

CODIFIED ORDINANCES OF ASHVILLE

PART THIRTEEN - BUILDING CODE

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CODIFIED ORDINANCES OF ASHVILLE**PART THIRTEEN - BUILDING CODE****CHAPTER 1305
Building Permits and Fees**

1305.01 Established.
1305.02 Revocation of permits.

1305.03 Violations and penalties.

CROSS REFERENCES
OBBC fees - see OAC 4101:2-1-21

1305.01 ESTABLISHED.

There are established the following fees for the issuance of permits relating to one, two and three family dwellings:

- (a) Permit Required. No person shall commence to erect, construct, enlarge, alter, improve, or convert any structure or building in the Village or cause the same to be done, without first obtaining from a Building Inspector of the Village, a permit to do such work. Alter and improve as explained in Ohio R.C. Chapter 3781.
- (b) Fees. All fees shall be computed on a square foot per floor basis, including basements and sub-basements, measuring the outside dimensions at each floor level, except where a fixed, base fee has been established. The following fees are hereby established relating to new building construction:
 - (1) One-family residential. Three hundred dollars (\$300.00) for the first 2000 square foot plus ten dollars (\$10.00) per each additional or part of 100 square feet above 2000 square foot including garage and basement per house.

- (2) A. Two family residential. Four hundred dollars (\$400.00) for the first 2000 square foot plus ten dollars (\$10.00) per each additional or part of 100 square foot above the 2000 square foot including the garage and basement per house.
- B. Three family residential. Five hundred dollars (\$500.00) for the first 2000 square foot plus ten dollars (\$10.00) per each additional or part of 100 square foot above the 2000 square foot including the garage and basement per house.

Residential permit package includes structure, electrical, HVAC, plumbing, patio or deck (if called for on plans), roofing, siding window and exterior doors and concrete (driveway and sidewalk) inspections.

Room additions: One hundred dollars (\$100.00) plus ten dollars (\$10.00) per or part of 100 square foot.

Garages: Fifty dollars (\$50.00) plus ten dollars (\$10.00) per or part of 100 square foot.

- (3) Accessory building; garage or shed. Fifty dollars (\$50.00) for any structure that is 200 square feet or greater, whether attached to or detached from an existing structure.
- (4) Porch and/or deck with or without roof. Twenty-five dollars (\$25.00) for any porch with no roof or any deck that is over 30 inches high requires a permit regardless of size or all porch, deck, patio, with a roof.
- (5) Electrical permit for service upgrade. Thirty-five dollars (\$35.00).
- (6) Electrical permit for new temporary service. Thirty-five dollars (\$35.00).
- (7) Electrical permit for new electric meter service. Fifty dollars (\$50.00).
- (8) Commercial structures. Any alterations of buildings or additions subject to the Ohio Basic Building Code Occupancy Chapters shall require a seventy-five dollar (\$75.00) fee.
- (9) Ohio Basic Building Code. All other buildings and additions thereto as defined in the Ohio Basic Building Code occupancy chapters shall require the following fees:
 - A. Construction Document Fees. Fees for construction documents submitted to and inspections made by certified building departments shall be in accordance with Rule 4101:2-1-50 of the Administrative Code.
 - B. Examination and Processing of Construction Document Fees. The fees for examination and processing of construction documents when required to be submitted to the Division of Industrial Compliance for approval under Rule 4101:2-1-17 of the Administrative Code, shall be in accordance with “Table 4101:2-1-21(B)” of the Administrative Code.
 - 1. Exception. Fees for alteration or change of occupancy as determined by the Building Inspector shall be based on the actual area affected by the alteration or change of occupancy which may extend beyond the limits of construction.

TABLE 4101:2-1-21(B)

TYPE OF CONSTRUCTION DOCUMENTS	PROCESS FEE	PLAN EXAMINATION FEE/ 100 SQUARE FEET GROSS AREA OF EACH FLOOR LEVEL
Structural	\$200.00 processing	\$5.50 per 100 sq. ft.
Mechanical	\$200.00 processing	\$3.50 per 100 sq. ft.
Electrical	\$200.00 processing	\$3.50 per 100 sq. ft.
Fire Suppression	\$200.00 processing	\$4.00 per 100 sq. ft.
Industrialized Unit	\$150.00 processing	\$1.30 per 100 sq. ft.

