

## **CODIFIED ORDINANCES OF HURON**

### **PART THIRTEEN - BUILDING CODE**

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**TITLE ONE - General Building Standards**

Chap. 1301. Ohio Building Code.

Chap. 1305 Residential Code of Ohio.

Chap. 1307. Property Maintenance Code.

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**CHAPTER 1301  
Ohio Building Code**

<p><b>1301.01 Adoption.</b></p> <p><b>1301.02 Purpose.</b></p> <p><b>1301.03 Scope.</b></p> <p><b>1301.04 Compliance.</b></p> <p><b>1301.05 Existing structures.</b></p>	<p><b>1301.06 Violations.</b></p> <p><b>1301.07 Stop work order.</b></p> <p><b>1301.08 Conflict.</b></p> <p><b>1301.09 Enforcement.</b></p> <p><b>1301.10 Plans; fee for inspection.</b></p> <p><b>1301.11 Fire hydrants.</b></p> <p><b>1301.99 Penalty.</b></p>
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**CROSS REFERENCES**

See sectional histories for similar State law

Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261

Power to enact further and additional regulations - see Ohio R.C. 3781.01

Authorization by Board of Building Standards - see Ohio R.C. 3781.12

Enforcement - see Ohio R.C. 3781.03, 3781.031, 3781.10(E), 3781.102, 3781.19

Final jurisdiction - see Ohio R.C. 3781.04

Application - see Ohio R.C. 3781.06, 3781.10(E), 3781.11(A)

Submission of plans - see Ohio R.C. 3791.04

Dead bolt locks in apartment buildings - see Ohio R.C. 3781.103

Smoke detection system for apartments and condominiums - see  
Ohio R.C. 3781.104

Automatic sprinkler systems - see Ohio R.C. 3781.105, 3791.041 et seq.

Fire suppression systems - see Ohio R.C. 3781.108

Use of public buildings by handicapped persons - see Ohio R.C. 3781.111

Energy conservation - see Ohio R.C. 3781.181, 3781.182, 3781.21

Abandoned service stations - see Ohio R.C. 3791.11 et seq.

Safety standards for refuse containers - see Ohio R.C. 3791.21

**1301.01 ADOPTION.**

There is hereby adopted by the Municipality, the Ohio Building Code (OBC) and related codes as adopted by the Ohio Board of Building Standards, Department of Industrial Relations, effective March 1, 2005, and as identified and published in Division 4101:1 et seq. of the Ohio Administrative Code (OAC).

**1301.02 PURPOSE.**

The purpose of the Ohio Building Code is to establish uniform minimum requirements for the erection, construction, repair, alteration, and maintenance of buildings, including construction of industrialized units. Such requirements shall relate to the conservation of energy, safety, and sanitation of buildings for their intended use and occupancy with consideration for the following:

- (a) Performance. Establish such requirements, in terms of performance objectives for the use intended.
- (b) Extent of Use. Permit to the fullest extent feasible, the use of materials and technical methods, devices, and improvements which tend to reduce the cost of construction without affecting minimum requirements for the health, safety, and security of the occupants of buildings without preferential treatment of types or classes of materials or products or methods of construction.
- (c) Standardization. To encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material and techniques, including methods employed to produce industrialized units.

The rules of the Board of Building Standards and proceedings shall be liberally construed in order to promote its purpose. When the Building Official finds that the proposed design is a reasonable interpretation of the provisions of this Code, it shall be approved. Materials, equipment and devices approved by the Building Official pursuant to Section 118 of the Ohio Building Code shall be constructed and installed in accordance with such approval.

(OBC 101.3)

**1301.03 SCOPE.**

The provisions of the Ohio Building Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures. As provided in Section 3791.04(B) of the Ohio Revised Code, no plans or specifications shall be approved or inspection approval given unless the building represented by those plans or specifications would, if constructed, repaired, erected or equipped according to those plans or specifications, comply with Chapters 3781 and 3791 of the Ohio Revised Code and any rules adopted by the Board.

An owner may exceed the requirements of the Ohio Building Code in compliance with Section 102.7 of the Ohio Building Code.

Exceptions:

- (a) Detached one-, and two-, and three-family dwellings and structures incidental to those dwellings which are not constructed as industrialized units shall comply with local residential codes, if any, adopted by the authority having jurisdiction. This exception does not include the energy provisions required in "Chapter 13, Energy Efficiency" of the OBC (see Sections 3781.06, 3781.181 and 3781.182 of the Ohio Revised Code);
- (b) Buildings owned by and used for a function of the United States Government;

- (c) Buildings or structures which are incident to the use for agricultural purposes of the land on which said buildings or structures are located, provided such buildings or structures are not used in the business of retail trade; for the purposes of this section, a building or structure is not considered used in the business of retail trade if fifty percent or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller. (See Sections 3781.06 and 3781.061 of the Ohio Revised Code);
- (d) Agricultural labor camps;
- (e) Type A or Type B family day-care homes;
- (f) Buildings or structures which are designed, constructed and maintained in accordance with federal standards and regulations and are used primarily for federal and state military purposes where the U.S. Secretary of Defense, pursuant to 10 U.S.C. Sections 18233(a)(1) and 18237, has acquired by purchase, lease, or transfer, and constructs, expands, rehabilitates, or corrects and equips, such buildings or structures as he determines to be necessary to carry out the purposes of Chapter 1803 of the U.S.C.;
- (g) Manufactured homes constructed under "24 CFR Part 3280", "Manufactured Home Construction and Safety Standards".  
(OBC 101.2)

#### **1301.04 COMPLIANCE.**

(a) No owner or any other person shall construct, erect, build or equip any building or structure to which the Ohio Building Code is applicable, or make any addition thereto or alteration thereof, except in case of repairs for maintenance without affecting the construction, sanitation, safety or other vital feature of such building or structure, without complying with this chapter, Ohio R.C. Chapters 3781 and 3791 or the Ohio Building Code, or fail to comply with any lawful order issued pursuant thereto.  
(ORC 3791.01, 3791.02)

(b) No architect, builder, engineer, plumber, carpenter, mason, contractor, subcontractor, foreman or employee shall violate or assist in violating this chapter, Ohio R.C. Chapters 3781 and 3791 or the Ohio Building Code, or fail to comply with any lawful order issued pursuant thereto.  
(ORC 3791.01, 3791.03)

(c) No owner or any other person shall proceed with the construction, erection, alteration or equipment of any building or structure to which the Ohio Building Code is applicable without complying with this chapter and the plan and specification submission and processing requirements of the Municipality, and until plans or drawings, specifications and data have been approved, or the industrialized unit has been inspected at the point of origin.  
(ORC 3791.04)

**1301.05 EXISTING STRUCTURES.**

The provisions of Chapter 34 of the Ohio Building Code shall control the alteration, repair, addition, and change of occupancy of any existing structure.

The occupancy of any structure currently existing on the date of adoption of this Code shall be permitted to continue without change provided the alleged occupancy can be shown to have existed for more than two years and there are no orders of the Building Official pending, no evidence of fraud, or no serious safety or sanitation hazard.

Buildings constructed in accordance with plans which have been approved prior to the effective date of this Code are existing buildings.  
(OBC 102.6)

**1301.06 VIOLATIONS.**

(a) Adjudication Orders Required Before Legal Proceedings. Before the Municipality attempts to enforce Chapters 3781 and 3791 of the Ohio Revised Code or any rules adopted pursuant thereto, by any remedy, civil or criminal, it shall issue an adjudication order within the meaning of Sections 119.06 to 119.13 of the Ohio Revised Code or a stop work order as provided in Section 1301.07. Every adjudication order shall:

- (1) Cite the law or rules directly involved and shall specify what appliances, site preparations, additions, or alterations to structures, plans, materials, assemblages or procedures are necessary for the same to comply with Chapters 3781 and 3791 of the Ohio Revised Code.
- (2) Include notice to the party of the procedure for appeal and right to a hearing if requested within thirty days of the mailing of the notice. The notice shall also inform the party that at the hearing he may be represented by counsel, present his arguments or contentions orally or in writing and present evidence and examine witnesses appearing for or against him.

(b) Notice of Violation. The Building Official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure. When the Building Official finds that work or equipment is contrary to approved construction documents and the rules of the Board of Building Standards, the Building Official shall send a notice in writing to the owner of said building or the owner's agent which shall state where and in what respect the work or equipment does not conform to the approved plans for same and the rules of the Board. The notice shall specify a reasonable period of time in which to conform to said plans or the rules of the Board. Before any work may continue on the construction, erection, alteration, or equipment of any building for which the approval is invalid, the owner of the building shall resubmit the plans or drawings and specifications for approval as required under Section 105.3 of the Ohio Building Code.

(c) Prosecution of Violation. Upon the issuance of any order provided for in this section or Section 1301.07, the person receiving an order shall cease work upon the site preparations or structure to be constructed, or in the case of an industrialized unit, the installation of the unit, or shall cease using the appliance, materials, assemblages or manufactured product identified in the order until such time as the appeal provided for in accordance with the provisions of Section 3781.19 of the Ohio Revised Code and all appeals from such hearing have been completed, or the order has been released.  
(OBC 113)

**1301.07 STOP WORK ORDER.**

(a) Authority. Whenever the Building Official finds any work regulated by this Code being performed in a manner contrary to the provisions of this Code or in a dangerous or unsafe manner, the Building Official is authorized to issue a stop work order whenever the Building Official finds, after inspection, that the site preparations or structure to be constructed, or in the case of an industrialized unit, the installation of the unit, or that the use of an appliance, materials, assemblage, or manufactured product does not comply with the provisions of Chapters 3781 and 3791 of the Ohio Revised Code or the rules adopted pursuant thereto. The effect of such an order shall be limited to the matter specified in the order.

(b) Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent and the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

(c) Unlawful Continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition. Failure to cease work after receipt of a stop work order is hereby declared a public nuisance.

(OBC 114)

**1301.08 CONFLICT.**

(a) General. Where, in any specific case, different sections of the Ohio Building Code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(b) Other Laws. The provisions of the Ohio Building Code shall not be deemed to nullify any provisions of state or federal law. The Municipality, under Section 3781.01 of the Ohio Revised Code, may make further and additional regulations, not in conflict with Chapters 3781 and 3791 of the Ohio Revised Code or with the rules of the Board of Building Standards. However, under Section 3781.12 of the Ohio Revised Code, approval by the Board of Building Standards of any fixture, device, material, system, assembly or product of a manufacturing process, or method or manner of construction or installation shall constitute approval for their use anywhere in Ohio. The rules of the Board of Building Standards shall supersede and govern any order, standard, or rule of the Division of the Fire Marshal or Industrial Compliance in the Department of Commerce, and Department of Health and of counties and townships, in all cases where such orders, standards or rules are in conflict with the rules of the Board of Building Standards, except that rules adopted and orders issued by the Fire Marshal pursuant to Chapter 3743, of the Ohio Revised Code prevail in the event of a conflict.

(OBC 102)

**1301.09 ENFORCEMENT.**

(a) General. The Building Official shall enforce provisions of the rules of the Board of Building Standards and of Chapters 3781 and 3791 of the Ohio Revised Code, relating to construction, arrangement, and the erection of buildings or parts thereof as defined in the rules of the Board in accordance with the certification except as follows:

- (1) Fire. The Fire Marshal or Fire Chief shall enforce all provisions of the rules of the Board relating to fire prevention.
- (2) Health. The Department of Health, or the Boards of Health, the Division of Industrial Compliance of the Department of Commerce, or the municipal Department of Building Inspection shall enforce such provisions relating to sanitary construction.
- (3) Engineering. The Department of the City Engineer, in cities having such departments, has complete supervision and regulation of the entire sewerage and drainage system of the City, including the house drain and the house sewer and all laterals draining into the street sewers. The department shall have control and supervision of the installation and construction of all drains and sewers that become a part of the sewerage system of the City and shall issue all the necessary permits and licenses for the construction and installation of all house drains and house sewers and of all other lateral drains that empty into the main sewers. Such Department shall keep a permanent record of the installation and location of every drain and sewerage system of the City.
- (4) No officer exempted. This section does not exempt any officer or department from the obligation of enforcing any provision of the rules of the Board.
- (5) Interpretations. The Building Official shall have the authority to render interpretations of the Ohio Building Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Code.

(b) Applications and Approvals. The Building Official shall receive applications, require the review of submitted construction documents and issue plan approvals for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such approvals have been issued and enforce compliance with the provisions of this Code.

(c) Notices and Orders. The Building Official shall issue all necessary notices or orders to ensure compliance with this Code. When the Building Official finds that work or equipment is contrary to approved plans therefor and the rules of the Board, the Building Official shall send a notice in writing to the owner of said building or the owner's agent. The notice shall state where and in what respect the work or equipment does not conform to the approved plans for same and the rules of the Board, and specify a reasonable period of time in which to conform to said plans or the rules of the Board.



(d) Inspections. If the plans for the erection, construction, repair, alteration, relocating, or equipment of a building are subject to inspection by the Building Official, under Section 109 of the Ohio Building Code, the Building Official shall cause to be made such inspections, investigations, and determinations as are necessary to determine whether or not the work which has been performed and the installations which have been made are in conformity with the approved plans and to safety and sanitation, except special inspections required under Section 1704 of the Ohio Building Code.

(e) Identification. The Building Department personnel shall show, when requested, proper identification when entering structures or premises in the performance of duties under this Code.

(f) Right of Entry. The Building Official, or Building Official's designee, is authorized to enter a structure or premises at reasonable times to inspect or to perform the duties imposed by this Code, provided that credentials are presented to the occupant and that entry is requested and obtained. Where permission to enter has not been obtained, is denied, or the Building Official has probable cause to believe that there exists in a structure or upon a premises a condition which is a serious hazard the Building Official shall have recourse to the remedies provided by law to secure entry.

(g) Department Records. The Building Official shall keep official records of applications received, certificate of plan approval issued, notices and orders issued, certificate of occupancy, and other such records required by the rules of the Board of Building Standards. Such information shall be retained in the official permanent record for each project. One set of approved construction documents shall be retained by the Building Official for a period of not less than one hundred eighty days from date of completion of the permitted work, or as required by document retention regulations.

(h) Liability. Liability of certified Building Department personnel for any tortuous act will be determined by Ohio courts to the applicable provisions of Chapter 2744 of the Ohio Revised Code.  
(OBC 104)

### **1301.10 PLANS; FEE FOR INSPECTION.**

(a) Plans for all buildings regulated by this chapter shall be prepared by and bear the seal of an Ohio registered architect or engineer. Two copies of such plans shall accompany the application for a building permit; one copy to be retained by the Building Official and one approved copy to be returned to the applicant upon the issuance of a building permit.

(b) The fee for the inspection of all plans and specifications for all buildings, including authorized industrialized units, required to be submitted to the Building Official under this section shall be a fixed administrative processing fee per structure or alteration, plus an additional fee for each 100 square feet of floor surface, or portion thereof, including all basement, cellar and subcellar floors, measuring the outside dimensions of the building at each floor level. Each subsequent alteration or any additional square footage that was not included in a previous plan examination shall be charged at the rates stated herein.

(c) The fees for the inspection of plans and specifications referred to in subsection (b) hereof shall be equal in amount to the fees authorized and charged by the Ohio State Board of Building Standards for inspection and review of plans and specifications submitted to it in compliance with the Ohio Building Code.

The building inspector shall from time to time certify a schedule of fees as being equal to those authorized and charged by the State of Ohio Board of Building Standards, sure certification to be made to the Clerk of Council. The fees set forth in such certification shall be in force upon filing with the Clerk and shall remain in force until superseded by a subsequent certification. (Ord. 1992-5. Passed 1-27-92.)

(d) A fee for the inspection of a structure for purposes other than where plan examination is or will be required, when requested in writing of the Building Official, shall be charged at the rate of fifty dollars (\$50.00) per inspection and shall be paid by the requestor prior to the inspection.

(Ord. 1979-26. Passed 10-8-79; Ord. 1991-4. Passed 5-13-91.)

### **1301.11 FIRE HYDRANTS.**

No building permit for any building shall be granted or issued unless the plans for such building or buildings indicate the placement of hydrants and size of water mains to be in accordance with the following requirements:

- (a) A minimum of two hydrants shall be located no further than 500 feet from any building.
- (b) No portion of any building shall be more than 300 feet from a hydrant. (Ord. 1979-26. Passed 10-8-79.)
- (c) All water mains installed shall be a minimum of eight inches in diameter, regardless of length. (Ord. 1984-42. Passed 11-14-84.)
- (d) (EDITOR'S NOTE: Former subsection (d) was repealed by Ordinance 1984-42, passed November 14, 1984.)
- (e) The Chief of the Fire Division shall approve the location of all fire hydrants herein required to be constructed.
- (f) All fire hydrants shall be so located that fire equipment can reach them by the use of driveways or other permanent surfaced roadways.

Notwithstanding the requirements set forth in this section, no person, firm or corporation shall be required to construct a fire hydrant on a public water main located within a public right of way or utility easement.

The Board of Building and Zoning Appeals may, upon application of any person, firm or corporation, grant a variance from the requirements of this section as will not be contrary to the public interest, but only in such cases where the enforcement of this section will result in undue hardship and only after obtaining the advice of the Chief of the Fire Division.

(Ord. 1979-26. Passed 10-8-79.)

### **1301.99 PENALTY.**

Whoever violates any provision of this chapter or any Code adopted herein or fails to comply with any lawful order issued pursuant thereto is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both. Each day during which noncompliance or a violation continues shall constitute a separate offense. The Municipality may institute injunction proceedings in Common Pleas Court to abate the nuisance of failure to cease work after receipt of a stop work order as referred to in Section 1301.07.

**CHAPTER 1305**  
**Residential Code of Ohio**

<b>1305.01</b>	<b>Adoption.</b>	<b>1305.99</b>	<b>Penalty.</b>
<b>1305.02</b>	<b>Definitions.</b>		
<b>1305.03</b>	<b>Future dwelling code changes.</b>		

**CROSS REFERENCES**

Adoption by reference - see CHTR. 3.08

**1305.01 ADOPTION.**

There is adopted for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of one, two and three family dwellings and appurtenant structures that certain building code known as the most current edition of the Residential Code of Ohio, as approved and adopted by the Ohio Board of Building Standards, in its entirety, including the National Electrical Code and the Ohio Plumbing Code. (Ord. 2006-17. Passed 10-24-06.)

**1305.02 DEFINITIONS.**

Wherever titles, words and phrases are used in portions of the Residential Code of Ohio, as adopted, such terms shall be construed to mean the equivalent officer, word or phrase applicable to the City.

- (a) "Code Official" means the Zoning Inspector of the City or its contractor.
- (b) "Board of Appeals" means the Board of Building and Zoning Appeals created by Section 7.02 of the City Charter.  
(Ord. 2012-34. Passed 7-24-12.)

**1305.03 FUTURE DWELLING CODE CHANGES.**

All revisions and additions to the Residential Code of Ohio by the appropriate governing body shall automatically become a part of the City's One, Two and Three Family Dwelling Code. The Zoning Inspector shall file such changes or amendments with the Clerk of Council immediately upon receipt of same.  
(Ord. 2012-34. Passed 7-24-12.)

**1305.99 PENALTY.**

Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.  
(Ord. 2006-17. Passed 10-24-06.)

**CHAPTER 1307**  
**Property Maintenance Code**

<b>1307.01</b>	<b>International Property Maintenance Code adopted.</b>	<b>1307.03</b>	<b>Future International Property Maintenance Code changes.</b>
<b>1307.02</b>	<b>Definitions.</b>	<b>1307.99</b>	<b>Penalty.</b>

**CROSS REFERENCES**

Adoption by reference - see CHTR. 3.08  
Junk vehicles - see GEN. OFF. Ch. 523  
Collection of refuse - see GEN. OFF. 521.08  
Weeds - see GEN. OFF. Ch. 557

**1307.01 INTERNATIONAL PROPERTY MAINTENANCE CODE  
ADOPTED.**

There is adopted for the purpose of establishing rules and regulations for the maintenance of property within the City of Huron that certain property maintenance code known as the most current edition of the International Property Maintenance Code, in its entirety.  
(Ord. 2004-20. Passed 10-11-04.)

**1307.02 DEFINITIONS.**

Wherever titles, words and phrases are used in portions of the International Property Maintenance Code, as adopted, such terms shall be construed to mean the equivalent officer, word or phrase applicable to the City.

“Building Official” means the Building Official of the City.

“Board of Appeals” means the Board of Building and Zoning Appeals created by Section 7.02 of the City Charter.

(Ord. 2004-20. Passed 10-11-04.)

**1307.03 FUTURE INTERNATIONAL PROPERTY MAINTENANCE  
CODE CHANGES.**

All revisions and additions to the International Property Maintenance Code by the appropriate governing body shall automatically become part of the City of Huron’s Property Maintenance Code. The Building Official shall file such changes or amendments with the Clerk of Council immediately upon receipt of same.

(Ord. 2004-20. Passed 10-11-04.)

**1307.99 PENALTY.**

Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. (Ord. 2004-20. Passed 10-11-04.)



**TITLE THREE - Administration**

- Chap. 1313. Site Plan and Storm Water Pollution Prevention Plan (SWPPP) Review.  
 Chap. 1315. Storm Water Management.  
 Chap. 1317. Storm Water Management - Post-Construction.  
 Chap. 1321. Permits and Fees.  
 Chap. 1323. Contractors.

**CHAPTER 1313**

**Site Plan and Storm Water Pollution Prevention Plan (SWPPP) Review**

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| <p><b>1313.01 Purpose.</b></p> <p><b>1313.02 Requirements.</b></p> | <p><b>1313.03 Procedure for filing and review.</b></p> <p><b>1313.04 Fees.</b></p> <p><b>1313.99 Penalty.</b></p> |
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**CROSS REFERENCES**

Plans and fees under Ohio Building Code - see BLDG.  
 1301.10

**1313.01 PURPOSE.**

In order to assure the proper development of all property within the City and in order to comprehensively correlate the provisions of this chapter and other ordinances of the City, it shall be required that prior to the issuance of a building permit on any lot, building site, parcel or property, a suitable site development plan and a SWPPP shall be submitted to the Department of Building and Housing and that such plans shall be subject to review by the City Planning Commission, City Building and Housing Department, and the City Engineering Office. (Ord. 2013-39. Passed 9-24-13.)

**1313.02 REQUIREMENTS.**

(a) Upon the filing of an application for a building permit for every building or structure, other than a single family or a two family dwelling, the applicant shall also submit a site development plan to the Zoning Inspector/Building Official. The site development plan shall include the following information:

- (1) A scale drawing showing:
  - A. Existing and proposed land uses and the location of existing and proposed buildings and other accessory structures on the site.
  - B. The location of vehicular ingress and egress and parking spaces, (both existing and proposed) and the dimensions of the same.
  - C. The extent and type of parking lot and driveway paving.

- D. The location and dimensions of all pedestrian ways and/or sidewalks.
  - E. The location and size of all existing and proposed utilities.
  - F. Complete building elevations and signage including color renderings of the same
  - G. Lighting plan for the site including style and intensity of all parking lot and building mounted lights.
  - H. The plan and method of disposing of all surface water from development area, which drainage plan shall be in accordance with Section 1115.03 of the Subdivision Regulations.
- (2) A written statement containing the following:
- A. A legal description of the site and a statement of the present ownership of all the land included within the site development area.
  - B. A statement of ownership (names and addresses) and the present use of all properties located within 150 feet of the exterior boundaries of the subject development site.
  - C. A general indication of the expected schedules and/or phases of development.

(b) Design review responsibilities (architectural review) shall be performed as a subcommittee of the Planning Commission and shall be in accordance with the rules and regulations of the Commission for every building or structural with the exception of one and two family dwellings. Design review shall also include the Subcommittee's review of all signage. The standards used by the Commission for design review shall be in accordance with Chapter 1135.

(c) Upon the filing of an application for a building permit for a single family or a two family dwelling, the applicant shall also submit a site development plan to the Zoning Inspector/Building Official. The site development plan shall include the following information: A scale drawing showing:

- (1) Existing and proposed land uses and the location of existing and proposed buildings and other accessory structures on the site. house number.
- (2) The location of vehicular ingress and egress and the dimensions of the same.
- (3) The location and dimensions of all pedestrian ways and/or sidewalks.
- (4) The location and size of all existing and proposed utilities.
- (5) Complete building elevations.
- (6) The method of disposing of all surface water from the development area.

(d) Upon the filing of an application for a Building Permit for a Plan of Development larger than 1 acre in size of disturbed area, the applicant shall submit a comprehensive Storm Water Pollution Prevention Plan (SWPPP) to the City Engineer for review. The SWPPP shall meet the requirements set forth in the Title Three, Chapter(s) 1315 and 1317. (Ord. 2013-39. Passed 9-24-13.)

### **1313.03 PROCEDURE FOR FILING AND REVIEW.**

(a) For all site plans (including design review requirements), with the exception of single or two family projects, seven (7) copies of the site development plan and all accessory and supporting documents shall be submitted to the Zoning Inspector/Building Official.

- (1) For design review submittal, the developer shall submit seven (7) copies of the architectural plan, including accurate color renderings, landscaping, and lighting, and all other materials needed to allow the Design Review



Subcommittee to make an accurate review of the project in accordance with Chapter 1135. This submittal can be done at the time of filing for the site plan or can be done after the preliminary approval of the site plan by the Commission. The Commission can not give final approval of the plan and the zoning and building permit may not be issued until the Commission gives their final approval of the complete plan, including the design review portion

(b) For all Development Projects disturbing 1 or more acres, three (3) copies of the Site SWPPP and all accessory and supporting documents shall be submitted to the City Engineer. The engineer shall review the plans and shall approve or return these with comments and recommendations for revisions within thirty (30) working days after receipt of the plan described above. A plan rejected because of deficiencies shall receive a report stating specific problems. At the time of receipt of a revised plan, another thirty (30) day review period shall begin.

(c) SWPPP Plans for site larger than one (1) acre must receive approval from the City Engineer before a Building Permit can be issued.

(d) Site development plans for a building site for single family or two family dwellings may be approved by the Zoning Inspector/Building Official without further review by the Planning Commission.

(e) Site development plans for all building sites other than for single family or two family dwellings shall be submitted by the Zoning Inspector/Building Official to the Planning Commission for review within thirty days of the filing of the plan.

(f) The Planning Commission shall consider such plan at a public meeting; notice of which meeting shall be served by regular mail to all property owners within 150 feet of the exterior boundaries of the subject site. Such public meeting shall be the next regularly scheduled meeting of the Planning Commission provided the plan is filed with the Zoning Inspector/Building Official by the applicant at least ten (10) days prior to the date of the regular meeting.

(g) Within thirty (30) days from the date of the public meeting considering such change, the Planning Commission shall approve, deny or modify the plan.

(h) Any property owner entitled to notice of the Planning Commission's review (including the design review aspect), as herein provided, and each person submitting a site development plan, shall be entitled to appeal the decision of the Zoning Inspector/Building Official and/or the Planning Commission in approving, modifying, or denying the plan, to the City Council. Such appeal shall be perfected by filing a notice in writing with the Clerk of Council within five (5) days of the decision being appealed. Such notice of appeal shall state in detail the reasons or reason why the decision is being appealed. Any applicant aggrieved by the decision of the City Council, on the appeal described in Subsection (a) above, may appeal said final decision to the Court of the Common Pleas that such decision was unreasonable or unlawful. Such petition shall be filed with the Court within thirty (30) days of the meeting of the City Council at which said decision was made.

(i) The Zoning Inspector/Building Official shall not issue a Zoning Permit or a Building Permit and or a Certificate of Occupancy for the structure/project, until all the requirements of the Planning Commission, including design review and SWPPP review, have been fully complied with.

(j) An approval for a site plan and SWPPP shall be in effect for a period of two (2) years from the date of the Commission's approval. If the project is not started with continual work being performed within that time, the approval shall be voided.  
(Ord. 2013-39. Passed 9-24-13.)

**1313.04 FEES.**

Fees for the review of the site development plan, including the design review, as required by this chapter, shall be as prescribed by Council in Section 1321.12.  
(Ord. 2013-39. Passed 9-24-13.)

**1313.99 PENALTY.**

Whoever violates any portion of this Chapter, or fails to comply fully with the requirements of the Planning Commission, shall be deemed in violation of the Zoning Code and such violation shall be punishable under Section 1131.01 (h) and (i) of the Zoning Code.  
(Ord. 2013-39. Passed 9-24-13.)

**CHAPTER 1315**  
**Storm Water Management**

<p><b>1315.01</b> Definitions.</p> <p><b>1315.02</b> Purpose.</p> <p><b>1315.03</b> Disclaimer of liability.</p> <p><b>1315.04</b> Conflicts, severability, nuisances and responsibility.</p> <p><b>1315.05</b> Effective date.</p> <p><b>1315.06</b> Scope.</p> <p><b>1315.07</b> Consultations.</p> <p><b>1315.08</b> Construction Site Conservation Plan.</p> <p><b>1315.09</b> Easements.</p> <p><b>1315.10</b> Maintenance.</p> <p><b>1315.11</b> Minimum standards.</p> <p><b>1315.12</b> Stream channel and floodplain erosion design criteria.</p>	<p><b>1315.13</b> Compliance with other rules and regulations.</p> <p><b>1315.14</b> Violations.</p> <p><b>1315.15</b> Construction and maintenance guarantee.</p> <p><b>1315.16</b> Application procedures for Construction Conservation Plans (CCP).</p> <p><b>1315.17</b> Reserved.</p> <p><b>1315.18</b> Reserved.</p> <p><b>1315.99</b> Penalty.</p>
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**CROSS REFERENCES**

Plans and fees under Ohio Building Code - see BLDG. 1301.10  
Flood control development permit - see P. & Z. 1128.12 et seq.

