

CODIFIED ORDINANCES OF CAREY
PART THIRTEEN - BUILDING CODE

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CODIFIED ORDINANCES OF CAREY
PART THIRTEEN - BUILDING CODE

CHAPTER 1305
Flood Control

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CROSS REFERENCES

Flood control bonds; public capital improvements - see Ohio Const., Art. VIII, Sec. 21; Ohio R.C. 129.70 et seq.

County Commission flood control aid to governmental units - see Ohio R.C. 307.77

Levees - see Ohio R.C. 717.01

Construction permits and prohibitions for dams, dikes or levees - see Ohio R.C. 1521.06

Reduction of assessed valuation for establishing reservoirs - see Ohio R.C. 1521.09

Marking flood areas - see Ohio R.C. 1521.14

Ohio Water Commission - see Ohio R.C. 1525.01 et seq.

Conservancy districts, purpose - see Ohio R.C. 6101.04

1305.01 STATUTORY AUTHORIZATION; FINDINGS OF FACT;
PURPOSE AND OBJECTIVES.

(a) Statutory Authorization. Article XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures, for promoting the health, safety, and general welfare of its citizens. Therefore, the Village Council of Carey, State of Ohio does ordain as follows:

(b) Findings of Fact.

- (1) The flood hazard areas of Carey, Ohio are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

(c) Statement of Purpose. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of specific flood hazard,
- (6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(d) Methods of Reducing Flood Losses. In order to accomplish its purpose, this chapter includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(Ord. 94-6. Passed 7-18-94.)

1305.02 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

- (a) "Accessory structure" means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.
- (b) "Appeal" means a request for review of the interpretation of any provision of this chapter or a request for a variance.
- (c) "Area of shallow flooding" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- (d) "Area of special flood hazard" means the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Areas of special flood hazard are designated by the Federal Emergency Management Agency as Zone A, AE, AH, AO, A1-30, and A-99.
- (e) "Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year. The base flood may also be referred to as the one-hundred (100) year flood.
- (f) "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.
- (g) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (h) "Federal Emergency Management Agency" (FEMA) means the agency with the overall responsibility for administering the National Flood Insurance Program.
- (i) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters, and/or
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (j) "Flood Insurance Rate Map" (FIRM) means an official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazard.
- (k) "Flood Insurance Study" means the official report in which the Federal Emergency Management Agency has provided flood profiles, floodway boundaries, and the water surface elevations of the base flood.
- (l) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than foot.
- (m) "Historic Structure" means any structure that is:
 - (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;

- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either;
 - A. By an approved state program as determined by the Secretary of the Interior; or
 - B. Directly by the Secretary of the Interior in states without approved programs.
- (n) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is built in accordance with the applicable design requirements specified in this chapter for enclosures below the lowest floor.
- (o) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
- (p) "Manufactured home park" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Ohio Revised Code, for which the Public Health Council has exclusive rule making power.
- (q) "Manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Ohio Revised Code, for which the Public Health Council has exclusive rule making power.
- (r) "New construction" means structures for which the "start of construction" commenced on or after the initial effective date of the Village of Carey's Flood Insurance Rate Map, and includes any subsequent improvements to such structures.
- (s) "Recreational vehicle" means a vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

- (t) "Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.
- (u) "Structure" means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
- (v) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (w) "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:
 - (1) Any project for improvement of a structure to correct existing violations of state or local health sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions,
 - (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a historic structure, or
 - (3) Any improvement to a structure which is considered new construction.
- (x) "Variance" means a grant of relief from the standards of this chapter consistent with the variance conditions herein.
(Ord. 94-6. Passed 7-18-94.)

1305.03 GENERAL PROVISIONS,

- (a) Lands to Which This Chapter Applies. This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Village of Carey as identified by the Federal Emergency Management Agency, including any addition flood hazard areas annexed by the Village of Carey that are not identified on the effective Flood Insurance Rate Map.

(b) Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study for the Village of Carey". This study, with accompanying Flood Boundary and Floodway Maps and/or Flood Insurance Rate Maps and any revisions thereto is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at Village Hall.

(c) Compliance. No structure or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this chapter and all other applicable regulations which apply to uses within the jurisdiction of this chapter unless specifically exempted from filing for a development permit as stated in Section 1305.04(b).

(d) Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(e) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of this chapter may be in conflict with a state law, such state law shall take precedence over this chapter.

(f) Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create liability on the part of the Village of Carey, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on this chapter or any administrative decision lawfully made thereunder.

(g) Violations and Penalties. Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor of the fourth degree. Any person who violates this chapter or fails to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall upon conviction thereof be fined or imprisoned as provided by the laws of the Village of Carey. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village of Carey from taking such other lawful action as is necessary to prevent or remedy any violation. The Village of Carey shall prosecute any violation of this chapter in accordance with the penalties stated herein.
(Ord. 94-6. Passed 7-18-94.)

1305.04 ADMINISTRATION.

(a) Establishment of Development Permit. A Development Permit shall be obtained from the Village Administrator before construction or development begins within any area of special flood hazard established in Section 1305.03(b). Application for a Development Permit shall be made on forms furnished by the Village Administrator and may include, but not be limited to: site specific topographic plans drawn to scale showing the nature, locations dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. The following information is required:

- (1) Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures located in special flood hazard areas where base flood elevation data are utilized;
- (2) Elevation in relation to mean sea level to which any proposed structure will be floodproofed in accordance with Section 1305.05(b)(2)A. where base flood elevation data are utilized.
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 1305.05(b)(2)A. where base flood elevation data are utilized.
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished.

(b) Exemption from Filing a Development Permit. An application for a Development Permit shall be required for maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$1,000.00. Any proposed action exempt from filing a Development Permit is also exempt from the standards of this chapter.

(c) Designation of the Flood Damage Prevention Administrator. The Village Administrator is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

(d) Duties and Responsibilities of the Village Administrator. The duties and responsibilities of the Village Administrator shall include but are not limited to:

- (1) Permit review.
 - A. Review all development permits to determine that the permit requirements of this chapter have been satisfied.
 - B. Review all development permits to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the Department of the Army under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.

- C. Review all development permits to determine if the proposed development is located within a designated floodway. Floodways are delineated in the Flood Boundary and Floodway Map or the Flood Insurance Rate Map of the Flood Insurance Study. Floodways may also be delineated in other sources of flood information. If the proposed development is located within a designated floodway, assure that the encroachment provision of Section 1305.05(c)(1) is met.
- (2) Use of other base flood elevation and floodway data. Areas of special flood hazard where base flood elevation data have not been provided by the Federal Emergency Management Agency in accordance with Section 1305.03(b), are designated as Zone A on the community's Flood Insurance Rate Map. Within these areas, the Village Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, including data obtained under Section 1305.05(b)(6), in order to administer Section 1305.05(b)(1), (2) and (c).
- (3) Information to be obtained and maintained. Where base flood elevation data are utilized within areas of special flood hazard on a community's Flood Insurance Rate Map, regardless of the source of such data, the following provisions apply:
 - A. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and record whether or not such structures contain an enclosure below the lowest floor;
 - B. For all new or substantially-improved floodproofed nonresidential structures:
 - 1. Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed, and,
 - 2. Maintain the floodproofing certifications required in subsection (a)(3).
 - C. Maintain for public inspection all records pertaining to the provisions of this chapter.
- (4) Alteration of watercourses.
 - A. Notify adjacent communities and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. A watercourse is considered to be altered if any change occurs within its banks.
 - B. Maintain engineering documentation required in subsection (a)(4) that the flood carrying capacity of the altered or relocated portion of said water-course will not be diminished.
 - C. Require that necessary maintenance will be provided for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished.

