CODIFIED ORDINANCES OF SHADYSIDE

PART THIRTEEN - BUILDING CODE

TITLE ONE - Standards Adopted
Chap. 1307. American Public Health Association
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CODIFIED ORDINANCES OF SHADYSIDE

PART THIRTEEN - BUILDING CODE

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TITILE ONE - Standards Adopted
Chap. 1315. Contractor Registration.

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CHAPTER 1301
National Building Code

1301.01 1967 Edition adopted.  1301.04 Conflict of laws.
1301.02 File and distribution copies.  1301.05 Validity.
1301.03 Definitions.  1301.99 Penalty.

CROSS REFERENCES
Adoption of technical codes by reference – see Ohio R.C. 731.231
Ohio State building standards - see Ohio R.C. Ch. 3781
Housing Code – see BLDG. Ch. 1307
Code Administrator – see BLDG. Ch. 1321
Permits and fees for building erection, construction or alteration – see
BLDG. Ch. 1323
Electrical permits – see BLDG. 1327.06
Abatement of nuisance – see BLDG. Ch. 1329

1301.01 1967 EDITION ADOPTED.
Pursuant to Ohio R.C. 731.231, there is hereby adopted by the Municipality, for the purpose
of establishing rules and regulations for the construction, alteration, removal, demolition,
equipment, use and occupancy, location and maintenance of one, two and three family
dwellings and appurtenant structures, including permits and penalties, that certain building
code known as the National Building Code, 1967 Edition, recommended by the American
Insurance Association, successor to the National Board of Fire Underwriters, and the whole
thereof, save and except such portions as are hereinafter deleted, modified or amended,
and the same is hereby adopted and incorporated as fully as if set out at length herein.
(Ord. 783. Passed 6-9-69.)
1301.02 FILE AND DISTRIBUTION COPIES.
A complete copy of such Code shall be on file with the Clerk of Council for inspection by the public, and an additional copy shall be on file in the County Law Library. The Mayor's office shall keep copies of the Code available for distribution to the public at cost.
(Ord. 783. Passed 6-9-69.)

1301.03 DEFINITIONS.
(a) Wherever titles, words and phrases are used in portions of the National Building Code as adopted in Section 1301.01, such terms shall be construed to mean the equivalent office, word or phrase applicable to the Municipality.
(Ord. 783. Passed 6-9-69.)

(b) "Municipality" as used in the Building Code, means the Municipality of Shadyside, Ohio.

(c) "Corporation Counsel" as used in the Building Code, means the Village Solicitor.

1301.04 CONFLICT OF LAWS.
In the event of any conflict between the provisions of the Code herein adopted and the provisions of the Ohio State Building Code or any other ordinance of the Municipality, that provision which establishes the greater restriction or higher standard shall prevail.

1301.05 VALIDITY.
The invalidity of any section or provision of this chapter or of the National Building Code hereby adopted shall not invalidate other sections or provisions thereof.

1301.99 PENALTY.
Whoever violates any of the provisions of this chapter, including the National Building Code adopted herein, or fails to comply therewith or with any of the requirements thereof, or who erects, constructs, adds to or alters, moves or demolishes or has erected, constructed, added to or altered, moved or demolished, a building or structure or portion thereof, in violation of a detailed statement or plan submitted and approved thereunder, or of a permit or certificate issued thereunder, and whoever being the owner of a building or structure, or portion thereof, or of the premises where anything in violation of such provisions is placed or exists and an architect, engineer, builder, contractor, agent, person or corporation employed in connection therewith who assisted in the commission of such violation, shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of such provisions is committed or continued and upon conviction of such violation each such person shall be fined, for a first offense, not more than one hundred dollars ($100.00) and, for a second and subsequent offense, shall be fined not more than five hundred dollars ($500.00) or imprisoned not more than sixty days, or both.
CHAPTER 1303
National Electrical Code

1303.02 File and distribution copies.
1303.03 Conflict of law.

CROSS REFERENCES
Adoption of technical codes - see Ohio R.C. 731.231
Supplemental electrical provisions - see BLDG. Chap. 1325
Electrical permits - see BLDG. 1327.06

1303.01 1975 EDITION ADOPTED.
Pursuant to Ohio R.C. 731.231, there is hereby adopted and incorporated by reference as if fully set out at length herein, for the purpose of establishing standards for electrical materials and installations in all dwellings, buildings and structures, that certain code known as the National Electrical Code, being particularly the 1975 Edition thereof recommended by the National Fire Protection Association, and designated as NFPA No. 70-ANSI CI-1975, save and except such portions as are hereinafter deleted, modified or amended.

