

ORDINANCE NO. 016 - 2023

AN ORDINANCE AMENDING CHAPTER 1301 OF THE MAUMEE
CODIFIED ORDINANCES

WHEREAS, Maumee has previously adopted Chapter 1301 of the Maumee Codified Ordinances and,

WHEREAS, in order to update the administrative requirements for inspections and update provisions for permits and penalties within the City of Maumee, Chapter 1301 of the Codified Ordinances should be amended to include the following revisions and additions.

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

SECTION 1. Chapter 1301 of the Maumee Codified Ordinances be, and the same hereby are amended as follows:

CHAPTER 1301

Permits and Certificates; Penalty

- 1301.01 Certificate of occupancy required.
- 1301.02 Buildings hereafter altered.
- 1301.03 Contents of certificate.
- 1301.04 Temporary occupancy.
- 1301.05 Issuance and filing of certificate.
- 1301.06 Existing buildings.
- 1301.07 Change of occupancy.
- 1301.08 Certificate for alterations or repairs to structures.
- 1301.09 Permit for **plumbing**, mechanical **or electrical** installations.
- 1301.10 **Rules and regulations**
- 1301.11 **Inspections**
- 1301.99 Penalty.

1301.01 CERTIFICATE OF OCCUPANCY REQUIRED.

No building hereafter erected shall be occupied or used, in whole or in part, until a certificate of occupancy is issued by the Building Official and posted on the premises, when required by the Building Official certifying that such building conforms to the provisions of this Building Code.

1301.02 BUILDINGS HEREAFTER ALTERED.

No building hereafter enlarged or extended, or altered, wholly or in part, so as to change its classification or occupancy, and no building hereafter altered for which a certificate of occupancy has not been heretofore issued, shall be occupied or used, in whole or in part, until a certificate of occupancy is issued by the Building Official certifying that the work for which the permit was issued has been completed in accordance with the provisions of this Building Code; provided, that if the occupancy or use of such building was not discontinued during the work of alteration, the occupancy or the use of such building shall not continue for more than thirty days after the completion of the alteration, unless such certificate is issued.

1301.03 CONTENTS OF CERTIFICATE.

In addition to the certification as to compliance with the provisions of this Building Code, the certificate of occupancy shall state the purposes for which the building may be used in its several parts, the maximum permissible live-loads on the several floors, the number of individual persons that may be accommodated in the several stories, in case such number is limited by a provision of law or by the permit and all stipulations of the permit, if any.

1301.04 TEMPORARY OCCUPANCY.

Upon request of the holder of a permit or of the owner, the Building Official may issue a temporary certificate of occupancy for a part of a building provided that such temporary occupancy or use would not jeopardize life or property.

1301.05 ISSUANCE AND FILING OF CERTIFICATE.

A certificate of occupancy shall be issued within five days after written application therefor or if the building at the time of such application is entitled thereto. Copies of certificates of occupancy shall be furnished, on request, to persons having a proprietary interest in the building.

1301.06 EXISTING BUILDINGS.

Nothing in this Building Code shall require the removal, alteration or abandonment of, nor prevent the continuance of the use and occupancy of a lawfully existing building, except as may be necessary for the safety of life or property. Upon written request from the owner, the Building Official shall issue a certificate of occupancy for an existing building, certifying by inspection **that the premises are in compliance with the Maumee Code provisions**, and **certifying the appropriate** occupancy or use of such building; provided, that at the time of issuing such certificate, there are no obligations of law or orders of the Building Official pending.

1301.07 CHANGE OF OCCUPANCY.

(a) No change of occupancy or use shall be made in a building hereafter erected or altered that is not consistent with the last issued certificate of occupancy for such building, unless a permit is secured. In case of an existing building, no change of occupancy that would bring it under a special provision of this Building Code shall be made, unless the Building Official finds, upon inspection, that such building conforms substantially to the provisions of law with respect to the proposed new occupancy and use, and issues a certificate of occupancy therefor.

(b) The use of a building or premises shall not be deemed to have changed because of a ~~temporary~~ vacancy **for less than six months**, or change of ownership or tenancy, provided, however, that with respect to commercial or industrial establishments upon termination of the ~~temporary~~ vacancy or upon the change of ownership or tenancy, a certificate of occupancy permit shall be obtained. Such certificate of occupancy shall be deemed a special inspection and the fee for the special inspection shall be as provided by ~~ordinance of Council~~ **the appropriate fee schedule**. The re-establishment in a building, after a change of occupancy has been made, of a prior use that would not have been permitted in a new building of the same type of construction is prohibited. The change from a specifically prohibited use to another specifically prohibited use shall not be made.

