

Baldwin's Ohio Revised Code Annotated [Currentness](#)

Title V. Townships

▣ [Chapter 505. Trustees \(Refs & Annos\)](#)

→ Building Code

→ **505.75 Residential building regulations; conflict with state code prohibited; procedures for adopting; inspector; contracts with municipalities (first version)**

<Note: See also following version, and Publisher's Note.>

(A)(1) A board of township trustees may adopt local residential building regulations governing residential buildings as defined in [section 3781.06 of the Revised Code](#). No regulation shall differ from the state residential building code unless the regulation addresses subject matter not addressed by the state residential building code or is adopted pursuant to [section 3781.01 of the Revised Code](#).

(2) The board may adopt regulations that are necessary for participation in the national flood insurance program and that do not conflict with the residential and nonresidential building codes, governing the prohibition, location, erection, construction, or floodproofing of new buildings or structures, or substantial improvements to existing buildings or structures, in unincorporated territory within flood hazard areas identified under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, [42 U.S.C.A. 4002](#), as amended, including, but not limited to, residential, commercial, or industrial buildings or structures.

(B)(1) Regulations or amendments may be adopted under this section only after a public hearing at not fewer than two regular or special sessions of the board and upon an affirmative vote of all members of the board. The board shall cause notice of a public hearing to be published in a newspaper of general circulation in the township once a week for two weeks immediately preceding a hearing, except that if the board posts the hearing notice on the board's internet site, the board need publish only one notice of the hearing in a newspaper of general circulation if that newspaper notice includes that internet site and a statement that the notice is also posted on the internet site. Any notice the board publishes or posts shall include the time, date, and place of the public hearing.

(2) The proposed regulations shall be made available to the public at the board office.

(C)(1) The board of township trustees may create a building department and employ personnel it determines necessary to administer and enforce any local residential building regulations or existing structures code the board adopts pursuant to this section. The building department may enforce state residential and nonresidential building codes the board of building standards establishes pursuant to Chapter 3781. of the Revised Code if the department is certified pursuant to [section 3781.10 of the Revised Code](#) to enforce those codes. Upon certification of the building department under [section 3781.10 of the Revised Code](#), the board of township trustees may direct the building department to exercise enforcement authority and to accept and approve plans

pursuant to [sections 3781.03](#) and [3791.04 of the Revised Code](#) for the classes of buildings for which the building department and personnel are certified.

(2) To administer and enforce any local residential building regulations, or existing structures code and the state residential and nonresidential building codes, the board of township trustees may create, establish, fill, and fix the compensation of the position of township building inspector to serve as the chief administrative officer of the township building department. In lieu of creating the position of township building inspector, the board may assign the duties of the inspector to an existing township officer who is certified pursuant to division (E) of section 3781.10 of the Revised Code.

(D)(1) The board of township trustees may enter into a contract with any municipal corporation or board of county commissioners for the municipal corporation or board of county commissioners to administer and enforce local residential building regulations or existing structures code in the township or to enforce the state residential and nonresidential building codes in the township if the building department of the municipal corporation or county is certified to enforce those codes.

(2) Any municipal corporation or board of county commissioners may contract with a board of township trustees to administer and enforce local building regulations or an existing structures code in the municipal corporation or county and, if certified, to enforce the state residential and nonresidential building codes in the municipal corporation or unincorporated areas of the county.

#### **505.75 Building codes; procedures for adoption; building regulation departments (second version)**

<Note: See also preceding version, and Publisher's Note.>

(A) A board of township trustees may, by resolution, adopt by incorporation by reference, administer, and enforce a standard code pertaining to the erection, construction, repair, alteration, and maintenance of single-family, two-family, and three-family dwellings promulgated by the state or any department, board, or other agency of the state, or by any municipal corporation or county in this state, within the unincorporated territory of the township, or establish districts in any part of the unincorporated territory and adopt, administer, and enforce such a standard code in the affected districts. When adopted, all regulations contained in such a standard code, including those establishing service charges, shall be uniform within all districts in which building codes are established, except that more stringent regulations may be imposed in flood hazard areas in order to prevent or reduce the hazard resulting from flooding. In no case shall regulations exceed the scope of regulating the safety, health, and sanitary conditions of such buildings. Any person adversely affected by a resolution of the board adopting, amending, or rescinding a regulation may seek a declaratory judgment pursuant to Chapter 2721. of the Revised Code on the ground that the board failed to comply with the law in adopting, amending, rescinding, publishing, or distributing the regulation, or that the regulation, as adopted or amended by the board, is unreasonable or unlawful, or that the rescinding of the regulation was unreasonable or unlawful.

A township building code may include regulations that are necessary for participation in the national flood in-

insurance program and are not in conflict with the Ohio building code, governing the prohibition, location, erection, construction, or floodproofing of new buildings or structures, or substantial improvements to existing buildings or structures, in unincorporated territory within flood hazard areas identified under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, [42 U.S.C.A. 4002](#), as amended, including, but not limited to, residential, commercial, or industrial buildings or structures.

