

**XENIA CITY COUNCIL
REGULAR MEETING AGENDA
JANUARY 12, 2023**

LOCATION:

City Administration Building
City Council Chambers
107 E. Main Street
Xenia, OH 45385

<p>NOTE: Regular and Special Meetings are open to the public. Executive Sessions are closed to the public. Only Regular Sessions are live streamed on the City's government channel (via Spectrum/Channel 5) and YouTube channel (eXplore Xenia). There is an opportunity for Audience Comments during Regular Sessions only and during Public Hearings. Please see note under Audience Comments below.</p>
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REGULAR SESSION

- **INVOCATION** (or moment of silence)
- (1) **PLEDGE OF ALLEGIANCE** Councilman Levi Dean
- (2) **CALL TO ORDER** 6:00 p.m.
- (3) **A. ROLL CALL AND EXCUSAL OF ABSENCES** Vice President Will Urschel, Councilman Thomas Scrivens, Councilwoman Rebekah Dean, Councilman Cody Brannum, Councilman Levi Dean, Mayor Sarah Mays, and President Wesley Smith
- B. REORGANIZATION** Elect Council President and Vice President for 2023
- (4) **APPROVAL OF MINUTES** December 28, 2022 Regular Meeting
- (5) **SPECIAL PRESENTATION(S)** None.
- (6) **AUDIENCE COMMENTS** The public may also submit comments and/or questions for Council consideration by emailing the City Clerk at mjohnson@ci.xenia.oh.us by 3 p.m. on 01/12/2023.
- (7) **OLD BUSINESS**
 - A. ORDINANCE 2022-50 (Public Hearing) AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF XENIA, OHIO, TO REZONE THE PROPERTY AT 24-72 HILL STREET, TOTALING 0.84 ACRES, MORE OR LESS, FROM I-1 LIGHT INDUSTRIAL DISTRICT TO B-2 DOWNTOWN DISTRICT, *introduced by Councilman Scrivens on 12/28/2022*
 - B. ORDINANCE 2022-51 (Public Hearing) AMENDING AND RENUMBERING TITLE TWO, AND REPEALING CHAPTERS 1438, 1442, 1444, 1450, 1452, AND 1454 OF TITLE FOUR, OF PART FOURTEEN – BUILDING AND HOUSING CODES OF THE XENIA CITY CODE, *introduced by Councilman Scrivens on 12/28/2022*
 - C. ORDINANCE 2022-52 (Public Hearing) AMENDING SECTION 298.01(g) OF THE FEE SCHEDULE OF THE XENIA CITY CODE, *introduced by Mayor Mays on 12/28/2022*
- (8) **NEW BUSINESS**
 - A. RESOLUTION 2023-001 REQUESTING THE ADVANCE PAYMENT OF 2022 TAX SETTLEMENTS FROM THE GREENE COUNTY AUDITOR (*Finance Director*)

**XENIA CITY COUNCIL
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- (9) APPOINTED OFFICIALS' REPORTS**
- (10) COUNCIL COMMENTS & REPORTS**
- (11) EXECUTIVE SESSION**
- (12) ADJOURNMENT**

Published upon approval of the Council President by:

Michelle D. Johnson, City Clerk

**XENIA CITY COUNCIL
REGULAR MEETING
DECEMBER 28, 2022**

Pastor Andy Wagner, Faith Community United Methodist Church provided the Invocation.

(1) PLEDGE OF ALLEGIANCE: All present stood and recited the Pledge of Allegiance led by Mayor Sarah Mays.

(2) CALL TO ORDER: President Smith called the Regular Session to order at 5:02 p.m.

(3) ROLL CALL: Councilman Thomas Scrivens, Councilwoman Rebekah Dean, Councilman Cody Brannum, Mayor Sarah Mays, and President Wesley Smith were present. Vice President Will Urschel and Councilman Levi Dean were absent.

Motion by President Smith, seconded by Mayor Mays, to excuse Vice President Urschel due to family obligations and Councilman Dean due to work obligations. No discussion followed. The Roll on this was the following:

Ayes: Scrivens, R. Dean, Brannum, Mays, Smith

Nays: None motion carried.

Staff Present: Assistant City Manager Jared Holloway, Finance Director Ryan Duke, Assistant Finance Director Jason Lake, Law Director Donnette Fisher, City Engineer/Public Service Director Chris Berger, and Police Chief Chris Stutes.

(4) APPROVAL OF MINUTES: Motion by Councilwoman Dean, seconded by Mayor Mays, to approve the December 8, 2022, minutes of the Regular Meeting as written. President Smith entertained comments or questions. None were presented. The Roll on this was the following:

Ayes: Scrivens, R. Dean, Brannum, Mays, Smith

Nays: None motion carried.

(5) SPECIAL PRESENTATION(S): None.

(6) AUDIENCE COMMENTS: President Smith explained the procedures for Audience Comments and invited those who wished to speak to come forward. Nobody came forward to speak.

(7) OLD BUSINESS: None.

(8) NEW BUSINESS:

A. ORDINANCE 2022-48 AMENDING ORDINANCE 2022-43 TO PROVIDE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF XENIA, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022, AND DECLARING AN EMERGENCY. Mr. Duke said at the end of every year, Council was asked to pass an emergency appropriation ordinance to allow staff to make transfers to have funds available for the final personnel, operating, and capital costs. He requested passage of this

emergency appropriation ordinance adjusting the appropriations in the funds listed in the ordinance to allow time to file the final 2022 appropriation ordinance with the Greene County Auditor's office prior to the closing of the year. He noted one appropriation in the amount of \$50,000 was for a transfer from the General Fund to the Police and Fire Capital Fund, which was in line with the financial management policies and goals.

President Smith entertained Council comments or questions. Councilman Scrivens said after Council approval of this Ordinance, he asked if they could expect additional amendments in the future. Mr. Duke said this was the final appropriation ordinance for the 2022 operating budget. The next agenda item to be presented by Mr. Holloway was for the 2023 temporary operating budget. The final budget would be presented to Council by the end of March—hopefully by the end of January. Hearing nothing further, President Smith called for a motion on Ordinance 2022-48.

Motion by Councilwoman Dean, seconded by Councilman Brannum, to adopt Ordinance 2022-48 as presented. No discussion followed. The Roll on this was the following:

Ayes: Scrivens, R. Dean, Brannum, Mays, Smith
Nays: None motion carried.

B. ORDINANCE 2022-49 PROVIDING TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF XENIA, OHIO, THROUGH MARCH 31, 2023, AND DECLARING AN EMERGENCY.

Mr. Holloway said each December, Council was asked to appropriate a temporary budget to authorize expenditures in the short term until the passage of the final budget to ensure continuity of services until the passage of the final budget. Adoption of this temporary appropriation ordinance did not constitute approval of the final budget, nor did it include the final encumbrances for the year, which would not be known until after 2022 was closed out. The temporary budget provided included a few changes from the budget submitted in October including inflationary increases for capital projects in 2023, changes to employee health insurance costs based on the recent open enrollment period, and a few other minor changes. Per City Charter, the final budget must be completed no later than April 1, but as Mr. Duke mentioned, it was staff's intention to bring a final budget to Council in January. Staff recommended City Council adopt this ordinance as an emergency to make temporary Appropriations for expenditures beginning January 1, 2023.

President Smith entertained Council comments or questions. Hearing none, he called for a motion on Ordinance 2022-49.

Motion by Councilwoman Dean, seconded by Mayor Mays, to adopt Ordinance 2022-49 as presented. No discussion followed. The Roll on this was the following:

Ayes: Scrivens, R. Dean, Brannum, Mays, Smith
Nays: None motion carried.

C. Introduction of Ordinance 2022-50 Amending the Official Zoning Map of the City of Xenia, Ohio, to Rezone the Property at 24-72 Hill Street, Totaling 0.84 Acres, More or Less, From I-1 Light Industrial District to B-2 Downtown District. Mr. Holloway said the owners of the parcels located at 24-72 Hill Street requested a rezoning of their properties from

I-1 Light Industrial to B-2 Downtown. They recently acquired these properties (formerly a heating and cooling business) and were seeking to open a bicycle retail and bike service in the existing building, as well as utilize the adjacent vacant land for placement of refurbished railcars for short-term rental housing (i.e., a unique Airbnb destination). This rezoning request included one parcel owned by the City of Xenia (containing a small portion of bike path), which provided contiguity with other B-2 Downtown Business parcels eliminating the concern about spot zoning. This request met all rezoning criteria as evaluated by the Planning and Zoning Commission (PZC). PZC conducted their required public hearing on Thursday, December 1, 2022, and voted to recommend approval to City Council. Staff was seeking an introduction of this ordinance to direct the City Planner to amend the official Zoning Map for the City of Xenia for the five parcels listed.

President Smith entertained Council comments or questions. Councilman Scrivens recalled that the property used to be a coal yard at one point. As chair of the PZC, he heard the presentation and was excited for the project. Mayor Mays asked if any objections were presented at PZC's public hearing. President Smith said no. Hearing nothing further, he called for introduction of Ordinance 2022-50 as presented.

Councilman Scrivens introduced ORDINANCE 2022-50 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF XENIA, OHIO, TO REZONE THE PROPERTY AT 24-72 HILL STREET, TOTALING 0.84 ACRES, MORE OR LESS, FROM I-1 LIGHT INDUSTRIAL DISTRICT TO B-2 DOWNTOWN DISTRICT.

D. Introduction of Ordinance 2022-51 Amending and Renumbering Title Two, and Repealing Chapters 1438, 1442, 1444, 1450, 1452, and 1454 of Title Four, of Part Fourteen – Building and Housing Codes of the Xenia City Code. Ms. Fisher said as part of the City's transition to bring building inspection in house, either completely in house or contracted services, a number of updates and amendments were needed to Part Fourteen – Building and Housing Codes of the Xenia City Code.

Title Two: Building Standards

- Chapter 1402 – Renumbered from Chapter 1420. Keep the adoption of the Ohio Building Code (OBC) as the City's building code for all nonresidential structures.
- Chapter 1404 – Renumbered from Chapter 1422. Keep the adoption of the Residential Code of Ohio (RCO) as the City's building code for all residential structures. Chapter 1422 currently had the Ohio Building Officials Association One-, Two-, and Three-Family Dwelling Code on the books, which became obsolete with the adoption of the RCO by the State in 2007.
- Chapter 1406 – Enact. This new Chapter addressed administration of the adopted Code and authorized Council to set non-OBC/RCO specific permit fees.
- Chapter 1424 – Repeal. Currently, this chapter adopted the 2005 edition of the National Electrical Code, which was not needed as the NEC was part of both the OBC and the RCO.
- Chapter 1426 – Repeal. Adoption of RCO moved to Chapter 1404.

Title Four: Miscellaneous Building Regulations: Recommended for repeal was nearly every Chapter in this Title for the following reasons:

- Chapter 1438: Definitions. Not needed with repeal of other chapters.
- Chapter 1442: Assistance to the Disabled (adopted in 1974, amended in 2006). Superseded by provisions of the OBC and RCO, as well as federal law.

- Chapter 1444: Awnings, Marquees & Signs (1964 Code). Superseded by provisions of Land Development Code.
- Chapter 1450: Fire Alarm Systems & Smoke Detectors (adopted in 1987). Superseded by provisions of the Ohio Fire Code.
- Chapter 1452: Fire Limits (1964 Code). Superseded by provisions of the Ohio Fire Code.
- Chapter 1454: Flood Damage Prevention was replaced with Chapter 1228 of the Land Development Code in 2004 but was not properly repealed at that time.
- Chapter 1474: Numbering of Buildings would be left as it currently existed; it was anticipated that this chapter would be amended and moved when the Public Service Department chapters of the Administrative Code were addressed in early 2023.

President Smith entertained Council comments or questions. Councilman Scrivens recalled that all Xenia homes were renumbered back in 1960s. Ms. Fisher agreed, noting the Code at that time mentioned the renumbering and that the City Engineer would assign all the numbers¹. Hearing nothing further, President Smith called for introduction of Ordinance 2022-51 as presented.

Councilman Scrivens introduced ORDINANCE 2022-51 AMENDING AND RENUMBERING TITLE TWO, AND REPEALING CHAPTERS 1438, 1442, 1444, 1450, 1452, AND 1454 OF TITLE FOUR, OF PART FOURTEEN – BUILDING AND HOUSING CODES OF THE XENIA CITY CODE.

E. Introduction of Ordinance 2022-52 Amending Section 298.01(G) of the Fee Schedule of the Xenia City Code. Mr. Holloway said this was another of several items necessary to initiate a transition in building inspection services from Greene County to the City of Xenia via contractual services. As part of the transition, the City needed to enact fees for building regulation services. The proposed fees included both commercial and residential building fees as required within the Ohio Building Code and the Residential Code of Ohio. As presented, the fees were a slight increase over Greene County’s current fee schedule and presented with a square footage based formulation as opposed to a fee based on the valuation of the building, which was more subjective. Staff felt the increase of some of the fees was necessary to ensure an improved customer service experience and allowed the City to recoup some of the administrative expenses in taking on these services. Staff respectfully requested introduction of this ordinance to amend Section 289.01(g) of the Xenia City Code Fee Schedule.

President Smith entertained Council comments or questions. Hearing none, he called for introduction of Ordinance 2022-52 as presented.

Mayor Mays introduced ORDINANCE 2022-52 AMENDING SECTION 298.01(g) OF THE FEE SCHEDULE OF THE XENIA CITY CODE.

F. RESOLUTION 2022-VVV AUTHORIZING THE CITY’S PARTICIPATION IN CERTAIN JOINT OR COOPERATIVE PURCHASING PROGRAMS OR CONTRACTS FOR THE PURCHASE OF EQUIPMENT, MATERIALS, SUPPLIES, OR SERVICES. Ms. Fisher said with the recent amendments to the City Charter and the City’s Legislative Code, Council may, by resolution, authorize the City to participate in joint or cooperative purchasing programs, contract offerings by the federal government, or any other program or contract

¹ Ordinance 62-36, passed on September 13, 1962, with an effective date of January 1, 1963.

authorized under ORC 9.48 for the purchase of equipment, materials, supplies or services. This resolution established the list of such programs and contracts in which the City may participate for such purchases. Most of the programs and contracts listed were programs and contracts that the City had utilized in the past under prior City Code language and/or ORC authorization. The Fire & EMS Division wished to purchase some items in 2023; however, they cannot find them through programs the City had used in the past. Therefore, she recommended the addition of two new programs: the Houston-Galveston Area Council Buy (HGACBuy) Procurement Program and OMNIA Partners, Public Sector. This resolution would authorize staff to utilize joint cooperative purchasing programs. She noted that these purchasing programs were already competitively bid by other governmental agencies.