1303.02 FILE AND DISTRIBUTION COPIES.
One copy of the 1975 Edition of the National Electrical Code recommended by the National Fire Protection Association shall be on file with the Clerk of Council and one copy shall be on file in the County Law Library. In addition the Mayor's office shall keep copies available for distribution to the public at cost.

1303.03 CONFLICT OF LAW.
In the event of any conflict between the provisions of the Code herein adopted and the provisions of any other code or ordinance of the Municipality, that provision which establishes the higher or stricter standard shall prevail.

1303.99 PENALTY.
(a) Whoever violates any provision of the National Electrical Code adopted herein shall be fined not more than five hundred dollars ($500.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(b) The application of the penalty provided in subsection (a) hereof shall not be held to prevent the enforced removal of any prohibited conditions.
CHAPTER 1305
Ohio Plumbing Code

1305.01 Adoption.  
1305.02 File and distribution copies.  
1305.03 Conflict of laws.  

1305.99 Penalty.

CROSS REFERENCES

Power to license plumbers - see Ohio R.C. 715.27
Adoption of technical codes - see Ohio R.C. 731.231
Permits and fees for building erection, construction or alteration - see BLDG. Ch. 1323

1305.01 ADOPTION.

Pursuant to Ohio R.C. 731.231, there is hereby adopted and incorporated by reference as if fully set out at length herein, for the purpose of establishing basic minimum standards for plumbing, sewer building and water service installation in all classes of occupancy, including one, two and three family dwellings and appurtenant structures, that certain code known as the Ohio Plumbing Code, being Chapter 4101:2-51 of the Ohio Building Code, as amended, and save and except such portions as are hereinafter deleted, modified or amended.

1305.02 FILE AND DISTRIBUTION COPIES.

A complete copy of the Plumbing Code adopted in section 1305.01 shall be on file with the Clerk of Council for inspection by the public, and an additional copy shall be on file in the County Law Library. The Mayor's office shall keep copies of the Code available for distribution to the public at cost.

1305.03 CONFLICT OF LAWS.

In the event of any conflict between the requirements of Chapter 4101:2-51 (Plumbing) of the Ohio Building Code and those of any other codes adopted by the Municipality or any Municipal ordinances, that requirement which establishes the higher or stricter standard shall prevail.

1305.99 PENALTY.

Whoever violates any provision or fails to conform with any of the requirements of Chapter 4101:2-51 (Plumbing) of the Ohio Building Code herein adopted, or fails to comply with any order made thereunder, or violates any detailed statement of specifications or plans submitted and approved thereunder, shall severally for each and every such violation and noncompliance, respectively, be fined not more than five hundred dollars ($500.00).
Each day during which any condition in violation of Chapter 4101:2-51(Plumbing) of the Ohio Building Code continues may be considered a separate offense.

(b) The application of the penalty provided in subsection (a) hereof shall not be deemed to prevent the enforced removal of prohibited conditions.
CHAPTER 1307
American Public Health Association Housing Code

1307.01 Adopted.
1307.02 File and distribution copies.

1307.03 Amendments and deletions.

CROSS REFERENCES
Adoption of technical code - see Ohio R.C. 731.231

1307.01 ADOPTED.
The American Public Health Association proposed Housing Code published in 1952 is hereby adopted, save and except such portions as are hereinafter deleted, modified or amended. (Ord. 784. Passed 6-9-69.)

1307.02 FILE AND DISTRIBUTION COPIES.
A complete copy of The American Public Health Association Housing Code shall be kept on file at the office of the Clerk in the Municipal Building. The Mayor's office shall keep copies available for distribution to the public at cost. (Ord. 784. Passed 6-9-69.)

1307.03 AMENDMENTS AND DELETIONS.
The following section or subsection of the A.P.H.A. Code are hereby deleted from the Code. Delete Section 5.4: The occupants of not more than two dwelling units may share a single flush water closet, a single lavatory basin, and a single bathtub or shower if:
(a) Neither of the two dwelling units contains more than two rooms; Provided that, for the purpose of this subsection, a kitchenette or an efficiency kitchen with not more than 80 square feet of floor area shall not be counted as a room;
(b) The habitable area of each of such dwelling units shall equal not more than 250 square feet of floor area; and that
(c) Such water closet, lavatory basin, and bathtub or shower shall be in good working condition and properly connected to a water and sewer system approved by the County Health District. (Ord. 784. Passed 6-9-69.)
CHAPTER 1315
Contractor Registration

1315.01 Registration required. 1315.05 Appeals.
1315.02 Definitions. 1315.06 Exemptions.
1315.03 Application; qualifications; fees. 1315.99 Penalty.
1315.04 Suspension of registration.