**1315.01 DEFINITIONS.**

As used in this chapter:

- (a) **APPROVING AUTHORITY:** The official responsible for administering the applicable program(s).
- (b) **BEST MANAGEMENT PRACTICE (BMP):** Any practice or combination of practices that is determined to be the most effective, practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution generated by nonpoint sources of pollution to a level compatible with water quality goals. BMPs may include structural practices, conservation practices and operation and maintenance procedures.
- (c) **CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC):** A person that has subscribed to the Code of Ethics and have met the requirements established by the CPESC Council of Certified Professional In Erosion and Sediment Control, Inc. to be a Certified Professional in Erosion and Sediment Control.

- (d) **CHANNEL:** A natural stream that conveys water, or a ditch or channel excavated for the natural flow of water.
- (e) **CONCENTRATED STORM WATER RUNOFF:** Surface water runoff which converges and flows primarily through water conveyance features such as swales, gullies, waterways, channels or storm sewers, and which exceeds the maximum specified flow rates of filters or perimeter controls intended to control sheet flow.
- (f) **CONSERVATION:** The wise use and management of natural resources.
- (g) **CUT AND FILL SLOPES:** A portion of land surface or area from which soil material is excavated and/or filled.
- (h) **DENUDED AREA:** A portion of land surface on which the vegetation or other soil stabilization features have been removed, destroyed or covered, and which may result in or contribute to erosion and sedimentation.
- (i) **DETENTION BASIN:** A storm water management pond that remains dry between storm events. Storm water management ponds include a properly engineered/designed volume which is dedicated to the temporary storage and slow release of runoff waters.
- (j) **DEVELOPMENT AREA:** Any tract, lot, or parcel of land, or combination of tracts, lots or parcels of land, which are in one ownership, or are contiguous and in diverse ownership, where earth-disturbing activity is to be performed.
- (k) **DITCH:** An excavation, either dug or natural, for the purpose of drainage or irrigation, and having intermittent flow.
- (l) **DUMPING:** The grading, pushing, piling, throwing, unloading or placing of soil or other material.
- (m) **EARTH DISTURBING ACTIVITY:** Any grading, excavating, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed.
- (n) **EARTH MATERIAL:** Soil, sediment, rock, sand, gravel, and organic material or residue associated with or attached to the soil.
- (o) **EROSION:** The process by which the land surface is worn away by the action of water, wind, ice or gravity.
- (p) **EXISTING:** In existence at the time of the passage of these regulations.
- (q) **FREQUENCY STORM:** A rainfall event of a magnitude having a specified average recurrence interval and is calculated with Natural Resources Conservation Service, USDA Type II twenty-four hour curves or depth-duration frequency curves.
- (r) **GRADING:** Earth disturbing activity such as excavation, stripping, cutting, filling, stockpiling, or any combination thereof.
- (s) **GRUBBING:** Removing, clearing or scalping material such as roots, stumps or sod.
- (t) **LARGER COMMON PLAN OF DEVELOPMENT OR SALE:** A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.
- (u) **LANDSLIDE:** The rapid mass movement of soil and rock material downhill under the influence of gravity in which the movement of the soil mass occurs along an interior surface of sliding.
- (v) **LOCAL COUNTY SWCD:** The local county Soil and Water Conservation District.
- (w) **NATURAL RESOURCES CONSERVATION SERVICE (NRCS):** An agency of the United States Department of Agriculture, formerly known as the Soil Conservation Service (SCS).

- (x) **NPDES PERMIT:** A National Pollutant Discharge Elimination System Permit issued by Ohio EPA under the authority of the USEPA, and derived from the Federal Clean Water Act.
- (y) **OHIO EPA:** The Ohio Environmental Protection Agency.
- (z) **ORDINARY HIGH WATER MARK:** The point of the bank or shore to which the presence and action of surface water is so continuous as to leave a district marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- (aa) **OUTFALL:** An area where water flows from a structure such as a conduit, storm sewer, improved channel or drain, and the area immediately beyond the structure which is impacted by the velocity of flow in the structure.
- (bb) **PERSON:** Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, township, county, state agency, the federal government, or any combination thereof.
- (cc) **PROFESSIONAL ENGINEER:** A person registered in the State of Ohio as a Professional Engineer, with specific education and experience in water resources engineering, acting in strict conformance with the Code of Ethics of the Ohio Board of Registration for Engineers and Surveyors.
- (dd) **QUALIFIED INSPECTION PERSONNEL:** A person knowledgeable in the principles and practice of erosion and sediment controls, who possesses the skills to assess all conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the construction activity.
- (ee) **REDEVELOPMENT:** The demolition or removal of existing structures or land uses and construction of new ones.
- (ff) **RETENTION BASIN:** A storm water management pond that maintains a permanent pool of water. These storm water management ponds include a properly engineered/designed volume dedicated to the temporary storage and slow release of runoff waters.
- (gg) **RIPARIAN AREA:** Naturally vegetated land adjacent to watercourses which, if appropriately sized, helps to stabilize streambanks, limit erosion, reduce flood flows, and/or filter and settle out runoff pollutants, or which performs other functions consistent with the purposes of these regulations.
- (hh) **RIPARIAN SETBACK:** Those lands within the Community which are alongside streams where earth disturbing activities will not take place and natural vegetation will not be removed.
- (ii) **SEDIMENT:** Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity or ice, and has come to rest on the earth's surface either on dry land or in a body of water.
- (jj) **SEDIMENT SETTLING POND:** A temporary Sediment Pond that releases runoff at a controlled rate. It is designed to slowly release runoff, detaining it long enough to allow most of the sediment to settle out of the water. The outlet structure is usually a designed pipe riser and barrel. The entire structure is removed after construction. Permanent storm water detention structures can be modified to function as temporary Sediment Basins.
- (kk) **SEDIMENT CONTROL:** The limiting of sediment being transported by controlling erosion or detaining sediment-laden water and, allowing the sediment to settle out.

- (ll) **SEDIMENT BARRIER:** A sediment control device such as a geotextile Silt Fence or a grass Filter Strip, usually capable of controlling only small flow rates. (Straw bale barriers are not acceptable.)
- (mm) **SEDIMENT POLLUTION:** A failure to use management or conservation practices to control wind or water erosion of the soil and to minimize the degradation of water resources by soil sediment in conjunction with land grading, excavating, filling, or other soil disturbing activities on land used or being developed for commercial, industrial, residential, or other purposes.
- (nn) **SENSITIVE AREA:** An area or water resource that requires special management because of its susceptibility to sediment pollution, or because of its importance to the well-being of the surrounding communities, region, or the state and includes, but is not limited to, the following:
- (1) Ponds, wetlands or small lakes with less than five acres of surface area;
  - (2) Small streams with gradients less than ten feet per mile with average annual flows of less than 3.5 feet per second containing sand or gravel bottoms.
  - (3) Drainage areas of a locally or Ohio designated Scenic River.
  - (4) Riparian and wetland areas.
- (oo) **SETTLING POND:** A runoff detention structure, such as a Sediment Basin or Sediment Trap, which detains sediment-laden runoff, allowing sediment to settle out.
- (pp) **SHEET FLOW:** Water runoff in a thin uniform layer or rills and which is of small enough quantity to be treated by sediment barriers.
- (qq) **SLIP:** A landslide as defined under "Landslides."
- (rr) **SLOUGHING:** A slip or downward movement of an extended layer of soil resulting from the undermining action of water or the earth disturbing activity of man.
- (ss) **SOIL:** Unconsolidated erodible earth material consisting of minerals and/or organics.
- (tt) **SOIL CONSERVATION SERVICE, USDA:** The federal agency now titled the "Natural Resources Conservation Service," which is an agency of the United States Department of Agriculture.
- (uu) **SOIL EROSION AND SEDIMENT CONTROL PLAN:** A written and/or drawn soil erosion and sediment pollution control plan to minimize erosion and prevent off-site sedimentation throughout all earth disturbing activities on a development area.
- (vv) **SOIL EROSION AND SEDIMENT CONTROL PRACTICES:** Conservation measures used to control sediment pollution and including structural practices, vegetative practices and management techniques.
- (ww) **SOIL STABILIZATION:** Vegetative or structural soil cover that controls erosion, and includes permanent and temporary seeding, mulch, sod, pavement, etc.
- (xx) **SOIL SURVEY:** The official soil survey produced by the Natural Resources Conservation Service, USDA in cooperation with the Division of Soil and Water Conservation, ODNR and the local Board of County Commissioners.
- (yy) **STORM WATER CONTROL STRUCTURE:** Practice used to control accelerated storm water runoff from development areas.
- (zz) **STORM WATER CONVEYANCE:** All storm sewers, channels, streams, ponds, lakes, etc., used for conveying concentrated storm water runoff, or for storing storm water runoff.

- (aaa) **STORM WATER POLLUTION PREVENTION PLAN (SWP3):** The plan required by Ohio EPA to meet the requirements of its National Pollutant Discharge Elimination System (NPDES) Permit program for construction activities.
- (bbb) **STREAM:** A body of water running or flowing on the earth's surface, or a channel with a defined bed and banks in which such flow occurs. Flow may be seasonally intermittent.
- (ccc) **UNSTABLE SOIL:** A portion of land surface or area which is prone to slipping, sloughing or landslides, or is identified by Natural Resources Conservation Service methodology as having a low soil strength.
- (ddd) **USEPA:** The United States Environmental Protection agency.
- (eee) **WASTEWATER:** Any water that is contaminated with gasoline, fuel oil, hydrocarbon based chemicals, paint, paint washing liquids or other paint wastes, sanitary wastes, or any other Ohio EPA regulated contaminants.
- (fff) **WATERCOURSE:** Any natural, perennial, or intermittent channel with a defined bed and banks, stream, river or brook.
- (ggg) **WATER RESOURCES:** All streams, lakes, ponds, wetlands, water courses, waterways, drainage systems, and all other bodies or accumulations of surface water, either natural or artificial, which are situated wholly or partly within, or border upon this state, or are within its jurisdiction, except those private waters which do not combine or affect a junction with natural surface waters.
- (hhh) **WETLAND:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (40 Codified Federal Register (CFR) 232, as amended). Wetlands shall be delineated by a site survey approved by the Community using delineation protocols accepted by the U.S. Army Corps of Engineers and the Ohio EPA at the time of application of this regulation. If a conflict exists between the delineation protocols of these two agencies, the delineation protocol that results in the most inclusive area of wetlands shall apply.
- (iii) **WETLAND SETBACK:** Those lands adjacent to wetlands where earth disturbing activities will not take place and natural vegetation will not be removed.
- (jjj) **WINTER:** October 1 to April 1 of each year.  
(Ord. 2013-40. Passed 9-24-13.)

### **1315.02 PURPOSE.**

(a) The intent of this regulation is to establish consistent technically feasible and operationally practical standards to achieve a level of storm water management, and erosion and sediment control that will minimize damage to public and private property and the degradation of water resources, and will promote and maintain the health, safety, and welfare of the residents of the Community.

- (b) This regulation further intends, but is not limited, to:
  - (1) Allow development while minimizing increases in downstream flooding, erosion, and sedimentation.
  - (2) Reduce damage to receiving water resources and drainage systems that are caused by new development or redevelopment activities.
  - (3) Control storm water runoff resulting from soil disturbing activities.

- (4) Assure that development site owners control the volume and rate of storm water runoff originating from their property so that surface water and ground water are protected, soil erosion is controlled, and flooding potential is not increased.
- (5) Preserve to the maximum extent practicable the natural drainage characteristics of the building site and minimize the need to construct, repair, and replace enclosed storm drain systems.
- (6) Preserve to the maximum extent practicable natural infiltration and groundwater recharge, and maintain subsurface flow that replenishes water resources, wetlands, and wells.
- (7) Assure that storm water controls are incorporated into site planning and design at the earliest possible stage.
- (8) Prevent unnecessary stripping of vegetation and loss of soil, especially adjacent to water resources and wetlands.
- (9) Reduce the need for costly maintenance and repairs to roads, embankments, sewage systems, ditches, water resources, wetlands, and storm water management practices that are the result of inadequate soil erosion, sediment and storm water control.
- (10) Reduce the long-term expense of remedial projects needed to address problems caused by inadequate storm water, erosion and sediment control.
- (11) Require the construction of storm water management practices that serve multiple purposes including flood control, soil erosion and sediment control, and require water quality protection; and encourage such practices that promote recreation and habitat preservation.
- (12) Ensure that all storm water management, soil erosion and sediment control practices are properly designed, constructed, and maintained.  
(Ord. 2013-40. Passed 9-24-13.)

#### **1315.03 DISCLAIMER OF LIABILITY.**

Neither submission of a plan under the provisions herein, nor compliance with the provisions of these regulations, shall relieve any person or entity from responsibility for damage to any person or property that is otherwise imposed by law.  
(Ord. 2013-40. Passed 9-24-13.)

#### **1315.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.**

(a) Where this chapter imposes a greater restriction upon land than is imposed or required by other Community provisions of law, ordinance, contract or deed, the provisions of this ordinance shall prevail.

(b) If a court of competent jurisdiction declares any clause, section, or provision of these regulations invalid or unconstitutional, the validity of the remainder shall not be affected thereby.

(c) These regulations shall not be construed as authorizing any person to maintain a private or public nuisance on their property. Compliance with the provisions of this regulation shall not be a defense in any action to abate such nuisance.



(d) Failure of the Community to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the owner from the responsibility for the condition or damage resulting there from, and shall not result in the Community, its officers, employees, or agents being responsible for any condition or damage resulting there from. (Ord. 2013-40. Passed 9-24-13.)

#### **1315.05 EFFECTIVE DATE.**

This chapter and its regulations shall become effective upon their passage. (Ord. 2013-40. Passed 9-24-13.)

#### **1315.06 SCOPE.**

This chapter applies to development areas having new or relocated projects involving highways, underground cables, pipelines, subdivisions, industrial projects, commercial projects, building activities on farms, redevelopment of urban areas and all other land uses not specifically exempted. This ordinance does not apply to:

- (a) Land disturbing activities related to producing agricultural crops or Silviculture operations regulated by the Ohio Agricultural Sediment Pollution Abatement Rules (1501: 15-3-01 to 1501: 15-3-09 of the Ohio Administrative Code) and existing at the time of passage of this regulation.
  - (b) Coal surface mining operations regulated by Chapter 1513 of the Ohio Revised Code and existing at the time of passage of this regulation.
  - (c) Other surface mining operations regulated by Chapter 1514 of the Ohio Revised Code and existing at the time of passage of this regulation.
- (Ord. 2013-40. Passed 9-24-13.)

#### **1315.07 CONSULTATIONS.**

In implementing these regulations the Community Engineer or other Community officials may consult with the local county SWCD, state and federal agencies and other technical experts as necessary. Any costs associated with such consultations may be assessed to the applicant or his or her designated representative. (Ord. 2013-40. Passed 9-24-13.)

#### **1315.08 CONSTRUCTION SITE CONSERVATION PLAN.**

In order to control storm water damage and sediment pollution of water resources, wetlands, riparian areas, other natural areas, and public and private lands, the owner of each development area shall be responsible for developing a comprehensive Construction Site Conservation Plan. This plan will address storm water management (volume and peak rate of runoff), soil erosion, sediment and other wastes control. This plan must contain a description of controls appropriate for each construction operation covered by these regulations, and the operator must implement the planned controls in a timely manner. The plan and BMPs used to satisfy the conditions of these regulations shall meet the standards and specifications in the current edition of the Ohio Rain Water and Land Development manual. The plan must make use of the practices that preserve the existing natural condition to the Maximum Extent Practicable. The plan shall identify the subcontractors engaged in activities that could impact storm water runoff. The Construction Site Conservation Plan shall contain signatures from all of the identified subcontractors indicating that they have been informed and understand their roles and responsibilities in complying with the Construction Site Conservation Plan.

- (a) Development Sites Under 1 (One) Acre in Size: Individual development sites that are larger than 8,000 square feet and smaller than one (1) acre (43,560 square feet) in total size of disturbed area, can submit abbreviated soil erosion and sediment control plans with the topography plan for the requested permit(s). The abbreviated plan must cover the following items, in addition to any other items from this ordinance that are required by the City Engineer.
- (1) Storm Water Issues: A statement as to how the increased storm water runoff that will be caused by the planned development project will be handled. The statement must identify the Best Management Practices (BMP'S) the new construction project will include in order to address storm water runoff.
  - (2) Redevelopment Exemption: Owners of development sites that were created by demolishing an older existing structure can request, in writing, that the City Engineer exempt them from the storm water issues if the total soil surface area being made impermeable is the same or less than the total soil surface area that was impermeable due to the structure(s) being torn down and removed.
  - (3) Riparian and Wetland Setbacks: All riparian and wetland setback areas will be identified in the plan and in the field before construction starts.
  - (4) Soil Erosion and Sediment Issues: A sketch of the entire development site must be submitted that identifies the location of:
    - A. All existing and planned impervious areas, storm water inlets, drainage swales, wetlands, streams, conservation easements and other natural features to be saved and protected on the property.
    - B. All existing and planned temporary and permanent conservation practices for the site. Residential lots shall include at a minimum the following:
      1. Soil erosion and sediment control BMPs, and;
      2. Construction Entrance, and;
      3. Temporary Grass Seeding with 2 tons per acre of straw mulch, and;
      4. Storm Drain Inlet Protection around every storm yard inlet on the site or accepting drainage from the site, and;
      5. Silt Fence protection for any stream located on or close to the site and lacking an adequate vegetative buffer, and;
      6. Silt Fence to prevent sediment discharge into street storm sewer inlets where no centralized sediment control exists for the drainage area that includes the lot, and;
      7. Construction fence to protect any conservation easements, riparian setbacks and wetland setbacks from encroachment by construction activities.
- (b) Development Sites 1 (One) Acre In Size or Larger: All developments that have a larger common plan of development or sale equal to or larger than one (1) acre in size of disturbed area are subject to this ordinance and shall follow all of the requirements set forth in this ordinance.
- (1) Description of the Plan of Construction: The following information shall be included in the Construction Site Conservation Plan:

- A. Site Description:
1. A description of the prior land uses of the site.
  2. A description of the nature and type of construction activity (e.g., low density residential, shopping mall, highway, etc.).
  3. A description of the total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavating, filling or grading, including off-site borrow, fill or spoil areas and off-site utility installation areas).
  4. An estimate of the impervious area and percent imperviousness created by the construction activity.
  5. The types of soils within, or affected by, the development area, and the location of all highly erodible or unstable soils as determined by the most current edition of the soil survey of the county, by the Natural Resources Conservation Service (NRCS),
  6. An onsite, detailed Soils Engineering Report if required by the Community Engineer.
  7. The name and/or location of the immediate receiving stream or surface water(s) and the first subsequent named receiving water and the major river watersheds in which it is located.
- B. A vicinity sketch locating:
1. The larger common plan of development or sale
  2. The development area
  3. All pertinent surrounding natural features within 200 feet of the development site including, but not limited to:
    - a. Water resources such as wetlands, springs, lakes, ponds, rivers and streams (including intermittent streams with a defined bed and bank)
    - b. Conservation Easements
    - c. Other sensitive natural resources
    - d. The sensitive areas receiving runoff from the development
  4. All off-site borrow or spoil areas
  5. All off-site utility installation areas that are related to the planned project
- C. The existing and proposed topography shown in the appropriate contour intervals as approved by the Community Engineer (generally one-foot contours are used).
- D. The location and description of existing and proposed drainage patterns and facilities, including any allied drainage facilities beyond the development area and the larger common plan of development or sale.
- E. Existing and proposed watershed boundary lines, direction of flow and watershed acreage.
- F. The person or entity responsible for continued maintenance of all vegetative and/or mechanical BMPs for both the construction and post-construction phases of the development.
- G. Long-term maintenance requirements and schedules of all BMPs for both the construction and post-construction phases of the development.

- H. Long-term maintenance inspection schedules.
  - I. The person or entity financially responsible for conducting the inspections of, and the maintenance of, permanent storm water conveyance and storage structures and all other conservation practices.
  - J. The method of ensuring that funding will be available to conduct the long-term maintenance and inspections of all permanent storm water, soil erosion and sediment control and water quality practices.
  - K. The location of any existing or planned riparian and/or wetland setback areas on the property.
  - L. The plan must clearly describe, for each major construction activity, the appropriate BMPs and the general timing (or sequence) during the construction process of when the measures will be implemented; and, who (which contractor) will be responsible for implementation (e.g., Contractor A will clear, grub and install perimeter controls and Contractor B will maintain perimeter controls until final stabilization; Contractor C will conduct and document the scheduled inspections.)
  - M. Location and description of any storm water discharges associated with dedicated asphalt and concrete plants covered by this regulation and the Best Management Practices to address pollutants in these storm water discharges.
- (2) Construction Site Conservation Plan Elements: the Construction Site Conservation Plan shall include, at a minimum, the following information:
- A. The Construction Site Conservation Plan shall include a map showing the location of:
    - 1. The limits of earth disturbing activity including excavations, filling, grading or clearing.
    - 2. Drainage patterns during major phases of construction.
    - 3. The location of each proposed soil erosion and sediment control BMP, including:
      - a. Permanent soil erosion control practices to be left in place after construction operations have been completed (e.g. level spreaders, permanent erosion control matting, gabions, rock lined channels, etc.),
      - b. Areas likely to require temporary stabilization during the course of site development,
      - c. Designated construction entrances where vehicles will access the construction site,
      - d. In-stream activities including stream crossings,
      - e. Areas designated for the storage or disposal of solid, sanitary and toxic wastes,
      - f. Dumpsters,
      - g. Cement truck washout,
      - h. Fuel tanks
      - i. BMPs that divert runoff away from disturbed areas and steep slopes where practicable including rock check dams, pipe slope drains, diversions to direct flow away from exposed soils, and protective grading practices,

- j. Sediment settling ponds drawn to scale.
    4. Existing and proposed locations of buildings, roads, parking facilities and utilities.
    5. Boundaries of wetlands and stream channels the owner intends to fill or relocate for which the owner is seeking approval from the US Army Corps of Engineers and/or Ohio EPA.
  - B. The Construction Site Conservation Plan shall include a list of soil erosion and sediment control BMPs being used and the standards and specifications, including detailed drawings, for each BMPs. This list shall include:
    1. Methods of controlling the flow of runoff from disturbed areas so as to prevent or minimize erosion.
    2. Identification of the Structural Practices to be used to control erosion and trap sediment from a site remaining disturbed for more than 14 days. A description shall be included of how each selected control will store runoff so as to let sediments settle out and/or divert flows away from exposed soils or act to limit runoff from exposed areas.
    3. Identification for each Structural Practice of its size, detail drawings, maintenance requirements and design calculations.
    4. The type and amount of plant seed, live plants, fertilizer, agricultural ground limestone and mulch to be used. Specification of soil testing requirements for fertility and lime requirements will be included. Specification for the use of perennial grass seed will also be included.
    5. Settling ponds will be identified with basic dimensions and the calculations for size and volume.
    6. Detailed drawings and installation requirements of all other structural control BMPs.
    7. Any other soil erosion and sediment control related BMPs and items that are required by the Community Engineer.
    8. For developments where the overall plan does not call for centralized sediment control capable of controlling multiple individual lots, a detail drawing of a project specific typical individual lot showing standard individual lot soil erosion and sediment control practices and the sequence and timing of BMP installation for the individual lots. This does not remove or eliminate the responsibility to designate and install specific soil erosion and sediment control practices for the storm water discharges.
  - C. The Construction Site Conservation Plan shall include the scheduling, phasing, and coordination of construction operations and erosion and sediment control BMPs, including vegetative plantings and mulch.
- (3) The Construction Site Conservation Plan shall include a description of the Storm Water Management (SWM) practices to be used on the site. The SWM element of the Plan shall include, at a minimum, the following:

- A. A map showing the location, drawn to scale, of permanent SWM conveyance, detention and retention structures, other SWM control structures and the SWM easements.
- B. A general description of the SWM strategy proposed to meet this chapter.
- C. Design calculations for all permanent SWM conveyance, detention and retention structures, and other SWM control structures.
- D. Any other SWM related items required by the Community Engineer. (Ord. 2013-40. Passed 9-24-13.)

### **1315.09 EASEMENTS.**

Future access to floodplains, flood control facilities, runoff drainage ditches and channels, runoff storage facilities, storm sewers and other drainage ways and structures, as required by the Community Engineer, shall be secured by means of easements.

- (a) The easements shall be recorded in the name of the Community and, in single-family residential developments, the homeowners association.
- (b) Such easements shall be not less than twenty-five (25) feet in width, in addition to the width of the ditch, channel, or other facility it is to serve. Access easements of this type shall be provided on one (1) side of the flood control or storm drainage ditch, channel, or similar type facility.
- (c) Access along the initial drainage system shall be by means of easements. Such easements shall be not less than twenty-five (25) feet in width, with a minimum ten (10) foot width on either side of the centerline.
- (d) Access adjacent to storage facilities shall consist of a twenty-five (25) foot easement in the case of detention (dry) basins, and a twenty-five (25) foot easement with a twenty-five (25) foot level bench in the case of retention (wet) basins, measured from the top of the bank, and shall include the storage facility itself.
- (e) Easements for the emergency flow ways shall be a minimum of twenty-five (25) feet in width, or larger if required by the Community Engineer.
- (f) Flood control or storm drainage easements containing underground facilities shall have a minimum width of twenty-five (25) feet.
- (g) The easements shall be restricted against the planting within said easement of trees, shrubbery or plantings with woody growth characteristics, and against the construction therein of buildings, accessory buildings, fences, walls or any other obstructions to the free flow of storm water and the movement of inspectors and maintenance equipment and also restricted against the changing of final grade from that described by the grading plan.  
(Ord. 2013-40. Passed 9-24-13.)

### **1315.10 MAINTENANCE.**

Any portion of the permanent drainage and soil erosion systems, including on-site and off-site storage facilities that are constructed by the owner, will be continuously maintained into perpetuity.

- (a) Maintenance plans shall be provided by the permittee to both the Community Engineer and the post- construction operator of the BMP (including homeowner associations) upon completion of construction activities and prior to the Community Engineer giving final approval for the completed construction.

- (b) Single Family and Multi-family Residential Developments: A Homeowners' Association shall be created and placed in title of the affected lands and shall be continuously responsible for post-construction maintenance and inspections into perpetuity unless such maintenance and inspections become officially accepted by the Community.
- (c) Apartments, Commercial and Industrial Developments: The plans will clearly state that the owner of the property shall be continuously responsible for post-construction maintenance and inspections into perpetuity unless the Community officially accepts such maintenance and inspections.
- (d) Maintenance Design: All temporary and permanent soil erosion and sediment control practices shall be designed and constructed to minimize maintenance requirements. Multi-use facilities incorporating assets such as aesthetics and recreation may be incorporated into the design of the drainage facilities. All permanent drainage, soil erosion, sediment control, water quality management systems and BMPs, including on-site and off-site structures and vegetation that are constructed or planted, must be inspected and maintained into perpetuity by the responsible party designated in the plans. Inspections and maintenance will be incorporated periodically throughout the year to ensure that the facilities are properly operational.
- (e) Perpetual Maintenance Inspections: One (1) inspection with a written report will be performed each year. The written report will be given to the Community Engineer by May 1 of each and every year after the Best Management Practice (BMP) has been completed.
  - (1) Structures that require a permit from the Ohio Division of Water: A written and stamped report from a professional engineer on the status of all structural BMPs that require a permit from the Ohio Department of Natural Resources (ODNR) Division of Water. This applies to all BMPs that require a permit either at the time of construction or fall under the jurisdiction of the ODNR Division of Water at any time after construction is completed.
  - (2) Easements: A written report from an inspector on the status of all storm water management easements for each project shall be submitted to the Community Engineer by May 1 of each year into perpetuity. These reports will document if restricted plantings, fences and structures are on the easement and will identify the location of the noted easement restriction violations.
  - (3) Best Management Practices (BMPs) that do not have a high risk for loss of life, bodily injury, or damage to structures or infrastructure related to imminent failure as determined by the Community Engineer: A written and stamped report from a professional engineer, landscape architect or Certified Professional In Erosion and Sediment Control (CPESC) on the status of permanent soil erosion, sediment control, water quality management systems and the status of the related easements shall be submitted to the Community Engineer by May 1 of each year into perpetuity.
  - (4) BMPs that have a potential loss of Life: A written and stamped report covering the status of all BMPs that have a potential for loss of life, bodily injury, or damage to structures or infrastructure will be prepared by a professional engineer or other individual possessing a valid state license that authorizes them to design the same type of BMP for construction.  
(Ord. 2013-40. Passed 9-24-13.)

**1315.11 MINIMUM STANDARDS.**

In order to control sediment pollution of water resources, the owner or person responsible for the development area shall use conservation planning and practices to maintain the level of conservation established in the following standards.

- (a) The plan shall include measures that control the flow of runoff from disturbed areas so as to prevent soil erosion from occurring.
- (b) Structural Practices shall be used to control erosion and trap sediment from areas remaining disturbed for more than 14 days.
- (c) Sediment Barriers: Sheet flow runoff from denuded areas shall be intercepted by Silt Fence or Diversions to protect adjacent properties and water resources from sediment. Where intended to provide sediment control, Silt Fence shall be placed on a level contour. The relationship between the maximum drainage areas to Silt Fence for a particular slope is shown in the table below (placing silt fence in a parallel series does not extend the size of the drainage area).