(B) Regulations or amendments to regulations may be adopted under this section only after public hearings at not fewer than two regular sessions of the board of township trustees. The board shall cause to be published in a newspaper of general circulation in the township notice of the public hearings, including time, date, and place, once a week for two weeks immediately preceding the hearings. The proposed regulations or amendments shall be made available by the board to the public at the board office.

The township building code shall be adopted if it is approved by an affirmative vote of all members of the board.

The building code and any amendments to the building code adopted by the board become effective thirty days after the date of adoption unless, within thirty days after the adoption of the building code or amendments, there is presented to the board a petition, signed by a number of qualified voters residing in the unincorporated area of the township equal to not less than eight per cent of the total vote cast for all candidates for governor in the area at the most recent general election at which a governor was elected, requesting the board to submit the building code or amendments to the electors of the area for approval or rejection at the next primary or general election.

No building code or amendments for which the referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the building code or amendments. Upon certification by the board of elections, they take immediate effect.

(C) The board of township trustees may establish a building regulation department and employ personnel to enforce building regulations. Upon certification of the building department under [section 3781.10 of the Revised Code](#), the board may direct the building department to exercise enforcement authority and to accept and approve plans pursuant to [sections 3781.03 and 3791.04 of the Revised Code](#) for any other kind or class of building in the unincorporated territory of the township.

For the purposes of administering and enforcing the building regulations, the board may create, establish, fill, and fix the compensation of the position of township building inspector. The inspector shall be the chief administrative officer of the building department and shall administer and enforce the regulations. In lieu of the creation of the position of township building inspector, the board may assign the duties of the inspector to an existing township officer.

(D) The board of township trustees may contract with any other township, any municipal corporation, or a board of county commissioners for the administration and enforcement of building regulations, and any other

township, any municipal corporation, or a board of county commissioners may contract with a board of township trustees for the administration and enforcement of the building regulations of the other township, the municipal corporation, or the county.

#### **505.76 Availability; publication**

Local residential building regulations a board of township trustees adopts under [section 505.75 of the Revised Code](#) and an existing structures code the board adopts pursuant to [section 505.73 of the Revised Code](#) shall be made available to the public at the office of the board, and the section headings and numbers and a notice of the availability of the regulations shall be published in at least one newspaper of general townshipwide circulation within ten days after their adoption or amendment.

#### **505.77 Compliance with building code required; exceptions; offense**

(A)(1) No person shall erect, construct, alter, repair, or maintain any residential building, as defined in [section 3781.06 of the Revised Code](#), within the unincorporated portion of any township in which a building department has authority to administer and enforce local residential building regulations or an existing structures code unless that person complies with the regulations and code.

(2) No person shall erect, construct, alter, repair, or maintain any residential building, as defined in [section 3781.06 of the Revised Code](#), within the unincorporated portion of any township in which a certified building department has jurisdiction to enforce the state residential building code unless that person fully complies with the state residential building code.

(3) No person shall erect, construct, alter, repair, or maintain any residential, commercial, or industrial buildings or structures within the unincorporated area of any township, if a board of township trustees has enacted building regulations under [section 505.75 of the Revised Code](#) that are necessary for participation in the national flood insurance program, without complying with those regulations.

(4) In addition to any remedies provided by law, if any building is being erected, constructed, altered, repaired, or maintained in violation of the building regulations, existing structures code, or state residential building code in townships in which a certified building department has jurisdiction, the board, the township building inspector, or any owner of an adjacent, contiguous, or neighboring property who would be especially damaged by the violation may institute a suit for injunction, abatement, or other appropriate action to prevent the violation of the building regulations or the state residential building code relating to the erection, construction, alteration, repair, or maintenance of that building.

(B) [Sections 505.75](#) to [505.77](#) of the Revised Code do not confer any power on any board with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business. Local building regulations the board

adopts and the building code that the building department administers and enforces do not affect buildings or structures that exist or on which construction has begun on or before the date on which the building department begins enforcement of the building code or the date the board adopts the building regulations.

(C) No person shall violate any building regulation the board adopts under [division \(A\) of section 505.75 of the Revised Code](#). Each day during which an illegal location, erection, construction, floodproofing, repair, alteration, or maintenance continues may be considered a separate offense.

**505.78 Existing county regulations preclude township action; new county regulations prevail after one year**

(A)(1) A board of township trustees shall not adopt an existing structures code pursuant to [section 505.73 of the Revised Code](#) in any county in which the board of county commissioners has adopted an existing structures code pursuant to [section 303.37 of the Revised Code](#).

(2) If a board of township trustees adopts an existing structures code and the board of county commissioners of the county in which the township is located subsequently adopts an existing structures code, the code the board of township trustees adopts shall be of no force and effect one year after the effective date of the code the board of county commissioners adopts or at an earlier date, as provided by the board of township trustees.

(B)(1) A board of trustees shall not adopt local residential building regulations pursuant to [section 505.75 of the Revised Code](#) in any county in which the board of county commissioners has adopted such regulations pursuant to [section 303.37 of the Revised Code](#).

(2) If a board of township trustees adopts local residential building regulations and the board of county commissioners subsequently adopts such regulations, the township regulations shall be of no force and effect one year after the county regulations become effective or at an earlier date as the board of township trustees provides.

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