

**COMMISSIONERS JOURNAL NO. 79 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD OCTOBER 2, 2023**

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**THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY MET IN REGULAR SESSION ON THIS DATE WITH THE FOLLOWING MEMBERS PRESENT:**

**Present:**  
**Gary Merrell, Vice President**  
**Barb Lewis, Commissioner**

**Absent:**  
**Jeff Benton, President**

**9:45 A.M. Public Hearing #2 For Proposed Adoption Of Changes To The Building Code Of Delaware County**

**1**  
**RESOLUTION NO. 23-833**

**IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD SEPTEMBER 28, 2023:**

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve the following:

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on September 28, 2023; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.11 of the Ohio Revised Code, that the entire record of the proceedings at that meeting is completely and accurately captured in the electronic record of those proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the electronic record of proceedings at the previous meeting.

Vote on Motion                Mrs. Lewis                Aye                Mr. Merrell                Aye                Mr. Benton                Absent

**2**  
**PUBLIC COMMENT**

**3**  
**RESOLUTION NO. 23-834**

**IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0929, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0929:**

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve Then and Now Certificates, payment of warrants in batch numbers CMAPR0929, memo transfers in batch numbers MTAPR0929 and Purchase Orders as listed below:

PR Number	Vendor Name	Line Description	Account	Amount
R2304580	HAAS INC	ANNUAL SUBSCRIP CRADLEPOINT	10011303 - 5320	\$ 6,282.00
R2304580	HAAS INC	SETUP CONFIG	10011303 - 5320	\$ 500.00
R2304706	DLZ OHIO INC	RESOLUTION 23-816	66711900 - 5415	\$ 50,000.00
R2304727	PNC BANK	CAPITAL - HICKORY KNOLL RENOVATIONS	40111402 - 5410	\$ 10,000.00

Vote on Motion                Mr. Merrell                Aye                Mrs. Lewis                Aye                Mr. Benton                Absent

**4**  
**RESOLUTION NO. 23-835**

**IN THE MATTER OF A NEW LIQUOR LICENSE FROM COASTLINE COFFEE CO LLC AND FORWARDING TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTIONS AND NO REQUEST FOR A HEARING:**

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve the following resolution:

WHEREAS, the Ohio Division of Liquor Control has notified the Delaware County Board of Commissioners of a request for a new D1 and D2 license from Coastline Coffee Co LLC, located at 7775 Dublin Road, Concord Township, Delaware, Ohio 43015; and

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WHEREAS, the Delaware County Board of Commissioners has found no reason to file an objection;

NOW, THEREFORE, BE IT RESOLVED that the Clerk of the Board shall complete the necessary forms and notify the Ohio Division of Liquor Control that no objections are made and no hearing is requested by this Board of County Commissioners.

Vote on Motion                      Mr. Benton              Absent      Mr. Merrell              Aye              Mrs. Lewis              Aye

**5  
RESOLUTION NO. 23-836**

**IN THE MATTER OF APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN DELAWARE-MORROW MENTAL HEALTH & RECOVERY SERVICES BOARD AND THE COURT OF COMMON PLEAS, DELAWARE COUNTY, OHIO FOR THE SPECIALIZED DOCKET SUBSIDY PROJECT FY2024:**

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve the following:

WHEREAS, the Judges and Staff of the Delaware County Court of Common Pleas recommend the Memorandum of Understanding between Delaware-Morrow Mental Health & Recovery Services Board and the Court of Common Pleas, Delaware County, Ohio for the Specialized Docket Subsidy Project FY2024;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the Memorandum of Understanding between Delaware-Morrow Mental Health & Recovery Services Board and the Court of Common Pleas, Delaware County, Ohio for the Specialized Docket Subsidy Project FY2024, as follows:

**MEMORANDUM OF UNDERSTANDING BETWEEN DELAWARE-MORROW  
MENTAL HEALTH & RECOVERY SERVICES BOARD AND  
THE COURT OF COMMON PLEAS, DELAWARE COUNTY, OHIO  
SPECIALIZED DOCKET SUBSIDY PROJECT  
FY2024**

**Background:**

The Ohio Department of Mental Health and Addiction Services (“OhioMHAS”) has created the Specialized Dockets Subsidy Project (the “Project”) to assist drug courts and other specialized dockets with funding to effectively manage addicted offenders in the community and to assist courts with their payroll costs for specialized court docket staff. Specialized dockets that target addicted parents charged with abuse/neglect/ dependency of their minor children are also eligible for funding from OhioMHAS.

The intent of the Project is to reduce commitments to the state prison system and to reduce the number of children who are permanently removed from their homes and instead to increase the number of children who can remain in their homes with protective supervision. The Court of Common Pleas, Delaware County, Ohio, General Division, (Drug Court and Mental Health Court) and the Court of Common Pleas, Juvenile Division, (Family Drug Court), (collectively, “the Court”) are eligible for funding under the Project. The Delaware-Morrow Mental Health & Recovery Services Board (“Board”) will receive funding for the Project from the OhioMHAS via State General Revenue Fund #336425 and will be responsible for distributing funding to the participating Court on the basis of criteria adopted by OhioMHAS.

The parties to this Memorandum of Understanding (“MOU”) wish to set forth their mutual understandings and respective obligations with respect to the Project.

**Therefore, Board and the Court of Common Pleas agree as follows:**

1. Precondition to Receipt of Funding - Certification as Specialized Court Dockets.

As a condition to receiving grant funding from Board, the Court (General Division and Juvenile Division) agree that each respective court docket will maintain certification as a specialized docket from the Supreme Court of Ohio during the term of this MOU.

2. Common Pleas Court Obligations.

- a. The Court will comply with all requirements established by the OhioMHAS for the receipt of Project funding.
- b. The Court will request funding from Board for “allowable expenses” as defined by OhioMHAS, on “Specialized Dockets Subsidy Project- Allowable Expenses”, form attached hereto as Exhibit “A”. For expenses other than payroll costs, funds can only be used for individuals who are under the jurisdiction of the court and have been admitted to the specialized docket, with the exception that funds may be used for diagnostic testing to

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determine program eligibility.

- c. If funds are to be used to pay for clinical services, including medication-assisted treatment (MAT), such services must be provided by agencies certified by OhioMHAS or have deemed status. Court may inquire of Board if any agency meets these criteria.
- d. The Court is required to furnish a mid-year (7/1/2023 to 12/31/2023) report due 1/31/2024 and a year-end (1/1/24 to 6/30/24) report due 7/31/2024, to OhioMHAS utilizing the Specialized Dockets Subsidy Project Report form attached hereto as Exhibit "B". Separate reports are due for each specialized docket, (Adult Drug, Mental Health and Family Drug). Copies of each report shall be submitted by Court to Board following submission to OhioMHAS.
- e. The Court will submit an invoice to Board for the total reimbursement amount allowed by OhioMHAS for each specialized docket. OhioMHAS has made available \$105,000 to the Court; being \$35,000 for support of each of three specialized dockets.
- f. Based upon the invoice submitted by the Court to the Board pursuant to Sec. 2(e) of this MOU, direct payment of the amount received by the Court from the Board pursuant to such invoice, divided into equal shares for each of the Court's specialized dockets named in this MOU, shall be made by memo transfer to each of such specialized dockets.
- g. Questions regarding allowable expenses, reporting process and grant amounts should be directed to OhioMHAS.

