



## Legislation Details (With Text)

**File #:** 1443-2009      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 10/21/2009      **In control:** Rules & Reference Committee

**On agenda:** 11/16/2009      **Final action:** 11/17/2009

**Title:** To amend various code sections in Title 41, Building Code, Title 45, Housing Code, and Title 47, Nuisance Abatement Code, to correct incorrect references and typographical errors and to repeal Chapters 4119 and 4121, in Title 41, dealing with antiquated regulations for fire zones that are no longer used and have been superseded by the Ohio Fire Code and Ohio Building Code requirements.

**Sponsors:** Andrew Ginther

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
11/17/2009	1	ACTING MAYOR	Signed	
11/17/2009	1	CITY CLERK	Attest	
11/16/2009	1	Columbus City Council	Approved	Pass
11/16/2009	1	COUNCIL PRESIDENT	Signed	
11/9/2009	1	Columbus City Council	Read for the First Time	
10/21/2009	1	Dev Drafter	Sent for Approval	
10/21/2009	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
10/21/2009	1	Dev Drafter	Sent for Approval	
10/21/2009	1	CITY ATTORNEY	Reviewed and Approved	
10/21/2009	1	Dev Drafter	Sent to Clerk's Office for Council	

### BACKGROUND:

As a result of the continued extensive, city-wide, code review process conducted by Lexis-Nexis, a series of code changes were recommended for the code titles under the direction of the Department of Development in an effort to remove errors and conflicts from the Columbus City Codes. These changes are designed not to change the content or intent of the code but rather to correct simply typographical errors and conflicting cross references when present.

This ordinance authorizes amendments to Title 41, the Columbus Building Code, Title 45, the Housing Code, and Title 47, the Nuisance Abatement Code, in order to correct multiple cross-references, mostly referencing the sections of the Ohio Administrative Code that form the Ohio Building Code.

These changes also repeal Chapters 4119 and 4121 of the Columbus Building Code, Title 41, dealing with antiquated regulations for fire zones as they are no longer used and have been superseded by the Ohio Fire Code and Ohio Building Code requirements.

### FISCAL IMPACT:

No funding is required for this legislation.

To amend various code sections in Title 41, Building Code, Title 45, Housing Code, and Title 47, Nuisance Abatement Code, to correct incorrect references and typographical errors and to repeal Chapters 4119 and 4121, in Title 41, dealing with antiquated regulations for fire zones that are no longer used and have been superseded by the Ohio Fire Code and Ohio Building Code requirements.

**WHEREAS**, as a result of the continued extensive, city-wide, code review process conducted by Lexis-Nexis, a series of code changes were recommended for the code titles under the direction of the Department of Development in an effort to remove errors and conflicts from the Columbus City Codes; and

**WHEREAS**, these changes are designed not to change the content or intent of the code but rather to correct simply typographical errors and conflicting cross references when present; and

**WHEREAS**, this ordinance authorizes amendments to Title 41, the Columbus Building Code, Title 45, the Housing Code, and Title 47, the Nuisance Abatement Code, in order to correct multiple cross-references, mostly referencing the sections of the Ohio Administrative Code that form the Ohio Building Code; and

**WHEREAS**, these changes also repeal Chapters 4119 and 4121 of the Columbus Building Code, Title 41, dealing with antiquated regulations for fire zones as they are no longer used and have been superceded by the Ohio Fire Code and Ohio Building Code requirements; **now, therefore**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the existing section 4103.09 of the Columbus City Codes, 1959, is hereby amended to read as follows:

**4103.09 Rehabilitation of building.**

The rehabilitation of any building or structure shall conform to the appropriate sections of the adopted building code under which it is covered.

~~A building which was existing prior to March 1, 1959, and which is to be rehabilitated, may be made to conform to this Code by applying the provisions of OBBC Articles 2 to 31 or Article 32, "Repair, Alteration, Addition to, and Change of Use of Existing Buildings" incorporated in Chapter 4183, C.C. Such provisions are not applicable to such building if it conforms to the balance of the provisions of this Code.~~

Section 2. That the existing section 4103.12 of the Columbus City Codes, 1959, is hereby amended to read as follows:

**4103.12 Alternate materials and construction.**

(A) The provisions of this Building Code are not intended to prevent the use of any material or method of construction not specifically prescribed by this Building Code, provided any such alternate has been approved.