President Smith entertained comments or questions. Hearing none, he called for a motion to pass Resolution 2022-VVV.

Motion by Councilman Brannum, seconded by Councilwoman Dean, to pass Resolution 2022-VVV as presented. No discussion followed. The Roll on this was the following:

Ayes: Scrivens, R. Dean, Brannum, Mays, Smith
Nays: None motion carried.

G. RESOLUTION 2022-WWW ESTABLISHING THE CITY'S 2023 ORGANIZATIONAL PLAN, LISTING POSITION TITLES AND NUMBER OF POSITIONS FOR EACH TITLE FOR CITY OF XENIA PERSONNEL. Mr. Holloway said with the voter-approved amendments to Section 10.06 of the Charter in May 2022, Council was now required to adopt an Organizational Plan each year, which was previously accomplished via the Authorized Personnel sheet as part of the budget process. This organizational plan was prepared by the Administrative Steering Committee, which consisted of the three Appointed Officials and the Clerk of Court. The Committee met on December 14th and voted to recommend the 2023 Organizational Plan that was attached to the resolution. The Organizational Plan included all the updates associated with the city departmental reorganizations as approved by Council. It did not include additional security personnel for the Justice Center new security checkpoint as they planned to contract out the service with a private company at this time. It was the recommendation of the Administrative Steering Committee that Council pass this resolution to establish the Charter-required Organizational Plan to set forth all current position titles, number of employees authorized for each title, and the pay grade or pay range number for each position for 2023.

President Smith acknowledged the amount of work required to get to this point with regard to the reorganization. He was glad to see everything come together and believed it would help with accountability, etc. He then entertained comments or questions. Hearing none, he called for a motion to pass Resolution 2022-WWW.

Motion by Mayor Mays, seconded by Councilwoman Dean, to pass Resolution 2022-WWW as presented. Brief discussion followed. Councilman Scrivens asked the number of City employees. Mr. Holloway said there were approximately 225 employees; he noted the number fluctuated depending upon vacancies, etc. Ms. Fisher noted that Council approved the previous organizational plan via Resolution 2022-GG, and Resolution 2022-WWW for 2023 would

update certain position titles per the amendments to the Administrative Code. The Roll on this was the following:

Ayes: Scrivens, R. Dean, Brannum, Mays, Smith

Nays: None motion carried.

H. RESOLUTION 2022-XXX AMENDING RESOLUTION 2022-FF, ESTABLISHING A PAY SOURCE POLICY AS REQUIRED BY SECTION 260.05 OF THE XENIA CITY CODE. Mr. Duke said the way the pay sources were established had changed with some of the recent Charter amendments, and in May of this year, Council adopted Ordinance 2022-13, which made certain amendments to Chapter 260 of the Xenia City Code, titled Personnel. With regard to the organizational plan, if the cost of a position was distributed among more than one pay source, it must be included in Section 260.05, which stated that Council must establish, by resolution, a pay source policy where certain employees have their compensation, including fringe benefits, distributed among the various City funds by percentages per fund. Some new, or newly titled, positions were added, and some existing positions were updated to eliminate some smaller percentages (1% or 2%) to achieve efficiency. There were other minor changes including the elimination of the Housing pay source (603 Fund) because those CDBG grant funds were waning and the addition of the Public Safety and 911 Fund to more accurately reflect those costs. Overall, the percentages were based on the percentage of services the employee provided on behalf of that fund. The required Pay Source Policy was established by Council on June 9, 2022, with the passage of Resolution 2022-FF. With the updates and changes to the Administrative Code that would become effective on January 1, 2023, it was necessary to amend the Pay Source Policy to update the various position titles.

President Smith entertained comments or questions. Councilman Brannum said the Human Resources Director was eliminated and asked the reasoning behind that change. Mr. Duke explained that the position title was being eliminated and the current employee was stepping into the Administrative Services Director role, which was added under the Administrative Services Department. Councilman Scrivens asked who was responsible for the formulation of percentages. Mr. Duke said it was a collaboration; he and several others (City Manager's Office staff and Assistant Finance Director) look at where employees spend their time and what they thought was the proper allocation, which they reviewed with the auditors from time to time. Sometimes, the process was very specific, such as how many hours Public Service workers spent on water main breaks versus sewer maintenance, and other times, it was based on more general estimates. Hearing nothing further, President Smith called for a motion to pass Resolution 2022-XXX.

Motion by Councilwoman Dean, seconded by Mayor Mays, to pass Resolution 2022-XXX as presented. No discussion followed. The Roll on this was the following:

Ayes: Scrivens, R. Dean, Brannum, Mays, Smith

Nays: None motion carried.

I. RESOLUTION 2022-YYY AWARDED THE BID AND AUTHORIZING EXECUTION OF A CONTRACT WITH BRUMBAUGH CONSTRUCTION, INC., FOR THE 2022 SHAWNEE CREEK CULVERT REPAIR PROJECT. Mr. Holloway said staff was seeking to make repairs to a 350' stormwater culvert located between N. King and

N. Galloway Streets that was well over 100 years old. In order to preserve its integrity, several concrete repairs and replacement of missing stones was necessary. Staff issued an RFP and received one response from Brumbaugh Construction, Inc., in the amount of \$130,869, which was within 10% of the current engineer's estimate but higher than previously budgeted. Therefore, as previously stated, staff requested an additional \$10,869 in appropriation Ordinance 2022-48 in order to fund this project. Brumbaugh Construction, Inc., had successfully completed many projects for many local communities over many years. Staff respectfully requested Council pass Resolution 2022-YYY to award the bid and authorize the City Manager to execute a contract with Brumbaugh Construction, Inc., for this project.

President Smith entertained comments or questions. Councilman Scrivens asked Mr. Berger to explain "dewatering." Mr. Berger said whenever work was being done near streams, lakes, rivers, etc., the process to get the work area dry was called "dewatering." President Smith asked if this would be a spring project. Ms. Fisher noted the completion date was March 31, 2023. Mr. Berger agreed, noting the project would get started in the winter months. Hearing nothing further, President Smith called for a motion to pass Resolution 2022-YYY.

Motion by Councilwoman Dean, seconded by Councilman Scrivens, to pass Resolution 2022-YYY as presented. No discussion followed. The Roll on this was the following:

Ayes: Scrivens, R. Dean, Brannum, Mays, Smith

Nays: None motion carried.

J. RESOLUTION 2022-ZZZ AUTHORIZING THE EXECUTION OF EXTRATERRITORIAL SERVICE AGREEMENTS FOR THE PROVISION OF WATER SERVICE TO THE PROPERTIES AT 1164 AND 1214 STEVENSON ROAD, XENIA, OHIO. Mr. Holloway said the City of Xenia received requests from Kaitlin and Justin Marshburn at 1164 Stevenson Road and David Trykoski and Robin Wynn at 1214 Stevenson Road to tap into the public water main that traverses their properties. The subject properties were adjacent to one another, and their respective owners were nearing completion of new homes for future habitation. Unlike recent extraterritorial service agreements approved by City Council, these properties were contiguous to the City, and therefore, both property owners were expected to pursue annexation into the City as a condition of receiving City water. Because the legal process of annexation into the City could be lengthy, staff had no objection to City Council authorizing the territorial service agreement so that water service to these two (2) properties could begin almost immediately with the understanding that continuing the annexation process was mandatory. If for any reason either property owner suspended the process of annexation into the City, the water service would be terminated. As with previous extraterritorial service agreements approved by City Council, there were surcharge fees to be paid above the standard rates enjoyed by City customers. In this particular case, once each property was annexed into the City, each would enjoy the standard water usage fees enjoyed by all City of Xenia customers.

President Smith entertained comments or questions. Hearing none, he called for a motion to pass Resolution 2022-ZZZ.

Motion by Councilwoman Dean, seconded by Mayor Mays, to pass Resolution 2022-ZZZ as presented. Brief discussion followed. President Smith asked when the annexation was expected

to occur. Mr. Holloway said the residents must initiate the annexation with three (3) months of execution of the agreements. The Roll on this was the following:

Ayes: Scrivens, R. Dean, Brannum, Mays, Smith

Nays: None motion carried.

K. RESOLUTION 2022-AAAA AUTHORIZING THE EXECUTION OF A CONTRACT WITH NATIONAL INSPECTION CORPORATION TO PROVIDE CHIEF BUILDING OFFICIAL AND OTHER BUILDING CODE ENFORCEMENT SERVICES.

Mr. Holloway said as Council was aware, staff was directed to seek out and evaluate alternative options to the current contractual relationship for building code enforcement services. The City published an RFP this fall and received four responses. Staff reviewed the responses and interviewed two firms that they felt was the most qualified. Following the interviews, staff was confident that National Inspection Corporation (NIC) was the most qualified to provide these services to the City and was highly preferred due to their customer service approach. They also received positive feedback on their work by many other jurisdictions in the Miami Valley including Cedarville and Yellow Springs within Greene County. Staff would like to transition these services on February 21, 2023, which would allow time to inform the public of the change, finalize system set ups and processes, and have the changes in place before the spring peak building season. The costs of these services would be covered by the fees collected per Ordinance 2022-52. Staff respectfully requested passage of this resolution to authorize the City Manager to execute the Professional Services Agreement with NIC for provision of building code enforcement services.

President Smith entertained comments or questions. Hearing none, he said he recognized that this was a huge undertaking, and Council had been talking about this for five years or more—this was not a knee-jerk reaction. It was not an easy decision, but they feel it would accomplish better service delivery for the City of Xenia. Mayor Mays concurred. They had been getting a lot of feedback from a lot of people, and this was an opportunity to hear the people’s concerns and try something different. Councilman Scrivens said the City of Xenia used to have a Building Inspection Department, and this change was bringing that full circle. President Smith thanked Greene County Building Inspection for their services over the years; he looked forward to continuing to partner with Greene County through the transition. Hearing nothing further, he called for a motion to pass Resolution 2022-AAAA.

Motion by Councilwoman Dean, seconded by Mayor Mays, to pass Resolution 2022-AAAA as presented. No discussion followed. The Roll on this was the following:

Ayes: Scrivens, R. Dean, Brannum, Mays, Smith

Nays: None motion carried.

(9) APPOINTED OFFICIALS REPORTS

President Smith asked Ms. Fisher for her comments. Ms. Fisher wished everyone a “Happy New Year!” She thought 2022 was a great year, and she thanked the voters for approving all the Charter amendments that appeared on the ballots this year. She would continue to present updates to the Xenia City Code in 2023.

President Smith asked Mr. Duke for his comments. Mr. Duke had nothing further to share other than to apologize to those watching the live stream. He explained that staff was experiencing some technical difficulties, and there was a video stream but no audio. He would work with staff to try to get a video of the meeting posted with audio at a later date. He noted that City Offices would be closed on Friday, December 30th, and Monday, January 2nd, for the New Year's holiday.

President Smith asked Mr. Holloway for his comments. Mr. Holloway had nothing further to share.

(10) COUNCIL COMMENTS & REPORTS:

Councilman Brannum thanked the Public Service Department employees for their efforts during the storm last week that brought snow and ice, extreme cold temperatures, and water main breaks.

Councilwoman Dean said she hoped everyone had a Merry Christmas and wished everyone a "Happy New Year!"

Councilman Scrivens also thanked the voters for their support of the Charter amendments; he also acknowledged the many hours Ms. Fisher spent preparing that information and the many hours the Charter Review Committee spent reviewing it. He said the lights at Shawnee Park were still on display, but not for too much longer. He noted people travel from all over to come see the Xenia Lights display, and he appreciated all who worked to make that happen every year. He expressed condolences to the family of former long-time City employee Paul Gultice and his friend Jerry Peacock on the loss of his wife and daughter. He thanked everyone, including Santa, who was involved in putting on the Christmas Station event—he heard it was a great and well attended event. Finally, he wished everyone a "Happy and Safe New Year," noting every day was a gift from God.

Mayor Mays also thanked Public Service, as well as Public Safety, workers for all their hard work over the holidays—they were very busy and many people needed help. The City was fortunate to have an incredible team who worked many long hours. She then shared the following events she attended since their last meeting:

- December 10th: She attended and enjoyed the Air Force Band of Flight holiday concert.
- December 11th: She attended AXP (The Association of Ex-Pupils, Ohio Soldiers' and Sailors' Orphans' Home / Ohio Veterans' Children's Home) Christmas Luncheon; they did a wonderful job collecting toys for Michael's House.
- December 14th: She attended the annual Adult Recreation and Services Center Christmas luncheon, featuring the XHS ensemble and the ladies dance group, Senior Sensations. She also presented a proclamation to Vivian Woods, senior of the year, for her volunteer work at the center.
- December 14th: She attended the Mayors and Managers Christmas meeting, and although there was no business to report, it was her first time to run the meeting as Vice President of the group.
- December 16th: She attended the celebration of the first flight at Wright-Patterson Air Force Base. The first flight was actually on December 17, 1903. She had an opportunity to meet some relatives of the Wright brothers.
- She wished everyone a "Happy New Year!"

President Smith also thanked Public Safety (first responders) and Public Service workers, noting they have to keep working through the holidays. He appreciated all the work they do. He thanked Chief Stutes for being present in the audience this evening; he appreciated that he kept them safe

at many of their meetings. He thanked staff for the job that they do and wished everyone a “Happy New Year!”

(11) EXECUTIVE SESSION: President Smith said there was not a need for an Executive Session this evening.

(12) ADJOURNMENT: Motion by Councilman Brannum, seconded by Councilwoman Dean, to adjourn the Regular Meeting at 5:49 p.m. No discussion followed. The Roll on this was the following:

Ayes: Scrivens, R. Dean, Brannum, Mays, Smith

Nays: None motion carried.