3. Board Obligations.

- a. Board will draw-down funds once available for Project from OhioMHAS and will notify Court that funds are being processed.
- b. Board will make payment to the respective Court Division for the applicable docket expenses after funds are received from OhioMHAS.
- c. Board will not be responsible for any payments under this MOU other than amounts made available to Board by OhioMHAS for payment to the Court under the Project.

4. Memorandum Term.

This MOU shall be effective beginning on July 1, 2023 and shall continue until June 30, 2024.

5. Information and Audits.

Both parties shall retain all documentation and public records pursuant to the laws of the State of Ohio related to the provision of funding under this MOU and make such documentation available to the other party upon request as necessary for the requesting party to fulfill its administrative and legal requirements.

6. Relationship of the Parties.

The parties are fully autonomous and neither party is an agent, representative, employee or partner of the other. This MOU shall not be interpreted or construed to create an association, agency, employment, joint venture or partnership between the parties or to impose any liability attributable to such a relationship upon either party.

7. Compliance with Legal Requirements.

The parties agree to perform their respective obligations under this MOU in accordance with all applicable federal, state and local laws and requirements.

8. Entire Agreement.

It is acknowledged by the parties that this MOU represents the entire agreement between the parties and supersedes any and all previous written or oral agreements between the parties concerning the subject matter of this MOU.

9. Amendment.

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No change, amendment or modification of any provision of this MOU shall be valid unless set forth in a written instrument and signed by the parties.

The undersigned agree to this MOU evidenced by the signatures of their duly authorized representatives.

**Exhibit A**

Specialized Dockets Subsidy Project – Allowable Expenses

- Payroll costs for specialized dockets staff
- Behavioral health treatment services: addiction and mental health. Please note: this does not include: domestic violence assessment/treatment, sex offender assessment/treatment and driver intervention programs (DIPs). Pursuant to O.R.C 5119.36(B), the allowable behavioral health services must be delivered by community addiction service providers and/or community mental health service providers certified by Ohio MHAS.
  - Assessments
  - Outpatient and intensive outpatient treatment
  - Residential treatment
  - Case management
  - Detoxification services
  - Integrated treatment for co-occurring mental health and substance use disorders
- Medication assisted treatment (MAT) medications
- Urinalysis
  - Drug testing supplies: instant tests, reagents, rubber gloves, etc.
  - Payments to laboratories
- Recovery Supports
  - Housing
    - Recovery Housing
    - Rent Deposits
    - Short-term housing
    - Utilities
  - Transportation
    - Bus passes
    - Gas cards
    - Cab/Uber fare
    - *Automotive maintenance (i.e. tires, brakes, etc.) auto insurance and outstanding traffic ticket/court costs are not allowable*
  - Emergency basic needs
    - Food vouchers
    - Clothing vouchers
    - Hygiene products
  - Peer support/recovery coaching
  - Childcare
  - Employment
    - Job training/educational services
    - Job uniform/attire
    - Interview attire
    - Vocational certifications
    - Supportive employment
    - License reinstatement fees
  - Private insurance co-pays
  - Identification
    - Driver license
    - Social Security card
    - Birth certificate

Please be advised that that the expenses listed in this document are general in nature and are not exclusive. Provided are some examples:

1. Urinalysis - only drug testing supplies (instant tests, reagents, rubber gloves, etc.) and payments to laboratories are allowable. Your court could use the funds to pay for hair tests, blood tests, saliva

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tests and any other means to determine the presence of illegal substance use and/or the presence of required MAT medications, i.e. buprenorphine. *However, SCRAM, interlock devices and eye scan/pupillometry equipment are not allowable expenditures for this project.*

- 2. Medication Assisted Treatment (MAT) medications – This includes not only all Mat medications, but also the medical expenses involved including: physical exam and diagnosis, lab work associated with the physical exam, and injection administration (Vivatrol©). *These funds cannot be used to pay the monthly \$200 to \$300 some medical practitioners charge patients to obtain monthly Suboxone© prescriptions.*
- 3. Recovery Supports – Emergency basic needs – The word “emergency” is not to be taken literally such as in the event of a flood or fire. The intent of recovery supports is to remove barriers to treatment and self-help support group meeting attendance and achieving abstinence/maintaining sobriety/sustaining recovery. Many participants are living in shelters, recovery housing or residential treatment while others are in need of leaving their current environment and need to establish a sober residence. Some participants are in a suitable residence but are unable to work or only work part-time due to treatment and court schedules. Any of the emergency basic need items can be purchased as incentives/rewards as well. Furthermore, in addition to vouchers, food items can be obtained through direct purchase by the court, purchase orders and grocery store gift cards.
- 4. Recovery Supports – Employment – This includes fees or equipment/supplies needed for a job training program and/or apprenticeship program offered through a Workforce Innovation and Opportunities ACT (WIOA) program that is provided by a county Job and Family Services Department’s Office of Workforce Development, or Veterans Opportunities to Work (VOW) administered by the Veterans Administration. The following are also allowable expenses:
  - a. Educational services such as GED testing (now High School Equivalency Test). This fee is approximately \$120.00. Voucher codes (voucher is worth \$80 for first-time test takers) are available by contacting one of your local Career Technical Planning Districts Offices <http://education.ohio.gov/Topics/Career-Tech/HSE-CTPD>. Your court’s allocation funding can pay for all or part of the cost of the GED test. These funds can also pay for the cost of SAT and/or ACT tests for participants who wish to attend college. *Unallowable expenses include: college and trade school tuition, computer devices such as lap tops and tablets, room and board, activity/lab fees as well as parking tickets and outstanding balances with a college or trade school.*
  - b. Clothing vouchers – in addition to vouchers, clothing can be purchased through the same means as explained above for food (under emergency basic needs). Other allowable clothing expenditures include uniforms, attire (i.e. “scrubs”, steel-toed boots, position-appropriate apparel and interview attire).
- 5. Recovery Supports – Child Care – These funds can be used to pay for child care when the person is attending treatment and self-help groups. These funds cannot be used to pay for employment-related child-care needs.

