

MEMO

CITY OF CUYAHOGA FALLS
DEPARTMENT OF LAW

RECEIVED

To: Gerald Dzurilla
Louis Sharpe
From: Virgil Arrington Jr.
Date: February 6, 1997
Re: Agricultural Buildings

FEB 11 1997

ENGINEERING
DIVISION
CITY OF CUYAHOGA FALLS

The question has arisen as to whether our zoning and building permit requirements are applicable to agricultural building. The answer is "yes".

Nothing in our zoning code exempts agricultural buildings from its application. While townships and counties cannot regulate agricultural buildings through zoning, these limitations do not apply to municipalities. Accordingly, agricultural buildings must comply with our zoning requirements.

The building code issue is slightly more involved. The construction standards of the Ohio Basic Building Code, found in the Ohio Administrative Code at Section 4101:2-1-09 do not apply to buildings "which are incident to the use for agricultural purposes." However, this, by itself, does not mean that our local building permit requirement is not applicable.

Cuyahoga Falls Ord. 1301.02 provides that the OBBC applies "except where the Building Code of Cuyahoga Falls is more restrictive in which case provisions of the Building Code of Cuyahoga Falls shall govern." Thus, our local code can exceed the requirements of the Ohio Basic Building Code.

Cuyahoga Falls Ord. 1309.01 prohibits the erection of "a building" without a building permit. A "building" is any structure used to shelter persons, animals, or chattels. Cuyahoga Falls Ord. 1303.02(d). Nothing in our code exempts agricultural buildings from the requirement to obtain a permit. The obvious question then is why should a person obtain a building permit for a building if the building standards of the OBBC do not apply to the building?

There are several purposes for obtaining a building permit, only one of which is to assure compliance with the building code. Under our ordinances, it is also used to assure compliance with the zoning code. Cuyahoga Falls Ord. 1309.13 requires building

permit applications to conform to all "pertinent laws." Cuyahoga Falls Ord. 1161.02 contemplates the cooperation of the Building Department in the enforcement of the zoning code. This cooperation arises in the building permit approval process. In our local practice, your office circulates building permit applications to many different departments such as Fire, Water, and Planning. You can reject permit applications when they have not complied with zoning requirements even though they may comply with other building code requirements. This use of the building permit application process thus ensures compliance with all applicable codes, not just the building code.

Accordingly, in compliance with our building code which requires building permits on all buildings, and in order to facilitate the enforcement of the zoning code and other applicable codes, agricultural buildings are not exempt from the requirement to obtain building permits.

Any work done without a building permit, even on an agricultural building, should be stopped in the usual fashion as soon as it comes to the attention of your office.