



## **Sub. H.B. 292**

124th General Assembly

(As Reported by H. Local Government & Townships)

**Reps. Grendell, Seitz, Lendrum, Peterson, Roman, Sferra, Distel, Flowers, Coates, Carano, Otterman, McGregor, Schmidt, Fessler, Setzer**

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### **BILL SUMMARY**

- Permits a county to include in its building code regulations to protect existing surface and subsurface drainage for property not subject to the Subdivision Law.

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### **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.<sup>1</sup> (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regulation or its revision is unreasonable or unlawful or (2) that the regulation was improperly adopted, amended, or repealed.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).)

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<sup>1</sup>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. However, the regulations do not apply to (1) any property that has been approved with or without a plat by a platting authority in accordance with the Subdivision Law or (2) any property for which a plat is submitted for approval, or for which a proposed division is submitted for approval without a plat, on or before the effective date of the bill, if approval of the submitted plat or proposed division is pending on the bill's effective date. 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)(a) and (d) and Section 3.)

In enforcing these surface or subsurface drainage regulations, the board of county commissioners may enter into an agreement with the county engineer or another qualified 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)(c).)

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 bill provides a procedure for adopting these drainage regulations different from that required for the other building regulations, but is similar to the procedure for reviewing plats in the Subdivision Law. The board of county commissioners must specify in its building code drainage regulations, a procedure for the review of the effects that the construction or repair may have on existing surface or subsurface drainage that includes (1) scheduling a meeting within five days of a building application being filed in order to examine the effects on drainage, (2) providing written notice by mail of the date, time, and place of that meeting at least seven days before that meeting, (3) completing its review of any

effects and issuing any orders for alteration or correction within 30 days of the filing of the application, and (4) informing the applicant of a right to appellate review by the court of common pleas. If review is not completed within the 30-day period, the proposed construction or repair will be deemed not to have any adverse effects on existing drainage that precludes issuing a building permit. (Sec. 307.37(A)(3)(b).)

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	06-12-01	p. 645
Reported, H. Local Gov't & Townships	10-25-01	p. 992

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