

**As Passed by the House**

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

**Representatives Gibbs, Grendell, Peterson, Seitz, Otterman, McGregor, Core,  
Gilb, Hollister, Niehaus, Setzer, Wagner, DeBose, Domenick, Skindell,  
Carmichael, Aslanides, Buehrer, Cates, Chandler, Cirelli, Clancy, Collier,  
Flowers, Hoops, Hughes, Kearns, Koziura, S. Patton, Reidelbach, Taylor,  
Wolpert**

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**A B I L L**

To amend sections 307.37 and 711.131 and to repeal 1  
section 4740.14 of the Revised Code to permit 2  
counties to include regulations in their building 3  
codes to protect existing surface and subsurface 4  
drainage, and to eliminate the Residential 5  
Construction Advisory Committee. 6

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

**Section 1.** That sections 307.37 and 711.131 of the Revised 7  
Code be amended 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 or any structure that is regulated by the 12  
Ohio building code. 13

(B)(1) The board of county commissioners, in addition to its 14  
other powers, may adopt, amend, rescind, administer, and enforce 15  
regulations pertaining to the erection, construction, repair, 16

alteration, redevelopment, and maintenance of single-family, 17  
two-family, and three-family dwellings within the unincorporated 18  
territory of the county, or the board may establish districts in 19  
any part of the unincorporated territory and may adopt, amend, 20  
rescind, administer, and enforce such regulations in the 21  
districts. When adopted, all regulations, including service 22  
charges, shall be uniform within all districts in which building 23  
codes are established; however, more stringent regulations may be 24  
imposed in flood hazard areas and in Lake Erie coastal erosion 25  
areas identified under section 1506.06 of the Revised Code in 26  
order to prevent or reduce the hazard resulting from flooding and 27  
from erosion along Lake Erie. ~~In~~ Except as provided in division 28  
(B)(3) of this section, in no case shall the regulations go beyond 29  
the scope of regulating the safety, health, and sanitary 30  
conditions of ~~such~~ those buildings. ~~Any~~ 31

Any person adversely affected by an order of the board 32  
adopting, amending, or rescinding a regulation under this section 33  
may appeal to the court of common pleas of the county on the 34  
ground that the board failed to comply with the law in adopting, 35  
amending, rescinding, publishing, or distributing the ~~regulations~~ 36  
regulation, ~~or~~ that the regulation, as adopted or amended by the 37  
board, is unreasonable or unlawful, or that the revision of the 38  
regulation was unreasonable or unlawful. 39

(2) A county building code may include regulations for 40  
participation in the national flood insurance program established 41  
in the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 42  
U.S.C.A. 4002, as amended, and regulations adopted for the 43  
purposes of section 1506.04 or 1506.07 of the Revised Code 44  
governing the prohibition, location, erection, construction, 45  
redevelopment, or floodproofing of new buildings or structures, 46  
substantial improvements to existing buildings or structures, or 47  
other development in unincorporated territory within flood hazard 48

areas identified under the "Flood Disaster Protection Act of 49  
1973," 87 Stat. 975, 42 U.S.C.A. 4002, as amended, or within Lake 50  
Erie coastal erosion areas identified under section 1506.06 of the 51  
Revised Code, including, but not limited to, residential, 52  
commercial, institutional, or industrial buildings or structures 53  
or other permanent structures, as ~~that term is~~ defined in section 54  
1506.01 of the Revised Code. Rules adopted under division 55  
(A)(B)(2) of this section shall not conflict with the Ohio 56  
building code. 57

(3)(a) A county building code may include regulations that 58  
provide for a review of the specific effects of a proposed new 59  
construction on existing surface or subsurface drainage. The 60  
regulations may require reasonable drainage mitigation and 61  
reasonable alteration of a proposed new construction before a 62  
building permit is issued in order to prevent or correct any 63  
adverse effects that the proposed new construction may have on 64  
existing surface or subsurface drainage. 65

