



## Legislation Details (With Text)

**File #:** 1709-2007      **Version:** 1

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

**File created:** 10/17/2007      **In control:** Rules & Reference Committee

**On agenda:** 11/19/2007      **Final action:** 11/21/2007

**Title:** To repeal Columbus Building Code Section 4113.38 and amend Columbus Building Code Section 4113.37, removing the exemption allowing for the registration of certain work related to decks, roofs, siding and windows, thereby requiring a full and complete building permits for these items.

**Sponsors:** Maryellen O'Shaughnessy

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
11/21/2007	1	CITY CLERK	Attest	
11/20/2007	1	MAYOR	Signed	
11/19/2007	1	Columbus City Council	Approved	Pass
11/19/2007	1	COUNCIL PRESIDENT PRO-TEM	Signed	
11/12/2007	1	Columbus City Council	Read for the First Time	
11/2/2007	1	Dev Drafter	Sent to Clerk's Office for Council	
10/23/2007	1	Dev Drafter	Sent for Approval	
10/23/2007	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
10/23/2007	1	Dev Drafter	Sent for Approval	
10/23/2007	1	CITY ATTORNEY	Reviewed and Approved	

### BACKGROUND:

With the creation and mandatory adoption of the statewide Residential Code of Ohio, the State of Ohio has sought to create a single, consistent building code across all jurisdictions for all one-, two-, and three-dwelling unit buildings. Prior to the creation of this statewide residential building code, and its local adoption in 2006, the city of Columbus had full discretion in determining the scope of work requiring a building permit for all work being performed on one, two, and three dwelling unit buildings. Under those parameters, it was determined that certain minor construction work, specifically the replacement of windows, siding, and roofing material, and the addition of a deck, would not require a full building permit if the work met certain, predetermined criteria. In place of a full permit and the associated fee, a free registration would be all that was required.

Upon state review of the registration requirements, it was determined that the registration process would need to be elevated to that of a full building permit. This code change removes the provisions for the registration process, thereby requiring a full building permit for all work in accordance with the state review. This code change was reviewed by the Columbus Building Commission at their June 19, 2007, monthly public meeting and recommended its adoption by Columbus City Council.

### FISCAL IMPACT:

Additional costs for providing the additional inspection would be offset by fees generated from the additional permits.

To repeal Columbus Building Code Section 4113.38 and amend Columbus Building Code Section 4113.37, removing the exemption allowing for the registration of certain work related to decks, roofs, siding and windows, thereby requiring a full and complete building permits for these items.

**WHEREAS**, with the creation and mandatory adoption of the statewide Residential Code of Ohio, the state of Ohio has sought to create a single, consistent building code across all jurisdictions for all one-, two-, and three-dwelling unit buildings; and

**WHEREAS**, prior to the creation of this statewide residential building code, and its local adoption in 2006, the city of Columbus had full discretion in determining the scope of work requiring a building permit for all work being performed on one, two, and three dwelling unit buildings; and

**WHEREAS**, under those parameters, it was determined that certain minor construction work, specifically the replacement of windows, siding, and roofing material, and the addition of a deck, would not require a full building permit if the work met certain, predetermined criteria; and

**WHEREAS**, in place of a full permit and the associated fee, a free registration would be all that was required; and

**WHEREAS**, upon state review of the registration requirements, it was determined that the registration process would need to be elevated to that of a full building permit; and

**WHEREAS**, this code change removes the provisions for the registration process, thereby requiring a full building permit for all work in accordance with the state review; and

**WHEREAS**, this code change was reviewed by the Columbus Building Commission at their June 19, 2007, monthly public meeting and the Commission recommended its adoption by Columbus City Council; now, therefore,

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

Section 1. That the existing Section 4113.37 of the Columbus City Codes, 1959, is hereby amended to read as follows:

**4113.37 Building permits.**

(A) General Construction. This section deals with permits for general construction and does not include permits required for the mechanical and electrical trades.

(B) Required.

(1) No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure in the city, or cause the same to be done, without first obtaining a separate permit for each such building or structure from the building official and paying the fee prescribed in the fee schedule.

