

As Introduced

**125th General Assembly
Regular Session
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H. B. No. 25

**Representatives Gibbs, Grendell, Peterson, Seitz, Otterman, McGregor, Core,
Gilb**

A B I L L

To amend section 307.37 and to repeal section 4740.14 1
of the Revised Code to permit counties to include 2
regulations in their building codes to protect 3
existing surface and subsurface drainage, and to 4
eliminate the Residential Construction Advisory 5
Committee. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 307.37 of the Revised Code be amended 7
to read as follows: 8

Sec. 307.37. (A)~~(1)~~ As used in this section, "proposed new 9
construction" means a proposal to erect, construct, repair, alter, 10
redevelop, or maintain a single-family, two-family, or 11
three-family dwelling. 12

(B)(1) The board of county commissioners, in addition to its 13
other powers, may adopt, amend, rescind, administer, and enforce 14
regulations pertaining to the erection, construction, repair, 15
alteration, redevelopment, and maintenance of single-family, 16
two-family, and three-family dwellings within the unincorporated 17
territory of the county, or the board may establish districts in 18
any part of the unincorporated territory and may adopt, amend, 19

rescind, administer, and enforce such regulations in the 20
districts. When adopted, all regulations, including service 21
charges, shall be uniform within all districts in which building 22
codes are established; however, more stringent regulations may be 23
imposed in flood hazard areas and in Lake Erie coastal erosion 24
areas identified under section 1506.06 of the Revised Code in 25
order to prevent or reduce the hazard resulting from flooding and 26
from erosion along Lake Erie. ~~In~~ Except as provided in division 27
(B)(3) of this section, in no case shall the regulations go beyond 28
the scope of regulating the safety, health, and sanitary 29
conditions of ~~such~~ those buildings. ~~Any~~ 30

Any person adversely affected by an order of the board 31
adopting, amending, or rescinding a regulation under this section 32
may appeal to the court of common pleas of the county on the 33
ground that the board failed to comply with the law in adopting, 34
amending, rescinding, publishing, or distributing the ~~regulations~~ 35
regulation, ~~or~~ that the regulation, as adopted or amended by the 36
board, is unreasonable or unlawful, or that the revision of the 37
regulation was unreasonable or unlawful. 38

(2) A county building code may include regulations for 39
participation in the national flood insurance program established 40
in the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 42 41
U.S.C.A. 4002, as amended, and regulations adopted for the 42
purposes of section 1506.04 or 1506.07 of the Revised Code 43
governing the prohibition, location, erection, construction, 44
redevelopment, or floodproofing of new buildings or structures, 45
substantial improvements to existing buildings or structures, or 46
other development in unincorporated territory within flood hazard 47
areas identified under the "Flood Disaster Protection Act of 48
1973," 87 Stat. 975, 42 U.S.C.A. 4002, as amended, or within Lake 49
Erie coastal erosion areas identified under section 1506.06 of the 50
Revised Code, including, but not limited to, residential, 51

ial, institutional, or industrial buildings or structures or other 52
permanent structures, as ~~that term is~~ defined in section 1506.01 53
of the Revised Code. Rules adopted under division ~~(A)~~(B)(2) of 54
this section shall not conflict with the Ohio building code. 55

(3)(a) A county building code may include regulations that 57
provide for a review of the specific effects of a proposed new 58
construction on existing surface or subsurface drainage. The 59
regulations may require reasonable drainage mitigation and 60
reasonable alteration of a proposed new construction before a 61
building permit is issued in order to prevent or correct any 62
adverse effects that the proposed new construction may have on 63
existing surface or subsurface drainage. 64

(b) If regulations are adopted under division (B)(3) of this 65
section, the board shall specify in the regulations a procedure 66
for the review of the specific effects of a proposed new 67
construction on existing surface or subsurface drainage. The 68
procedure shall include at a minimum all of the following: 69

(i) A meeting at which the proposed new construction shall be 70
examined for those specific effects. The meeting shall be held 71
within thirty days after an application for a building permit is 72
filed unless the applicant agrees in writing to extend that time 73
period or to postpone the meeting to another date, time, or place. 74
The meeting shall be scheduled within five days after an 75
application for a building permit is filed. 76

(ii) Written notice of the date, time, and place of that 77
meeting, sent by regular mail to the applicant. The written notice 78
shall be mailed at least seven days before the scheduled meeting 79
date. 80

(iii) Completion of the review by the board of county 81
commissioners not later than thirty days after the application for 82

a building permit is filed 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 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. 115

~~(B)~~(C) Regulations or amendments may be adopted under this 116
section only after public hearing at not fewer than two regular 117
sessions of the board. The board shall cause to be published in a 118
newspaper of general circulation in the county notice of the 119
public hearings, including time, date, and place, once a week for 120
two weeks immediately preceding the hearings. The proposed 121
regulations or amendments shall be made available by the board to 122
the public at the board office. The regulations or amendments 123
shall take effect on the thirty-first day following the date of 124
their adoption. 125

~~(C)~~(D) No person shall violate any regulation of the board 126
adopted under sections 307.37 to 307.40 of the Revised Code. 127

Each day during which an illegal location, erection, 128
construction, floodproofing, repair, alteration, development, 129
redevelopment, or maintenance continues may be considered a 130
separate offense. 131

~~(D)~~(E) Regulations or amendments adopted by resolution of the 132
board do not affect buildings or structures that exist or on which 133
construction has begun on or before the date the regulation or 134
amendment is adopted by the board. 135

~~(E)~~(F) The board may provide for a building regulation 136
department and may employ ~~such~~ personnel ~~as~~ that it determines to 137
be necessary for the purpose of enforcing its regulations. Upon 138
certification of the building department under section 3781.10 of 139
the Revised Code, the board may direct the county building 140
department to exercise enforcement authority and to accept and 141
approve plans pursuant to sections 3781.03 and 3791.04 of the 142
Revised Code for any other kind or class of building in the 143
unincorporated territory of the county. 144

Section 2. That existing section 307.37 and section 4740.14 145
of the Revised Code are hereby repealed. 146

Section 3. The provisions of Section 1 of this act regarding 147
surface or subsurface drainage regulations shall not apply to any 148
property for which a plat is submitted for approval under section 149
711.05, 711.09, or 711.10 of the Revised Code, or for which a 150
proposed division is submitted for approval without plat under 151
section 711.131 of the Revised Code, on or before the effective 152
date of this act if the approval of the submitted plat or proposed 153
division is pending on the effective date of this act. 154