(b) If regulations are adopted under division (B)(3) of this 66  
section, the board shall specify in the regulations a procedure 67  
for the review of the specific effects of a proposed new 68  
construction on existing surface or subsurface drainage. The 69  
procedure shall include at a minimum all of the following: 70

(i) A meeting at which the proposed new construction shall be 71  
examined for those specific effects. The meeting shall be held 72  
within thirty days after an application for a building permit is 73  
filed unless the applicant agrees in writing to extend that time 74  
period or to postpone the meeting to another date, time, or place. 75  
The meeting shall be scheduled within five days after an 76  
application for a building permit is filed. 77

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

date. 81

(iii) Completion of the review by the board of county 82  
commissioners not later than thirty days after the application for 83  
a building permit is filed unless the applicant has agreed in 84  
writing to extend that time period or postpone the meeting to a 85  
later time, in which case the review shall be completed not later 86  
than two days after the date of the meeting. A complete review 87  
shall include the issuance of any order of the board of county 88  
commissioners regarding necessary reasonable drainage mitigation 89  
and necessary reasonable alterations to the proposed new 90  
construction to prevent or correct any adverse effects on existing 91  
surface or subsurface drainage. If the review is not completed 92  
within the thirty-day period or an extended or postponed period 93  
that the applicant has agreed to, the proposed new construction 94  
shall be deemed to have no adverse effects on existing surface or 95  
subsurface drainage, and those effects shall not be a valid basis 96  
for the denial of a building permit. 97

(iv) A written statement, provided to the applicant at the 98  
meeting or in an order for alterations to a proposed new 99  
construction, informing the applicant of the right to seek 100  
appellate review of the denial of a building permit under division 101  
(B)(3)(b)(iii) of this section by filing a petition in accordance 102  
with Chapter 2506. of the Revised Code. 103

(c) The regulations may authorize the board to enter into an 104  
agreement with the county engineer or another qualified person or 105  
entity to carry out any necessary inspections and make evaluations 106  
about what, if any, alterations are necessary to prevent or 107  
correct any adverse effects that a proposed new construction may 108  
have on existing surface or subsurface drainage. 109

(d) Regulations authorized by division (B)(3) of this section 110  
shall not apply to any property that has been approved by a 111

platting authority under section 711.05, 711.09, 711.10, or 112  
711.131 of the Revised Code. 113

(e) As used in division (B)(3) of this section, "subsurface 114  
drainage" does not include a household sewage disposal system as 115  
defined in section 3709.091 of the Revised Code. 116

~~(B)~~(C) Regulations or amendments may be adopted under this 117  
section only after public hearing at not fewer than two regular 118  
sessions of the board. The board shall cause to be published in a 119  
newspaper of general circulation in the county notice of the 120  
public hearings, including time, date, and place, once a week for 121  
two weeks immediately preceding the hearings. The proposed 122  
regulations or amendments shall be made available by the board to 123  
the public at the board office. The regulations or amendments 124  
shall take effect on the thirty-first day following the date of 125  
their adoption. 126

~~(C)~~(D) No person shall violate any regulation of the board 127  
adopted under sections 307.37 to 307.40 of the Revised Code. 128

Each day during which an illegal location, erection, 129  
construction, floodproofing, repair, alteration, development, 130  
redevelopment, or maintenance continues may be considered a 131  
separate offense. 132

~~(D)~~(E) Regulations or amendments adopted by resolution of the 133  
board do not affect buildings or structures that exist or on which 134  
construction has begun on or before the date the regulation or 135  
amendment is adopted by the board. 136

~~(E)~~(F) The board may provide for a building regulation 137  
department and may employ ~~such~~ personnel as that it determines to 138  
be necessary for the purpose of enforcing its regulations. Upon 139  
certification of the building department under section 3781.10 of 140  
the Revised Code, the board may direct the county building 141  
department to exercise enforcement authority and to accept and 142

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 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	173
date of this act if the approval of the submitted plat or proposed	174
division is pending on the effective date of this act.	175