~~Exception: Registration, in lieu of a building permit, is required for the specific types of installation on one (1), two (2), and three (3) family dwellings which meet all of the specifically exempt scope of work criteria C.C. 4113.38.~~

(2) Pre-approval(s) Required. When a certificate of zoning clearance, a certificate of appropriateness, or certificate of approval, is required, all that apply shall be obtained prior to filing for an application for a building permit. Failure to obtain the required pre-approval(s) prior to commencing an installation is subject to, but not limited by, the penalty provision of C.C. Chapter 3116. Referral (s) to the appropriate regulatory agency(s) may be obtained from the department.

(3) Maintenance Work. No building permit is required for maintenance work which is made of the same material of which the building or structure was originally constructed; however, such work shall in no way, be the type of work that could be considered an alteration or rehabilitation to the building or structure. Interior or exterior painting does not require a permit; however, a certificate of appropriateness shall be required for exterior painting of any building or structure listed on the Columbus Register of Historic Properties or is within an architectural review commission district. Within the university impact district, exterior painting and maintenance work involving replacement-in-kind does not require a certificate of approval.

(C) Parking Lot.

(1) No person shall commence to construct, enlarge, alter, improve or convert a parking lot in the city, or cause the same to be done without first obtaining a separate permit for each such parking lot from the building official and paying the fee prescribed in the fee schedule.

**Exception:** A separate permit need not be obtained for the construction of a parking lot if said parking lot is shown on the plans and

included in the permit for the building or structure.

(2) Pre-approval Required. When a certificate of zoning clearance, certificate of appropriateness, or certificate of approval is required, all that apply shall be obtained prior to filing an application for a parking lot. Failure to obtain the required approval(s) prior to commencing an installation is subject to, but not limited by, the penalty provision of C.C. 3116. Referral(s) to the appropriate regulatory agency(s) may be obtained from the department.

(3) A permit is not required for the routine maintenance of a parking lot, such as patching holes, sealing, or striping without changing the number of available spaces.

(D) Not Required. A building permit is not required for the following types of installations; however, an installation within the scope of either subsection (D)(1) or (D)(3) of this section that is either listed on the Columbus register of historic properties or located within an architectural review commission district, requires a certificate of appropriateness in accordance with C.C. Chapter 3116:

(1) Playground equipment located on residential, commercial or public property;

(2) A mobile or manufactured home located in a mobile or manufactured home park which is licensed by the local or state board of health;

(3) An unheated, one (1) story, detached building that is accessory to a one (1), two (2), or three (3) family dwelling and contains less than one hundred sixty-nine (169) square feet of gross floor area.

(E) Building Permit Issuance. A building permit may be issued:

(1) To an appropriately licensed home improvement contractor duly licensed with the department or to the owner of a one (1), two (2), or three (3) family dwelling to do the work with his or her own hands or see that the work is properly accomplished under his or her direct supervision;

(2) To the owner of a single unit in an existing multi-family dwelling to do the structural work within his or her own unit with his or her own hands or see that the work is properly accomplished under his or her direct supervision;

(3) For a completed one (1), two (2), or three (3) family dwelling, to the general contractor duly registered with the department, who originally constructed the dwelling in order to remodel or construct an addition on that same dwelling;

(4) To the owner of any existing building other than a one (1), two (2), or three (3) family dwelling to do the structural work within his or her own unit with his or her own hands or see that the work is properly accomplished under his or her direct supervision;

(5) To a general contractor duly registered with the department for any building other than a one (1), two (2), or three (3) family dwelling to perform the structural work with his or her own hands or see that the work is properly accomplished under his or her direct supervision;

(6) Any person acting on the behalf of, or as an agent for, an owner to obtain a building permit shall be a general contractor duly registered with the department.

(F) Use of Name. No department licensed or registered contractor, or occupying homeowner shall allow the use of his or her name by any person, directly or indirectly, for the purpose of obtaining a building permit to do any work.

(G) Emergency Work.

