

# CITY OF MASON, OHIO

## LOCAL AMENDMENTS

to the

### RESIDENTIAL CODE OF OHIO FOR ONE, TWO AND THREE FAMILY DWELLINGS

Adopted by: Mason City Council  
Date Adopted: May 9, 2005  
Ordinance No.: 2005-53  
Effective Date: June 9, 2005

# **EXHIBIT "A"**

**CITY OF MASON, OHIO**  
**LOCAL AMENDMENTS**  
**to the**  
**RESIDENTIAL CODE OF OHIO 2004**

These amendments modify the Residential Code of Ohio for One, Two and Three Family Dwellings (2004 Edition).

To make a complete copy of the 2004 City of Mason Residential Code as adopted and enforced by this jurisdiction, follow the steps below:

- Step 1:** Make the 2004 OBOA changes (page removals and insertions) to the 2003 International One and Two Family Dwelling Code first. Refer to the instruction sheet accompanying OBOA's amendments.
- Step 2:** Insert the local amendments for the City of Mason, Ohio.

**Letter Designations in Front of Section Numbers**

In each code development cycle, proposed changes to this code are considered at the Code Development Hearing by the International Residential Code Development Committee, whose action constitutes a recommendation to the voting membership for final action on the proposed change. Proposed changes to a code section whose number begins with a letter in brackets are considered by a different code development committee. For instance, proposed changes to code sections which have the letter [EB] in front (e.g., [EB] R 102.7), are considered by the International Existing Building Code Development Committee at the Code Development Hearing. Where this designation is applicable to the entire content of a main section of the code, the designation appears at the main section number and title and is not repeated at every subsection in that section.

The content of sections in this code which begin with a letter designation are maintained by another code development committee in accordance with the following: [B] = International Building Code Development Committee; [E] = International Energy Conservation Code Development Committee; [EB] = International Existing Building Code Development Committee; [F] = International Fire Code Development Committee; [M] = International Mechanical Code Development Committee; and [P] = International Plumbing Code Development Committee.

### **Letter Designations in Front of Section Numbers**

In each code development cycle, proposed changes to this code are considered at the Code Development Hearing by the International Residential Code Development Committee, whose action constitutes a recommendation to the voting membership for final action on the proposed change. Proposed changes to a code section whose number begins with a letter in brackets are considered by a different code development committee. For instance, proposed changes to code sections which have the letter [EB] in front (e.g., [EB] R 102.7), are considered by the International Existing Building Code Development Committee at the Code Development Hearing. Where this designation is applicable to the entire content of a main section of the code, the designation appears at the main section number and title and is not repeated at every subsection in that section.

The content of sections in this code which begin with a letter designation are maintained by another code development committee in accordance with the following: [B]= International Building Code Development Committee; [E] = International Energy Conservation Code Development Committee; [EB] = International Existing Building Code Development Committee; [F] = International Fire Code Development Committee; [M] = International Mechanical Code Development Committee; and [P] = International Plumbing Code Development Committee.

## Part I - Administrative

### CHAPTER 1 ADMINISTRATION

#### SECTION R101 TITLE, SCOPE AND PURPOSE

**R101.1 Title.** These provisions shall be known as the *Residential Code for One-Two and Three Family Dwellings of the City of Mason*, and shall be cited as such and will be referred to herein as "this code."

**R101.2 Scope.** The provisions of the *Residential Code of Ohio for One-Two and Three Family Dwellings* shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one-, two-, and three-family dwellings and ~~multiple single family dwellings (townhouses)~~ not more than three stories in height with a separate means of egress and their accessory structures.

~~**Exception:** Existing buildings undergoing repair, alteration or additions, and change of occupancy shall be permitted to comply with the *International Existing Building Code*.~~

**R101.3 Purpose.** The purpose of this code is to provide minimum requirements to safeguard the public safety, health and general welfare, through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment.

#### SECTION R102 Applicability

**R102.1 General.** Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

**R102.2 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

**R102.3 Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

**R102.4 Referenced codes and standards.** The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this

code and referenced codes and standards, the provisions of this code shall apply.

**Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

**R102.5 Appendices.** Provisions in the appendices shall not apply unless specifically referenced in the adopting ordinance.