- C. Preliminary Construction Document Examination Fee. The fee for preliminary construction document examination for the purpose of determining compliance with the provisions of the Ohio Basic Building Code by the plan's examiner shall be seventy-five dollars (\$75.00) per hour.
- D. Industrialized Unit Fee. The fee for each inspection, other than those required by Rule 4101:2-1-31 or 4101:2-27-03 of the Administrative Code, shall be one hundred dollars (\$100.00) per inspection. Requests for all inspections shall be in writing to the Building Department and the fee shall be paid prior to the inspection.
- Fees for an application pursuant to Rule 4101:2-27-03 of the Administrative Code shall include a processing fee of one hundred fifty dollars (\$150.00). The fee for periodic inspections conducted by the Building Department shall include the hourly inspection rate and expenses such as travel and administrative costs.
- E. Re-inspection Fee. The fee for each re-inspection shall be one hundred dollars (\$100.00). A re-inspection shall be required when the inspector must return to inspect work that was not ready or had failed a previous inspection.
- F. State Board of Building Standards. In addition to the fees required by this chapter, the Building Inspector shall collect a fee, on behalf of the Board of Building Standards, of one percent (1%) of the fees for each application for acceptance and approval of construction documents and for making inspections.
- G. Deposit of Fees. The fee collected on behalf of the Board of Building Standards in accordance with paragraph (b)(9)F. hereof shall be deposited by the Division of Industrial Compliance, pursuant to Section 121.084 of the Ohio Revised Code, to the credit of the Board of Building Standards. The superintendent of the division shall report on the amount of the fees collected and deposited to the credit of the board not later than 45 days following the end of the first month's collection and then monthly thereafter.

- H. Late Payment Fee. Any person who fails to pay an inspection fee required for an inspection conducted by the Department of Commerce pursuant to Chapter 3781 and 3791 of the Ohio Revised Code, except for fees charged for the examination and processing of construction documents, within 45 days after the inspection is conducted shall pay a late payment fee equal to twenty-five percent (25%) of the inspection fee.
(Ord. 2007-17. Passed 12-17-07.)
- (10) Demolition.
Commercial Fees
A. \$100 per structure plus \$10 for every 100 square feet (example if 103 sq. ft. round up to 200 sq. ft.)
B. Board of Building Standards (BBS) Fee (3% of Subtotal)
C. Pickaway County Fee (10% of subtotal) - excludes incorporated areas.
Residential Fees
A. House \$50 per structure
B. Garage \$25 per structure
C. Board of Building Standards (BBS) Fee (1% of Subtotal)
- (11) Signs.
A. \$50 per basic building sign.
B. \$35 electrical inspection fee.
C. \$85 commercial building sign fee.
(Ord. 2008-01. Passed 1-22-08.)
- (12) Sidewalks, Curbs and Gutters; Driveways. No person shall construct, repair or relay a sidewalk, curb, gutter or driveway approach, or make a curb cut, without first applying for and obtaining a permit from the Building Inspector, and shall, at the time the permit is issued, pay a fee of twenty-five dollars (\$25.00). This fee shall include two inspections. Any additional inspection required or requested shall cost twenty-five dollars (\$25.00). The actual homeowner doing the repair will be exempt from paying any fees for sidewalks, curbs and gutters; drives. They will be responsible for submitting an application for inspection.
(Ord. 2008-11. Passed 12-15-08.)

1305.02 REVOCATION OF PERMITS.

A Building Inspector may revoke any permit or approval issued under the provisions of this chapter or may stop the work on an entire project or portion of a project for any of the following reasons:

- (a) Whenever there is a violation of the Village Building Code and/or local or state statute relating to the subject matter.
- (b) Whenever the continuance of any work for which such permit was issued or required becomes dangerous to life or property.
- (c) Whenever there is a violation of a condition upon which the issuance of the permit or approval was based.
- (d) Whenever any false statement or material representation has been made upon the application, plans or specifications on which the issuance of the permit or approval was based.

The revocation notice of the permit in every instance shall be in writing and shall be served upon the holder of the permit; the owner or his agent; and the person having charge of the work. Any revocation notice shall also be posted upon the building or structure in question by the Building Inspector. After the notice is received or posted, it shall be unlawful for any person to proceed with any operation for which such a permit was issued. No part of the fees for such permit shall be returned. Revocation of a permit shall be subject to appeal to the Building Department Board. (Ord. 2007-17. Passed 12-17-07.)

1305.03 VIOLATIONS AND PENALTIES.

(a) Unlawful Action. It shall be unlawful for any builder, general contractor, owner or tenant of any building or premises where anything in violation of the Building Code is placed, to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure in the jurisdiction or cause or permit the same to be done, contrary to or in violation of any of the provisions of this chapter. Occupancy of any building shall not be taken until a certificate of use and occupancy has been issued by the Building Department.

(b) Violations. It is hereby declared that a violation of this chapter constitutes a public nuisance, and in addition to any other remedies provided under this chapter for its enforcement, the Village may bring a civil suit to enjoin the violation of any provisions of this chapter. When the Building Official finds that work or equipment is contrary to any provision of this chapter, he shall cause notice to be served in writing to the owner of said building, or to his agent, and to any building or general contractor involved. The notice shall state where and in what respect the work or equipment does not conform to this chapter, what permits have not been obtained and specify a reasonable period of time in which to conform.