(B) The building official may approve any such alternate provided he finds that the proposed design is satisfactory and complies with the provisions for alternative materials as provided for in the adopted building codes of Chapter 4139, C.C., "Structural Loads and Stresses," ~~and that the material, method or work offered is for the purpose intended, at least the equivalent of that prescribed in this Building Code, in quality, strength, effectiveness, fire resistance, durability and safety.~~

(C) The review of alternate materials and construction for use in any building regulated by the OBC ~~OBBC~~ may be submitted to the Ohio Board of Building Appeals for that Board's approval and determination that the proposed material or method of construction is at least equivalent to that prescribed in the OBC ~~OBBC~~ or for granting a variance for its use. ~~(See Section 4101:2-1-68 OBBC.)~~

(D) The building official shall require that sufficient evidence or proof be submitted to substantiate any claim that may be made regarding its use. Tests as proof of compliance may be required to be made at the expense of the owner or his agent by an approved agency. Copies of the results of all such tests affecting buildings shall be kept on file in the office of the building official. Any person adversely affected by the refusal of the building official to grant an approval authorized by this section may appeal to the building commission in the manner provided in C.C. 4107.05.

Section 3. That the existing section 4113.01 of the Columbus City Codes, 1959, is hereby amended to read as follows:

**4113.01 Permits--Applications.**

To obtain any permit the applicant shall first file an application ~~therefor~~ therefore in writing on a form furnished by the building official for that purpose.

Correct information shall be furnished by the applicant for a permit, giving the location of the premises by street number, or the facility, as defined in C.C. ~~4113.03~~ ~~4116.03~~, where the work is to be done, name of owner, and any other information pertaining to the work that may be required. Every such application shall give such information as reasonably may be required by the building official.

**Section 4.** That section 4113.41 of the Columbus City Codes, 1959, is hereby repealed.

**4113.41 Blanket residential permit.**

~~(A) Any builder of a new residential dwelling unit of an R-2, R-3 or R-4 use group may choose to purchase a blanket residential permit covering all inspections and documents necessary to complete the new building for initial occupancy. The fee prescribed therefor by the fee schedule shall include all normal and customary general construction and mechanical or electrical permits and inspections thereunder and the final certificate of occupancy as requested in the application therefor.~~

~~The blanket residential permit may be issued in lieu of building, mechanical or electrical permits which may be required to construct a new residential dwelling unit of an R-2, R-3 or R-4 use group. The permit fee is inclusive of all normal and customary permits which the project may require.~~

~~The blanket residential permit fee does not include a reinspection fee, after hours inspection fee, temporary occupancy fee or similar fee. A blanket residential permit fee does include a normally related accessory building such as a carport but does not include a community building, pool or similar construction.~~

~~A blanket residential permit is figured on the gross floor area, including but not limited to: halls, common areas, stairways, chimney areas, laundry rooms and those areas required by C.C. 4113.43(B)(1), divided by the number of dwelling units.~~

~~A blanket residential permit fee is not refundable. A change of contractor shall be accomplished only by a permit transfer.~~

~~(B) The applicant for a blanket residential permit shall furnish a list of the types of permits to be issued for the property and the name and contractor license or registration number of the department-issued, licensed or department-registered contractor or department-registered OCIEB licensed specialty contractor for whom each permit will be issued.~~

~~(C) Only an OCIEB licensed specialty contractor duly registered with the department shall be issued a mechanical or electrical permit under this section.~~

~~(D) Only those permits requested on the initial application will be issued under the blanket residential permit fee. Any subsequent permit will be issued and the fee therefor charged according to other provisions of the fee schedule.~~

**Section 5.** That the existing section 4113.27 of the Columbus City Codes, 1959, is hereby amended to read as follows:

**4113.27 Information on plans and specifications.**

Except as noted, plans and specifications shall be prepared, or their preparation shall be supervised, and shall bear the seal of a registered design professional in the state. Plans shall be drawn to scale upon a substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to the provisions of this Building Code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the house and street address of the work and the name of the owner or agent and the person who prepared them. Plans shall include a plot plan showing the location of the proposed building and of every existing building adjacent on the property. Plans shall include a complete description of the mechanical, electrical and fire protection systems of the building where required. These shall include, but not be limited to, plumbing schematics, HVAC, duct and piping layouts and lighting and power equipment layouts and how these systems will be installed.

In lieu of detailed specifications the chief building official may approve references on the plans to a specific section or part of this Building Code or other ordinances or laws. Computations, stress diagrams, and other data sufficient to show the correctness of the plans shall be submitted when required by the chief building official. Construction documents required to be submitted by the Ohio Basic Building Code (OBC) shall comply with all provisions of that code ~~4101:2-1-19 (Ohio Administrative Code)~~.

One (1), Two (2) and Three (3) Family Dwellings. The requirement that plans must be prepared or supervised by a licensed architect or engineer may be waived by the chief building official.