CROSS REFERENCES
Power to license - see Ohio R.C. 715.27

1315.01 REGISTRATION REQUIRED.
All persons, firms, corporations, partnerships or any combination thereof, engaged as a
contractor as hereinafter defined shall be required to register for all trades engaged within the
Municipality before performing any work within such Municipality and shall be subject to all
the provisions of this chapter.
(Ord. 1319. Passed 10-10-94.)

1315.02 DEFINITIONS.
For purposes of this chapter the following definitions shall apply:
(a) "Contractor" means a person, firm, corporation, partnership or any
combination thereof, who engages for hire in construction or improvements
within the Municipality in one or more trade categories, whether acting for
themselves or others and whether such trade is being performed by themselves,
their employees or under subcontract, no work shall be performed until the
subcontractor is registered by the Municipality.
(b) "Trade* means the field of work requiring special skill or involving the use of
specialized building crafts, and includes the following:
(1) Masonry, which includes, but is not limited to, bricklaying, block
laying, concrete and cement, asphalt work and paving.
(2) Carpentry, which includes, but is not limited to woodworking, siding,
roofing and windows.
(3) Heating, tinning, central air conditioning and sheet metal work.
(4) Wall covering, which includes, but is not limited to, plastering, drywall,
taping, insulating and lath work.
(5) Excavation, which includes, but is not limited to, sanitary sewer work,
storm sewer work and general excavating, earth moving and grading.
(6) Structural iron work for new construction.
(7) Sign erection.
(8) Swimming pool installation for all pools installed below grade.
(Ord. 1319. Passed 10-10-94.)
1315.03 APPLICATION; QUALIFICATIONS; FEES.
(a) Application for registration shall be made to the Code Administrator on forms provided therefor.

(b) The following qualifications for registration shall apply:
(1) The applicant shall provide satisfactory written evidence of current Ohio Workers' Compensation insurance coverage.
(2) The applicant shall provide satisfactory written evidence of a minimum of three hundred thousand dollars ($300,000) liability insurance coverage.
(3) The applicant shall provide any and all references as may be requested on the application form in the manner provided.
(4) All registrations shall expire on December 31 of the year in which they are in force. Renewal of registration may be commenced thirty days prior to the expiration date. For renewal of registration, the final date shall be January 31 within the year that the registration is to be renewed.

(c) Upon the approval of the application for registration and before a certificate is issued, the following fees shall apply:

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
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<tbody>
<tr>
<td>Initial fee</td>
<td>$25.00</td>
</tr>
<tr>
<td>Annual renewal fee</td>
<td>$25.00</td>
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</tbody>
</table>

(d) The Code Administrator, with the concurrence of the Building Code Committee of Council, may waive any or all of the above requirements in cases of hardship.
(Ord. 1319. Passed 10-10-94.)

1315.04 SUSPENSION OF REGISTRATION.
Registration may be suspended by the Code Administrator upon giving written notice to that effect to the contractor for any of the following reasons:
(a) Violation of any provision of this chapter or any part of the Building Code.
(b) Misrepresentation of material fact in order to become registered, or in the renewal of registration.
(c) Failure to secure permits, inspections and approvals required by the Building Code.
(d) Use of registration to obtain a permit for another.
(e) Failure or refusal to correct a violation of the Building Code within a prescribed period of time or to correct incompetent work as ordered by the Code Administrator.
(f) For any other reason that is determined to be adverse to the health, safety and welfare of the residents of the Municipality.
(Ord. 1319. Passed 10-10-94.)

1315.05 APPEALS.
The Building Code Committee of Council shall hear all appeals of a decision to suspend registration by the Code Administrator.
Persons, firms or corporations aggrieved by the decision of the Code Administrator may, within five working days of the date of receipt of the notice of suspension, appeal to the Building Code Committee of Council by filing with the Code Administrator a written notice of appeal, specifying the reasons therefor.
The Building Code Committee of Council, within three working days of the date of the receipt of the appeal by the Code Administrator, shall afford a public meeting upon such appeal. The Building Code Committee of Council shall at that meeting affirm or reverse the decision of the Code Administrator.

The Building Code Committee of Council shall affirm the decision of the Code Administrator unless he finds that:
(a) The Code Administrator erred as a matter of law; or
(b) The decision is not supported by reliable or probative evidence.

Any party aggrieved by the decision of the Building Code Committee of Council may appeal to Council for final judgment by filing written notice thereof to the Council Clerk within thirty days of the date of the decision by the Building Code Committee of Council. Council shall make a decision within thirty days.

No person shall do any work authorized by a certificate of registration when the same is suspended or revoked.
(Ord. 1319. Passed 10-10-94.)