(c) Strict Liability. The failure to comply with any of the provisions of this chapter and any violations of such provisions shall be deemed to be a strict liability offense.

(d) Penalty. The penalty for starting a project without first obtaining the proper permit will be as follows:

- (1) First violation. An additional one hundred dollar (\$100.00) fee or double permit charge whichever is greater.
- (2) Second violation. Shall constitute an unspecified misdemeanor and shall be subject to the payment of an additional one hundred dollar (\$100.00) fine or double permit charge whichever is greater.
- (3) Third violation. Shall constitute an unspecified misdemeanor and shall be subject to a payment of an additional one hundred dollar (\$100.00) fine or double permit charge whichever is greater and suspension of the contractor's license. (Ord. 2007-17. Passed 12-17-07.)

CHAPTER 1311
Property Maintenance Code

1311.01	Adoption of Code.	1311.04	Workmanship.
1311.02	Additions, insertions, deletions and changes.	1311.05	Saving clause.
1311.03	Alternate materials and systems.	1311.06	Rules and regulations.
		1311.99	Violations and penalties.

CROSS REFERENCES

Adoption by reference - see Ohio R.C. 731.231
Safety and sanitation - see GEN. OFF. Ch. 521

1311.01 ADOPTION OF CODE.

That certain document, three copies of which are on file in the office of the Village, being marked and designated as "The International Property Maintenance Code, First Edition, 1998" as published by the Building Officials and Code Administrators International, Inc., the International Conference of Building Officials, and the Southern Building Code Congress International, Inc., is hereby adopted as the Property Maintenance Code of the Village of Ashville, Ohio, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted and made a part hereof, as if fully set out in this section, with additions, insertions, deletions and changes, if any, prescribed in Section 1311.02.
(Ord. 2000-15. Passed 7-24-00.)

1311.02 ADDITIONS, INSERTIONS, DELETIONS AND CHANGES.

The BOCA National Property Maintenance Code as adopted is hereby amended and revised in the following respects:

- (a) Section PM-101.1 - The regulations shall be known as the Property Maintenance Code of the Village of Ashville, hereinafter referred as "the Code". "Code Official" as used in this Code, means any Building/Zoning Inspector of the Village of Ashville.
- (b) Section PM-106.2 - PENALTY - Any person who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- (c) Section PM-304.12 - INSECT SCREENS - During the period from April 1, to November 1, every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing habitable rooms, food preparation areas, food service areas, or any areas where items to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device which shall at all times be maintained in good working condition.
- EXCEPTION: Screen doors shall not be required for out swinging doors or other types of openings which make screening impracticable, provided other approved means, such as air curtains or insect repellent fans are employed.
- (d) Section PM-602.2.1 - HEAT SUPPLY - Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest house on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 1, to May 15, to maintain the room temperature specified in Section PM-602.2 during the hours between 6:30 a.m and 10:30 p.m. of each day and not less than 60 degrees Fahrenheit (16 degrees Celsius) during other hours.
- (e) Section PM-602.3 - NON-RESIDENTIAL STRUCTURES - Every enclosed occupied work space shall be maintained with sufficient heat during the period from October 1 to May 15 to maintain a temperature of not less than 55 degrees Fahrenheit during all working hours.
- EXCEPTIONS:
- (1) Processing, storage and operation areas that require cooling or special temperature conditions.
 - (2) Areas in which persons are primarily engaged in vigorous physical activities. (Ord. 2000-15. Passed 7-24-00.)

1311.03 ALTERNATE MATERIALS AND SYSTEMS.

(a) General. The provisions of this Code are not intended to limit the appropriate use of materials, appliances, equipment or methods of design or construction specifically prescribed by this Code, provided that the Building Inspector determines that the proposed alternate materials, appliances, equipment or methods of design or construction are substantially equivalent of those prescribed in the International Property Maintenance Code in suitability, quality, strength, effectiveness, fire resistance, durability, dimensional stability, and safety.

The Building Inspector may require that evidence or proof be submitted to substantiate any claims that may be made regarding the proposed alternate.

(b) Tests. Determination of equivalence shall be based on design or test methods specified by the International Property Maintenance Code or other such standards approved by the Building Department. The Building Inspector shall accept as supporting data to assist in this determination duly authenticated research reports from the Building Officials and Code Administrators International, Committee on Research and compliance reports of the Southern Building Officials, research reports of the National Research Board of the Council of American Building Officials, acceptance documents from the Department of Housing and Urban Development or from other approved authoritative sources for all materials and assemblies proposed for use which are not specifically provided for in the International Property Maintenance Code. The applicant shall pay the costs of all tests, reports and investigations required under these provisions. (Ord. 2000-15. Passed 7-24-00.)