Michelle D. Johnson
City Clerk

Wesley E. Smith, President
Xenia City Council



Introduction: December 28, 2022
Public Hearing & Vote: January 12, 2023
Effective Date: February 11, 2023

Agenda Item: **ORDINANCE 2022 – 50**
AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF XENIA, OHIO,
TO REZONE THE PROPERTY AT 24-72 HILL STREET, TOTALING 0.84
ACRES, MORE OR LESS, FROM I-1 LIGHT INDUSTRIAL DISTRICT TO B-2
DOWNTOWN DISTRICT
Introduced by Councilman Thomas Scrivens on December 28, 2022

Submitted By: Brian Forschner, City Planner
Presented By: Jared Holloway, Assistant City Manager

Scope/Description: The applicant, Cobblestone Property Group, LLC, owns 0.79 acres at 24-72 Hill Street, consisting of an approximately 3,000 sq. ft. building that formerly housed Heifner Heating and Cooling and a vacant lot that once contained a storage building and an illegal junkyard. The City of Xenia owns the 0.05-acre Parcel M40000200130000300, an undevelopable parcel containing a portion of the Ohio-to-Erie bike path and Shawnee Creek, located west of the applicant’s parcels. The applicant intends to renovate the 3,000 sq. ft. building at 24 Hill Street as a bicycle retail and service business. The applicant also intends to renovate decommissioned passenger rail cars as lodging units (marketed via AirBnB or VRBO) and mount them permanently on the vacant lot at 72 Hill Street.

The B-2 District would allow the bike shop as a permitted use and would require Conditional Use approval for the rail cars. Neither use is permitted under the current zoning on these two lots. Staff and PZC agreed to include the City-owned parcel in the rezoning so as to avoid a “spot zoning” scenario and extend the B-2 zoning to South Detroit Street. The proposed B-2 zoning permits a range of commercial uses and mixed-use buildings with upper-floor residential units. The existing I-1 zoning, by contrast, primarily permits industrial and heavy commercial uses (see table on following page for details).

This rezoning request was found to meet all seven rezoning approval criteria in the Land Development Code. The B-2 district’s permitted uses are closer to those recommended by the City’s Comprehensive Plan than current I-1 zoning. A change to B-2 zoning reflects the loss of rail access and subsequent reduced industrial viability of the subject parcels and will be more compatible with surrounding residential uses.

Cover Memo Attachments: None

Budgetary Impact: None

Vote Required for Passage: The affirmative vote of a majority of Council members present at the meeting.

Recommendation: Planning and Zoning Commission conducted the required public hearing on Thursday, December 1, 2022, and voted to recommend to City Council that it approve this rezoning request.

Comparison of Permitted Uses

Use Type	I-1	B-2
Agriculture (Raising of Crops)	P	P
Animal Hospitals, Clinics or Grooming	---	P
Restaurants and Bars	---	P
Restaurants, Drive-In or Drive-Through	---	C
Live/Work Units	---	PS
Mixed Use Buildings (With Residential Uses)	---	PS
Banks or Financial Institutions	---	P
Business and Professional Offices	P	P
Contractor Offices	P	P
Medical or Dental Clinics or Offices	---	P
Commercial Recreational Facilities (Indoors)	C	P
Indoor Shooting Ranges	PS	---
Theaters	---	P
Auction Sales or Flea Markets	C	---
Business Services	P	P
Convenience Stores	---	P
Day Care Facilities (Child or Adult)	C	P
Funeral Homes and Mortuaries	---	PS
Massage Establishments	---	PS
Parking Lots or Garages	C	C
Personal Services	---	P
Retail Sales and Services	PS	P
Tattoo Establishments	---	PS
Wholesale Establishments	PS	---
Banquet Halls or Conference Centers	---	P
Hotels or Motels	---	C
Transient Guest Lodging	---	PS
Automotive Repair (Heavy)	PS	---
Bulk Storage of Liquids	PS	---
Distribution Facilities	P	---
Machinery and Heavy Equipment Sales, Leasing, and Storage	P	---
Manufacturing and Production (Indoors)	P	C
Research and Development or Laboratories	P	C
Towing Services	PS	---
Outdoor Storage and Sales	C	---
Self-Storage Facilities	PS	---
Warehouses	P	---
Cultural Institutions	---	P
Educational Facilities (Higher Education)	C	C
Fraternal, Charitable, and Service Oriented Clubs	C	C
Religious Institutions	---	C
Improved Park and Recreational Facilities	P	P
Open Space and Conservation Areas	P	P
Public Use or Building	C	C
Radio and Television Studios	C	C
Wireless Telecommunication Facilities (New Towers)	C	C
Wireless Telecommunication Facilities (Antenna Only)	PS	PS
Utility Structures	PS	PS

**CITY OF XENIA, OHIO
ORDINANCE 2022 – 50**

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF XENIA, OHIO, TO REZONE
THE PROPERTY AT 24-72 HILL STREET, TOTALING 0.84 ACRES, MORE OR LESS,
FROM I-1 LIGHT INDUSTRIAL DISTRICT TO B-2 DOWNTOWN DISTRICT**

WHEREAS, the owner of the properties at 24-72 Hill Street, Cobblestone Property Group, LLC, filed an application to rezone said properties from I-1 Light Industrial District to B-2 Downtown District;

WHEREAS, the Planning and Zoning Commission, at their December 1, 2022, meeting, held the required public hearing and voted to make a recommendation to this Council that the requested rezoning be approved;

WHEREAS, the procedures with regard to zoning amendments to the City’s Official Zoning Map, as set forth in Section 1220.03 of the City’s Land Development Code, have been followed; and

WHEREAS, this Council finds it to be in the best interests of the health, safety and welfare of the City and its inhabitants to adopt the Planning and Zoning Commission’s recommendation and make certain amendments to the City’s Official Zoning Map,

NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS, a majority of the members of Council present concurring, that:

Section 1. The Official Zoning Map of the City of Xenia, Ohio, is hereby amended by changing the zoning district classification from I-1 Light Industrial District to B-2 Downtown District for the parcels, totaling 0.84 acres, more or less, located at 24-72 Hill Street and including Greene County Auditor Parcel IDs M40000200130000100, M40000200130000200, M40000200130028500, M40000200130000300, as shown on the attached Exhibit A, which shall be part of this Ordinance and shall be used as a reference for reflecting the zoning district classification change on the City of Xenia’s Official Zoning Map.

Section 2. The City Planner is hereby directed to make the approved amendment to the City’s Official Zoning Map.

Section 3. All ordinances or parts of ordinances that conflict with this ordinance are hereby repealed.

Section 4. It is found 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 that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including ORC 121.22.

Section 5. This Ordinance shall become effective on February 11, 2023.

Introduced: December 28, 2022

Adopted: January 12, 2023

Attest:

President, Xenia City Council

Michelle D. Johnson
City Clerk

**ORDINANCE 2022 – 50
EXHIBIT A**



Introduction: December 28, 2022
Public Hearing & Vote: January 12, 2023
Effective Date: February 11, 2023

Agenda Item: **ORDINANCE 2022 – 51**
AMENDING AND RENUMBERING TITLE TWO, AND REPEALING CHAPTERS 1438, 1442, 1444, 1450, 1452, AND 1454 OF TITLE FOUR, OF PART FOURTEEN – BUILDING AND HOUSING CODES OF THE XENIA CITY CODE
Introduced by Councilman Thomas Scrivens on December 28, 2022

Submitted & Presented By: Donnette Fisher, Law Director

Scope/Description: As part of the City’s transition to bring building inspection in house, a number of updates and amendments are needed to Part Fourteen – Building and Housing Codes of the Xenia City Code.

Title Two: Building Standards

- Chapter 1402 – Renumbered from Chapter 1420. Keep the adoption of the Ohio Building Code (OBC) as the City’s building code for all nonresidential structures but update adoption language to meet new Charter requirements (Charter § 5.09) and update remaining provisions to mirror changes in State law. This Chapter does not appear to have been updated since 1997.
- Chapter 1404 – Renumbered from Chapter 1422. Keep the adoption of the Residential Code of Ohio (RCO) as the City’s building code for all residential structures (RCO is currently in Chapter 1426) but update adoption language to meet new Charter requirements (Charter § 5.09) and update remaining provisions to mirror changes in State law. Chapter 1422 currently has the Ohio Building Officials Association One-, Two-, and Three-Family Dwelling Code on the books – this Code became obsolete with the adoption of the RCO by the State in 2007.
- Chapter 1406 – Enact. This new Chapter addresses administration of the adopted Code and authorizes Council to set non-OBC/RCO specific permit fees.
- Chapter 1424 – Repeal. Currently, this chapter adopts the 2005 edition of the National Electrical Code. This adoption is not needed as the NEC is a part of both the OBC and the RCO.
- Chapter 1426 – Repeal. Adoption of RCO moved to Chapter 1404.

Title Four: Miscellaneous Building Regulations

We are recommending the repeal of nearly every Chapter in this Title for the following reasons:

- Chapter 1438: Definitions. Not needed with repeal of other chapters.
- Chapter 1442: Assistance to the Disabled (adopted in 1974, amended in 2006). Superseded by provisions of the OBC and RCO, as well as federal law.
- Chapter 1444: Awnings, Marquees & Signs (1964 Code). Superseded by provisions of Land Development Code.
- Chapter 1450: Fire Alarm Systems & Smoke Detectors (adopted in 1987). Superseded by provisions of the Ohio Fire Code.

- Chapter 1452: Fire Limits (1964 Code). Superseded by provisions of the Ohio Fire Code.
- Chapter 1454: Flood Damage Prevention was replaced with Chapter 1228 of the Land Development Code in 2004 but was not properly repealed at that time.

We are leaving Chapter 1474: Numbering of Buildings as it currently exists; it is anticipated that this chapter will be amended and moved when the Public Service Department chapters of the Administrative Code are addressed in early 2023.

Cover Memo

Attachments:

None.

Budgetary Impact:

None.

Recommendation:

It is the recommendation of staff that City Council adopt Ordinance 2022-51 to make much needed updates to Part Fourteen – Building and Housing Codes of the Xenia City Code.

**CITY OF XENIA, OHIO
ORDINANCE 2022 – 51**

**AMENDING AND RENUMBERING TITLE TWO, AND REPEALING CHAPTERS 1438, 1442,
1444, 1450, 1452, AND 1454 OF TITLE FOUR, OF PART FOURTEEN – BUILDING AND
HOUSING CODES OF THE XENIA CITY CODE**

WHEREAS, Section 5.09 of the City Charter authorizes City Council, by ordinance, to adopt any standard code of technical regulations prepared by the State or any department, board, or other agency of the State;

WHEREAS, this Council has previously adopted the Ohio Building Code and the Residential Code of Ohio as the building codes for the City pursuant to Part Fourteen, Title Two of the Xenia City Code; and

WHEREAS, this Council finds it in the best interests of the health, safety, and welfare of the City and its inhabitants to make certain amendments and updates to the adoption of such technical codes and the City's building and housing codes,

NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS, a majority of the members of Council present concurring, that:

Section 1. Part Fourteen of the Xenia City Code is hereby renamed “Part Fourteen – Building and Housing Codes.”

Section 2. Title Two: Building Standards of Part Fourteen of the Xenia City Code is hereby amended as follows: Chapter 1420 is hereby renumbered as Chapter 1402 and Sections 1420.01 to 1420.06 and 1420.99 are renumbered as Sections 1402.01 to 1402.06 and 1402.99, and the same are hereby amended as shown in the attached Exhibit A; Chapter 1422 is hereby retitled as “Residential Code,” is hereby renumbered as Chapter 1404 and Sections 1422.01 to 1422.06 and 1422.99 are renumbered as 1404.01 to 1404.06 and 1404.99, and the same are hereby amended as shown in the attached Exhibit A.

Section 3. Existing Chapter 1420, Section 1420.01 to 1420.06 and 1420.99, and Chapter 1422, Sections 1422.01 to 1422.06 and 1422.99 of the Xenia City Code are hereby repealed.

Section 4. Chapter 1406, to be titled “Administration,” and including Section 1406.01, 1406.02 and 1406.03 is hereby enacted, as shown in the attached Exhibit A.

Section 5. Existing Sections 1420.07, 1420.08, 1422.07 and 1422.08 of the Xenia City Code are hereby repealed in their entirety, as shown in the attached Exhibit A.

Section 6. Existing Chapters 1424 and 1426 of Title Two of Part Fourteen of the Xenia City Code, and Chapters 1438, 1442, 1444, 1450, 1452, and 1454 of Title Four of Part Fourteen are hereby repealed in their entirety, as shown in the attached Exhibit B.

Section 7. It is found 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 that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including ORC 121.22.

Section 8. This Ordinance shall become effective on February 11, 2023.

Introduced: December 28, 2022

Adopted: January 12, 2023

Attest:

President, Xenia City Council

Michelle D. Johnson
City Clerk

PART FOURTEEN – BUILDING AND HOUSING CODES
TITLE TWO: BUILDING STANDARDS

CHAPTER ~~1402~~ **1420**
Ohio Building Code

1402 20.01 Adoption	1402 20.06 Separability Permits and Fees
1402 20.02 Compliance Purpose	1420.07 File and Distribution Copies
1402 20.03 Enforcement Application	1420.08 Conflicts of Laws
1402 20.04 Permits & Fees Compliance; Violations	1402 20.99 Penalties; Penalty; Equitable Remedies
1402 20.05 Conflicts of Laws Enforcement	

1402.01 ADOPTION. ~~1420.01 LATEST EDITION ADOPTED.~~

Pursuant to **Section 5.09** ~~§ 5.08~~ of the City Charter, there is hereby adopted by ~~and for~~ the City, **and incorporated by reference as if set out at length herein,** the latest edition of the *Ohio Building Code, 2017 edition (hereinafter “OBC” or “Building Code”)*, as adopted **promulgated** by the Ohio Board of Building Standards, Department of Industrial Relations, as published in Division **and contained in Chapter 4101:1** of the Ohio Administrative Code, **and any subsequent revisions or amendments thereto, which are hereby adopted for incorporation by reference** (OAC), save and except such portions thereof as may be hereinafter amended or deleted.