1315.06 EXEMPTIONS.
Persons exempt from registration shall be as follows:
(a) Home Owners. No provision of this chapter shall be construed to require that a bona fide owner of a one-, two- or three-family dwelling be registered, who personally will perform work upon his premises. Home owners shall be required to obtain all necessary permits. Such work shall be performed in accordance with the Building Code and according to plans and specifications filed with the application for a permit.
(b) Government Agencies; Public Utilities; Private Organizations. Provisions of registration shall not apply to Federal, State, County or Municipal governmental agencies, public utilities furnishing services to the Municipality under Municipal-utility franchise agreements or to industrial, commercial or institutional organizations. A maintenance department, doing work within the provisions of the Building Code, is provided for except that should work covered by the Building Code be contracted to outside concerns, then such contractors shall be registered with the Municipality as provided herein.
(Ord. 1319. Passed 10-10-94.)

1315.99 PENALTY.
Whoever violates any provision of this chapter shall be fined not more than one hundred dollars ($100.00). Each day such violation continues shall constitute a separate offense.
(Ord. 1319. Passed 10-10-94.)
TITLE THREE - Supplemental Provisions
Chap. 1321. Code Administrator.
Chap. 1323. Permits and Fees.
Chap. 1325. Building Permit Review for Flood Hazards.
Chap. 1327. Electrical.

CHAPTER 1321
Code Administrator

1321.01 Position created.
1321.02 Duties.
1321.03 Vacancy in office.

CROSS REFERENCES
Action by Code Administrator in abatement of public nuisance - see BLDG. Ch. 1329

1321.01 POSITION CREATED.
There is hereby created the position of Code Administrator. The Code Administrator shall be appointed by the Mayor with the approval of Council.
(Ord. 791. Passed 10-13-69.)

1321.02 DUTIES.
In addition to the duties as prescribed in Chapter 1329 and such other duties as may be assigned by the Mayor or provided for by ordinance, the Code Administrator shall review annually any technical codes adopted by the Municipality as may be requested by the Mayor or Council, and make recommendations as to any changes or amendments thereto.

1321.03 VACANCY IN OFFICE.
In the event of a vacancy in the office of the Code Administrator, the Chief of Police shall act as the Code Administrator.
CHAPTER 1323
Permits and Fees

1323.01 Permit required. 1323.06 Conformance to certain ordinances.
1323.02 Permit application requirements. 1323.07 Inspections.
1323.03 Compliance to State and local law. 1323.08 Wrecking Permit.
1323.04 Setback line. 1323.09 Penalty.
1323.05 Permit fee.

CROSS REFERENCES
Building permit, occupancy certificate required – see P. & Z. 1133.05
Time limit on permits – see P. & Z. 1133.06
Electrical permits – see BLDG. 1327.06
Special permit to abate public nuisance – see BLDG. 1329.04

1323.01 PERMIT REQUIRED.
No person, firm or corporation shall build, construct, remodel or repair any building with a total cost in excess of one hundred fifty dollars ($150.00) within the corporate limits without first obtaining a permit as hereinafter provided. (Ord. 952. Passed 12-13-76.)

1323.02 PERMIT APPLICATION REQUIREMENTS.
All applications for building permits shall be filed with the Clerk of Council upon prescribed forms and shall contain a statement showing the location, size and type of construction of the proposed building or improvement, a sketch of the proposed building or additions to existing buildings showing the distance from streets, alleys and lot lines; the estimated cost and the proposed use of such building or improvement. (Ord. 886. Passed 5-20-74.)

1323.03 COMPLIANCE TO STATE AND LOCAL LAW.
No permit shall be granted for the construction, remodeling or repairing of any building which does not comply with the Building Code of the State of Ohio, insofar as the same is applicable, or to any other standard of construction and inspection adopted by Council either by resolution or ordinance. (Ord. 886. Passed 5-20-74.)

1323.04 SETBACK LINE.
No permit shall be granted for the construction, erection or repair of any building which will cause it to extend nearer to the curb line of the lot upon which it is being erected, constructed, remodeled or repaired than the mean average of property already improved in the block in which the property is, or is to be located. (Ord. 886. Passed 5-20-74.)
1323.05 PERMIT FEE.
All building permit applications shall be submitted to Council and upon approval by the enforcing official, as provided for in the Zoning Ordinance, or by Council, the Clerk shall issue a building permit after the payment of the required fee: when the cost of the improvement is one thousand dollars ($1,000) or less, the fee shall be two dollars ($2.00), when the cost of the building, improvement, remodeling or repair is in excess of one thousand dollars ($1,000), the charge for the permit shall be two-tenths of one percent (.2%) of the actual cost of the building, improvement, remodeling or repair project. However, in no case shall the cost of the permit exceed five hundred dollars ($500.00). (Ord. 1111. Passed 8-12-85.)