**Table 1: Silt Fence Applicability**

<b>Maximum drainage area (in acres) to Range of slope for a particular drainage area</b>	
<b>100 linear feet of Silt Fence</b>	<b>(in percent)</b>
0.5	< 2%
0.25	≥ 2% but < 20%
0.125	≥ 20% but < 50%

This does not preclude the use of other sediment barriers designed to control sheet flow runoff. The total runoff flow treated by a sediment barrier shall not exceed the design capacity for that sediment barrier. Straw Bale Barriers are not acceptable.

- (d) Storm Water Diversion Practices: Storm water diversion practices shall be used to keep runoff away from disturbed areas and steep slopes where practicable. Such practices, which include Swales, Dikes or Berms, Pipe Slope Drains and Diversions, may receive storm water runoff from areas up to ten (10) acres. Storm water diversion practices alone are not considered a sediment control practice unless those are used in conjunction with a sediment settling pond.
- (e) All sediment control practices must be capable of ponding runoff in order to be considered functional.
- (f) Clearing and Grubbing will be done in two (2) or more phases. The first phase will include only those locations necessary to install the perimeter soil erosion, sediment and storm water control BMPs. After the perimeter controls are in place and functioning, the remaining phase(s) of clearing and grubbing may continue.
- (g) Timing of Sediment Trapping Practices: Sediment control practices shall be functional throughout all phases of up slope earth disturbing activity. Settling facilities, perimeter controls and other practices intended to trap sediment shall be implemented prior to grading and within seven (7) days from the start of grubbing. They shall continue to function until the up slope development area is permanently restabilized. As construction progresses and the topography is altered, appropriate controls must be constructed or existing controls altered to address the changing drainage patterns.



- (h) **Stabilization of Denuded Areas:** Disturbed areas must be stabilized as specified in the tables below, or according to the Ohio EPA NPDES Storm Water Permit Rules, whichever is most restrictive:

**Table 2: Permanent Stabilization**

Area requiring permanent stabilization	Time frame to apply erosion controls
Any areas that will lie dormant for one (1) year or more	Within seven (7) days of the most recent disturbance
Any areas within fifth (50) feet of a stream and at final grade	Within two (2) days of reaching final grade
Any other areas at final grade	Within seven (7) days of reaching final grade within that area

**Table 3: Temporary Stabilization**

Area requiring permanent stabilization	Time frame to apply erosion controls
Any disturbed areas within 50 feet of a stream and not at final grade	Within two days of the most recent disturbance if the area will remain idle for more than 21 days
For all construction activities, any disturbed areas that will be dormant for more than 21 days but less than one year, and not within 50 feet of a stream	<p>Within seven days of the most recent disturbance within the area.</p> <p>For residential subdivisions, disturbed areas must be stabilized at least seven days prior to transfer of NPDES permit coverage for the individual lot (s). Proof of permit coverage transfer from Ohio EPA must be submitted to the Community Engineer. The Community Engineer shall then inspect the lot to ensure that the temporary seeding has been done.</p>
Disturbed areas that will be idle over winter	Prior to the onset of winter weather

- (i) **Sediment Settling Ponds:** A sediment settling pond is required for any one of the following conditions:
- Concentrated storm water runoff (e.g., storm sewer or ditch);
  - Runoff from drainage areas, which exceed the design capacity of silt fence or other sediment barriers;
  - Runoff from drainage areas that exceed the design capacity of inlet protection;
  - Runoff from common drainage locations with 10 or more acres of disturbed land.

Alternative controls can be used if the owner can show, in writing, that the Ohio EPA approved the use of alternatives that the owner demonstrated to be equivalent in effectiveness to a sediment settling pond.

- (1) Where storm sewer drainage areas include 10 or more acres disturbed at one time, a temporary (or permanent) sediment settling pond must be provided until final stabilization of the site. In single-family residential construction, final stabilization is after the houses are built and permanent landscaping is done.
    - A. It is recommended that for drainage locations of less than 10 acres, smaller sediment settling basins and/or sediment traps be used.
  - (2) Each facility's storage capacity shall be no less than 1800 cubic feet of dewatering zone area per acre of total contributing drainage area and 1000 cubic feet per disturbed acre of sediment storage zone area. The storage volume will be measured from the bottom of the basin to the top of the primary (principle) spillway.
  - (3) Permanent storm water management ponds that are designed to trap sediment during construction shall be designed to provide for a slow release of sediment-laden water. The draw down time must be at least 48 hours, or meet the criteria in the Ohio Rainwater and Land Development manual whichever is most stringent.
  - (4) The design configuration between inlet(s) and the outlet of settling ponds must provide at least two units of length for each one unit of width ( $> 2:1$  length to width ratio); a length to width ratio of 4:1 is recommended.
  - (5) The depth of the dewatering zone of the sediment settling pond must be less than or equal to five (5) feet.
  - (6) Sediment must be removed from the sediment settling ponds when the design capacity has been reduced by 40%.
  - (7) Public safety, especially as it relates to children, must be considered in the design. Alternative sediment controls must be used where site limitations would preclude a safe design.
  - (8) Temporary sediment settling ponds will not be constructed in any stream channel.
- (j) Storm Sewer Inlet Protection:
- (1) All storm sewer inlets that accept water runoff from the development area shall be protected so that sediment-laden water will not enter the storm sewer, unless the storm drain system drains to a Sediment Settling Pond and is exempted in writing by the Community Engineer. In areas where construction will be ongoing, such as subdivisions, the storm sewer protection shall be maintained until all up slope areas reach final stabilization, as determined by the Community Engineer.
  - (2) All inlets receiving runoff from drainage areas of one or more acres will require a sediment settling pond.
  - (3) At the end of this period the site owner shall hydraulically clean the storm sewers to the satisfaction of the Community Engineer. All sediments shall be removed from the system and shall not be flushed downstream.
- (k) Storm Sewer and Other Drainage Outlets: All storm sewers, footer drains, roof gutter drains and all other drains will be outletted at the bottom of the slope. The slope below the outlet will be able to control the water being drained through the storm sewer or other drains without causing erosion of the stream or channel banks or channel bottom or other areas that the water is outletted on.

- (l) Working Near, Or Crossing Streams and Wetlands:
- (1) Construction vehicles shall avoid water resources, wetlands, riparian areas, and their setbacks. If construction vehicles must cross these areas during construction, an approved temporary crossing shall be constructed. Streams, including intermittent streams with a defined bed and banks, shall be restabilized immediately after in-channel work is completed, interrupted, or stopped. Erodible materials will not be used in making stream crossings.
  - (2) No soil, rock, debris, or any other material shall be dumped or placed into a water resource or into such proximity that it may slough, slip, or erode into a water resource unless such dumping or placing is authorized by the approving authority and, when applicable, the US Army Corps Of Engineers and Ohio EPA, for such purposes as, but not limited to, constructing bridges, culverts, and erosion or sediment control structures.
  - (3) If construction activities disturb areas adjacent to streams, structural practices shall be designed and implemented on site to protect the adjacent streams from the impacts of sediment runoff.
  - (4) No temporary or permanent sediment controls will be constructed in a stream channel.
  - (5) Streams and wetland setbacks required by the community will be implemented. As a minimum a setback of 25 feet, as measured from the ordinary high water mark of the surface water, will be maintained in its natural state as a permanent buffer.
- (m) Construction Entrance:
- (1) Measures shall be taken to prevent soil transport onto public roads, or surfaces where runoff is not checked by sediment controls.
  - (2) Stone with geotextile construction entrance(s) shall be implemented as required by the Community Engineer and the Ohio EPA. These will be planned and installed according to the requirements in the most recent edition of the Ohio Rainwater and Land Development manual.
  - (3) Where soil is transported onto a public road surface, the roads shall be cleaned thoroughly at the end of each day, or more frequently, in order to ensure public safety. Soil shall be removed from paved surfaces by shoveling or sweeping. Street washing shall be allowed only after shoveling or sweeping has removed most of the sediment and street sewer inlet protection is properly installed unless end of sewer sediment ponds exist and are properly functioning.
  - (4) Erodible material ramps in streets will not be used to enable equipment to cross curbs. Non-erosive materials (e.g. wood and stone) can be used.
- (n) Unstable Soils:
- (1) Unstable soils will be as determined by the local county Soil Survey or by a detailed soils report.
  - (2) The Community Engineer may require detailed soil reports when deemed necessary.
  - (3) Unstable soils prone to slipping or land sliding shall not be graded, excavated, filled or have loads imposed upon them unless the work is performed in accordance with a qualified professional engineer's recommendations to correct, eliminate, or adequately address the problems.

- (o) Cut And Fill Slopes: Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion and slippage. Consideration shall be given to the length and steepness of the slope, soil type, up slope drainage area, groundwater conditions and slope stabilization. The minimum final unreinforced soil slopes will have a horizontal to vertical ratio of 2:1 (the horizontal will be two (2) times the vertical).
- (p) Stabilization of Outfalls and Channels: Outfalls and constructed or modified channels shall be designed and constructed to withstand the expected velocity of flow from the planned post-development frequency storm without eroding. The planned post-construction velocity and flow shall include the entire contributing watershed. Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel to provide non-erosive velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.
- (q) Establishment of Permanent Vegetation: A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until ground cover is achieved which, in the opinion of the Community Engineer, has 80% vegetative density over the entire disturbed area and provides adequate cover, and is mature enough to satisfactorily control soil erosion and survive adverse weather conditions.
- (r) Disposition of Temporary Practices: All temporary soil erosion and sediment control practices shall be disposed of immediately after final site stabilization is achieved or after the temporary practices are no longer needed, unless otherwise required by the Community Engineer. Trapped sediment shall be permanently stabilized to prevent further erosion. The Construction Maintenance Guarantee shall not be released by the Community until all temporary soil erosion and sediment control practices that are no longer needed have been removed, properly disposed of and any trapped sediment has been stabilized.
- (s) Underground Utility Construction: The construction of underground utility lines, pipes, etc. shall be subject to the following criteria:
- (1) Trenches shall remain open for no more than five days.
  - (2) There shall be no turbid discharges to surface waters resulting from dewatering activities. If trench or ground water contains sediment, it must pass through a sediment settling pond or other equally effective sediment control device, prior to being discharged from the construction site or to waters of the state.
  - (3) When discharging clean ground water care must be taken to ensure that it does not become pollutant laden by crossing over disturbed soils or other pollutant sources.
- (t) Inspections:
- (1) If inspections or other information indicates a control has been used inappropriately or incorrectly or it has failed, it must be replaced or modified for the site conditions.
  - (2) The owner of the development area shall have the site inspected for soil erosion, sediment control and other environmental concerns every seven (7) calendar days, and within twenty-four (24) hours of a 0.5 inch or greater rainfall event until the Community Engineer certifies the site as being stable. The Community Engineer certification does not relieve the permittee from meeting the Ohio EPA NPDES inspection requirements.

- (3) The inspection frequency may be reduced to at least once every month if the entire site is temporarily stabilized or runoff is unlikely due to weather conditions (e.g., the site is covered with snow, ice, or the ground is frozen.) A waiver of inspection requirements is available until one month before thawing conditions are expected to result in a discharge if all of the following conditions are met: the project is located in an area where frozen conditions are anticipated to continue for extended periods of time (i.e., more than one month); land disturbance activities have been suspended; and the beginning and ending dates of the waiver period are documented. Once a definable area has been fully stabilized, you may mark this on your plans and no further inspection requirements apply to that portion of the site.
- (4) Following each inspection, a checklist must be completed and signed by the qualified inspection personnel representative. At a minimum, the inspection report must include: i) the inspection date; ii) names, titles, and qualifications of personnel making the inspection; iii) weather information for the period since the last inspection including the timing, duration, and depth of any storms; iv) weather information and a description of any discharges occurring at the time of the inspection; v) location(s) of discharges of sediment or other pollutants from the site; vi) location(s) of BMPs that need to be maintained; vii) location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location; viii) location(s) where additional BMPs are needed that did not exist at the time of the inspection; and, ix) corrective action required including any necessary changes to the Comprehensive Storm Water Management Plan and implementation dates.
- (5) The inspection log will include the date and actions taken to correct problems noted in past inspection logs.
- (6) If the construction site is subject to Ohio EPA's National Pollutant Discharge Elimination System (NPDES) permit for construction activity, a copy of all of the required inspection sheets will be submitted to the Community Engineer within three (3) working days of the date that the inspection was conducted.
- (7) Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system.
- (8) Erosion and sediment controls identified in the Storm Water Pollution Prevention Plan shall be observed to ensure that they are operating correctly.
- (9) Discharge locations shall be inspected to ascertain whether erosion and sediment control measures are effective in preventing significant impacts to the receiving waters.
- (10) Locations where vehicles enter or exit the site shall be inspected for evidence of off-site vehicle tracking.
- (11) Sensitive areas including riparian and wetland setbacks shall be observed to ensure that they remain well marked and undisturbed.
- (12) If the inspection reveals that a control practice is in need of repair or maintenance, with the exception of sediment settling ponds, it must be repaired or maintained within three (3) days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.

- (13) If any inspection reveals that a control practice fails to perform its intended function and that another, more appropriate control practice is required, the Construction Site Conservation Plan must be amended and the new control practice must be installed within 10 days of the inspection.
  - (14) If the inspection reveals that a control practice has not been implemented in the time required by this ordinance it must be installed within ten (10) days from the date of inspection.
  - (15) If the inspection reveals that a planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.
- (u) Control of Materials and Debris: Site management practices shall be implemented to prevent toxic materials, hazardous materials, or other debris from entering the Community's and state's water resources or wetlands. These practices shall include, but are not limited to, the following:
- (1) A covered dumpster shall be made available for the proper disposal of construction site waste materials, garbage, plaster, drywall, grout, gypsum and etc. A second covered dumpster will be provided for the proper disposal of toxic and hazardous wastes.
  - (2) The washing of excess concrete material into a street, catch basin, or other public facility or natural resource shall not occur. A designated area for concrete washouts shall be made available and used for all concrete washouts.
  - (3) All fuel tanks and drums shall be stored in a marked storage area. A dike shall be constructed around this storage area with a minimum capacity equal to 110% of the volume of the largest container in the storage area. All additional requirements of the local fire authority must be followed. If the fuel tanks have a self-contained "dike," the plug will be kept in the "dike" tank at all times.
  - (4) Any toxic or hazardous wastes and/or contaminated soils must be disposed of according to all applicable environmental laws and statutes. Local health districts and Ohio EPA can provide guidance on these issues.
  - (5) On a site with a prior industrial landuse or a site that is contaminated with gasoline, fuel oil, hydrocarbon based chemicals or other Ohio EPA regulated contaminates, the storm water is considered wastewater. A permit from Ohio EPA is required to address these sites.
  - (6) Proper permits shall be obtained for development projects on solid waste landfill sites.
  - (7) Paint, paint washing liquids, excess paints and other paint wastes are considered solid wastes and shall be disposed of in accordance with applicable state regulations. Appropriate handling of these wastes shall occur at the site so as to prevent the discharge of these wastes into surface or ground waters.
    - A. Water based paint washing liquids and small quantities of excess water based paints may be disposed of by flushing down a connected sanitary sewer but may not be disposed of in an on- lot disposal system.
    - B. All other paints, paint thinners, and paint cleaning materials will be disposed of in the site's hazardous waste disposal dumpster.

- (8) Restroom facilities will be provided for site workers at all times that workers are present on the site and during all phases of the construction.
- (9) All required permits from appropriate federal, state, or local agencies are required to develop land with a previous industrial or commercial use or another use that may have led to soil contamination by a regulated pollutant.
- (v) Pre-winter Stabilization: If the development area will, or is planned to remain, active through the winter months, the owner of the development area shall hold a Pre-Winter Stabilization Meeting. The meeting will be held before October 1. The owner shall invite the operator, developer, engineer, contractor, Community Engineer and anyone else requested by the Community Engineer to the meeting.
- (w) Storm Water Basins:
  - (1) Pool Geometry: The minimum length-to-width ratio for the pond is 3:1 (the length will be three (3) times the width).
  - (2) Riser in Embankment: The riser shall be located within the embankment for purposes of maintenance access. Access to the riser will be by manholes.
  - (3) Water Drains: Each retention basin shall have a drainpipe that can completely drain the pond. The drain shall have an elbow within the pond to prevent sediment deposition from plugging the drain.
  - (4) Adjustable Gate Valves: Both the storm water management and water quality basin drains shall have adjustable gate valves. Valves shall be located inside the riser at a point where they will remain dry and can be operated in a safe and convenient manner. During the annual inspections the valves shall be fully opened and closed at least once, and the certifying official shall attest to this on the inspection form. To prevent vandalism, the handwheel shall be chained to a ringbolt or manhole step.
  - (5) Principal Spillway: Each principal spillway shall be designed in accordance with the NRCS standards and specifications for the office serving the county. Each principal spillway shall have the capacity to pass the 100-year design storm flow. The inlet or riser size for the pipe drops shall be designed so that the flow through the structure goes from weir flow control to pipe flow control without going into orifice control in the riser. The crest elevation of the primary spillway shall be no less than one foot below the emergency spillway crest. Premium joint pipe is required and a removable trash rack shall be installed at each location. Anti-seep collars shall be provided for all pipe conduits through an embankment.
  - (6) Emergency Spillway: An emergency spillway shall be provided on each storm water management basin. Emergency spillways shall convey flood flows safely past the embankment, and shall be designed in accordance with NRCS standards and specifications for the office serving the local county. Emergency spillways shall have a 100-year design storm capacity unless exempted in writing by the Community Engineer.
  - (7) Embankments: Each dam embankment shall be designed in accordance with the NRCS standards and specifications for the office serving the county that the project is located in. Anti-seep collars shall be provided for all pipe conduits through an embankment.
  - (8) Safety Features:
    - A. The primary spillway opening shall not permit access to the public and other non-maintenance personnel.

- B. The perimeter of all water pool areas that are deeper than three (3) feet shall be surrounded by benches that meet the following:
1. A safety bench, with a maximum slope of 3%, which extends outward, on dry land, from the shoreline. This bench will be a minimum of 25 feet wide to provide for the safety of individuals and maintenance vehicles that are adjacent to the water pool. The safety bench may be landscaped, without the use of structures, to prevent access to the water pool.
  2. Side slopes between the safety bench and the aquatic bench shall not be steeper than 3:1 (3 feet horizontal for every 1 foot vertical).
  3. An aquatic bench that extends inward from the shoreline far enough to ensure public safety and has a maximum depth of 15 inches below the normal water surface elevations. The aquatic bench may be landscaped to prevent access to the deeper water pool.
  4. Side slopes beyond the aquatic bench and below the permanent water level shall not be steeper than 2:1 (2 feet horizontal for every 1 foot vertical).
  5. The contours of the pond will be designed and managed to eliminate drop-offs and other hazards.
  6. Side slopes getting to the pond shall not exceed 3:1 and shall terminate on a safety bench.
  7. Soil erosion and sediment control practices used to satisfy these standards shall meet the standards and specifications in the current edition of the Ohio Rainwater and Land Development manual, NRCS Field Office Technical Guide for the local county or the Ohio EPA, whichever is most stringent.
- (x) These standards are general guidelines and shall not limit the right of the Community Engineer to impose at any time additional, more stringent requirements, nor shall the standards limit the right of the Community Engineer to waive, in writing, individual requirements.
- (y) Soil limitations shall be determined by using the current edition of the county soil survey written by the NRCS, USDA.
- (z) Methods for controlling increases in storm water runoff peaks and volumes may include, but are not limited to:
- (1) Retarding flow velocities by increasing friction; for example, grassed road ditches rather than paved street gutters where practical, discharging roof water to vegetated areas, or grass and rock-lined drainage channels.
  - (2) Grading and use of grade control structures to provide a level of control in flow paths and stream gradients.
  - (3) Induced infiltration of increased storm water runoff into soil, where practical; for example, constructing special infiltration areas where soils are suitable, retaining topsoil for all areas to be vegetated, or providing good infiltration areas with proper emergency overflow facilities.
  - (4) Provisions for detention and retention, for example, permanent retention ponds and lakes, dry detention basins, and subsurface detention tanks.
- (Ord. 2013-40. Passed 9-24-13.)



**1315.12 STREAM CHANNEL AND FLOODPLAIN EROSION DESIGN CRITERIA.**

(a) **Runoff Rate:** The peak runoff rate from the development area shall not be greater after development than it was before development. The applicant shall provide calculations proving no increase in the runoff rates from the one (1), two (2), five (5), ten (10), twenty-five (25), fifty (50) and one hundred (100) year storms.

(b) **Runoff Volume:** Increases in the runoff volume shall be offset by further restricting runoff rates. Based on the increase in runoff volume, the applicant shall determine the critical storm for the development area. The runoff rate from the critical storm shall be restricted to the one (1) year pre- development storm runoff rate. The critical storm shall be calculated as follows:

- (1) Determine the total volume of runoff from a one-year frequency, twenty-four hour storm, occurring on the development area before and after development.
- (2) From the volumes in paragraph (1) determine the percent of increase in volume of runoff due to development according to the equation  $(Q \text{ after} / Q \text{ before}) \times 100$  and, using this percentage, select the critical storm from this table:

**Table 4: Critical Storm Selection**

<b>The Percentage Increase In Volume Of Runoff Is:</b>		
<b>Equal To Or Greater Than</b>	<b>And Less Than</b>	<b>The 24-hour "Critical Storm" For Discharge Will Be</b>
0	10	1 Year
10	20	2 Years
20	50	5 Years
50	100	10 Years
100	250	25 Years
250	500	50 Years
500	---	100 Years

(c) **Detention Or Retention Basin Exemption For Redevelopment Or For Expansion Of Existing Facilities:**

- (1) For any development regulated by this ordinance, the construction of a detention or retention basin may not be required for the development if the post-development peak discharge for a 100 year frequency 24 hour storm increases the existing peak discharge by one (1) cubic foot per second or less using the TR-55 method of calculation or other method approved by the Community Engineer. The Community Engineer can waive this requirement if existing storm sewers and drainage structures can safely handle the expected increase in flow.
- (2) Only one (1) exemption will be allowed per parcel. Any subsequent expansion must provide for detention or retention and must include the previously exempted area.

(d) Where the Community Engineer determines that site constraints exist in a manner that compromises the intent of this ordinance to improve the management of storm water runoff as established in this section, practical alternatives may be used to result in an improvement of water quality and/or a reduction of storm water runoff. Such alternatives must be in keeping with the intent and likely cost of those measures that would otherwise be required to meet the objectives of this section. When possible, all practical alternatives shall be implemented within the drainage area of the proposed development project. Practical alternatives can include, but are not limited to:

- (1) Fees shall be paid in an amount specified by the Community Engineer. These fees shall be applied by the Community to storm water management practices that reduce existing storm water runoff.
- (2) Implementation of off-site storm water management practices.
- (3) Watershed or stream restoration.
- (4) Retrofitting of an existing storm water management practice.
- (5) Other practices approved by the Community Engineer in keeping with the intent of this section.

(Ord. 2013-40. Passed 9-24-13.)

### **1315.13 COMPLIANCE WITH OTHER RULES AND REGULATIONS.**

(a) Ohio Dam Safety Laws: The provisions of the Ohio Dam Safety Laws shall be followed. Proof of compliance with the Ohio Dam Safety Law administered by the ODNR Division of Water shall be, but is not limited to, a copy of the ODNR Division of Water permit number or a copy of the project approval letter from the ODNR Division of Water or a letter from the site owner explaining why the Ohio Dam Safety Law is not applicable. The written proof will be provided to the Community Engineer before a construction permit will be issued.

(b) NPDES Permits: The provisions of the National Pollutant Discharge Elimination System (NPDES) Permits, issued by the Ohio EPA, shall be followed. Proof of compliance shall be, but is not limited to, a copy of the Ohio EPA NPDES Permit number or a letter from the site owner explaining why the NPDES Permit is not applicable. The written proof will be provided to the Community Engineer before a construction permit will be issued.

(c) Federal and State Wetland Permits: The provisions of the U.S. Army Corps of Engineers dredge and fill permits for federally-protected wetlands shall be followed. The provisions of Ohio EPA's Isolated Wetlands Permits shall also be followed. Wetlands and other waters of the United States shall be delineated by protocols accepted by the U.S. Army Corps of Engineers and the Ohio EPA at the time of the application of these regulations. Written proof of compliance with both permit programs will be provided to the Community Engineer before a construction permit will be issued. Proof of compliance shall be, but is not limited to, the following:

A copy of the U.S. Army Corps of Engineers Individual Permit, if required for the project, showing project approval and any restrictions that apply to site activities; or a site plan showing that any proposed fill of waters of the United States conforms to the general and specific conditions specified in the applicable Nationwide Permit; or a letter from the site owner verifying that a qualified professional has surveyed the site and found no wetlands or other waters of the United States. Such a letter shall be noted on site plans submitted to the Community. (Ord. 2013-40. Passed 9-24-13.)

**1315.14 VIOLATIONS.**

No person shall violate, or cause, or knowingly permit to be violated, any of the provisions of these regulations, or fail to comply with any such provisions or with any lawful requirements of any public authority made pursuant to these regulations, or knowingly use or cause or permit the use of any lands in violation of these regulations or in violation of any permit granted under these regulations. (Ord. 2013-40. Passed 9-24-13.)

**1315.15 CONSTRUCTION AND MAINTENANCE GUARANTEE.**

(a) All permanent storm water, soil erosion, other wastes control, and water quality practices not specifically waived by the Community shall be constructed prior to the granting of the Final Plat Approval. Upon the request of the owner, the Community may defer the construction or installation of a permanent storm water, soil erosion, sediment, or other wastes control or water quality practice prior to the approval of the final plat where, in the Community Engineer's judgment, such proper construction or installation is not immediately necessary for the protection of the public health and safety; and where the prior installation or construction of such improvement would constitute an undue hardship on the owner because in the case of new vegetation or weather conditions, or because in the case of concrete, building construction could cause cracking and excessive wear and tear on new structures. In such event, the Community shall require a Security Bond, Escrow Account, Certified Check or Cash to guarantee that such deferred improvements will be properly constructed or installed within an agreed specified time, but not to exceed six (6) months after the filing of such final plat.

(b) The owner will provide a maintenance guarantee for all permanent improvements, and soil erosion, wastes controls, and water quality practices.

(c) The Community shall require a Security Bond, Escrow Account, Certified Check or Cash to guarantee that the planned temporary and permanent soil erosion, sediment, and other wastes controls and water quality practices will be constructed and removed in a timely manner, as determined by the Community Engineer.

(1) The Guarantee: The guarantee of both performance and maintenance will be in the form of a Security Bond, Escrow Account, Verified Check or Cash. The Security Bond, Escrow Account, Verified Check or Cash will be used by the Community to complete any guaranteed construction or removal of improvements or temporary and permanent soil erosion, sediment, and other wastes control practices that are not adequately completed, maintained or removed by the owner in a timely manner, as determined by the Community Engineer. The Security Bond, Escrow Account, Verified Check or Cash will be in the total amount of both the performance guarantee and the maintenance guarantee. Ohio municipalities and counties may require performance bonds or other guarantees for water management improvement as stated in the ORC Chapter 711.101.

A. Security Bond, Escrow Account, Verified Check or Cash shall be deposited with the Community prior to review by the Community Engineer and/or its consultants to cover professional services of the Community Engineer, Building Commissioner, Zoning Inspector and/or other experts required by the Community Engineer, Community Council, Mayor or Review Boards.

- B. No soil disturbing activities shall be permitted until a Security Bond, Escrow Account, Verified Check or Cash has been posted to the satisfaction of the Community Engineer sufficient for the Community to perform the obligations otherwise to be performed by the owner or person responsible for the development area as stated in this regulation, and to allow all work to be performed as needed in the event that the owner or person responsible for the development area fails to comply with the provisions of this regulation. The Security Bond, Escrow Account, Verified Check or Cash shall be released only after all work required by this regulation has been completed to the satisfaction of the Community Engineer and all permit and inspection fees required by these regulations have been paid in full.
- C. No project subject to this regulation shall commence without the Construction Site Conservation Plan having been approved by the Community Engineer.
- (2) Performance Guarantee: The furnishing of a performance guarantee will be maintained in an amount of not less than 120% of the estimate approved by the Community Engineer, of installation of the deferred improvements.
  - (3) Maintenance Guarantee: The maintenance guarantee shall be maintained for a period of not less than 2 (two) years after final acceptance of the storm water, soil erosion, sediment, and other wastes control practices in an amount equal to 20% of the estimate approved by the Community Engineer, of the construction and, where necessary, removal of such practices.
  - (4) Time Extension: The Community Engineer may extend for cause the time allowed for the installation of the improvements for which the performance guarantee has been provided with the receipt of a written request from the owner.
  - (5) Completion: Upon completion of the construction of improvements or temporary and/or permanent, soil erosion, sediment, and other wastes control practices and the removal of the temporary soil erosion, sediment, and other wastes control practices for which the performance guarantee has been provided the owner shall notify the Community Engineer of this fact.
  - (6) Inspection: The Community will not release the Security Bond, Escrow Account, Verified Check or Cash guarantee until the Community Engineer has inspected the site to ensure that the guaranteed item(s) have been completed and/or removed.
  - (7) Slow Release Devices: Performance and maintenance guarantees will be maintained on the temporary sediment removal slow release devices installed in detention and retention basins until the entire site has reached final soil stabilization. Final stabilization in single-family residential developments is when 90% of the homes are constructed with their lawns completely installed and any remaining unbuilt lots having been permanently stabilized with a uniform ground cover at a growth density of 80% or better.
  - (8) Release: The Construction Maintenance Guarantee shall not be released by the Community until all temporary soil erosion and sediment control practices that are no longer needed have been removed, properly disposed of and any trapped sediment has been stabilized.  
(Ord. 2013-40. Passed 9-24-13.)