**R102.6 Partial invalidity.** In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

**[EB] R102.7 Existing structures.** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, ~~the International Property Maintenance Code or the International Fire Code~~, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

**[EB] R102.7.1 Additions, alterations or repairs.** Additions, alterations or repairs to any structure shall conform to that required for a new structure without requiring the existing structure to comply with all of the requirements of this code, unless otherwise stated. Additions, alterations or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

## SECTION R103

### Authorization Department of Building Safety

**R103.1 Creation of enforcement agency.** ~~The department of building safety is hereby created and the official in charge thereof shall be known as the building official. The building department is authorized and directed to administer all provision of this code, and the official there of shall be known as the building official.~~

**R103.2 Appointment.** The building official shall be appointed by the chief appointing authority of the jurisdiction.

**R103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

## SECTION R104

### DUTIES AND POWERS OF THE BUILDING OFFICIAL

**R104.1 General.** The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

**R104.2 Applications and permits.** The building official shall receive applications, review construction documents and issue permits for the erection and alteration of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

**R104.3 Notices and orders.** The building official shall issue all necessary notices or orders to ensure compliance with this code.

**R104.4 Inspections.** The building official is authorized to make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**R104.5 Identification.** The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**R104.6 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official or designee is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

**R104.7 Department records.** The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records.

**R104.8 Liability.** The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action; suitor preceding that is instituted in pursuance of the provisions of this code.

**R104.9 Approved materials and equipment.** Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

**R104.9.1 Used materials and equipment.** Used materials, equipment and devices shall not be reused unless approved by the building official.

**R104.10 Modifications.** Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements or structural. The details of action granting modifications shall be recorded and entered in the files of the department.

**R104.10.1 Areas prone to flooding.** The building official shall not grant modifications to any provision related to areas prone to flooding as established by Table R301.2(1) without the granting of a variance to such provisions by the board of appeals.

**R104.11 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code. Compliance with the specific performance-based provisions of the International Codes in lieu of specific requirements of this code shall also be permitted as an alternate.

**R104.11.1 Tests.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or to substantiate claims for alternative materials or methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

**R104.11.2 Research reports.** Submission of a valid research report, from an evaluation service, that supports the efficiency of use of any material, appliance, equipment, or method of construction not specifically provided for in this code, or that demonstrates compliance with this code, may be used as evidence of compliance with this code. Evaluation services include, but are not limited to, BOCA-ES, ICBO-ES SBCCI-ES, NES, and ICC-ES.

## SECTION R105 PERMITS

**R105.1 Required.** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

**R105.2 Work exempt from permit.** Permits shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed one hundred twenty square feet (11.15 m<sup>2</sup>).
2. Fences not over 6 feet (1829 mm) high.

3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the grade at the bottom of the retaining wall to the grade at the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment accessory to a one or two-family dwelling.
9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
10. Replacement windows, siding and re-roofing that do not include structural changes or repairs.
11. Temporary tents installed on private property and used for non-commercial purposes.

Electrical:

Repairs and maintenance: A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation appliances.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

**R105.2.1 Emergency repairs.** Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

**R105.2.2 Repairs.** Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

**R105.2.3 Public service agencies.** A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

**R105.3 Application for permit.** To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the building department for that purpose.

Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section R106.1.
5. State the valuation of the proposed work.



6. Be signed by the owner, or the owner's authorized agent.
7. Give such other data and information as required by the building official.

**R105.3.1 Action on application.** The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons there for. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit there for as soon as practicable.

**R105.3.1.1 Substantially improved or substantially damaged existing buildings in areas prone to flooding.** For applications for reconstruction, rehabilitation, addition, or other improvement of existing buildings or structures located in an area prone to flooding as established by Table R301.2(1), the building official shall examine or cause to be examined the construction documents and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its pre damage condition. If the building official finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started, the finding shall be provided to the board of appeals for a determination of substantial improvement or substantial damage. Applications determined by the board of appeals to constitute substantial improvement or substantial damage shall meet the requirements of Section R323.

**R105.3.2 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be re-requested in writing and justifiable cause demonstrated.