1301.08 CERTIFICATE FOR ALTERATIONS OR REPAIRS TO STRUCTURES.

Upon the completion of alterations or the repair of a structure, the Building Official shall, if so requested by the holder of the permit, issue a certificate to the effect that the structure has been altered and repaired in conformity with the provisions of this Building Code or with orders issued by the Building Official and indicating the use or uses to which the structure may thereafter be put to what extent.

1301.09 PERMIT FOR PLUMBING, MECHANICAL, OR ELECTRICAL INSTALLATIONS.

When a permit is specifically required by any provision of this Building Code or by statute for an installation, extension, alteration, or repair of plumbing, gas piping, electric wiring, or heating, no person, **or owner of the property shall install or allow the installation of any plumbing, gas piping, electrical wiring or heating without a proper permit issued by the City of Maumee or the State of Ohio; no person shall assist in the installation of plumbing gas piping, electrical wiring or heating when a permit as required has not been obtained; and/or** use or permit the use of the installation, equipment, or appliance to which such provision applies, until the appropriate permit has been issued and the required inspection(s) approved.

1301.10 RULES AND REGULATIONS

The Chief Building Official and/or City Administrator are hereby authorized to make and adopt such additional rules and regulations for inspections and the internal administration of their office, provided that such rules and regulations shall not be in conflict with provisions or intent of this ordinance or rules and regulations and provisions of law enforced by the City of Maumee. All rules and regulations adopted by the Chief Building Official and/or City Administrator shall have the same force and effect as the provisions of this code.

1301.11 INSPECTIONS

(a) The Chief Building Official and/or City Administrator shall develop and adopt a plan and fee schedule for code inspections of any property subject to the provisions of the Codes adopted by the City of Maumee in Chapter 1315 of the Maumee Codified Ordinances including the Ohio Building Code, Chapter 1317 National Electrical Code, Chapter 1319 Ohio Plumbing Code, Chapter 1321 City of Maumee Residential Code, and Chapter 1323 BOCA National Property Maintenance Code when said inspections are necessary, required, or warranted. These provisions shall not apply when there is an emergency, or a situation that endangers the safety of the owner, occupant or general public. These provisions shall not apply when the inspection is related to a permit inspection or other required inspection by other Maumee or State code provisions. Such plan for inspection shall include a provision which will give owners or occupants of the subject premises a minimum of 24 hours' notice prior to an inspection, however, the 24-hour notice may be waived by the owner or occupant and shall include the procedure found hereinafter, if after being notified of the right to refuse entry, the owner, occupant, or agent does not consent to the proposed inspection. Non-emergency inspections shall be scheduled or conducted during daylight hours.

(b) The Chief Building Official and/or City Administrator or their employees, subcontractors or designees may make inspections in response to a complaint that an alleged violation of the provisions of this code or of rules and regulations adopted pursuant thereto has been committed; when the code inspector has valid reason to believe that a violation of the provisions of the code or any rules and regulations adopted pursuant thereto exists; or where other good cause exists for an inspection which may include the passage of time. At times of non-emergency inspections, the owner, occupant, or agent shall be notified of the right to refuse entry. No criminal penalty, or any penalty or fine under this chapter shall attach, solely by reason of the owner's, occupant's or agent's refusal to consent to an inspection without a warrant. If the owner, occupant, or agent thereof does not consent to the proposed inspection, the Chief Building Official and/or City Administrator or their employees, subcontractors or designees shall appear before any judge, magistrate or acting judge of a court of competent jurisdiction or before an administrative hearing officer and seek an administrative search warrant to allow an inspection. The property owner and /or occupant shall be granted an opportunity for precompliance review of the warrant request as required by law. Any such application shall be made within thirty calendar days after the non-consent to the entry or inspection. The application for the warrant shall specify the basis upon which the warrant is being sought and shall include a statement that the inspection will be limited to a determination whether there are violations of the code provisions identified in this chapter. The application for administrative warrant shall include any of the following factors, upon which the court may consider and deem pertinent in its decision as to whether a warrant shall be issued:(1)Eyewitness account of violation;(2)Citizen complaints;(3)Tenant complaints;(4)Plain view violations;(5)Violations apparent from city records;(6)Property deterioration;(7)Age of property;(8)Nature of alleged violation;(9)Condition of similar properties in the area;(10)Documented violations

on similar properties in the area;(11)Passage of time since last inspection;(12)Previous violations on the property.

