

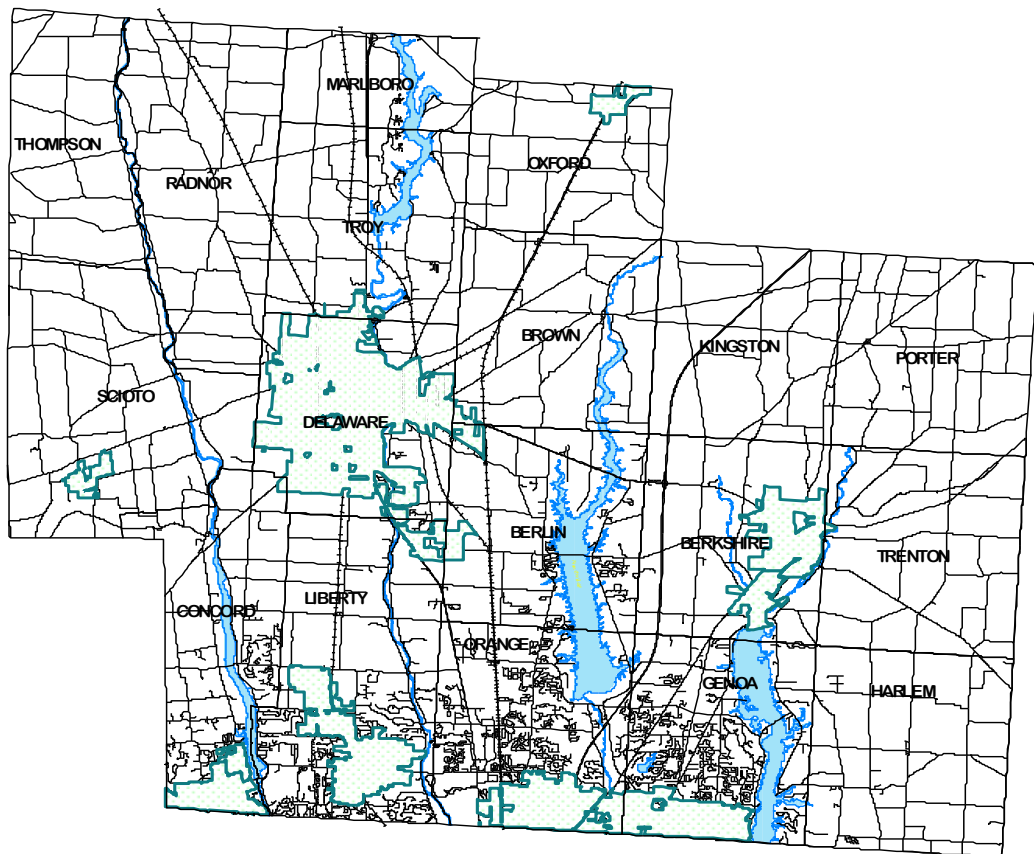
The Building Code of Delaware County, Ohio

Effective July 27, 2006

Adopted by the Delaware County Board of Commissioners

Revised January 10, 2011

Revised July 5, 2018



Delaware County CODE COMPLIANCE

Building Regulations

Floodplain Regulations

Zoning Regulations

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<http://www.co.delaware.oh.us/codecomp>

THE BUILDING CODE OF DELAWARE COUNTY

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TITLE I

GENERAL PROVISIONS

DC 100 TITLE

1. This Code shall be designated and known as THE BUILDING CODE OF DELAWARE COUNTY, OHIO. The Ohio Building Code (OBC) and The Residential Code of Ohio (RCO), as adopted by the State of Ohio are incorporated by reference herein and made part of this code.

TITLE II

ADMINISTRATION OF BUILDING CODE

DC 200 UNSAFE BUILDINGS TO BE REMOVED OR REPAIRED

1. The construction, use or occupation of any building or structure declared to be a public nuisance under the authority of R.C. 3781.031 or 3781.06 through 3781.18 may be enjoined in a proceeding instituted in the name of the Building Official, in compliance with ORC 3781.03.