Vote on Motion                      Mrs. Lewis                      Aye                      Mr. Benton                      Absent                      Mr. Merrell                      Aye

**6**  
**RESOLUTION NO. 23-837**

**IN THE MATTER OF THE DELAWARE COUNTY BOARD OF COMMISSIONERS RE-APPOINTING A REPRESENTATIVE TO THE OHIO CHILDREN’S TRUST FUND CENTRAL OHIO CHILD ABUSE AND CHILD NEGLECT REGIONAL PREVENTION COUNCIL:**

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve the following:

WHEREAS, pursuant to section 3109.172(C)(1) of the Ohio Revised Code, the Delaware County Board of Commissioners (the “Board of Commissioners”) may appoint up to two (2) county prevention specialists to the Ohio Children’s Trust Fund Central Ohio Child Abuse and Child Neglect Regional Prevention Council (the “Regional Prevention Council”); and

WHEREAS, the term for one (1) of the Board of Commissioners’ appointments to the Regional Prevention Council will expire December 18, 2023; and

WHEREAS, on June 20, 2013, the Board of Commissioners adopted Resolution No. 13-645, adopting a policy for the appointment of members to boards and commissions (the “Policy”), which requires posting of all available positions for at least fourteen (14) days and permits the Board of Commissioners to conduct interviews of any applicants; and

WHEREAS, the Board of Commissioners desires to approve an exception to the Policy in order to re-appoint a member of the Regional Prevention Council;

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NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Delaware County, State of Ohio, as follows:

Section 1. The Board hereby approves an exception to the Policy for the re-appointment made herein by choosing to waive the requirement for posting the position and to proceed directly to re-appointment.

Section 2. The Board of Commissioners hereby approves the re-appointment of the following member, recommended by the Delaware County Family and Children First Council, to the Ohio Children’s Trust Fund Central Ohio Child Abuse and Child Neglect Regional Prevention Council for the term expected to commence on December 18, 2023, and to terminate on December 18, 2025:

Katie Stenman  
Court Administrator  
Delaware County Probate/Juvenile Court  
145 North Union Street  
Delaware, Ohio 43015  
740-833-2663  
Email: [KStenman@co.delaware.oh.us](mailto:KStenman@co.delaware.oh.us)

Section 3. In accordance with OAC 5101:5-1-03(C), the Clerk is directed to submit a copy of this Resolution, and a copy of the appointee’s resume, curriculum vitae or short biography, to the Ohio Children’s Trust Fund for confirmation of the re-appointment.

Section 4. The re-appointment approved herein shall be effective upon confirmation by the Ohio Children’s Trust Fund and shall be for the period specified in the re-appointment confirmation.

Vote on Motion            Mr. Benton            Absent    Mrs. Lewis            Aye            Mr. Merrell            Aye

**7  
RESOLUTION NO. 23-838**

**IN THE MATTER OF APPROVING A PERMIT FOR USE OF DELAWARE COUNTY FACILITIES:**

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve the following:

WHEREAS, the Delaware County Commissioners passed Resolution No. 21-449 on May 24, 2021, adopting a Delaware County Facilities Permit Policy (the “Policy”); and

WHEREAS, it is the intent of the policy to allow persons and organizations access to appropriate Delaware County facilities, grounds and meeting places; and

WHEREAS, each request will only be considered after the receipt of a completed Delaware County Facilities Permit Form; and

WHEREAS, the Policy mandates approval from the Commissioners for use of county facilities by groups of 30 participants or more that have agreed in writing to full compliance with the Policy;

NOW, THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED that the Delaware County Board of Commissioners hereby authorizes the use of the Frank B. Willis Building Conference Room on November 15, 2023, from 8:00a.m. to 4:30p.m., at no cost.

Vote on Motion            Mrs. Lewis            Aye            Mr. Merrell            Aye            Mr. Benton            Absent

**8  
RESOLUTION NO. 23-839**

**IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS:**

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve the following:

<b>Supplemental Appropriation</b>		
25422301-5319	CBCG Intensive Supervision/Reimbursement-Refunds	406.00
25422311-5319	Presentence Investigation/Reimbursement-Refunds	23,609.00

Vote on Motion            Mr. Merrell            Aye            Mrs. Lewis            Aye            Mr. Benton            Absent

**9  
RESOLUTION NO. 23-840**

**IN THE MATTER OF ACCEPTING A ROAD IN NORTHLAKE PRESERVE SECTION 6:**

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It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve the following:

WHEREAS, on September 11, 2023, the Delaware County Board of Commissioners adopted Resolution No 23-770, which, *inter alia*, accepted roads within the Northlake Preserve Section 6 subdivision (the “Subdivision”); and

WHEREAS, the Engineer has reviewed the roadway construction of the roads within the Subdivision, found them to be constructed in accordance with the approved plans, and recommends that an additional length of roadway in the Subdivision be accepted into the public system:

Northlake Preserve Section 6:

- An addition of 0.020 mile to Township Road 1809, Bradbury Drive;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby accepts the Engineer’s recommendation stated herein and accepts the road in accordance with the Engineer’s recommendation stated herein.

Vote on Motion            Mr. Benton            Absent    Mr. Merrell            Aye            Mrs. Lewis            Aye

**10**

**RESOLUTION NO. 23-841**

**IN THE MATTER OF ACCEPTING THE ROADS, APPROVING RECOMMENDED SPEED LIMITS, ESTABLISHING STOP CONDITIONS, AND RELEASING THE SURETIES FOR VINMAR VILLAGE SECTION 5:**

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve the following:

WHEREAS, the Engineer has reviewed the roadway construction of the roads within Vinmar Village Section 5 (the “Subdivision”), finds them to be constructed in accordance with the approved plans, and recommends that the following roadways within the Subdivision be accepted into the public system:

Vinmar Village Section 5:

- An addition of 0.236 mile to township road number 1687, Luca Drive
- An addition of 0.41 mile to township road number 1754, Genova Drive

WHEREAS, the Engineer also recommends that 25 mile per hour speed limits be established throughout the Subdivision; and

WHEREAS, the Engineer recommends that the following stop conditions be established within the Subdivision:

- On township road number 1754, Genova Drive, at its intersection with township road 1687, Luca Drive

WHEREAS, the Engineer requests approval to return the cash being held as maintenance surety to Romanelli & Hughes;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby accepts the Engineer’s recommendations stated herein and accepts the roads, approves speed limits and stop conditions, and releases maintenance sureties in accordance with the Engineer’s recommendations stated herein.

Vote on Motion            Mrs. Lewis            Aye            Mr. Benton            Absent    Mr. Merrell            Aye

**11**

**RESOLUTION NO. 23-842**

**IN THE MATTER OF APPROVING AN OWNER’S AGREEMENT FOR LIBERTY TRAILS:**

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve the following:

WHEREAS, the Engineer recommends approving the Owner’s Agreement for Liberty Trails;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the Owner’s Agreement for Liberty Trails:

**OWNER’S AGREEMENT**  
**PROJECT NUMBER 23061**

THIS AGREEMENT, executed on this 2<sup>nd</sup> day of October 2023, between Liberty Trails LLC, hereinafter



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called "OWNER" and the BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY OHIO (COUNTY COMMISSIONERS), for the project described as Liberty Trails further identified as Project Number 23061 is governed by the following considerations to wit:

Said OWNER is to construct, install or otherwise make all public improvements shown and set forth to be done and performed in compliance with the approved engineering drawings and specifications, all of which are a part of this AGREEMENT.