1311.04 WORKMANSHIP.

Workmanship in the fabrication, preparation and installation of materials shall conform to generally accepted commercial practice in the industry. The Building Department may promulgate rules embodying the requirements of generally accepted commercial practice, it being the intent of this requirement that the standards of the federal or state bureaus, national technical organizations or fire underwriters, as the same may be amended from time to time, shall serve as a guide in fixing minimum rules of practice.
(Ord. 2000-15. Passed 7-24-00.)

1311.05 SAVING CLAUSE.

Nothing in this chapter or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance previously adopted by this Council, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter. Any previous ordinance in conflict with the provisions of this chapter shall be of no further force and effect.
(Ord. 2000-15. Passed 7-24-00.)

1311.06 RULES AND REGULATIONS.

The Building Department Advisory Board is hereby granted authority to establish rules and regulations governing the issuance of permits and enforcement of the Building Code and the Property Maintenance Code. (Ord. 2000-15. Passed 7-24-00.)

1311.99 VIOLATIONS AND PENALTIES.

(a) Unlawful Action. It shall be unlawful for any person, firm or corporation in charge or control of any building or premises wherein anything in violation of this Code is placed or exists, whether as owner, agent, lessee, sub-lessee or occupant to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any buildings or structures subject to this Code in the jurisdiction or cause to permit the same to be done, contrary to or in violation of any of the provisions of this chapter, or the International Property Maintenance Code. Occupancy of any building shall not be taken until a certificate of use and occupancy has been issued by the Building Inspector.

(b) Violations. It is hereby declared that any violations of this chapter, or of the International Property Maintenance Code constitutes a public nuisance, and in addition to any other remedies provided under this chapter or by the International Property Maintenance Code for its enforcement, the Village may bring civil suit to enjoin the violation of any provisions of this chapter, or of the International Property Maintenance Code. When the Building Official finds that work or equipment is contrary to any provisions of this chapter, or of the International Property Maintenance Code, he shall cause notice to be served in writing on the owner or agent and to his general contractor, if applicable, of said building. The notice shall state where and in what respect the work or equipment does not conform to this chapter, or of the International Property Maintenance Code and specify a reasonable period of time in which to conform.

(c) Strict Liability. The failure to comply with any of the provisions of this chapter, or of the International Property Maintenance Code and any violation of such provisions shall be deemed to be a strict liability offense.

- (d) Penalty.
- (1) Any person, firm or corporation which violates or fails to comply with any of the provisions of this chapter, or of the International Property Maintenance Code for which no other penalty has been provided, or fails to comply with any order or regulation made thereunder, or builds in violation of a building permit or certificate issued thereunder, or occupies a structure without the required certificate of occupancy, is guilty of a minor misdemeanor on the first offense and such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation or failure to comply with any of the provisions of this chapter or of the International Property Maintenance Code is committed, continued or permitted, and upon conviction of any such violation or failure to comply, such person, firm or corporation may be punished by a fine, or by contempt of court penalties, as established by state or local laws.
 - (2) If, within one year of an initial violation or failure to comply with any of the provisions of this chapter or of the International Property Maintenance Code, the person, firm or corporation has been previously convicted of or pled guilty to any violation or failure to comply with any of the provisions of this chapter or of the International Property Maintenance Code, then such person, firm or corporation is guilty of a misdemeanor of the fourth degree and may be punishable by fine, or by imprisonment, or both such fine and imprisonment, as established by state or local laws.
 - (3) If, within one year of an initial violation or failure to comply with any of the provisions of this chapter or of the International Property Maintenance Code, the person, firm or corporation has been previously convicted of or pled guilty to two or more violations or failure to comply with any of the provisions of this chapter or of the International Property Maintenance Code, then such person, firm or corporation is guilty of a misdemeanor of the third degree and may be punishable by fine, or by imprisonment, or both such fine and imprisonment, as established by state or local laws.
(Ord. 2000-15. Passed 7-24-00.)

CHAPTER 1321
Registration of Building Contractors and Sub-Contractors

1321.01	Registration requirement.	1321.04	Revocation of registration.
1321.02	Registration by Building Department.	1321.05	Notice of revocation.
1321.03	Bond.	1321.99	Penalty.

CROSS REFERENCES

Power to license - see Ohio R.C. 715.27

National Electrical Code - see BLDG. Ch. 1333

Permit fees - see BLDG. Ch. 1305 and P. & Z. Ch. 1111

1321.01 REGISTRATION REQUIREMENT.

(a) No person, corporation, partnership, firm or other business association shall, acting in the capacity of a contractor, engage in heating, ventilating and/or air conditioning work, hydronics work, electrical work or plumbing work, without first registering for each trade with the Building Department.