Plans and specifications submitted for structures to be located in the flood plain as determined by the flood profile and the flood boundary and floodway map on file in the office of the department shall include a certificate by a registered professional engineer stating that the design and methods of construction of proposed structures comply with the anchoring and floodproofing procedures as outlined in the Building Code and that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

The department shall maintain such certificates on file which shall be open for inspection.

**Section 6.** That the existing section 4113.51 of the Columbus City Codes, 1959, is hereby amended to read as follows:

**4113.51 Special building permits--Tents.**

(A) No person shall erect a tent or any variant thereof of any type tent that creates a covered or enclosed area greater than two hundred square feet (200 sq. ft. / 18.58 m<sup>2</sup>) without first applying for and obtaining a special building permit or registration from the chief building official for such purpose. In addition, the fee prescribed therefor in the fee schedule shall be paid for either a special building permit or registration as hereinafter provided. Each special building permit or registration is valid for only one (1) location and is not transferable. Unless specifically required by the chief building official, construction documents prepared and sealed by a registered design professional as defined by ~~Chapter 2, "Definitions"~~ of the Ohio Building Code (OBC) are not required to be submitted for a special building permit or registration for a tent.

The special building permit for a tent or a variant thereof shall be for issued for a maximum of a thirty (30) calendar day period or for any portion thereof. A special building permit shall expire at the end of the thirty (30) calendar days or at the end of the period for which it was issued. Renewal for a maximum additional thirty (30) calendar day period or for a portion thereof may be granted at the discretion of the chief building official. The existence of a temporary tent or a variant thereof shall not be allowed for more than one (1) calendar year.

The erection of any tent or membrane structure, which creates a covered or enclosed area of greater than two hundred square feet (200 sq. ft. / 18.58 m<sup>2</sup>) shall be subject to the regulations of the Ohio Building Code (OBC) ~~Chapter 31, Section 3102, "Tents and Membrane Structures"~~ and the Columbus Building Code. Tents that either share or are joined by common construction and/or connecting elements shall be considered one (1) tent structure.

**Exemption:** The erection of any frame or pole tent or any variant thereof, that is erected and used only as a temporary accessory use to a one (1), two (2) or three (3) family dwelling is exempt from obtaining a special building permit or registration under the requirements of this section. However, any tent or any variant thereof, so erected under this exemption shall not be used for any public or commercial purpose like, but not limited to, advertising, display, sales, sales promotions or special events.

(B) Registration of a Temporary Use Tent (5 days or less) For a Public Festival- A tent or any variant thereof, used for a public festival, which has a combined total covered or enclosed area greater than two-hundred square feet (200 sq. ft. / 18.58 m<sup>2</sup>), but not more than two-thousand square feet (2000 sq. ft. / 185.5 m<sup>2</sup>) shall be registered with the Department and not require a special building permit if erected for use not more than five (5) consecutive days for a specific event. The five (5) consecutive calendar days shall not include the days used for erection or dismantling of the temporary tent installation.

As a prerequisite for a temporary use tent(s) registration, either the responsible party representing the public festival, or the erector of the tent(s), shall give to the Department notarized evidence, acceptable to the chief building official, that such a tent(s) or any variants thereof meet the requirements of C.C. 3390 and have been found to be safe and sanitary for their intended use and occupancy. The notarized evidence establishing that such a condition exists by benefit of compliance with all the applicable requirements of the Ohio Building Code (OBC) ~~OBC Chapter 31, Section 3102, "Tents and Membrane Structures"~~. In addition, there shall also be provided and thereafter constantly maintained during the event, a clear space separation of a minimum of twelve feet (12 ft / 3.7 m) between each tent structure.

A single registration may be issued for each event that utilizes temporary tents as herein defined, and the registration may include all qualifying event structures eligible for registration. A copy of the temporary tent registration issued by the chief building official shall be continuously posted at the festival site for the duration of the event.

(C) Any tent or any variant thereof, that is more than two-thousand square feet (2000 sq. ft. / 185.5 m<sup>2</sup>), or for which the tent's use exceeds the maximum five (5) consecutive calendar day period, shall require a special building permit. For the purposes of this code, tents or any variants thereof, that share and/or are joined by common construction and/or connecting elements shall be considered one (1) tent structure.

**Section 7.** That the existing section 4113.75 of the Columbus City Codes, 1959, is hereby amended to read as follows:

**4113.75 Fire protection system.**

A. No person shall construct, install, alter or repair any fire protection system or fire suppression system in any building within the city without first obtaining a permit from the department to do such work and paying the fee prescribed therefor in the fee schedule; nor shall the owner or person having charge of any property within the city cause or allow any such work to be done on such premises without a permit having been first obtained therefor and the fee having been paid.