**R105.4 Validity of permit.** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

**R105.5 Expiration.** Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. A permit shall be deemed abandoned if no inspections have been approved in a 180 day period. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**R105.6 Suspension or revocation.** The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

**R105.7 Placement of permit.** The building permit or copy thereof shall be kept on the site of the work until the completion of the project.

**R105.8 Responsibility.** It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this code is applicable, to comply with this code.

## SECTION R106 CONSTRUCTION DOCUMENTS

**R106.1 Submittal documents.** Construction documents, special inspection and structural observation programs, and other data shall be submitted in ~~one or more~~ two sets with each application for a permit. ~~The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed.~~ Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

~~Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.~~

**R106.1.1 Information on construction documents.**

Construction documents shall be drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws,

ordinances, rules and regulations, as determined by the building official. Plans shall be drawn to scale and shall include a site plan, foundation plans, floor plans, all elevations, sections, structural elements and details to adequately describe the work and the location and use. The name, address, and telephone number of the person preparing the plans shall appear on the plans. The design loads shall be clearly indicated on the plans.

**R106.1.2 Manufacturer's installation instructions.** Manufacturer's installation instructions, as required by this code, shall be available on the job site at the time of inspections.

**R106.1.3 Information for construction in areas prone to flooding.** For buildings and structures in flood hazard areas as established by Table R301.2(1), construction documents shall include:

1. Delineation of flood hazard areas, floodway boundaries, and flood zones, and the design flood elevation, as appropriate;
2. The elevation of the proposed lowest floor, including basement; in areas of shallow flooding (AO zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade; and
3. The elevation of the bottom of the lowest horizontal structural member in coastal high hazard areas (V Zone); and
4. If design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the building official and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.

**R106.2 Site plan.** The construction documents submitted with the application for permit shall be accompanied by a site plan showing the size and location of new construction and existing structures on the site and distances from lot lines, location of all easements, drainage facilities, adjacent grades, and property lines. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot.

**R106.3 Examination of documents.** The building official shall examine or cause to be examined construction documents for code compliance.

**R106.3.1 Approval of construction documents.** When the building official issues a permit, the construction documents shall be approved in writing or by stamp. One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or his or her authorized representative.

**R106.3.2 Previous approvals.** This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

**R106.3.3 Phased approval.** The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

**R106.4 Amended construction documents.** Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amendment to the construction documents.

**R106.5 Retention of construction documents.** One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

## SECTION R107 TEMPORARY STRUCTURES AND USES

**R107.1 General.** The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

**R107.2 Conformance.** Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

**R107.3 Temporary power.** The building official is authorized to give permission to temporarily supply and use power in part

of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the National Electric Code.

**R107.4 Termination of Approval.** The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary use to be discontinued.

## **SECTION R108 FEES**

**R108.1 Payment of fees.** A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

**R108.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

**R108.3 Building permit valuations.** Building permit valuation shall include total value of the work for which a permit is being issued, such as electrical, gas, mechanical, plumbing equipment and other permanent systems, including materials and labor.

**R108.4 Related fees.** The payment of the fee for the construction, alteration, removal or demolition for work done in connection with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

**R108.5 Refunds.** The building official is authorized to establish a refund policy.

## **Section R-109 Inspections**

**R109.1 Types of inspections.** For onsite construction, from time to time the building official, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this code.

**R109.1.1 Foundation inspection.** Inspection of the foundation shall be made after poles or piers are set or trenches basement areas are excavated and any required forms erected and any required reinforcing steel is in place and prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations

**R109.1.2 Plumbing, mechanical, gas and electrical systems inspection.** Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection.

**Exception:** Ground-source heat pump loop systems tested in accordance with Section M2105.1 shall be permitted to be backfilled prior to inspection.

**R109.1.3 Floodplain inspections.** For construction in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor, including basement, and prior to further construction, the building official shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in Section R323.

**R109.1.4 Frame and masonry inspection.** Inspection of framing and masonry construction shall be made after the roof; masonry, all framing, fire stopping, draft stopping and bracing are in place and after the plumbing, mechanical and electrical rough inspections are approved.

**R109.1.5 Other inspections.** In addition to the called inspections above, the building official may make or require any other inspections to ascertain compliance with this code and other laws enforced by the building official.

**R109.1.5.1 Fire-resistance-rated construction inspection.** Where fire-resistance-rated construction is required between dwelling units or due to location on property, the building official shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished.