(b) “Contractor”, for the purpose of this section, means any person, corporation, partnership, firm or other business association who performs any work specified above for consideration evidenced by an oral or written agreement. “Contractor”, for purposes of this section, shall also mean any person, firm, corporation or other business association which negotiates a contract either written or oral for any work specified above, but does not perform physical labor to complete the work as set forth in the contract.
 (Ord. 2007-09. Passed 9-17-07.)

1321.02 REGISTRATION BY BUILDING DEPARTMENT.

(a) The Building Department shall maintain a list of registered contractors by trade. The Department shall record the name of any contractor, being an individual or a business entity, on the List of Registered Contractors upon providing the Department with the following:

- (1) A valid and unexpired license issued for the year and the trade for which registration is sought, pursuant to Ohio Revised Code Chapter 4740. Where a contractor seeks registration work pertaining only to one, two and three family properties and does not have a state issued license, the Building Department may accept a valid license issued by another Village or City, which in the opinion of the Department, has a qualified examination; or a successfully completed written exam based upon the applicable codes and ordinances, conducted by the Building Department, evidencing the registrant’s ability to perform work in the trade for which registration is sought.

- (2) Contractor's liability insurance, including, but without limitation, for bodily injury in the amount of one hundred thousand dollars/three hundred thousand dollars (\$100,000/\$300,000), and for property damage in the amount of at least fifty thousand dollars (\$50,000) or such greater amounts as permitted by Ohio R.C. 4740.06(B)(4).
- (3) A completed "Request for Registration/Renewal of Registration" form as prescribed by the Building Department.
- (4) A fee of seventy-five dollars (\$75.00) for the registration and, if applicable, a fee of seventy-five dollars (\$75.00) for the testing provided for in paragraph (a)(1) hereof.
- (5) Where work for which registration is required is started prior to registration, the required registration fee shall be doubled.

(b) Upon adding the contractor's name to the List of Registered Contractors, the Building Department shall issue the registrant a Certificate of Registration as evidence of compliance with the above requirements.

(c) Said Certificate of Registration shall be valid for the calendar year in which issued and subject to renewal on January 1 of each year thereafter.

(d) Where an individual has assigned a state issued license to a business entity pursuant to Ohio R.C. 4740.07, the Building Department shall issue a Certificate of Registration in both the name of the individual and the business entity. Any work conducted by a registered business entity or individual is deemed to be conducted under the personal supervision of the individual named in the Certificate of Registration, and all violations of any terms of this Building Code are deemed to be have been committed by the individual named in the Certificate of Registration.

(e) Contractors, both individuals and business entities, registered pursuant to this section shall warrant or be presumed to have warranted that all work to be performed and all materials to be supplied by contract are in compliance with all applicable ordinances of the Village unless the contractee has actual knowledge of any deficiencies or noncompliance at the time the contract is entered into.
(Ord. 2007-09. Passed 9-17-07.)

1321.03 BOND.

When evidence discloses that the registrant has refused, failed or neglected to correct or abate violations of any applicable code or ordinance in performance of any work done pursuant to a registration within a reasonable time after having been notified by the Village Administrator, the Building Department may require the registrant to furnish a performance bond in the sum of five thousand dollars (\$5,000) guaranteeing full and faithful compliance by the registrant with all provisions of any applicable code or ordinance of the Village and binding the surety thereon to correct or abate any violations of any applicable code or ordinance of the Village 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 limit set by the Building Department.
(Ord. 2007-09. Passed 9-17-07.)

1321.04 REVOCATION OF REGISTRATION.

The Building Department may revoke any registration or refuse renewal thereof issued under the provisions of this chapter for good cause shown. Good cause includes, but is not limited to the following:

- (a) Misrepresentation of a material fact by the applicant in obtaining the registration or renewal thereof.
- (b) The use of the registration by the registrant in obtaining a permit for work to be performed by a contractor or builder other than the registrant.
- (c) Violation of or noncompliance with any provision of any applicable code or ordinance of the Village in the performance of any work done pursuant to a registration issued hereunder.
- (d) Failure to abate a violation or noncompliance with any provision of any applicable code or ordinance of the Village within the time specified in the written notice of such violation or noncompliance.
- (e) Upon a determination by the Village Administrator that the applicant or registrant has engaged in a course of conduct calculated to induce owners and/or tenants of property or their authorized agents to enter into a contractual relationship for labor and/or materials through misrepresentation of labor costs or that the materials used complied with all applicable ordinances of the Village in which such misrepresentation was made. For the purposes of this subsection (e), "course of conduct" is defined as two or more separate instances of misrepresentation occurring during any twelve month period.
- (f) Revocation, suspension or expiration of a license issued pursuant to Ohio R.C. Chapter 4740.
(Ord. 2007-09. Passed 9-17-07.)