(Ord. 79-48. Adopted 07/26/79; **Ord. 2022-51. Adopted **/**/23**)

~~1420.02 PURPOSE.~~

The purpose of the OBC, as adopted in § 1420.01, is to:

(a) ~~Provide uniform minimum standards and requirements for the erection, construction, repair, alteration and maintenance of buildings, including construction of industrialized units, such standards relating to the conservation of energy, safety and sanitation of buildings for their intended use and occupancy;~~

(b) ~~Formulate such standards and requirements, so far as is practical, in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability;~~

(c) ~~Permit, to the fullest extent feasible, the use of materials and technical methods, devices and improvements, including the use of industrialized units, which tend to reduce the cost of construction and erection without affecting minimum requirements for the health, safety and security of the occupants or users of buildings or industrialized units and without preferential treatment of types or classes of materials or products or methods of construction; and~~

(d) ~~Encourage, so far as may be practical, the standardization of construction practices, methods, equipment, material and techniques, including methods employed to produce industrialized units.~~

~~1420.03 APPLICATION.~~

The OBC applies to all buildings except as follows:

(a) ~~Single family, two family and three family dwelling houses which are not constructed of industrialized units, except for the energy conservation provisions required in Chapter 13, Energy Conservation of the OBC (See Ohio R.C. 3781.06, 3781.181 and 3781.182);~~

- ~~(b) Buildings owned by and used for a function of the United States government;~~
- ~~(c) Existing buildings where their location, parts, equipment and other items do not constitute a serious hazard, unless otherwise regulated by the provisions of Chapter 34, Existing Structures of the OBC;~~
- ~~(d) Buildings constructed in accordance with plans which have been approved prior to the effective date of the OBC;~~
- ~~(e) Buildings or structures which are incident to the use for agricultural purposes of the land on which the buildings or structures are located, provided such buildings or structures are not used in the business of retail trade. For the purposes of this section, a building or structure is not considered used in the business of retail trade if 50 percent or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller (See Ohio R.C. 3781.06 and 3781.061);~~
- ~~(f) Agricultural labor camps as defined in Ohio R.C. 3733.41;~~
- ~~(g) Single family, two family and three family detached dwelling houses for which applications have been submitted to the Ohio Director of Human Services pursuant to Ohio R.C. 5104.03 for the purposes of operating type A family day care homes as defined in Ohio R.C. 5104.01; and~~
- ~~(h) Buildings or structures which are designed, constructed and maintained in accordance with federal standards and regulations and are used primarily for federal and state military purposes where the U.S. Secretary of Defense, pursuant to 10 U.S.C. 2233(a)(1), (5) and (6) and 2237, has:~~
- ~~(1) Acquired, by purchase, lease or transfer, and constructs, expands, rehabilitates or corrects and equips, such buildings or structures as he or she determines to be necessary to carry out the purposes of Chapter 133 of the U.S.C.;~~
 - ~~(2) Contributed to the State of Ohio such amounts for the acquisition, construction, expansion, rehabilitation and conversion by the State of Ohio of such additional buildings or structures as he or she determines to be required because of the failure of existing facilities to meet the purposes of Chapter 133 of the U.S.C.; or~~
 - ~~(3) Contributed to the State of Ohio such amounts for the construction, alteration or rehabilitation of arms storage rooms as he or she determines to be required to meet a change in U.S. Department of Defense standards relating to the safekeeping of arms.~~

1402.02 ~~1420.04~~ COMPLIANCE; VIOLATIONS.

(a) **General Prohibitions.**

- (1)** No owners, **officers, member of a board or committee,** or any other person shall construct, erect, build or equip **an opera house, hall, theater, church, schoolhouse, college, academy, seminary** any building or structure to which the OBC is applicable, or make any addition thereto or alteration thereof, except in the case of repairs or maintenance **without that does not affecting** the construction, sanitation, safety or any other vital feature of such building or structure, without complying with **the provisions of** this chapter, **the OBC, ORC Ohio R.C. Chapters 3781. and 3791. or the rules or regulations adopted pursuant thereto** ~~OBC, or fail to comply with any lawful order issued pursuant thereto.~~
- (2)** ~~(b)~~ No architect, engineer, builder, plumber, carpenter, mason, contractor, subcontractor, foreman or employee shall violate or assist in **the violation of violating** any of the provisions of this chapter, **the OBC, ORC Ohio R.C. Chapters 3781. and 3791. or the rules or regulations adopted pursuant thereto** ~~the OBC, or fail to comply with any lawful order issued pursuant thereto. (ORC 3791.01)~~

(b) Prohibition Against Failure to Obey Official Orders.

- (1) No owner or person having the control as an officer or member of a board or committee or otherwise of any building or structure to which the OBC is applicable shall fail to obey any lawful order issued by the State Fire Marshal, boards of health of city and general health districts, the City's Chief Building Official, or the Superintendent of Industrial Compliance in the Ohio Department of Commerce pursuant to the OBC, ORC Chapters 3781. and 3791. or rules or regulations adopted pursuant thereto. (ORC 3791.02)**
- (2) No architect, engineer, builder, plumber, carpenter, mason, contractor, subcontractor, foreman, or employee shall violate or assist in the violation of any lawful order issued by the State Fire Marshal, boards of health of city and general health districts, the City's Chief Building Official, or the Superintendent of Industrial Compliance in the Ohio Department of Commerce pursuant to the OBC, ORC Chapters 3781. and 3791. or the rules and regulations adopted pursuant thereto or of any order issued thereunder. (ORC 3791.03)**

(c) Submission of Plans and Necessity of Approval. No owner or any other person shall ~~proceed~~ **begin** with the construction, erection, **or manufacture, or proceed with the construction, erection,** alteration, or equipment of any building or structure, **including industrialized units,** to which the OBC is applicable without complying with **the provisions of this chapter, the OBC, ORC 3781. and 3791. and the rules or regulation adopted pursuant thereto, as applicable,** and the plan and specification submission and processing requirements of the City municipality and/or the OBC and until plans or drawings, specifications and data have been approved or the industrialized unit has been inspected at the point of origin.
(ORC 3791.04)

(d) Noncompliance as Public Nuisance. **The construction, alteration, erection, and repair of buildings, including industrialized units, and the materials and devices of any kind used in connection with them and the heating and ventilating of them and the plumbing and electric wiring in them shall conform to the OBC, State statutes or the rules adopted and promulgated by the Ohio Board of Building Standards, and to the provisions of the Xenia City Code that are not inconsistent therewith. Any building, structure, or part thereof that is constructed, erected, altered, manufactured, or repaired not in accordance with the OBC, state statutes or with the rules of the Ohio Board of Building Standards, and any building, structure or part thereof in which there is installed, altered, or repaired any fixture, device, and material, or plumbing, heating, or ventilation system, or electrical wiring not in accordance with the OBC, state statutes or rules of the Ohio Board of Building Standards is hereby declared to be a public nuisance. (ORC 3781.11(C))**

(e) Penalties.

- (1) Whoever violates division (a) of this section, when such violation is detrimental to the health, safety, or welfare of any person, is guilty of a minor misdemeanor. (ORC 3791.99)**
- (2) Whoever violates division (b) of this section shall be fined not more than one thousand dollars (\$1,000). (ORC 3791.02; 3791.03)**
- (3) Whoever violates division (c) of this section shall be fined not more than five hundred dollars (\$500). (ORC 3791.04) (Ord. 2022-51. Adopted **/**/23)**

1402.03 ~~1420.05~~ ENFORCEMENT.

(a) **Enforcement Official.** The **Chief Building Official and the City's Building Division** Code Enforcement Officer shall enforce the provisions of the OBC, as adopted in § 1420.01. (Ord. 79-48. Adopted 07/26/79; **Ord. 2022-51. Adopted **/**/23**)

(b) **Notice of Violations; Adjudication or Stop Work Orders.** **When the Chief Building Official denies any approval or takes action in response to findings of noncompliance with the provisions of the OBC, the provisions of this chapter, ORC Chapters 3781, or 3791, or any rules or regulations adopted pursuant thereto, such action shall be initiated by issuing an adjudication order, in compliance with OAC 4101:1-1-01, Section 109, prior to the City seeking any remedy, whether civil or criminal.**

(OAC 4101:1-1-01, Section 109.1)

(Ord. 2022-51. Adopted **//23)**

When the municipality finds that work or equipment is contrary to this chapter, approved plans therefor or the OBC, notice in writing shall be sent to the owner of the building involved or his or her agent. The notice shall state where and in what respect the work or equipment does not conform to such lawful requirements and shall specify a reasonable period of time in which to conform.

~~(OAC 4101:2-1-34)~~

~~(c) Prior to enforcement of Ohio R.C. Chapters 3781 and 3791, or any rules adopted pursuant thereto, including the OBC, as adopted in § 1420.01, by any remedy, civil or criminal, the municipality shall issue an adjudication order within the meaning of Ohio R.C. 119.06 to 119.13 or a stop work order as provided in § 4101:2-1-36 of the OAC.~~

~~(d) Every adjudication order shall cite the law or rules directly involved and shall specify what appliances, site preparations, additions or alterations to structures, plans, materials, assemblages or procedures are necessary for the same to comply with Ohio R.C. Chapters 3781 and 3791 and/or any rules adopted pursuant thereto, including the provisions of the OBC adopted in § 1420.01.~~

~~(e) The order shall include notice to the party of the procedure for appeal and right to a hearing if requested within 30 days of the mailing of the notice. The notice shall also inform the party that at the hearing he or she may be represented by counsel, present his or her arguments or contentions orally or in writing, and present evidence and examine witnesses appearing for or against him or her.~~

~~(f) Upon the issuance of any order provided for herein or in § 4101:2-1-36 of the OAC, the person receiving such order shall cease work upon the site preparations or structure to be constructed, or, in the case of an industrialized unit, the installation of the unit, or shall cease using the appliance, materials, assemblages or manufactured product identified in the order until such time as the appeal provided for in accordance with the provisions of Ohio R.C. 3781.19, and all appeals from such hearing, have been completed, or the order herein has been released.~~

~~(OAC 4101:2-1-35)~~

~~(g) Failure to cease work after receipt of a stop work order as provided in § 4101:2-1-36 of the OAC is hereby declared to be a public nuisance. (OAC 4101:2-1-36)~~

1402.04 ~~1420.06~~ PERMITS AND FEES.

The City Council shall prescribe fees to be paid by persons, political subdivisions, or any department, agency, board, commission, or institution of the state, for the acceptance, review and approval of plans and specifications pursuant to the OBC, for the making of inspections pursuant to

the OBC, and/or for the issuance of any required permits or certificates of occupancy. No permit for the construction, alteration, or repair of any building or structure, nor any certificate of occupancy, shall be issued by the Chief Building Official until all required fees have been paid. No person shall construct, alter or repair any building or structure without first obtaining a permit therefor from the Code Enforcement Officer and paying the fees established as set forth in the fee schedule in Part Two—Title Twelve, Chapter 298 of these Codified Ordinances. The Code Enforcement Officer shall not issue any permits for the construction, alteration or repair of any building or structure until he or she has certified that the requirements of the Planning and Zoning Code and all applicable provisions of Chapter 1440 have been satisfied.

(Statutory reference: ORC 3781.102)

*(Ord. 79-48. Adopted 07/26/79; **Ord. 2022-51. Adopted **/**/23**)*

1420.07 FILE AND DISTRIBUTION COPIES.

At least one copy of the OBC, as adopted in § 1420.01, is on file with the Clerk of the City Council for inspection by the public. At least one copy of such code is also on file in the county law library. In addition, the Clerk of the City Council shall keep copies of such code available for distribution to the public, at cost.

1402.05 1420.08 CONFLICTS OF LAWS.

(a) **OBBC Rules. The rules of the Ohio Board of Building Standards, including the OBC, shall supersede and govern any order, standard, or rule of the Division of Industrial Compliance in the Ohio Department of Commerce, Division of the State Fire Marshal, the department of health, and counties and townships, in all cases where such orders, standards, or rules are in conflict with the rules of the Board, except that rules adopted and orders issued by the State Fire Marshal pursuant to ORC Chapter 3743, prevail in the event of a conflict.**

Whenever a provision of the OBC, as adopted in § 1420.01, conflicts with a provision of the Ohio Fire Code or any other order, standard or rule of the Ohio Department of Commerce, Division of State Fire Marshal, the provision of the OBC shall control, except that rules adopted and orders issued by the Fire Marshal pursuant to Ohio R.C. Chapter 3743 prevail in the event of a conflict.

(ORC 3781.11(B))

(b) **Stricter Standard Prevails. In all other cases of conflict between the OBC and any other City ordinance or technical code adopted thereby, the more restrictive provision shall govern.**
(Ord. 2022-51. Adopted **//23)**

Whenever a provision of the OBC, as adopted in § 1420.01, conflicts with a provision of any other standard technical code adopted by the municipality, other than as provided in subsection (a) of this section, or any ordinance, resolution, rule or regulation of the City Council, the stricter standard shall prevail.

(c) When a special provision is made in a use group classification of the OBC and is inconsistent with a general provision of the OBC relating to buildings generally, the special provision governs, unless it appears that the provisions are cumulative.

(OAC 4101:2-1-07)

1402.06 SEPARABILITY.

The invalidity of any section or provision of this chapter or of the OBC herein adopted shall not invalidate any other section or provision thereof.

(Ord. 2022-51. Adopted **//23)**

1402.99 ~~1420.99~~ **PENALTIES; PENALTY; EQUITABLE REMEDIES.**

(a) **Penalties.** Whoever violates any of the provisions of this chapter **or the Building Code adopted herein for which a penalty is not otherwise provided,** ~~including the OBC, as adopted in § 1420.01,~~ or fails to comply with any lawful order issued pursuant thereto is guilty of a misdemeanor and shall be fined not less than **five** ~~one~~ hundred dollars **(\$500)** ~~(\$100.00)~~ nor more than **one thousand** ~~two hundred fifty~~ dollars **(\$1,000)** ~~(\$250.00)~~ or imprisoned not more than **six (6) months** ~~30 days~~, or both, for each offense. **Each day during which noncompliance or a violation continues shall constitute a separate offense.** ~~A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. In addition, the violator shall pay all costs and expenses involved in the case.~~

(b) **Abatement Action.** The City may institute ~~injunction~~ proceedings in ~~Common Pleas Court~~ to abate the nuisance of failure to cease work after receipt of an **an adjudication** ~~stop work~~ order as referred to in **Section 1420.03(b)** ~~§ 1420.05(g)~~.

(c) **Injunction.** **For any violation of Section 1420.02(d) of this chapter, the City may institute proceedings pursuant to ORC Chapter 3767. to enjoin the public nuisance.**
(Ord. 97-17. Adopted 05/08/97; **Ord. 2022-51. Adopted **/**/23**)

CHAPTER ~~1404~~ 1422
Residential Code
OBOA One, Two and Three Family Dwelling Code

140422.01 <u>Adoption</u> 1996 Edition Adopted	140422.05 <u>Conflicts of Laws</u> Enforcement
140422.02 <u>Compliance</u> Purpose	140422.06 <u>Separability</u> Conflicts of Laws
140422.03 <u>Enforcement</u> File & Distribution Copies	1422.07 Plumbing Regulations
140422.04 <u>Permits & Fees</u> Definitions	1422.08 Amendments
	140422.99 <u>Penalties</u> ; Penalty; Equitable Remedies

1404.01 ADOPTION. ~~1422.01 1996 EDITION ADOPTED.~~

Pursuant to Section 5.09 of the City Charter, there is hereby adopted by the City, and incorporated by reference as if set out at length herein, the Residential Code of Ohio for One-, Two-, and Three-Family Dwellings, 2019 edition (hereinafter “RCO” or “Residential Code”), promulgated by the Ohio Board of Building Standards, and contained in Chapter 4101:8 of the Ohio Administrative Code, and any subsequent revisions or amendments thereto, which are hereby adopted for incorporation by reference.