**R109.1.6 Final inspection.** Final inspection shall be made after the permitted work is complete and prior to occupancy.

**R109.2 Inspection agencies.** The building official is authorized to accept reports of approved agencies, provided such agencies satisfy the requirements as to qualifications and reliability, and permission to substitute agency inspections is approved by the building official in advance of the work.

**R109.3 Inspection request.** It shall be the duty of the permit holder or their agent to notify the building official that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this code to provide access to and means for inspection of such work.

**R109.4 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portions shall not be covered or concealed until authorized by the building official.

## SECTION R110 CERTIFICATE OF OCCUPANCY

**R110.1 Use and occupancy.** No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy there for as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

**Exception:** Certificates of occupancy are not required for work exempt from permits under Section R105.2.

**[EB] R110.2 Change in use.** Changes in the character or use of an existing structure shall not be made except as specified in the Ohio Building Code when applicable.

**R110.3 Certificate issued.** After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy which shall contain the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of the code.
6. The name of the building official.
7. The edition of the code under which the permit was issued.
8. If an automatic sprinkler is provided.
9. Any special stipulations and conditions of the building permit.

**R110.4 Temporary occupancy.** The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

**R110.5 Revocation.** The building official shall, in writing, suspend or revoke a certificate of occupancy issued under the provision of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provision of this code.

## SECTION R111 SERVICE UTILITIES

**R111.1 Connection of service utilities.** No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until approved by the building official.

**R111.2 Temporary connection.** The building official shall have the authority to authorize and approve the temporary connection of the building or system to the utility source of energy, fuel or power.

**R111.3 Authority to disconnect service utilities.** The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section R102.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility

connection has been made without the approval required by Section R111.1 or R111.2. The building official shall notify the serving utility and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action if not notified prior to disconnection. The owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

## SECTION R112 BOARD OF APPEALS

**R112.1 General.** In order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. ~~The building official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and-~~ The City of Mason Board of Zoning Appeals shall act as the board of appeals for this purpose, and the rules and regulations for the membership and actions of the board shall be those dictated by the City of Mason Zoning Code as applicable. The board shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

**R112.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

**R112.2.1 Determination of substantial improvement in areas prone to flooding.** When the building official provides a finding required in Section R105.3.1.1, the board of appeals shall determine whether the value of the proposed work constitutes a substantial improvement. A substantial improvement means any repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the building or structure has sustained substantial damage, all repairs are considered substantial improvement regardless of the actual repair work performed. The term does not include:

1. Improvements of a building or structure required to correct existing health, sanitary or safety code violations identified by the building official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of an historic building or structure provided that the alteration will not preclude the continued designation as an historic building or structure. For the purpose of this exclusion, an historic building is:
  - 2.1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or
  - 2.2. Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or
  - 2.3. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.

**R112.2.2 Criteria for issuance of a variance for areas prone to flooding.** A variance shall only be issued upon:

1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards in Section R323 inappropriate.
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot un developable.
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.
5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

~~**R112.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.~~

~~**R112.3**~~ **R112.4 Administration.** The building official shall take immediate action in accordance with the decision of the board.

## SECTION R113 VIOLATIONS

**R113.1 Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

**R113.2 Notice of violation.** The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a detail statement or a plan approved there under, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

**R113.3 Prosecution of violation.** If the notice of violation is not complied with in the time prescribed by such notice, the building official is authorized to request the legal counsel of the jurisdiction to 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 building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

**R113.4 Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

## SECTION R114 STOP WORK ORDER

**R114.1 Notice to owner.** Upon notice from the building official that work on any building or structure is being prosecuted contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work will be permitted to resume.

**R114.2 Unlawful continuance.** Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

## SECTION R115 UNSAFE STRUCTURES

**R115.1 Unsafe buildings.** Where a building is found to be a serious hazard, such hazard shall be eliminated or the building shall be vacated, and where such building, when vacated, remains a serious hazard, it shall be razed. Where the building official finds that a building is a serious hazard and the owner of such building fails, in the time specified in a written notice from the building official, to eliminate such hazard, or to vacate or raze the building, the building official shall proceed under the provisions of this code and section 3781.15 of the Ohio Revised Code.

