

## CHAPTER 1125

### Administration and Enforcement

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#### CROSS REFERENCES

- Appeals from zoning decisions - see Ohio R.C. 713.11, Ch. 2506
- Council to hold public hearings - see Ohio R.C. 713.12
- Violation of zoning ordinances - see Ohio R.C. 713.13
- Planning Commission - see P.& Z. Ch. 1133

#### 1125.01 ENFORCEMENT.

The provisions of the Zoning Ordinance shall be administered and enforced by the Building Official or by such deputies of his department as the Building Official may delegate to enforce the provisions of the Zoning Ordinance. (Ord. 86-2010. Passed 8-16-10.)

#### 1125.02 DUTIES OF BUILDING INSPECTOR.

(a) The Building Official shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of the Zoning Ordinance. It shall be unlawful for the Building Official to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with the Zoning Ordinance.

(b) The Building Official shall record all nonconforming uses existing at the effective date of the Zoning Ordinance for the purpose of carrying out the provisions of Chapter 1179.

(c) Under no circumstances is the Building Official permitted to make changes to the Zoning Ordinance nor to vary the terms of the Zoning Ordinance in carrying out his duties as Building Official.

(d) The Building Official shall not refuse to issue a permit when conditions imposed by the Zoning Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of such permit. (Ord. 86-2010. Passed 8-16-10.)

#### 1125.03 PLOT PLAN.

The Building Official shall require that all applications for building permits shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

(Ord. 86-2010. Passed 8-16-10.)

(a) The actual shape, location and dimensions of the lot.

(b) The shape, size and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot. The relationship between all ingress and egress points for the site and existing structures and utility fixtures shall also be shown.

(c) Property survey with steel pins set to mark property corners by registered surveyor or engineer.

(d) The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.

(e) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of the Zoning Ordinance are being observed. (Ord. 82-1970. Passed 11-2-70.)

#### 1125.04 PERMITS.

The following shall apply in the issuance of any permit:

(a) Permits Not to be Issued. No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of the Zoning Ordinance.

(b) Permits for New Use of Land. No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.

(c) Permits for New Use of Buildings. No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.

(d) Permits Required. No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress or ingress, or other changes affecting or regulated by the City of Massillon, Building Code, Housing Law, or the Zoning Ordinance, except for minor repairs or changes not involving any of the aforesaid features. (Ord. 82-1970. Passed 11-2-70.)

#### 1125.05 CERTIFICATES OF OCCUPANCY.

No land, building, or part thereof, shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate of occupancy:

(a) Certificates Not to be Issued. No certificates of occupancy shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of the Zoning Ordinance.

(b) Certificates Required. No building or structure, or parts thereof, which is hereafter erected, or altered, shall be occupied or used or

the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure after approval by the Fire Chief and Chief Building Official.

(c) Certificates Including Zoning. Certificates of occupancy as required by the City Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by the Zoning Ordinance.

(d) Certificates for Existing Buildings. Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of the Zoning Ordinance.

(e) Record of Certificates. A record of all certificates issued shall be kept on file in the office of the Building Inspector, and copies shall be furnished to the owner, City Engineer and Fire Chief.

(f) Certificates for Dwelling Accessory Buildings. Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.

(g) Application for Certificates. Application for certificates of occupancy shall be made in writing to the Chief Building Official on forms furnished by that Department, and such certificates shall be issued within five days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of the Zoning Ordinance.

If such certificate is refused for cause, the applicant therefor shall be notified in writing of such refusal and cause thereof, within the aforesaid five-day period.

(Ord. 82-1970. Passed 11-2-70; Ord. 86-2010. Passed 8-16-10.)

#### **1125.06 FINAL INSPECTION.**

The holder of every building permit for the construction, erection, alteration, repair or moving of any building, structure or part thereof, shall notify the Building Official immediately upon the completion of the work authorized by such permit, for a final inspection.

(Ord. 86-2010. Passed 8-16-10.)

#### **1125.07 FEES.**

(a) Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of the Zoning Ordinance may be collected by the Building Official in advance of issuance. The amount of such fees shall be established by resolution of Council and shall cover the cost of inspection and supervision resulting from enforcement of the Zoning Ordinance.

(b) Application for certificate of occupancy shall be accompanied by payment of nonrefundable fee pursuant to the following schedule of charges:

(1) Initial and recertification inspection fees applicable to the Residential Code of Ohio for existing One, Two and Three Family Dwellings = \$0.00.

(2) Initial and recertification inspection fees applicable to the Ohio Building Code for existing structures = \$100.00 per unit.

A. Initial and Recertification inspections shall be completed along with City of Massillon Fire Prevention Officer.

(3) Certificate of occupancy for newly constructed structures are included in the building permit for instance of fire and other natural disasters.

(4) A combined serious hazard inspection shall be conducted by the Fire Prevention Officer and the Chief Building Official or designee.

(5) Re-scheduling fee for failure to appear at the inspection, payable before the re-scheduling of a second or subsequent inspection = \$75.00.

(6) No Certificate of Occupancy shall be issued unless and until all rescheduling fees have been paid.

(Ord. 86-2010. Passed 8-16-10.)