~~Pursuant to § 5.08 of the City Charter, there is hereby adopted by and for the city the OBOA One, Two and Three Family Dwelling Code, being particularly the 1996 edition thereof, promulgated by the Ohio Building Officials Association, save and except such portions thereof as may be hereinafter amended or deleted.~~

~~(Ord. 97-54. Adopted 11/13/97; **Ord. 2022-51. Adopted **/**/23**)~~

1404.02 COMPLIANCE. ~~1422.02 PURPOSE.~~

(a) Prohibition Against Failure to Obey Official Orders.

(1) No owner, or person having the control as an officer or member of a board or committee or otherwise of any building or structure to which the OBC is applicable shall fail to obey any lawful order issued by the State Fire Marshal, boards of health of city and general health districts, the City’s Chief Building Official, or the Superintendent of Industrial Compliance in the Ohio Department of Commerce pursuant to the RCO, ORC Chapters 3781. and 3791. or rules or regulations adopted pursuant thereto. (ORC 3791.02)

(2) No architect, engineer, builder, plumber, carpenter, mason, contractor, subcontractor, foreman, or employee shall violate or assist in the violation of any lawful order issued by the State Fire Marshal, boards of health of city and general health districts, the City’s Chief Building Official, or the Superintendent of Industrial Compliance in the Ohio Department of Commerce pursuant to the RCO, ORC Chapters 3781. and 3791. or the rules and regulations adopted pursuant thereto or of any order issued thereunder. (ORC 3791.03)

(b) Submission of Plans and Necessity of Approval. No owner or any other person shall begin with the construction, erection, or manufacture, or proceed with the construction, erection, alteration, or equipment of any residential building or structure to which the RCO is applicable without complying with the provisions of this chapter, the RCO, ORC 3781. and 3791. and the rules or regulation adopted pursuant thereto, as applicable, and the plan and specification submission and processing requirements of the City and/or the RCO and until plans or drawings, specifications and

data have been approved or the industrialized unit has been inspected at the point of origin. (ORC 3791.04)

(c) Noncompliance as Public Nuisance. The construction, alteration, erection, and repair of residential buildings and the materials and devices of any kind used in connection with them and the heating and ventilating of them and the plumbing and electric wiring in them shall conform to the RCO, state statutes or the rules adopted and promulgated by the Ohio Board of Building Standards, and to the provisions of the Xenia City Code that are not inconsistent therewith. Any residential building, structure, or part thereof that is constructed, erected, altered, manufactured, or repaired not in accordance with the RCO, state statutes or with the rules of the Ohio Board of Building Standards, and any building, structure or part thereof in which there is installed, altered, or repaired any fixture, device, and material, or plumbing, heating, or ventilation system, or electrical wiring not in accordance with the RCO, state statutes or rules of the Ohio Board of Building Standards is hereby declared to be a public nuisance. (ORC 3781.11(C))

(d) Penalties.

- (1) Whoever violates division (a) of this section shall be fined not more than one thousand dollars (\$1,000). (ORC 3791.02; 3791.03)**
- (2) Whoever violates division (b) of this section shall be fined not more than five hundred dollars (\$500). (ORC 3791.04)**

The purpose of the OBOA One, Two and Three Family Dwelling Code, as adopted in § 1422.01, is to provide standards for the construction, alteration, removal, demolition, equipment, use, occupancy, location and maintenance of one-, two- or three-family dwellings and their accessory structures, including permits and penalties.

(Ord. 97-54. Adopted 11/13/97; **Ord. 2022-51. Adopted **/**/23**)

1404.03 ENFORCEMENT. 1422.03 FILE AND DISTRIBUTION COPIES.

(a) Enforcement Official. The Chief Building Official and the City's Building Division shall enforce the provisions of the RCO.

(b) Notice of Violations; Adjudication or Stop Work Orders. When the Chief Building Official denies any approval or takes action in response to findings of noncompliance with the provisions of the RCO, the provisions of this Chapter, ORC Chapters 3781, or 3791, or any rules or regulations adopted pursuant thereto, such action shall be initiated by issuing an adjudication order, in compliance with OAC 4101:8-1-01, Section 109, prior to the City seeking any remedy, whether civil or criminal. (OAC 4101:8-1-01, Section 109.1)

At least one copy of the OBOA One, Two and Three Family Dwelling Code, as adopted in § 1422.01, is on file with the Clerk of the City Council for inspection by the public. At least one copy of such code is also on file in the county law library. In addition, the Clerk of the City Council shall keep copies of such codes available for distribution to the public, at cost.

(Ord. 97-54. Adopted 11/13/97; **Ord. 2022-51. Adopted **/**/23**)

1404.04 PERMITS & FEES. 1422.04 DEFINITIONS.

The City Council shall prescribe fees to be paid by persons, political subdivisions, or any department, agency, board, commission, or institution of the state, for the acceptance, review and

approval of plans and specifications pursuant to the RCO, for the making of inspections pursuant to the RCO, and/or for the issuance of any required permits or certificates of occupancy. No permit for the construction, alteration, or repair of any building or structure, nor any certificate of occupancy, shall be issued by the Chief Building Official until all required fees have been paid.

(Statutory reference: ORC 3781.102)

Wherever the term BUILDING OFFICIAL or ADMINISTRATIVE AUTHORITY appears in the OBOA One, Two and Three Family Dwelling Code, as adopted in § 1422.01, it shall be deemed to mean the Code Enforcement Officer of the city or his or her duly authorized agent. Wherever the term MUNICIPALITY, CITY or LOCAL JURISDICTION appears in such code, it shall be deemed to mean the City of Xenia. (Ord. 97-54. Adopted 11/13/97; **Ord. 2022-51. Adopted **/**/23**)

1404.05 CONFLICTS OF LAWS 1422.05 ENFORCEMENT.

(a) OBBS Rules. The rules of the Ohio Board of Building Standards, including the RCO, shall supersede and govern any order, standard, or rule of the Division of Industrial Compliance in the Ohio Department of Commerce, Division of the State Fire Marshal, the department of health, and counties and townships, in all cases where such orders, standards, or rules are in conflict with the rules of the Board, except that rules adopted and orders issued by the State Fire Marshal pursuant to ORC Chapter 3743, prevail in the event of a conflict.

Whenever a provision of the OBC, as adopted in § 1420.01, conflicts with a provision of the Ohio Fire Code or any other order, standard or rule of the Ohio Department of Commerce, Division of State Fire Marshal, the provision of the OBC shall control, except that rules adopted and orders issued by the Fire Marshal pursuant to Ohio R.C. Chapter 3743 prevail in the event of a conflict. (ORC 3781.11(B))

(b) Stricter Standard Prevails. In all other cases of conflict between the RCO and any other City ordinance or technical code adopted thereby, the more restrictive provision shall govern.

The Code Enforcement Officer shall enforce the provisions of the OBOA One, Two and Three Family Dwelling Code, as adopted in § 1422.01. (Ord. 97-54. Adopted 11/13/97; **Ord. 2022-51. Adopted **/**/23**)

1404.06 SEPARABILITY. 1422.06 CONFLICTS OF LAWS.

The invalidity of any section or provision of this chapter or of the RCO herein adopted shall not invalidate any other section or provision thereof.

In the event of a conflict between any of the provisions of the OBOA One, Two and Three Family Dwelling Code, as adopted in § 1422.01, and a provision of this Part Fourteen—Building and Housing Code, or any other provision of these Codified Ordinances, or any other local ordinance or resolution, the local provision shall prevail. In the event of a conflict between any of the provisions of the OBOA One, Two and Three Family Dwelling Code, as adopted in § 1422.01, and a provision of any other technical code or standard applicable to or adopted by the city, the stricter or higher standard shall prevail, except that the provisions of Chapters 4101:2-56 through 4101:2-69 (Plumbing) of the Ohio Building Code shall govern plumbing installations, as provided in § 1422.07.

(Ord. 97-54. Adopted 11/13/97; **Ord. 2022-51. Adopted **/**/23**)

~~1422.07 PLUMBING REGULATIONS.~~

~~The provisions of Chapters 4101:2-56 through 4101:2-69 (Plumbing) of the Ohio Building Code, as adopted in Chapter 1420, are hereby adopted for plumbing installations in all one-, two- and three-family dwellings and accessory structures in the city.~~

~~1422.08 AMENDMENTS.~~

~~The following sections of the OBOA One, Two and Three Family Dwelling Code, as adopted in § 1422.01, shall be amended as follows:~~

~~(a) Chapter 1 of the OBOA One, Two and Three Family Dwelling Code shall be deleted in its entirety and replaced with the Miami Valley Amendments to the OBOA One, Two and Three Family Dwelling Code, which amendments are adopted by reference as Chapter 1 “General Administration.”~~

~~(b) At least one copy of the Miami Valley Amendments is on file with the Clerk of the City Council for inspection by the public.~~

~~(c) At least one copy of such amendments is on file in the county law library.~~

~~(d) In addition, the Clerk of the City Council shall keep copies of such amendments available for distribution to the public, at cost.~~

1404.99 ~~1422.99~~ **PENALTIES; PENALTY; EQUITABLE REMEDIES.**

(a) Penalties. Whoever violates any of the provisions of this chapter or the Building Code adopted herein for which a penalty is not otherwise provided or fails to comply with any lawful order issued pursuant thereto is guilty of a misdemeanor and shall be fined not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500) or imprisoned not more than three (3) months, or both. Each day during which noncompliance or a violation continues shall constitute a separate offense.

~~Whoever violates or fails to comply with any of the provisions of this chapter, including the OBOA One, Two and Three Family Dwelling Code, as adopted in § 1422.01, or fails to comply with any lawful order issued pursuant thereto, is guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) or imprisoned not more than 30 days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. In addition, the violator shall pay all costs and expenses involved in the case.~~

(b) Abatement Action. The City may institute proceedings to abate the nuisance of failure to cease work after receipt of an adjudication order as referred to in Section 1420.03(b).

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

(c) Injunction. For any violation of Section 1404.02(c) of this chapter, the City may institute proceedings pursuant to ORC Chapter 3767. to enjoin the public nuisance.

~~(Ord. 97-54. Adopted 11/13/97; **Ord. 2022-51. Adopted **/**/23**)~~

CHAPTER 1406
Administration

- 1406.01 Building Division
1406.02 Other Codes
1406.03 Permits & Fees
-

1406.01 BUILDING DIVISION

The City's Building Division, through the Chief Building Official and other duly authorized inspectors shall enforce the provisions of the City's building and housing codes, including the provisions of the OBC and the RCO and any other codes adopted by reference in the OBC and RCO. (Ord. 2022-51. Adopted **/**/23)

1406.02 OTHER CODES.

In accordance with Section 5.09 of the City Charter, there is hereby adopted and incorporated by reference any technical codes adopted by reference in the OBC or RCO including, but not limited to:

- (1) Ohio Energy Code (2017 edition) as referenced and modified in the OBC and/or RCO (OAC 4101:1-13);
- (2) Ohio Mechanical Code (2017 edition) as referenced and modified in the OBC and/or RCO (OAC 4101:2);
- (3) Ohio Boiler and Pressure Vessel Rules, as referenced and modified in the OBC and/or RCO (OAC 4101:4);
- (4) Ohio Elevator Code, as referenced and modified in the OBC and/or RCO (OAC 4101:5);
- (5) Ohio Plumbing Code (2017 edition) as referenced and modified in the OBC and/or RCO (OAC 4101:3);
- (6) National Electrical Code (2017 edition) as referenced and modified in the OBC and/or RCO;

and any subsequent revisions or amendments thereto, which are hereby adopted for incorporation by reference.

(Ord. 2022-51. Adopted **/**/23)

1406.03 PERMITS & FEES.

(a) Administrative Fees. The City Council may prescribe administrative fees for inspections other than those required under the OBC or RCO and may set fees for any permit not specified in the OBC or RCO but required under this Part Fourteen – Building and Housing Codes. No such permit shall be issued until all required fees have been paid.

(Ord. 2022-51. Adopted **/**/23)

(b) Plumbing Permits and Fees. Permit and inspection fees associated with plumbing shall be in accordance with the fees set by the Greene County Public Health District, unless otherwise specified by City Council.

