

**TO AMEND CHAPTER 1305 OF THE CODIFIED ORDINANCES OF THE
MUNICIPALITY OF BROOKVILLE, OHIO BY ADOPTING THE "OHIO
RESIDENTIAL CODE FOR ONE, TWO AND THREE-FAMILY DWELLINGS"
AND DECLARING IT AN EMERGENCY.**

WHEREAS, Section 4.12 of the Municipal Charter provides that Council may adopt model or standard codes prepared and published by public and private agencies for regulatory subjects by reference only; and

WHEREAS, Council has previously adopted the CABO One and Two-Family Dwelling Building Code, as prepared and promulgated by the Ohio Building Officials Association, for enforcement within the Municipality of Brookville; and

WHEREAS, said edition was contained in the Codified Ordinances of the Municipality of Brookville at Part Thirteen – Building Code as Chapter 1305; and

WHEREAS, Council, upon the recommendation of the Municipality's Building Official, now wishes to rescind its adoption of the CABO One and Two-Family Dwelling Code in order to adopt the Ohio Residential Code for One, Two and Three-Family Dwellings in order to regulate the fabrication, construction, enlargement, alteration, repair location and use of detached one, two and three-family dwellings and the appurtenances and accessory structures within the Municipality of Brookville and to provide for the issuance or permits therefore and providing penalties for the violation thereof.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Brookville, Ohio, that:

SECTION I: Section 1305.01 is hereby amended to read as follows:

Pursuant to Section 4.12 of the Municipal Charter there is hereby adopted by and for the Municipality the Ohio Residential Code for One, Two and Three-Family Dwellings, being particularly the 1999 edition or the most recent edition thereof, prepared and promulgated by the Ohio Building Officials Association. The adoption of this code specifically includes the provisions contained in Appendix A regulating mobile homes as dwellings and the provisions contained in Appendix B regulating swimming pools, spas and hot tubs.

SECTION II: Section 1305.02 is hereby amended to read as follows:

The purpose of the Ohio Residential Code for One, Two and Three-Family Dwellings, as adopted herein, is to provide minimum standards for the protection of life, limb, health, property, environment and for the safety and welfare of the

consumer, general public and the owners and occupants of one, two and three-family dwellings and their accessory structures.

SECTION III: Section 1305.03 is hereby amended to read as follows:

In the event of a conflict between any provisions of the Ohio Residential Code for One, Two and Three-Family Dwellings, as adopted in Section 1305.01, and a provision of other standard technical codes adopted by the Municipality, the stricter standard shall prevail, except that the provision of the Ohio Basic Building Code, as adopted in Chapter 1305, shall prevail in any case. In the event of a conflict between any of the provisions of the Ohio Residential Code for One, Two and Three-Family Dwellings, and any local ordinance, resolution, rule or regulation, the local ordinance, resolution, rule or regulation shall control.

SECTION IV: Section 1305.04 is hereby amended to read as follows:

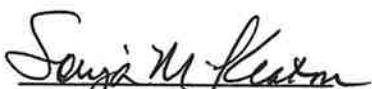
- (a) Whoever violates or fails to comply with any of the provisions of the Ohio Residential Code for One, Two and Three-Family Dwellings, as adopted in Section 1305.01, is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense. Unless otherwise provided, a separate offense shall be deemed committed each day during or in which a violation or noncompliance occurs or continues.
- (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 equitable remedy.

SECTION V: The Municipal Manager shall have the authority to establish a schedule of fees for all permits required by this ordinance.

SECTION VI: This Ordinance is hereby declared to be an emergency ordinance to assist in timely establishing a Municipal Building Department. All ordinances or parts of ordinances that conflict with this ordinance are hereby repealed. This ordinance shall take effect and be in force from and after the date of passed according to the Charter of the Municipality of Brookville, Ohio.

PASSED this 20th day of March 2001.

ATTEST:


Sonja M. Keaton, Clerk


Thomas L. Dafler, Mayor

CERTIFICATE

The undersigned, Clerk of the Municipality of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2001-02 passed by the Council of said Municipality on the 20th day of March 2001.

Sonja M. Keaton
Sonja M. Keaton, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of Council of the Municipality of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2001-02 was posted at the Municipal Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 21st day of March 2001, to the 21st day of April 2001, both days inclusive.

Sonja M. Keaton
Sonja M. Keaton, Clerk