- (5) Interpretation of flood boundaries. Make interpretation, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Where a map boundary and field elevations disagree, the elevations delineated in the flood elevation profile shall prevail. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection (e) hereof.
- (e) Variance Procedure.
- (1) Appeal Board.
- A. The Appeals Board as established by the Village of Carey shall hear and decide appeals and requests for variances from the requirements of this chapter.
 - B. The Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Village Administrator in the enforcement or administration of this chapter.
 - C. Those aggrieved by the decision of the Board of Appeals or any taxpayer, may appeal such decision to the Wyandot County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.
 - D. In passing upon such application, the Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - 1. The danger that materials may be swept onto other lands to the injury of others;
 - 2. The danger to life and property due to flooding or erosion damage;
 - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 4. The importance of the services provided by the proposed facility to the community;
 - 5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - 6. The necessity to the facility of a waterfront location, where applicable;
 - 7. The compatibility of the proposed use with existing and anticipated developments;
 - 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
 - E. Upon consideration of the factors of subsection (e)(1)D. hereof and the purposes of this chapter, the Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
 - F. The Village Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- (2) Conditions for variances.
- A. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - B. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - C. Generally, variances may be issued for a new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in subsection (e)(1)D. hereof have been considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
 - D. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - E. Variances shall only be issued upon:
 1. A showing of good and sufficient cause;
 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this chapter, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection (e)(1)D. hereof, or conflict with existing local laws or ordinances.
 - F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest flood elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
(Ord. 94-6. Passed 7-18-94.)

1305.05 PROVISIONS FOR FLOOD HAZARD REDUCTION.

(a) General Standards. In all areas of special flood hazard the following standards are required:

- (1) Anchoring.
 - A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - B. All manufactured homes, not otherwise regulated by the Ohio Revised Code pertaining to manufactured home parks, shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- (2) Construction materials and methods.
 - A. All new construction and substantial improvements shall be constructed with materials resistant to flood damage;
 - B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and
 - C. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (3) Utilities. The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:
 - A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
 - B. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters, and,
 - C. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (4) Subdivision proposals.
 - A. All subdivision proposals, including manufactured home subdivisions, shall be consistent with the need to minimize flood damage;
 - B. All subdivision proposals, including manufactured home subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

- C. All subdivision proposals, including manufactured home subdivisions, shall have adequate drainage provided to reduce exposure to flood damage; and
 - D. All subdivision proposals, including manufactured home subdivisions, shall meet the specific standards of subsection (b)(6) hereof.
- (5) Standards in areas of special flood hazard without base flood elevation data. In all areas of special flood hazard identified as Zone A on the Flood Insurance Rate Map where base flood elevation data are not available from any source, the following provisions apply:
- A. New construction and substantial improvement of any residential, commercial, industrial, or other non-residential structure shall have the lowest floor, including basement, elevated to at least two feet above the highest adjacent natural grade.

(b) Specific Standards. In all areas of special flood hazard where base flood elevation data have been provided as set forth in Section 1305.03(b); Section 1305.04(d)(2) or Section 1305.05(b)(6), the following provisions are required:

- (1) Residential construction.
 - A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to the base flood elevation.
 - B. In AO zones new construction and substantial improvements shall either have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number on the community's Flood Insurance Rate Map (at least two feet if no depth number is specified), and adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- (2) Nonresidential construction.
 - A. New construction and substantial improvement of any commercial, industrial or other nonresidential structures shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or together with attendant utility and sanitary facilities, shall:
 - 1. Be floodproofed so that the structure is water-tight with walls substantially impermeable to the passage of water to the level of the base flood elevation. In order to be eligible for lower flood insurance rates, the structure should be floodproofed at least one foot above the base flood elevation.
 - 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this subsection. Such certification shall be provided to the official as set forth in Section 1305.01(a)(3).
 - B. In AO zones new construction and substantial improvements shall either have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number on the community's Flood Insurance Rate Map (at least two feet if no depth number is specified); or be floodproofed to that level consistent with the floodproofing standards of subsection (b)(2)A. hereof, and adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- (3) Accessory structures. A relief to the elevation or dry floodproofing standards may be granted for accessory structures (e.g., sheds, detached garages) containing 576 square feet or less in gross floor area. Such structures must meet the encroachment provisions of subsection (c) hereof and the following additional standards:
- A. They shall not be used for human habitation;
 - B. They shall be designed to have low flood damage potential;
 - C. They shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;
 - D. They shall be firmly anchored to prevent flotation; and
 - E. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.
- (4) Manufactured homes and recreational vehicles. The following standards shall apply to all new and substantially improved manufactured homes not subject to the manufactured home requirements of Section 3733.01, Ohio Revised Code:
- A. Manufactured homes shall be anchored in accordance with subsection (a)(1)B.
 - B. Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at the base flood elevation.
- These standards also apply to recreational vehicles that are either located on sites for 180 days or more, or are not fully licensed and ready for highway use.
- (5) Enclosures below the lowest floor. The following standards apply to all new and substantially improved residential and nonresidential structures which are elevated to the base flood elevation using pilings, columns, or posts. Fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must:

- A. Be certified by a registered professional engineer or architect; or,
 - B. Must meet or exceed the following criteria:
 - 1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - 2. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other openings provided that they permit the automatic entry and exit of floodwaters.
- (6) Subdivisions and large developments. In all areas of special flood hazard where base flood elevation data have not been provided in accordance with Section 1305.03(b) or Section 1305.04(d)(2), the following standards apply to all subdivision proposals, including manufactured home subdivisions, and other developments containing at least 50 lots or 5 acres (whichever is less):
- A. The applicant shall provide base flood elevation data performed in accordance with standard engineering practices;
 - B. If subsection (b)(6) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of subsection (a) and (b) hereof.

(c) Areas With Floodways. The Flood Insurance Study referenced in Section 1305.03(b) identifies a segment within areas of special flood hazard known as a floodway. Floodways may also be delineated in other sources of flood information as specified in Section 1305.04(d)(2). The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential. The following provisions apply within all delineated floodway areas:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a hydrologic and hydraulic analysis performed in accordance with standard engineering practices demonstrates that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.
 - (2) If subsection (c)(1) hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of subsection (b).
 - (3) Any encroachment within the floodway that would result in an increase in base flood elevations can only be granted upon the prior approval by the Federal Emergency management Agency. Such requests must be submitted by the Village Administrator to the Federal Emergency Management Agency and must meet the requirements of the National Flood Insurance Program.
- (Ord. 94-6. Passed 7-18-94.)