(c) If a warrant is issued, no owner, occupant, or agent thereof shall fail or neglect, upon presentation of a warrant, to properly permit entry therein for the purpose of conducting an inspection and examination pursuant to this section and consistent with the terms of the warrant. If the court declines to issue a warrant, or if no warrant is sought, the inspection shall still take place, but the scope thereof shall be limited to such areas as are in plain view. A limited-scope inspection conducted pursuant to this subsection shall not preclude the imposition of administrative fees, civil citations or other criminal penalties.

(d) If upon inspection, a structure, building or dwelling is found in violation of this Code, the Chief Building Official and/or City Administrator or their employees, subcontractors or designees shall issue to the owner of said structure, building or dwelling or their authorized agent a list of noted violations to be known as a "notice of violation." The owner or their authorized agent and/or the occupant(s), as appropriate, shall have 30 days from the issuance of a notice of violation to correct such noted violations as have been noted or to take the matter to the housing appeals official. If after 30 days from the issuance of a notice of violation, the owner has not corrected the violation, appropriate charges may be filed, or other administrative penalties may be assessed. If, after 30 days from the issuance of a notice of violation, such noted violations of this Code have been begun in good faith, nearly corrected or partially corrected and not appealed the Chief Building Official and/or City Administrator or their employees, subcontractors or designees shall issue an "order to comply." This order to comply shall list the violations initially found and not begun in good faith, nearly corrected or corrected, as evidenced by sufficient documentation, in the notice of violation. The owner or their authorized agent shall have 15 days from the issuance of an order to comply to correct such violations. If, after 15 days from the issuance of an order to comply, such violations are not corrected, the Chief Building Official and/or City Administrator or their employees, subcontractors or designees or their authorized agent may institute appropriate civil and/or criminal proceedings or file appropriate charges against the owner.

(e)The service department shall be responsible for keeping a written record of the findings of all inspections. These records shall be available to the public at cost upon request pursuant to the Maumee Public Records Policy.

(f) Information not related to the enforcement of code provisions which may be discovered in the course of an inspection shall be considered privileged. Such information shall not be made public without a proper public records request. If any information pertaining to criminal activity is discovered pursuant to a code inspection, such information is not privileged or confidential.

(g) All records pertaining to the identification of a complaint shall be kept separate from the public record of inspection and notice of violation in regard to the structure. All other information regarding notices of violations pertaining to any premises shall be public record and available upon request.

(h) The Chief Building Official and/or City Administrator or their employees, subcontractors or designees shall not be required to accept or act upon anonymous complaints. If the code enforcement office, upon inspection, finds any complaint to be malicious or made in bad faith, they may assess the complainant an inspection fee.

(i) An owner, occupant or person having care of property where an inspection has been scheduled shall be assessed a fee established if the inspection is missed or not cancelled at least 24 hours prior to the scheduled inspection.

1301.99 PENALTY.

(a) Whoever violates any provision of Part 13 of the Building Code or fails to comply therewith or with any of the requirements thereof, or who erects **or assists the person who erects** constructs, alters or repairs, or has erected **or assisted the person or persons** who erected, constructed, altered or repaired a building or structure, **without a properly issued permit or who is** in violation of a detailed statement or plan submitted and approved thereunder, or of a permit or certificate issued thereunder, where no other penalty is provided, shall be guilty of a misdemeanor of the first degree. Each day of said violation shall be considered a separate offense.

(b) The owner of a building, structure or premises, where anything in violation of this Building Code, ~~shall be placed~~ was placed, **erected, installed, partially installed or erected or said installation exists where no permit was obtained or where plans were not followed, or where inspections did not occur**, and any architect, builder, contractor, agent, person or corporation ~~employed~~ **who erected or assisted** in connection therewith and who may have assisted **in any way** in the commission of such violation shall each be guilty of a separate offense. **Each day of said violation shall be considered a separate offense.**

(c) The imposition of any **civil citations, administrative fees or the other** penalties herein ~~prescribed~~ for any violations shall not preclude the ~~Solicitor~~ **City of Maumee** from instituting and appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation, or to prevent the occupancy of a building, structure or premises, or prevent an illegal act, conduct, business or use in or about the premises.

SECTION 2. Any Ordinances, parts of Ordinances or the Chapters of the Building Code in conflict herewith are hereby amended and repealed in part to reflect the foregoing changes;

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of council's committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements of the Charter of Maumee, Ohio and the State of Ohio.

Motion to waive three readings:

Second:

Yeas: Nays:

Motion to Pass:

Second:

Yeas: Nays:

Passed: July 10, 2023.

Mayor.

ATTEST:

Municipal Clerk.

Approved as to form by:

Law Director