OPTIONS:

1. Should OWNER elect to record the plat prior to beginning construction, OWNER shall execute bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction as shown in Exhibit "A" attached hereto.
2. Should OWNER elect to proceed to construction prior to recording the plat, no approved financial warranties are necessary until such time as OWNER elects to record the plat. Such plat cannot be recorded until the County Engineer has determined the construction of the project is at least 80% complete.

OWNER hereby elects to use Option 2 for this project.

The financial warranties are to insure faithful performance of this AGREEMENT and the completion of all improvements in accordance with the Delaware County Design, Construction and Surveying Standards and any supplements thereto. The OWNER shall pay the entire cost and expense of said improvements, unless otherwise specifically noted herein.

The OWNER shall indemnify and save harmless Delaware County and all Townships and/or Villages within Delaware County and all of their officials, employees or agents from all claims, suits, actions and proceedings which may originate from or on account of any death, injuries or damages to persons or property received or sustained as a consequence of any actions or omissions of any contractor or subcontractor or from any material, including explosives, or any method used in said work or by or on account of any accident caused by negligence or any other act or omission of any contractor or his agents or employees.

All public improvement construction shall be performed within one (1) year from the date on which this AGREEMENT is executed by the COUNTY COMMISSIONERS.

The OWNER further agrees that any violations of or noncompliance with any of the provisions and stipulations of this AGREEMENT shall constitute a breach of contract, and the COUNTY shall have the right to stop work forthwith and act against the performance surety for the purpose of proper completion of the public improvements within this subdivision.

It is further agreed that upon execution of the AGREEMENT, the OWNER shall deposit Forty Seven Thousand Five Hundred Dollars and No Cents (\$47,500.00) estimated to be necessary to pay the cost of inspection by the Delaware County Engineer. When the fund has been depleted to ten percent (10%) of the original amount deposited, the OWNER shall replenish the account upon notice by the Engineer. Upon completion of the maintenance period and acceptance of the improvements by the Delaware County Commissioners, the remaining amount in the fund shall be returned to the OWNER.

Upon completion of construction, the OWNER shall be responsible for the maintenance, repair or construction of any and all defective materials or workmanship for a period of one year. Said OWNER'S bond, certified check, irrevocable letter of credit or other approved financial warranties may be reduced to 10% of the originally approved construction estimate as shown in Exhibit "A" for said maintenance. The reduction may be approved only after the County Engineer has been provided evidence that all work has been accomplished according to the approved plan and/or to the County Engineer's satisfaction. All work is to be done in accordance with the Delaware County Design, Construction and Surveying Standards, and any supplements thereto.

Acceptance of the project into the public system shall be completed only after written notice to the COUNTY COMMISSIONERS from the County Engineer of his approval. The OWNER'S maintenance responsibility as described above shall be completed upon formal acceptance by the COUNTY COMMISSIONERS.

Any snow or ice removal, erosion and sediment control maintenance, or other safety requirements deemed necessary by the County Engineer during the period of construction or maintenance shall be the responsibility of the OWNER. All of the funds set forth in the AGREEMENT shall be made available to the County Engineer to ensure proper safety compliance.

The OWNER shall, within thirty (30) days of completion of construction and prior to final acceptance, to the COUNTY COMMISSIONERS, as required, "as-built" drawings of the improvements, which plans shall become the property of the COUNTY and remain in the office of the Delaware County Engineer.

The OWNER shall, within thirty (30) days of completion of construction, furnish to the COUNTY COMMISSIONERS an itemized statement showing the cost of improvements and an affidavit that all material and labor costs have been paid. The OWNER shall indemnify and hold harmless Delaware County and all Townships and/or Villages within and all their officials, employees or agents from expenses or claims for labor or material incident to said construction of improvements.



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The OWNER shall obtain all other necessary utility services incident to the construction of the improvements and for their continued operation. The OWNER shall be responsible for all utility charges and installation costs. The utility user charges shall be paid by the OWNER and maintained in continuous use throughout the construction and testing phases until accepted for operation and maintenance by the County.

Should the OWNER become unable to carry out the provisions of this AGREEMENT, the OWNER’S heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions and requirements of this AGREEMENT.

In consideration whereof, the BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO hereby grants the OWNER or his agent, the right and privilege to make the improvements stipulated herein.

**EXHIBIT "A"**

CONSTRUCTION COST ESTIMATE	\$593,500.00
CONSTRUCTION BOND AMOUNT	N/A
MAINTENANCE BOND AMOUNT	\$59,400.00
INSPECTION FEE DEPOSIT	\$47,500.00

Vote on Motion            Mr. Benton        Absent   Mrs. Lewis        Aye    Mr. Merrell        Aye

**12**

**RESOLUTION NO. 23-843**

**IN THE MATTER OF APPROVING RIGHT-OF-WAY WORK PERMIT SUMMARY SHEET:**

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve the following work permits:

WHEREAS, the below requests to perform work within the right-of-way have been reviewed and approved by the Delaware County Engineer;

NOW, THEREFORE, BE IT RESOLVED that the following permits are hereby approved by the Board of Delaware County Commissioners:

<u>Permit #</u>	<u>Applicant</u>	<u>Location</u>	<u>Type of Work</u>
UT2023-0169	SPECTRUM	BRAUMILLER RD	ROAD BORE
UT2023-0170	AEP	BERLIN STATION RD	ROAD BORE
UT2023-0171	EVERSTREAM	GOODING BLVD	ROAD BORE
UT2023-0172	FRONTIER	HARRIOTT RD	ROAD BORE
UT2023-0173	FRONTIER	WINGATE DR	ROAD BORE

Vote on Motion            Mr. Merrell        Aye    Mr. Benton        Absent   Mrs. Lewis        Aye

**13**

**RESOLUTION NO. 23-844**

**IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR BUILDING SAFETY:**

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve the following:

<b>Transfer of Appropriation</b>		<b>Amount</b>
<b>From:</b>	<b>To:</b>	
10011301-5001	10011301-5201	5,000.00
Building Safety/Compensation	Building Safety/General Supplies	
10011301-5001	10011301-5260	30,000.00
Building Safety/Compensation	Building Safety/Inventoried Supplies	

Vote on Motion            Mrs. Lewis        Aye    Mr. Merrell        Aye    Mr. Benton        Absent

**ADMINISTRATOR REPORTS**

**CA Davies**

**-Offices Start To Move To Byxbe Campus On October 6, And October 13, 2023**

**COMMISSIONERS’ COMMITTEES REPORTS**

**Commissioner Lewis**

- Attended A Stepping-Up Meeting Last Week/Focus On Connection Programs Upon Release**
- Attended The Regional Planning Meeting/ Next Meeting Will Be A The New Byxbe Campus**
- Attended The Chamber’s State Of The Schools Meeting**

**Commissioner Merrell**

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- Tour Of The New Bxibe Campus With CCAO
- Attended The Chamber’s State Of The Schools Meeting
- Attended The Friday Local Legislative Representatives Meeting
- Rotary Later Today
- 911 Board Later This Week

**9:45A.M. PUBLIC HEARING #2 FOR PROPOSED ADOPTION OF CHANGES TO THE BUILDING CODE OF DELAWARE COUNTY**

The Board of Commissioners opened the hearing at 9:45A.M.

