

ORDINANCE NO. 65-15

AN ORDINANCE ENACTING CHAPTER 1341 AND REPEALING CHAPTER 1335 OF THE CODIFIED ORDINANCES OF THE CITY OF ASHLAND, OHIO; RELATIVE TO THE RESIDENTIAL CODE OF OHIO; AND DECLARING AN EMERGENCY.

Whereas, this Council desires to enact Chapter 1341 of the Codified Ordinances of the City of Ashland, Ohio in order to adopt the Residential Code of Ohio and to establish a local appeals process within the City; and

Whereas, this Council desires to repeal Chapter 1335 of the Codified Ordinances of the City of Ashland, Ohio which will be replaced in full by Chapter 1341; now therefore,

Be It Ordained by the Council of the City of Ashland, Ohio 5 members thereto concurring:

Section 1. That Chapter 1341 of the Codified Ordinances of the City of Ashland, Ohio be, and the same is hereby, enacted as follows:

1341.01 ADOPTION.

This chapter does hereby approve, adopt, and enact the 2013 Residential Code of Ohio for One-, Two- and Three-Family Dwellings, and subsequent editions or amendments as may hereinafter be adopted and promulgated by the State of Ohio Board of Building Standards for the City of Ashland, Ohio, together with all changes, amendments, and revisions thereto and incorporated herein, and made a part of this Chapter as Section 1341.02, save and except such portions as are hereinafter deleted, amended or modified by these Regulations, are regulating the fabrication, erection, construction, enlargement, alteration, repair, location and use of detached one-, two- and three-family dwellings, their appurtenances and accessory structures in the jurisdiction of the City; and providing for the issuance of permits therefor, providing penalties for the violation thereof, and repealing all ordinances and parts of ordinances in conflict therewith.

1341.02 AMENDMENTS, MODIFICATIONS AND DELETIONS.

The following sections of the 2013 Residential Code of Ohio have been revised by the City of Ashland.

1. Table 301.2(l), the following is the standard design criteria for the City of Ashland:

- a. Ground Snow Load, Pg, is 20 pounds per square foot.
- b. Basic Wind Speed, 3-second gust is 90 miles per hour.
- c. Seismic Design Category is A or B, as calculated per Section 301.2.2.1
- d. Weathering is Severe
- e. Frost Line Depth is 36 inches
- f. Termite Infestation Probability is Moderate to Heavy
- g. Winter Design Temperature is 5 degrees Fahrenheit
- h. Ice Shield Underlayment Required is Yes
- i. Flood Hazard – August 18, 2009
- j. Air Freezing Index is 2,000
- k. Mean Annual Temperature is 49.3 degrees Fahrenheit

Table 301.2(1) referenced from Chapter 3 of the Residential Code of Ohio
Climatic and Geographic Design Criteria

Ground Snow Load	Wind Design		Seismic Design Category	Subject to Damage From			Winter Design Temp.	Ice Barrier Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
	Speed (mph)	Topographic effects		Weathering	Frost Line Depth (in)	Termite					
20	90	No	A or B Per Section 301.2.2.1	Severe	36	Moderate to Heavy	5	Yes	8/18/2009	2000	49.3

1341.03 RESIDENTIAL BOARD OF BUILDING APPEALS

There is hereby established in the City a board to be called the Residential Board of Building Appeals, which shall consist of the same members as the Zoning Board of Appeals.

1341.04 POWERS OF THE BOARD

The Residential Board of Building Appeals shall hear and decide the adjudication hearing arising from orders of the Building Official in the enforcement of the Residential Building Code or other such rules, regulations or ordinances of the City pertaining to residential buildings. The orders may be reversed or modified by the Board if it finds:

- (a) The order contrary to such Code, rules, regulations or ordinances;
- (b) The order is contrary to a fair interpretation or application thereof; or
- (c) That a variance from the provisions of such Code, rules, regulations or ordinances, in a specific case, will not be contrary to the public interest where literal enforcement of such provisions will result in unnecessary hardships.