1321.05 NOTICE OF REVOCATION.

In the event any registration issued under this chapter is revoked, the applicant shall be notified of the revocation in writing and such notice shall be sent by certified mail to the registrant at the address of the registrant as set forth in the application for registration. The registrant shall have ten days after receipt of such notice to appeal such revocation. Such appeal shall be perfected by filing a written notice of the appeal with the Village Administrator. Thereupon the registrant shall have not less than ten days notice of the date and place of the hearing. The appeal shall be heard by the Board of Building Standards and Building Appeals, which Board shall be the power after such hearing to either affirm or overrule the decision of the Village Administrator. The Board shall cause notice of its decision to be sent by certified mail to the registrant at the address of the registrant as set forth in the application within thirty days of the date of hearing.
(Ord. 2007-09. Passed 9-17-07.)

1321.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor of the third degree. If the offender has been previously convicted of a violation of this chapter, such second or subsequent offense shall constitute a misdemeanor of the second degree.
(Ord. 2007-09. Passed 9-17-07.)

CHAPTER 1325
Flood Damage Prevention

<p>1325.01 Statutory authorization; findings of fact; purpose and objectives.</p> <p>1325.02 Definitions.</p> <p>1325.03 General provisions.</p>	<p>1325.04 Administration.</p> <p>1325.05 Provisions for flood hazard reduction.</p> <p>1325.06 Variance procedure.</p>
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CROSS REFERENCES

County flood control aid to governmental units - see Ohio R.C. 307.77
 Basis of zoning districts - see Ohio R.C. 713.10
 Construction permits and prohibitions for dams, dikes or levees - see Ohio R.C. 1521.06
 Flood hazards; marking flood areas - see Ohio R.C. 1521.14
 Review of flood plain ordinances - see Ohio R.C. 1521.18

1325.01 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 Council of Village of Ashville, State of Ohio does ordain as follows:

(b) Findings of Fact.

- (1) The flood hazard areas of the Village of Ashville 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) Uses that are inadequately elevated, floodproofed, 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 special 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 protect property and 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 purposes, 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, excavating, 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. 99-24. Passed 9-20-99.)

1325.02 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 Planning and Zoning Inspector's 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 A99.

- (e) "Base flood" means the flood having a one percent chance of being equaled 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 or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.
- (k) "Flood Insurance Study" means the official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development 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 1 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 the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office; or
 - (4) Individually listed on the inventory of historic places maintained by the Village of Ashville whose historic preservation program has been certified by the Ohio Historic Preservation Office.
- (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 Ohio 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 Ohio 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 Ashville'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. Substantial damage also means flood related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 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 prior to the application for a development permit 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.
- (y) “Violation” means the failure of a structure or other development to be fully compliant with this chapter.
(Ord. 99-24. Passed 9-20-99.)

1325.03 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 Ashville as identified by the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development referenced in subsection (b) hereof, including any additional areas of special flood hazard annexed by the Village of Ashville.

(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 or the U.S. Department of Housing and Urban Development in a scientific and engineering report entitled “Flood Insurance Study for the Pickaway County, Ohio and Incorporated Areas”. This study, with accompanying Flood Boundary and Floodway Maps and/or Flood Insurance Rate Maps dated September 30, 1999 and, for areas annexed by the Village of Ashville, the “Flood Insurance Study for the Unincorporated Areas of Pickaway County”, with accompanying Flood Boundary and Floodway Maps and/or Flood Insurance Rate Maps dated September 30, 1999, 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 the Municipal Building.

(c) Compliance. No structure or land shall hereafter be located, erected, constructed, reconstructed, 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 1325.04(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 the 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 Ashville, 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 Ashville. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village of Ashville from taking such other lawful action as is necessary to prevent or remedy any violation. The Village of Ashville shall prosecute any violation of this chapter in accordance with the penalties stated herein.

(h) Severability. Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. (Ord. 99-24. Passed 9-20-99.)

1325.04 ADMINISTRATION.

(a) Establishment of Development Permit. A Development Permit shall be obtained from the Planning and Zoning Inspector before construction or development begins within any area of special flood hazard established in Section 1325.03(b) . Application for a Development Permit shall be made on forms furnished by the Planning and Zoning Inspector and may include, but not be limited to: site specific topographic plans drawn to scale showing the nature, location, 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 areas of special flood hazard where base flood elevation data are utilized from any source;
- (2) Elevation in relation to mean sea level to which any proposed nonresidential structure will be floodproofed in accordance with Section 1325.05(b)(2)A. where base flood elevation data are utilized from any source;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 1325.05(b)(2)A. where base flood elevation data are utilized from any source;
- (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.
- (5) Certification by a registered professional engineer, architect, or surveyor of the structure's as-built lowest floor or floodproofed elevation.

(b) Exemption From Filing a Development Permit. An application for a Development Permit shall not 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 for a Development Permit is also exempt from the standards of this chapter.