(1) Where an emergency exists, work may be commenced prior to obtaining a building permit; however, application for a permit shall be made as soon as possible the same day or as soon as the department office is open for business. An emergency includes, but is not limited to, structural, mechanical or electrical system failures.

(2) Where an emergency exists, work may be commenced prior to obtaining a certificate of appropriateness or certificate of approval on any building or structure that is either listed on the Columbus register of historic properties, or is within an architectural review commission district or within the university impact district; however, an application for a certificate of appropriateness or a certificate of approval shall be made as soon as possible on the same day or as soon as the appropriate department office or section is open for business.

**Section 2.** That the existing Section 4113.38 of the Columbus City Codes, 1959, is hereby amended to read as follows:

~~4113.38 Registration certificate.~~

~~(A) Scope. This section shall only cover the requirements for registration of specific types of building permit exempt installations and only applies to an existing one (1), two (2), and three (3) family dwelling. It shall not include permit provisions for the mechanical and electrical trades.~~

~~(B) Registration Certificate Required.~~

~~(1) No person shall perform any of the building permit exempt installations as described in paragraph (G) below on any existing one (1), two (2), or three (3) family dwelling without first obtaining a registration certificate for such work. The registration certificate shall be obtained from the department.~~

~~(2) Pre-approval Required. When a certificate of zoning clearance, certificate of appropriateness, or certificate of approval is required, all that apply shall be obtained prior to filing for a registration certificate. Failure to obtain the required pre-approval(s) prior to commencing an installation is subject to, but not limited by, the penalty provision of C.C. 3116. Referral(s) to the appropriate regulatory agency(s) may be obtained from the department.~~

~~(3) Exterior maintenance work on a building or structure that is listed on the Columbus register of historic properties, or is within an architectural review commission district requires a certificate of appropriateness in accordance with C.C. Chapter 3116. Within the university impact district, exterior painting and maintenance work involving replacement in-kind does not require a certificate of~~

approval.

(C) There shall not be a fee charged for this registration certificate.

(D) Posting Requirements.

(1) Registration Certificate. A copy of the registration certificate shall be conspicuously posted on the front elevation of the dwelling before the work is started and shall remain posted until the work is completed. The registration certificate shall be protected from damage resulting from the weather and/or other deleterious conditions.

(2) Contractor's Sign. The installation contractor shall identify the work site with a sign, no larger than nine (9) square feet that includes his or her name, complete current address and telephone number. The sign shall be conspicuously placed to be clearly read from the curb, public sidewalk or property line. The sign shall be placed at the commencement of installation and remain so positioned until the work is completed or as authorized by the building official.

(E) Penalty. Failure to either obtain or properly post a required registration certificate and/or contractor sign prior to commencing any installation covered by this section shall be deemed a violation of this section and the violator shall be subject to a fine of one hundred dollars (\$100.00) per day per occurrence.

(F) Registration Certificate Issuance.

(1) A registration certificate may only be issued:

(a) To the owner of a one (1) family dwelling; or

(b) To a licensed home improvement contractor who has a current, valid and appropriate license for the intended installation and who shall do the work; or

(c) To the owner of a single unit of a one (1), two (2), or three (3) family dwelling to do the work on his or her own unit with his or her own hands or see that the work is properly accomplished under his or her direct supervision; or

(d) To the owner of a one (1), two (2), or three (3) family dwelling to do the work on his or her own dwelling with his or her own hands or see the work is properly accomplished under his or her direct supervision.

(e) For a completed one (1), two (2) or three (3) family dwelling to the general contractor duly registered with the department who originally constructed the dwelling in order to perform any work that requires a registration certificate.

(2) The application for registration shall be on a form furnished by the department.

(3) Upon the acceptance of a complete application for a registration certificate, the department shall provide the applicant a validated copy of the registration certificate.

(4) For a building, structure, or site that is either listed on the Columbus register of historic properties, is within an architectural review commission district, or is within the university impact district, no registration certificate shall be issued without the applicant first receiving a certificate of appropriateness or certificate of approval, as applicable.

(G) Required.