Upon proper application therefor, a fire protection permit for a fire alarm and detection equipment and/or fire protection system shall only be issued to an Ohio Division of State Fire Marshal, Bureau of Licensing and Certification certified company that is duly registered with the department.

**Exception:** A fire protection permit may be issued to a person not certified by the Ohio Division of State Fire Marshal, Bureau of Licensing and Certification. However, such person shall not be engaged in the business of servicing, testing, repairing, or installing fire protection or fire fighting equipment for profit as stipulated in Section 1301:7-7-09 ~~Section 1301:7-7-05(A)(2)~~ of the Ohio Administrative Code (OAC).

B. (a) Fire protection system permits shall be required as follows:

(1) Residential Dwelling Units. Unless covered under a blanket residential permit issued under C.C. 4113.41 or an electrical permit

issued under C.C. 4113.73, one (1) fire protection system permit fee shall be required for each dwelling unit of an R-2, R-3 or R-4 use group.

**Exemption:** Except as required by C.C. 4113.75(B)(c), a low-voltage fire detection and alarm system installed in a residential building of an R-4 use group shall be exempt from the provisions of this section. A battery-powered, automatic, household, fire-warning device in a residential building of an R-4 use group shall be exempt from the provisions of this section.

(2) Other Than Residential Dwelling Units. For all other buildings not included in subsection (B) (a) (1) above a separate fire protection system permit fee shall be required for each certified address.

(b) The minimum fee for a fire protection system permit shall be as prescribed in the fee schedule.

(c) Fire protection permit--Fire detection and alarm system.

(1) A fire protection permit shall be required for a fire detection and alarm system as follows:

Fire detection and alarm systems include both line voltage (over forty-nine (49) volts) and low voltage (forty-nine (49) volts or less) systems.

The fee calculation shall be based on a charge for each unit of the system, including but not limited to, outlets, detectors, alarms, horns, audible signaling appliances, loudspeakers and manual fire alarm boxes; or a minimum fee, whichever is greater.

Only a licensed electrical contractor shall be issued a permit to install a line voltage system.

All line voltage connections of a low voltage system shall be by an OCIEB licensed electrical contractor duly registered with the department, and shall require an electrical permit.

(2) The fire protection permit fee for a fire detection and alarm system shall be as prescribed in the fee schedule.

(d) Fire protection permit--Automatic fire suppression system.

(1) A fire protection permit shall be required for an automatic fire suppression system and the fee therefor shall be as prescribed in the fee schedule.

No permit or fee shall be required for a portable fire extinguisher.

(2) Fire protection permit fees for automatic fire suppression systems shall be as prescribed in the fee schedule.

**Section 8.** That the existing section 4114.701 of the Columbus City Codes, 1959, is hereby amended to read as follows:

**4114.701 Applicability for OCILB licensed specialty contractor registration.**

Within the corporation limits, no person shall act as or claim to be a heating-ventilating-air conditioning contractor, refrigeration contractor, plumbing contractor, electrical contractor, or hydronics contractor unless that person holds or has been assigned an Ohio Construction Industry Licensing Board (OCILB) specialty contractor's license pursuant to Chapter 4740 4701 of the Ohio Revised Code (ORC) for the type of contractor that person is acting as or claiming to be. In addition, any person engaged in, or wanting to be engaged in, any of the specific contractor types listed above shall have a current, valid OCILB specialty contractor license and be duly registered with the department in order to apply for and obtain permits to perform work of their specific OCILB licensed craft or trade.

**Section 9.** That the existing section 4509.90 of the Columbus City Codes, 1959, is hereby amended to read as follows:

**4509.90 Procedures for finding a public nuisance.**

Whenever the director determines that there are reasonable grounds to believe that a public nuisance exists, or when notices issued pursuant to Sections 4509.02 ~~or~~ 4513.07 ~~or~~ 4515.03 do not alleviate such determination, the director may:

(A) Cause to be filed in the environmental division of the Franklin County municipal court a civil complaint for injunctive relief seeking abatement of the public nuisance. The procedures to be followed will be pursuant to the Ohio Rules of Civil Procedure; or

(B) Cause to be filed in the environmental division of the Franklin County municipal court a misdemeanor criminal complaint. The procedures to be followed will be pursuant to the Ohio Rules of Criminal Procedure; or

(C) Notify the chairman of the board of nuisance abatement, who shall cause a hearing to be held by the board of nuisance abatement on the question of the existence of a public nuisance pursuant to Chapter 4701.

