

ORDINANCE NO.: 8-2007
INTRODUCED BY: Steffen

AN ORDINANCE AMENDING CHAPTER 1303 OF THE CODIFIED ORDINANCES OF THE CITY OF RICHMOND HEIGHTS TO ADOPT THE RESIDENTIAL CODE OF OHIO FOR ONE-, TWO-, AND THREE-FAMILY DWELLINGS; AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Board of Building Standards has adopted the Residential Code of Ohio for One-, Two-, and Three-Family Dwellings which is modeled after the 2003 International Residential Code previously adopted by the City of Richmond Heights in Chapter 1303 of its Codified Ordinances; and

WHEREAS, at the recommendation of the Building Commissioner, Council desires to amend Chapter 1303 of its Codified Ordinances to adopt the Residential Code of Ohio for One-, Two-, and Three-Family Dwellings to be enforced by the Building Commissioner and his designees.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Richmond Heights, Ohio, that:

Section 1: Existing Chapter 1303 of Part Thirteen, "Building Code," of the Codified Ordinances of the City of Richmond Heights be and the same hereby is amended to read as follows:

**"CHAPTER 1303
Residential Code of Ohio for One-, Two-,
and Three-Family Dwellings**

1303.01 ADOPTION.

(a) For the purpose of establishing rules and regulations for the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of all detached one, two and three-family dwellings and appurtenant structures which are not constructed as industrialized units, including permits and penalties, the building code known as the Residential Code of Ohio for One-, Two-, and Three-Family Dwellings as adopted by the Ohio Board of Building Standards pursuant to R.C. 3781.10 is hereby adopted.

(b) The same is hereby intended to be adopted within the City in its most current edition or amendment and the same is incorporated as if fully set out at length herein.

1303.02 FILE AND DISTRIBUTION COPIES.

One copy of the Residential Code of Ohio for One-, Two- and Three-Family Dwellings shall be filed as a part of the ordinance records of the City and the same are adopted and

incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect the provisions thereof shall be controlling in the construction of all one, two and three-family dwellings and appurtenant structures contained within the City. One copy of such Code shall also be on file in the Cuyahoga County Law Library and the Clerk shall have copies available for distribution to the public at cost.

1303.03 DEFINITIONS.

Wherever titles, words and phrases are used in portions of the Residential Code of Ohio for One-, Two-, and Three-Family Dwellings adopted in Section 1303.01, such terms shall be construed to mean the equivalent officer, word or phrase applicable to the City.

1303.04 ENFORCEMENT.

The Commissioner of Building, Housing and Zoning (Building Commissioner) or the Commissioner's designee shall have authority to issue plan approvals and to administer and enforce the provisions of this chapter.

1303.05 APPEALS.

The Board of Zoning Appeals shall hear all appeals from the orders, determinations and decisions of the Building Commissioner or the Commissioner's designee relative to the application and interpretation of this chapter as provided for in Chapter 1185 of the Codified Ordinances.

1303.99 PENALTY; EQUITABLE REMEDIES.

(a) Whoever violates or fails to comply with any of the provisions of the Residential Code of Ohio for One-, Two-, and Three-Family Dwellings, as adopted in Section 1303.01, is guilty of a misdemeanor of the first degree for each offense. Unless otherwise provided, a separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

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

Section 2: Existing Chapter 1303 of Part Thirteen, "Building Code," of the Codified Ordinances of the City of Richmond Heights is hereby repealed.

Section 3: It is found and determined 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 and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Richmond Heights, and for the further reason that it is immediately necessary in order to enforce the Residential Code of Ohio for One-, Two- and Three-Family Dwellings for the health and safety of those occupying such residences. Therefore, provided this

Ordinance receives the affirmative vote of five members of Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

PASSED:_____

Daniel J. Ursu, Mayor

APPROVED:_____

ATTEST:_____

Betsy Traben
Clerk of Council

David H. Roche
President of Council