CHAPTER 1309
Public Nuisances

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| <p>1309.01 Definitions.</p> <p>1309.02 Procedure for finding of public nuisance; Board of Nuisance Abatement.</p> <p>1309.03 Service of notice.</p> <p>1309.04 Appeal procedure; Nuisance Appeal Board.</p> | <p>1309.05 Abatement of nuisance or demolition of structure by Board of Nuisance Abatement.</p> <p>1309.06 Remedies not exclusive.</p> <p>1309.99 Penalty.</p> |
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CROSS REFERENCES

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

1309.01 DEFINITIONS.

For purposes of this chapter, the following definitions shall apply:

- (a) "Public nuisance" means any garage, shed, barn, house, building or structure which by reason of the condition in which it is permitted to be or remain, shall or may endanger the health, life, limb, or property of any person, or cause any hurt, harm, damage, injury or loss to any person in any one or more of the following ways, means or particulars:
 - (1) By reasons of being dilapidated, decayed, unsafe, or unsanitary is detrimental to health, morals, safety, public welfare and the well being of the Village, endangers life or property or is conducive to ill health, delinquency and crime;
 - (2) By reason of being a fire hazard; or
 - (3) By reason of the conditions which require its continued vacancy, the public nuisance and its surrounding grounds, are not reasonably or adequately maintained thereby causing deterioration and creating a blighting influence or condition on nearby properties and thereby depreciating the value, use and enjoyment of such properties to such an extent that it is harmful to the public health, welfare, morals, safety and the economic stability of the area, community or neighborhood in which such a public nuisance is located.
- (b) "Owner" means the owner or owners of record as shown on the tax records of the Wyandot County Auditor's Office, and also includes any purchaser or purchasers who are buying under a land contract whether recorded or un-recorded in the Records of Wyandot County. (Ord. 87-32. Passed 6-1-87.)

1309.02 PROCEDURE FOR FINDING OF PUBLIC NUISANCE; BOARD OF NUISANCE ABATEMENT.

(a) Whenever the Village Administrator suspects the existence of a public nuisance as defined by Section 1309.01(a), or is advised by the Volunteer Fire Department, Fire Chief, or learns from any other source of the apparent existence of such nuisance, he shall promptly cause such suspected public nuisance to be inspected by the Fire Chief. Following such inspection, should the Fire Chief determine that there are reasonable grounds to believe that a public nuisance exists, he shall notify the Chairman of the Board of Nuisance Abatement, who shall cause a hearing to be held by the Board on the question of the existence of a public nuisance.

(b) The owner of the property in question or his duly authorized representative or agent, shall be notified of the date, time and place of such a hearing in accordance with the provisions of Section 1309.03 below and shall be given an opportunity of appearing in person or through a duly authorized representative or agent, at such hearing and of presenting such evidence as may be pertinent to the question of the possible existence of the public nuisance.

(c) Prior to the meeting of the Board of Nuisance Abatement, called to consider the question of the existence of a public nuisance, the property in question shall be inspected by qualified representatives of the Volunteer Fire Department. Reports of these inspections, and the inspection report of the Fire Chief will be made available to the Board at the subject hearing.

(d) The Board of Nuisance Abatement shall be composed of the Administrator, the Chief of the Volunteer Fire Department and the mayor, or their duly authorized representatives. The Mayor or his duly authorized representative shall serve as Chairman of the Board.

(e) It shall be necessary to have a concurring vote of at least two members of the Board for a finding that a public nuisance as defined in Section 1309.01 hereof does exist.

(f) The Board, following the hearing, shall cause a written order to be served on the owner of the subject property, in accordance with the provisions of Section 1309.03 hereof, stating the findings of the Board with respect to the existence of a public nuisance. If the Board finds that a public nuisance does exist, the order shall include, where abatement of the nuisance can be accomplished through repair or rehabilitation: a list of repair or rehabilitation specifications required to abate the public nuisance; and shall state that unless the owner of the subject property causes the abatement of the public nuisance by repair, rehabilitation or demolition, the same will be abated by the Village at the expense of the owner. Such abatement by the owner shall start within thirty days after receipt of the order and shall be completed within ninety days or, where abatement is to be accomplished through repair or rehabilitation, such additional time as the Mayor or his duly authorized representative may deem necessary to complete the abatement of the public nuisance. (Ord. 87-32. Passed 6-1-87.)

1309.03 SERVICE OF NOTICE.

The notice of hearing required under Section 1309.02 hereof shall be served by mailing a copy to the owner, as defined in Section 1309.01 hereof, by United States certified mail with return receipt requested, by personally serving such owner or by leaving a copy at the usual place of residence of such owner. If service of the notice provided for in Section 1309.02 hereof is not perfected by any of the hereinbefore described methods, then the Board of Nuisance Abatement shall cause such notice to be published in a newspaper of general circulation in the Village once each week for two consecutive weeks prior to the date of such hearing. Service of the order provided for in Section 1309.02 shall be in the manner provided herein. If service of the order provided for in Section 1309.02 is not perfected by certified mail personal service or residence service as hereinbefore described then the Board shall cause such notice to be published in a newspaper of general circulation in the Village, once each week for two consecutive weeks. However, such a published order shall not include a list of the repair or rehabilitation specifications mentioned in Section 1309.02.
(Ord. 87-32. Passed 6-1-87.)

1309.04 APPEAL PROCEDURE; NUISANCE APPEAL BOARD.

(a) The owner may, within ten days after service of the order of the findings of the Board of Nuisance Abatement as provided for in Section 1309.02 hereof, that the subject property does constitute a public nuisance, make a demand in writing to the Board for an appeal on the question of whether in fact a public nuisance as defined in Section 1309.01 does exist.

(b) The owner of the property in question or his duly authorized representative or agent, shall be notified of the date, time and place of the appeal hearing in accordance with the provisions of Section 1309.03, and shall be given an opportunity of appearing in person, or through a duly authorized representative or agent, at such hearing and of presenting such evidence as may be pertinent to the question of the existence of the public nuisance.

(c) The appeal shall be considered by the Nuisance Appeal Board composed of a member from Council, the Law Director and a resident appointed by the Mayor.

(d) Two members of the Nuisance Appeal Board, after reviewing all of the inspection reports, and any pertinent evidence presented by the owner, or his duly authorized representative, shall concur that a public nuisance, as defined in Section 1309.01 above does exist before enforcement of the abatement provisions of this chapter are carried out. A copy of the decision of the Nuisance Abatement Appeal Board shall be promptly served upon the owner in the manner provided for in Section 1309.03.
(Ord. 87-32. Passed 6-1-87.)