(c) Designation of the Flood Damage Prevention Administrator. The Planning and Zoning Inspector 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 Planning and Zoning Inspector. The duties and responsibilities of the Planning and Zoning Inspector shall include but are not limited to:

- (1) Permit review.
 - A. Review all development permit applications to determine that the permit requirements of this chapter have been satisfied.

- B. Review all development permit applications 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 permit applications 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 1325.05(c)(1) is met.
 - D. Inspect all development projects before, during, and after construction to ensure proper elevation of the structure and to ensure compliance with all provisions of this chapter.
- (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 1325.03(b), are designated as Zone A on the Flood Insurance Rate Map. Within these areas, the Planning and Zoning Inspector 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 1325.05(b)(6), in order to administer Section 1325.05(b)(1); Section 1325.05(b)(2); and where floodway data are available, administer Section 1325.05(c).
- (3) Information to be obtained and maintained by the Village of Asheville. Where base flood elevation data are utilized within areas of special flood hazard on the Village of Asheville's Flood Insurance Rate Map, regardless of the source of such data the Planning and Zoning Inspector shall:
- 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, including base flood elevation data, Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, variance documentation, Conditional Letters of Map Revision, Letters of Map Revision, Letters of Map Amendment, and as-built elevations.
- (4) Alteration of watercourses.
- A. Notify adjacent communities, the U.S. Army Corps of Engineers, 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 watercourse 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 interpretations, 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 from the Flood Insurance Study shall prevail. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1325.06.
- (6) Alteration of community boundaries. Upon occurrence, notify FEMA in writing whenever the boundaries of the Village of Ashville have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Village of Ashville's Flood Insurance Rate Map accurately represent the Village of Ashville's boundaries, include within such notification a copy of a map of the Village of Ashville suitable for reproduction, clearly delineating the new corporate limits or the new area for which the Village of Ashville has assumed or relinquished floodplain management regulatory authority.
(Ord. 99-24. Passed 9-20-99.)

1325.05 PROVISIONS FOR FLOOD HAZARD REDUCTION.

(a) General Standards. The following standards apply in all areas of special flood hazard including those where base flood elevation data have been provided. Where a structure, including its foundation members, is elevated on fill to or above the base flood level, the requirements for subsection (a)(1) and (2) are satisfied.

- (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 under 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 elevated 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 state or local law:
 - 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).
- (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, including Section 1325.04(d)(2), the following provisions apply:
- A. New construction and substantial improvement of any residential (including manufactured homes), commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated to the flood of record or at least two feet above the highest adjacent natural grade, whichever is greater.

(b) Specific Standards. In all areas of special flood hazard where base flood elevation data have been provided as set forth in Section 1325.03(b); Section 1325.04(d)(2); or subsection (b)(6) hereof, the following additional 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 or above the base flood elevation.
- B. In AO zones new construction and substantial improvements shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number on Village of Asheville's Flood Insurance Rate Map, or 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 structure shall either have the lowest floor, including basement, elevated to or above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
1. Be floodproofed so that the structure is watertight 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 1325.04(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 Village of Ashville'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. 1., 2, and 3., and adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- (3) Accessory structures.
- A. A relief to the elevation or dry floodproofing standards may be granted for accessory structures (e.g., sheds, detached garages) containing no more than 576 square feet and a value of no more than \$1,000 dollars. Such structures must meet the encroachment provisions of subsection (c) hereof, and the following additional standards:
1. They shall not be used for human habitation;
 2. They shall be constructed of flood resistant materials;
 3. They shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;
 4. They shall be firmly anchored to prevent flotation;
 5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the base flood elevation; and,
 6. They shall meet the opening requirements of subsection (b)(5) hereof.
- (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 park requirements of Section 3733.01, Ohio Revised Code:
- A. Manufactured homes shall be anchored in accordance with subsection (a)(1)B. hereof.
- B. Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation.
- These standards shall also apply to all recreational vehicles that are either (i) located on sites for 180 days or more, or (ii) 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 non-basement structures which are elevated to the base flood elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters. 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 coverings or devices 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 1325.03(b) or Section 1325.04(d)(2), the following standards apply to all subdivision proposals, including manufactured home subdivisions, and other proposed 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)A. is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of subsections (a) and (b) hereof.
- (c) Floodways.
- (1) Areas with floodways. The Flood Insurance Study referenced in Section 1325.03(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 1325.04(d)(2). The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, projectiles, and cause erosion. The following provisions apply within all delineated floodway areas:

- A. 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.
 - B. If subsection (c)(1)A. is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of subsection (b) hereof.
 - C. 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 Planning and Zoning Inspector to the Federal Emergency Management Agency and must meet the requirements of the National Flood Insurance Program.
- (2) Areas without floodways. In all areas of special flood hazard where the Flood Insurance Study provides base flood elevation data as set forth in Section 1325.03(b), but no floodways have been designated, the following provisions apply:
- A. New construction, substantial improvements, or other development (including fill) shall only be permitted if it is demonstrated that the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than 1.0 (one) foot at any point.
 - B. If subsection (c)(2)A. hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.
(Ord. 99-24. Passed 9-20-99.)