DC 201 VACATING UNSAFE BUILDINGS AND CLOSING STREETS

1. When the Building Official is of the opinion that a building or structure is in an unsafe condition so that life is endangered thereby, he may order and require the occupants to vacate said building or structure forthwith.
2. The Building Official shall cause to be posted at each entrance to such building, a notice to read as follows: "THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL". Such notice shall remain posted until the required repairs are made or until the building or structure is razed. It shall be unlawful for any person other than an employee of Delaware County Code Compliance, properly authorized to do so, to remove or cause to be removed said notice without written permission from the Building Official. The Building Official shall also provide written notice to the owner indicating the order, the reasons for the order and the conditions under which the occupancy will be permitted to resume.
3. It shall be unlawful for any person, other than those authorized by law, to enter a building or structure which has been posted as unsafe, for the use or occupancy by the Building Official, except for the purpose of making the required repairs or of demolishing said building or structure.
4. The Building Official may, when necessary for public safety, temporarily close sidewalks, streets, buildings, structures and places adjacent to such building or structure, and prohibit the same from being used. Notice of any temporarily closing of streets, roads or buildings shall be sent to all

persons involved and to all the proper officials; excepting however, that in case of an emergency such notice may be waived.

5. If the person served with a notice or order to remove or repair an unsafe building or structure shall fail, within the time stated in the said notice or order, to comply with the requirements thereof, the County Prosecuting Attorney shall be advised of all facts in the case and shall, if the Prosecuting Attorney deems appropriate, institute an appropriate action in the courts to compel compliance.

DC 202 EMERGENCY WORK

1. Structures or existing equipment that are unsafe or unsanitary due to inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard or are otherwise dangerous to human life, shall be deemed a serious hazard. Where a building is found to be a serious hazard, such hazard shall be eliminated or the building shall be vacated and where such building, when vacated, remains a serious hazard, it shall be razed.
2. Where the Building Official finds that a building is a serious hazard and the owner of such building fails, in the time specified in a written notice from the building official, to eliminate such hazard, or to vacate or raze the building, the building official shall proceed under section 3781.15 of the Revised Code.

TITLE III

PLANS AND SPECIFICATIONS

DC 300 IMPERFECT PLANS AND SPECIFICATIONS

1. If the matter mentioned in any application for a permit or in the plans and specifications accompanying and illustrating the same, indicates to the Building Official that the work to be done is not clearly or specifically defined, or is imperfect, or is not in all respects in accordance with the provisions of this Code, the Building Official shall set forth such matters in writing to the applicant and shall refuse to issue a permit until such application and plans and specifications shall have been made to conform in every respect with the requirements thereof. All plans not properly dimensioned shall be deemed incomplete.

DC 301 PREFABRICATED CONSTRUCTION

1. A certificate of approval by an approved agency shall be furnished with all prefabricated assembly, except where all elements of the assembly are readily accessible to inspection at the site. Placement of prefabricated assemblies at the building site shall be inspected by the Building Official to determine compliance with this Code, and a final inspection shall be provided after the building is completed and prior to its occupancy.

TITLE IV

PERMITS AND INSPECTIONS

DC 400 BUILDING PERMIT

1. Permit required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move or change the occupancy of a building or structure, or portion thereof, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, plumbing system, other building service equipment or piping system the installation of which is regulated by the Ohio Building Code (OBC) and The Residential Code of Ohio (RCO), or to cause any such work to be done, shall first make application to the building official and obtain the required permit.
2. Validity of permits:
 - A.) Permits shall be invalid if construction, erection, alteration or other work has not commenced within twelve months of the issuance date of the permit. One extension shall be granted for an additional twelve-month period if requested by the owner at least ten days in advance of the expiration of the permit and upon payment of any required fee(s).
 - B.) Permits shall be invalid, if during the course of construction, work is delayed or suspended for more than 6 months (delayed or suspended means that no required inspections were performed within a 6 month period).
Two extensions shall be granted for six months each if requested by the owner at least ten days in advance of the expiration of the permit and upon payment of any required fee(s).
3. In addition to the application, plans and specifications, a copy of the certified address certificate, a driveway permit, a zoning certificate; drainage, erosion & sedimentation control permit (DESC) (if applicable), Soil and Water Drainage permit (if applicable), a copy of the zoning permit and a copy of the septic permit (if applicable) are also required at time of application submittal.
4. Voided building permits shall be subject to a fee (see appropriate schedule).