1309.05 ABATEMENT OF NUISANCE OR DEMOLITION OF STRUCTURE BY BOARD OF NUISANCE ABATEMENT.

(a) Provided thirty days notice is given in accordance with Ohio R.C. 715.26(B) should any nuisance not be abated by the owner at the expiration of the time stated in the orders of the Board of Nuisance Abatement, or such additional time as the Nuisance Abatement Appeals Board may grant, the Board of Nuisance Abatement shall be authorized, at any time thereafter, to cause entry upon such premises and the owner

shall permit such entry to abate the nuisance by demolition and removal of the structure, or by boarding all windows, exterior doors and other openings to secure the structure and by removal of litter and cutting of rank growth that may be present.

(b) In abating such nuisance the Board of Nuisance Abatement shall obtain the abatement thereof by private contract and the costs of such private contract shall be paid for from Village funds, or from funds provided to the Village by the Federal Government, which are specifically authorized by Council in order to abate the nuisance as provided for in subsection(a) hereof, the Village may elect to do so by using its own employees and materials. The costs of such abatement shall be recovered from the owner in the following manner.

- (1) The owner shall be billed for the cost of the abatement by mailing such bill to the owner, by United States certified mail with return receipt requested, or by personally serving the owner with a copy of such bill or by leaving a copy of such bill at the usual place of residence of such owner. If service of such bill is not perfected by either of the herein-before described methods then the billing notice shall be published in a newspaper of general circulation of the Village, once a week for two consecutive weeks.
- (2) If the owner shall fail to pay for costs of such abatement within sixty days after receipt of the bill, after the publication of the second notice in the aforesaid newspaper, the Village shall cause the cost of the abatement to be levied as an assessment, and recovered in accordance with authority granted by Ohio R.C. 715.261. (Ord. 87-32. Passed 6-1-87.)

1309.06 REMEDIES NOT EXCLUSIVE.

This chapter shall not be deemed to be a limitation or restriction on the authority of any department, division, official or employee of the Village, but shall be deemed to be an enlargement of any authority existing by virtue of the statutes of Ohio or any ordinance heretofore enacted by Council.

(Ord. 87-32. Passed 6-1-87.)

1309.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00).

CHAPTER 1313 Unclean Habitations

1313.01	Enforcement.	1313.10	Order to clean up premises.
1313.02	Compliance required.	1313.11	Sanitary inspection.
1313.03	Standards of cleanliness.	1313.12	Individual orders for abatement.
1313.04	Order for abatement or vacation of premises.	1313.13	Service or publication of resolution.
1313.05	Vacation and abatement hearings.	1313.131	Appeals.
1313.06	Posting notice of vacation order.	1313.14	Drainage; obstruction of watercourses; filthy accumulations.
1313.07	Enforcement of vacation order.	1313.15	Periodic inspection.
1313.08	Enforcement through court proceedings.	1313.16	Noncompliance; remedy of Village.
1313.09	Cleanliness; hotels, lodging houses, etc.		

CROSS REFERENCES

Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261
Public nuisances - see BLDG. Ch. 1309

1313.01 ENFORCEMENT.

The provisions of this chapter shall be enforceable within the Village concurrently with State and Federal laws relative to sanitation and health and the ordinances or orders of the County Health District relative thereto, and shall not be construed as modifying, repealing, limiting or affecting in any manner such laws, ordinances or orders.
(Ord. 89-6. Passed 4-17-89.)

1313.02 COMPLIANCE REQUIRED.

(a) No person shall lease, let, permit the occupancy of, permit the continuation of the occupancy of or continue the occupancy of, any structure or building or any portion thereof used for human habitation unless such structure or building or portion thereof is free from unclean and unsanitary conditions, as defined in the subsequent sections of this chapter, and unless the provisions of such subsequent sections are complied with.

(b) Whoever violates this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. (Ord. 89-6. Passed 4-17-89.)

1313.03 STANDARDS OF CLEANLINESS.

Any structure or building or any portion thereof used for human habitation shall be deemed to be in an unclean and unsanitary condition by reason of any portion of such building being infected with a communicable disease, or by reason of the absence therein of toilet facilities as required by law or by reason of the known presence of sewer gas therein or thereon and also be deemed unfit for human habitation or in a condition dangerous or harmful to the lives or health of the occupants by reason of the inhabited portion of the house being damp or wet, or by reason of lack of repair, or by reason of an accumulation of dirt, filth, litter, refuse or other offensive or dangerous substances or liquids, or by reason of defects in or, lack of repair of or, improper use of the drainage, plumbing or ventilation, or by reason of the existence on the premises of such a nuisance or other condition as is likely to cause sickness among the occupants. Any structure or building or any portion thereof used for human habitation which is in such unclean or unsanitary condition is hereby declared to constitute a public nuisance. (Ord. 89-6. Passed 4-17-89.)

1313.04 ORDER FOR ABATEMENT OR VACATION OF PREMISES.

(a) Whenever the County Board of Health ascertains from examination or reports of its inspectors or sanitary officers or other agents that a public nuisance exists as defined in Section 1313.03 in or upon any structure or building or portion thereof and is of the opinion that such nuisance may be abated without immediate vacation of the premises or a portion thereof and serves notice upon the owner of such house, or his lessee or agent or the person in possession, charge or control thereof, directing him to abate such nuisance and remove the unclean or unsanitary conditions within such reasonable time as may be fixed by such Board and specified in such notice, it shall then be the duty of such owner, agent or person to abate such nuisance within such time.

(b) Whenever such abatement does not take place within such time or, whenever, in the opinion of such Board, such abatement is impossible or impracticable without an immediate vacation of the house or portion thereof, and such Board serves notice upon the owner, lessee, agent or person in possession, charge or control thereof to vacate or cause the vacation of such house or portion thereof designated in the notice, then it shall be the duty of such owner, lessee, agent or person to vacate or cause the vacation of such house or portion thereof within twenty days from the date of the service of such notice, or within a shorter time (not less than twenty-four hours in any case) as may be specified in such notice.

(c) Whenever, either in addition to or without the service of such notices on such owner, lessee, agent or person in possession, charge or control the Board is of the opinion that such nuisance can be abated by a tenant or other occupant of such house or portion thereof, and such notices, either for abatement of the nuisance or for vacation of the premises, are served upon such tenant or other occupant, then it shall be the duty of such tenant or other occupant to comply with the terms of such notices and to abate the nuisance or vacate the premises accordingly. After any such notice or order of vacation no person shall occupy or permit the occupancy of such premises or portion thereof until such nuisance has been completely abated and such building or portion thereof has been rendered clean and sanitary in

accordance with the terms of such notices of the Board. When there is no owner, agent, lessee or person in charge, possession or control who is a resident of or can be served in the Village, then personal service outside of the Village on any such owner, agent, lessee or person in charge, possession or control by anyone delegated by such Board to make such service, or by registered letter, or if the address of the owner, lessee, agent or person in possession, charge or control is unknown, or service is not secured by registered letter after effort to do so, by notice by publication once a week for two consecutive weeks in any newspaper of general circulation in the Village, or by posting or attaching to or on the outside of such structure or building of a copy of the notice or order consecutively for two weeks, shall have the same effect as service within the Village.
(Ord. 89-6. Passed 4-17-89.)