**Section 10.** That the existing section 4561.11 of the Columbus City Codes, 1959, is hereby amended to read as follows:

**4561.11 Floor space requirements.**

Every room occupied for sleeping purposes by one (1) person shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least forty (40) square feet of floor space for each occupant thereof or one hundred ten (110) square feet, whichever is greater. Notwithstanding the provisions of this section and of Section 3341.04 ~~and~~ 4541.02 ~~and~~ Chapter 3333, dormitory sleeping rooms may be provided for occupancy by more than six (6) persons in college dormitories, college fraternities, college sororities, college club houses and by any religious or denominational institution or organization, or charitable organization, which is operated, supervised or controlled by or in connection with a religious

organization, or any bona fide private or fraternal organization subject to all the provisions of this Housing Code, except the floor space requirements thereof. Such dormitory sleeping rooms shall comply with the following requirements:

- (a) Beds. Beds shall have not more than two (2) decks each. The term "bed" shall include any bed, bunk, cot, or other furniture equipment used for sleeping purposes.
- (b) Exits and aisles. Clear space at least three (3) feet wide shall be provided for not less than three (3) feet in front of each fire exit and stairway and shall be connected by aisle at least three (3) feet wide to a center or main aisle. Any center or main aisle shall be at least three (3) feet wide.
- (c) Spacing of beds. Space at least two (2) feet wide shall be provided at the ends of beds and between the ends of beds arranged end to end except that center or main aisles between the ends of beds shall be at least three (3) feet wide. Space at least thirty (30) inches wide shall be provided along each long side of each bed, but where such is a center or main aisle it shall be at least three (3) feet wide.

**Section 11.** That the existing section 4705.13 of the Columbus City Codes, 1959, is hereby amended to read as follows:

**4705.13 Abatement cost recovery.**

In abating the public nuisance the director may obtain the abatement by using the city's own employees and materials or the director or through competitive bidding and by private contract and the costs of such private contract shall be paid for from city funds, or from funds provided to the city by the federal government which are specifically authorized by the city council in order to abate public nuisances. The costs of such abatement shall be recovered from the owner in the following manner:

(A) ~~A-~~ The owner shall be billed for the cost of the abatement by mailing a bill to the owner by certified mail with return receipt requested, or by personally serving the owner with a copy of the bill. If service is not perfected by either of these methods the billing notice shall be published in a newspaper of general circulation once a week for two (2) consecutive weeks.

(B) If the owner fails to pay the bill, the city shall cause the costs of abatement to either be certified to the county treasurer of Franklin, Delaware, Pickaway, Licking, or Fairfield County, Ohio and levied as a special assessment against the property which was the subject of the abatement action, and recovered in the manner provided for the recovery of special assessments, or shall be collected by civil action in like manner as other debts may be collected.

**Section 12.** That the existing section 4707.07 of the Columbus City Codes, 1959, is hereby amended to read as follows:

**4707.07 Reoccupancy of building.**

No building or structure which has been placarded as a public nuisance or a hazardous building in accordance with this Nuisance Abatement Code, ~~shall again be used for human habitation or use until approval is secured from, and such placard is removed by, the director;~~ ~~Found to be vacant and hazardous building pursuant to C.C. Section 4709.03, declared a public nuisance as defined and so placarded, or Declared and placarded as a hazardous building pursuant to C.C. Section 4709.03, shall again be used for human habitation or use until written approval is secured from, and such placard is removed by, the director.~~ The director shall remove, or cause to be removed, such placard whenever the defects upon which the declaration and posting or placarding action were based have been eliminated.

**Section 13.** That the existing section 4709.07 of the Columbus City Codes, 1959, is hereby amended to read as follows:

**4709.07 Repair, secure or demolition.**

Any building or structure declared and placarded as a hazardous building by the ~~code enforcement officer~~ director shall be brought to a safe condition by being secured and maintained in accordance with Chapter 4707, or razed within a reasonable time as ordered by the code enforcement officer or director. Failure to bring the building or structure into a safe condition is a violation of this code as specified in C.C. Section 4701.15, such that the director may initiate any proper legal action, and/or referral of the property to the safe neighborhood review board for an appropriate hearing and finding.

**Section 14.** That Chapters 4119 and 4121 of the Columbus City Codes, 1959, are hereby repealed in their entirety.

**Section 15.** That sections 4103.09, 4103.12, 4113.01, 4113.27, 4113.51, 4113.75, 4114.701, 4509.90, 4561.11, 4705.13, 4707.07, and 4709.07 of the Columbus City Codes, 1959, are hereby repealed.

**Section 16.** That this ordinance shall take effect and be in force from and after the earliest period provided by law.