DC 401 DRAINAGE REVIEW REQUIRED

No building permit application shall be accepted and no building permit shall be issued until a review of the specific effects of the proposed new construction on existing surface and subsurface drainage has been completed by the Board of Delaware County Commissioners and/or anyone they appoint for the purpose of conducting such reviews. Specifically, the Delaware Soil and Water Conservation District [DSWCD] has been appointed by the Board of Delaware County Commissioners to conduct the inspections required for these reviews and to make evaluations about what, if any, alterations are necessary to prevent or correct any adverse effects that a proposed new construction may have on existing surface or subsurface drainage.

These regulations have been adopted pursuant to authority granted by Section 307.37 of the Ohio Revised Code.

Relevant plans and other documents submitted under these regulations may be prepared and submitted by a person registered under Chapter 4703 or 4733 of the Ohio Revised Code, provided that the person is authorized to prepare the plans and other documents pursuant to the person's registration.

The review process described in these regulations shall not apply to any property that has been approved by the county platting authority under section 711.05, 711.09, 711.10, or 711.131 of the Ohio Revised Code.

1. PROCEDURE:

- A. Unless exempted as provided above, an applicant for a building permit in Delaware County shall submit an application, known as a Drainage Protection Review Application, for review of the specific effects of the proposed new construction on existing surface or subsurface drainage. Such application shall be requested from the DSWCD.
- B. No later than five (5) days after the Drainage Protection Review Application is filed, a meeting with the applicant shall be scheduled by the DSWCD. The meeting shall be held within thirty (30) days after the date on which a Drainage Protection Review Application is filed, unless the applicant agrees in writing to extend that time period or to postpone the meeting to another date, time, or place. The meeting shall be for the purpose of examining the proposed new construction for effects on existing surface and/or subsurface drainage.
- C. Written notice of the date, time, and place of the meeting with the applicant, shall be sent by regular mail to the applicant at least seven (7) days before the scheduled meeting date.
- D. The review shall be completed no later than thirty (30) days after the date the Drainage Protection Review Application was filed, unless the applicant agrees in writing to extend that time period or to postpone the meeting to another date, time, or place, in which case the review shall be completed not later than two (2) days after the date of the meeting.
- E. Upon completion of the review, the applicant will be provided a written report of the review, to be mailed or hand-delivered to the applicant within two (2) working days of the meeting, but no more than thirty (30) days after a Drainage Protection Review Application is filed. The written report shall indicate either the proposed new construction will have no adverse effects on existing surface and/or subsurface drainage or shall include the issuance of any order of the Board of Delaware County Commissioners regarding necessary reasonable drainage mitigation and necessary reasonable alterations to the proposed new construction to prevent or correct any adverse effects on existing surface and/or subsurface drainage.

- F. All necessary drainage mitigation and/or alterations shall be agreed upon in writing, signed by the applicant and presented to the DSWCD for acknowledgement and approval prior to receiving a building permit. All necessary drainage mitigation and/or alterations must be completed as outlined in the order of the Board of Delaware County Commissioners. This agreement signed by the applicant must be presented to Delaware County Code Compliance in order to apply for a building permit. Under no circumstances shall Delaware County Code Compliance issue an occupancy certificate until all drainage mitigation and/or alterations have been satisfactorily completed per the order.
- G. If the review is not completed within thirty (30) days after the date upon which the Drainage Protection Review Application was filed or an extended or postponed period that the applicant has agreed to, the proposed new construction shall be deemed to have no adverse effects on existing surface and/or subsurface drainage, and those effects shall not be a valid basis for the denial of a building permit.
- H. A written statement shall be provided to the applicant at the meeting or in an order for alterations to a proposed new construction, informing the applicant of the right to seek appellate review of the denial of a building permit under these regulations by filing a petition in accordance with Chapter 2506 of the Ohio Revised Code.