## SECTION R116 LOCAL CLIMATIC AND GEOGRAPHIC DESIGN CRITEREA

**116.1 Local Design Criteria.** For construction within the City of Mason, the following climatic and geographic design criteria shall be inserted into table R301.2(1).

<u>Ground Snow Load</u>	<u>-----</u>	<u>“20 p.s.f.”</u>
<u>Wind Speed</u>	<u>--</u>	<u>“90 mph”</u>
<u>Seismic Design Category</u>	<u>-----</u>	<u>“B”</u>
<u>Weathering</u>	<u>-----</u>	<u>“Severe”</u>
<u>Frost Line Depth</u>	<u>-----</u>	<u>“30 inches”</u>
<u>Termite Damage</u>	<u>-----</u>	<u>“Moderate to Heavy”</u>
<u>Decay</u>	<u>-----</u>	<u>“Slight to Moderate”</u>

Winter Design Temperature ----- --"5 degrees"  
Ice Shield Underlayment Required -----"No"  
Flood Hazards -----"See local flood plain administrator"  
Air Freezing Index ----- "Less than 1,500"  
Mean Annual Temperature -----"50 degrees"

**117.1 Industrialized Units and Manufactured Homes.** Industrialized, modular, or factory-built units shall be approved, inspected and labeled by the State of Ohio. Manufactured homes shall be designed, constructed and certified under the rules et forth by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC Section 5401, et seq.). Evidence of such approval shall be submitted along with an application for permit for all work to be constructed or completed on the building site. Work accomplished on the building site is subject to review and inspection in accordance with this code. Drawings showing all on-site construction and utility connections, and the relationship of the on-site work to the industrialized unit or manufactured home are required to be submitted for review. Fees as prescribed by the City of Mason shall apply to the on-site construction only. Further regulation of the manufactured or "mobile home" is prescribed in the local Zoning Resolution and environmental sanitation rules.

**Section 202 General Building Definitions (add the following)**

**ALCOVE:** A recess adjoining and connected with a larger room, with an unobstructed opening into such room.

**ALTERATIONS, STRUCTURAL:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

**AREA, BUILDING:** The area included within surrounding exterior walls (or exterior walls and fire walls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.

**AREAWAY:** An uncovered subsurface space adjacent to a building.

**ATTIC:** The space between the ceiling beams of the top story and the roof rafters.

**BACKFILL:** To place selected earth or fill material in an excavated void.

**BREEZEWAY:** A covered passage between two buildings, open at the sides.

**BUILDING INSPECTOR:** Authorized employee of the City of Mason, or contractual personnel designated by the City of Mason, charged with the duty to inspect new and existing construction and buildings for code compliance.

**CRAWL SPACE:** An unfinished, accessible space below a floor with a minimum clearance of eighteen inches to the bottom of the joists. Spaces with headroom 6 feet 8 inches or higher shall be considered basements.

**DAMPPROOFING:** A treatment of a surface or structure, which retards the passage of water.

**DRAINAGE SYSTEM:** Those man-made items and natural features which collect storm water from roofed, paved or natural surfaces and convey same to proper outflow; includes all facilities from the collecting surface to outflow.

**DRIVEWAY:** A private way to a single building for the use of vehicles and pedestrians.

**DUCT:** A tube or conduit utilized for conveying air. The air passages of self-contained systems are not to be construed as air ducts.

**DWELLING, DETACHED:** A separate building containing one, two or three dwelling units, which functions as

a dwelling.

**FIREBRICK:** A refractory brick, as of fire clay, capable of sustaining high temperatures without fusion; used for lining fireplaces and chimneys.

**FIRE RESISTANCE RATING:** The time in hours or fractions thereof that materials or their assemblies will resist fire exposure as determined by the fire test procedures set forth in ASTM E-119.

**GARAGE, PRIVATE:** A garage for four or less passenger motor vehicles, four or less single motor airplanes, or one commercial motor vehicle, without provision for repairing or servicing such vehicles for profit.

**LANDING:** A platform in a flight of stairs between two stories; the termination of a stair.

**LOT LINE:** A line dividing one lot from another, or from a street or any public place.

**MEZZANINE:** An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third of the area of the room in which the level or levels are located.