1313.05 VACATION AND ABATEMENT HEARINGS.

When the notice or order of vacation follows a notice or order of abatement, as provided in Section 1313.04 such notice or order of vacation shall not be enforced as provided in this chapter unless such notice or order of abatement specifies a time when the person so notified or ordered may appear before the County Board of Health or the officer issuing the same to show cause why such order or notice of vacation should not be issued, and unless such Board, or a majority thereof, or officer is present at its or his office at the time so specified, such time to be not less than twenty-four hours after the service of the notice or order. When the notice or order of vacation is issued as provided in Section 1313.04, without a previous notice or order of abatement, such notice or order of vacation shall not be enforced as provided in this chapter unless it specifies a time, not less than five days after the service thereof, when the person so notified or ordered may appear before the Board issuing the same to show cause why such notice or order should not be enforced, and such Board, or a majority thereof, is present at its office at the time so specified. However, when, in the opinion of at least four-fifths of the members of such Board, an emergency exists which requires, for the protection of the health of occupants, the vacation of the building or portion thereof without a delay of five days, then no such fixing of a time for hearing shall be required.
(Ord. 89-6. Passed 4-17-89.)

1313.06 POSTING NOTICE OF VACATION ORDER.

Whenever such procedure, in the opinion of the County Board of Health, is desirable or necessary, the Board may affix conspicuously on the buildings or part thereof the notice or order of vacation. (Ord. 89-6. Passed 4-17-89.)

1313.07 ENFORCEMENT OF VACATION ORDER.

When the notice or order of vacation has not been complied with, and the County Board of Health certifies such fact to the Chief of Police, together with a copy of the order of notice, it shall be the duty of the Chief to enforce such notice or order of vacation and to cause the premises to be vacated in accordance with the terms of such notice or order.
(Ord. 89-6. Passed 4-17-89.)

1313.08 ENFORCEMENT THROUGH COURT PROCEEDINGS.

Whenever the County Board of Health certifies to the Solicitor any failure to comply with any order or notice of vacation, with the request that civil proceedings for the enforcement thereof be instituted, the Solicitor shall institute any and all proceedings, either legal or equitable, that may be appropriate or necessary for the enforcement of such order or notice and the abatement of the nuisance against which such order or notice was directed, such suits or proceedings to be brought in the name of the Village. Proceedings under this section shall not relieve any party defendant from criminal prosecution or punishment under this chapter or any other criminal law or ordinance in force within the Village.
(Ord. 89-6. Passed 4-17-89.)

1313.09 CLEANLINESS; HOTELS, LODGING HOUSES, ETC.

(a) Every owner of, and every agent in charge of, a tenement house, lodging house, tourist home, tourist cabin or hotel or part thereof, shall cause to be kept thoroughly clean all parts of the premises not within the occupied apartment. No person shall place filth, urine, or fecal matter in any place other than that which is provided for the same, or keep filth, urine or fecal matter in his apartments or upon his premises for such length of time as to create a nuisance, and every tenant shall keep his apartment in clean and sanitary condition. The walls of courts and shafts, unless built in a light color brick or stone, shall be thoroughly whitewashed or painted in light color and shall be so maintained. Such whitewash or paint shall be renewed as required by the County Board of Health.

(b) Whoever violates or fails to comply with this section is guilty of a minor misdemeanor. (Ord. 89-6. Passed 4-17-89.)

1313.10 ORDER TO CLEAN UP PREMISES.

Prior to May 10 in every year, the Mayor or other administrative officer shall cause a notice or proclamation to be inserted in one or more newspapers of general circulation within the Village, ordering persons to clean thoroughly and provide proper drainage for all lands, yards, vaults, cesspools, sheds and barns and to cause all tin cans, trash and other unclean and unsightly matter to be removed therefrom on or before May 10. (Ord. 89-6. Passed 4-17-89.)

1313.11 SANITARY INSPECTION.

After the final date for compliance established in Section 1313.10 in the month of May of each year the County Health Officer, or in his absence, the Chief of Police or Property Maintenance Inspector or Zoning, shall make a thorough sanitary inspection of all public and private property in the Village and shall transmit his report together with his recommendations to Council on or before June 1. A copy of such report shall also be sent to the State Department of Health.

(Ord. 2007-14. Passed 11-5-07.)

1313.12 INDIVIDUAL ORDERS FOR ABATEMENT.

If, upon inspection, it is found that the published order to clean premises has not been complied with as to any lot or parcel of ground, Council shall, by resolution, direct the owner, occupant or person in charge of such land to abate such nuisance within ten days, setting forth the nature of the violation and the acts required to be done. Such resolution shall provide that upon failure or refusal to comply with such order, the work required will be done by the Village with the amount expended therefor to be a valid claim against such owner or occupant and charged as a lien upon such land and recovered by the Village by suit in a court of competent jurisdiction. (Ord. 89-6. Passed 4-17-89.)

1313.13 SERVICE OR PUBLICATION OF RESOLUTION.

A copy of the resolution adopted under Section 1313.12 may be served personally or at the usual place of residence of such owner, occupant or person in charge of such land or by registered mail or, in lieu of such service, may be published for two consecutive weeks in a newspaper of general circulation in the Village. (Ord. 89-6. Passed 4-17-89.)

1313.131 APPEALS.

An owner who has received an order as provided for in Section 1313.12 may appeal to the Board of Zoning Appeals by filing a notice of appeal with the Zoning Inspector within twenty days of his receipt of the order, specifying the grounds therefore. The Zoning Inspector shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the County Health Officer or Chief of Police or Property Maintenance Inspector or Zoning Inspector shall certify to the Board of Zoning Appeals that by reason of the facts stated in the record, a stay would in his opinion cause imminent peril to life or property, in which case an appeal on the merits would not be granted. The Board may reverse, affirm in whole or in part, or may modify the order appealed from. Any party adversely affected by a decision of the Board may further appeal to the Court of Common Pleas of Wyandot County, Ohio.
(Ord. 2007-14. Passed 11-5-07.)

1313.14 DRAINAGE; OBSTRUCTION OF WATERCOURSES; FILTHY ACCUMULATIONS.

(a) Unclean Premises Prohibited. No owner, occupant or person in charge of any lot or parcel of ground within the Village shall cause or permit waters to accumulate thereon and become stagnant, permit culverts, drains or natural watercourses thereon to become obstructed, or cause or permit any putrid or unsanitary substance to accumulate thereon.

(b) Penalty. Whoever violates this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. (Ord. 89-6. Passed 4-17-89.)