2. NOTICE OF INSPECTION:

It shall be the responsibility of the applicant for Drainage Protection Review to notify the DSWCD official when surface or subsurface drainage mitigation or alteration work is ready for inspection as outlined in the written report of the review. Such notice shall be given within a reasonable time within which such inspection is desired but in no event shall it be less than 24 hours of the desired inspection time. Inspections will not be performed on a Saturday, Sunday, or legal holiday, as legal holiday is defined in Section 1.14 of the Ohio Revised Code. It shall be the responsibility of the applicant for Drainage Protection Review to provide adequate access to all areas for inspection and to provide protection for areas subject to damage or disturbance while the inspector is performing an inspection.

3. ACTION ON NOTICE:

Upon receipt of notice from the applicant for Drainage Protection Review that the surface or subsurface drainage mitigation or alteration work is ready for inspection, the DSWCD official shall inspect or cause to be inspected such work as soon as reasonably practicable. Inspections will not be performed on a Saturday, Sunday, or legal holiday, as legal holiday is defined in Section 1.14 of the Ohio Revised Code. Failure of the DSWCD official to make a prompt inspection shall not be deemed justification for covering or burying work without inspection where such work is required, under the terms of the written report of the review and/or order, to be inspected before being covered or buried. After inspection, the DSWCD official shall issue a written report of the inspection, to be mailed or hand-delivered to the applicant within two (2) working days after the inspection. The written report shall indicate that after inspection of the work performed either, compliance with the order of the Board of Delaware County Commissioners has been achieved

and the proposed new construction will no longer cause any adverse effects on existing surface and/or subsurface drainage or shall it shall indicate that compliance has not been achieved and to achieve compliance additional work must be done pursuant to the order of the Board of Delaware County Commissioners and further inspection for compliance is required.

4. DISCOVERY OF UNIDENTIFIED SUBSURFACE DRAINS:

It shall be the responsibility of the applicant for Drainage Protection Review to notify the DSWCD official upon the discovery of subsurface drainage tile not identified within the written report of the review. When subsurface drainage tile not identified within the written report of the review is discovered, the DSWCD official shall schedule an inspection as soon as reasonably practical. Inspections will not be performed on a Saturday, Sunday, or legal holiday, as legal holiday is defined in Section 1.14 of the Ohio Revised Code. Additional mitigation and/or alterations as a result of the newly discovered drainage tile may be necessary at the permit holder's expense; however, no additional inspection fee shall be charged.

5. COVERING OR BURYING WORK:

It shall be a violation of these regulations to cover or bury, prior to inspection, any work required to be inspected under the provisions of the written report of the review or any supplemental reports to such written report of the review. The applicant for Drainage Protection Review shall be required to uncover any such work for inspection, and the cost of uncovering such work and of replacing the cover after the work has been inspected and found satisfactory shall be borne by the applicant.

6. FEES

- A. At the time of the adoption of these drainage review regulations, the Board of Delaware County Commissioners shall establish a fee schedule. These fees will be effective immediately and may be amended at the Delaware Board of County Commissioner's annual organizational meeting.
- B. Fees shall be collected along with building permit fees by Delaware County Code Compliance.
- C. Fees shall have a three-tiered organization:
 - Application Fee - initial charge for all Drainage Protection Review applications.
 - Inspection Fee - charge for all sites requiring drainage alterations or mitigation.
 - Re-inspection Fee - charge for repeated inspections of a specific drainage alteration or mitigation practice due to failure of installer to complete the work satisfactorily.
- D. All fees must be paid in full prior to the issuance of an occupancy certificate.