**1315.16 APPLICATION PROCEDURES FOR CONSTRUCTION CONSERVATION PLANS (CCP).**

(a) This plan will be combined with the Post-Construction Water Quality plans that have also been developed for the site.

(b) Plans developed by the site owners and approved by the Community in accordance with this regulation do not relieve the site owner of responsibility for obtaining and complying with all other necessary permits and/or approvals from federal, state, county, and local agencies and departments. If requirements vary, the most stringent requirement shall be followed. Plans submitted to the Community Engineer for review and approval shall be accompanied by all other required permits and documentation relevant to the project, including but not limited to the permits required and issued by the US Army Corps of Engineers, Ohio EPA and ODNR Division of Water.

(c) Three (3) sets of the plans and necessary data required by this regulation shall be submitted to the Community Engineer with text material being submitted on 8.5 by 11 inch paper and drawings on no larger than 24 by 36 inch sized paper. Submittals shall include:

- (1) At the preliminary plan approval request, the preliminary plans only need to show all of the following existing and planned features: streams, water bodies, wetlands, riparian and wetland setback areas, permanent BMPs and storm water management detention and retention basins.
- (2) At the improvement plan approval request, the entire Comprehensive Storm Water Management Plan must be submitted.

(d) The Community Engineer shall review the plans, and shall approve or return these with comments and recommendations for revisions within thirty (30) working days after receipt of the plan as described above. A plan rejected because of deficiencies shall receive a report stating specific problems. At the time of receipt of a revised plan, another thirty (30) day review period shall begin.

(e) Approved plans shall remain valid for two (2) years from the date of approval. After two (2) years the plan(s) approval automatically expires.

(f) No soil disturbing activity shall begin before all necessary local, county, state and federal permits have been granted to the owner or operator.

(g) The Community will do construction inspections until the site reaches final stabilization as determined by the Community Engineer.  
(Ord. 2013-40. Passed 9-24-13.)

**1315.17 RESERVED.****1315.18 RESERVED.****1315.99 PENALTY.**

(a) Whoever violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the first degree and shall be fined no more than one thousand dollars (\$1,000.00) or imprisoned for no more than one hundred eighty (180) days, or both, for each offense.

(b) A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(c) Upon notice from the Community Engineer, or designated representative, that work is being performed contrary to this regulation, such work shall immediately stop. Such notice shall be in writing and shall be given to the owner or person responsible for the development area, or person performing the work, and shall state the conditions under which such work may be resumed; provided, however, in instances where immediate action is deemed necessary for public safety or the public interest, the Community Engineer may require that work be stopped upon verbal order pending issuance of the written order.

(d) The imposition of any other penalties provided herein shall not preclude the Community, by or through its Law Director and/or any of their assistants, from instituting an appropriate action or proceeding in a Court of Proper Jurisdiction to prevent an unlawful development or to restrain, correct or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, or ordinances, rules or regulations or the orders of the Community Engineer.

(Ord. 2013-40. Passed 9-24-13.)

**CHAPTER 1317**  
**Storm Water Management - Post-Construction**

<b>1317.01</b>	<b>Definitions.</b>	<b>1317.13</b>	<b>Redevelopment projects.</b>
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**CROSS REFERENCES**

Plans and fees under Ohio Building Code - see BLDG. 1301.10  
Flood control development permit - see P. & Z. 1128.12 et seq.

**1317.01 DEFINITIONS.**

As used in this chapter:

- (a) **BEST MANAGEMENT PRACTICE (BMP):** Any practice or combination of practices that is determined to be the most effective, practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution generated by nonpoint sources of pollution to a level compatible with water quality goals. BMPs may include structural practices, conservation practices and operation and maintenance procedures.
- (b) **CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC):** A person that has subscribed to the Code of Ethics and have met the requirements established by the CPESC Council of Certified Professional In Erosion and Sediment Control, Inc. to be a Certified Professional in Erosion and Sediment Control.
- (c) **CHANNEL:** A natural stream that conveys water, or a ditch or channel excavated for the natural flow of water.
- (d) **COMMUNITY:** Throughout this ordinance Community shall mean the City of Huron, State of Ohio, and its designated agents and representatives.

- (e) **CONSERVATION:** The wise use and management of natural resources.
- (f) **DEVELOPMENT AREA:** Any tract, lot, or parcel of land, or combination of tracts, lots or parcels of land, which are in one ownership, or are contiguous and in diverse ownership, where earth disturbing activity is to be performed.
- (g) **DITCH:** An excavation, either dug or natural, for the purpose of drainage or irrigation, and having intermittent flow.
- (h) **EARTH DISTURBING ACTIVITY:** Any grading, excavating, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed.
- (i) **EROSION:** The process by which the land surface is worn away by the action of water, wind, ice or gravity.
- (j) **EROSION AND SEDIMENT CONTROL:** A written and/or drawn soil erosion and sediment pollution control plan to minimize erosion and prevent off-site sedimentation throughout all earth disturbing activities on a development area.
- (k) **EROSION AND SEDIMENT CONTROL PRACTICES:** Conservation measures used to control sediment pollution and including structural practices, vegetative practices and management techniques.
- (l) **EXISTING:** In existence at the time of the passage of this ordinance and these regulations.
- (m) **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA):** The agency with overall responsibility for administering the National Flood Insurance Program.
- (n) **GRADING:** Earth disturbing activity such as excavation, stripping, cutting, filling, stockpiling, or any combination thereof.
- (o) **GRUBBING:** Removing, clearing or scalping material such as roots, stumps or sod.
- (p) **IMPERVIOUS COVER:** Any surface that cannot effectively absorb or infiltrate water. This includes roads, streets, parking lots, rooftops, and sidewalks.
- (q) **INTERMITTENT STREAM:** A natural channel that may have some water in pools but where surface flows are non-existent or interstitial (flowing through sand and gravel in stream beds) for periods of one week or more during typical summer months.
- (r) **LARGER COMMON PLAN OF DEVELOPMENT OR SALE:** A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.
- (s) **LANDSLIDE:** The rapid mass movement of soil and rock material downhill under the influence of gravity in which the movement of the soil mass occurs along an interior surface of sliding.
- (t) **LOCAL COUNTY SWCD:** The local county Soil and Water Conservation District.
- (u) **NATURAL RESOURCES CONSERVATION SERVICE (NRCS):** An agency of the United States Department of Agriculture, formerly known as the Soil Conservation Service (SCS).
- (v) **NPDES PERMIT:** A National Pollutant Discharge Elimination System Permit issued by Ohio EPA under the authority of the USEPA, and derived from the Federal Clean Water Act.
- (w) **OHIO EPA:** The Ohio Environmental Protection Agency.
- (x) **OUTFALL:** An area where water flows from a structure such as a conduit, storm sewer, improved channel or drain, and the area immediately beyond the structure which is impacted by the velocity of flow in the structure.



- (y) **PERSON:** Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, township, county, state agency, the federal government, or any combination thereof.
- (z) **PROFESSIONAL ENGINEER:** A person registered in the State of Ohio as a Professional Engineer, with specific education and experience in water resources engineering, acting in strict conformance with the Code of Ethics of the Ohio Board of Registration for Engineers and Surveyors.
- (aa) **QUALIFIED INSPECTION PERSONNEL:** A person knowledgeable in the principles and practice of erosion and sediment controls, who possesses the skills to assess all conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the construction activity.
- (bb) **REDEVELOPMENT:** The demolition or removal of existing structures or land uses and construction of new ones.
- (cc) **RETENTION BASIN:** A storm water management pond that maintains a permanent pool of water. These storm water management ponds include a properly engineered/designed volume dedicated to the temporary storage and slow release of runoff waters.
- (dd) **RIPARIAN AREA:** Naturally vegetated land adjacent to watercourses which, if appropriately sized, helps to, limit erosion, reduce flood flows, and/or filter and settle out runoff pollutants, or which performs other functions consistent with the purposes of these regulations.
- (ee) **RIPARIAN SETBACK:** Those lands within the Community which are alongside streams, and which fall within the area that the Community prohibits and restricts changes in land use and the building of structures.
- (ff) **SEDIMENT:** Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity or ice, and has come to rest on the earth's surface either on dry land or in a body of water.
- (gg) **SEDIMENT BASIN:** A temporary Sediment Pond that releases runoff at a controlled rate. It is designed to slowly release runoff, detaining it long enough to allow most of the sediment to settle out of the water. The outlet structure is usually a designed pipe riser and barrel. The entire structure is removed after construction. Permanent storm water detention structures can be modified to function as temporary Sediment Basins.
- (hh) **SEDIMENT CONTROL:** The limiting of sediment being transported by controlling erosion or detaining sediment-laden water, allowing the sediment to settle out.
- (ii) **SEDIMENT POLLUTION:** A failure to use management or conservation practices to control wind or water erosion of the soil and to minimize the degradation of water resources by soil sediment in conjunction with land grading, excavating, filling, or other soil-disturbing activities on land used or being developed for commercial, industrial, residential, or other purposes.
- (jj) **SEDIMENT TRAP:** A temporary sediment-settling pond having a simple spillway outlet structure stabilized with geotextile and rip rap.
- (kk) **SENSITIVE AREA:** An area or water resource that requires special management because of its susceptibility to sediment pollution, or because of its importance to the well-being of the surrounding communities, region, or the state and includes, but is not limited to, the following:

- (1) Ponds, wetlands or small lakes with less than five acres of surface area;
  - (2) Small streams with gradients less than ten feet per mile with average annual flows of less than 3.5 feet per second containing sand or gravel bottoms.
  - (3) Drainage areas of a locally designated or an Ohio designated Scenic River.
  - (4) Riparian and wetland areas.
- (ll) **SETTLING POND:** A runoff detention structure, such as a Sediment Basin or Sediment Trap, which detains sediment-laden runoff, allowing sediment to settle out.
- (mm) **SHEET FLOW:** Water runoff in a thin uniform layer or rills and which is of small enough quantity to be treated by sediment barriers.
- (nn) **SLIP:** A landslide as defined under "Landslides."
- (oo) **SLOUGHING:** A slip or downward movement of an extended layer of soil resulting from the undermining action of water or the earth disturbing activity of man.
- (pp) **SOIL:** Unconsolidated erodible earth material consisting of minerals and/or organics.
- (qq) **SOIL CONSERVATION SERVICE, USDA:** The federal agency now titled the "Natural Resources Conservation Service," which is an agency of the United States Department of Agriculture.
- (rr) **SOIL STABILIZATION:** Vegetative or structural soil cover that controls erosion, and includes permanent and temporary seed, mulch, sod, pavement, etc.
- (ss) **SOIL SURVEY:** The official soil survey produced by the Natural Resources Conservation Service, USDA in cooperation with the Division of Soil and Water Conservation, ODNR and the local Board of County Commissioners.
- (tt) **STORM WATER RUNOFF:** Surface water runoff which converges and flows primarily through water conveyance features such as swales, gullies, waterways, channels or storm sewers, and which exceeds the maximum specified flow rates of filters or perimeter controls intended to control sheet flow.
- (uu) **STREAM:** A body of water running or flowing on the earth's surface, or a channel with defined bed and banks in which such flow occurs. Flow may be seasonally intermittent.
- (vv) **USEPA:** The United States Environmental Protection Agency.
- (ww) **WATERCOURSE:** Any natural, perennial, or intermittent channel, stream, river or brook.
- (xx) **WATER RESOURCES:** All streams, lakes, ponds, wetlands, water courses, waterways, drainage systems, and all other bodies or accumulations of surface water, either natural or artificial, which are situated wholly or partly within, or border upon this state, or are within its jurisdiction, except those private waters which do not combine or affect a junction with natural surface waters.
- (yy) **WETLAND:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.
- (zz) **WETLAND SETBACK:** Those lands within the Community that fall within the area defined by the criteria set forth in these regulations.  
(Ord. 2013-41. Passed 9-24-13.)

**1317.02 COMPREHENSIVE STORM WATER MANAGEMENT PLAN.**

The Post-Construction Water Quality Plan developed to meet this regulation will be coordinated and combined with the Riparian and Wetland Setback Plan and the Construction Site Conservation Plan that are developed for the same site. These plans will be titled and numbered in one consecutive sequence to make a Comprehensive Storm Water Management Plan for the site. The Comprehensive Storm Water Management Plan so developed will serve as the Storm Water Pollution Prevention Plan (SWP3) required by Ohio EPA as part of the NPDES Storm Water Permit for General Construction.

(Ord. 2013-41. Passed 9-24-13.)

**1317.03 PURPOSE.**

The intent of this regulation is to:

- (a) Allow development while reducing damage to receiving water resources and drainage systems that may be caused by new development or redevelopment activities.
- (b) Protect and maintain the receiving stream's physical, chemical, biological characteristics and stream functions.
- (c) Provide perpetual management of storm water runoff quality and quantity.
- (d) Establish consistent technically feasible and operationally practical standards to achieve a level of storm water quantity and quality control that will minimize damage to public and private property and degradation of water resources, and will promote and maintain the health, safety, and welfare of the residents of the Community.
- (e) Control storm water runoff resulting from soil disturbing activities.
- (f) Preserve, to the maximum extent practicable (MEP), the natural drainage characteristics of the building site.
- (g) Preserve, to the maximum extent practicable (MEP), natural infiltration and groundwater recharge, and maintain subsurface flow that replenishes water resources, wetlands, and wells.
- (h) Assure that storm water quality controls are incorporated into site planning and design at the earliest possible stage.
- (i) Reduce the need for costly treatment and mitigation for the damage to and loss of water resources that are the result of inadequate storm water quality control.
- (j) Reduce the long-term expense of remedial projects needed to address problems caused by inadequate storm water quality control.
- (k) Require the incorporation of water quality protection that encourages and promotes habitat preservation into the construction of storm water management practices.
- (l) Ensure that all storm water quality practices are properly designed, constructed, and maintained.

(Ord. 2013-41. Passed 9-24-13.)

**1317.04 DISCLAIMER OF LIABILITY.**

Neither submission of a plan under the provisions herein, nor compliance with the provisions of these regulations, shall relieve any person or entity from responsibility for damage to any person or property that is otherwise imposed by law.

(Ord. 2013-41. Passed 9-24-13.)

**1317.05 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.**

(a) Where this chapter imposes a greater restriction upon land than is imposed or required by other Community provisions of law, ordinance, contract or deed, the provisions of this ordinance shall prevail.

(b) If a court of competent jurisdiction declares any clause, section, or provision of these regulations invalid or unconstitutional, the validity of the remainder shall not be affected thereby.

(c) These regulations shall not be construed as authorizing any person to maintain a private or public nuisance on their property. Compliance with the provisions of this regulation shall not be a defense in any action to abate such nuisance.

(d) Failure of the Community to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the owner from the responsibility for the condition or damage resulting there from, and shall not result in the Community, its officers, employees, or agents being responsible for any condition or damage resulting there from.  
(Ord. 2013-41. Passed 9-24-13.)

**1317.06 EFFECTIVE DATE.**

This chapter and its regulations shall become effective upon their passage.  
(Ord. 2013-41. Passed 9-24-13.)

**1317.07 SCOPE.**

This chapter applies to development areas having new or relocated projects involving highways, underground cables, pipelines, subdivisions, industrial projects, commercial projects, building activities on farms, redevelopment of urban areas and all other land uses not specifically exempted. This chapter does not apply to:

- (a) Land-disturbing activities related to producing agricultural crops or Silviculture operations regulated by the Ohio Agricultural Sediment Pollution Abatement Rules (1501: 15-3-01 to 1501: 15-3-09 of the Ohio Administrative Code) and existing at the time of passage of this regulation.
- (b) Strip mining operations regulated by Chapter 1513 of the Ohio Revised Code and existing at the time of passage of this regulation.
- (c) Surface mining operations regulated by Chapter 1514 of the Ohio Revised Code and existing at the time of passage of this regulation.
- (d) Construction activities that do not include the installation of any impervious surface (e.g., soccer fields), abandoned mine reclamation activities regulated by the Ohio Department of Natural Resources, stream and wetland restoration activities, and wetland mitigation activities.
- (e) Linear construction projects, (e.g., pipeline or utility line installation), which do not result in the installation of impervious surface and are independent of other construction projects (not part of a larger common plan of development or sale). However, linear construction projects must be designed to minimize the number of stream crossings and the width of disturbance and achieve final stabilization of the disturbed area as defined in the "Definitions" section of this chapter.
- (f) Transportation projects that are subject to industry specific Ohio EPA Rules are exempt from these rules.

- (g) It is not the role of the community to point out each and every part of the rules and how to implement them on the individual job sites. It is the project owner's responsibility to be proactive in meeting the intent, purpose and requirements of these regulations. (Ord. 2013-41. Passed 9-24-13.)

#### **1317.08 CONSULTATIONS.**

In implementing these regulations the Community Engineer or other Community officials may consult with the local county SWCD, state and federal agencies and other technical experts as necessary. Any costs associated with such consultations may be assessed to the applicant or his or her designated representative.

(Ord. 2013-41. Passed 9-24-13.)

#### **1317.09 POST-CONSTRUCTION WATER QUALITY CONTROL PLAN.**

In order to control Post-Construction water quality damage and damage to public and private lands, the owner of each development area shall be responsible for developing a Post-Construction Storm Water Management Plan.

- (a) This plan will be combined with the Construction Site Conservation Plan that is also developed for the site.
- (b) This plan will contain a description of controls appropriate for each construction operation covered by these regulations, and the operator will implement such controls in a timely manner.
- (c) The BMPs used to satisfy the conditions of these regulations shall meet the standards and specifications in the current edition of the Ohio Rain Water and Land Development manual, ODOT Post-Construction storm water standards, or other manual that is acceptable to the Community Engineer or Ohio EPA.
- (d) The plan must make use of the practices that preserve the existing natural condition to the Maximum Extent Practicable (MEP).
- (e) To meet the Post-Construction requirements of this regulation, the Post-Construction Water Quality Plan must contain a description of the Post-Construction Best Management Practices (BMPs) that will be installed during construction for the site and the rationale for their selection. The rationale must address the anticipated impacts on the channel and floodplain morphology, hydrology, and water quality.
- (f) Structural post-construction BMPs cannot be installed within a State surface water (e.g., wetland or stream) unless it is authorized by a Clean Water Act Section 401 water quality certification and/or Clean Water Act Section 404 Permit.
- (g) This plan will identify the person or entity responsible for continued maintenance of all vegetative and/or mechanical BMPs for both the construction and Post-Construction phases of the development.
- (h) Long-term maintenance requirements and schedules of all BMPs for both the construction and Post- Construction phases of the development will be provided as a stand alone document to the Post- Construction operator and the Community.
- (i) This plan will contain long-term maintenance inspection schedules, including the printed name and contact point of the Post-Construction landowner (e.g., president of the homeowners association, store manager, apartment complex manager, etc.).
- (j) This plan will identify the person or entity that will serve as the Post-Construction operator who will be financially responsible for maintaining the perpetual inspection and maintenance of permanent storm water conveyance and storage structures and other conservation practices.

- (k) The method of ensuring that funding will be available to conduct the long-term maintenance and inspections of all permanent storm water, soil erosion and sediment control and water quality practices will be identified.
- (l) Maintenance plans must ensure that pollutants collected within structural Post-Construction practices, be disposed of in accordance with local, state, and federal regulations.
- (m) Maintenance plans must include legally binding perpetual maintenance easements and agreements. Easement documents must provide for community access.
- (n) The Post-Construction Plan will also contain the following information depending on the size of the development sites as well as any additional information required by the community engineer:
  - (1) Development Sites Smaller than Five Acres: A development site that will disturb one (1) or more, but less than five (5) acres of land and is not a part of a larger common plan of development or sale which will disturb five or more acres of land shall identify:
    - A. Storm Water Issues: A statement as to how the decreased storm water quality that will be caused by the planned development project will be handled
    - B. Description of Measures: A description of the BMPs that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed.
    - C. Upland Areas: Structural measures placed on upland areas to the degree attainable.
    - D. Map: A map of the entire site showing the overall development.
    - E. Riparian and/or Wetland Setback: All riparian and wetland setback areas will be identified on the plans. They will also be marked in the field prior to the start of construction.
    - F. BMPs: Best Management Practices used in the Post-Construction Water Quality Plan may include but are not limited to:
      - 1. Permanent Storm Water Detention ponds that provide extended detention of the water volume.
      - 2. Flow attenuation by use of open vegetated swales and natural depressions
      - 3. Onsite infiltration of runoff
      - 4. Sequential systems that combine several practices
      - 5. Permanent conservation easements, preferably with the easement being held by a third party with no vested interest in ever seeing the property developed
      - 6. Natural Channel Design for drainage ways
      - 7. Bioengineering in drainage ways
      - 8. Recreating floodplains
      - 9. Chemical and biological filters in storm sewer inlets
      - 10. Sand Filters
      - 11. Allowing roof water from buildings to run across lawn areas to remove pollutants
      - 12. Onsite sewage disposals system replacement or conversion to sanitary sewers
      - 13. Low Impact Development Design

14. Countryside Development Design meeting the criteria of the Western Reserve Resource Conservation and Development Area.
  15. Aquatic benches in Retention Basins and ponds.
  - C. Technical Basis: The plan will contain a statement of the rationale utilized to select the BMPs used to control pollution and to maintain and protect water quality.
- (2) Development Sites 5 Acres or Larger: A development site that disturbs five (5) or more acres of land or will disturb less than five (5) acres, but is a part of a larger common plan of development or sale, which will disturb five (5) or more acres of land shall identify:
- A. Storm Water Detention: The Post-Construction BMP(s) chosen must be able to detain storm water runoff for protection of the stream channels, stream erosion control, and improved water quality.
  - B. Structural BMPs: Structural (designed) Post-Construction storm water treatment practices shall be incorporated into the permanent drainage system for the site.
  - C. Properly Sized BMPs: The BMP(s) chosen must be sized to treat the water quality volume (WQv) and ensure compliance with Ohio's Water Quality Standards in OAC Chapter 3745- 1. The WQv shall be equivalent to the volume of runoff from a 0.75-inch rainfall and shall be determined according to the following equation:
    1.  $WQv = C * P * A / 12$  where: WQv = water quality volume in acre-feet C = runoff coefficient appropriate for storms less than 1 inch (either using Table 1 or the following formula:  $C = 0.858i - 0.78i^2 + 0.774i + 0.04$  where i = fraction of post-construction impervious area) P = 0.75 inch precipitation depth A = area draining into the BMP in acres.

**Table 1 Runoff Coefficients Based on the Type of Land Use**

Land Use	Runoff Coefficient
Industrial & Commercial	0.8
High Density Residential (> dwellings/acre)	0.5
Medium Density Residential (4 to 8 dwellings/acre)	0.4
Low Density Residential (< 4 dwellings/acre)	0.3
Open Space and Recreational Areas	1.2

- D. Where the land use will be mixed, the runoff coefficient should be calculated using a weighted average. For example, if 60% of the contributing drainage area to the storm water treatment structure is Low Density Residential, 30% is High Density Residential, and 10% is Open Space, the runoff coefficient is calculated as follows  $(0.6)(0.3) + (0.3)(0.5) + (0.1)(0.2) = 0.35$ .
- E. An additional volume equal to 20 percent of the WQv shall be incorporated into the BMP for sediment storage and/or reduced infiltration capacity. The BMPs will be designed according to the methodology included in the Ohio Rainwater and Land Development manual, ODOT Post-Construction storm water standards, or other manual that is acceptable to Ohio EPA. .
- F. The BMPs listed in Table 2 below shall be considered standard BMPs approved for general use. However, communities with a regulated MS4 may limit the use of some of these BMPs. BMPs shall be designed such that the drain time is long enough to provide treatment, but short enough to provide storage available for successive rainfall events and avoid the creation of nuisance conditions. The outlet structure for the post-construction BMP must not discharge more than the first half of the WQv in less than one-third of the drain time.

**Table 2: Target Drain Times for Structural Post-Construction BMPs**

BMPs Suitable for Drainage Areas $\geq 5$ Acres		BMPs Suitable for Drainage Areas $< 5$ Acres	
Best Management Practice	Drain Time	Best Management Practice	Drain Time
Dry Extended Detention Basin*	48 hours	Infiltration Basins <sup>^</sup>	24-48 hours
Wet Extended Detention Basin **	24 hours	Bio retention Cells	40 hours
Constructed Wetlands +	24 hours	Sand & Other Media Filters	40 hours
Infiltration Basins <sup>^</sup>	24-48 hours	Enhanced Water Quality Swales	24 hours
		Pocket Wetlands#	24 hours
		Vegetated Filter Strips	24 hours

\* Dry basins must include forebay and micropool each sized at 10% of the WQv

\*\* Provide both a permanent pool and an EDv above the permanent pool, each sized at 0.75 WQv + Extended detention shall be provided for the full WQv above the permanent water pool.

<sup>^</sup> The WQv shall completely infiltrate within 48 hours so there is no standing or residual water in the BMP.

# Pocket wetlands must have a wet pool equal to the WQv, with 25% of the WQv in a pool and 75% in marshes. The EDv above the permanent pool must be equal to the WQv.



- G. The owner may request approval from the Community Engineer to use alternative structural Post-Construction BMPs if the owner can demonstrate, in a way that is acceptable to Ohio EPA rules and regulations, that the alternative BMPs are equivalent in effectiveness to those listed in Table 2 above. The use of alternative or vender supplied Post-Construction BMPs should be limited to redevelopment projects where justification is provided that the traditional BMPs in Table 2 are technically and economically infeasible.
- H. Construction activities shall be exempt from this condition if it can be demonstrated that the WQv is provided within an existing structural Post-Construction BMP that is part of a larger common plan of development or sale or if structural Post-Construction BMPs are addressed in a regional or local storm water management plan. A municipally operated regional storm water BMP can be used as a post-construction BMP provided that the BMP can detain the WQv from the entire drainage area and release it over a 24 hour period upon written permission from the Community Engineer.
- I. For redevelopment projects (i.e., developments on previously developed property), Post-Construction practices shall either ensure a 20 percent net reduction of the site impervious area, provide for treatment of at least 20 percent of the WQv, or a combination of the two. Where projects are a combination of new development and redevelopment, the total WQv that must be treated shall be calculated by a weighted average based on acreage, with the new development at 100 per cent WQv and redevelopment at 20 percent WQv.
- J. Site Description:
1. The prior land uses of the site
  2. The nature and type of construction activity (e.g., low density residential, shopping mall, highway, etc.)
  3. Total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavating, filling or grading, including off-site borrow, fill or spoil areas and off-site utility installation areas)
  4. Amount of the impervious area and percent imperviousness created by the construction activity
  5. Name and/or location of the immediate receiving stream or surface water(s) and the first subsequent named receiving water and the major river watersheds in which it is located.
- K. A vicinity sketch locating:
1. The development area
  2. The larger common plan of development or sale
  3. All pertinent surrounding natural features within 200 feet of the development site including, but not limited to:
  4. Water resources such as wetlands, springs, lakes, ponds, rivers and streams (including intermittent streams with a defined bed and bank)
  5. Conservation Easements
  6. Other sensitive natural resources and areas receiving runoff from the development

- L. The existing and proposed topography shown in the appropriate contour intervals as determined by the community engineer (generally one-foot contours are used).
- M. The location and description of existing and proposed drainage patterns and facilities, including any allied drainage facilities beyond the development area and the larger common plan of development or sale.
- N. Existing and proposed watershed boundary lines, direction of flow and watershed acreage.
- O. The person or entity responsible for continued maintenance of all permanent vegetative and/or mechanical Post-Construction water quality conservation practices (BMPs).
- P. The location of any existing or planned riparian and/or wetland setback areas on the property.  
(Ord. 2013-41. Passed 9-24-13.)

#### **1317.10 EASEMENTS.**

Future access to all permanent vegetative and/or mechanical Post-Construction water quality conservation practices (BMPs) and other areas, as required by the Community Engineer, shall be secured by means of perpetual easements.

- (a) The easements shall be recorded in the name of the Community and, in single-family residential developments, the homeowners association. Recorded easements must provide for community access.
- (b) Such easements shall be not less than twenty-five (25) feet in width, in addition to the width of the ditch, channel, or other facility it is to serve. Further, an easement of this type shall be provided on one (1) side of the flood control or storm drainage ditch, channel, or similar-type facility.
- (c) Access along the initial drainage system shall be by means of easements. Such easements shall be not less than twenty-five (25) feet in width, with a minimum ten (10) foot width on either side of the centerline.
- (d) Access adjacent to storage facilities shall consist of a twenty-five (25) foot easement in the case of detention (dry) basins, and a twenty-five (25) foot easement with a twenty-five (25) foot level bench in the case of retention (wet) basins, measured from the top of the bank, and shall include the storage facility itself.
- (e) Easements for the emergency flow ways shall be a minimum of twenty-five (25) feet in width, or larger if required by the Community Engineer.
- (f) Flood control or storm drainage easements containing underground facilities shall have a minimum width of twenty-five (25) feet.
- (g) The easements shall be restricted against the planting within said easement of trees, shrubbery or plantings with woody growth characteristics, and against the construction therein of buildings, accessory buildings, fences, walls or any other obstructions to the free flow of storm water and the movement of inspectors and maintenance equipment and also restricted against the changing of final grade from that described by the grading plan.  
(Ord. 2013-41. Passed 9-24-13.)

#### **1317.11 MAINTENANCE.**

Any portion of the permanent Post-Construction water quality management systems, including on-site and off-site treatment/storage facilities that are constructed by the owner, will be continuously maintained into perpetuity.

