

TEMPORARY ORDINANCE NO. 30-05*

PERMANENT ORDINANCE NO. 36-05

AN ORDINANCE TO AMEND SECTIONS 1301.02-1301.99 OF THE LANCASTER
CODIFIED ORDINANCES

BE IT RESOLVED by the Council of the City of Lancaster, Ohio.

SECTION 1. That Chapter 1301 is amended to read as follows:

1301.02 DEFINITIONS.

(a) Whenever the term "jurisdiction" is used in the adopted Building Code, it shall mean the City of Lancaster.

(b) Whenever the term "Building Official" or "Building Inspector" is used in the adopted Code or this chapter it shall mean the officer, Building Administrator, Zoning Inspector, Building Inspector, or other designated authority charged with the administration and enforcement of the adopted Code or this chapter, as designated by the Mayor.

1301.03 SCOPE.

The rules and regulations of the adopted Code and this chapter shall include one, two, and three-family dwellings in addition to the scope stated in Chapter 1 Section R-101.2 of the International Residential Code.

1301.04 PERMIT REQUIRED.

A permit shall be obtained pursuant to the residential Code. Buildings of fifty square feet or less shall not require a permit.

1301.05 PERMIT APPLICATION

(a) By Whom Application is Made. Application for a building permit shall be made by the owner or lessee of the building or structure, or agent of either, or by the licensed engineer or architect employed in connection with the proposed work. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the proposed work is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, building contractor, lessee, applicant and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

(b) Site Plan. A site plan as referenced in Section R-106.2 of the International Code shall be filed showing the size and location of all new and existing structures on the site, distances from lot lines and the established street grades; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show all structures to be demolished and the location and size of all structures to remain.

1301.05.1 PERMIT EXPIRATION

(a) Time Limitation of Permit. Every permit issued by the building official under the provisions of this Code, including permits for building, zoning compliance, sewer taps, and water taps shall expire twelve months after the date of issue. These provisions shall be in addition to those specified in Section R-105.5 titled Expiration in the International Code, with the exception of a permit for the demolition of a building or part of a structure which shall expire forty-five days after the date of issue.

1301.05.2 PERMIT RENEWAL

(a) Renewal. Before work can be resumed on a building or part of a structure, a permit renewal shall be obtained prior to the expiration of the original permit.

(b) Number of Renewals.

(1) New residential construction. New residential construction projects may obtain one renewal from the Building Department.

(2) Rehab residential constructions. Rehab projects, additions, improvements, repair projects may obtain one renewal from the Building Department. A second renewal may be issued at the discretion of the Building Department Official.

(3) Appeal of denial. A party may appeal the denial of the renewal to the Structural Board within ten days of said denial.

(c) Renewal Permit Expiration. A renewal permit expires 12 months after its issue date.

1301.5.3 DEMOLITION PERMIT

(a) Service connections. Before a structure can be demolished or removed, the owner or agent shall notify all utility companies having service connections within the structure such as water, electric, gas, sewer and other connections. A permit to demolish or remove a structure shall not be issued until a release is obtained from the utility companies stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner.

(b) Historic property. The Lancaster Building Department shall determine if the structure or building in issue is a listed property which is protected by the Historic Preservation Chapter 1327. If that is the case, the appropriate certificate shall be obtained from the Historic Lancaster Commission before a permit may be issued.

(c) A demolition permit expires 45 days after its issue date.

1301.06 LOT REGULATIONS FOR REMOVAL OF STRUCTURES.

Whenever a structure is demolished or removed, the premises shall be maintained free from all unsafe or hazardous conditions by the proper regulation of the lot, the restoration of established grades and the erection of the necessary retaining walls and fences.

1301.07 PERMIT FEE.

(a) No permit as required by the Building Code shall be issued until the fee prescribed in this section has been paid. No amendment to a permit shall be approved until the additional fee, if any, has been paid. The Fee Schedule shall be adopted by an administrative action of the Mayor.

1301.08 NONQUALIFICATION FOR PERMIT.

A permit shall not be issued or, if already issued, a permit shall be terminated by the Building Inspector, where the building contractor listed in the permit application, or a contractor hired subsequent to the issuance of the permit, is one who is not a registered contractor with the City of Lancaster.

1301.09 CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.

Buildings shall be designed and constructed in accordance with the provisions of this Code using the design criteria set forth in the code and the conditions set forth below.

- (a) Roof Live Load - 25 pounds per SF
- (b) Roof Snow Load - 25 pounds per SF
- (c) Wind Pressure - 20 pounds per SF
- (d) Seismic Condition Zone - 1
- (e) Damage by Weathering - Severe
- (f) Frost line depth - 30 inches
- (g) Subject to termite damage - moderate to heavy
- (h) Subject to damage by decay - slight to moderate
- (i) Winter design temperature for heating - 0 degrees to 10 degrees.

1301.10 ACCESSORY BUILDING FOUNDATION.

Detached utility buildings larger than fifty square feet but less than 200 square feet and not exceeding ten feet in height may be constructed on a four inch concrete slab, poured in place or on a treated wood pier foundation approved by the Building Official.

1301.11 VIOLATION

(a) Prosecution of violation. Any person, firm, or corporation that is in conflict of this code or fails to comply with a notice of violation or order shall be deemed guilty of a first degree misdemeanor. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises may be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

1301.12 NOTICE

(a) Notice to person responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in this section to the person responsible for the violation.

(b) Form. Such notice prescribed in Section (a) shall be in accordance with all of the following:

- (1) Be in writing
- (2) Includes a description of the real estate sufficient for identification.
- (3) Include a statement of the violation or violations and why the notice is being issued.

(4) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.

(5) Inform the property owner of the right to appeal.

(6) Include a statement of the right of the City to file a lien in accordance with Section 1301.11

(c) Method of Service. Such notice shall be deemed to be properly served if a copy there of is:

(1) Delivered personally;

(2) Sent by certified or first-class mail addressed to the last known address; or

(3) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

1301.13 APPEALS.

The appeals for this Chapter shall be to the Structural Appeals Board pursuant to Lancaster Codified Ordinance 1303.06.

1301.14 TRANSFER OF OWNERSHIP.

It shall be unlawful for the owner of a dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

1301.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree. Each day that a violation continues shall constitute a separate offense.

SECTION 4. That existing Chapter 1301 is hereby repealed.

SECTION 5. That the Clerk of Council is hereby ordered and directed to cause this ordinance to be published pursuant to the attached ordinance summary prepared by the Law Director.

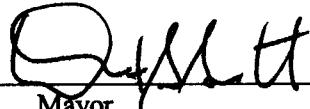
SECTION 6. That this Ordinance shall be effective July 1, 2005.

Passed: 5/23/05 after 3rd reading. Vote: Yeas 8 Nays 0

Approved: 5/23/05


President of Council

Attest: Jessica Lee Hanchy


Mayor

Offered by: Tom Fink

Second by: Harry E. Hiles

Requested by Law Committee

I, _____, Clerk of Council do hereby certify that on _____, 2005 and _____, 2005 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council