1341.05 RIGHT TO APPEAL

Any person, firm, company or corporation has the right to appeal any decision of the Building Official relating to any provisions of the Residential Building Code. Anyone desiring to appeal a decision of the Building Official may do so by filing a written appeal to the Residential Board of Building Appeals.

1341.06 HEARING AND RIGHT OF APPEAL; COSTS

- (a) Requests for an appeals hearing shall be made in writing to the Building Department within thirty days of the mailing date of an adjudication order. Each request shall be accompanied with a processing fee of seventy-five dollars (\$75.00). The Residential Board of Building Appeals shall schedule a hearing within 30 days and notify the party of same by certified mail, unless notice is waived in writing.
- (b) All hearings before the Board shall be open to the public. The appellant, the appellant’s representative, the Building Official, and any person whose interests are affected shall be given an opportunity to be heard.
- (c) For purposes of conducting adjudication hearings, the Board may require attendance of witnesses, production of records or documents, and may take deposition of witnesses. Testimony shall be under oath, with a stenographic or mechanical record kept, along with such evidence as submitted.
- (d) The Board shall render its decision within ten days after the conclusion of the hearing.

(e) Following the hearing, the Board shall serve by certified mail upon the party affected thereby, a certified copy of the Board's decision.

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(f) Any decision by the Board to modify or reverse the decision of the Building Official shall be by a concurring vote of at least three members.

(g) The Building Official shall take immediate action in accordance with the decision of the Board.

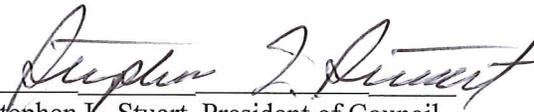
(h) All rulings of the Board shall constitute a final appealable order. However, an appeal of the Board's ruling may be made to the Court of Common Pleas in accordance with Ohio R.C Chapter 2506.

Section 2. That Chapter 1335 of the Codified Ordinances of the City of Ashland, Ohio be, and the same is hereby, repealed in full.

Section 3. That in order to enforce provisions of the Residential Code of Ohio and to facilitate a local appeals process, this Ordinance is declared to be an emergency measure immediately necessary for the preservation of the public peace, property, health, safety and welfare.

Section 4. That this Ordinance shall take effect and be in force from and after its passage by Council and approval pursuant to Section 12 of the Charter of the City of Ashland, Ohio.

Passed: September 1, 2015


Stephen L. Stuart, President of Council

Attest: Elizabeth A. McClurg
Elizabeth A. McClurg, Interim Clerk of Council

Approved: Glen P. Stewart
Glen P. Stewart, Mayor

Approved as to form and correctness:


Richard P. Wolfe II, Director of Law
Assistant

Date: September 1, 2015

The City of Ashland
PROPOSED LEGISLATION
Codified Ordinance – Chapter 1341 – Residential Code of Ohio

DATE: August 26, 2015

TO: Honorable Mayor Glen P. Stewart & City Council

FROM: Shane Kremser, P.E., City Engineer

LEGISLATION SUMMARY: This proposed Ordinance enacts Chapter 1341 of the City's Codified Ordinances, which formally adopts the Residential Code of Ohio, as amended, and creates a local appeals process. This Ordinance also repeals Chapter 1335 of the Codified Ordinances, which previously adopted the 1986 BOCA One and Two Family Dwelling Code.

LEGISLATIVE HISTORY: Ordinance 21-13 adopted the Ohio Building and Mechanical Codes in a similar manner. Nationally, the separate code bodies were consolidated into one governing code body, which prepares and updates the non-residential and residential codes that the State adopted.

LEGISLATIVE PURPOSE: The purpose of the proposed Codified Ordinance is to formally adopt the Residential Code of Ohio, as amended, and to create a local appeals process, which is required by the State.

FISCAL IMPACT: None

DIRECTOR'S RECOMMENDATION: After reviewing with the Mayor and Law Director, it is recommended that this Ordinance be passed so that we can forward with implementing this Codified Ordinance.