- (a) Detail drawings and maintenance plans must be provided for all Post-Construction Best Management Practices (BMPs).
- (b) Maintenance plans must ensure that pollutants collected within structural Post-Construction BMP practices are disposed of in accordance with local, state and federal guidelines.
- (c) Maintenance plans shall be provided by the permittee to both the Community Engineer and the Post- Construction operator of the BMP (including homeowner associations) upon completion of construction activities and prior to the Community Engineer giving final approval for the completed construction.
- (d) Single-Family Residential Developments: A Homeowners' Association shall be created and placed in title of the affected lands and shall be continuously responsible for Post-Construction maintenance and inspections into perpetuity unless such maintenance and inspections become officially accepted by the Community.
- (e) Multi-Family, Commercial and Industrial Developments: The plans will clearly state that the owner of the property shall be continuously responsible for Post-Construction maintenance and inspections into perpetuity unless such maintenance and inspections become officially accepted by the Community.
- (f) Maintenance Design: Low maintenance requirements are a priority in the design and construction of all facilities. Multi-use facilities incorporating assets such as aesthetics and recreation may be incorporated into the design of the drainage facilities. All permanent drainage, soil erosion, sediment control, water quality management systems and BMPs, including on-site and off-site structures and vegetation that are constructed or planted, must be inspected and maintained into perpetuity by the responsible party designated in the plans and the requirements of this ordinance. Inspections and maintenance will be incorporated periodically throughout the year to ensure that the facilities are properly operational.
- (g) Perpetual Maintenance Inspections: One (1) inspection with a written report will be performed each year. The written report will be given to the Community Engineer by May 1 of each and every year after the Best Management Practice (BMP) has been completed.
  - (1) Structures that require a permit from the Ohio Division of Water: A written and stamped report from a professional engineer on the status of all structural BMPs that require a permit from the Ohio Department of Natural Resources (ODNR) Division of Water. This applies to all BMPs that require a permit either at the time of construction or fall under the jurisdiction of ODNR Division of Water at any time after construction is completed.
  - (2) Easements: A written report from an inspector on the status of all storm water management easements for each project shall be submitted to the Community Engineer by May 1 of each year into perpetuity. These reports will document if restricted plantings, fences and structures are on the easement and will identify the location of the noted easement restriction violations.
  - (3) Best Management Practices (BMPs) that do not have a high risk for loss of life, bodily injury, or damage to structures or infrastructure related to imminent failure as determined by the Community Engineer: A written and stamped report from a professional engineer, landscape architect or Certified Professional In Erosion and Sediment Control (CPESC) on the status of permanent soil erosion, sediment control, water quality management systems and the status of the related easements shall be submitted to the Community Engineer by May 1 of each year into perpetuity.

- (4) BMPs that have a potential loss of Life: A written and stamped report covering the status of all BMPs that have a potential for loss of life, bodily injury, or damage to structures or infrastructure will be prepared by a professional engineer or other individual possessing a valid state license that authorizes them to design the same type of BMP for construction.  
(Ord. 2013-41. Passed 9-23-14.)

### **1317.12 POST-CONSTRUCTION MINIMUM STANDARDS.**

In order to control pollution of water resources, the owner or person responsible for the development area shall use conservation planning and practices to maintain the level of conservation established in the following standards.

- (a) Standards and Specifications: Post-Construction runoff practices used to satisfy these standards shall meet the standards and specifications in the current edition of the Rainwater and Land Development manual, NRCS Field Office Technical Guide for the local county, or the Ohio EPA, which ever is most stringent. The construction of new roads and roadway improvement projects by public entities shall implement Post-Construction BMPs in compliance with the current version of the Ohio Department of Transportation's Location and Design Manual, Volume Two: Drainage Design that has been accepted by Ohio EPA.
- (b) Water Quality Basins:
  - (1) Pool Geometry: The minimum length-to-width ratio for the pond is 3:1 (the length will be three (3) times the width).
  - (2) Riser in Embankment: The riser shall be located within the embankment for purposes of maintenance access. Access to the riser will be by manholes.
  - (3) Water Drains: Each retention basin shall have a drainpipe that can completely drain the pond. The drain shall have an elbow within the pond to prevent sediment deposition from plugging the drain.
  - (4) Adjustable Gate Valves: Both the Water Quality and the Storm Water Management Basin drains shall have adjustable gate valves. Valves shall be located inside of the riser at a point where they will remain dry and can be operated in a safe and convenient manner. During the annual inspections the valves shall be fully opened and closed at least once, and the certifying official shall attest to this on the inspection form. To prevent vandalism, the handwheel shall be chained to a ringbolt or manhole step.
  - (5) Principal Spillway: Each principal spillway shall be designed in accordance with the Natural Resources Conservation Service (NRCS) standards and specifications for the office serving the local county. Each principal spillway shall have the capacity to pass the 100 year design storm flows. The inlet or riser size for the pipe drops shall be designed so that the flow through the structure goes from weir flow control to pipe flow control without going into orifice control in the riser. The crest elevation of the primary spillway shall be no less than one foot below the emergency spillway crest. Premium joint pipe is required and a removable trash rack shall be installed at each location. Anti-seep collars shall be provided for all pipe conduits through an embankment.
  - (6) Emergency Spillway: An emergency spillway shall be provided on each Water Quality and Storm Water Management basin. Emergency spillways shall convey flood flows safely past the embankment, and shall be designed in accordance with NRCS standards and specifications for the office serving the local county. Emergency spillways shall have a 100-year design storm capacity unless exempted in writing by the Community Engineer.

- (7) Embankments: Each dam embankment shall be designed in accordance with the NRCS standards and specifications for the office serving the county that the project is located in. Anti-seep collars shall be provided for all pipe conduits through an embankment.
- (8) Safety Features:
- A. The primary spillway opening shall not permit access to the public and other non-maintenance personnel.
  - B. The perimeter of all water pool areas that are deeper than three (3) feet shall be surrounded by benches that meet the following:
    - 1. A safety bench, with a maximum slope of 3%, which extends outward, on dry land, from the shoreline. This bench will be a minimum of 25 feet wide to provide for the safety of individuals and maintenance vehicles that are adjacent to the water pool. The safety bench may be landscaped, without the use of structures, to prevent access to the water pool.
    - 2. Side slopes between the safety bench and the aquatic bench shall not be steeper than 3:1 (3 feet horizontal for every 1 foot vertical).
    - 3. An aquatic bench that extends inward from the shoreline far enough to ensure public safety and has a maximum depth of 15 inches below the normal water surface elevations. The aquatic bench may be landscaped to prevent access to the deeper water pool. The aquatic bench may also be incorporated into the Post-Construction Water Quality Plan.
    - 4. Side slopes beyond the aquatic bench and below the permanent water level shall not be steeper than 2:1 (2 feet horizontal for every 1 foot vertical).
    - 5. The contours of the pond will be designed and managed to eliminate drop-offs and other hazards. Side slopes getting to the pond shall not exceed 3:1 and shall terminate on a safety bench.
- (9) Water Quality Basin: If a Water Quality Basin is needed and cannot be incorporated into an existing or planned Detention or Retention Basin then a separate Water Quality Basin will need to be planned, designed, constructed and maintained into perpetuity.
- (10) Water Quality Basins will not be constructed in any permanent or intermittent stream channel.
- (11) Flexibility: These standards are general guidelines and shall not limit the right of the Community Engineer to impose at any time additional and/or more stringent requirements nor shall the standards limit the right of the Community Engineer to waive, in writing, individual requirements.
- (12) If the Community Engineer waives, in writing, individual requirements the owner will provide the Community Engineer with the information and documentation required to assure Ohio EPA that the waived requirement will not degrade water quality.  
(Ord. 2013-41. Passed 9-24-13.)

**1317.13 REDEVELOPMENT PROJECTS.**

Sites that have been previously developed where no Post-Construction BMPs were installed shall either ensure a 20 percent net reduction of the site impervious area, provide for treatment of at least 20 percent of the WQv, or a combination of the two. A one-for-one credit towards the 20 percent net reduction of impervious area can be obtained through the use of pervious pavement and/or green roofs. Where projects are a combination of new development and redevelopment, the total WQv that must be treated shall be calculated by a weighted average based on acreage, with new development at 100 percent and redevelopment at 20 percent WQv. (Ord. 2013-41. Passed 9-24-13.)

**1317.14 ALTERNATIVE ACTIONS.**

Where the Community Engineer determines that site constraints exist in a manner that compromises the intent of this ordinance to improve the management of storm water runoff as established in this ordinance, practical alternatives may be used to result in an improvement of water quality and/or a reduction of storm water runoff. Such alternatives must be in keeping with the intent and likely cost of those measures that would otherwise be required to meet the objectives of this section. All practical alternatives shall be implemented within the drainage area of the proposed development project unless specifically authorized in writing by the community engineer.

- (a) Implementation of Off-site Storm Water Management Practices: The use of any off-site Post- Construction BMPs requires written approval from Ohio EPA and this approval must be received prior to design approval and/or issuance of any building permits. Practical alternatives to be considered include:
  - (1) Retrofitting of an existing storm water management practice.
  - (2) Watershed or stream restoration.
  - (3) Fees paid in an amount specified by the Community Engineer. The Community shall apply these fees to storm water management practices that improve the existing water quality.
- (b) Use of Alternative Post-Construction BMPs: Permittees must supply written approval from Ohio EPA to use Post-Construction BMPs that have been demonstrated to be equivalent to the effectiveness of those listed in Table 2 above. Approval from Ohio EPA must be received prior to design approval and/or issuance of any building permits.
- (c) Other practices approved by the Community Engineer in keeping with the intent of this section. (Ord. 2013-41. Passed 9-24-13.)

**1317.15 COMPLIANCE WITH OTHER RULES AND REGULATIONS.**

(a) Ohio Dam Safety Laws: The provisions of the Ohio Dam Safety Laws shall be followed. Proof of compliance with the Ohio Dam Safety Law administered by the ODNR Division of Water shall be, but is not limited to, a copy of the ODNR Division of Water permit number or a copy of the project approval letter from the ODNR Division of Water or a letter from the site owner explaining why the Ohio Dam Safety Law is not applicable. The written proof will be provided to the Community Engineer before a construction permit will be issued.

(b) NPDES Permits: The provisions of the National Pollutant Discharge Elimination System (NPDES) Permits for construction activity, by the Ohio EPA, shall be followed. Proof of compliance shall be, but is not limited to, a copy of the Ohio EPA NPDES Permit number or a letter from the site owner explaining why the NPDES Permit is not applicable. The written proof will be provided to the Community Engineer before a construction permit will be issued.

(c) Federal and State Wetland Permits: The provisions of the U.S. Army Corps of Engineers dredge and fill permits for federally-protected wetlands shall be followed. The provisions of Ohio EPA's Isolated Wetlands Permits shall also be followed. Wetlands and other waters of the United States shall be delineated by protocols accepted by the U.S. Army Corps of Engineers and the Ohio EPA at the time of the application of these regulations. Written proof of compliance with both permit programs will be provided to the Community Engineer before a construction permit will be issued. Proof of compliance shall be, but is not limited to, the following:

- (1) A copy of the U.S. Army Corps of Engineers Individual Permit, if required for the project, showing project approval and any restrictions that apply to site activities; or
- (2) A site plan showing that any proposed fill of waters of the United States conforms to the general and specific conditions specified in the applicable Nationwide Permit; or
- (3) A letter from the site owner verifying that a qualified professional has surveyed the site and found no wetlands or other waters of the United States. Such a letter shall be noted on site plans submitted to the Community. (Ord. 2013-41. Passed 9-24-13.)

#### **1317.16 VIOLATIONS.**

No person shall violate, or cause, or knowingly permit to be violated, any of the provisions of these regulations, or fail to comply with any such provisions or with any lawful requirements of any public authority made pursuant to these regulations, or knowingly use or cause or permit the use of any lands in violation of these regulations or in violation of any permit granted under these regulations. (Ord. 2013-41. Passed 9-24-13.)

#### **1317.17 CONSTRUCTION AND MAINTENANCE GUARANTEE.**

All permanent storm water, soil erosion, sediment control and water quality practices not specifically waived by the Community shall be constructed prior to the granting of the Final Plat Approval. Upon the request of the owner, the Community may defer the construction or installation of a permanent storm water, soil erosion, sediment control or water quality practice prior to the approval of the final plat where, in the Community Engineer's judgment, such proper construction or installation is not immediately necessary for the protection of the public health and safety; and where the prior installation or construction of such improvement would constitute an undue hardship on the owner because in the case of new vegetation or weather conditions, or because in the case of concrete, building construction could cause cracking and excessive wear and tear on new structures. In such event, the Community shall require a Security Bond, Escrow Account, Certified Check or Cash to guarantee that such deferred improvements will be properly constructed or installed within an agreed specified time, but not to exceed six (6) months after the filing of such final plat. The owner will provide a maintenance guarantee for all permanent improvements, soil erosion, and sediment control and water quality practices.

The Community shall require a Security Bond, Escrow Account, Certified Check or Cash to guarantee that the planned temporary and permanent soil erosion, sediment control and water quality practices will be constructed and removed in a timely manner, as determined by the Community Engineer.

- (a) The Guarantee: The guarantee of both performance and maintenance will be in the form of a Security Bond, Escrow Account, Verified Check or Cash. The Security Bond, Escrow Account, Verified Check or Cash will be used by the Community to complete any guaranteed construction or removal of improvements or temporary and permanent soil erosion, sediment control and water quality practices that are not adequately completed, maintained or removed by the owner in a timely manner, as determined by the Community Engineer. The Security Bond, Escrow Account, Verified Check or Cash will be in the total amount of both the performance guarantee and the maintenance guarantee. Ohio municipalities and counties may require performance bonds or other guarantees for water management improvement as stated in the ORC Chapter 711.101.
- (1) Security Bond, Escrow Account, Verified Check or Cash shall be deposited with the Community prior to review by the Community Engineer and/or its consultants to cover professional services of the Community Engineer, Building Commissioner, Zoning Inspector and/or other experts required by the Community Engineer, Community Council, Mayor or Review Boards.
  - (2) No soil disturbing activities shall be permitted until a Security Bond, Escrow Account, Verified Check or Cash has been posted to the satisfaction of the Community Engineer sufficient for the Community to perform the obligations otherwise to be performed by the owner or person responsible for the development area as stated in this regulation, and to allow all work to be performed as needed in the event that the owner or person responsible for the development area fails to comply with the provisions of this regulation. The Security Bond, Escrow Account, Verified Check or Cash shall be released only after all work required by this regulation has been completed to the satisfaction of the Community Engineer and all permit and inspection fees required by these regulations have been paid in full.
  - (3) No project subject to this regulation shall commence without the Soil Erosion and Sediment Control, and Storm Water Management, and Water Quality Plans having been approved by the Community Engineer.
- (b) Performance Guarantee: The furnishing of a performance guarantee will be maintained in an amount of not less than 120% of the estimate approved by the Community Engineer, of installation of the deferred improvements.
- (c) Maintenance Guarantee: The maintenance guarantee shall be maintained for a period of not less than (two) 2 years after final acceptance of the storm water, soil erosion, sediment control, and water quality practices in an amount equal to 20% of the estimate approved by the Community Engineer, of the construction and, where necessary, removal of such practices.
- (d) Time Extension: The Community Engineer may extend the time allowed for the installation of the improvements for which the performance guarantee has been provided with the receipt of a written request from the owner.
- (e) Completion: Upon completion of the construction of improvements or temporary and/or permanent, soil erosion, sediment control, and water quality practices and the removal of the temporary soil erosion, sediment control, and water quality practices for which the performance guarantee has been provided the owner shall notify the Community Engineer of this fact.
- (f) Inspection: The Community will not release the Security Bond, Escrow Account, Verified Check or Cash guarantee until the Community Engineer has inspected the site to ensure that the guaranteed item(s) have been completed and/or removed.



- (g) Release: The Construction Maintenance Guarantee shall not be released by the Community until all temporary soil erosion and sediment control practices that are no longer needed have been removed, properly disposed of and any trapped sediment has been stabilized.  
(Ord. 2013-41. Passed 9-24-13.)

### **1317.18 APPLICATION PROCEDURES FOR POST-CONSTRUCTION WATER QUALITY PLANS.**

(a) This plan will be combined with the Soil Erosion and Sediment Control, Storm Water Management, Riparian Setback and Wetland Setback Plans that have also been developed for the site.

(b) Plans developed by the site owners and approved by the Community in accordance with this regulation do not relieve the site owner of responsibility for obtaining all other necessary permits and/or approvals from federal, state, county, and local agencies and departments. If requirements vary, the most stringent requirement shall be followed.

(c) Plans submitted to the Community Engineer for, review and approval, shall be accompanied by other required permits and documentation relevant to the project, including but not limited to the US Army Corps of Engineers, Ohio EPA, ODNR Division of Water and Ohio EPA NPDES Permit for Construction Activities

(d) Three (3) sets of the plans and necessary data required by this regulation shall be submitted to the Community Engineer as follows:

- (1) Format:
  - A. Text material will be on 8.5 by 11 inch paper.
  - B. Drawings will be on paper sized no larger than 24 inch by 36 inches.
- (2) Construction projects
  - A. At the preliminary plan approval request the preliminary plans shall show all of the following existing and planned features: streams, water bodies, wetlands, riparian and wetland setback areas permanent BMPs, storm water management detention and retention basins.
  - B. At the Improvement plan approval request.
- (3) For general clearing projects: Thirty (30) working days prior to any soil-disturbing activities.
- (4) Permits List: A list of all the permits that will be needed from federal, state and local agencies.
- (5) Long-term Maintenance:
  - A. The requirements and schedules of all permanent vegetative and/or mechanical Post- Construction water quality conservation BMPs.
  - B. Long-term maintenance inspection schedules for all permanent vegetative and/or mechanical Post-Construction water quality conservation BMPs.
  - C. The person or entity financially responsible for inspecting and maintaining all permanent vegetative and/or mechanical Post-Construction water quality conservation BMPs.
  - D. The method of ensuring that funding will be available to conduct the long-term maintenance and inspections of all permanent vegetative and/or mechanical Post-Construction water quality conservation BMPs.

(e) The Community Engineer shall review the plans and shall approve or return these with comments and recommendations for revisions, within thirty (30) working days after receipt of the plan as described above. A plan rejected because of deficiencies shall receive a report stating specific problems and the procedures for filing a revised plan. At the time of receipt of a revised plan another thirty (30) day review period shall begin.

(f) Approved plans shall remain valid for two (2) years from the date of approval. After two (2) years the plan(s) approval automatically expires.

(g) No soil-disturbing activity shall begin before all necessary local, county, state and federal permits have been granted to the owner or operator.

(h) The Community will do construction inspections until the site is stabilized as determined by the Community Engineer. The construction will not be considered completed until the Community Engineer has conducted the Post-Construction inspections.  
(Ord. 2013-41. Passed 9-24-13.)

**1317.19 RESERVED.**

**1317.20 RESERVED.**

**1317.99 PENALTIES.**

(a) Whoever violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the first degree and shall be fined no more than one thousand dollars (\$1,000.00) or imprisoned for no more than one hundred eighty (180) days, or both, for each offense.

(b) A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(c) Upon notice from the Community Engineer, or designated representative, that work is being performed contrary to this regulation, such work shall immediately stop. Such notice shall be in writing and shall be given to the owner or person responsible for the development area, or person performing the work, and shall state the conditions under which such work may be resumed; provided, however, in instances where immediate action is deemed necessary for public safety or the public interest, the Community Engineer may require that work be stopped upon verbal order pending issuance of the written order.

(d) The imposition of any other penalties provided herein shall not preclude the Community, by or through its Law Director and/or any of his or her assistants, from instituting an appropriate action or proceeding in a Court of Proper Jurisdiction to prevent an unlawful development or to restrain, correct or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, or ordinances, rules or regulations or the orders of the Community Engineer.  
(Ord. 2013-41. Passed 9-24-13.)

**CHAPTER 1321  
Permits and Fees**

<b>1321.01</b>	<b>Fee schedule adopted.</b>	<b>1321.07</b>	<b>Fee for moving buildings.</b>
<b>1321.02</b>	<b>City exempt from liability.</b>	<b>1321.08</b>	<b>Demolition fee.</b>
<b>1321.03</b>	<b>Estimated cost defined.</b>	<b>1321.09</b>	<b>Heating fees.</b>
<b>1321.04</b>	<b>Fee required prior to permit issuance.</b>	<b>1321.10</b>	<b>Plumbing fees.</b>
<b>1321.05</b>	<b>Work abandonment or discontinuance; refund.</b>	<b>1321.11</b>	<b>Electrical fees.</b>
<b>1321.06</b>	<b>Building fees; construction, alterations and additions.</b>	<b>1321.12</b>	<b>Miscellaneous fees.</b>
		<b>1321.13</b>	<b>Zoning fees.</b>
		<b>1321.14</b>	<b>Administrative fees.</b>

**CROSS REFERENCES**

Power to license contractors - see Ohio R.C. 715.27

Approval of drainage at proposed building site - see S. & P.S. 905.06

Estimated fees deposited prior to plat approval - see P. & Z. 1111.06

Zoning certificate of occupancy required - see P. & Z. 1131.01

Ohio Building Code fees - see BLDG. 1301.10

Family fallout shelter fee - see BLDG. 1335.02

**1321.01 FEE SCHEDULE ADOPTED.**

The following schedule of fees and operating regulations shall become a part of the Building Code of the City. (Ord. 2012-33. Passed 7-24-12.)

**1321.02 CITY EXEMPT FROM LIABILITY.**

Any permit holder shall save, indemnify and keep harmless the City against any and all liabilities, judgment, damages, costs and expenses which may in any case accrue against the City in consequence of the granting of any license or permit under this chapter. (Ord. 2012-33. Passed 7-24-12.)

**1321.03 ESTIMATED COST DEFINED.**

The term "estimated cost" as used in this chapter means the reasonable value of all services, labor, materials and use of scaffolding and other appliances or devices entering into and necessary to the prosecution and completion of the work ready for occupancy: provided that the cost of excavation or grading, and of painting, decorating or other work that is merely for embellishment or not necessary for the safe and lawful use of the building or structure, is not deemed as part of the estimated cost. (Ord. 2012-33. Passed 7-24-12.)

**1321.04 FEE REQUIRED PRIOR TO PERMIT ISSUANCE.**

(a) No permit as required by the Building Code shall be issued until the fee prescribed in this chapter has been paid. Nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure, has been paid.

(b) In addition to the fee herein required to be paid, no permit as required by the Building Code shall be issued until the Department of Finance has endorsed on the application for such permit that the contractor or other applicant for such permit has registered with the Department of Finance the name, place of business and person or persons to whom correspondence shall be directed of the contractor, subcontractor or other person or persons who will be performing the work for which the permit is being issued.  
(Ord. 2012-33. Passed 7-24-12.)

**1321.05 WORK ABANDONMENT OR DISCONTINUANCE; REFUND.**

In case of abandonment or discontinuance, the cost of work performed under a permit may be estimated, an adjustment of the fee made and the portion of the fee for uncompleted work returned to the permit holder, provided that no refund of a prescribed minimum fee shall be made. If such discontinuance is due to revocation of permit, a similar adjustment and return may be made; provided that no refund shall be made until all penalties incurred or imposed by due authority have been collected. After such refund has been made no work shall be resumed until a new application has been made and a new permit has been issued.  
(Ord. 2012-33. Passed 7-24-12.)

**1321.06 BUILDING FEES; CONSTRUCTION, ALTERATIONS AND ADDITIONS.**

In addition to Structural Plan Review fees as prescribed by the Ohio Building Code, OBC Table 115.2, the following fees shall be applicable to obtaining a permit for the construction and/or alteration of a building or structure:

(a) Residential.

- (1) New construction. Notwithstanding other fees identified in Chapter 1321 et seq., the cost of a permit for residential new construction shall be 1/4 (one quarter) of one percent (1%) of estimated value plus \$1.00 per 100 square feet of gross floor area.
- (2) Alterations, Additions, or Re-Constructions. Notwithstanding other fees identified in Chapter 1321 et seq., the cost of a permit for residential alterations, additions, or reconstructions shall be in accordance with the following table. Residential alterations, additions, or reconstruction shall include additions, renovations, detached buildings, swimming pools and decks.

Estimated Value	Processing Fee	Floor Area Square Footage
\$0.00 to \$10,000.00	\$45.00	\$1.00 per 100 sq. ft.
\$10,001.00-\$15,000.00	\$55.00	\$1.00 per 100 sq. ft.
\$15,001.00-\$20,000.00	\$65.00	\$1.00 per 100 sq. ft.
\$20,001.00-\$25,000.00	\$75.00	\$1.00 per 100 sq. ft.
\$25,001.00-\$30,000.00	\$85.00	\$1.00 per 100 sq. ft.
For each \$1,000.00 in valuation above \$30,000.00 an additional \$2.00 will be charged to the Processing Fee in addition to \$1.00 per 100 sq. ft.		

- (3) Roof replacement (shingles, roof deck, etc.) Notwithstanding other fees identified in Chapter 1321 et seq., the cost of a permit for the replacement of a residential roof shall be in accordance with the following table.

Residential	\$100.00	1% process fee
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(b) Commercial.

- (1) New construction. Notwithstanding other fees identified in Chapter 1321 et seq., the cost of a permit for residential new construction shall be 1/4 (one quarter) of one percent (1%) of estimated value plus \$1.00 per 100 square feet of gross floor area.
- (2) Alterations, Additions, or Re-Constructions. Notwithstanding other fees identified in Chapter 1321 et seq., the cost of a permit for residential alterations, additions, or reconstructions shall be in accordance with the following table. Residential alterations, additions, or reconstruction shall include additions, renovations, detached buildings, swimming pools and decks.

Estimated Value	Processing Fee	Floor Area Square Footage
\$0.00 to \$10,000.00	\$25.00	\$1.00 per 100 sq. ft.
\$10,001.00-\$15,000.00	\$35.00	\$1.00 per 100 sq. ft.
\$15,001.00-\$20,000.00	\$45.00	\$1.00 per 100 sq. ft.
\$20,001.00-\$25,000.00	\$55.00	\$1.00 per 100 sq. ft.
\$25,001.00-\$30,000.00	\$65.00	\$1.00 per 100 sq. ft.
For each \$1,000.00 in valuation above \$30,000.00, an additional \$2.00 will be charged to the Processing Fee in addition to \$1.00 per 100 sq. ft.		

- (3) Roof replacement (shingles, roof deck, etc.). Notwithstanding other fees identified in Chapter 1321 et seq., the cost of a permit for the replacement of a residential roof shall be in accordance with the following table.

Commercial	\$100.00	3% process fee
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- (c) Fee for Starting Work Without Permit. Work started without the required permit, whether for a structural or electrical project, will be assessed a two hundred percent (200%) penalty in addition to the required fee.  
(Ord. 2018-27. Passed 9-11-18.)

**1321.07 FEE FOR MOVING BUILDINGS.**

(a) For permit for the removal of a building or structure from one lot to another, the fee shall be at the rate of one dollar (\$1.00) per one thousand dollars (\$1,000) of the estimated value of the building or structure in its completed condition after removal.

(b) For a permit for the removal of a building or structure to a new location within the same lot, the fee shall be at the rate of one dollar (\$1.00) per one thousand dollars (\$1,000) of the estimated cost of moving, of new foundations and of work necessary to put the building or structure in usable condition in its new location. (Ord. 2016-11. Passed 7-26-16.)

**1321.08 DEMOLITION FEE.**

For a permit for the demolition of a building or structure, the fee shall be at the rate of five dollars (\$5.00) for each ten feet in the height of such building or structure plus one percent additional for each foot of street frontage of the building or structure in excess of fifty feet. (Ord. 2012-33. Passed 7-24-12.)

**1321.09 HEATING FEES.**

Heating appliances and systems shall be subject to the fees as defined in Section 1321.06. (Ord. 2012-33. Passed 7-24-12.)

**1321.10 PLUMBING FEES.**

Plumbing permits, for both commercial/industrial and residential fall under the authority of the Erie County Health Department and shall be obtained prior to the commencement of construction. (Ord. 2016-11. Passed 7-26-16.)

**1321.11 ELECTRICAL FEES.**

(a) Prior to the installation of any electrical wiring in a residential, commercial, or industrial building or structure, a permit shall be obtained from the Building Official. Electrical permit and inspection fees to be paid shall be in accordance with the following schedule:

(1) Residential: (1, 2, & 3 family dwellings)

New construction, major remodeling & major additions (per dwelling unit)	\$175.00
Additions, remodeling...(other than major)	\$125.00
Service entrance only (change)	\$75.00
Additional meters (each)	\$75.00
Re-inspections: each re-inspection made necessary by incompetent, incomplete, or negligent work (per inspection)	\$75.00
The penalty for starting work without the required permit shall be 200% of the permit fee plus the required fee.	

(2) Commercial/industrial: (workshop, factories, apartments over 3 suites, condominiums, mercantile, offices, etc.)

New construction, major remodeling, & major additions (Includes four inspections-additional inspections-\$75 each)	\$250.00
Additions and remodeling...(other than major) (Includes three inspections-additional inspections-\$75 each)	\$200.00
Service entrance only (change)	\$75.00
Additional meters (each)	\$75.00
Re-inspections: each re-inspection made necessary by incompetent, incomplete, or negligent work (per inspection)	\$75.00

The penalty for starting work without the required permit shall be 200% of the permit fee plus the required fee.

(b) Fire Demand Certificate. Any building or structure in which the electrical wiring has been damaged or rendered defective by fire, shall have a fire demand certificate posted in it by the Building Official, specifying what portion or portions of the electrical wiring shall be repaired or replaced.

(c) Disconnecting Current. The Chief of the Fire Division, the Building Official, or any other competent person delegated by either of them shall have the authority to cause the turning off of all electrical currents or to cut or disconnect, in cases of emergency, any wires where such electrical currents are dangerous to life or property or where such wires may interfere with the work or progress of the Fire Division.

