall be in accordance with the provisions of this chapter.~~

~~1450.03 RESPONSIBILITY OF BUILDING OWNERS.~~

~~It shall be the responsibility of the owner of each new and existing building to comply with the provisions of this chapter.~~

~~1450.04 AUTOMATIC FIRE ALARM SYSTEMS REQUIRED; EXEMPTIONS.~~

- ~~(a) (1) An automatic fire alarm system shall be installed and maintained in full operating condition in accordance with National Fire Protection Association Standard 72A in the following buildings:
  - ~~A. Buildings having an occupancy of hotel, motel, dormitory or lodging or rooming house;~~
  - ~~B. Buildings having an occupancy or use of business, mercantile, residential, factory or industrial, when they are more than 75 feet above the lowest level of Fire Division access; and~~
  - ~~C. Buildings having an occupancy or use of public assembly, having a use classification of A-1, A-2, A-3 or A-4 under the OBC and having a posted occupancy load greater than 300 persons.~~~~
- ~~(2) In public assembly buildings having an occupancy load exceeding 1,000 persons, and in all hotels and motels, regardless of occupancy capacity, the automatic fire alarm system required by this chapter shall be electronically monitored by an approved central station or proprietary monitoring system in accordance with National Fire Protection Association standards.~~
- ~~(b) The following are exempt from the provisions of subsection (a) hereof:
  - ~~(1) Buildings or portions thereof that are protected by an approved and maintained sprinkler system; and~~
  - ~~(2) Buildings having an occupancy of hotel, motel, dormitory or lodging or rooming house, in which all rooms exit directly to the outside, in which no public corridor is provided and where the building is not more than three stories in height.~~~~

~~1450.05 MANUAL FIRE ALARM SYSTEMS REQUIRED.~~

~~A manual fire alarm system shall be installed and maintained in full operating condition in:~~

- ~~(a) Buildings having an occupancy of apartment use, when they are four or more stories in height;~~

~~(b) Buildings having an occupancy of business, mercantile, factory or industrial use when they are three or more stories in height; and~~

~~(c) Buildings having an occupancy of public assembly Type A-1, A-2 or A-3 use when they are more than one story in height, regardless of occupant load classification.~~

#### ~~1450.06 POWER SUPPLY; SIGNALS.~~

~~All automatic fire alarm systems and manual fire alarm systems required to be installed under the provisions of this chapter shall be:~~

~~(a) Equipped with an independent emergency electrical power supply consisting of approved rechargeable batteries or generators; and~~

~~(b) Capable of providing a visual and audible signal of a fire condition.~~

#### ~~1450.07 SMOKE DETECTORS REQUIRED.~~

~~(a) Smoke detectors shall be installed and maintained in full operation in all of the following:~~

~~(1) — Hotels and motels: In each guest room, suite or sleeping area;~~

~~(2) — Lodging or rooming houses: In each guest room, suite or sleeping area;~~

~~(3) — Dormitories: In each sleeping area;~~

~~(4) — Apartments: In each sleeping area, and in or near each stairway leading to an occupied area in such a manner as to assure that rising smoke is not obstructed in reaching the detector and that rising smoke cannot effectively bypass the detector before it reaches the occupied area;~~

~~(5) — One and two family dwellings: In each sleeping area, and in or near each stairway leading to an occupied area in such a manner as to assure that rising smoke is not obstructed in reaching the detector and that rising smoke cannot effectively bypass the detector before it reaches the occupied area; and~~

~~(6) — Assembly, business, mercantile, factory and industrial buildings: Where, due to the physical arrangement of a building, the Fire Chief determines that, in consideration of the life safety of the occupants, at least one detector shall be provided at each level to a stairway leading to an occupied area, in such a manner as to assure that rising smoke is not obstructed in reaching the detector and that rising smoke cannot effectively bypass the detector before it reaches the occupied area.~~

~~(b) All smoke detectors required by this section shall be installed in conformity with the National Fire Protection Association Standard 72E and/or Standard 74, as amended.~~

#### ~~1450.08 SMOKE DETECTOR SPECIFICATIONS.~~

~~(a) All smoke detectors installed in compliance with this chapter shall be listed by a nationally recognized testing laboratory, as recognized in NFPA 72 as listed in rule 1301:7-7-45 of the Ohio Administrative Code.~~

~~(b) (1) — All smoke detectors installed in compliance with this chapter shall be powered by the 110 Volt AC building electrical system, provided, however, that smoke detectors installed in one and two family dwellings that were constructed prior to the effective date of this chapter may be approved battery operated detectors.~~

~~(2) — Where battery operated smoke detectors are permitted by this section, it shall be the responsibility of the owner of the property to install the required detectors, and it shall be the~~

~~responsibility of the occupant of the property to maintain the battery and clean the detector per the manufacturer's guidelines so that the detector will be operative at all times.~~

~~(c) In buildings that are constructed after the effective date of this chapter, where, because of the physical arrangement of an apartment or a one or two family dwelling, the provisions of this chapter require the installation of more than one smoke detector per dwelling unit, the required detectors shall be interconnected with each other so that activation of any one detector in the dwelling unit shall cause all required detectors to emit a signal.~~

~~(d) In buildings that are constructed after the effective date of this chapter, when the facility is to be used primarily for the housing of elderly persons, or persons with physical hearing limitations or mental disorders, all required smoke detectors shall be capable of providing a visual and audible signal of a fire condition and shall be in accordance with National Fire Protection Association Standard 72G.~~

~~(e) Prior to the sale or transfer of title to property subject to the requirements of this chapter, the seller or transferor shall comply with the provisions hereof and shall obtain a certificate of compliance from an authorized inspector.~~

#### ~~1450.09 ENFORCEMENT.~~

~~(a) The Code Enforcement Officer shall enforce the applicable sections of this chapter to existing buildings used wholly or in part for residential purposes, where the Code Enforcement Officer inspects such buildings in the ordinary course of his or her duties.~~

~~(b) The Chief of the Fire Division or an authorized designee shall enforce all sections of this chapter.~~

#### ~~1450.99 PENALTY.~~

~~Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) or imprisoned not more than 30 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. In addition, the violator shall pay all costs and expenses involved in the case.~~



~~CHAPTER 1452~~  
~~Fire Limits~~

~~1452.01 Material Requirements in B-2  
Central Business District~~

~~1452.99 Penalty~~

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~~1452.01 MATERIAL REQUIREMENTS IN B-2 CENTRAL BUSINESS DISTRICT.~~

~~The area of the city designated on the official zoning map and its amendments, both past and future, as the B-2 Central Business District, is hereby designated and established as a fire district. All construction, repair, remodeling and installation in the B-2 Central Business District, as shown on the official zoning map and its amendments, shall be with fire resistant materials conforming to the requirements of the most recent edition of the *Ohio Building Code*, as adopted in § 1420.01.~~

~~1452.99 PENALTY.~~

~~Whoever violates any of the provisions of this chapter is guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250) or imprisoned not more than thirty (30) 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. In addition, the violator shall pay all costs and expenses involved in the case.~~

~~CHAPTER 1454~~  
~~Flood Damage Prevention~~