7. PENALTIES

Whenever the Soil and Water Conservation District Official or any other officer charged with the enforcement of this Code is satisfied that any provision he is charged to enforce has been violated or is about to be violated in any respect, or that any order or direction made in pursuance of the

enforcement of this Code has not been complied with, or is being disregarded, and whenever he is satisfied that civil proceedings are necessary for the enforcement of this Code to restrain or correct the violation thereof, he shall apply to the County or Municipal Prosecuting Attorney, who is hereby authorized to institute civil proceedings. Such civil proceedings shall be brought in the name of the County or Municipality, provided however, that nothing in this Section and no action taken there under, shall be held to exclude such criminal proceedings as may be authorized by the Ohio Revised Code, or any of the laws or resolutions in force in the County or Municipality or to exempt any one violating these regulations or any part of said laws from any penalty which may be incurred.

Pursuant to Section 307.99(C) of the Ohio Revised Code, whoever violates Section 307.37 of the Ohio Revised Code shall be fined not more than three hundred dollars per offense. Each day during which an illegal location, erection, construction, flood proofing, repair, alteration, development, redevelopment, or maintenance continues may be considered a separate offense.

DC 402 MOVING PERMIT

1. When someone desires to move any building, they shall apply to the Building Official for a permit.
2. Before the above permit is issued, the Building Official shall cause such building to be inspected.
3. If it is found that the said building is structurally stable, a permit shall be issued.
4. The Building Official may revoke the permit of anyone not complying with the provisions thereof.
5. Moving of all buildings shall comply with all requirements of the county and/or municipal engineering department or township having jurisdiction.

DC 403 DEMOLITION PERMIT

1. A demolition permit may be required for demolition or wrecking of any building. When someone shall desire to demolish a building they shall inquire with the Building Official for the necessity of a permit. The said building shall be completely removed from the site, all utilities shall be properly disconnected or removed and any open excavation shall be properly backfilled. All debris, waste, and similar shall be disposed of according to the applicable regulations.

DC 404 SEWER PERMIT REQUIRED

1. If improvements include sewer work and a connection to a public sewer system is to be made, a sewer permit must be obtained from the Sanitary Engineer for the jurisdiction and all work performed in accordance with regulations of the Sanitary Engineer. All fees must be paid prior to final occupancy.

2. In all other locations or non-sewer areas, all private sewage systems shall be installed in accordance with regulations of the Delaware County General Health District or appropriate regulatory agency.

DC 405 PLUMBING PERMIT REQUIRED

1. No person, firm or corporation shall install plumbing work in any building within the limits of Delaware County without first notifying the Delaware General Health District and securing all necessary permits and inspections.

DC 406 FAILURE TO OBTAIN PERMIT

1. Upon receipt of information that a building or structure is being (or has been) constructed without the necessary permits, the Building Official shall make or cause an inspection. If verified, the Building Official shall serve the owner with a written notice informing them of the violation and that all work shall be stopped. The owner shall be directed to obtain the necessary permits prior to the continuance of construction. If the person served with the notice fails to comply with the requirements thereof, the County Prosecuting Attorney shall be advised and shall, if the Prosecuting Attorney deems appropriate, institute the appropriate actions to compel compliance.

DC 407 FEES

1. At the time of the adoption of this building code, the Board of County Commissioners shall establish a fee schedule. These fees will be effective immediately and may be amended by the Board of County Commissioners. It shall be the responsibility of Delaware County Code Compliance to collect fees.
2. Fees shall be doubled for work that is started without the required permits as established by this code.
3. Re-inspection fees shall be collected prior to any further inspections, unless approved by the Building Official.

DC 408 JOB SITE SAFETY

1. Delaware County requires that all Federal and State safety requirements be met in order for an inspection to occur ... (see Occupational Safety and Health Administration CFR 1926 safety standards for construction, and Ohio Administrative Code Chapter 4121:1-3).

DC 409 SITE IDENTIFICATION AND ACCESS

1. The address shall at all times be properly posted and easily read from the public street/road. Access to and means for inspection of such work shall be provided to the site for all required inspections.