1323.06 CONFORMANCE TO CERTAIN ORDINANCES.
Any person receiving a building permit as hereinbefore provided shall conform to all existing ordinances of the Municipality respecting water service, sewer connections, cutting of curbs and electrical inspections, as are set forth on the reverse side of the permit. (Ord. 886. Passed 5-20-74.)

1323.07 INSPECTIONS.
The enforcing official, as provided for in the Zoning Ordinance, shall make the necessary inspections to insure full compliance with the Municipal ordinances and State laws pertaining to building requirements and regulations. The enforcing official shall submit a report to the Clerk of Council indicating a compliance or the lack of compliance with such building requirements and regulations. These inspections are exclusive of the wiring and sewer inspections. (Ord. 886. Passed 5-20-74.)

1323.08 WRECKING PERMIT.
(a) No person, firm or corporation shall wreck or demolish any building or structure of over 3,000 cubic feet without first obtaining a wrecking permit.

(b) All applications for wrecking permits shall be filed with the enforcing officer, as provided for in the Zoning Ordinance, upon prescribed forms, and shall contain a statement depicting the applicant's name, address and phone number plus the location, size and type of structure being wrecked.

(c) After submission of the application to the enforcing official and the payment of a fee of ten dollars ($10.00), the enforcing official shall issue a wrecking permit to the applicant.

(d) Any person receiving a wrecking permit as hereinbefore provided shall conform to all existing ordinances of the Municipality.

(e) The enforcing official, as provided for in the Zoning Ordinance, shall make all necessary inspections to insure full compliance with Municipal ordinances and State laws pertaining to the safe wrecking of buildings and other structures. (Ord. 887. Passed 5-20-74.)
1329.99 PENALTY.
(a) Any person, firm or corporation constructing a building or remodeling an existing structure without obtaining a permit as herein provided or, having secured such permit, fails to comply with the terms and conditions thereof, shall be fined not more than one hundred dollars ($100.00). (Ord. 886. Passed 5-20-74.)

(b) Any person, firm or corporation wrecking a building or structure without first obtaining a wrecking permit as herein provided or, having secured such permit, fails to comply with the terms and conditions thereof, shall be fined not more than one hundred dollars ($100.00). (Ord. 887. Passed 5-20-74.)
CHAPTER 1325
Building Permit Review for Flood Hazards

1325.01 Permit application and site review for flood hazards.
1325.02 Construction requirements to minimize flood damage.
1325.03 Review of new developments and subdivision applications.
1325.04 Water supply and sewer systems.

CROSS REFERENCES
Permit and fee - see BLDG. Ch. 1323
Building permit, occupancy certificate required - see P. & Z. 1133.05
Time limit on permits - see P. & Z. 1133.06

1325.01 PERMIT APPLICATION AND SITE REVIEW FOR FLOOD HAZARDS.
Council shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. (Res. 434. Passed 12-9-74.)

1325.02 CONSTRUCTION REQUIREMENTS TO MINIMIZE FLOOD DAMAGE.
If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must:
(a) Be designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure;
(b) Use construction materials and utility equipment that are resistant to flood damage;
(c) Use construction methods and practices that will minimize flood damage.
(Res. 434. Passed 12-9-74.)

1325.03 REVIEW OF NEW DEVELOPMENTS AND SUBDIVISION APPLICATIONS.
Council shall review subdivision proposals and other proposed new developments to assure that:
(a) All such proposals are consistent with the need to minimize flood damage;
(b) All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage;
(c) Adequate drainage is provided so as to reduce exposure to flood hazards.
(Res. 434. Passed 12-9-74.)
1325.04 WATER SUPPLY AND SEWER SYSTEMS.

Council shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and require on-site waste disposal systems to be located so as to avoid impairment to them or contamination from them during flooding. (Res. 434. Passed 12-9-74.)
CHAPTER 1327
Electrical

1327.01 Compliance with National Electrical Code.
1327.02 Electrical Safety Inspector.
1327.03 Removal of unused poles and wires.
1327.04 Removal of wires which are fire hazards.
1327.05 Right of entry.
1327.06 Electrical wiring permit; fee; inspection.
1327.99 Penalty.

