

North Canton City Council
Community and Economic Development Committee

ORDINANCE 57 - 2020

An ordinance to create Chapter 1302, Permits, of the Codified Ordinances of the City of North Canton in order to clarify the building permit process.

WHEREAS, the City wishes to create provisions to more clearly govern the issuance of permits for the construction, movement, alteration of, addition to, or excavation of buildings within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

Section 1. That Chapter 1302, Permits, be, and is hereby, established as part of the Codified Ordinances of the City of North Canton and shall read as follows.

CHAPTER 1302 - PERMITS

SECTION 1302.01 REQUIRED

(a) No building or structure shall be constructed, moved, altered, added to or enlarged and no excavation for a foundation shall be made nor shall any interior unfinished area be finished until a permit (hereinafter called a building permit) for such building shall have been issued by the Chief Building Official. Nor shall an owner or authorized agent construct, enlarge, alter, repair, move, demolish or change the use or occupancy of a building or structure, erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, or cause any such work to be done until application has been made to the Chief Building Official and the appropriate permit issued.

(b) The following work for new construction and additions shall be completed within 12 months from date of permit issuance:

- (1) All exterior finished surfaces and materials, including but not limited to doors, windows, roofing, siding, brick veneer, fireplaces, chimneys, soffits, fascia, porches and appurtenant structures, steps and/or stairs shall be installed per the approved plans.
- (2) All paved and/or improved surfaces, public and private shall be completed.
- (3) All yard areas shall be final graded, drainage systems completed and grass or sod fully planted/installed.

(c) The work included with permits for plumbing, mechanical, electrical shall be completed within 6 months from date of permit issuance.

(d) An extension of time in writing may be requested from the Chief Building Official providing that for cause, extensions of time periods shall not exceed 180 days each may be granted. The Chief Building Official shall either approve the request or refer the same to the Zoning and Building Standards Board of Appeals for review and approval or denial.

SECTION 1302.02 APPLICATIONS FOR PERMITS

(a) All applications for permits shall be made on forms furnished by the Chief Building Official and shall be accompanied by a plat drawn to scale showing the actual dimensions of each lot upon which construction of a building or structure is proposed, the size and location of each such building or structure upon each such lot, and such plans drawn to scale, specifications and other information as may be necessary to enable the Chief Building Official to determine that the proposed building or structure and use of land will conform to the provisions of this Building Codes and the Zoning Code.

(b) All applications shall expire six months from the date of submittal.

SECTION 1302.03 CHANGE IN PLANS.

Following the granting of a permit, no alteration in the proposed building or structure as represented by the plat, plans, and specifications filed shall be made without application for another permit in accordance with Section 1302.02.

SECTION 1302.04 CONDITIONS FOR THE ISSUANCE OF PERMITS.

(a) The Chief Building Official shall not issue a permit for the construction, alteration, addition, conversion or repair of any building or structure in the City unless and until the following determinations are made:

- (1) It is determined by the Chief Building Official that said construction, alteration, addition, conversion or repair is so planned and proposed that same when completed shall comply with this Code as amended, and if alteration, addition, conversion or repair is proposed, the existing building or structure, alteration, addition, conversion or repair will comply with the Codified Ordinances of North Canton as amended. The Chief Building Official is hereby authorized and directed to require the filing of such plans, specifications, details and other data in support of such application as he or the Zoning and Building Standards Board of Appeals may deem necessary to determine the compliance with the terms of this subsection.
- (2) It is determined by the Chief Building Official that said building or structure being constructed, altered, added to, converted or repaired will upon completion of the work proposed comply with the Planning and Zoning code as amended.
- (3) It is determined that said building or structure to be constructed, altered, added to, converted or repaired will, upon completion of the work proposed, be so located on the land and of such character that it will not substantially injure the appropriate or existing use or the value of the neighboring property. The Chief Building Official is hereby authorized and directed to require the filing of such reports, specifications, details and other data in support of such application as he or the Zoning and Building Standards Board of Appeals may deem necessary to determine the compliance with the terms of this subsection.
- (4) It is determined that said construction of the work proposed, be so located on the land to have an adverse impact on any protected areas within jurisdiction of the United States Army Corps. of Engineer or Ohio Environmental Protection Agency. The Chief Building Official is hereby authorized and directed to require the filing of such reports, specifications, details and other data in support of such application as he or the Zoning and Building Standards Board of Appeals may deem necessary to determine the compliance with the terms of this subsection.
- (5) It is determined that projects located in the floodplain have been reviewed and approved by the Floodplain Administrator.
- (6) It is determined that all the applicable fees have been paid in accordance with Section 1171.06 Schedule of Fees.