DC 410 TRASH CONTAINMENT

1. All trash, debris, discarded material, rags, lumber, building materials and other garbage, refuse or junk shall be contained in a location and/or appropriate container.

DC 411 REVOCATION OF PERMITS

1. The owner shall be required to effectively protect against any dangerous or unsanitary conditions that may exist on the premises.
2. When the work for which a permit was issued is not being performed in conformity with the detailed statement or plans upon which such permit was issued, or is in violation of any provisions of this Code, it shall be the duty of the Building Official to notify the owner or his/hers agent in writing, by posting a notice on the building for which the permit is issued, that the work is being constructed in violation of the permit and that such work shall be made to conform to the detailed statement or plans upon which a permit therefore was issued. If the owner or owners, or agent, fail to comply with said notice on the posting thereof, it shall be the further duty of the Building Official to revoke said permit. Written notice of such revocation, signed by the Building Official, shall be immediately served on the owner or his/her/its agent or shall be posted on the premises, and it shall be unlawful for any other person to perform any work in or about said structure, residential building or premises, after revocation of the permit and the posting of notice thereof. Service of written notice of permit revocation shall immediately result in the revocation of the permit, which shall then be rendered null and void.
3. Revocation of a permit in accordance with the above shall be entered upon the records of permits maintained by the Building Official.

DC 412 HOME OWNER'S EXEMPTION

1. No provision of this Code shall be interpreted to require that a bona fide owner and occupant of a dwelling must be licensed or certified in order to personally perform work upon the said premises occupied or to be occupied by said owner thereof as such owner's established residence. The said owner, however, shall obtain the required permit before commencing upon said work.

TITLE V

PENALTIES

DC 500 APPEALS

1. The Building Official shall determine all questions arising under this Code and the laws and regulations in force in the County or Municipality relating to the same subject matter.

2. In case of dissatisfaction with any decision (except in respect to insecure and unsafe buildings and premises requiring immediate action) the question in dispute shall be referred to the Board of Building Appeals.

DC 501 THE RESIDENTIAL BOARD OF BUILDING APPEALS

1. APPOINTMENT OF THE BOARD.

The governing body shall provide for the organization and maintenance of a Board of Building Appeals for one, two and three family structures. Said Board of Building Appeals shall consist of five citizens of the unincorporated portions of the County, or contracted municipality, appointed by the Board of County Commissioners. The terms of all members shall be five (5) years and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed. Of the said appointed members all of whom shall have recognized ability, broad training, and experience in problems and practice incidental to the construction and equipment of buildings and structures, one should be a registered Architect, one a registered Engineer, one a Contractor, one a Real Estate person and one a representative of the public at large. No member shall act on any matter in which he has financial interest. In the event of a vacancy on the Board, the governing body shall appoint a new member who should have the same qualifications as the member whom he shall replace and who shall serve the balance of the unexpired term of said member.

2. ORGANIZATION OF THE BOARD

The Board shall organize by electing a Chairman and Vice-Chairman, who shall serve for a period of one year. The Building Official or his/her representative shall appoint a Secretary who shall attend all meetings of the Board and shall provide such information, services and assistance as it may require.

A quorum shall consist of three members, and no official meeting shall be held unless a quorum is present at roll call. The affirmative vote of the majority of the members present at a meeting shall be necessary to pass any resolution or make any decision.

3. RULES AND PROCEDURE

The Board shall adopt rules and regulations of procedure, which it may, from time to time, change at its discretion, provided however, that no rule or regulation shall be in conflict with any provision of the foregoing section entitled "Organization of the Board".

Said rules and regulations shall fix time and place of regular meetings and shall provide for special meetings, for appeal procedure and for such other matters as are pertinent to the operation of the Board.

Complete minutes shall be kept of every meeting, setting forth all business transacted and decisions made. The minutes of each meeting shall contain the reasons for any decision made. All minutes shall be signed by the secretary. A copy of the minutes shall be sent to the Building Official and to every appellant who has an interest therein.