(d) Service Entrance Equipment. Service entrance equipment shall be a minimum of 100 ampere capacity per family in single or multiple dwellings either of the automatic breaker or the safety-type fuse switch. (Ord. 2016-11. Passed 7-26-16.)

**1321.12 MISCELLANEOUS FEES.**

(a) Fees for an application for appeal before the Board of Building and Zoning Appeals as required by Section 1131.02 shall be one hundred fifty dollars (\$150.00).

(b) Fees for a site development plan reviewed by the Planning Commission as required by Section 1313.04 shall be one hundred fifty dollars (\$150.00).

(c) Fees for an amendment or re-districting as required by Section 1131.03 shall be two hundred fifty dollars (\$250.00).

(d) Fees for the issuance of a permit for a sign, including a portable or temporary sign, shall be as follows:

<u>Sq. Ft.</u>	<u>Base Fee</u>	<u>Area Fee</u>
50 sq. ft. or less	\$100.00	.25 per sq. ft.
51 - 200 sq. ft.	\$150.00	.25 per sq. ft.
over 200 sq. ft.	\$200.00	.25 per sq. ft.

(e) Fees for the review of commercial/industrial projects by the Design Review Committee shall be one hundred and fifty dollars (\$150.00) for projects determined by the Building Official to be "major" and fifty dollars (\$50.00) for projects determined by the Building Official to be "minor". (Ord. 2012-33. Passed 7-24-12.)

**1321.13 ZONING FEES,**

- (a) Residential Structure: \$100.00 + .05/sq ft
- (b) Additions to Structure: \$75.00 + .05/sq ft
- (c) Accessory Building: Under 200 sq ft \$25.00  
Over 200 sq Ft \$25.00 + .05/sq ft
- (d) Pools: \$75.00
- (e) Porch / Deck: \$25.00
- (f) Fence: \$25.00 + .20 per lineal ft of fence
- (g) Commercial Structure: \$200.00 + .05/sq ft
- (h) Commercial Addition: \$150.00 + .05/sq ft
- (i) Parking Lots: \$100.00 + .05/sq ft

(Ord. 2012-33. Passed 7-24-12.)

**1321.14 ADMINISTRATIVE FEES.**

Notwithstanding other fees identified in Chapter 1321 et seq., there shall be a fifteen percent (15%) administrative surcharge added to fees for services identified in Section 1321.06-1321.11 which shall be retained by the City of Huron.

(Ord. 2016-11. Passed 7-26-16.)



**CHAPTER 1323**  
**Contractors**

<b>1323.01</b>	<b>Definitions.</b>	<b>1323.06</b>	<b>Suspension and revocation.</b>
<b>1323.02</b>	<b>Specialty contractors.</b>	<b>1323.07</b>	<b>Bond.</b>
<b>1323.03</b>	<b>Registration of all contractors.</b>	<b>1323.08</b>	<b>Appeals.</b>
<b>1323.04</b>	<b>Term, renewal and fees.</b>	<b>1323.09</b>	<b>Building movers.</b>
<b>1323.05</b>	<b>Assignment, transfer, use by third persons.</b>	<b>1323.99</b>	<b>Penalty.</b>

**1323.01 DEFINITIONS.**

For purposes of this chapter, the following words and terms shall have the following meanings:

- (a) “Contractor” means an individual corporation, joint venture, or other entity which builds, constructs, repairs, replaces, remodels, alters, or otherwise improves any land or building or any portion thereof. Contractor includes, without limitation, entities considered to be general contractors and actors. Each entity of a joint venture or any other form of cooperative effort is a contractor for the purposes of this chapter. No provision of this chapter shall be interpreted to require that a person, firm or corporation who is an owner or lessee of premises shall be registered to perform work upon such premises owned by such person, firm or corporation. Persons employed by the owner of the property in the capacity of a Building Custodian shall not be required to register or be otherwise subject to any provision of this chapter.
- (b) “General contractor” means an individual, partnership, corporation, joint venture or other entity which builds, constructs, repairs, replaces, remodels, alters or otherwise improves any land or building or any portion thereof and coordinates other contractors working on the same project.
- (c) “Specialty contractor” means a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor, as those terms are defined as a licensed trade in Ohio R.C. 4740.01.
- (d) “Residential work” means any work performed on one, two and three-family dwellings.
- (e) “Commercial work” means all work governed by the Ohio Building Code. (Ord. 2016-12. Passed 7-26-16.)

**1323.02 SPECIALTY CONTRACTORS.**

Specialty contractors who perform any commercial or residential work within the City must have a valid and unexpired license issued by the Ohio Construction Industry Examining Board pursuant to Ohio R.C. Chapter 4740. (Ord. 2016-12. Passed 7-26-16.)

**1323.03 REGISTRATION OF ALL CONTRACTORS.**

(a) All contractors shall register with the City of Huron Zoning Department prior to performing any work in the City. No person shall allow a contractor who has failed to register with the City of Huron Zoning Department to perform any work in the City.

(b) A contractor seeking to be registered shall submit the following to the Zoning Department of the City:

- (1) An application for registration on a form prescribed by the Building Official or his designee;
- (2) The contractor's certificate of liability insurance demonstrating a minimum combined bodily and property damage coverage in the amount of \$300,000. Liability insurance coverage shall be maintained in full force and effect and a copy of any policy changes including renewal forwarded to the Zoning Department throughout the term of the registration;
- (3) Proof of compliance with the State of Ohio's Workers' Compensation Laws;
- (4) Certificate of registration with Regional Income Tax Agency (R.I.T.A.).
- (5) A copy of the current license issued pursuant to Ohio R.C. Chapter 4740 by the Ohio Construction Industry Examining Board to the contractor or an employee of a contractor, if such a license is required for the contractor's trade; and
- (6) A registration fee in an amount established by Section 1323.04.

(c) Upon submission of the items required above, the Building Official or his designee, shall issue a registration certificate. The Building Official or his designee may deny an application for registration if the contractor fails to submit any of the items required above, the contractor has previously failed to comply with the applicable requirements of all building codes as adopted by City ordinances or as regulated by the state building code or the City's construction specifications; or the contractor has at any time violated any provision of this chapter. (Ord. 2016-12. Passed 7-26-16.)

**1323.04 TERM, RENEWAL AND FEES.**

(a) A registration certificate issued pursuant to Section 1323.03 shall be valid for the calendar year in which it is issued and shall be renewed annually thereafter.

(b) A registration certificate issued pursuant to Section 1323.03 may be renewed within 30 days following expiration of the registration certificate upon payment of the fee established by Section 1323.04(c) and proof of continued liability insurance coverage as required by Section 1323.03(b)(2), and a copy of the current license as required by Section 1323.02.

(c) Notwithstanding any other fees as set forth in this Chapter, the annual fee for Contractor registration shall be as follows:

- (1) General Contractor \$100.00
- (2) Specialty Contractor \$100.00

(Ord. 2016-12. Passed 7-26-16.)

**1323.05 ASSIGNMENT, TRANSFER, USE BY THIRD PERSONS.**

A registered contractor shall not assign, transfer or allow any other person to use its registration certificate for any purpose.  
(Ord. 2016-12. Passed 7-26-16.)

**1323.06 SUSPENSION AND REVOCATION.**

(a) The Building Official or his designee may immediately suspend or revoke a registration certificate or deny renewal of a registration certificate if:

- (1) The contractor fails to comply with the applicable requirements of all building codes as adopted by City ordinance or as regulated by the State.
- (2) The contractor's license issued by the Ohio Construction Industry Examining Board is suspended or revoked.
- (3) The holder of the license issued by the Ohio Construction Industry Examining Board becomes disassociated with the contractor and a license of another employee of the contractor is not submitted to the Zoning Official within 90 days after the disassociation.
- (4) The contractor fails to maintain liability insurance coverage as required pursuant to Section 1323.03(b)(2).
- (5) The contractor violates any provision of this chapter.

(b) An order of the Building Official or his designee suspending or revoking a contractor's registration certificate shall be effective upon written notice served upon the contractor. (Ord. 2016-12. Passed 7-26-16.)

**1323.07 BOND.**

When evidence discloses that the registrant has refused, failed or neglected to correct or abate violations of any applicable standards or ordinance in performance of work done pursuant to a Certificate of Registration within a reasonable time after having been notified by the Building Official, the Building Official or his designee may require the registrant to furnish a performance bond in the amount of ten thousand dollars (\$10,000) guaranteeing full and faithful compliance by the applicant with all provisions of any applicable standards or ordinance of the City whenever the applicant for registration named as the principal on such bond refuses, neglects or fails to correct or abate such violation within a reasonable time set by the Building Official or his designee.  
(Ord. 2016-12. Passed 7-26-16.)

**1323.08 APPEALS.**

In the event the application for a certificate is not approved, or in the event any certificate issued under this chapter is revoked, the applicant shall be notified of the refusal or revocation in writing and such notice shall be sent by certified mail to the applicant at the address of the applicant as set forth in the application for a certificate. The applicant shall have thirty days after receipt of such notice to appeal such refusal or revocation. Such appeal shall be perfected by filing a written notice of the appeal with the Huron City Council. Thereupon, the applicant shall have not less than ten days' notice of the date and place of the hearing. The appeal shall be heard by the Huron City Council, who shall have the power after such hearing to either affirm or overrule the decision of the Building Official. The Huron City Council shall cause notice of his/her decision to be sent by certified mail to the applicant at the address of the applicant as set forth in the application within thirty days of the date of the hearing.  
(Ord. 2016-12. Passed 7-26-16.)

**1323.09 BUILDING MOVERS.**

(a) No person shall move any building within the limits of the City without paying an annual registration fee of twenty-five dollars (\$25.00) and posting a bond with good and sufficient sureties to be approved by the City Manager. The bond shall provide that the party will pay any and all damages which may happen to any tree, pavement, street, or sidewalk or any public building or structure, and all damages resulting to any person whomsoever which may be caused by the carelessness or negligence of the person so licensed, or by his agent, employees, or workmen while engaged in the removing of any building in the streets, alleys or public ways of the City. The bond shall provide also that the mover will save and indemnify and keep harmless the City against all liabilities, judgments, costs and expenses which may accrue against the City in consequence of the granting of the permit and will in all things strictly comply with the conditions of the permit.

(b) Permit for Each Job. Upon payment of the registration fee and the execution of the bond to the acceptance of the City Manager, the mover shall in each and every instance, before removing any building, obtain a permit from the City Manager or his authorized agent, stating specifically all the conditions, prescribing the route to be taken, the building proposed to be removed, and the site to which the building is to be removed, and limiting the time for the removal of any such building.

(c) Signals and Lights. Any person having such permit shall, while engaged in the removal of any buildings in the public streets, alleys and public ways of the City and while occupying or using the streets, alleys and public ways for that purpose, cause a red light to be placed in a conspicuous place in the front and rear of the building and obstruction, and the capstan used in moving the same, from dark until sunrise on each night during the time the building and obstruction remains in the streets, alleys and highways of the City.

(d) Delay in Moving; Penalty. The owner of any building, or the contractor for its removal, either or both, who shall suffer the same to be or remain in any of the streets, alleys, highways or upon any of the public grounds of the City for any time longer than may be specified in the permit, unavoidable delays excepted, shall be fined, in accordance with Section 1323.99, and shall forfeit his permit, and there shall be a like penalty for each 24 hours that the same shall be continued, and such buildings shall be deemed a nuisance.  
(Ord. 2016-12. Passed 7-26-16.)

**1323.99 PENALTY.**

Whoever violates any of the provisions of this chapter shall be fined not more than five hundred dollars (\$500.00). Each day's violation shall constitute a separate offense.  
(Ord. 2016-12. Passed 7-26-16.)

**TITLE FIVE - Additional Building Standards**

Chap. 1333. Gas Piping and Appliances.

Chap. 1335. Family Fallout Shelters.

Chap. 1337. Satellite Receiving Stations.

**CHAPTER 1333  
Gas Piping and Appliances**

<b>1333.01</b>	<b>Definitions.</b>	<b>1333.05</b>	<b>Large installations.</b>
<b>1333.02</b>	<b>Compliance required.</b>	<b>1333.06</b>	<b>Typical reference diagrams available.</b>
<b>1333.03</b>	<b>Service line requirements.</b>	<b>1333.99</b>	<b>Penalty.</b>
<b>1333.04</b>	<b>House line requirements.</b>		

**CROSS REFERENCES**

Compulsory gas connections - see Ohio R. C . 743.37

Gas lines in subdivisions - see P. & Z. 1117.11

Pressure piping systems code - see OAC 4101:8

**1333.01 DEFINITIONS.**

(a) "Service line or service pipe" as used herein means the pipe line and fittings between the service line connection of the gas company distributing gas and the inlet side of the meter setting.

(b) "Service line connection" means the pipe line and fittings from the gas main of the gas company distributing gas up to and including the curb cock.

(c) "House piping or house lines" means the pipe lines and fittings beyond the outlet side of the meter setting which are installed upon the premises where gas is to be consumed.

(d) "Appliance" means any gas-burning device.

(e) "Meter setting" includes the swivel connected to the inlet and outlet of the meter.

(f) "Curb cock" means the stopcock shut-off valve at or near the property line of the premises on which gas is to be consumed.

(g) "Gas company" means the public utility distributing and selling gas for public consumption in the City. (Ord. 412. Passed 3-23-59.)

**1333.02 COMPLIANCE REQUIRED.**

No person shall install, construct, alter or repair service lines and house lines for gas-burning appliances which do not comply with the standards set forth herein. (Ord. 412. Passed 3-23-59.)

**1333.03 SERVICE LINE REQUIREMENTS.**

(a) Service lines shall not be of a size smaller than that of the gas company's service line connection.

(b) Standard weight wrought iron or black steel pipe shall be used for all service lines.

(c) Galvanized pipe shall not be used for underground service lines.

(d) All screw fittings shall be black malleable iron of the banded or beaded type. Bushings, unions, screw couplings, all thread nipples, cast iron fittings, or galvanized fittings, solder type fittings and connections shall not be permitted in the service line.

(e) Where more than one length of pipe is required, welding or a compression coupling of the Dresser type (Style 38), or its equivalent, with armored gasket, shall be used to join the lengths of service pipe.

When welding is used, the welding procedures and the quality of welding shall conform to the procedures and processes in Pressure Piping Systems Code 4101:8 of the Ohio Administrative Code for welds on piping systems intended to operate at less than twenty percent of the specified minimum yield strength.

(f) The customer service line shall be laid on undisturbed or well compacted soil in a separate trench, avoiding sewers, water pipes and conduits, and shall not run through septic tanks or leaching beds. It shall not be laid on a bench or offset of a deeper trench. The trench shall be graded uniformly to provide solid and continuous foundation for the pipe and shall be deep enough to provide at least twelve inches of cover over service pipe.

(g) The service line shall be installed in a continuous straight line and at right angles to the building line. Turns consisting of ninety degree ells and nipples shall be used where underground vertical offsets are required. Bends in pipe shall not be permitted.

(h) Where the service line is laid under a portion of a building, the line shall be cased from a point at least two feet beyond the foundation entry and, if a riser is involved, to a point on the riser at least six inches above the floor. The ends of the casing shall be sealed by welding to the service line. A vent line shall be provided from the casing to a point outside the building.

(i) The service line may parallel the foundation wall, at a distance of not less than three feet from the foundation, to a point opposite the meter setting location. Such a line shall not parallel the foundation or building wall for a distance of more than fifteen feet. The meter shall be installed on the outside of the building and located so as to comply with above conditions.

(j) The service line shall not be laid under concrete or other hard surface walks or driveways except where it may be necessary to cross under such walks or driveways and except where such walks or driveways extend from curb to foundation wall and the full width of the property such as service stations and places of business. Where a service line is installed under these conditions, a vent shall be installed over the line near the foundation wall.

Where a riser passes through a walk or driveway, it shall pass through a sleeve or other means of providing a space between the riser and the walk or drive. This provision shall apply to the construction of a walk or driveway around an existing riser.

(k) Each length of pipe shall be examined before connecting, and dirt or obstruction removed. The burr left by the cutting tool shall be reamed off. Pipe and fittings shall be examined for condition of threads. Pipe dope or thread lubricant shall be used sparingly and on male threads only.

(l) When a service line terminates at an outside meter setting, the inlet riser shall include a tee ahead of the meter stop. The side opening of the tee shall be plugged and the head of the plug used to close this opening shall be drilled for seal wire.

(m) A suitable vent terminating in an insectproof and rainproof fitting shall be provided for all service pressure regulators. The vent shall be the same size as the vent top on the regulator. Pressure regulators supplied from medium or high pressure mains shall be installed outside of the building.

(n) The service line trench shall not be backfilled until after the line has been inspected by the gas company supplying gas to the premises. The trench shall be backfilled within twenty-four hours after approval of inspection.

No heavy weight or heavy material, such as large stones or concrete blocks, and no cinders or slag shall be placed on the service line or in the fill over the service line.

No heavy equipment shall be run over the service line or trench after it has been backfilled.

(o) An approved tamperproof stopcock (a stopcock designed and constructed to minimize the possibility of the removal of the core of the cock accidentally or willfully) shall be installed in the service line ahead of the regulator and the meter inlet. All stopcocks over two inches shall be of the lubricated type.

Where two or more meters are manifolded at one location, a master cock controlling the gas supply to all meters must be provided in addition to the cocks controlling the supply to each meter.

On multiple meter installations, each meter stop shall be plainly marked by a metal tag designating the part of the building being supplied.

(p) All piping from the point where the house line enters the building to the meter shall be exposed and accessible.

(q) Gas meters shall be installed as near as practicable to the point where the house line enters the building and shall be so located as to be readily accessible for examination, reading, replacement and where they will not be subjected to damage, excessive corrosion or to extreme temperatures.

All gas meters shall be located outside and at a minimum of three feet from any electric meter and a minimum of five feet from any steam or other harmful exhaust. The meter shall be protected by a cover which can easily be removed when needed and also shall have a properly located opening for reading.

No meter shall be removed, connected or reconnected except by the gas company supplying gas to the premises.

(r) Each building served with gas shall have a separate service line, except that a separate line shall not be laid for gas service to a garage, workshop or other building on a lot where there already exists a service line to the residence or main building of the customer.

For single-family dwellings, and for doubles, duplexes, apartments, terraces or flats having a basement common to all tenants, one customer service line only is required and meters shall be manifolded at one location. Where the gas main is located in the alley, the curb cock and box shall be located adjacent to the rear property line. Where the gas main is located in the roadway or between the curb and property line, the curb cock and box shall be located adjacent to the front property line.

In special cases where no location is available for outside meter setting, the Building Official may issue a written approval for an inside meter setting along with the approval of the gas company. In this case the gas company shall supply the instructions to govern this meter installation. (Ord. 412. Passed 3-23-59.)

#### **1333.04 HOUSE LINE REQUIREMENTS.**

(a) House lines in building shall comply with the Standard for Welded and Seamless Wrought-Steel Pipe, American National Standards Institute B36.10-75.

(b) All pipe fittings except stopcocks and valves shall be malleable iron and, except for stopcocks, valve couplings and unions, shall be of the banded or beaded type.

(c) Running threads, right and left couplings, bushings, cast iron fittings, solder type fittings or connections shall not be used.

(d) When unions are used they shall be of the ground joint type and shall be center punched to prevent loosening.



(e) Handle type stopcocks or hard seat valves shall be used and all valves requiring packing shall be packed with asbestos material.

(f) House piping and fittings shall be clear and free from cutting burrs and defects in structure or threading. Pipe dope or thread lubricant shall be used sparingly and on male threads only.

(g) All house pipes shall be securely supported by means of straps or hooks of permanent material to ceilings and walls and all strains on piping eliminated.

(h) House piping shall not be laid in a concrete floor slab. Where the house lines are laid under a concrete floor slab, the lines shall be cased from a point six inches beyond line entry to a point two inches above the floor for each riser.

(i) House piping shall not be run in or through an air duct, clothes chute, chimney or flue, ventilating duct, dumb waiter or elevator shaft. Bends in pipe shall not be permitted.

(j) When installing house piping, which shall be concealed in partitions, the number of fittings shall be kept to a minimum. Unions and swing joints made of combinations of fittings shall not be used.

(k) When welding is used, the welding procedures and the quality of welding shall conform to the procedures and processes in Pressure Piping Systems Code 4101:8 of the Ohio Administrative Code for welds on piping systems intended to operate at less than twenty percent of the specified minimum yield strength.

(l) When a semirigid tubing connector or a connector of flexible metal tubing and fittings is used, it shall connect to a solid pipe outlet in the same room as the appliance. The length of the connection shall not exceed six feet and it shall be installed so as to be protected against mechanical injury. For water heaters the connection shall not exceed two feet.

(m) House pipe outlets shall be far enough from walls and floors and shall project far enough from them to permit the use of a pipe wrench of suitable size without straining or bending the pipe. All outlets shall be securely capped or plugged.

(n) No connection shall be made between a gas line and any water line, air line or any other line carrying a fluid or gas other than that in the gas company's mains. No regulator shall be installed to control the flow of gas which has gas on one side of the diaphragm and water, steam or air at more than atmospheric pressure on the other side.

(o) House piping to an appliance shall not be less in size than the manifold size or connection at the appliance. Piping and fittings to a central heating furnace or boiler shall not be less than one and one-fourth inches. The drop line to the equipment shall be no less than the size of the manifold.

(p) No house piping smaller than three-fourths of an inch shall be approved except for supplying small incidental heaters, Bunsen burners, refrigerators and clothes driers.

(q) In remodeling or extending existing house piping, connections shall be made so that sizes can be maintained in accordance with the provisions of this section. Where sizes cannot be maintained from existing house piping, extensions shall be supplied by a separate line of pipe from the meter.

(r) A valve or stop shall be installed ahead of each gas-burning appliance. The valve or stop shall be placed in an accessible position.

(s) Unless otherwise specifically provided in this section, house lines laid outside of a building shall be installed, constructed, altered and repaired in accordance with the provisions of Section 1333.03, from the meter setting outlet through the foundation or floor of such building. (Ord. 412. Passed 3-23-59.)

#### **1333.05 LARGE INSTALLATIONS.**

Piping layouts for service line and house line installations in multiple dwellings, commercial buildings, public buildings, large single dwellings and similar large installations shall be submitted to the gas company serving the premises prior to installation, construction, alteration or repair thereof.

(Ord. 412. Passed 3-23-59.)

#### **1333.06 TYPICAL REFERENCE DIAGRAMS AVAILABLE.**

Typical outside meter setting diagrams can be obtained from the Building Official to show typical installations of service and house lines. They are made a part of this chapter for purposes of reference and shall not limit or alter the provisions of Sections 1333.01 to 1333.05.

(Ord. 412. Passed 3-23-59.)

#### **1333.99 PENALTY.**

Whoever violates any provisions of this chapter is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

**CHAPTER 1335  
Family Fallout Shelters**

<b>1335.01</b>	<b>Family fallout shelter defined.</b>	<b>1335.04</b>	<b>Standard for construction and structural stability.</b>
<b>1335.02</b>	<b>Permit required; fee; conditions of issuance.</b>	<b>1335.05</b>	<b>Application.</b>
<b>1335.03</b>	<b>Standard for design.</b>	<b>1335.99</b>	<b>Penalty.</b>

**1335.01 FAMILY FALLOUT SHELTER DEFINED.**

"Family fallout shelter" means a structure designed and constructed in accordance with this chapter, for emergency use only, to afford minimum protection from nuclear radiation, commonly known as "fallout" resulting from a nuclear incident which recently has been, or is, or is likely to be of catastrophic proportions. (Ord. 1962-20. Passed 7-23-62.)

**1335.02 PERMIT REQUIRED; FEE; CONDITIONS OF ISSUANCE.**

No person shall construct a family fallout shelter unless he first obtains a permit from the Building Official. The fee for a family fallout shelter permit shall be ten dollars (\$10.00). The permit shall be issued conditioned upon the observance of all applicable provisions of the Building Code. (Ord. 1962-20. Passed 7-23-62.)

**1335.03 STANDARD FOR DESIGN.**

A family fallout shelter shall be of a design conforming to that recommended or accepted by the Federal Department of Defense, Office of Civil Defense. (Ord. 1962-20. Passed 7-23-62.)

**1335.04 STANDARD FOR CONSTRUCTION AND STRUCTURAL STABILITY.**

A family fallout shelter shall, in all matters relating to construction and structural stability, comply with not less than the equivalent of the provisions relating to Design Loads and General Building Requirements specified in the Regional Dwelling House Code adopted in Section 1305.01. (Ord. 1962-20. Passed 7-23-62.)

**1335.05 APPLICATION.**

Notwithstanding the foregoing, the provisions contained in the Building Code relating to administration, permits, inspections, appeals and penalties shall be applicable to family fallout shelters. (Ord. 1962-20. Passed 7-23-62.)

**1335.99 PENALTY.**

Whoever violates any provision of this chapter is guilty of a minor misdemeanor.

**CHAPTER 1337**  
**Satellite Receiving Stations**

<p><b>1337.01</b> Definitions</p> <p><b>1337.02</b> Permit required.</p> <p><b>1337.03</b> Application for permit; plans.</p> <p><b>1337.04</b> Inspection of installation.</p> <p><b>1337.05</b> Location of satellite signal receiving earth stations and parabolics.</p>	<p><b>1337.06</b> Satellite signal receiving earth stations and parabolics support structures.</p> <p><b>1337.07</b> Variances.</p> <p><b>1337.99</b> Penalty.</p>
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**1337.01 DEFINITIONS.**

(a) "Dish-type satellite signal-receiving antennas", also referred to as "earth stations" or "ground stations", means one or a combination of two or more of the following:

- (1) A signal-receiving device (antenna, dish antenna, or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extraterrestrial sources.
- (2) A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.
- (3) A coaxial cable the purpose of which is to carry or transmit such signals to a receiver.

(b) "Receiver" means a television set or radio receiver.

(c) "Dish" means that part of a satellite signal-receiving antenna characteristically shaped like a saucer or dish.

(d) "Grounding rod" means a metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate. (Ord. 1985-29. Passed 11-25-85.)

**1337.02 PERMIT REQUIRED.**

No person, firm or corporation shall erect an earth station in the City without a permit, and no installation or erection shall commence before such permit is issued. (Ord. 1985-29. Passed 11-25-85.)

**1337.03 APPLICATION FOR PERMIT; PLANS.**

(a) Any owner who desires to construct or erect an earth station may apply to the building department for the permit referred to in Section 1337.02. A part-owner, occupant or renter shall have written permission from all owners of the lot, premises or parcel of land within the City on which such construction or erected earth station is proposed.

(b) The Building Inspector shall issue such permit provided the applicant submits a written application upon forms provided by the building department along with a plot plan of the lot, premises or parcel of land, showing exact location of the proposed earth station and all other buildings on the subject lot; a description of the kind of earth station proposed; plans showing specifications and elevations of the proposed location; and sufficient details to show the method of assembly and construction together with the sum of fifty dollars (\$50.00) which represents the permit fee. The permit fee shall cover the costs of reviewing the construction plans and specifications, inspecting the final construction and processing the application.

(c) The application shall indicate the owner or owners of the subject property, the occupant of the subject premises and the contractor or other person who shall be permitted to construct or erect the proposed earth station and showing such contractor's licensing or certification otherwise required by law. (Ord. 1985-29. Passed 11-25-85.)

**1337.04 INSPECTION OF INSTALLATION.**

Inspection of the installation by the Building Inspector shall be in accordance with a schedule established by the Building Inspector and may be reinspected should, in the opinion of the Building Inspector, any structural or electrical deficiencies become apparent. (Ord. 1985-29. Passed 11-25-85.)

**1337.05 LOCATION OF SATELLITE SIGNAL RECEIVING EARTH STATIONS AND PARABOLICS.**

(a) No earth station shall be erected in front of or beside any main building upon any lot and shall be located only in the rear yard. There shall be a minimum distance of twenty feet between the center of any such satellite station and any lot line.

(b) No earth station antenna shall be linked to any receivers which are not located on the same lot or premises as the earth station antenna.

(c) No earth station shall be erected on the roof top of any structure.

(d) No part of any earth station shall be located within six feet of any structure.  
(Ord. 1985-29. Passed 11-25-85.)

**1337.06 SATELLITE SIGNAL RECEIVING EARTH STATIONS AND  
PARABOLICS SUPPORT STRUCTURES.**

(a) The structure must be in conformance with the National Electrical Code, Article 800 and all other regulations or requirements imposed by law.

(b) Only metal support, galvanized construction shall be used in an earth station.

(c) The maximum diameter of any earth station shall not exceed twelve feet.

(d) Only a concrete base shall be employed and in line with grade.

(e) The maximum height of any earth station shall be fifteen feet from grade level.

(f) The structure, including foundation, shall be designed to withstand wind force of up to seventy miles per hour in conformance with generally accepted engineering practices.

(g) Any driving motor shall be limited to 110-volt maximum power design and shall be encased in protective guards and shall at all times be in compliance with requirements as provided in the National Electrical Code, Article 800 and any other requirements as provided by law.

(h) All wiring shall be underground and shall be encased in approved PVC conduit or rigid conduit with eighteen-inch cover.

(i) The earth station shall be bonded to an eight-foot grounding rod and in accordance with the requirements as provided in the National Electrical Code.

(j) The earth station shall be manufacturer's standard color and shall contain no graphics or advertising. (Ord. 1985-29. Passed 11-25-85.)

**1337.07 VARIANCES.**

The Board of Building and Zoning Appeals may permit a variance from the applicable sections of this chapter when, upon appeal, it clearly appears by reason of special conditions that undue hardship would result from a literal application of any section of this chapter.

The procedure for submitting a request for a variance shall be the same as set forth in Section 1355.02. (Ord. 1990-10. Passed 7-9-90.)