SECTION 1302.05 PERMIT ISSUANCE WHEN PROHIBITING LEGISLATION PENDING.

The Chief Building Official shall issue no building or occupancy permit for any building, structure, use, or change of use during the period in which an ordinance or other measure which would forbid the action authorized under such permit is pending before the Council pursuant to its own action, has been recommended to the Council by the Planning Commission, or is before the Planning Commission for its recommendation having been referred to the Planning Commission by the Council, or referendum is pending thereon; provided, however, that no permit shall be withheld for more than 90 days after application therefore due to such ordinance or other measure being pending.

SECTION 1302.06 STORM WATER QUALITY.

(a) All construction shall be in compliance with the most recent version of the Stark County Storm Water Quality Regulations as adopted by City Council.

SECTION 1302.07 CONNECTION OF SERVICE UTILITIES.

A person shall not make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the Chief Building Official.

SECTION 1302.08 TEMPORARY CONNECTION.

The Chief Building Official shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel or power.

SECTION 1302.09 AUTHORITY TO DISCONNECT SERVICE UTILITIES.

The Chief Building Official shall have the authority to authorize disconnection of utility service to the building, structure or service to the building, structure or system regulated by this code and the referenced standards in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by this Code. The Chief Building Official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 1302.10 ORDERS TO SUSPEND WORK.

Whenever, in the opinion of the Chief Building Official, by reason of defective, reckless, careless or other illegal work in violation of a provision or requirement of this Code, the continuance of a building operation is contrary to public welfare and safety, or when the required permit has not been obtained or has not been posted as required, the Chief Building Official may order, either orally or in writing, all further work to be stopped and may require suspension of work until the condition(s) in violation has been remedied.

SECTION 1302.11 POSTING OF PERMIT.

(a) No operations requiring a permit shall be commenced until the permit card therefor is posted in a conspicuous place, near the front of the premises and in such a position as to permit the Chief Building Official, or their designee, to make the required entries thereon regarding inspection or the work. The card shall be preserved and remain posted until the completion of the work for which it was issued.

SECTION 1302.99 PENALTY; LEGAL ACTION.

(a) Whoever violates any provision of Part 13 of this Code or any rule or regulation promulgated thereunder or fails to comply therewith or with any written notice or written order issued thereunder shall be guilty of a misdemeanor and upon conviction thereof be fined no less than \$250.00 nor more than \$1,000.00 for a first offense and for a second or subsequent offense shall be guilty of a misdemeanor of the first degree. Each day such violation occurs or continues shall constitute a separate offense.

(b) The imposition of any penalty as provided for in this chapter shall not preclude the Law Director from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance, to restrain, correct or abate a violation, to prevent the occupancy of a building, structure or premises, or to require compliance with the provisions of Part 13 of this Code or other applicable laws, ordinances, rules or regulations or the orders or determinations of the Chief Building Official, Fire Chief, the City Engineer, or the Zoning and Building Standards Board of Appeals. The City may elect to recover all costs associated with this Section by certifying the costs to the County Auditor for collection.

Section 2. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.

Section 3. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this 25th day of October 2020.

Attest: Benjamin R. Young
Benjamin R. Young, Clerk of Council

Stephan B. Wilder
Stephan B. Wilder, Mayor

Signed on: October 26, 2020