(Ord. 2022-51. Adopted **/**/23)

~~CHAPTER 1424~~
~~National Electrical Code~~

~~1424.01—1999 Edition Adopted~~
~~1424.02—Purpose~~
~~1424.03—File and Distribution~~
~~Copies~~

~~1424.04—Enforcement~~
~~1424.05—Conflicts of Laws~~
~~1424.99—Penalty; Equitable Remedies~~

~~1424.01—1999 EDITION ADOPTED.~~

~~Pursuant to § 5.08 of the City Charter, there is hereby adopted by and for the city the National Electrical Code, being particularly the 1999 edition thereof, promulgated by the National Fire Protection Association and designated as NFPA 70, save and except such portions thereof as may be hereinafter amended or deleted.~~

~~1424.02—PURPOSE.~~

~~The purpose of the National Electrical Code, as adopted in § 1424.01, is to provide standards for the installation, alteration, repair and maintenance of all electrical wiring, equipment, facilities and apparatus in all occupancies in the city.~~

~~1424.03—FILE AND DISTRIBUTION COPIES.~~

~~At least one copy of the National Electrical Code, as adopted in Section 1424.01, is on file with the Clerk of the City Council for inspection by the public. At least one copy of such code is also on file in the county law library. In addition, the Clerk of the City Council shall keep copies of such code available for distribution to the public, at cost.~~

~~1424.04—ENFORCEMENT.~~

~~The provisions of the National Electrical Code, as adopted in § 1424.01, shall be enforced by an electrical safety inspector duly licensed by the state pursuant to Ohio R.C. Chapter 3783, either employed by the city or the services of whom are contracted for by the city.~~

~~1424.05—CONFLICTS OF LAWS.~~

~~(a) In the event of a conflict between any of the provisions of the National Electrical Code, as adopted in § 1424.01, and a provision of state law, the state law shall prevail.~~

~~(b) In the event of a conflict between any of the provisions of the National Electrical Code, as adopted in § 1424.01, and a provision of a local ordinance, resolution, rule or regulation, the local provision shall prevail.~~

~~(c) In the event of a conflict between any of the provisions of the National Electrical Code, as adopted in § 1424.01, and a provision of any other technical code adopted by the city by reference, the stricter or higher standard shall prevail.~~

~~1424.99—PENALTY; EQUITABLE REMEDIES.~~

~~(a) Whoever violates any of the provisions of this chapter, including the National Electrical Code, as adopted in § 1424.01, or fails to comply with any lawful order issued pursuant thereto, is guilty of a~~

~~misdemeanor and shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) or imprisoned not more than 30 days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. In addition, the violator shall pay all costs and expenses involved in the case.~~

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

~~CHAPTER 1426
RESIDENTIAL CODE OF OHIO~~

~~1426.01 Application and Enforcement~~

~~1426.01 APPLICATION AND ENFORCEMENT.~~

~~(a) Ohio Administrative Code 4101:8 Residential Code of Ohio as promulgated by the Ohio Board of Building Standards, shall apply and be enforced within the City of Xenia, Ohio.~~

~~(b) This section shall be in full force and effect from and after the earliest period permitted by law following promulgation of the Residential Code of Ohio by the Board of Building Standards through the certification process including Appendix G Swimming Pools & Hot Tubs, adoption and effective date of certification issued by the Ohio Board of Building Standards.~~

~~CHAPTER 1438
Definitions~~

~~1438.01 Definitions~~

~~1438.01 DEFINITIONS.~~

~~For the purpose of these Codified Ordinances, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~*ALARM.* Any audible or visible signal indicating the existence of a fire or an emergency requiring a response and emergency action on the part of the fire fighting service.~~

~~*ALLEY NAME.* The name given to a city alley, as shown on dedicated plats and/or as approved by the City Council.~~

~~*APARTMENT BUILDING.* Includes buildings containing three or more living units, with independent cooking and bathroom facilities, whether designated as an apartment house, tenement or garden apartment, or by any other name.~~

~~*APPROVED.* Listed and/or approved for its intended use by a nationally recognized testing laboratory listed in Appendix O of the *Ohio Building Code*, hereinafter referred to as the OBC.~~

~~*AUTOMATIC DETECTING DEVICE.* An approved device which automatically detects heat, smoke or other products of combustion.~~

~~*AUTOMATIC FIRE ALARM SYSTEM.* A manual fire alarm system containing an automatic detecting device(s) which activates a fire alarm signal of such character and so located as to alert all occupants of the building or section thereof endangered by fire.~~

~~*AXIS STREETS.* The dividing streets between the east and west sides, or the north and south sides, of the city.~~

~~*BASE STREETS.* Any street that is used as a starting point for house numbering purposes for all streets that do not intersect an axis street.~~

~~*BUILDING.* A structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business, mercantile, storage, commercial, industrial or other similar purposes.~~

~~*BUSINESS BUILDING.* Includes all buildings or parts thereof which are used for the transaction of business, the rendering of professional services or other services that involve stocks of goods, wares or merchandise in limited quantities, for uses incidental to office uses or sample purposes, including, among others, offices, banks, civic administration activities, firehouses, outpatient clinics and similar establishments.~~

~~*CITY ALLEY.* Any public alley or thoroughfare, as defined by § 402.03 of the Traffic Code.~~

~~*CITY BLOCK.* The distance between two street intersections. House numbers under this chapter are not calculated according to city blocks.~~

~~*CITY ENGINEER.* The City Engineer or his or her authorized representative.~~

~~*CITY STREET.* Any public street or thoroughfare, as defined in § 402.48 of the Traffic Code.~~

~~*DISABLED PERSON* means an individual who (1) has a physical or mental impairment that substantially limits one or more of the major life activities; (2) a record of such an impairment; or (3) being regarded as having such an impairment.~~

~~*DWELLING UNIT.* Any room or group of rooms located within a building and forming a single family, habitable unit, with facilities which are used or intended to be used for living, sleeping, cooking, storing food or eating purposes.~~

~~*FACTORY AND INDUSTRIAL BUILDING.* Includes all buildings and structures, or parts thereof, in which occupants are engaged in performing work or labor in the fabricating, assembling or processing of products or materials, and shall include, among others, factories, assembling plants, industrial laboratories and all other industrial manufacturing uses.~~

~~*FIRE ALARM EQUIPMENT.* Includes alarms, automatic detecting devices, automatic fire alarm systems, manual fire alarm systems and smoke detectors.~~

~~*FIRE OFFICIAL.* The Chief of the Fire Division or an authorized designee.~~

~~*HOUSE NUMBER.* A number which is assigned to a house or business building and, when used with the street or alley name on which the house or business building faces, gives a recognized legal address for the building.~~

~~*MANUAL FIRE ALARM SYSTEM.* An interior alarm system, composed of sending stations and signaling devices, in a building, operated on an electric circuit, so arranged that the operation of any one station will initiate an alarm.~~

~~*MERCANTILE BUILDING.* Includes all buildings and structures, or parts thereof, which are used for displays and sales, involving stocks of goods, wares or merchandise incidental to such purposes and accessible to the public, including, among others, retail stores, shops, salesrooms and markets.~~

~~*ONE AND TWO FAMILY DWELLING.* Includes buildings containing not more than two dwelling units in which each living unit is occupied by members of a single family, with no more than three outsiders, if any, accommodated in rented rooms.~~

~~*ORDINATE or ORDINATE DISTANCE.* The distance from the axis street to the building entrance to be numbered, to a base street centerline or to an intersecting street centerline.~~

~~*ORDINATE NUMBER.* The closest unit of ten to the ordinate or ordinate distance.~~

~~*OWNER.* An owner or owners of a premises, contract buyer, mortgagee or vendee in possession, receiver, executor, administrator, trustee, lessee or other person in control of a building, or duly authorized agents thereof. Any person representing an *OWNER* shall be bound to comply with the provisions of this chapter to the same extent as if such person were the *OWNER*.~~

~~*PUBLIC ASSEMBLY BUILDING.* Includes buildings which are used or designed for places of assembly, as defined by the OBC and classified therein as assembly use groups: A 1 Structures; A 2 Structures; A 3 Structures; and A 4 Structures.~~

~~*PUBLIC NUISANCE.* Any fence, wall, garage, shed, house, building, structure, tree, pole or smokestack, or any excavation, basement, cellar, well, cistern or sidewalk subspace or part thereof, if, by reason of the condition in which the same is permitted to be or remain, shall or may endanger the health, life, limb or property of, or cause any hurt, harm, inconvenience, discomfort, damage or injury to, any one or more persons in the city in any one or more of the following particulars:~~

- ~~(1) — By reason of being detrimental to the general health of the community;~~
- ~~(2) — By reason of being a fire hazard;~~
- ~~(3) — By reason of being unsafe for occupancy or use on, in, upon, about or around the above mentioned premises; and~~
- ~~(4) — By reason of continued vacancy, thereby resulting in lack of reasonable or adequate maintenance of structures and grounds and causing deterioration and blighting influence on nearby properties and thereby depreciating the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such structure is situated.~~

~~*RESIDENTIAL BUILDING.* Includes all buildings in which sleeping accommodations are provided for normal residential purposes, and includes all buildings designed to provide sleeping accommodations. For the purposes of this chapter, *RESIDENTIAL BUILDINGS* include the following: hotels and motels; apartment buildings; dormitories; lodging and rooming houses; and one and two family dwellings.~~

~~SLEEPING AREA.~~ The area or areas of the family living unit in which the bedrooms (or sleeping rooms) are located. Bedrooms (or sleeping rooms) separated by other use areas, such as kitchens or living rooms (but not bathrooms), shall be considered as separate ~~SLEEPING AREAS~~ for purposes of this chapter.

~~SMOKE DETECTOR.~~ An approved detection device, capable of sensing visible or invisible particles of combustion and emitting an audible and/or visual signal of such detection.

~~SPECIAL STREET.~~ Any street that does not conform to a standard street.

~~SPRINKLER ALARM SYSTEM.~~ An alarm activated by water flow from an automatic sprinkler system.

~~STANDARD STREET.~~ A street that runs in a relatively straight line and in an approximate north and south or east and west direction. A ~~STANDARD STREET~~ would intersect one axis street, or its centerline extended would intersect one axis street. A standard alley would follow the same definition.

~~STREET INTERSECTION.~~ The intersection of two streets either with a full intersection as a cross-intersection, or a half intersection as a T-intersection.

~~STREET NAME.~~ The name given to a city street, as shown on dedicated plats and/or as approved by the City Council.

~~UNIT OF MEASUREMENT.~~ The distance, in feet, for which a house number can be assigned.

CHAPTER 1442
Assistance to the Disabled

1442.01 Purpose	1442.05 Sanitary Facilities
1442.02 Physically Handicapped Defined	1442.06 Public Telephones and Elevators
1442.03 Parking Lots, Building Approaches And Entrances	1442.07 Hanging Fixtures and Signs; Corridors and Room Identification
1442.04 Stairs, Ramps, Doors and Multilevel Floors	1442.08 Special Rooms
	1442.99 Penalty

~~1442.01 PURPOSE.~~

~~The purpose of this chapter is to provide for the construction or remodeling of buildings, other than nontransient residential buildings, so as to provide for their accessibility to and their utilization by the disabled.~~

~~1442.02 PHYSICALLY HANDICAPPED DEFINED.~~

~~DISABLED PERSON means an individual who (1) has a physical or mental impairment that substantially limits one or more of the major life activities; (2) a record of such an impairment; or (3) being regarded as having such an impairment.~~

~~1442.03 PARKING LOTS, BUILDING APPROACHES AND ENTRANCES.~~

~~(a) A parking lot servicing the entrance of a building shall have a minimum of five percent, but at least one, of the parking spaces located near or adjacent to a walkway or drive and identified as reserved for disabled persons. Each reserved parking space shall be surfaced suitably for wheelchair travel and shall be at least 12 feet wide, unless paralleling a walkway or drive. Where a curb exists between a parking lot surface and sidewalk surface, an inclined walk or curb cut with a maximum gradient of one foot in eight feet, shall be provided for wheelchair access.~~

~~(b) At least one primary entrance to the building, conforming to the requirements of § 1442.04(c), shall be accessible from the parking lot or the nearest street by way of a hard surfaced, nonslip walk, uninterrupted by steps or abrupt changes in level and having a minimum width of five feet and a maximum gradient of one foot in 20 feet, or a ramp meeting the requirements of § 1442.04(b).~~

~~1442.04 STAIRS, RAMPS, DOORS AND MULTILEVEL FLOORS.~~

~~(a) Stairs designed for public use shall have risers, not exceeding seven and one half inches, and rounded nosings. Stairs shall have handrails 32 inches above the stair nosings on both sides, with the handrail extended 18 inches beyond the top and bottom step on the wall side of main stair landings. Intermediate stair landings shall have continuous handrails on both sides.~~

~~(b) A required outside or inside access ramp shall have a maximum gradient of one foot in 12 feet (eight and one third percent), with a level platform five feet long by at least five feet wide at the top and bottom and at turns. No ramps shall exceed 30 feet in run without an intervening level platform. Ramps shall have a minimum clear width, inside handrails, of 36 inches. Outside and inside ramps, including platforms, shall have handrails 32 inches high on both sides, with the handrail extended 12 inches beyond the top and bottom of the ramp on at least one side. All ramps, including platforms, shall have a hard, nonslip surface.~~

~~(c) Passage doors shall have clear openings of at least 30 inches when open. In the case of double doors, at least one leaf of the pair shall meet this requirement. Interior floors shall be level for a distance of two feet, six inches, from the latch edge of the door throughout the door swing, and shall extend one foot to the side of the latch jamb of the door. Exterior stoops may slope away from the door a maximum of one-fourth of an inch per foot of run.~~

~~(d) All areas accessible to the public on the same floor shall be of a common level or connected by a ramp meeting the requirements of subsection (b) hereof.~~

~~1442.05 SANITARY FACILITIES.~~

~~(a) The following provisions shall apply to all toilet rooms when more than one water closet, more than one urinal or more than one lavatory are required by the *Ohio Building Code*.~~

~~(b) Toilet rooms shall have at least one water closet compartment conforming to the following:~~

- ~~(1) A minimum width of three feet;~~
- ~~(2) A minimum depth of five feet;~~
- ~~(3) The door, where doors are used, shall swing out and be a minimum of 32 inches wide. There shall be a minimum of four feet clear distance between the door side or open end of the partition and the wall on the opposite side of the room; and~~
- ~~(4) There shall be one handrail on each side, mounted 33 inches high and parallel to the floor, with a minimum one and one fourth inch outside diameter and a minimum one and one half inch clearance between the handrail and wall, and fastened securely.~~

~~(c) At least one of the lavatories shall have a minimum of 27 inches of clearance under its apron. Faucets shall have handles for ease of operation, such as wing or single lever handles.~~

~~(d) At least one of the shelves and the lower edge of mirrors shall not be more than 40 inches above the floor.~~

~~(e) Toilet rooms shall have at least one of the urinals wall mounted, with the opening of the basin 19 inches from the floor, or shall have floor mounted urinals that are level with the main floor of the toilet room.~~

~~(f) Toilet rooms shall have at least one towel rack, towel dispenser or other dispensers and disposal units mounted no higher than 48 inches from the floor to its dispensing point.~~

~~(g) Toilet rooms not required to meet the restriction in subsection (a) hereof shall have its passage doors opening outward.~~

~~(h) Wall mounted drinking fountains or coolers shall have spouts and controls near the front of the unit, with the basin located not more than 36 inches above the floor. Fully recessed fountains or coolers shall not satisfy the requirements of this subsection.~~

~~1442.06 PUBLIC TELEPHONES AND ELEVATORS.~~

~~(a) Where public telephones are installed, at least one in each location shall be located outside a conventional booth, with the dial and handset not more than 48 inches above the floor.~~

~~(b) (1) At least one elevator shall be provided in all buildings, three or more stories high, to serve the floor serving the entrance meeting the requirement of § 1442.04(c) and all other floors —accessible to the public.~~

~~(2) Wherever elevators are installed, at least one elevator cab shall have a minimum depth of four feet and doors with a minimum clear opening of 32 inches. Plates with raised or incised markings shall be provided for controls. The maximum height of control buttons shall be 60 inches above the floor. Plates with raised or incised marking shall be provided for floor designation on each floor, 60 inches above the floor, on the fixed jamb at the cab control side of the elevator door. An audible signal shall sound as the cab approaches each floor.~~

~~1442.07 HANGING FIXTURES AND SIGNS; CORRIDORS AND ROOM IDENTIFICATION.~~

~~(a) Light fixtures, protruding signs and similar hanging objects or signs and fixtures shall not be lower than six feet, eight inches above the floor.~~