4. POWERS AND DUTIES OF THE BOARD

For the purpose of carrying out the intent and purpose of this Code, the Board shall have the following powers and perform the following duties:

- A. To hear an appeal filed by any person or company adversely affected by a decision of the Building Official in the enforcement of this Code, and to determine whether decision of said Building Official should be reversed, modified or affirmed, and said Board shall have the power and authority to require by resolution that the Building Official modify, reverse or enforce his/her or its decision.
- B. To formulate and report to the governing body from time to time, recommendations for action by them upon such amendments to the Code as the public health, safety and the general welfare may require.

5. VARIANCES

- A. Variance from the provisions of this Code may be granted when it will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Code will result in unnecessary hardship.

6. TIME AND NOTICE OF APPEAL

- A. An appeal from any decision of the Building Official may be taken within thirty (30) days from the date of the decision from which the appeal is taken by paying the required fee and filing with the Building Official and with the Board a notice of appeal, specifying the grounds therefore. The Building Official shall forthwith transmit to the Board papers upon which the action appealed was taken.

7. APPEALS/VARIANCES

- A. An appeal/variance requested under this code shall be made on the proper form provided by the Building Official and shall be accompanied by the filing of the fee listed in the latest fee schedule.
- B. In the event that the relief sought in an appeal is granted, the fee shall be returned.

TITLE VI

CONSTRUCTION – RESIDENTIAL AND NON-RESIDENTIAL CODES AS MODIFIED

DC 600 DELAWARE COUNTY BUILDING CODES

- 1. All design, construction, prefabrication, equipment or appliance installation, quality of materials, use and occupancy location and repair of 1, 2 & 3 family dwellings shall be in accordance with the provisions of the latest adopted edition of the “Residential Code Of Ohio” (RCO) and all

other structures in accordance with the provisions of the latest edition of the “Ohio Building Code” (OBC).

DC 601 AMENDMENTS TO RESIDENTIAL CODE

1. R 112.2 Limitations on authority. Application for appeal shall be based on a claim that the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall only have authority to waive requirements of this code based upon section DC 501.5.

2. Table Number R301.2(1) Climatic and Geographic Design Criteria

| | |
|----------------------------------|--|
| Roof Snow Load: | 20 lbs. per square feet |
| Wind Speed | Prescriptive within the OBC and RCO |
| Topographic Effects | No |
| Seismic Design Category | A |
| Weathering: | Severe |
| Frost Line Depth: | 36 inches (Includes OBC.) |
| Termite: | Moderate to heavy |
| Decay: | Slight to moderate |
| Winter Design Temp: | 0-10 degrees F |
| Ice Shield Underlayment Required | Yes |
| Flood Hazards | A. 7/16/1979 B. 4/16/2009 C. 4/16/2009 |
| Air Freezing Index | 1396 degree F days |
| Mean Annual Temperature | 50.1 degrees F |

3. Chapter 25

Plumbing shall be approved by the Delaware County General Health District as regulated by the Ohio Plumbing Code.

4. 2018 IRC APPENDIX I

Sewers and private or individual sewage disposal systems shall be regulated by the proper county authority.

DC 602 PRIVATE RESIDENTIAL SWIMMING POOLS, SPAS AND HOT TUBS

1. 2018 ISPSC
(Excluding Portable Inflatable On ground Pools)
2. Latest edition of the National Electrical Code (NEC) Article 680, as adopted by the State of Ohio.

3. The contractor and/or owner shall provide and maintain an adequate enclosure sufficient to make it inaccessible by unauthorized persons. The enclosure shall be erected and maintained as soon as the pool is capable of holding water.

DC 603 PATIO COVERS

1. 2018 IRC APPENDIX H

TITLE VII

PENALTY FOR VIOLATION OF THE BUILDING CODE OF
DELAWARE COUNTY, OHIO

DC 700 SEVERABILITY

1. Each Section of this Code and every part thereof is hereby declared to be an independent Section and part. Any holding of a Section or part thereof to be void or ineffective for any cause shall not be deemed to affect any other Section or part thereof.