CROSS REFERENCES
National Electrical Code adopted - see BLDG. Ch. 1303

1327.01 COMPLIANCE WITH NATIONAL ELECTRICAL CODE.
All electrical wiring apparatus or appliances for furnishing light, heat or power that shall hereafter be installed in any building or other structure shall be in compliance with the rules and regulations of the National Board of Fire Underwriters, known as the National Electrical Code, as adopted in Chapter 1303.
(Ord. 178. Passed 3-23-25.)

1327.02 ELECTRICAL SAFETY INSPECTOR.
No wires or system of wires shall be placed in use in any building, structure or sign for the purpose of conveying electricity therein to be used for heat, light or power or for any other purpose until a permit has been obtained as hereinafter provided and the installation thereof inspected and approved by the Electrical Safety Inspector of the Municipality.
The Electrical Safety Inspector shall be appointed by the Mayor. The Electrical Safety Inspector must, in order to be appointed to such position, be the holder of a Certificate of Competency as an Electrical Safety Inspector issued under Ohio R.C. Chapter 3783. The Inspector shall make an actual and physical examination of the electrical wiring on any premises for which a permit is issued as hereinafter provided.
(Ord. 838. Passed 1-8-73.)

1327.03 REMOVAL OF UNUSED POLES AND WIRES.
All dead poles or wires (that is, those not actually in use) shall be removed from the outside of buildings and from the public highways, streets, alleys, sidewalks, public grounds and bridges by the owner of such poles and wires upon notice in writing from the Electrical Safety Inspector. Should such owner refuse or fail to remove such poles and wires within ten days from the receipt of such notice, it shall be the duty of the Electrical Safety Inspector to cause the poles and wires to be removed at the expense of such owner.
(Ord. 178. Passed 3-23-25.)
1327.04 REMOVAL OF WIRES WHICH ARE FIRE HAZARDS.
All electrical wires which are liable, in the opinion of the Electrical Safety Inspector, to interfere with the work of the Fire Department or to give rise to a fire or endanger life, shall be removed by the owner of such wires within twenty-four hours after the receipt of a notice in writing commanding such removal from the Electrical Safety Inspector. (Ord. 178. Passed 3-23-25.)

1327.05 RIGHT OF ENTRY.
The Electrical Safety Inspector shall have the right to enter at any reasonable time any building or other structure in the discharge of his duties for the purpose of making any test or inspection of electrical wiring apparatus or appliances therein and for that purpose he shall be given prompt access to all buildings or other structures upon application to the person owning or in charge or control of the same. (Ord. 178. Passed 3-23-25.)

1327.06 ELECTRICAL WIRING PERMIT; FEE; INSPECTION.
The Clerk of Council upon issuing any building permit as required, for construction, building or remodeling which involves the installation, altering, extension or remodeling of the electrical wiring of the structure shall, in addition to the regular building permit, issue to the person, firm or corporation applying therefor an electrical wiring permit upon the payment of a fee of five dollars ($5.00).

The Clerk shall furnish a copy of the electrical wiring permit to the Electrical Safety Inspector, who shall make the inspection as required by this chapter. Upon the return of the copy of the permit, showing that the inspection has been made and the electrical wiring covered by the permit has been approved as being in conformity with the provisions of this chapter, the Electrical Safety Inspector shall be paid from the General Fund of the Municipality for services rendered in making such inspection. (Ord. 838. Passed 1-8-73.)

1327.99 PENALTY.
Any person, firm or corporation who violates any provision of this chapter, or fails to construct as herein provided, or fails to obtain the permit herein required or fails to comply with the notice provided for in Sections 1327.03 or 1327.04 within the time specified therein, shall be fined not more than five hundred dollars ($500.00).
CHAPTER 1329  
Abatement of Public Nuisances and Demolition of Structures

1329.01 Definitions.  
1329.02 Procedure for abatement; demolition of structure.  
1329.03 Service of notice.  
1329.04 Right to make immediate repairs; special permit.  
1329.05 Appeals.  
1329.06 Abatement of nuisance (demolition of structure) by Code Administrator; recovery of cost of abatement.  
1329.07 Provisions not limiting.  
1329.08 Severability.  
1329.09 Building disrepair prohibited.  
1329.99 Penalty.  