~~(b) Corridors shall conform to applicable chapters of the *Ohio Building Code*, but shall be not less than four feet in width and shall have a minimum area of five feet by five feet at the end thereof to permit turning a wheelchair around. There shall be not more than 40 feet between the five feet by five feet areas.~~

~~(c) Room identification plates made of metal, plastic or other suitable material, with a minimum one-inch high raised or incised letters or numbers, shall be affixed to the wall surface approximately five feet above the floors, in a horizontal line, adjacent to the latch side of a door. Doors leading to dangerous areas, such as fire escapes, loading platforms, switch rooms, street exits and mechanical rooms, shall be equipped with knobs, handles or push bars that have a knurled or an approved abrasive tape surface.~~

~~1442.08 SPECIAL ROOMS.~~

~~Rooms having sloping floors, fixed seats or both shall have level areas that will accommodate wheelchairs in accordance with *Ohio Building Code* as to space requirements. These areas shall be accessible from a common level floor or by a ramp meeting the requirements of § 1442.04(b).~~

~~1442.99 PENALTY.~~

~~Whoever violates any of the provisions of this chapter is guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) or imprisoned not more than 30 days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. In addition, the violator shall pay all costs and expenses involved in the case.~~

CHAPTER 1444
Awnings, Marquees and Signs

- | | |
|--|---|
| 1444.01 Permit Required; Application; Examination | 1444.05 Temporary Signs in Business and Industrial Districts |
| 1444.02 Awnings | 1444.06 Signs in Street Right of Way |
| 1444.03 Marquees | 1444.99 Penalty |
| 1444.04 Signs Generally | |

~~1444.01 PERMIT REQUIRED; APPLICATION; EXAMINATION.~~

~~Any person desiring to erect or maintain any awning, sign or signboard upon any street or sidewalk, or over any sidewalk, shall first make application for a permit to do so to the Code Enforcement Officer, who shall thereupon make examination into the matter as to the manner of the erection and construction of the same. If the Code Enforcement Officer is satisfied that the provisions of this chapter will be carried into effect and complied with, he or she shall thereupon grant a permit for the erection of the same.~~

~~1444.02 AWNINGS.~~

~~No person shall erect or cause to be erected or cause to be maintained any awning over or across any sidewalk a distance greater than eight feet from the line of any building and at a height from the sidewalk of less than seven feet.~~

~~1444.03 MARQUEES.~~

~~The provisions of §§ 1444.02 and 1444.04 shall not apply to any marquee which is constructed at a height of not less than seven feet from the sidewalk and which does not extend over or across any sidewalk a distance greater than to a point one foot within the line of the curb.~~

~~1444.04 SIGNS GENERALLY.~~

~~No person shall set up or place over or across any sidewalk, or extend more than eight feet from the line of any building, fence or other structure, any signboard, sign or other device.~~

~~1444.05 TEMPORARY SIGNS IN BUSINESS AND INDUSTRIAL DISTRICTS.~~

~~In business and industrial districts, temporary signs shall not exceed 32 square feet in area per face. Permits therefor shall be issued by the Code Enforcement Officer upon payment of a fee as provided for in the fee schedule in Part Two—Title Twelve, Chapter 298 of these Codified Ordinances. Such temporary signs are limited to one sign for a period not to exceed 90 days in any calendar year. Temporary signs shall be placed no closer than five feet from the lot line or the public right of way and shall not obstruct the view of any public street, alley or private driveway.~~

~~1444.06 SIGNS IN STREET RIGHTS OF WAY.~~

~~No person shall erect or cause to be erected or maintained any sign, billboard or commercial advertisement within a dedicated street right of way. This section, however, shall not prohibit the erection of directional signs showing the location of churches within the city, provided that no church shall have more than three such signs not exceeding 24 inches by 30 inches in size, and provided, further, that the location and installation of such signs shall be approved by the Code Enforcement Officer.~~

~~1444.99 PENALTY.~~

~~Whoever violates any of the provisions of this chapter is guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) or imprisoned not more than 30 days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. In addition, the violator shall pay all costs and expenses involved in the case.~~

CHAPTER 1450

Fire Alarm Systems and Smoke Detectors

~~1450.01 Definitions~~

~~1450.02 Application of Chapter~~

~~1450.03 Responsibility of Building Owners~~

~~1450.04 Automatic Fire Alarm Systems~~

~~Required; Exemptions~~

~~1450.05 Manual Fire Alarm Systems Required~~

~~1450.06 Power Supply; Signals~~

~~1450.07 Smoke Detectors Required~~

~~1450.08 Smoke Detector Specifications~~

~~1450.09 Enforcement~~

~~1450.99 Penalty~~

~~1450.01 DEFINITIONS.~~

~~—The following words and/or phrases used in this section are defined in Chapter 1438, § 1438.01.~~

~~—ALARM~~

~~—APARTMENT BUILDING~~

~~—APPROVED~~

~~—AUTOMATIC DETECTING DEVICE~~

~~—AUTOMATIC FIRE ALARM SYSTEM~~

~~—BUSINESS BUILDING~~

~~—DWELLING UNIT~~

~~—FACTORY AND INDUSTRIAL BUILDING~~

~~—FIRE ALARM EQUIPMENT~~

~~—FIRE OFFICIAL~~

~~—MANUAL FIRE ALARM SYSTEM~~

- ~~—MERCANTILE BUILDING~~
- ~~—ONE AND TWO FAMILY DWELLING~~
- ~~—OWNER~~
- ~~—PUBLIC ASSEMBLY BUILDING~~
- ~~—RESIDENTIAL BUILDING~~
- ~~—SLEEPING AREA~~
- ~~—SMOKE DETECTOR~~
- ~~—SPRINKLER ALARM SYSTEM~~

~~1450.02 APPLICATION OF CHAPTER.~~

~~All new and existing residential, business, assembly, mercantile, factory and industrial buildings shall provide fire alarm equipment capable of signaling the presence of a fire and notifying the occupants in danger of the fire. Such protection equipment shall be in accordance with the provisions of this chapter.~~

~~1450.03 RESPONSIBILITY OF BUILDING OWNERS.~~

~~It shall be the responsibility of the owner of each new and existing building to comply with the provisions of this chapter.~~

~~1450.04 AUTOMATIC FIRE ALARM SYSTEMS REQUIRED; EXEMPTIONS.~~

- ~~(a) (1) An automatic fire alarm system shall be installed and maintained in full operating condition in accordance with National Fire Protection Association Standard 72A in the following buildings:
 - ~~A. Buildings having an occupancy of hotel, motel, dormitory or lodging or rooming house;~~
 - ~~B. Buildings having an occupancy or use of business, mercantile, residential, factory or industrial, when they are more than 75 feet above the lowest level of Fire Division access; and~~
 - ~~C. Buildings having an occupancy or use of public assembly, having a use classification of A-1, A-2, A-3 or A-4 under the OBC and having a posted occupancy load greater than 300 persons.~~~~
- ~~(2) In public assembly buildings having an occupancy load exceeding 1,000 persons, and in all hotels and motels, regardless of occupancy capacity, the automatic fire alarm system required by this chapter shall be electronically monitored by an approved central station or proprietary monitoring system in accordance with National Fire Protection Association standards.~~
- ~~(b) The following are exempt from the provisions of subsection (a) hereof:
 - ~~(1) Buildings or portions thereof that are protected by an approved and maintained sprinkler system; and~~
 - ~~(2) Buildings having an occupancy of hotel, motel, dormitory or lodging or rooming house, in which all rooms exit directly to the outside, in which no public corridor is provided and where the building is not more than three stories in height.~~~~

~~1450.05 MANUAL FIRE ALARM SYSTEMS REQUIRED.~~

~~A manual fire alarm system shall be installed and maintained in full operating condition in:~~

- ~~(a) Buildings having an occupancy of apartment use, when they are four or more stories in height;~~

~~(b) Buildings having an occupancy of business, mercantile, factory or industrial use when they are three or more stories in height; and~~

~~(c) Buildings having an occupancy of public assembly Type A-1, A-2 or A-3 use when they are more than one story in height, regardless of occupant load classification.~~

~~1450.06 POWER SUPPLY; SIGNALS.~~

~~All automatic fire alarm systems and manual fire alarm systems required to be installed under the provisions of this chapter shall be:~~

~~(a) Equipped with an independent emergency electrical power supply consisting of approved rechargeable batteries or generators; and~~

~~(b) Capable of providing a visual and audible signal of a fire condition.~~

~~1450.07 SMOKE DETECTORS REQUIRED.~~

~~(a) Smoke detectors shall be installed and maintained in full operation in all of the following:~~

~~(1) Hotels and motels: In each guest room, suite or sleeping area;~~

~~(2) Lodging or rooming houses: In each guest room, suite or sleeping area;~~

~~(3) Dormitories: In each sleeping area;~~

~~(4) Apartments: In each sleeping area, and in or near each stairway leading to an occupied area in such a manner as to assure that rising smoke is not obstructed in reaching the detector and that rising smoke cannot effectively bypass the detector before it reaches the occupied area;~~

~~(5) One and two family dwellings: In each sleeping area, and in or near each stairway leading to an occupied area in such a manner as to assure that rising smoke is not obstructed in reaching the detector and that rising smoke cannot effectively bypass the detector before it reaches the occupied area; and~~

~~(6) Assembly, business, mercantile, factory and industrial buildings: Where, due to the physical arrangement of a building, the Fire Chief determines that, in consideration of the life safety of the occupants, at least one detector shall be provided at each level to a stairway leading to an occupied area, in such a manner as to assure that rising smoke is not obstructed in reaching the detector and that rising smoke cannot effectively bypass the detector before it reaches the occupied area.~~

~~(b) All smoke detectors required by this section shall be installed in conformity with the National Fire Protection Association Standard 72E and/or Standard 74, as amended.~~

~~1450.08 SMOKE DETECTOR SPECIFICATIONS.~~

~~(a) All smoke detectors installed in compliance with this chapter shall be listed by a nationally recognized testing laboratory, as recognized in NFPA 72 as listed in rule 1301:7-7-45 of the Ohio Administrative Code.~~

~~(b) (1) All smoke detectors installed in compliance with this chapter shall be powered by the 110 Volt AC building electrical system, provided, however, that smoke detectors installed in one and two family dwellings that were constructed prior to the effective date of this chapter may be approved battery operated detectors.~~

~~(2) Where battery operated smoke detectors are permitted by this section, it shall be the responsibility of the owner of the property to install the required detectors, and it shall be the~~

~~responsibility of the occupant of the property to maintain the battery and clean the detector per the manufacturer's guidelines so that the detector will be operative at all times.~~

~~(c) In buildings that are constructed after the effective date of this chapter, where, because of the physical arrangement of an apartment or a one or two family dwelling, the provisions of this chapter require the installation of more than one smoke detector per dwelling unit, the required detectors shall be interconnected with each other so that activation of any one detector in the dwelling unit shall cause all required detectors to emit a signal.~~

~~(d) In buildings that are constructed after the effective date of this chapter, when the facility is to be used primarily for the housing of elderly persons, or persons with physical hearing limitations or mental disorders, all required smoke detectors shall be capable of providing a visual and audible signal of a fire condition and shall be in accordance with National Fire Protection Association Standard 72G.~~

~~(e) Prior to the sale or transfer of title to property subject to the requirements of this chapter, the seller or transferor shall comply with the provisions hereof and shall obtain a certificate of compliance from an authorized inspector.~~

~~1450.09 ENFORCEMENT.~~

~~(a) The Code Enforcement Officer shall enforce the applicable sections of this chapter to existing buildings used wholly or in part for residential purposes, where the Code Enforcement Officer inspects such buildings in the ordinary course of his or her duties.~~

~~(b) The Chief of the Fire Division or an authorized designee shall enforce all sections of this chapter.~~

~~1450.99 PENALTY.~~

~~Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) or imprisoned not more than 30 days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. In addition, the violator shall pay all costs and expenses involved in the case.~~

~~CHAPTER 1452
Fire Limits~~

~~1452.01 Material Requirements in B-2
Central Business District~~

~~1452.99 Penalty~~

~~1452.01 MATERIAL REQUIREMENTS IN B-2 CENTRAL BUSINESS DISTRICT.~~

~~The area of the city designated on the official zoning map and its amendments, both past and future, as the B-2 Central Business District, is hereby designated and established as a fire district. All construction, repair, remodeling and installation in the B-2 Central Business District, as shown on the official zoning map and its amendments, shall be with fire resistant materials conforming to the requirements of the most recent edition of the *Ohio Building Code*, as adopted in § 1420.01.~~

~~1452.99 PENALTY.~~

~~Whoever violates any of the provisions of this chapter is guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250) or imprisoned not more than thirty (30) days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. In addition, the violator shall pay all costs and expenses involved in the case.~~

~~CHAPTER 1454
Flood Damage Prevention~~



Introduction: December 28, 2022
Public Hearing & Vote: January 12, 2023
Effective Date: February 11, 2023

Agenda Item: **ORDINANCE 2022 – 52**
AMENDING SECTION 298.01(g) OF THE FEE SCHEDULE OF THE XENIA CITY CODE
Introduced by Mayor Sarah Mays on December 28, 2022

Submitted and Presented By: Jared Holloway, Assistant City Manager

Scope/Description: As part of the City’s transition to bring building inspection in house, the City must establish fees for building permits under the Ohio Building Code (OBC) and Residential Code of Ohio (RCO). The proposed permit fees are based on projected expenses of the Building Division, including the cost of employing National Inspection Corporation (NIC) as the City’s Chief Building Official. The proposed fees are slightly higher than fees charged by Greene County because the City wants to ensure a much higher level of customer service, quality, and support while ensuring that the services for permitting and inspection remain cost neutral. Staff plans to utilize an estimated fee calculator on the City website to help residents and businesses determine the fees for permits and inspections based on the project they look to undertake.

The proposed amendments to the City’s Fee Schedule include renumbering current Table G.1 – fees from Chapter 1490: Property Maintenance Code, as Table G.3. Current Table G.2 – fees from Chapter 1492: Registration of Vacant Commercial & Industrial Buildings will be removed as Council repealed Chapter 1492 earlier this year. Fees for permits and inspections required under the OBC will be added as Table G.1 – fees from Chapter 1402: Ohio Building Code. Fees for permits and inspections required under the RCO will be added as Table G.2 – fees from Chapter 1404: Residential Code. Note that Chapter 1402: Ohio Building Code and Chapter 1404: Residential Code were presented to Council for renumbering and amendment by Ordinance 2022-51.