1313.15 PERIODIC INSPECTION.

Independent of the annual clean-up and inspection provided for in Section 1313.10 the County Health Officer or Chief of Police or Property Maintenance Inspector or Zoning Inspector shall make periodic inspection of properties within the Village and shall report all violations of Section 1313.14 to Council, which shall thereupon, by resolution, proceed to order such nuisances abated as provided in Sections 1313.12 and 1313.13.
(Ord. 2007-14. Passed 11-5-07.)

1313.16 NONCOMPLIANCE; REMEDY OF VILLAGE.

In case of failure or refusal to comply with any resolution of Council to abate nuisances, the work required thereby may be done at the expense of the Village and the amount of money expended therefor shall be a valid claim against the owner, occupant or person in charge and a lien upon such land which may be enforced by suit in any court of competent jurisdiction. Proceedings under this section shall not relieve any party defendant from criminal prosecution or punishment for violation of any section of this chapter or any other criminal law or ordinance in force within the Village. (Ord. 89-6. Passed 4-17-89.)

CHAPTER 1317

Property Maintenance Standards

1317.01	Purpose.	1317.06	Emergencies.
1317.02	Definitions.	1317.07	Notice of violation.
1317.03	Conflicts.	1317.071	Non-emergencies.
1317.04	Responsibilities of owners, operators and occupants.	1317.99	Penalty.
1317.05	Duties and responsibilities of owners or operators.		

1317.01 PURPOSE.

The purpose of these Standards is to protect the public health, safety, and welfare by establishing minimum standards governing the maintenance, appearance, and condition of all residential and nonresidential premises; to fix certain responsibilities and duties upon owners and operators; to authorize and establish procedures for the inspection of said premises, and to fix penalties for violations of the standards set forth herein. These Standards are hereby declared to be remedial and essential for the public interest, and it is intended that these Standards can be liberally construed to effectuate the purposes as stated herein. (Ord. 00-18. Passed 12-18-00.)

1317.02 DEFINITIONS.

The following definitions shall apply in the interpretation of these Standards:

- (a) "Blighted area" means the same as defined in Ohio Revised Code 1728.01(e) as amended, incorporated herein.
- (b) "Building" means a structure that is permanently affixed to the land, having one or more floors and a roof, being bounded by either open spaces or lot lines and which is used for residential and/or nonresidential purposes.
- (c) "Deteriorate" means to fall below the condition of good repair.
- (d) "Excessive vegetation" means all vegetation, dead or alive, other than the following: ground cover, shrubbery, flowers, and trees that are planted and maintained in accordance with good landscape practices and the community standard in the village.
- (e) "Exterior" means those portions of a building or structure or grounds that are exposed to public view from the outside.
- (f) "Garbage" means putrescible animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

- (g) "Good repair" means a condition of sound maintenance of residential, retail, commercial, and industrial property and building in accordance with the standards of the community as a whole.
- (h) "Graffiti" means unauthorized drawings or markings of an exterior surface without regard to the content of the drawing or marking.
- (i) "Grounds" means that portion of residential, retail, commercial, and industrial property that does not support a building or structure.
- (j) "Infestation" means the presence within or contiguous to a structure or premises of insects, rats, rodents, vermin, or other pests on the premises that constitute a health hazard.
- (k) "Nuisance" means:
 - (1) Any public nuisance known in law or as provided by the statutes of the State or the ordinances of the Village;
 - (2) Conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist and where the condition is perilous by active and negligent operation thereof;
 - (3) Unsanitary conditions or anything offensive to the senses or dangerous to health, in violation of these standards, or
 - (4) Fire hazards.
- (l) "Obsolete" means no longer serving any current purpose, either aesthetic or functional.
- (m) "Occupant" means any person who has actual or constructive possession of residential, retail, commercial, and industrial property and buildings, including but not limited to a lessee, sublessee, assignee, licensee, or permittee whether with or without the consent of the owner or occupant.
- (n) "Operator" means any person who has the charge, care, or control of residential, retail, commercial, and industrial property and buildings, whether with or without the consent of the owner or occupant.
- (o) "Owner" means any person who alone or jointly with others, has legal or equitable title to residential, retail, commercial, and industrial property and buildings, with or without actual constructive possession thereof.
- (p) "Person" means any entity, either natural or created by law, including but not limited to a natural person, corporation, partnership, association, executor, administrator, trustee, receiver, guardian, or other fiduciary.
- (q) "Premises" means a lot, plat or parcel of land, including the building or structures thereon.
- (r) "Property maintenance officer" means the zoning inspector or the official appointed by the village administrator who is charged with the administration and enforcement of these Standards, or any duly authorized representative.
- (s) "Refuse" means all putrescible and nonputrescible solid waste (except body waste), including but not limited to garbage, rubbish, ashes, street cleans, dead animals, and solid market and industrial waste.
- (t) "Residential, retail, commercial, and industrial property and buildings" means a lot or tract of land or building or other structure or grounds which are used or intended to be used or which property's last active use was primarily for residential, retail, commercial, and industrial purposes.

- (u) "Rubbish" means nonputrescible solid waste consisting of both combustible and noncombustible waste such as paper, wrappings, tin cans, yard clippings, leaves, wood, glass, crockery, and similar materials.
- (v) "Structure" means anything built or constructed to serve any purpose, occupied or unoccupied, on a permanent foundation or portable.
- (w) "Weathering" means deterioration, decay, or damage caused by exposure to the elements. (Ord. 00-18. Passed 12-18-00.)

1317.03 CONFLICTS.

(a) Application to Buildings. Owners or operators of every residential and nonresidential building and the premises on which they are situated in the Village, used or intended to be used for any use permitted by the Zoning Regulations, shall comply with the provisions of these Standards, whether or not such building has been constructed, altered, or repaired before or after the enactment of these Standards and irrespective of any permit or license which has been issued for the use or occupancy of the building or for the installation or repair of equipment or facilities prior to the effective date of these Standards. These Standards establish minimum requirements for the initial and continued occupancy and use of all such buildings and does not replace or modify standards otherwise established for the construction, repair, alteration, or use of such buildings. Where there is mixed occupancy, the residential or nonresidential uses therein shall nevertheless be regulated by and subject to the provisions of these Standards.

(b) Conflict of Laws. Where the provisions of these Standards impose a higher standard than that set forth in any other ordinance of the Village or law of the State, then the standards set forth herein shall prevail, but if the provisions of these Standards impose a lower standard than the standard set for in any other ordinance of the Village or law of the State, then the ordinances or law shall prevail.

(c) Enforcement of and Compliance With Other Ordinances. No license or permit or other certification of compliance with these Standards shall constitute a defense against any violation of any other ordinance of the Village applicable to any structure or premises, nor shall any provision herein relieve any owner, operator, or occupant from complying with any such other provision, nor any official of the Village from enforcing any such other provision. (Ord. 00-18. Passed 12-18-00.)

1317.04 RESPONSIBILITIES OF OWNERS, OPERATORS AND OCCUPANTS.

(a) Owners and operators shall have all the duties and responsibilities prescribed in these Standards, and the regulations published pursuant thereto, and no owner or operator shall be relieved from any such duty and responsibility, not be entitled to defend against any charge of violation thereof by reason of the fact that the occupant is also responsible therefor and in violation thereof.