CROSS REFERENCES  
Thirty-day notice prior to demolition required - see Ohio R.C. 715.26(B)  
Removal of unsafe structures - see Ohio R.C. 715.26(B) 715.261  
Power to abate nuisances - see Ohio R.C. 715.44  
Nuisances - see Ohio R.C. Ch. 3767  
Code Administrator - see BLDG. Ch. 1321

1329.01 DEFINITIONS.  
As used in this chapter:

(a) "Public nuisance" means any fence, wall, garage, shed, building, house, structure, tree, pole, smokestack, or any excavation, basement, cellar, well, cistern, or sidewalk subspace or part thereof if the condition in which the same is permitted to be or remain endangers the health, life, limb or property, or causes any hurt, harm, inconvenience, discomfort, damage or injury to any one or more persons in the Municipality in any one or more of the following particulars:

(1) By reason of being detrimental to the general health of the community.  
(2) By reason of being a fire hazard.  
(3) By reason of being unsafe for occupancy, or use on, in, upon, about or around the premises.  
(4) By reason of continued vacancy thereby resulting in lack of reasonable or adequate maintenance of structures and grounds, and causing deterioration and a blighting influence on nearby properties and thereby depreciating the enjoyment and use of property in the immediate vicinity to such an extent that it is harmful to the community in which the structure is situated.
(b) "Owner" means the owner of record of the premises in fee or lesser estate therein, a mortgagee or vendee in possession, assignee of the rents, receiver, executor, administrator, trustee, lessee, or other person, firm or corporation in control of a building, or their duly authorized agents. Any such person thus representing the owner shall be bound to comply with the provisions of this chapter to the same extent as if he were the owner.
(Ord. 847. Passed 4-9-73.)

1329.02 PROCEDURE FOR ABATEMENT; DEMOLITION OF STRUCTURE.
Whenever the Code Administrator suspects the existence of a public nuisance as defined in Section 1329.01, he shall promptly cause to be inspected the premises on which he suspects such public nuisance exists. Should the Code Administrator find that a public nuisance does exist, he shall have photographs made of such nuisance and along with a written report of such nuisance, date of photographs and inspection of property filed within his office.

The Code Administrator shall cause a written notice to be served on the owner stating the findings with respect to the existence of a public nuisance and stating that unless the owner causes the abatement of the public nuisance, by repair or removal, the same shall be abated by the Municipality at the expense of the owner. Such abatement shall start within fifteen days after service of the notice and shall be complete within forty-five days or such additional time, verified in writing, which the Code Administrator may deem advisable. (Ord. 847. Passed 4-9-73.)

1329.03 SERVICE OF NOTICE.
The notice to abate the nuisance shall be served either personally or by mailing a copy to such owner at his usual place of residence, by certified mail with return receipt requested. If service of the written notice is not perfected by the hereinbefore described methods, then the Code Administrator shall cause such notice to be published in a newspaper of general circulation in the Municipality once a week for two consecutive weeks and shall further cause a copy of the aforesaid notice to be left with the person, if any, in possession of the premises, or if there is no person in possession thereof, shall cause a copy of the notice to be attached to the property. (Ord. 847. Passed 4-9-73.)

1329.04 RIGHT TO MAKE IMMEDIATE REPAIRS; SPECIAL PERMIT.
Upon being served notice, the owner may make immediate application in writing or in person to the Code Administrator for a special building permit to undertake the repair or replacement of items found to constitute a public nuisance.

Adequate plans and specifications covering the repairs or replacements shall be furnished by the owner, if required by the Code Administrator, within fifteen days.
The Code Administrator shall, upon approval of the plans and specifications, cause a special building permit to be issued to the owner. The special building permit shall be for a period of thirty days and within the thirty days the owner shall effect and complete the repairs and/or replacements. The Code Administrator may grant extension to the special building permit if the owner shows reason or cause for the requested extension.
(Ord. 847. Passed 4-9-73.)
1329.05 APPEALS.

The owner may, within ten days after completion of service of the notice to abate the nuisance, make a demand in writing to the Code Administrator for a hearing on the question of whether in fact a public nuisance, as defined in Section 1329.01, exists. The hearing shall be held within ten days following receipt of the written demand and at least two days notice in writing of the hearing shall be given to the owner, Mayor.

The hearing shall be conducted by a hearing board composed of the Mayor, Solicitor, and Health Commissioner or, in the event any of those officers are unable to attend, by someone from their respective department delegated by them to act in their behalf. All members of the hearing board must concur that a public nuisance exists before enforcement of abatement is carried out. A copy of the decision of the hearing officers shall be promptly served upon the owner in the manner provided for in Section 1329.02. (Ord. 847. Passed 4-9-73.)

1329.06 ABATEMENT OF NUISANCE (DEMOLITION OF STRUCTURE) BY CODE ADMINISTRATOR; RECOVERY OF COST OF ABATEMENT.

Should the nuisance not be abated at the expiration time stated in the notice or expiration of the time in the special building permit, or such additional time as the hearing board may grant, the Code Administrator shall be authorized, at any time thereafter, to enter upon the premises and the owner shall permit him entry to abate the nuisance by demolition and removal of the structure or by taking any other such action as may be required.

