



H.B. 741

123rd General Assembly
(As Introduced)

Rep. Peterson

BILL SUMMARY

- Permits a county to include in its building code regulations to protect existing surface and subsurface drainage.

CONTENT AND OPERATION

Current law

Under current law, a board of county commissioners can adopt and enforce building codes applicable only to single-family, two-family, and three-family dwellings within the unincorporated territory of the county; other structures are regulated by the state building code. County building codes can apply throughout the unincorporated territory of the county or only in specified districts of that unincorporated territory. If districts are established, the regulations (including service charges) generally must be uniform within all those districts.¹ (Sec. 307.37(A)(1).)

County building code regulations regulate and cannot "go beyond the scope of" the safety, health, and sanitary conditions of buildings. A person adversely affected by the adoption, amendment, or repeal of a regulation may appeal to the court of common pleas upon the ground (1) that the regulation or its revision is unreasonable or unlawful or (2) that the regulation was improperly adopted, amended, or repealed. (Sec. 307.37(A)(1).)

¹*An exception is made for areas located in a flood hazard area or Lake Erie coastal erosion area. In those cases, more stringent regulations to prevent or reduce flooding or erosion may be imposed.*

Changes proposed by the bill

Surface and subsurface drainage regulations related to buildings

The bill permits a county with a building code to include in that code regulations that provide for a review of the effects that a proposed erection, construction, repair, alteration, redevelopment, or maintenance of a building may have on *any* existing surface or subsurface drainage. These regulations can require alteration of a proposal to prevent or correct any adverse effects that the proposal may have on existing surface or subsurface drainage before a building permit is issued. (Sec. 307.37(A)(3).)

In enforcing these surface or subsurface drainage regulations, the board of county commissioners may enter into an agreement with the local soil and water conservation district or another appropriate person or entity to carry out any necessary inspections. These persons or entities would evaluate what, if any, alterations are necessary to prevent or correct any adverse effects that the proposed erection, construction, repair, alteration, redevelopment, or maintenance may have on existing surface or subsurface drainage, in accordance with the board's regulations. (Sec. 307.37(A)(3).)

As under existing law for violations of other county building code regulations, a violation of a proposed surface or subsurface drainage regulation can result in a fine of not more than \$300. Each day during which an illegal development continues may be considered a separate offense. (Sec. 307.37(C); sec. 307.99(C)--not in the bill.)

Adopting the drainage regulations

The proposed surface or subsurface drainage regulations, like any county building code regulations, can be adopted only after a public hearing at not fewer than two regular sessions of the board of county commissioners. The board must publish notice of these hearings in a general circulation newspaper in the county, at least once a week for the two weeks immediately prior to the hearings. (Sec. 307.37(B).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced H0741-I.123/ejs	07-17-00	p. 2198