Cover Memo Attachments: None.

Budgetary Impact: Budget impacts depend on demand, but proposed fees cover the cost for contractual services based on utilization of National Inspection Services as the City’s Chief Building Official.

Vote Required for Adoption: A majority of the members of Council present at the meeting.

Recommendation: It is the recommendation of staff that City Council adopt Ordinance 2022-52 to establish permit, inspection, and miscellaneous fees for permits, inspections, and other items required under the OBC and RCO.

**CITY OF XENIA, OHIO
ORDINANCE 2022 – 52**

AMENDING SECTION 298.01(g) OF THE FEE SCHEDULE OF THE XENIA CITY CODE

WHEREAS, this Council, by Ordinance 2022-40, adopted on October 27, 2022, created a Building Division within the Department of Development Services; and

WHEREAS, this Council finds it to be in the best interests of the health, safety and welfare of the City to establish fees for permits, inspections, and other services required by, or provided pursuant to, the Ohio Building Code or the Residential Code of Ohio in the City’s Fee Schedule, as contained in Chapter 298 of the Xena City Code,

NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS, a majority of the members of the City Council present concurring, that:

Section 1. Section 298.01(g), titled “Fees from Part Fourteen – Building & Housing Codes” of the Xenia City Code is hereby amended, as shown in the attached Exhibit A.

Section 2. Existing Section 298.01(g) is hereby repealed.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including ORC 121.22.

Section 4. This Ordinance shall be effective on February 11, 2023.

Introduced: December 28, 2022

Adopted: January 12, 2023

Attest:

President, Xenia City Council

Michelle D. Johnson
City Clerk

298.01 FEE SCHEDULE.

(g) Fees from Part Fourteen – Building & Housing Codes.

Table G.1

<u>Xenia Code Section</u>	<u>Chapter 1402: Ohio Building Code</u>	<u>Fee</u>
<u>Building Permits</u>		
	<u>Building Permit for New Construction, Additions, Alterations and Remodeling</u>	<u>\$340</u> <u>Plus \$0.13 per sq. ft.</u>
	<u>Demolition Permit (per structure)</u>	<u>\$125</u>
	<u>Industrialized Unit Permit</u>	<u>\$250</u> <u>Plus \$0.022 x sq. ft.</u>
	<u>Roof Replacement Permit</u>	<u>\$315</u>
	<u>Solar Array Permit</u>	<u>\$340</u> <u>Plus \$6 per panel</u>
	<u>Storage Rack System Permit</u>	<u>\$340</u> <u>Plus \$0.13 per sq. ft.</u>
	<u>Temporary Structure Permit (including tents) (base +area):</u>	<u>\$190</u> <u>Plus \$0.25 per sq. ft.</u>
<u>Electrical Permits</u>		
	<u>Electrical Permit</u>	<u>\$340</u> <u>Plus \$0.08 x sq. ft.</u>
	<u>Electric Vehicle Charging Station Permit</u>	<u>\$340</u> <u>Each additional charger on same permit,</u> <u>\$175 each</u>
<u>Fire System Permits</u>		
	<u>Fire Suppression System Permit (all suppressed areas)</u>	<u>\$340</u> <u>Plus \$0.08 x sq. ft.</u>
	<u>Fire Alarm System Permit</u>	<u>\$340</u> <u>Plus \$8.13 per device</u>
	<u>Hood Suppression System Permit</u>	<u>\$315</u> <u>Each additional unit on same permit, \$60 each</u>
	<u>Underground Fire Line Permit</u>	<u>\$340</u> <u>Plus \$10.50 per 100 LF (rounded up)</u>
<u>Mechanical Permits</u>		
	<u>Mechanical Permit</u>	<u>\$340</u> <u>Plus \$0.08 per sq. ft.</u>
	<u>Gas Piping Inspection</u>	<u>\$125 per inspection</u>
	<u>Geothermal Trench/Pressure Test</u>	<u>\$125 per inspection</u>
	<u>Kitchen Exhaust Hood Permit</u>	<u>\$315</u>

<u>Xenia Code Section</u>	<u>Chapter 1402: Ohio Building Code</u>	<u>Fee</u>
	<u>Replacement Permit - Furnace, A/C</u>	<u>\$175</u> <u>Each additional unit on</u> <u>same permit, \$60 each</u>
<u>Minor Alteration Permits</u>		
	<u>Per Each Permit Type (Building, Electric, Fire</u> <u>Suppression, Mechanical, Sign)</u>	<u>\$125</u>
<u>Occupancy Certificates</u>		
	<u>Certificate of Occupancy or Certificate of</u> <u>Completion with a Permit</u>	<u>\$175</u>
	<u>Certificate of Occupancy for Change of Use</u>	<u>\$175</u>
	<u>Occupying without Certificate of Occupancy</u>	<u>\$625</u>
	<u>Temporary Certificate of Occupancy (30 Days)</u>	<u>\$125</u>
<u>Sign Permits</u>		
	<u>Face Changes (no permit required)</u>	<u>\$0</u>
	<u>Large Signs</u> <i>(More than 15' pole to bottom of face or single sign face more than 200 sq. ft.)</i>	
	<u>Structural Only</u>	<u>\$250</u>
	<u>Structural and Electric</u>	<u>\$320</u>
	<u>Medium Signs</u> <i>(More than 10' pole to bottom of face or single sign face more than 50 sq. ft.)</i>	
	<u>Structural Only</u>	<u>\$175</u>
	<u>Structural and Electric</u>	<u>\$280</u>
	<u>Small Signs</u> <i>(All not included above)</i>	
	<u>Structural Only</u>	<u>\$125</u>
	<u>Structural and Electric</u>	<u>\$225</u>
<u>State Board of Building Standards Fee</u>		<u>Plus 3% of applicable</u> <u>permit fees</u>
<u>Miscellaneous</u>		
	<u>Copy Plans & Re-Stamp</u>	<u>\$75, plus cost of</u> <u>copying</u>
	<u>Out of Normal Hours Inspection</u>	<u>\$175 per hour,</u> <u>minimum of 3 hours</u> <u>billed</u>
	<u>Permit Extension (if approved)</u>	<u>\$100</u>
	<u>Plan Review (0.25 hour increments)</u>	<u>\$125 per hour</u>
	<u>Reinspection</u>	<u>\$125</u>
	<u>Revisions to Approved Plans</u>	<u>\$175, plus Plan Review</u>
	<u>Special Inspection</u>	<u>\$175</u>
	<u>Starting Work Without a Permit</u>	<u>Doubled Permit Fee</u>
<i>Note: All fees must be paid before Permit/Certificate will be issued and are nonrefundable.</i>		

Table G.2

<u>Xenia Code Section</u>	<u>Chapter 1404: Residential Code</u>	<u>Fee</u>
<u>Building Permits</u>		
	<u>Building Permit for New Construction, Additions, Alterations and Remodeling</u>	<u>\$125</u> <u>Plus \$0.30 per sq. ft.</u>
	<u>Accessory Structure Permit, including awnings, decks, and sheds that are 200 sq. ft. or more</u>	<u>\$125</u> <u>Plus \$0.25 per sq. ft.</u>
	<u>Demolition Permit (per structure)</u>	<u>\$90</u>
	<u>Foundation Only Permit:</u> <u>(does not include elec. service, garages or other add-ons)</u>	<u>\$150</u>
	<u>Roof Replacement Permit</u>	<u>\$125</u>
	<u>Solar Thermal Energy System Permit</u>	<u>\$115</u> <u>Plus \$6.50 per panel</u>
	<u>Swimming Pool Permit (depth of 24" or more)</u>	<u>\$125</u>
<u>Electrical Permits</u>		
	<u>Electrical Permit for New Structures, Additions, Alterations and Remodeling</u>	<u>\$125</u> <u>Plus \$0.06 per sq. ft.</u>
	<u>Electric Service Permit</u> <u>(new/upgrade/reconnect)</u>	<u>\$115</u>
	<u>Residential Electric Vehicle Charging Station</u>	<u>\$125</u>
	<u>Swimming Pool Electrical Permit</u> <u>(inground or above ground bonding/wiring)</u>	<u>\$115</u>
	<u>Temporary Electric Service Permit</u>	<u>\$115</u>
<u>Mechanical Permits</u>		
	<u>Mechanical Permit for New Structures, Additions, Alterations, and Remodeling</u>	<u>\$125</u> <u>Plus \$0.06 per sq. ft.</u>
	<u>Heat Pump Permit</u>	<u>\$115</u>
	<u>Gas Piping Permit</u>	<u>\$115</u>
	<u>Geothermal Trench/Pressure Test</u>	<u>\$90 per inspection</u>
	<u>Replacement Permit – Furnace or A/C</u>	<u>\$115 per unit</u>
<u>Minor Alteration Permit</u>		
	<u>Per Permit Type (Building, Electric, Mechanical)</u>	<u>\$100</u>
<u>Occupancy Certificates</u>		
	<u>Certificate of Occupancy or Certificate of Completion with a Permit</u>	<u>\$60</u>
	<u>Occupying without Certificate of Occupancy</u>	<u>\$625</u>
	<u>Temporary Certificate of Occupancy (30 Days)</u>	<u>\$125</u>
<u>State Board of Building Standards Fee</u>		<u>Plus 1% of applicable permit fees</u>

<u>Xenia Code Section</u>	<u>Chapter 1404: Residential Code</u>	<u>Fee</u>
<u>Miscellaneous</u>		
	<u>Copy Plans & Re-Stamp</u>	<u>\$75</u> <u>Plus cost of copying</u>
	<u>Out of Normal Hours Inspection</u>	<u>\$150 per hour,</u> <u>minimum of 3 hours</u> <u>billed</u>
	<u>Permit Extension (if approved)</u>	<u>\$100</u>
	<u>Plan Review (0.25 hour increments)</u> <u>For 3rd review and all subsequent reviews</u>	<u>\$75 per hour</u>
	<u>Reinspection</u>	<u>\$90</u>
	<u>Revisions to Approved Plans</u>	<u>\$125, plus Plan</u> <u>Review</u>
	<u>Missed Inspection</u>	<u>\$175</u>
	<u>Special Inspection</u>	<u>\$90</u>
	<u>Starting Work Without a Permit</u>	<u>Doubled Permit Fee</u>
<i>Note: All fees must be paid before Permit/Certificate will be issued and are nonrefundable.</i>		

Table G.3

<u>Xenia Code Section</u>	<u>Chapter 1490: Property Maintenance Code</u>	<u>Fee</u>
1490.01(f)(3)B.	Reinspection	\$150

<u>Xenia Code Section</u>	<u>Chapter 1492: Registration of Vacant Commercial & Industrial Buildings</u>	<u>Fee</u>
1492.05	Initial Registration	\$400, subject to 50% increase if delinquent
1492.05	Annual Registration Renewal	\$800 for 1 st renewal
		\$1,600 for 2 nd renewal
		\$3,200 for 3 rd renewal
		\$6,400 for 4 th renewal and subsequent consecutive renewals
		All renewals subject to 50% increase if delinquent (may be reduced or waived pursuant to 1492.05(d))

(1997 Code §§ 1440.05, 1440.07, 1468.04; Ord. 06-62. Adopted 09/28/06; Ord. 08-32. Adopted 05/22/08; Ord. 08-77. Adopted 11/25/08; Ord. 09-86. Adopted 12/29/09; Ord. 12-09. Adopted 03/22/12; Ord. 14-10. Adopted 02/13/14; Ord. 2021-04. Adopted 02/11/2021; Ord. 2022-29. Adopted 08/25/22; **Ordinance 2022-52. Adopted **/**/23**)



**XENIA CITY COUNCIL
LEGISLATIVE COVER MEMO**

Meeting Date: January 12, 2023
Effective Date: January 12, 2023

Agenda Item: **RESOLUTION 2023 – 001**
REQUESTING THE ADVANCE PAYMENT OF 2022 TAX SETTLEMENTS
FROM THE GREENE COUNTY AUDITOR

**Submitted &
Presented By:** Ryan Duke, Finance Director

Scope/Description: Every year City Council is asked to approve a Resolution authorizing the Finance Director to procure from the County Auditor advance payment of various taxes the Auditor collects and holds for the City. The regular schedule for distribution of taxes collected by the County Auditor to local jurisdictions is February and August. This Resolution will allow the Finance Director to request and receive advance payment of 2022 property taxes collected and held by the County. (Property taxes are collected a year in arrears.)

**Cover Memo
Attachments:** None.

Budgetary Impact: Receipt of taxes in advance of the regular distribution dates will improve the City's cash flow and cash balance, thereby improving liquidity and enhancing interest proceeds.

**Vote Required for
Passage:** A majority of the members of Council present at the meeting.

Recommendation: It is the recommendation of City staff that Council pass Resolution 2023-001 to authorize the Finance Director to procure the advance payment of 2022 property taxes due to the City, collected in 2023, from the County Auditor.

**CITY OF XENIA, OHIO
RESOLUTION 2023 – 001**

**REQUESTING THE ADVANCE PAYMENT OF 2022 TAX SETTLEMENTS
FROM THE GREENE COUNTY AUDITOR**

WHEREAS, Ohio Revised Code Section 321.34 requires a county auditor, when a local authority requests by resolution, to pay to the fiscal officer of the local authority any money that may be in the county treasury to the account of the local authority that is lawfully applicable to the purpose of the current fiscal year in which the request is made;

WHEREAS, it is necessary that property taxes collected and held by the Greene County Auditor be procured from time to time for the payment of the general operating expenses of the City of Xenia, Ohio, prior to the regular distributions;

WHEREAS, the Greene County Auditor has and will collect in 2023 those property taxes due for the tax year 2022, and such funds are or may currently be in the account of the City awaiting settlement; and

WHEREAS, it is desirable that advances of the 2022 taxes due to the City be advanced to the City prior to normal settlement date, in amounts based upon the funds collected to date by Greene County,

NOW, THEREFORE, THE CITY OF XENIA HEREBY RESOLVES, a majority of the members of City Council present concurring, that:

Section 1. The Finance Director is hereby authorized and directed to procure from the Greene County Auditor, as the need therefore is determined by the Finance Director, advances from the Greene County Treasury of any monies due to the City for 2022 real estate tax collections and other settlements for general operating expenses of the City.

Section 2. It is found that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including ORC 121.22.

Section 3. This Resolution shall be effective immediately upon its passage.

Passed: January 12, 2023

Attest:

President, Xenia City Council

Michelle D. Johnson
City Clerk