(b) Unless expressly provided to the contrary in these Standards, the respective obligations and responsibilities of the owner and operator on one hand, as the occupant on the other, shall not be altered or affected by an agreement or contract by and between any of the aforesaid or between them and other parties. (Ord. 00-18. Passed 12-18-00.)

1317.05 DUTIES AND RESPONSIBILITIES OF OWNERS OR OPERATORS.

(a) Maintenance of Exterior of Premises; Hazards and Unsanitary Conditions. The exterior of the premises and the exterior of all structures thereon shall be kept free of all nuisances, unsanitary conditions, and any hazard to the safety of occupants, pedestrians, and other persons utilizing the premises, and any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of hazards which include, but are not limited to, the following:

- (1) Refuse. An accumulation of brush, broken glass, stumps, and roots that presents a safety hazard; also garbage, trash, and debris that present an unsanitary and/or a safety hazard. Compost piles enclosed in a fenced-in area not exceeding 30 feet from adjacent property lines are exempt from this paragraph.
- (2) Natural growth. Dead trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity thereof.
- (3) Overhangs and awnings. Loose and overhanging objects which, by reason of location above ground level, constitute a danger of falling on persons in the vicinity thereof.
- (4) Sources of infestation. Permitting premises to become infested with vermin or rodents is hereby declared to be a nuisance and is prohibited. No owner, operator, or person in charge or control of any premises shall cause or knowingly permit such premises to become or to remain infested with vermin or rodents.
- (5) Foundation walls. Exterior foundation walls shall be kept structurally sound, free from defects and damage, and capable of bearing imposed loads safely.
- (6) Chimneys and all flue and vent attachments thereto. Chimneys and all flue vent attachments thereto shall be maintained structurally sound, free from defects, and so maintained as to capably perform at all times the functions for which they were designed, and the same shall be capable of withstanding the action of flue gases.
- (7) Gutters and downspouts. All gutters and downspouts shall be kept in good repair and maintained to collect surface water from roofs. Rusted, broken, or damaged gutters and downspouts shall be promptly repaired or replaced.
- (8) Sidewalks and tree lawns. All sidewalks and tree lawns shall be maintained in good repair. Sidewalks and tree lawns shall be free of excessive vegetation, trash, and debris, and sidewalks shall be kept broom-clean. Freestanding objects, including but not limited to trash receptacles, vending machines, and benches, shall be maintained in good repair and free of trash, debris, and excessive vegetation. Any grade separation greater than one inch on the surface of a sidewalk caused by cracks or settling shall be promptly replaced or repaired. Sidewalks, where surfaces are eroded or pitted to such an extent as to cause a safety hazard to pedestrians, shall be replaced or repaired in a timely matter, not to exceed 90 days from date of notification.

- (9) Paved and unpaved grounds. Paved right-of-ways of all premises, including driveway approaches and curbing, shall be maintained in good repair, free of debris, chuck holes, loose asphalt, loose gravel, loose concrete, and vegetation. Non-paved right-of-ways shall also be maintained with the existing medium or material or may be upgraded at the owner's discretion and expense.

(b) Appearance of Exterior of Residential and Nonresidential Premises and Structures. The exterior of premises and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereon reflects a level of maintenance in keeping with the standards of the immediate neighborhood so that such appearance does not constitute a blighting factor for adjoining property owners nor an element leading to the progressive deterioration and downgrading of the immediate neighborhood with the accompanying reduction of property values, including the following:

- (1) Landscaping. Premises shall be maintained. Lawns, hedges, and bushes shall be trimmed and kept from becoming overgrown and unsightly where exposed to public view and where the same constitute a blighting factor depreciating adjoining property. Grass in lawns permitted to grow in excess of eight (8) inches in height shall be presumed to be a nuisance. No landscaping shall impede vehicular or pedestrian traffic.
- (2) Signs and billboards. All permanent signs and billboards exposed to public view permitted by reason of other regulations or as a lawful nonconforming use shall be maintained in good repair. Any signs that have weathered or faded or those upon which the paint has peeled shall, with their supporting members, be removed forthwith or put into a good state of repair. All broken electrical signs shall be repaired or shall, with their supporting members, be removed forthwith.
- (3) Store fronts. All store fronts shall be kept in good repair, painted where required, and shall not constitute a safety hazard or nuisance. In the event that repairs to a store front become necessary, such repairs shall be made with the same or similar materials used in the construction of the store front in such a manner as to permanently repair the damaged area or areas. Any cornice visible above a store front shall be kept painted, where required, and in good repair.
- (4) Awnings and marquees. Any awning or marquee and its accompanying structural member which extend over any street, sidewalk, or other portion of premises shall be maintained in good repair and shall not constitute a nuisance or a safety hazard. In the event that such awnings or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed forthwith. In the event that such awnings or marquees are made of cloth, plastic, or similar material, such cloth, plastic, or similar material, where exposed to public view, shall be maintained in good condition and shall not show evidence of weathering, discoloration, ripping, tearing or other holes. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks, or other parts of the public domain.

- (5) Storage of industrial and commercial materials or waste and motor vehicle equipment. There shall not be stored or used at a location visible from the sidewalks, street, or other public areas, equipment, materials, waste, or motor vehicle equipment relating to commercial, industrial, or residential uses unless exclusively permitted by the Zoning Regulations for such premises. The parking or storage of boats, motor homes, recreational vehicles, travel trailers, or truck trailers used for sales or storage between the property line at the street right-of-way and the front of every commercial, industrial, or residential building is prohibited. All such boats, motor homes, recreational vehicles, travel trailers, and truck trailers used for sales or storage shall be stored in the rear yard and screened from view. In the event that the commercial, industrial, or residential building is located on a corner lot, boats, motor homes, recreational vehicles, travel trailers, and truck trailers used for sales or storage shall not be stored or parked between the property line at the street right-of-way and the side of the building facing the street.
- (6) Outside storage and dumpsters. Equipment, materials, baled or bound, containers, and merchandise stored on grounds shall be in good repair, stored in a neat manner, free of all nuisances, at the rear of the premises or in an area approved by the property maintenance officer. Dumpsters shall be maintained in good repair and free from rust and damaged components. Grounds surrounding dumpsters shall be free from trash, debris, and excessive vegetation. Dumpsters shall be adequate to hold all garbage and trash with a closed cover. Covers shall remain closed at all times except when filling and emptying. Dumpsters shall be located in an appropriate place so as to not impede pedestrian or vehicular traffic, preferably at the rear of the premises or in an area approved by the property maintenance officer.

(c) Structural Soundness and General Maintenance. The exterior of every structure or accessory structure, including fences, signs, and store fronts, shall be maintained in good repair and all surfaces thereof shall be kept painted where necessary for purposes of preservation and appearance, or surface coated with a protective coating or treated to prevent rot and decay. All surfaces shall be maintained free of broken windows, crumbling stone or brick, peeling paint or other condition reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties and the immediate neighborhood protected from blighting influence.