**1337.99 PENALTY.**

No person shall operate, use, erect or maintain any earth station that is not in compliance with Section 1337.01 to 1337.06. Whoever violates any provision of this chapter is guilty of a minor misdemeanor on the first offense; and of a misdemeanor of the fourth degree on each subsequent offense. A separate offense shall be deemed to be committed each day during or on which an offense occurs or continues. (Ord. 1985-29. Passed 11-25-85.)



### **TITLE SEVEN - Housing Code**

- Chap. 1351. Definitions.
- Chap. 1353. Enforcement, Inspections, Notice and Penalty.
- Chap. 1355. Appeal, Hearing and Variances.
- Chap. 1357. Condemnation Proceedings.
- Chap. 1358. Removal of Unsafe Buildings.
- Chap. 1359. Basic Equipment and Facilities.
- Chap. 1361. Light, Ventilation and Heating.
- Chap. 1363. Safety and Sanitation.
- Chap. 1365. Space, Height and Use.
- Chap. 1367. Responsibility of Owners and Occupants.
- Chap. 1369. Transient Rental Property.

### **CHAPTER 1351 Definitions**

<p><b>1351.01 Title, purpose and application of terms.</b></p> <p><b>1351.02 Bathroom.</b></p> <p><b>1351.03 Basement.</b></p> <p><b>1351.04 Cellar.</b></p> <p><b>1351.05 Dwellings.</b></p> <p><b>1351.06 Dwelling unit.</b></p> <p><b>1351.07 Extermination.</b></p> <p><b>1351.08 Garbage.</b></p> <p><b>1351.09 Habitable room.</b></p> <p><b>1351.10 Health Commissioner.</b></p>	<p><b>1351.11 Housing Inspector.</b></p> <p><b>1351.12 Infestation.</b></p> <p><b>1351.13 Occupant.</b></p> <p><b>1351.14 Operator.</b></p> <p><b>1351.15 Owner.</b></p> <p><b>1351.16 Person.</b></p> <p><b>1351.17 Plumbing.</b></p> <p><b>1351.18 Rooming unit.</b></p> <p><b>1351.19 Rubbish.</b></p> <p><b>1351.20 Safe load.</b></p> <p><b>1351.21 Supplied.</b></p>
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#### **1351.01 TITLE, PURPOSE AND APPLICATION OF TERMS.**

- (a) Title Seven shall be known as the Housing Code.
- (b) The purpose of the Housing Code is to establish minimum standards of hygiene and sanitation governing the condition, maintenance and space occupancy of dwellings; to establish minimum standards governing supplied utilities and facilities and other physical things and conditions essential to make dwellings safe, sanitary and fit for occupants of dwellings; to establish minimum standards governing the condition of dwellings offered for rent; to fix certain responsibilities and duties of owners and occupants of dwellings, authorizing the inspection of dwellings and the condemnation of dwellings found to be unfit for human habitation.

(c) The definitions in this chapter shall apply in the interpretation and enforcement of this Title Seven, the Housing Code.

(d) Whenever the words "dwelling", "dwelling unit", "rooming house", "rooming unit" or "premises" are used herein they shall be construed as though they were followed by the words "or any part thereof".

(e) "Housing Code" as used herein means the provisions of Title Seven of the Building Code. (Ord. 1972-2. Passed 1-10-72.)

#### **1351.02 BATHROOM.**

"Bathroom" means a room which affords privacy to a person within such room, and is equipped with a flush water closet, a lavatory basin and a bathtub or shower. The facilities of the bathroom shall be in good working condition and properly connected to a public water and sewer system or to a sewer and water system approved by the Housing Inspector. (Ord. 1971-43. Passed 7-26-71.)

#### **1351.03 BASEMENT.**

"Basement" means that portion of the building partly underground, but having less than half its clear height below the average grade of the adjoining ground (see Cellar). (Ord. 1971-43. Passed 7-26-71.)

#### **1351.04 CELLAR.**

"Cellar" means that portion of the building partly underground, having half or more than half of its clear height below the average grade of the adjoining ground. (Ord. 1971-43. Passed 7-26-71.)

#### **1351.05 DWELLINGS.**

(a) "One-family dwelling" means a building containing one dwelling unit with not more than five lodgers or boarders.

(b) "Two-family dwelling" means a building containing two dwelling units with not more than five lodgers or boarders per family but not more than twenty individuals.

(c) "Multi-family-apartment house" means a building containing more than two dwelling units.

(d) "Boarding house", "lodging house" or "tourist house" means a building arranged or used for lodging with or without meals, for compensation, for more than five and not more than twenty individuals.

(e) "Dormitory" means a building arranged or used for lodging six but not more than twenty individuals and having common toilet and bathroom facilities.

(f) "Hotel" means a building arranged or used for sheltering, sleeping or feeding, for compensation, more than twenty individuals. (Ord. 1971-43. Passed 7-26-71.)

**1351.06 DWELLING UNIT.**

"Dwelling unit" means one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities. (Ord. 1971-43. Passed 7-26-71.)

**1351.07 EXTERMINATION.**

"Extermination" means the control and elimination of insects, rodents or other pests by eliminating their harboring places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the City Manager or the Health Commissioner. (Ord. 1971-43. Passed 7-26-71.)

**1351.08 GARBAGE.**

"Garbage" means the animal, vegetable or mineral waste from the handling, preparation, cooking and consumption of food. (Ord. 1971-43. Passed 7-26-71.)

**1351.09 HABITABLE ROOM.**

"Habitable room" means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closets, laundries, pantries, foyers or communicating corridors, closets and storage spaces. (Ord. 1971-43. Passed 7-26-71.)

**1351.10 HEALTH COMMISSIONER.**

"Health Commissioner" means the legally designated health authority of the City or his authorized representative. (Ord. 1971-43. Passed 7-26-71.)

**1351.11 HOUSING INSPECTOR.**

"Housing Inspector" means the Building Official of the City or his duly authorized representative. (Ord. 1971-43. Passed 7-26-71.)

**1351.12 INFESTATION.**

"Infestation" means the presence, within or around a dwelling, of insects, rodents or other pests. (Ord. 1971-43. Passed 7-26-71)

**1351.13 OCCUPANT.**

"Occupant" means any person living, sleeping or cooking in, or having actual possession of a dwelling unit or rooming unit. (Ord. 1971-43. Passed 7-26-71.)

**1351.14 OPERATOR.**

"Operator" means any person who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are let. (Ord. 1971-43. Passed 7-26-71.)

**1351.15 OWNER.**

"Owner" means any person who, alone or jointly or severally with others:

- (a) Has legal or equitable title to any dwelling or dwelling unit, rooming house or rooming unit together with the right to control or possess the same. When any such dwelling, dwelling unit, rooming house or rooming unit has been sold under a land contract whereby the right to possession and duties of maintenance are vested in the purchaser, then such land contract purchaser is deemed to be the owner for the purposes of this Housing Code; or
- (b) Has charge, care or control of any dwelling or dwelling unit, rooming house or rooming unit, as agent of the owner, or as executor, executrix, administrator, administratrix, assignee, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Housing Code, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.  
(Ord. 1971-43. Passed 7-26-71.)

**1351.16 PERSON.**

"Person" means any individual, firm, corporation, association or partnership.  
(Ord. 1971-43. Passed 7-26-71.)

**1351.17 PLUMBING.**

"Plumbing" means and includes all of the following supplied facilities and equipment: water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water and sewer lines.  
(Ord. 1971-43. Passed 7-26-71.)

**1351.18 ROOMING UNIT.**

"Rooming unit" means any room or group of rooms used or intended to be used for living and sleeping, but not for cooking or eating purposes. (Ord. 1971-43. Passed 7-26-71.)

**1351.19 RUBBISH.**

"Rubbish" means combustible and noncombustible waste materials, except garbage. Rubbish includes the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.  
(Ord. 1971-43. Passed 7-26-71.)

**1351.20 SAFE LOAD.**

"Safe load" means the minimum load indicated in Chapter 39 of the Regional Dwelling House Code as adopted in Chapter 1305 of this Building Code.  
(Ord. 1971-43. Passed 7-26-71.)

**1351.21 SUPPLIED.**

"Supplied" means paid for, furnished or provided by or under the control of the owner or operator. (Ord. 1971-43. Passed 7-26-71.)



**CHAPTER 1353**  
**Enforcement, Inspections, Notice and Penalty**

<b>1353.01</b>	<b>Enforcement.</b>	<b>1353.05</b>	<b>Enforcement by City Manager.</b>
<b>1353.02</b>	<b>Inspections; right of entry.</b>	<b>1353.06</b>	<b>Emergency orders.</b>
<b>1353.03</b>	<b>Rules and regulations.</b>	<b>1353.99</b>	<b>Penalty.</b>
<b>1353.04</b>	<b>Violation notice; contents and service.</b>		

**CROSS REFERENCES**

Obstructing official business - see GEN. OFF. 525.07  
Penalties applicable to misdemeanor classifications - see  
GEN. OFF. 501.99  
Impersonation of public official - see GEN. OFF. 525.03

**1353.01 ENFORCEMENT.**

The provisions of this Title Seven, the Housing Code of the City, shall be enforced by the Housing Inspector. (Ord. 1962-20. Passed 7-23-62.)

**1353.02 INSPECTIONS; RIGHT OF ENTRY.**

Upon presentation of proper credentials or proper identification, the Housing Inspector may enter at reasonable times any building, structure or premises in the City to perform any duty imposed on him by this Housing Code. No person shall in any way obstruct, hinder, delay or otherwise interfere with the Housing Inspector in such entrance.  
(Ord. 1962-20. Passed 7-23-62.)

**1353.03 RULES AND REGULATIONS.**

The Housing Inspector is hereby authorized to make and adopt such rules and regulations as may be necessary for the proper enforcement of the provisions of this Housing Code, provided that such rules and regulations shall not be in conflict with the provisions or intent of this Housing Code. Such adopted rules and regulations shall have the same force and effect as the provisions of this Housing Code.  
(Ord. 1962-20. Passed 7-23-62.)

**1353.04 VIOLATION NOTICE; CONTENTS AND SERVICE.**

Whenever the Housing Inspector determines that there is a violation of any provision of this Housing Code or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor, as provided. Such notice shall:

- (a) Be put in writing;
- (b) Include a statement of the reasons why it is being issued;
- (c) Allow a reasonable time for the performance of any act it requires;
- (d) Be served upon the owner or his agent or the occupant by personal service.

If, after a diligent search, personal service cannot be made upon the owner, such notice may be served in the following manner.

- (1) By registered mail to the last known address with a request for return receipt; and
- (2) By posting such notice in a conspicuous place in or about the premises.  
(Ord. 1962-20. Passed 7-23-62.)

**1353.05 ENFORCEMENT BY CITY MANAGER.**

Whenever the Housing Inspector determines that there has been a violation of this Housing Code relative to any of the following four subjects, he shall advise the City Manager or the Health Commissioner of such violation. The City Manager shall take such enforcement action as is necessary to correct any such violation in accordance with the provisions of this Housing Code.

- (a) Private water supplies and private sewage disposal systems;
- (b) Methods of elimination of insects, rodents and other pests;
- (c) Location of receptacles for the storage of garbage and rubbish;
- (d) Methods of ventilation other than by windows and skylights.

This section does not preclude the City Manager from initiating independent action in the enforcement of matters relative to the above four subjects. (Ord. 1962-20. Passed 7-23-62.)

**1353.06 EMERGENCY ORDERS.**

Whenever the Housing Inspector finds that an emergency exists which requires immediate action to protect the public health and safety, he may issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this Housing Code, such order shall be effective immediately and complied with immediately.

(Ord. 1962-20. Passed 7-23-62.)

**1353.99 PENALTY.**

Whoever violates any provision of this Title Seven, the Housing Code, or any lawful order, rule or regulation issued pursuant thereto, is guilty of a minor misdemeanor. Any such violation shall constitute a separate offense on each successive day continued.

(Ord. 1962-20. Passed 7-23-62.)



**CHAPTER 1355**  
**Appeal, Hearing and Variances**

<b>1355.01</b>	<b>General powers of Appeal Board.</b>	<b>1355.05</b>	<b>Procedural rules; quorum.</b>
<b>1355.02</b>	<b>Appeal; hearing and notice.</b>	<b>1355.06</b>	<b>Powers of interpretation.</b>
<b>1355.03</b>	<b>Action upon notice.</b>	<b>1355.07</b>	<b>Variances.</b>
<b>1355.04</b>	<b>Proceedings at hearings; findings.</b>		

**CROSS REFERENCES**

Board of Building and Zoning Appeals created - see CHTR. § 7.02  
Appeals from administrative agencies - see Ohio R.C. Ch. 2506  
Contents and service of violation notice - see BLDG. 1353.04

**1355.01 GENERAL POWERS OF APPEAL BOARD.**

The Board of Building and Zoning Appeals, as created in Section 7.02 of the City Charter, shall conduct hearings and exercise functions as authorized by this Title Seven, the Housing Code. (Ord. 1962-20. Passed 7-23-62.)

**1355.02 APPEAL; HEARING AND NOTICE.**

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Housing Code, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing before the Board of Building and Zoning Appeals on all matters set forth in such notice; provided that such person shall file in the office of the Housing Inspector a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten calendar days after the day the notice was served. The filing fee for such petition shall be five dollars (\$5.00).

Upon the receipt of such petition, the Housing Inspector, acting as executive secretary to the Board, shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than thirty days after the day on which the petition was filed; provided, that upon application of the petitioner, the Board of Building and Zoning Appeals may postpone the date of hearing for a reasonable time beyond such thirty day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement. (Ord. 1962-20. Passed 7-23-62.)

**1355.03 ACTION UPON NOTICE.**

After such hearing, the Board of Building and Zoning Appeals shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this Housing Code and the rules and regulations adopted pursuant thereto have been complied with. If the Board sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to Section 1353.04 shall automatically become an order if a written petition for a hearing is not filed in the office of the Housing Inspector within ten calendar days after such notice is served. Any permit required by this Housing Code or required by any rule or regulation adopted pursuant thereto, shall be deemed to have been revoked if the Board of Building and Zoning Appeals after a hearing sustains the notice of suspension. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for a hearing is not filed in the office of the Housing Inspector within ten calendar days after such notice is served. (Ord. 1962-20. Passed 7-23-62.)

**1355.04 PROCEEDINGS AT HEARINGS; FINDINGS.**

The proceedings at such hearings, including the findings and decision of the Board of Building and Zoning Appeals, shall be summarized, reduced to writing and entered as a matter of public record in the office of the Department of Building and Housing Inspection. The findings, decisions and orders of the Board of Building and Zoning Appeals shall be final. Such record shall also include a copy of every notice or order issued in connection with the matter. (Ord. 1962. Passed 7-23-62.)

**1355.05 PROCEDURAL RULES; QUORUM.**

The Board of Building and Zoning Appeals shall adopt rules of procedure not inconsistent with this Housing Code. No member of the Board shall take part in any hearing or determination in which he has a personal or financial interest. Four members of the Board in attendance at any meeting shall constitute a quorum. (Ord. 1962-20. Passed 7-23-62.)

**1355.06 POWERS OF INTERPRETATION.**

The Board of Building and Zoning Appeals shall interpret the intent of this Housing Code and any rules or regulations adopted pursuant thereto. (Ord. 1962-20. Passed 7-23-62.)

**1355.07 VARIANCES.**

The Board of Building and Zoning Appeals shall permit a reasonable minimum variance from the applicable section of this Housing Code when, upon appeal, it clearly appears by reason of special conditions that undue hardship would result from a literal application of any section of this Housing Code. All decisions to permit a variance under this section shall be by a majority of the members voting. (Ord. 1962-20. Passed 7-23-62.)

**CHAPTER 1357  
Condemnation Proceedings**

<b>1357.01</b>	<b>Compliance.</b>	<b>1357.05</b>	<b>Tampering with or removing placard.</b>
<b>1357.02</b>	<b>Dwellings unfit for habitation.</b>	<b>1357.06</b>	<b>Hearing.</b>
<b>1357.03</b>	<b>Vacation of premises.</b>		
<b>1357.04</b>	<b>Reoccupancy of dwelling.</b>		

**CROSS REFERENCES**

Housing Code definitions - see BLDG. Ch. 1351

Enforcement, inspection, notice and penalty - see BLDG.  
Ch. 1353

Appeal, hearings, variances - see BLDG. Ch. 1355

Owner's and occupant's responsibility - see BLDG. Ch. 1367

**1357.01 COMPLIANCE.**

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unit, dwelling or dwelling units shall be carried out in compliance with the requirements set forth in this chapter.  
(Ord. 1962-20. Passed 7-23-62.)

**1357.02 DWELLINGS UNFIT FOR HABITATION.**

Any dwelling or dwelling unit which is found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Housing Inspector:

- (a) One which is so damaged, decayed, dilapidated, insanitary, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.
  - (b) One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
  - (c) One which because of its general condition is insanitary, or otherwise dangerous to the health or safety of the occupants or of the public.
- (Ord. 1962-20. Passed 7-23-62.)

**1357.03 VACATION OF PREMISES.**

Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the Housing Inspector, shall be vacated within a reasonable time as ordered by the Housing Inspector. (Ord. 1962-20. Passed 7-23-62.)

**1357.04 REOCCUPANCY OF DWELLING.**

No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and such placard is removed by, the Housing Inspector. The Housing Inspector shall remove such placard whenever the defects upon which the condemnation and placarding action were based have been eliminated. (Ord. 1962-20. Passed 7-23-62.)

**1357.05 TAMPERING WITH OR REMOVING PLACARD.**

No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in Section 1357.04. (Ord. 1962-20. Passed 7-23-62.)

**1357.06 HEARING.**

Any person affected by any notice or order relating to the condemning and placarding of a dwelling, dwelling unit, rooming house or rooming unit as unfit for human habitation may request and shall be granted a hearing on the matter before the Board of Building and Zoning Appeals, under the procedure set forth in Chapter 1355. (Ord. 1962-20. Passed 7-23-62.)

**CHAPTER 1358**  
**Removal of Unsafe Buildings**

<b>1358.01</b>	<b>Compliance required.</b>	<b>1358.04</b>	<b>Agreement of lienholders.</b>
<b>1358.02</b>	<b>Structurally defective buildings may be removed.</b>	<b>1358.05</b>	<b>Costs placed on tax duplicate.</b>
<b>1358.03</b>	<b>Notice of intent.</b>	<b>1358.06</b>	<b>Hearing.</b>

**CROSS REFERENCES**

State law provisions - see Ohio R.C. 715. 26(B), 715.261 et seq.  
Condemnation proceedings - see BLDG. Ch. 1357

**1358.01 COMPLIANCE REQUIRED.**

The removal and repair of insecure, unsafe or structurally defective buildings or other structures shall be carried out in compliance with the requirements set forth in this chapter. (Ord. 1973-24. Passed 5-14-73.)

**1358.02 STRUCTURALLY DEFECTIVE BUILDINGS MAY BE REMOVED.**

Any dwelling, dwelling unit, building or other structure, which, upon inspection by the Building Official, is found to be so insecure, unsafe or structurally defective as to be dangerous or create a hazard detrimental to the public health, safety or welfare may be removed by the City from the land upon which the same is situated. (Ord. 1973-24. Passed 5-14-73.)

**1358.03 NOTICE OF INTENT.**

Prior to removal, the City, acting through the Building Official, shall give notice of the intention of the City to remove the insecure, unsafe or structurally defective building.

Such notice of intent shall be by certified mail to the holders of legal or equitable liens of record upon the real property on which such building is located and to the owners of record, at least thirty days prior to the removal. (Ord. 1973-24. Passed 5-14-73.)

**1358.04 AGREEMENT OF LIENHOLDERS.**

The holders of liens of record upon such property may enter into an agreement with the City within the period specified in the notice, to remove or repair the insecure, unsafe or structurally defective building. (Ord. 1973-24. Passed 5-14-73.)

**1358.05 COSTS PLACED ON TAX DUPLICATE.**

The total cost, whether such costs are incurred due to the use of employees, materials and equipment of the City or by contract for labor, materials and equipment, or both, of removing insecure, unsafe or structurally defective buildings or other structures, including the costs of service of publication or notice, together with a proper description of the premises, shall be certified by the Clerk of Council to the County Auditor and by him placed upon the tax duplicate. Such costs shall be a lien upon such lands from and after the date of entry and shall be collected as other taxes. (Ord. 1973-24. Passed 5-14-73.)

**1358.06 HEARING.**

Any person affected by the notice to remove an insecure, unsafe or structurally defective building or other structure may request a hearing before the Board of Building and Zoning Appeals if the request for hearing is filed with the Board within ten days from the date of notice of intent. Such hearing and procedures shall be governed by the provisions set forth in Chapter 1355. (Ord. 1973-24. Passed 5-14-73.)

**CHAPTER 1359**  
**Basic Equipment and Facilities**

<b>1359.01</b>	<b>Compliance with minimum standards.</b>	<b>1359.05</b>	<b>Water line connections.</b>
<b>1359.02</b>	<b>Kitchen sink.</b>	<b>1359.06</b>	<b>Garbage disposal facilities.</b>
<b>1359.03</b>	<b>Bathroom.</b>	<b>1359.07</b>	<b>Rubbish storage facilities.</b>
<b>1359.04</b>	<b>Sharing a bathroom prohibited.</b>	<b>1359.08</b>	<b>Water-heating facilities.</b>
		<b>1359.09</b>	<b>Means of egress.</b>

**CROSS REFERENCES**

Building Code standards - see BLDG. Ch. 1305

Means of egress - see OAC 4101:2-6

**1359.01 COMPLIANCE WITH MINIMUM STANDARDS.**

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the requirements set forth in this chapter. (Ord. 1962-20. Passed 7-23-62.)

**1359.02 KITCHEN SINK.**

In every dwelling unit there shall be a kitchen sink in good working condition and properly connected to a public water and sewer system or to a water and sewer system approved by the Housing Inspector. (Ord. 1962-20. Passed 7-23-62.)

**1359.03 BATHROOM.**

Every dwelling unit shall contain a fully equipped bath and toilet facility which affords privacy to a person within such room. The facilities of the bathroom shall be in good working condition and properly connected to a public water and sewer system or to a water and sewer system approved by the Housing Inspector. (Ord. 1968-22. Passed 4-22-68.)

**1359.04 SHARING A BATHROOM PROHIBITED.**

The occupants of more than one dwelling unit may not share a bathroom. (Ord. 1972-3. Passed 1-10-72.)

**1359.05 WATER LINE CONNECTIONS.**

Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of Sections 1359.02 through 1359.04 shall be properly connected with both hot and cold water lines. (Ord. 1962-20. Passed 7-23-62.)

**1359.06 GARBAGE DISPOSAL FACILITIES.**

Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers. All such receptacles shall at all times be maintained in good order and repair. All such receptacles must meet the requirements as established by Council and be of an approved type and placed in a location approved by Council. (Ord. 1962-20. Passed 7-23-62.)

**1359.07 RUBBISH STORAGE FACILITIES.**

Every dwelling unit shall have adequate rubbish storage facilities which meet the requirements as established by Council and are of an approved type and placed in a location approved by Council. (Ord. 1962-20. Passed 7-23-62.)

**1359.08 WATER-HEATING FACILITIES.**

Every dwelling shall have supplied water-heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of Section 1359.05 and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees Fahrenheit. Such supplied water-heating facilities shall be capable of meeting the requirements of this section when the dwelling or dwelling unit facilities required under the provisions of Section 1359.05 are not in operation. (Ord. 1962-20. Passed 7-23-62.)

**1359.09 MEANS OF EGRESS.**

Every dwelling unit shall have the required number of safe unobstructed means of egress leading to safe and open space at ground level, as required by the Building Code of the City. (Ord. 1962-20. Passed 7-23-62.)



**CHAPTER 1361**  
**Light, Ventilation and Heating**

<b>1361.01</b>	<b>Compliance with minimum standards.</b>	<b>1361.05</b>	<b>Electricity requirements.</b>
<b>1361.02</b>	<b>Window area required.</b>	<b>1361.06</b>	<b>Heating facilities required.</b>
<b>1361.03</b>	<b>Openable window area.</b>	<b>1361.07</b>	<b>Lighting in halls or stairways.</b>
<b>1361.04</b>	<b>Windows in bathrooms.</b>	<b>1361.08</b>	<b>Screening.</b>
		<b>1361.09</b>	<b>Basement screening.</b>

**CROSS REFERENCES**

Light and ventilation - see OAC 4101:2-5  
Venting of heaters - see GEN. OFF. 521.02

**1361.01 COMPLIANCE WITH MINIMUM STANDARDS.**

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements set forth in this chapter. (Ord. 1962-20. Passed 7-23-62.)

**1361.02 WINDOW AREA REQUIRED.**

Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window glass area for every habitable room shall be ten percent of the floor area of such room. Whenever light is obstructed from a window by a structure that extends above the top of such window and is closer than three feet to such window, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen percent of the total floor area of such room. (Ord. 1962-20. Passed 7-23-62.)

**1361.03 OPENABLE WINDOW AREA.**

Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to at least forty-five percent of the minimum window area size or minimum skylight-type window size, as required in Section 1361.02, except where there is supplied some other device affording adequate ventilation, approved by the Housing Inspector. (Ord. 1962-20. Passed 7-23-62.)

**1361.04 WINDOWS IN BATHROOMS.**

The window area in bathrooms shall not be less than three square feet and not less than one-half such area shall be openable unless adequate mechanical ventilation is provided.

(Ord. 1962-20. Passed 7-23-62.)

**1361.05 ELECTRICITY REQUIREMENTS.**

All dwellings not already connected to a source of electric power that are within 300 feet of available electric service power lines must be connected to such power lines. All such connections to the outside source of power must be in a manner prescribed by the Building Code of the City.

Every habitable room of such dwelling shall contain at least two separate wall-type electric convenience outlets, or one such convenience outlet and one supplied ceiling-type electric light fixture. Every water closet compartment, bathroom, laundry room, furnace room and public hall shall contain at least one supplied ceiling or wall-type light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition and shall be connected to the source of electric power.

(Ord. 1962-20. Passed 7-23-62.)

**1361.06 HEATING FACILITIES REQUIRED.**

Every dwelling and dwelling unit shall have heating facilities which are properly installed and vented, and maintained in safe operating condition and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments located therein to a temperature of at least seventy degrees Fahrenheit when outside temperature is minus ten degrees Fahrenheit. (Ord. 1971-43. Passed 7-26-71.)

**1361.07 LIGHTING IN HALLS OR STAIRWAYS.**

Every public hall and stairway in every multiple dwelling containing five or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

(Ord. 1962-20. Passed 7-23-62.)

**1361.08 SCREENING.**

In every dwelling or dwelling unit all openings to outdoor space used for ventilation purposes shall be equipped with screening. All screening required under this section shall be not less than sixteen meshes to the square inch and shall be installed and maintained in a manner according complete protection against entry into the dwelling or dwelling unit of flies, mosquitoes and other insects. (Ord. 1962-20. Passed 7-23-62.)

**1361.09 BASEMENT SCREENING.**

Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement which might provide an entry for rodents, shall be supplied with a screen and such other device as will effectively prevent their entrance.

(Ord. 1962-20. Passed 7-23-62.)

**CHAPTER 1363  
Safety and Sanitation**

<p><b>1363.01 Compliance with minimum standards.</b></p> <p><b>1363.02 Structure to be watertight, rodentproof and weathertight.</b></p> <p><b>1363.03 Windows, doors and hatchways.</b></p> <p><b>1363.04 Stairs and porches.</b></p> <p><b>1363.05 Plumbing fixtures.</b></p>	<p><b>1363.06 Bathroom floor surfaces.</b></p> <p><b>1363.07 Safe equipment and facilities.</b></p> <p><b>1363.08 Discontinuance of service or facility.</b></p> <p><b>1363.09 Clean and sanitary dwelling.</b></p> <p><b>1363.10 Rain carriers.</b></p>
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**CROSS REFERENCES**

Abandoned refrigerators - see GEN. OFF. 521.01  
Littering and deposit of garbage - see GEN. OFF. 521.08  
Noxious odors - see GEN. OFF. 521.09

**1363.01 COMPLIANCE WITH MINIMUM STANDARDS.**

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements set forth in this chapter. (Ord. 1962-20. Passed 7-23-62.)

**1363.02 STRUCTURE TO BE WATERTIGHT, RODENTPROOF AND WEATHERTIGHT.**

Every foundation, floor and exterior wall shall be reasonably watertight, rodentproof and weathertight. Every roof shall be leakproof. Every dwelling unit shall be capable of affording privacy and shall be kept in good repair. (Ord. 1962-20. Passed 7-23-62.)

**1363.03 WINDOWS, DOORS AND HATCHWAYS.**

Every window, exterior door and basement hatchway shall be watertight, rodentproof and reasonably weathertight, and shall be kept in sound working condition and good repair. (Ord. 1962-20. Passed 7-23-62.)

**1363.04 STAIRS AND PORCHES.**

Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair. (Ord. 1962-20. Passed 7-23-62.)

**1363.05 PLUMBING FIXTURES.**

Every plumbing fixture and water and wastepipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions. (Ord. 1962-20. Passed 7-23-62.)

**1363.06 BATHROOM FLOOR SURFACES.**

Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor easily to be kept in a clean and sanitary condition. (Ord. 1962-20. Passed 7-23-62.)

**1363.07 SAFE EQUIPMENT AND FACILITIES.**

Every supplied facility, piece of equipment or utility, which is required under this Housing Code shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition. (Ord. 1962-20. Passed 7-23-62.)

**1363.08 DISCONTINUANCE OF SERVICE OR FACILITY.**

No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this Housing Code to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Housing Inspector. (Ord. 1962-20. Passed 7-23-62.)