The Board of Commissioners closed the hearing at 9:50A.M.

**RESOLUTION NO. 23-845**

**IN THE MATTER OF ADOPTING AMENDMENTS TO THE BUILDING CODE OF DELAWARE COUNTY:**

It was moved by Mrs. Lewis, seconded by Mr. Merrell to adopt the following:

WHEREAS, pursuant to section 307.37, a board of county commissioners may adopt regulations pertaining to the erection, construction, repair, alteration, redevelopment, and maintenance of buildings within the unincorporated portion of the county and any other jurisdictions under contract with the county; and

WHEREAS, the Delaware County Board of Commissioners (the “Board”) originally adopted the Building Code of Delaware County in October 1964, and most recently amended the Building Code of Delaware County in June 2018; and

WHEREAS, this Chief Building Official recommends certain amendments to the Building Code of Delaware County; and

WHEREAS, the Board has provided public notice to its citizens that the amended regulations have been made available for public review; and

WHEREAS, two public hearings were advertised and held for public input on September 25, 2023, and October 2, 2023;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby adopts the following amended text of the Building Code of Delaware County, with an effective date of November 2, 2023:

**The Building Code of  
Delaware County,  
Ohio  
Effective July 27, 2006  
Adopted by the Delaware County Board of Commissioners  
Revised January 10, 2011  
Revised July 5, 2018  
Revised 2023**

**Delaware County  
Department of Building Safety  
Building Code    Floodplain Regulations    Zoning Code  
50 Channing Street, Delaware, Ohio 43015  
740-833-2200    [Building@co.delaware.oh.us](mailto:Building@co.delaware.oh.us)  
<https://buildingsafety.co.delaware.oh.us>**

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TITLE I

GENERAL PROVISIONS

**DC 100 TITLE**

1. This Code shall be designated and known as THE BUILDING CODE OF DELAWARE COUNTY, OHIO. The Ohio Building Code (OBC) and The Residential Code of Ohio (RCO), as adopted by the State of Ohio are incorporated by reference herein and made part of this code.

TITLE II

ADMINISTRATION OF BUILDING CODE

**DC 200 UNSAFE BUILDINGS TO BE REMOVED OR REPAIRED**

1. The construction, use or occupation of any building or structure declared to be a public nuisance under the authority of O.R.C. 3781.031 or 3781.06 through 3781.18 may be enjoined in a proceeding instituted in the name of the Building Official, in compliance with ORC 3781.03.

**DC 201 VACATING UNSAFE BUILDINGS AND CLOSING STREETS**

1. When the Building Official is of the opinion that a building or structure is in an unsafe condition so that life is endangered thereby, the Building Official may order and require the occupants to vacate said building or structure forthwith.
2. The Building Official shall cause to be posted at each entrance to such building, a notice to read as follows: "THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL". Such notice shall remain posted until the required repairs are made or until the building or structure is razed. It shall be unlawful for any person other than an employee of Delaware County Building Safety, properly authorized to do so, to remove or cause to be removed said notice without written permission from the Building Official. The Building Official shall also provide written notice to the owner indicating the order, the reasons for the order and the conditions under which the occupancy will be permitted to resume.

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3. It shall be unlawful for any person, other than those authorized by law, to enter a building or structure which has been posted as unsafe, for the use or occupancy by the Building Official, except for the purpose of making the required repairs or of demolishing said building or structure.
4. The Building Official may, when necessary for public safety, temporarily close sidewalks, streets, buildings, structures and places adjacent to such building or structure, and prohibit the same from being used. Notice of any temporarily closing of streets, roads or buildings shall be sent to all persons involved and to all the proper officials; excepting however, that in case of an emergency such notice may be waived.
5. If the person served with a notice or order to remove or repair an unsafe building or structure shall fail, within the time stated in the said notice or order, to comply with the requirements thereof, the County Prosecuting Attorney shall be advised of all facts in the case and shall, if the Prosecuting Attorney deems appropriate, institute an appropriate action in the courts to compel compliance.

**DC 202 EMERGENCY WORK**

1. Structures or existing equipment that are unsafe or unsanitary due to inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard or are otherwise dangerous to human life, shall be deemed a serious hazard. Where a building is found to be a serious hazard, such hazard shall be eliminated or the building shall be vacated and where such building, when vacated, remains a serious hazard, it shall be razed.
2. Where the Building Official finds that a building is a serious hazard and the owner of such building fails, in the time specified in a written notice from the building official, to eliminate such hazard, or to vacate or raze the building, the building official shall proceed under section 3781.15 of the Ohio Revised Code.
3. Where equipment replacement and repairs must be performed in an emergency situation, an application for approval shall be submitted within the next working day to the Building Official.

TITLE III

PLANS AND SPECIFICATIONS

**DC 300 IMPERFECT PLANS AND SPECIFICATIONS**

1. If the matter mentioned in any application for a permit or in the plans and specifications accompanying and illustrating the same, indicates to the Building Official that the work to be done is not clearly or specifically defined, or is imperfect, or is not in all respects in accordance with the provisions of this Code, the Building Official shall set forth such matters in writing to the applicant and shall refuse to issue a permit until such application and plans and specifications shall have been made to conform in every respect with the requirements thereof. All plans not properly dimensioned shall be deemed incomplete.

**DC 301 PREFABRICATED CONSTRUCTION**

1. A certificate of approval by an approved agency shall be furnished with all prefabricated assembly, except where all elements of the assembly are readily accessible to inspection at the site. Placement of prefabricated assemblies at the building site shall be inspected by the Building Official to determine compliance with this Code, and a final inspection shall be provided after the building is completed and prior to its occupancy.