**MOBILE HOME:** See Manufactured Home

**MODULAR HOME:** Industrialized (factory-built) sectionized buildings, approved by the State of Ohio, as distinguishable from pre-cut or pre-fabricated units, which are site-assembled.

**OCCUPANCY:** The purpose for which a building or portion thereof is used.

**POOL, FAMILY (RESIDENTIAL) SWIMMING:** A built or unitized accessory structure consisting of a basin or tank of water for swimming and diving by the homeowner and family, and their invited guests only. This excludes hot tubs, spas and ponds.

**SITE PLAN:** A drawing showing the position and dimensions of the site, the project and all required auxiliary information including contours of the land.

**STAIRWAY:** One or more flights of stairs, and the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one floor to another.

**STRUCTURE:** That which is built or constructed or a portion thereof.

**SWALE:** A drainage channel formed by the convergence of intersecting slopes.

**UNSAFE BUILDING:** Any building or portion thereof, including any dwelling unit, guest room, suite of rooms or the premises on which the same is located in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety or welfare of the public, or the occupants thereof, shall be deemed and hereby is declared to be an unsafe building. Conditions shall include, but are not limited to the following:

- Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in these Regulations for new buildings of similar structure, purpose or location.
- Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structure strength or stability thereof is materially less than it was before such



catastrophe and is less than the minimum requirements of these Regulations for new buildings of similar structure, purpose or location.

- Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in these Regulations for a new building or similar structure, purpose or location without exceeding the working stresses permitted in these regulations for such buildings.
- Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
- Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration or decay; (b) faulty construction; (c) the removal, movement or stability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.
- Whenever, for any reason, the building or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
- Whenever the building, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
- Whenever the building has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (a) an attractive nuisance to children; (b) a harbor for vagrants, criminals or immoral persons; or (c) as to enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
- Whenever any building has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building provided by these Regulations or of any law or regulation of this state or county relating to the condition, location or structure of buildings.
- Whenever any building which, whether or not erected in accordance with all applicable laws and regulations, has in any non-supporting part, member or portion, less than 50 percent, or in any supporting part, member or portion, less than 66 percent, of the (a) strength, (b) fire-resisting qualities or characteristics, or (c) weather-resisting qualities or characteristics required by law in the case of a newly constructed building or like area, height and occupancy in the same location.
- Whenever a building, used or intended to be used for dwelling purposes because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise is determined by the Health Officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
- Whenever any building, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by a Fire Service Official to be a fire hazard.

- Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
- Whenever any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such buildings or portion thereof an attractive nuisance or hazard to the public.

**WALL, PARAPET:** That part of any wall entirely above the roof line.

**WALL RETAINING:** Any wall used to resist the lateral displacement of any material.

Table R401.4.1 Presumptive Load-Bearing Values of Foundation Materials

Revise footnote b to read: Where the building official determines that in-place conditions with an allowable bearing capacity of less than 1500 psf are likely to be present at the site, the allowable bearing capacity shall be determined by a soils investigation. Where the building official determines that in-place conditions with an allowable bearing capacity of more than 1500 psf are likely to be present at the site, the allowable bearing capacity can be 2000 psf.

**PART VIII - Electrical**

**Chapters 25 through 42 are deleted in their entirety.**

The provisions of the *National Electric Code*, NFPA 70, as referenced in the *Ohio Building Code* as the same may be revised and adopted by the State Of Ohio, shall be incorporated herein and shall govern the installation, testing and operation of the electrical systems of one, two, and three –family dwellings and their accessory structures within this jurisdiction. The effective date of the 2005 edition of the National Electrical Code is September 1, 2005 to correspond with the delayed date period permitted by the Ohio Board of Building Standards.

[ pages 435 trough 506 have been deleted]

Appendix C (IFGS) EXIT TERMINALS OF MECHANICAL DRAFT AND DIRECT-VENT VENTING SYSTEMS is hereby adopted and made part of this code.

Appendix G SWIMMING POOLS, SPAS AND HOT TUBS is herby adopted and made a part of this code with the following revisions:

AG105.2 Outdoor swimming pool. Item 9 is revised as follows:

9. ~~Where a A wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:~~  
(the remainder of Item 9 is deleted.)

AG106 is deleted in its entirety.