**1363.09 CLEAN AND SANITARY DWELLING.**

No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary and fit for human occupancy. (Ord. 1962-20. Passed 7-23-62.)

**1363.10 RAIN CARRIERS.**

The owner of any dwelling shall be responsible for the installation and maintenance of adequate rain carriers where such rain carriers are required by the Building Code of the City or where the absence thereof creates a structural or a health hazard. (Ord. 1962-20. Passed 7-23-62.)

**CHAPTER 1365**  
**Space, Height and Use**

<b>1365.01</b>	<b>Compliance with minimum standards.</b>	<b>1365.04</b>	<b>Height of rooms.</b>
<b>1365.02</b>	<b>Floor space required.</b>	<b>1365.05</b>	<b>Basement occupancy.</b>
<b>1365.03</b>	<b>Floor space of sleeping rooms.</b>	<b>1365.06</b>	<b>Room arrangement.</b>

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**1365.01 COMPLIANCE WITH MINIMUM STANDARDS.**

No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements set forth in this chapter. (Ord. 1962-20. Passed 7-23-62.)

**1365.02 FLOOR SPACE REQUIRED.**

Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area. A child under one year of age is exempt from this section. (Ord. 1971-43. Passed 7-26-71.)

**1365.03 FLOOR SPACE OF SLEEPING ROOMS.**

In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least seventy square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty square feet of floor space for each occupant thereof. A child under one year of age is exempt from this section. (Ord. 1971-43. Passed 7-26-71.)

**1365.04 HEIGHT OF ROOMS.**

At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet; and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof. (Ord. 1962-20. Passed 7-23-62.)

**1365.05 BASEMENT OCCUPANCY.**

No basement shall be used as a habitable room or dwelling unit or rooming unit unless it meets all standards thereof as set forth in this Housing Code, and meets the following requirements:

- (a) The floor and walls shall be impervious to leakage or seepage of underground water and surface water and shall be well drained and protected against dampness;
- (b) The total window area in each room shall be equal to at least ten percent of the floor area of the room, excepting that the ten percent requirement may be reduced to five percent if adequate artificial illumination is provided;
- (c) The total openable window area of each habitable room shall be at least five percent of the floor area of the room when natural ventilation is used exclusively;
- (d) Each room so used shall be separated from the heating equipment, incinerator or other equally hazardous equipment by a standard partition of one hour fire resistance;
- (e) Access can be gained to each room so used without passage through a furnace room. (Ord. 1972-4. Passed 1-10-72.)

**1365.06 ROOM ARRANGEMENT.**

(a) In a single dwelling unit, room arrangement must be such that a bath and toilet are accessible without going through a sleeping room.

(b) In a single dwelling unit, room arrangement shall be such as to permit access to sleeping rooms without going through a sleeping room.  
(Ord. 1972-5. Passed 1-10-72.)

**CHAPTER 1367**  
**Responsibility of Owners and Occupants**

<b>1367.01</b>	<b>Responsibilities of owner.</b>	<b>1367.04</b>	<b>Disposal of garbage.</b>
<b>1367.02</b>	<b>Occupant to keeping dwelling clean and sanitary.</b>	<b>1367.05</b>	<b>Hanging screens.</b>
<b>1367.03</b>	<b>Disposal of rubbish.</b>	<b>1367.06</b>	<b>Extermination of pests.</b>
		<b>1367.07</b>	<b>Care of plumbing fixtures.</b>

**CROSS REFERENCES**

Snow and ice removal - see GEN. OFF. 521.06

Garbage and rubbish removal - see GEN. OFF. 521.08

Safety and sanitation - see BLDG. Ch. 1363

**1367.01 RESPONSIBILITIES OF OWNER.**

Every owner shall be responsible for the following:

- (a) Cleanliness of all parts of the dwelling and premises shared in common by more than one family except where such responsibility is assumed by an operator or an occupant by written agreement.
- (b) Providing all utilities, facilities, equipment and services required by this Housing Code except where such responsibility is assumed by an operator or an occupant by written agreement. (Ord. 1962-20. Passed 7-23-62.)

**1367.02 OCCUPANT TO KEEP DWELLING CLEAN AND SANITARY.**

Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls. (Ord. 1962-20. Passed 7-23-62.)

**1367.03 DISPOSAL OF RUBBISH.**

Every occupancy of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by Section 1359.07. (Ord. 1962-20. Passed 7-23-62.)

**1367.04 DISPOSAL OF GARBAGE.**

Every occupant of the dwelling or dwelling unit shall dispose of all his garbage and other organic waste in a clean and sanitary manner by placing it in the garbage disposal facilities or garbage storage containers required by Sections 1359.06 and 1359.07. (Ord. 1962-20. Passed 7-23-62.)

**1367.05 HANGING SCREENS.**

Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens, except where the owner has agreed to supply such service.  
(Ord. 1962-20. Passed 7-23-62.)

**1367.06 EXTERMINATION OF PESTS.**

Every occupant of a dwelling or dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this section, whenever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonably insectproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.  
(Ord. 1962-20. Passed 7-23-62.)

**1367.07 CARE OF PLUMBING FIXTURES.**

Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.  
(Ord. 1962-20. Passed 7-23-62.)



**CHAPTER 1369**  
**Transient Rental Property**

<b>1369.01</b>	<b>Definitions.</b>	<b>1369.06</b>	<b>Entry and inspections.</b>
<b>1369.02</b>	<b>Purpose.</b>	<b>1369.07</b>	<b>Reports and reinspection.</b>
<b>1369.03</b>	<b>Rental license/certificate of occupancy.</b>	<b>1369.08</b>	<b>Change of ownership.</b>
<b>1369.04</b>	<b>Fees.</b>	<b>1369.09</b>	<b>Severability.</b>
<b>1369.05</b>	<b>Maintenance responsibilities.</b>	<b>1369.99</b>	<b>Penalty; legal action.</b>

**CROSS REFERENCES**

Appeal, hearing and variances - see BLDG. Ch. 1355  
 Condemnation proceedings - see BLDG. Ch. 1357  
 Removal of unsafe buildings - see BLDG. Ch. 1358

**1369.01 DEFINITIONS.**

As used in this chapter:

- (a) "Agent" or "Person in Charge" means any individual, person, firm, partnership, corporation or company acting on behalf of the property owner of a residential rental.
- (b) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.
- (c) "Rental agreement" means any agreement or lease, written or oral, which establishes or modifies the terms, conditions, rules, or any other provisions concerning the use and occupancy of residential premises by one of the parties.
- (d) "Residential premises" means a dwelling unit for residential use and occupancy and the structure of which it is a part, the facilities and appurtenances unit, and the grounds, areas, and facilities for the use of tenants generally or the use of which is promised the tenant.
- (e) "Life Safety Inspection" means that inspection performed by the Building Official consisting of the following:
  - (1) Testing of all electrical receptacles;
  - (2) Check for and test smoke detectors and CO2 detectors;
  - (3) Check for improper wiring;
  - (4) Check electrical panel;
  - (5) Check all light fixtures at all stairways and exterior doors;
  - (6) Check furnace and water heaters;
  - (7) Check for leaking water, gas and waste lines;
  - (8) Check for removal of all refuse, garbage and debris.
 (Ord. 2018-33. Passed 1-8-19.)

**1369.02 PURPOSE.**

The purpose and intent of this section is to regulate the health, safety and wellness of the public, including the owners, occupants, and neighboring property owners of properties being utilized for transient occupancy within the City. (Ord. 2018-33. Passed 1-8-19.)

**1369.03 RENTAL LICENSE/CERTIFICATE OF OCCUPANCY.**

(a) Required. There is hereby created a Residential Rental Property Registration System for the City of Huron that requires owners of residential rental property units located within the City to register each of their rental units. Rental units will be required to be renewed within thirty (30) days of any ownership change. The owner/operator of the rental unit shall comply with the following:

- (1) A property being utilized as a transient rental property shall visibly display a Rental License/Certificate of Occupancy outside the main entry of the property.
- (2) No person shall be allowed to transient rent a dwelling that is in violation of the City of Huron's health code, building code, or zoning regulations.
- (3) No person shall display a Rental License/Certificate of Occupancy or allow transient occupancy of a dwelling that has had its License/Certificate suspended, revoked, or denied.
- (4) No person shall allow a dwelling to be listed or advertised as a transient rental prior to obtaining a valid Rental License/Certificate of Occupancy.
- (5) No person shall allow a dwelling to be listed or advertised as a transient rental if the Rental License/Certificate of Occupancy has been suspended, revoked, or denied

(b) Issuance.

- (1) Application for a Rental License/Certificate of Occupancy required by the provisions of this chapter shall be made by supplying the information and date to determine the compliance with the requirements of the Life Safety Inspection and compliance with the Residential Building Code of Ohio and Property Maintenance Code for the City of Huron for the existing use or occupancy or the intended use or occupancy on forms supplied by the Building Department. Upon completion of such application and submission of the required fee, the Building Official shall issue a Rental License. Upon obtaining a Rental License, the owner, agent or person in charge of any building or unit thereof shall comply with the provisions of this Chapter to obtain a Certificate of Occupancy.
- (2) The Building Official shall cause a general inspection of the building and premises to be made.
- (3) If it is found that a building and premise is in compliance with the inspection provisions of this chapter regarding a Life Safety Inspection, the Building Official shall issue a Certificate of Occupancy for such building and the rental units thereof which shall contain the following information: the name, address and telephone number of the owner(s); the address of each structure and premises with a rental unit; the number of rental units within each structure and premises; and, if someone other than the owner(s) is responsible for maintenance or repairs to a rental unit, the name, address and telephone number of the person(s) or entity responsible for such maintenance or repairs, along with identification of the rental units for which they are responsible.

(c) Revocation. The Building Official shall have the power to revoke a Rental License/Certificate of Occupancy if any false statement shall be made by the applicant in connection with the issuance of such certificate, or for the noncompliance of a building or rental unit thereof with the requirements of this chapter, or the owner, agent or person in charge of a building or rental unit thereof shall refuse to comply with any provisions of this chapter.

(d) Term. A Rental License/Certificate of Occupancy issued pursuant to this chapter shall be valid for twenty-four months from the application date or until a change in ownership of the rental unit. (Ord. 2018-33. Passed 1-8-19.)

#### **1369.04 FEES.**

(a) Registration Fee. All rental units, including but not limited to, single family buildings or residential units located within a single building shall pay the registration fee for a Rental License/Certificate of Occupancy. Fees shall not be prorated for partial year issuance.

One Rental Unit	\$50.00
Two to Five Rental Units	\$100.00
Six or more Rental Units	\$100.00 plus \$15.00 per unit

(b) Reinspection Fee. The initial inspection and a maximum of one reinspection is of the rental unit is included in the application fee paid to the City for the Rental License/Certificate of Occupancy. Any subsequent reinspection will require a reinspection fee of \$50.00 per rental unit. (Ord. 2018-33. Passed 1-8-19.)

#### **1369.05 MAINTENANCE RESPONSIBILITIES.**

(a) The code used in determining whether the conditions of property and premises are maintained in an approved manner shall be the Property Maintenance Code as adopted or may be amended by the City of Huron, and the Residential Building Code of Ohio.

(b) The owner(s), agent(s) or person(s) in charge of every residential rental unit or structure shall be responsible for the maintenance thereof in good repair and safe condition in compliance with the requirements of this chapter and the requirements established by the City administratively. The owner shall also be responsible to maintain in a safe and sanitary condition the shared or common areas of the premises.

(c) The occupant(s) of a residential rental unit or premises shall be responsible for maintaining in a safe and sanitary condition that part of the unit and premises which he or she occupies and controls. In addition, such occupant shall be responsible for maintain in a safe condition all equipment and appliances which he or she owns. (Ord. 2018-33. Passed 1-8-19.)

**1369.06 ENTRY AND INSPECTION.**

(a) The Building Official is authorized and directed to cause exterior inspections to be made of all dwellings, and the grounds surrounding such dwellings located within the City of Huron, with the inspection to include only those items which can be inspected by lawful means. In the event the Building Official has reason to believe that a code violation may have occurred within a dwelling unit, he is authorized and directed to inspect the remainder of the premises. The owner, operator or occupant of every rental unit may, upon the request of the Building Official, give the Building Official free access to the property, at reasonable times, for the purpose of inspection. In the event access to the premises is refused, the Building Official with the assistance of the Law Director may obtain an administrative warrant from a court of competent jurisdiction in order to gain access to the premises. In the event an administrative warrant cannot be obtained, then the inspection shall include only those items which can be inspected by lawful means. This chapter shall not be construed to require an owner, operator or occupant to consent to a warrantless inspection of property except as provided by law.

(b) All owners/operators of rental units within the City of Huron shall cause to have each rental unit inspected by the Building Official on an annual basis to determine compliance with this Chapter. A failure to permit the inspection shall be cause for revocation of the Rental License/Certificate of Occupancy. (Ord. 2018-33. Passed 1-8-19.)

**1369.07 REPORTS AND REINSPECTION.**

(a) Upon completion of an inspection, an inspection report will be issued to the agent/owner of the rental unit within fourteen (14) days.

(b) Violations enumerated in the inspection report shall be abated by the owner/operator of the rental unit within thirty (30) days from the date of the inspection report. A reinspection shall be required to verify that the violations have been corrected. The owner/operator of the rental unit shall contact the Building Official to schedule the required reinspection.

(c) Failure to correct the violations within thirty (30) days from the inspection report date shall constitute a violation of this chapter and may result in the revocation of the Rental License. (Ord. 2018-33. Passed 1-8-19.)

**1369.08 CHANGE OF OWNERSHIP.**

Any person selling or otherwise relinquishing ownership control of a rental unit shall notify the Building Official of said change in ownership within fourteen (14) calendar days of the effective date of the transfer. Such notice shall be in writing and shall include: the name, address and telephone number of the new owner, and the name, address and telephone number of the previous owner. Rental registration shall not be transferred or assigned to any property owner, or to any dwelling rooming unit, other than to who and for which it was issued. New owners must register rental units in accordance with the provisions of this code. (Ord. 2018-33. Passed 1-8-19.)

**1369.09 SEVERABILITY.**

The provisions of these regulations shall be severable and should any section or provision of these regulations be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. (Ord. 2018-33. Passed 1-8-19.)

**1369.99 PENALTY; LEGAL ACTION.**

(a) Whoever violates any provision of this chapter 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 first degree misdemeanor and subject to a maximum fine of one thousand dollars (\$1,000.00) or a maximum imprisonment term of six (6) months or both, with the special restriction that each violation shall result in at least a minimum fine of two hundred fifty dollars (\$250.00).

(b) The imposition of any penalty as provided for in this chapter shall not preclude the Director of Law 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, or premises, or to require compliance with the provisions of this chapter or other applicable laws, ordinances, rules or regulations.  
(Ord. 2018-33. Passed 1-8-19.)

**TITLE NINE - Fair Housing Code**

- Chap. 1371. Definitions.
- Chap. 1373. Unlawful Housing Practices
- Chap. 1375. Notices.
- Chap. 1377. Fair Housing Board.
- Chap. 1379. Enforcement.
- Chap. 1381. Miscellaneous Provisions.

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**CHAPTER 1371  
Definitions**

- |                |   |                |                             |
|----------------|---|----------------|-----------------------------|
| <b>1371.01</b> | <b>Title, purpose and application of terms.</b>         | <b>1371.05</b> | <b>Housing.</b>             |
| <b>1371.02</b> | <b>Real estate agent.</b>                               | <b>1371.06</b> | <b>Lending institution.</b> |
| <b>1371.03</b> | <b>Board.</b>   | <b>1371.07</b> | <b>Person.</b>              |
| <b>1371.04</b> | <b>Discrimination, discriminating, or discriminate.</b> |                |                             |

**CROSS REFERENCES**

Fair housing - see Ohio R.C. Ch. 4112

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**1371.01 TITLE, PURPOSE AND APPLICATION OF TERMS.**

- (a) This Title Nine shall be known as the Fair Housing Code.
- (b) The purpose of the Fair Housing Code is to establish standards to secure for all of the residents of the City of Huron, their right to equal housing opportunities regardless of their race, color, creed, sex, marital status, religious belief, national origin, age or handicap.
- (c) The definitions in this chapter shall apply in the interpretation and enforcement of this Title Nine, Fair Housing Code. (Ord. 1985-16. Passed 7-15-85.)

**1371.02 REAL ESTATE AGENT.**

"Real estate agent" includes any real estate broker, real estate salesman or an agent thereof, or any other person, partnership, association or corporation who for consideration sells, purchases, exchanges, rents, negotiates, offers or attempts to negotiate the sale, purchase, exchange or rental of real property or holds himself out as engaged in the business of selling, purchasing, exchanging, renting or otherwise transferring any interest in real property.  
(Ord. 1985-16. Passed 7-15-85.)

**1371.03 BOARD.**

"Board" means the Fair Housing Board created by Section 1377.01.  
(Ord. 1985-16. Passed 7-15-85.)

**1371.04 DISCRIMINATION, DISCRIMINATING OR DISCRIMINATE.**

"Discrimination", "discriminating" or "discriminate" means to render any difference in treatment to any person in the sale, lease, rental or financing of a dwelling or housing unit because of a person's race, color, creed, sex, marital status, religious belief, national origin, age or handicap. (Ord. 1985-16. Passed 7-15-85.)

**1371.05 HOUSING.**

"Housing" includes any building, facility or structure or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied as the home, residence or sleeping place of one or more persons, groups or families and any vacant land offered for sale or lease for the construction or location thereon of such building, facility or structure.  
(Ord. 1985-16. Passed 7-15-85.)

**1371.06 LENDING INSTITUTION.**

"Lending institution" means any bank, insurance company, savings and loan association or any other person or organization regularly engaged in the business of lending money or guaranteeing loans. (Ord. 1985-16. Passed 7-15-85.)

**1371.07 PERSON.**

"Person" means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.  
(Ord. 1985-16. Passed 7-15-85.)

**CHAPTER 1373**  
**Unlawful Housing Practices**

**1373.01 Unlawful practices: person or real estate agent.**

**1373.02 Unlawful practices: lending institutions.**

**CROSS REFERENCES**

Interfering with civil rights - see GEN. OFF. 525.13

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**1373.01 UNLAWFUL PRACTICES: PERSON OR REAL ESTATE AGENT.**

No person or real estate agent shall:

- (a) Discriminate against any person in the selling, leasing, subleasing, renting, assigning or otherwise transferring of any interest in a housing unit.
- (b) Discriminate against any person by refusing to negotiate, making false representations on the availability of the housing unit, or withdrawing from the market a housing unit which is for sale, lease, sublease or rental.
- (c) Include in the terms, conditions or privileges of any sale, lease, sublease, rental, assignment or other transfer of any housing, any clause, condition or restriction discriminating against any person in the use or occupancy of such housing.
- (d) Discriminate in the furnishing of any facilities, repairs, improvements or services, or in the terms, conditions, privileges or tenure of occupancy of any person.
- (e) Publish or circulate or cause to be published or circulated, any notice, statement, listing or advertisement, or announce a policy or make any record in connection with the prospective sale, lease, sublease, rental or financing of any housing which indicates reliance, determination or decision based on race, color, creed, sex, marital status, age, religious belief, national origin or handicap with respect to any prohibited act specified in this chapter.



- (f) Assist in, compel or coerce the doing of any act declared to be an unlawful housing practice under this chapter or obstruct or prevent enforcement or compliance with provisions of this chapter, or attempt directly or indirectly to commit any act declared by this chapter to be an unlawful housing practice.
- (g) Induce or attempt to induce the sale, transfer of interest, or listing for sale of any housing by making representations regarding the existing or potential proximity of real property owned, used or occupied by any person of any particular race, color, creed, religious belief, national origin or handicap by direct or indirect methods.
- (h) Make any representation to a prospective purchaser or lessee that any housing in a particular block, neighborhood or area may undergo, is undergoing or has undergone a change with respect to racial, color, religious, national or ethnic composition of such block, neighborhood or area.
- (i) Induce or attempt to induce the sale or listing for sale of any housing by representing that the presence or anticipated presence of persons of any particular race, color, religious belief or national origin in the area will or may result in:
  - (1) The lowering of property values.
  - (2) A change in the racial, color, religious, national or ethnic composition of the block, neighborhood or area in which the property is located.
  - (3) An increase in criminal or antisocial behavior in the area.
  - (4) A decline in quality of the schools serving the area.
- (j) Cause or coerce or attempt to cause or coerce retaliation against any person because such person has unlawfully opposed any act or failure to act that is a violation of this chapter or has, in good faith, filed a complaint, testified, participated or assisted in any way in any proceeding under this chapter.
- (k) Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting housing or discriminate against a person in the terms or conditions of such access, membership or participation.
- (l) Do any other thing or engage in conduct which would otherwise make unavailable equal housing opportunities. (Ord. 1985-16. Passed 7-15-85.)

### **1373.02 UNLAWFUL PRACTICES: LENDING INSTITUTIONS.**

No lending institution shall discriminate in lending money, guaranteeing loans, accepting a deed of trust or mortgage or otherwise making available funds for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of any housing, or discriminate in the fixing of the rates, terms, conditions or provisions of any such financial assistance. (Ord. 1985-16. Passed 7-15-85.)

**CHAPTER 1375**  
**Notices**

**1375.01 Posting.**

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**1375.01 POSTING.**

Every real estate agent shall post in a conspicuous location in that portion of his place of business normally used by him for negotiating the terms of a sale or lease of housing, and each person who operates a multi-unit residential building containing more than two units shall post at all times when prospective tenants are being interviewed, in a conspicuous location in that portion of his housing business normally used by him for negotiating the rental of a housing unit therein, a notice prepared by the Board which contains the following language, printed in black on a light-colored background, in not less than fourteen-point type:

"It is a violation of the Fair Housing Law of the City of Huron, State of Ohio for any real estate agent, or for any person owning or managing a multi-unit apartment dwelling to -

- "1. Deny housing to any person because of race, color, creed, sex, marital status, religious belief, national origin, age or handicap.
- "2. Discriminate against any person because of that person's race, color, creed, sex, marital status, age, religious belief, national origin, or handicap with respect to the terms, conditions or privileges of housing accommodations or in the furnishing of facilities or services in connection/herewith.

"IF YOU HAVE BEEN DISCRIMINATED AGAINST CONTACT THE CITY OF HURON FAIR HOUSING BOARD, THE OHIO CIVIL RIGHTS COMMISSION OR THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT."

(Ord. 1985-16. Passed 7-15-85.)



**CHAPTER 1377**  
**Fair Housing Board**

**1377.01 Creation of Board.**

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**1377.01 CREATION OF BOARD.**

(a) There is hereby created the Fair Housing Board to consist of three members who are qualified electors of the City and shall not hold any public office at the Municipal, County, State or Federal level at any time while a member of the Board. Any duly appointed Board member who is running for any public office shall be automatically disqualified from further membership on the Board The day the Board member files petitions with the County Board of Elections shall be the date of the disqualification. No Board member shall be appointed who is employed in any real estate or lending institution.

(b) The Board members shall be appointed by the Mayor. Of the members first appointed, one shall hold office for a term of one year; one for a term of two years; and the other for a term of three years; and their successors shall be appointed for terms of three years. The Mayor shall fill all vacancies by appointment for the unexpired term. A Board member whose term has expired shall be eligible for reappointment to the Board

(c) The executive secretary of the Board shall be appointed by the Mayor and shall be an employee of the City.

(d) The Mayor may recommend the removal of any member of the Board for neglect of duty or malfeasance in office to Council. Council may remove a member of the Board from office by the vote of two-thirds of Council only after having first given to such member a copy of the charges against him and an opportunity to be publicly heard in person or by counsel in his own defense; and any such removal shall be final.

(e) Two members of the Board shall constitute a quorum for the purpose of conducting the business thereof. A vacancy on the Board shall not impair the right of the other members to exercise all the power of the Board.

(f) Each member of the Board shall serve without salary, but shall be paid necessary and actual expenses expended in performing the business of the Board.

(g) The Board is charged with the following duties to implement the stated policy of this section:

- (1) To investigate all complaints of unlawful housing practices which are filed with it.
- (2) To initiate complaints of unlawful housing practices on the basis of auditing or testing carried out by its staff or volunteers authorized by the Board.
- (3) To endeavor by conciliation, to resolve such complaints.
- (4) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith, to require the production for examination of any books or papers relating to any matter under investigation or in question before the Board.
- (5) To render at least once a year to the Mayor and to Council a full written report of all its activities and recommendations.
- (6) To recommend to the Mayor, when it deems necessary, educational and other programs designed to promote the purposes stated in this Title Nine.
- (7) To adopt rules and procedures for the conduct of its business.
- (8) To do such other acts that are necessary and proper in order to perform those duties with which it is charged under the terms of this Title Nine (Ord. 1985-16. Passed 7-15-85.)

**CHAPTER 1379**  
**Enforcement**

**1379.01 Procedures and enforcement.**

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**1379.01 PROCEDURES AND ENFORCEMENT.**

(a) Any person subjected to an unlawful housing practice may file within 360 days of the alleged violation with the Fair Housing Board a complaint in writing, sworn to or affirmed which shall state the name and address of the person alleged to have committed the violation complained of and the particulars thereof, and such other information as may be required by the Board. The Board may also corroborate or initiate complaints on the basis of testing carried out by its staff or volunteers authorized by the Board.

(b) Upon the filing of a complaint the executive secretary of the Board shall make such investigation as he deems appropriate to ascertain facts and issues. If the executive secretary determines that there are reasonable grounds to believe a violation has occurred, he shall attempt to conciliate the matter by methods of initial conference and persuasion with all interested parties and such representatives as the parties may choose to assist them. Conciliation conferences shall be informal and nothing said or done during such initial conferences shall be made public by the Board or any member of the Board or its staff unless the parties agree hereto in writing.

(c) The terms of conciliation agreed to by the parties shall be reduced to writing and incorporated into a consent agreement to be signed by the parties, which agreement is for conciliation purposes only and does not constitute an admission by any party that the law has been violated. Consent agreements shall be signed on behalf of the Board by its chairman.

(d) The Board is authorized to seek the cooperation and aid of the Ohio Real Estate Commission or Ohio Civil Rights Commission in any investigation under this section.

(e) If the executive secretary determines that the complaint lacks reasonable grounds upon which to base a violation of this Title Nine, he shall so inform the Board and the Board may in its discretion dismiss such complaint or order such further investigation as may be necessary; provided, that the Board shall not dismiss such complaint without first affording the complainant an opportunity to appear before the Board.

(f) If the executive secretary, with respect to a matter which involves a violation of this Title Nine, fails to conciliate a complaint after the parties have in good faith attempted such conciliation, fails to effect an informal conciliation agreement or a formal consent agreement or determines that a complaint is not susceptible of conciliation, he shall notify the Board immediately and the Board shall thereafter schedule a public hearing to determine whether a violation of this chapter has been committed. The Board shall serve upon the respondent a statement of charges and a summons and shall serve upon all interested parties a notice of the time and place of hearing. The respondent or his authorized counsel may file such statements with the Board prior to the hearing date as it deems necessary in support of its position. The hearing shall be opened to the public, except that the respondent may request in writing a private hearing; the determination of such request shall be discretionary with the Board. The hearing shall be held not less than fifteen days after service of the statement of charges and summons. The summons so issued must be signed by two members of the Board and the issuance of such summons shall require the attendance of named persons and the production of relevant documents and records. The failure to comply with a summons shall constitute a violation of this Title Nine. The interested parties may, at their option, appear before the Board in person or by duly authorized representative and may have the assistance of an attorney. The parties may present testimony and evidence, and the right to cross examine witnesses shall be preserved. All testimony and evidence shall be given under oath or by affirmation. The executive secretary shall keep a full record of the hearing, which record shall be public and open to inspection by any person, and upon request by any principal party to the proceeding. The Board shall furnish such party a copy of the hearing record, if any, at such cost as the Board deems appropriate.

(g) If at the conclusion of the hearing the Board determines upon the preponderance of the evidence that the person complained against has violated this Title Nine, the Board shall, after consultation with the Law Director in executive session, state its findings to and cause the Law Director to prepare and issue an order under Board directive requiring the person complained against to cease and desist from such unlawful conduct and to take such affirmative action as will effectuate the purposes of this Title Nine, with notice that if the Board determines that the person complained against has not after fifteen calendar days following service of the Board's order complied with the order, the Board will recertify the matter to the Law Director for enforcement.

(h) Upon recertification to the Law Director for enforcement, he shall seek compliance by appropriate civil action brought in the name of the Fair Housing Board of the City before a court of competent jurisdiction. In any such proceeding where the court determines that there has been a violation of this Title Nine, the court shall award compensatory damages and, where appropriate, punitive damages, along with attorney fees. The court may also order such other relief as it deems necessary or appropriate.

(i) If at the conclusion of the hearing the Board shall determine upon the preponderance of the evidence of the record that the person complained against has not violated this Title Nine, the Board shall state and publish its findings and issue its order dismissing the complaint. (Ord. 1985-16. Passed 7-15-85.)





**CHAPTER 1381**  
**Miscellaneous Provisions**

**1381.01** Scope of Title Nine.

**1381.02** Other legal action.

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**1381.01 SCOPE OF TITLE NINE.**

The provisions of this Title Nine shall apply to all housing located within the territorial limits of the City. (Ord. 1985-16. Passed 7-15-85.)

**1381.02 OTHER LEGAL ACTION,**

Nothing contained in this Title Nine shall prevent any person from exercising any right or seeking any remedy to which he might otherwise be entitled or from filing any complaint with any other agency or court of law or equity. (Ord. 1985-16. Passed 7-15-85.)