TITLE IV

PERMITS AND INSPECTIONS

**DC 400 BUILDING PERMIT**

1. Permit required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move or change the occupancy of a building or structure, or portion thereof, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, plumbing system, other building service equipment or piping system the installation of which is regulated by the Ohio Building Code (OBC) and The Residential Code of Ohio (RCO), or to cause any such work to be done, shall first make application to the building official and obtain the required permit.
2. Validity of permits:

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- A.) Permits shall be invalid if construction, erection, alteration or other work has not commenced within twelve months of the issuance date of the permit. One extension shall be granted for an additional twelve-month period if requested by the owner at least ten days in advance of the expiration of the permit and upon payment of any required fee(s).
- B.) Permits shall be invalid, if during the course of construction, work is delayed or suspended for more than 6 months (delayed or suspended means that no required inspections were performed within a 6 month period).  
Two extensions shall be granted for six months each if requested by the owner at least ten days in advance of the expiration of the permit and upon payment of any required fee(s).
- 3. In addition to the application, plans and specifications, a copy of the certified address certificate, a driveway permit, a zoning certificate; drainage, erosion & sedimentation control permit (DESC) (if applicable), Soil and Water Drainage permit (if applicable), a copy of the zoning permit and a copy of the septic permit (if applicable) are also required at time of application submittal.
- 4. Voided building permits shall be subject to a fee (see appropriate schedule).

**DC 401 DRAINAGE REVIEW REQUIRED**

No building permit application shall be accepted and no building permit shall be issued until a review of the specific effects of the proposed new construction on existing surface and subsurface drainage has been completed by the Board of Delaware County Commissioners and/or anyone they appoint for the purpose of conducting such reviews. Specifically, the Delaware Soil and Water Conservation District [DSWCD] has been appointed by the Board of Delaware County Commissioners to conduct the inspections required for these reviews and to 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.

These regulations have been adopted pursuant to authority granted by Section 307.37 of the Ohio Revised Code.

Relevant plans and other documents submitted under these regulations may be prepared and submitted by a person registered under Chapter 4703 or 4733 of the Ohio Revised Code, provided that the person is authorized to prepare the plans and other documents pursuant to the person's registration.

The review process described in these regulations shall not apply to any property that has been approved by the county platting authority under section 711.05, 711.09, or 711.10 of the Ohio Revised Code.

- 1. PROCEDURE:
  - A. Unless exempted as provided above, an applicant for a building permit in Delaware County shall submit an application, known as a Drainage Protection Review Application, for review of the specific effects of the proposed new construction on existing surface or subsurface drainage. Such application shall be requested from the DSWCD.
  - B. No later than five (5) days after the Drainage Protection Review Application is filed, a meeting with the applicant shall be scheduled by the DSWCD. The meeting shall be held within thirty (30) days after the date on which a Drainage Protection Review Application is filed, unless the applicant agrees in writing to extend that time period or to postpone the meeting to another date, time, or place. The meeting shall be for the purpose of examining the proposed new construction for effects on existing surface and/or subsurface drainage.
  - C. Written notice of the date, time, and place of the meeting with the applicant, shall be sent by regular mail to the applicant at least seven (7) days before the scheduled meeting date.
  - D. The review shall be completed no later than thirty (30) days after the date the Drainage Protection Review Application was filed, unless the applicant agrees in writing to extend that time period or to postpone the meeting to another date, time, or place, in which case the review shall be completed not later than two (2) days after the date of the meeting.
  - E. Upon completion of the review, the applicant will be provided a written report of the review, to be mailed or hand-delivered to the applicant within two (2) working days of the meeting, but no more than thirty (30) days after a Drainage Protection Review Application is filed. The written report shall indicate either the proposed new construction will have no adverse effects on existing surface and/or subsurface drainage or shall include the issuance of any order of

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the Board of Delaware 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 and/or subsurface drainage.

- F. All necessary drainage mitigation and/or alterations shall be specified in a written order, acknowledged by signature of the applicant, and presented to the DSWCD for acknowledgement and approval prior to receiving a building permit. All necessary drainage mitigation and/or alterations shall be completed as outlined in the order of the Board of Delaware County Commissioners. This order signed by the applicant must be presented to Delaware County Building Safety in order to apply for a building permit. Under no circumstances shall Delaware County Building Safety issue a final occupancy certificate until all drainage mitigation and/or alterations have been satisfactorily completed per the order.
- G. If the review is not completed within thirty (30) days after the date upon which the Drainage Protection Review Application was filed 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 and/or subsurface drainage, and those effects shall not be a valid basis for the denial of a building permit.
- H. A written statement shall be 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 these regulations by filing a petition in accordance with Chapter 2506 of the Ohio Revised Code.

2. NOTICE OF INSPECTION:

It shall be the responsibility of the applicant for Drainage Protection Review to notify the DSWCD official when surface or subsurface drainage mitigation or alteration work is ready for inspection as outlined in the written report of the review. Such notice shall be given within a reasonable time within which such inspection is desired but in no event shall it be less than 24 hours of the desired inspection time. Inspections will not be performed on a Saturday, Sunday, or legal holiday, as legal holiday is defined in Section 1.14 of the Ohio Revised Code. It shall be the responsibility of the applicant for Drainage Protection Review to provide adequate access to all areas for inspection and to provide protection for areas subject to damage or disturbance while the inspector is performing an inspection.

3. INTERIM INSPECTIONS:

DSWCD reserves the right to access the property to make reasonable inspections after the mitigation or alteration work has been identified in the initial inspection and written report. Such inspection may occur if DSWCD requests permission and that permission is granted or where DSWCD has reasonable suspicion that the building activity being undertaken on the property could affect the findings identified in the Building Lot Drainage Review Report and any mitigation requirements identified therein. Any inspection, if conducted, will be conducted at a reasonable time and will not be performed on a Saturday, Sunday or legal holiday, as legal holiday is defined in Section 1.14 of the Ohio Revised Code. This section does not affect the notice requirements of the application as outlined in DC 401(2) Notice of Inspection.

4. ACTION OF NOTICES

Upon receipt of notice from the applicant for Drainage Protection Review that the surface or subsurface drainage mitigation or alteration work is ready for inspection, the DSWCD official shall inspect or cause to be inspected such work as soon as reasonably practicable. Inspections will not be performed on a Saturday, Sunday, or legal holiday, as legal holiday is defined in Section 1.14 of the Ohio Revised Code. Failure of the DSWCD official to make a prompt inspection shall not be deemed justification for covering or burying work without inspection where such work is required, under the terms of the written report of the review and/or order, to be inspected before being covered or buried. After inspection, the DSWCD official shall issue a written report of the inspection, to be mailed or hand-delivered to the applicant within two (2) working days after the inspection. The written report shall indicate that after inspection of the work performed either, compliance with the order of the Board of Delaware County Commissioners has been achieved and the proposed new construction will no longer cause any adverse effects on existing surface and/or subsurface drainage or shall it shall indicate that compliance has not been achieved and to achieve compliance additional work must be done pursuant to the order of the Board of Delaware County Commissioners and further inspection for compliance is required.