(d) Reconstruction of Walls and Sidings. All reconstruction of walls and sidings shall be of standard quality, and their appearance commensurate with the character of the properties in the same block and on both sides of the street on which the premises front, such that the materials used will not be of a kind that by their appearance under prevailing appraisal practices and standards will depreciate the value of neighboring and adjoining premises as aforesaid.

(e) Freedom from Infestation. All exterior parts of premises shall be maintained so as to prevent infestation of insects and rodents. (Ord. 00-18. Passed 12-18-00.)

1317.06 EMERGENCIES.

(a) Whenever, in the judgment of the Property Maintenance Officer, an emergency exists which requires immediate action to protect the public health, safety, or general welfare, an order may be issued, without a hearing or appeal, directing the owner, occupant, operator, or agent to take such action as is appropriate to correct or abate the emergency. If circumstances warrant, the Property Maintenance Officer may act to correct or abate the emergency. If the Property Maintenance Officer acts to correct an emergency situation, the work completed shall be chargeable to the property owner or the party violating the notice.

(b) The owner, occupant, operator, or agent shall be granted a hearing before the Board of Zoning Appeals on the matter upon his/her request as soon as practical, but such appeal shall in no case stay the abatement or correction of such emergency. (Ord. 00-18. Passed 12-18-00.)

1317.07 NOTICE OF VIOLATION.

(a) Whenever the Property Maintenance Officer finds any dwelling, structure, or premises, or any part thereof, to be in non-emergency violation of the provisions of these Standards, the Property Maintenance Officer, with the permission of the Village Administrator, shall give, or cause to be given or mailed, written notice stating the violations therein to the owners of record of such property and the holders of legal or equitable liens of the record upon the realty property on which such building is located. Such notice shall not give less than thirty (30) days to complete the repair, improvement, or demolition of the structure or premises, except cases in violation of 1317.05(a)(1). Notice of violations of 1317.05(a)(1) shall not give less than seven (7) days to remove the refuse from the property.

(b) If the person to whom a notice of violation is addressed cannot be found after reasonable and diligent search, notice may then be sent to the last known address of such person, and a copy of such notice may be posted in a conspicuous place on the structure or premises to which it relates. The notice shall also be published in a newspaper of general circulation. Such mailing, posting, and advertising shall be deemed legal service of such notice. (Ord. 2009-04. Passed 3-30-09.)

1317.071 NON-EMERGENCIES.

(a) An owner, occupant, operator or agent of property located within the Village who has received an order as provided for in Section 1317.07 may appeal to the Board of Zoning Appeals by filing a notice of appeal with the Zoning Inspector within twenty days of his receipt of the order, specifying the grounds therefore. The Property Maintenance Inspector and Zoning Inspector shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. The Board shall fix a reasonable time for public hearing of the appeal, giving at least thirty days notice in a newspaper of general circulation in the municipality and at least twenty days notice to all parties having a legal interest in the property. An appeal shall stay all proceedings in furtherance of the action appealed from. The Board may reverse, affirm in whole or in part, or may modify the order appealed from. Any party adversely affected by a decision of the Board may further appeal to the Court of Common Pleas of Wyandot County, Ohio.

(b) If no appeal is taken by the affected owner, occupant, operator or agent, or if an appeal is taken and the Board affirms the decision of the Property Maintenance Inspector, and if upon further inspection it is found that the order has not been complied with, Council shall, by resolution, direct the owner, occupant, operator or agent in charge of such property to comply within ten days. Such resolution shall provide that upon failure or refusal to comply with the order, the work required will be performed by the Village with the amount expended therefore to be a valid claim against such owner, occupant, operator or agent and recovered by the Village as an assessment against the individual and/or the property or by suit in a court of competent jurisdiction. (Ord. 2007-15. Passed 11-5-07.)

1317.99 PENALTY.

(a) Whoever violates any provision of this Property Maintenance Standards is guilty of a minor misdemeanor. Each violation of a section or part of a section of these Standards shall constitute a separate and distinct violation independent of any other section or part of a section or any order issued pursuant to these Standards. Each day of failure by any person after notice and final order to comply with any section or part of a section shall constitute a separate offense.

(b) Whoever violates this section, after a prior guilty plea or conviction thereon, shall be guilty of a misdemeanor of the fourth degree. The second and each additional offense shall be a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. (Ord. 01-16. Passed 10-1-01.)

CHAPTER 1321 Ohio Building Code

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| 1321.01 Adoption. | 1321.03 Enforcement. |
| 1321.02 Effective date. | |

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, 3781.102, 3781.19
 Final jurisdiction - see Ohio R.C. 3781.04
 Application - see Ohio R.C. 3781.06, 3781.10, 3781.11
 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
 Abandoned service stations - see Ohio R.C. 3791.12 et seq.
 Safety standards for refuse containers - see Ohio R.C. 3791.21

1321.01 ADOPTION.

Ohio Administrative Code 4101:1, the Ohio Building Code, and 4101:2, the Ohio Mechanical Code, as promulgated by the Ohio Board of Building Standards, shall apply and be enforced within the Village.
 (Ord. 2017-13. Passed 6-5-17.)

1321.02 EFFECTIVE DATE.

This chapter shall be in full force and effect from and after the earliest period permitted by law following promulgated of the Ohio Building Code and Ohio Mechanical Code, by the Board of Building Standards through the certification process, adoption and effective date of certification issued by the Ohio Board of Building Standards.
 (Ord. 2017-13. Passed 6-5-17.)

1321.03 ENFORCEMENT.

(a) The Mayor is hereby authorized and directed to sign and submit an application to the Ohio Board of Building Standards requesting said board to certify the Village of Carey for enforcement of the Ohio State Building Codes with the condition that the Richland County Building Department exercise the enforcement authority as necessary in accordance with the Ohio State Building Codes within the limits of said Village and to enter into an agreement with Richland County Building Department for such purpose.

(b) The Village through its Mayor and its Clerk is hereby authorized and directed to enter into an agreement with Richland County for the enforcement of the Ohio State Building Codes within the limits of said Village whereby the Richland County Building Department will exercise all enforcement authority and accept and approve plans and specifications and make inspections necessary within said village in accordance with the provisions of the Ohio State Building Codes.

(c) The terms of the said agreement shall grant to Richland County full authority to do all things necessary to administer and enforce the Ohio State Building Codes within the limits of the Village of Carey and in consideration therefore to allow the Richland County to retain all permit and inspection fees authorized by the State of Ohio for such purposes.

(d) The Legislative Authority of said Village of Carey further agrees to hold the Richland County Building Department harmless for all claims or causes of action of every kind and nature arising from the acts of the Richland County, its agents, employees, and representatives in the administration and enforcement of said codes.
(Ord. 2017-13. Passed 6-5-17.)

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Fire
Prevention