(1) A registration certificate is required for the following work to an existing one (1), two (2), or three (3) family dwelling:

(a) Installation of siding and/or roof covering materials that will replace, cover, and/or augment the existing siding or roofing materials. In no case shall the total number of either layers of siding material or plies of roofing material exceed two (2).

(b) Installation of a wood deck that:

(i) is less than thirty (30) inches in height above finished grade; and

(ii) is supported on at least two (2) opposing sides by an adjoining structure and/or posts, piers, or other independent means.

In addition, the surrounding ground surface area of the deck, extending ten (10) feet horizontally from the deck's perimeter in any direction of any exposed deck elevation, shall not have a slope angle of depression of more than one (1) unit vertical in twelve (12) units horizontal (1 in 12 pitch/8.33% fall). The height of the deck above finished grade is the distance from the lowest point of the finished grade to the top of the floor structure along the deck's exposed perimeter.

Exception: A building permit is required for any modification of an existing wood deck that would cause it not to meet all the criteria of this paragraph.

(c) Installation of a new window sash or a replacement window unit provided it does not alter the original rough framed opening, form, function or characteristics of the window unit it replaces.

(2) Exterior maintenance work on a building or structure that is listed on the Columbus Register of Historic Properties or is within an architectural review commission district, requires a certificate of appropriateness in accordance with C.C. 3116.

(H) Use of Name. No owner or licensed or registered contractor shall allow the use of his or her name by any person, directly or indirectly, for obtaining a registration certificate to do any work governed by this section.

(I) Emergency Work.

(1) For the purpose of this section, emergency work is limited to the specific installations described in paragraph (G) above. No emergency work performed under this section shall operate to negate any provision of this section.

(2) Where an emergency exists, work may be commenced prior to obtaining a registration certificate; however, application for a registration certificate shall be made as soon as possible on the same day or as soon as the department office is open for business.

(3) Where an emergency exists, work may be commenced prior to obtaining a certificate of appropriateness or certificate of approval on any building or structure that is either listed on the Columbus Register of Historic Properties, or is within an architectural review commission district or within the university impact district; however, an application for a certificate of appropriateness or a certificate of approval shall be made as soon as possible on the same day or as soon as the appropriate department office or section is open for business.

(J) Enforcement.

(1) The chief building official, or his or her designee, following C.C. Chapter 4105 is authorized and directed to administer and enforce the provisions of this section.

(2) In addition to the provisions of C.C. 3305.075, the designated staff of the department are authorized and directed by the chief building official to enforce the provisions of this section. Whenever any work is being done contrary to this section, a code enforcement officer shall order the work stopped by posting at the site a printed notice to "stop work" (construction stop work order) compliant with C.C. Chapter 4105, and/or a "not approved notice" in writing to "stop work," to be served on any person engaged in, doing, or causing such work to be done without a required registration certificate. Any such person so served shall forthwith stop such work until otherwise authorized by the chief building official to proceed with the work notwithstanding an appeal as provided in C.C. Chapter 4107.

(3) Violations of this section shall constitute a public nuisance and shall be processed in accordance with the prescribed policies and procedures as established by the department for such violations. In addition to any other remedies provided for by this code for its enforcement, the department may bring civil suit to enjoin the violation(s) of any provisions of this section.

(K) Expiration of a Registration Certificate.

(1) Any registration certificate issued in accordance with this section is nontransferable.

(2) A registration certificate dependent upon having obtained a certificate of zoning clearance, certificate of appropriateness or certificate of approval, and issued in accordance with this section, shall expire:

(a) At the same time with either the expiration or revocation of the certificate of zoning clearance as provided in Title 33 of the Columbus City Codes, 1959.

(b) Concurrently with the date of expiration of the certificate of appropriateness issued by a architectural review and/or historic preservation commission established in Title 31 and 33 of the Columbus City Codes, 1959.

(c) Concurrently with the expiration of the certificate of approval issued by the university area review board as established in Title 33 of the Columbus City Codes, 1959.

**Section 3.** That this ordinance shall take effect and be in force from and after the earliest period provided by law.