5. DISCOVERY OF UNIDENTIFIED SUBSURFACE DRAINS:

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It shall be the responsibility of the applicant for Drainage Protection Review to notify the DSWCD official upon the discovery of subsurface drainage tile not identified within the written report of the review. When subsurface drainage tile not identified within the written report of the review is discovered, the DSWCD official shall schedule an inspection as soon as reasonably practical. Inspections will not be performed on a Saturday, Sunday, or legal holiday, as legal holiday is defined in Section 1.14 of the Ohio Revised Code. Additional mitigation and/or alterations as a result of the newly discovered drainage tile may be necessary at the permit holder's expense; however, no additional inspection fee shall be charged.

6. COVERING OR BURYING WORK:

It shall be a violation of these regulations to cover or bury, prior to inspection, any work required to be inspected under the provisions of the written report of the review or any supplemental reports to such written report of the review. The applicant for Drainage Protection Review shall be required to uncover any such work for inspection, and the cost of uncovering such work and of replacing the cover after the work has been inspected and found satisfactory shall be borne by the applicant.

7. FEES

- A. At the time of the adoption of these drainage review regulations, the Board of Delaware County Commissioners shall establish a fee schedule. These fees will be effective immediately and may be amended at the Delaware Board of County Commissioner's annual organizational meeting.
- B. Fees shall be collected along with building permit fees by Delaware County Building Safety.
- C. Fees shall have a three-tiered organization:
  - Application Fee - initial charge for all Drainage Protection Review applications.
  - Inspection Fee - charge for all sites requiring drainage alterations or mitigation.
  - Re-inspection Fee - charge for repeated inspections of a specific drainage alteration or mitigation practice due to failure of installer to complete the work satisfactorily.
- D. All fees must be paid in full prior to the issuance of an occupancy certificate.

8. PENALTIES

Whenever the Soil and Water Conservation District Official or any other officer charged with the enforcement of this Code is satisfied that any provision the Official or other officer is charged to enforce has been violated or is about to be violated in any respect, or that any order or direction made in pursuance of the enforcement of this Code has not been complied with, or is being disregarded, and whenever the Official or other officer is satisfied that civil proceedings are necessary for the enforcement of this Code to restrain or correct the violation thereof, the Official or other officer shall apply to the County or Municipal Prosecuting Attorney, who is hereby authorized to institute civil proceedings. Such civil proceedings shall be brought in the name of the County or Municipality, provided however, that nothing in this Section and no action taken there under, shall be held to exclude such criminal proceedings as may be authorized by the Ohio Revised Code, or any of the laws or resolutions in force in the County or Municipality or to exempt any one violating these regulations or any part of said laws from any penalty which may be incurred.

Pursuant to Section 307.99(C) of the Ohio Revised Code, whoever violates Section 307.37 of the Ohio Revised Code shall be fined not more than three hundred dollars per offense. Each day during which an illegal location, erection, construction, flood proofing, repair, alteration, development, redevelopment, or maintenance continues may be considered a separate offense.

**DC 402 MOVING PERMIT**

1. When someone desires to move any building, they shall apply to the Building Official for a permit.
2. Before the above permit is issued, the Building Official shall cause such building to be inspected.
3. If it is found that the said building is structurally stable, a permit shall be issued.
4. The Building Official may revoke the permit of anyone not complying with the provisions thereof.
5. Moving of all buildings shall comply with all requirements of the county and/or municipal engineering department or township having jurisdiction.

**DC 403 DEMOLITION PERMIT**

1. A demolition permit shall be required for demolition or wrecking of any building. When someone shall desire to demolish a building they shall inquire with the Building Official for the



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necessity of a permit. The said building shall be completely removed from the site, all utilities shall be properly disconnected or removed and any open excavation shall be properly backfilled. All debris, waste, and similar shall be disposed of according to the applicable regulations.

**DC 404 SEWER PERMIT REQUIRED**

1. If improvements include sewer work and a connection to a public sewer system is to be made, a sewer permit must be obtained from the Sanitary Engineer for the jurisdiction and all work performed in accordance with regulations of the Sanitary Engineer. All fees must be paid prior to final occupancy.
2. In all other locations or non-sewer areas, all private sewage systems shall be installed in accordance with regulations of the Delaware County General Health District or appropriate regulatory agency.

**DC 405 PLUMBING PERMIT REQUIRED**

1. No person, firm or corporation shall install plumbing work in any building within the limits of Delaware County without first notifying the Delaware General Health District and securing all necessary permits and inspections.

**DC 406 FAILURE TO OBTAIN PERMIT**

1. Upon receipt of information that a building or structure is being (or has been) constructed without the necessary permits, the Building Official shall make or cause an inspection. If verified, the Building Official shall serve the owner with a written notice informing them of the violation and that all work shall be stopped. The owner shall be directed to obtain the necessary permits prior to the continuance of construction. If the person served with the notice fails to comply with the requirements thereof, the County Prosecuting Attorney shall be advised and shall, if the Prosecuting Attorney deems appropriate, institute the appropriate actions to compel compliance.

**DC 407 FEES**

1. At the time of the adoption of this building code, the Board of County Commissioners shall establish a fee schedule. These fees will be effective immediately and may be amended by the Board of County Commissioners. It shall be the responsibility of Delaware County Building Safety to collect fees.
2. Fees shall be doubled for work that is started without the required permits as established by this code.
3. Re-inspection fees shall be collected prior to any further inspections, unless approved by the Building Official.

**DC 408 JOB SITE SAFETY**

1. Delaware County requires that all Federal and State safety requirements be met in order for an inspection to occur ... (see Occupational Safety and Health Administration CFR 1926 safety standards for construction, and Ohio Administrative Code Chapter 4121:1-3).

**DC 409 SITE IDENTIFICATION AND ACCESS**

1. The address shall at all times be properly posted and easily read from the public street/road. Access to and means for inspection of such work shall be provided to the site for all required inspections.
2. The permanent address shall be posted at the time of the final inspection.

**DC 410 TRASH CONTAINMENT**

1. All trash, debris, discarded material, rags, lumber, building materials and other garbage, refuse or junk shall be contained in a location and/or appropriate container.

**DC 411 REVOCATION OF PERMITS**

1. The owner shall be required to effectively protect against any dangerous or unsanitary conditions that may exist on the premises.

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2. When the work for which a permit was issued is not being performed in conformity with the detailed statement or plans upon which such permit was issued, or is in violation of any provisions of this Code, it shall be the duty of the Building Official to notify the owner or the owner's agent that the work is being constructed in violation of the permit and that such work shall be made to conform to the detailed statement or plans upon which a permit therefore was issued. If the owner or owners, or agent, fail to comply with said notice on the posting thereof, it shall be the further duty of the Building Official to revoke said permit. Written notice of such revocation, signed by the Building Official, shall be immediately served on the owner or the owner's agent or shall be posted on the premises, and it shall be unlawful for any other person to perform any work in or about said structure, residential building or premises, after revocation of the permit and the posting of notice thereof. Service of written notice of permit revocation shall immediately result in the revocation of the permit, which shall then be rendered null and void.
3. Revocation of a permit in accordance with the above shall be entered upon the records of permits maintained by the Building Official.