1325.06 VARIANCE PROCEDURE.

- (a) Appeal Board.
- (1) The Planning and Zoning Commission as established by the Village of Ashville shall hear and decide appeals and requests for variances from the requirements of this chapter.
 - (2) The Planning and Zoning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Planning and Zoning Commission in the enforcement or administration of this chapter.
 - (3) Those aggrieved by the decision of the Planning and Zoning Commission or any taxpayer, may appeal such decision to the Pickaway Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.

- (4) In passing upon such applications, the Planning and Zoning Commission shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - A. The danger that materials may be swept onto other lands to the injury of others;
 - B. The danger to life and property due to flooding or erosion damage;
 - C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - D. The importance of the services provided by the proposed facility to the community;
 - E. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - F. The necessity to the facility of a waterfront location, where applicable;
 - G. The compatibility of the proposed use with existing and anticipated development;
 - H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - I. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - J. 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,
 - K. 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.
 - (5) Upon consideration of the factors of subsection (a)(4) hereof and the purposes of this chapter, the Planning and Zoning Commission, may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
 - (6) The Planning and Zoning Inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- (b) Conditions For Variances.
- (1) Variances may only be issued where due to physical characteristics of the property compliance with the requirements of this chapter creates an exceptional hardship. Increased cost or inconvenience of meeting the requirements of this chapter do not constitute an exceptional hardship.
 - (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- (4) Generally, variances may be issued for 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 A. to K. in subsection (a)(4) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- (5) 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.
- (6) Variances shall only be issued upon:
 - A. A showing of good and sufficient cause;
 - B. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - C. 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, nuisances, fraud on or victimization of the public as identified in subsection (a)(4) hereof, or conflict with existing local laws or ordinances; and,
 - D. A determination that the structure or other development is protected by methods to minimize flood damages.
- (7) 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 floor 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. 99-24. Passed 9-20-99.)

CHAPTER 1329
Residential Code of Ohio

1329.01 Code adopted.

CROSS REFERENCES
Adoption by reference - see Ohio R.C. 731.231

1329.01 CODE ADOPTED.

The Ohio Administrative Code 4101:8 - Residential Code of Ohio as promulgated by the Ohio Board of Building Standards, shall apply and be enforced within the Village.
(Ord. 2007-07. Passed 9-17-07.)

CHAPTER 1330
OBOA One, Two and Three Family Dwelling Code

1330.01 Adoption.

CROSS REFERENCES
Adoption by reference - see Ohio R.C. 731.231

1330.01 ADOPTION.

The Village hereby adopts the OBOA One, Two and Three Family Dwelling Code as published by the Building Officials and Code Administrators International, Inc., one copy of which is on file in the office of the Council. Each and all of the regulations, provisions, penalties, conditions and terms of said OBOA One, Two and Three Family Dwelling Code are hereby adopted and made a part hereof, by reference, as if fully set out in this section. (Ord. 2007-11. Passed 9-14-07.)

CHAPTER 1333
National Electrical Code

1333.01 National Electrical Code adopted.

CROSS REFERENCES

Adoption by reference - see Ohio R.C. 731.231

1333.01 NATIONAL ELECTRICAL CODE ADOPTED.

(a) The Village hereby adopts the National Electrical Code, by reference, in its entirety, as published by the National Fire Protection Association.

(b) If more restrictive regulations, provisions, penalties or conditions currently have been enacted by Village Council and are currently enforced, such items shall remain intact, all other regulations, provisions, penalties, conditions and terms shall hereby be replaced by National Electrical Code.

(c) The enforcement of the newly adopted code shall be designated to the Building/Code Enforcement Department under the direct supervision of the Village Administrator.

(d) The Village Administrator shall have a copy of the National Electrical Code available on file in the office of the Village.
(Ord. 2001-25. Passed 9-17-01.)

CHAPTER 1341
Ohio State Building Codes

1341.01 Adoption.

CROSS REFERENCES
Adoption by references - see Ohio R.C. 731.231

1341.01 ADOPTION.

Ohio Administrative Code 4101:1 - the Ohio Building Code, Ohio Administrative Code 4101:2 - the Ohio Mechanical Code and Ohio Administrative Code 4101:3 - the Ohio Plumbing Code as promulgated by the Ohio Board of Building Standards, shall apply and be enforced within the Village. (Ord. 2007-14. Passed 9-28-07.)