

AN ACT

To amend sections 307.37 and 711.131 and to repeal section 4740.14 of the Revised Code to permit counties to include regulations in their building codes to protect existing surface and subsurface drainage, and to eliminate the Residential Construction Advisory Committee.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 307.37 and 711.131 of the Revised Code be amended to read as follows:

Sec. 307.37. (A)~~(4)~~ As used in this section, "proposed new construction" means a proposal to erect, construct, repair, alter, redevelop, or maintain a single-family, two-family, or three-family dwelling or any structure that is regulated by the Ohio building code.

(B)(1) The board of county commissioners, in addition to its other powers, may adopt, amend, rescind, administer, and enforce regulations pertaining to the erection, construction, repair, alteration, redevelopment, and maintenance of single-family, two-family, and three-family dwellings within the unincorporated territory of the county, or the board may establish districts in any part of the unincorporated territory and may adopt, amend, rescind, administer, and enforce such regulations in the districts. When adopted, all regulations, including service charges, shall be uniform within all districts in which building codes are established; however, more stringent regulations may be imposed in flood hazard areas and in Lake Erie coastal erosion areas identified under section 1506.06 of the Revised Code in order to prevent or reduce the hazard resulting from flooding and from erosion along Lake Erie. ~~It~~ Except as provided in division (B)(3) of this section, in no case shall the regulations go beyond the scope of regulating the safety, health, and sanitary conditions of such those buildings. Any

Any person adversely affected by an order of the board adopting, amending, or rescinding a regulation under this section may appeal to the court of common pleas of the county on the ground that the board failed to comply with the law in adopting, amending, rescinding, publishing, or distributing the ~~regulations~~ regulation, ~~or~~ that the regulation, as adopted or

amended by the board, is unreasonable or unlawful, or that the revision of the regulation was unreasonable or unlawful.

(2) A county building code may include regulations for participation in the national flood insurance program established in the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 42 U.S.C.A. 4002, as amended, and regulations adopted for the purposes of section 1506.04 or 1506.07 of the Revised Code governing the prohibition, location, erection, construction, redevelopment, or floodproofing of new buildings or structures, substantial improvements to existing buildings or structures, or other development 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, or within Lake Erie coastal erosion areas identified under section 1506.06 of the Revised Code, including, but not limited to, residential, commercial, institutional, or industrial buildings or structures or other permanent structures, as ~~that term is~~ defined in section 1506.01 of the Revised Code. Rules adopted under division ~~(A)~~(B)(2) of this section shall not conflict with the Ohio building code.

(3)(a) A county building code may include regulations that provide for a review of the specific effects of a proposed new construction on existing surface or subsurface drainage. The regulations may require reasonable drainage mitigation and reasonable alteration of a proposed new construction before a building permit is issued in order to prevent or correct any adverse effects that the proposed new construction may have on existing surface or subsurface drainage. The regulations shall not be inconsistent with, more stringent than, or broader in scope than standards adopted by the natural resource conservation service in the United States department of agriculture concerning drainage or rules adopted by the environmental protection agency for reducing, controlling, or mitigating storm water runoff from construction sites, where applicable. The regulations shall allow a person who is registered under Chapter 4703. or 4733. of the Revised Code to prepare and submit relevant plans and other documents for review, provided that the person is authorized to prepare the plans and other documents pursuant to the person's registration.

(b) If regulations are adopted under division (B)(3) of this section, the board shall specify in the regulations a procedure for the review of the specific effects of a proposed new construction on existing surface or subsurface drainage. The procedure shall include at a minimum all of the following:

(i) A meeting at which the proposed new construction shall be examined for those specific effects. The meeting shall be held within thirty days after

an application for a building permit is filed or a review is requested 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 scheduled within five days after an application for a building permit is filed or a review is requested.

(ii) Written notice of the date, time, and place of that meeting, sent by regular mail to the applicant. The written notice shall be mailed at least seven days before the scheduled meeting date.

(iii) Completion of the review by the board of county commissioners not later than thirty days after the application for a building permit is filed or a review is requested unless the applicant has agreed in writing to extend that time period or postpone the meeting to a later time, in which case the review shall be completed not later than two days after the date of the meeting. A complete review shall include the issuance of any order of the board of 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 or subsurface drainage. If the review is not completed within the thirty-day period 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 or subsurface drainage, and those effects shall not be a valid basis for the denial of a building permit.

(iv) A written statement, 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 division (B)(3)(b)(iii) of this section by filing a petition in accordance with Chapter 2506. of the Revised Code.

(c) The regulations may authorize the board, after obtaining the advice of the county engineer, to enter into an agreement with the county engineer or another qualified person or entity to carry out any necessary inspections and 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.

(d) Regulations authorized by division (B)(3) of this section shall not apply to any property that has been approved by a platting authority under section 711.05, 711.09, 711.10, or 711.131 of the Revised Code.

(e) As used in division (B)(3) of this section, "subsurface drainage" does not include a household sewage disposal system as defined in section 3709.091 of the Revised Code.

~~(B)~~(C) Regulations or amendments may be adopted under this section

only after public hearing at not fewer than two regular sessions of the board. The board shall cause to be published in a newspaper of general circulation in the county 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 regulations or amendments shall take effect on the thirty-first day following the date of their adoption.

~~(C)~~(D) No person shall violate any regulation of the board adopted under sections 307.37 to 307.40 of the Revised Code.

Each day during which an illegal location, erection, construction, floodproofing, repair, alteration, development, redevelopment, or maintenance continues may be considered a separate offense.

~~(D)~~(E) Regulations or amendments adopted by resolution of the board do not affect buildings or structures that exist or on which construction has begun on or before the date the regulation or amendment is adopted by the board.

~~(E)~~(F) The board may provide for a building regulation department and may employ ~~such~~ personnel as that it determines to be necessary for the purpose of enforcing its regulations. Upon certification of the building department under section 3781.10 of the Revised Code, the board may direct the county 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 county.

Sec. 711.131. Notwithstanding sections 711.001 to 711.13 of the Revised Code, a proposed division of a parcel of land along an existing public street, not involving the opening, widening, or extension of any street or road, and involving no more than five lots after the original tract has been completely subdivided, may be submitted to the authority having approving jurisdiction of plats under section 711.05, 711.09, or 711.10 of the Revised Code for approval without plat. If the authority acting through a properly designated representative is satisfied that the proposed division is not contrary to applicable platting, subdividing, zoning, or access management regulations or regulations adopted under division (B)(3) of section 307.37 of the Revised Code regarding existing surface or subsurface drainage, it shall within seven working days after submission approve the proposed division and, on presentation of a conveyance of the parcel, shall stamp the conveyance "approved by (planning authority); no plat required" and have it signed by its clerk, secretary, or other official as may be designated by it. The planning authority may require the submission of a sketch and other

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information that is pertinent to its determination under this section.

SECTION 2. That existing sections 307.37 and 711.131 and section 4740.14 of the Revised Code are hereby repealed.

SECTION 3. The provisions of Section 1 of this act regarding surface or subsurface drainage regulations shall not apply to any property for which a plat is submitted for approval under section 711.05, 711.09, or 711.10 of the Revised Code, or for which a proposed division is submitted for approval without plat under section 711.131 of the Revised Code, on or before the effective date of this act if the approval of the submitted plat or proposed division is pending on the effective date of this act.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

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The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____