**DC 412 HOME OWNER'S EXEMPTION**

1. No provision of this Code shall be interpreted to require that a bona fide owner and occupant of a dwelling must be licensed or certified in order to personally perform work upon the said premises occupied or to be occupied by said owner thereof as such owner's established residence. The said owner, however, shall obtain the required permit before commencing upon said work.

**TITLE V**

**PENALTIES**

**DC 500 APPEALS**

1. The Building Official shall determine all questions arising under this Code and the laws and regulations in force in the County or Municipality relating to the same subject matter.
2. In case of dissatisfaction with any decision (except in respect to insecure and unsafe buildings and premises requiring immediate action) the question in dispute shall be referred to the Board of Building Appeals.

**DC 501 THE RESIDENTIAL BOARD OF BUILDING APPEALS**

1. **APPOINTMENT OF THE BOARD.**  
The governing body shall provide for the organization and maintenance of a Board of Building Appeals for one, two and three family structures. Said Board of Building Appeals shall consist of five citizens of the unincorporated portions of the County, or contracted municipality, appointed by the Board of County Commissioners. The terms of all members shall be five (5) years and so arranged that the term of one (1) member will expire each year. Each member shall serve until a successor is appointed. Of the said appointed members all of whom shall have recognized ability, broad training, and experience in problems and practice incidental to the construction and equipment of buildings and structures, one should be a registered Architect, one a registered Engineer, one a Contractor, one a Real Estate person and one a representative of the public at large. No member shall act on any matter in which the member has financial interest. In the event of a vacancy on the Board, the governing body shall appoint a new member who should have the same qualifications as the member being replaced and who shall serve the balance of the unexpired term of said member.
2. **ORGANIZATION OF THE BOARD**  
The Board shall organize by electing a Chair and Vice-Chair, who shall serve for a period of one year. The Building Official or the Building Official's representative shall appoint a Secretary who shall attend all meetings of the Board and shall provide such information, services and assistance as it may require.
  - A quorum shall consist of three members, and no official meeting shall be held unless a quorum is present at roll call. The affirmative vote of the majority of the members present at a meeting shall be necessary to pass any resolution or make any decision.
3. **RULES AND PROCEDURE**  
The Board shall adopt rules and regulations of procedure, which it may, from time to time, change at its discretion, provided however, that no rule or regulation shall be in conflict with any provision of the foregoing section entitled "Organization of the Board".

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Said rules and regulations shall fix time and place of regular meetings and shall provide for special meetings, for appeal procedure and for such other matters as are pertinent to the operation of the Board.

Complete minutes shall be kept of every meeting, setting forth all business transacted and decisions made. The minutes of each meeting shall contain the reasons for any decision made. All minutes shall be signed by the secretary. A copy of the minutes shall be sent to the Building Official and to every appellant who has an interest therein.

**4. POWERS AND DUTIES OF THE BOARD**

For the purpose of carrying out the intent and purpose of this Code, the Board shall have the following powers and perform the following duties:

- A To hear an appeal filed by any person or company adversely affected by a decision of the Building Official in the enforcement of this Code, and to determine whether decision of said Building Official should be reversed, modified or affirmed, and said Board shall have the power and authority to require by resolution that the Building Official modify, reverse or enforce the decision.
- B To formulate and report to the governing body from time to time, recommendations for action by them upon such amendments to the Code as the public health, safety and the general welfare may require.

**5. VARIANCES**

- A Variance from the provisions of this Code may be granted when it will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Code will result in unnecessary hardship.

**6. TIME AND NOTICE OF APPEAL**

- A An appeal from any decision of the Building Official may be taken within thirty (30) days from the date of the decision from which the appeal is taken by paying the required fee and filing with the Building Official and with the Board a notice of appeal, specifying the grounds therefore. The Building Official shall forthwith transmit to the Board papers upon which the action appealed was taken.

**7. APPEALS/VARIANCES**

- A An appeal/variance requested under this code shall be made on the proper form provided by the Building Official and shall be accompanied by the filing of the fee listed in the latest fee schedule.
- B In the event that the relief sought in an appeal is granted, the fee shall be returned.

TITLE VI

CONSTRUCTION – RESIDENTIAL AND NON-RESIDENTIAL CODES AS MODIFIED

**DC 600 DELAWARE COUNTY BUILDING CODES**

- 1. All design, construction, prefabrication, equipment or appliance installation, quality of materials, use and occupancy location and repair of 1, 2 & 3 family dwellings shall be in accordance with the provisions of the latest adopted edition of the “Residential Code Of Ohio” (RCO) and all other structures in accordance with the provisions of the latest edition of the “Ohio Building Code” (OBC).

**DC 601 AMENDMENTS TO RESIDENTIAL CODE**

- 1. R 112.2 Limitations on authority. Application for appeal shall be based on a claim that the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall only have authority to waive requirements of this code based upon section DC 501.5.
- 2. Table Number R301.2(1) Climatic and Geographic Design Criteria

Roof Snow Load:	20 lbs. per square feet
Wind Speed	115 MPH
Topographic Effects	No

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Seismic Design Category	A
Weathering:	Severe
Frost Line Depth:	36 inches (Includes OBC.)
Termite:	Moderate to heavy
Decay:	Slight to moderate
Winter Design Temp:	0-10 degrees F
Ice Shield Underlayment Required	Yes
Flood Hazards	A. 7/16/1979 B. 4/16/2009 C. 4/16/2009
Air Freezing Index	1396 degree F days
Mean Annual Temperature	50.1 degrees F

**DC 602 PRIVATE RESIDENTIAL SWIMMING POOLS, SPAS AND HOT TUBS**

- 2021 International Swimming Pool and Spa Code (ISPSC)  
Excluding:
  - Portable inflatable pools not designed to have a circulation system
  - On ground storable pools with circulations systems.
- Latest edition of the National Electrical Code (NEC) Article 680, as adopted by the State of Ohio.
- The contractor and/or owner shall provide and maintain an adequate enclosure sufficient to make it inaccessible by unauthorized persons. The enclosure shall be erected and maintained as soon as the pool is capable of holding water.

**DC 603 PATIO COVERS**

- 2021 IRC APPENDIX H

TITLE VII

**PENALTY FOR VIOLATION OF THE BUILDING CODE OF  
DELAWARE COUNTY, OHIO**

**DC 700 SEVERABILITY**

- Each Section of this Code and every part thereof is hereby declared to be an independent Section and part. Any holding of a Section or part thereof to be void or ineffective for any cause shall not be deemed to affect any other Section or part thereof.

Vote on Motion            Mr. Merrell      Aye      Mrs. Lewis      Aye      Mr. Benton      Absent

There being no further business, the meeting adjourned.

\_\_\_\_\_  
Gary Merrell

\_\_\_\_\_  
Barb Lewis

\_\_\_\_\_  
Jeff Benton