In abating such nuisance the Code Administrator may call upon any department, division or bureau of the Municipality for whatever assistance may be necessary; or may, by private contract, obtain the abatement thereof, and the cost of such private contract shall be paid for from Municipal funds specifically authorized by Council in order to abate such nuisance.

In abating such nuisance, he may go to whatever extent necessary to complete the abatement of the same and the cost of the abatement action shall be recovered from the owner in the following procedure:

(a) The owner shall be billed directly by certified mail for the cost of the abatement. The bill for the cost of the abatement shall be paid within sixty days after receipt of the bill.

(b) If costs are not so recovered, then the Municipality shall cause the cost of the abatement to be levied as an assessment and recovered in accordance with Ohio R.C. 715.261. (Ord. 847. Passed 4-9-73.)

1329.07 PROVISIONS NOT LIMITING.

The provisions of this chapter shall not be deemed to be a limitation or restriction on the authority of any department, division, official or employee of the Municipality, but shall be deemed as an enlargement of any authority existing by virtue of the statutes of the State, or any ordinance heretofore enacted by Council. (Ord. 847. Passed 4-9-73.)

1329.08 SEVERABILITY.

Should any section or provision of this chapter be held by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this chapter as a whole or any part thereof other than the part so decided to be unconstitutional or invalid. (Ord. 847. Passed 4-9-73.)
1329.09 BUILDING DISREPAIR PROHIBITED.
No owner of a building or other structure within the boundaries of the Municipality shall permit the same to remain in such an advanced state of disrepair as to endanger the health, safety and welfare of the residents of the community or so as to be a public nuisance by reason of its condition.

1329.99 PENALTY.
Whoever violates any provision of this chapter shall be fined not more than one hundred dollars ($100.00) for each offense. Each day that a violation occurs or continues beyond the date fixed for compliance shall be deemed a separate offense.
CHAPTER 1333
Flood Damage Reduction

1333.01 General provisions.
1333.02 Definitions.
1333.03 Administration.
1333.04 Use and development standards for flood hazard reduction.
1333.05 Appeals and variances.
1333.06 Enforcement.

CROSS REFERENCES
Flood control bonds; public capital improvement - 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
Marking flood areas - see Ohio R.C. 1521.14

1333.01 GENERAL PROVISIONS.

(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 the Village of Shadyside, State of Ohio, does ordain as follows:

(b) Findings of Fact. The Village of Shadyside has special flood hazard areas that 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. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

(c) Statement of Purpose. It is the purpose of these regulations to promote the public health, safety and general welfare, and 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;
(8) Minimize the impact of development on adjacent properties within and near flood prone areas;
(9) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
(10) Minimize the impact of development on the natural, beneficial values of the floodplain;
(11) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
(12) Meet community participation requirements of the National Flood Insurance Program.

(d) Methods of Reducing Flood Loss. In order to accomplish its purposes, these regulations include 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.

(e) Lands to Which These Regulations Apply. These regulations shall apply to all areas of special flood hazard within the jurisdiction of the Village of Shadyside as identified in subsection (f) hereof, including any additional areas of special flood hazard annexed by Village of Shadyside.

(f) Basis for Establishing the Areas of Special Flood Hazard. For the purposes of these regulations, the following studies and/or maps are adopted:

(1) Flood Insurance Study for Belmont County, Ohio and Incorporated Areas, effective date April 5, 2006.
Flood Insurance Rate Maps for Belmont County, Ohio and Incorporated Areas, effective date April 5, 2006.
(2) Other studies and/or maps which may be relied upon for establishment of
the flood protection elevation, delineation of the 100-year floodplain,
floodways or delineation of other areas of special flood hazard.

(3) Any hydrologic and hydraulic engineering analysis authored by a
registered Professional Engineer in the State of Ohio which has been
approved by the Village of Shadyside as required by Section 1333.04(c),
Subdivisions and Large Developments.
Any revisions to the aforementioned maps and/or studies are hereby
adopted by reference and declared to be a part of these regulations. Such
maps and/or studies are on file at the Village of Shadyside Mayor’s
Office at 50 East 39th Street, Shadyside, Ohio, 43947.

(g) Abrogation and Greater Restrictions. These regulations are not intended to
repeal any existing ordinances including Subdivision Regulations, Zoning or Building Codes.
In the event of a conflict between these regulations and any other ordinance, the more
restrictive shall be followed. These regulations shall not impair any deed restriction, covenant
or easement, but the land subject to such interests shall also be governed by the regulations.

(h) Interpretation. In the interpretation and application of these regulations, 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 these regulations may be in conflict with
a state or Federal law, such state or Federal law shall take precedence
over these regulations.

(i) Warning and Disclaimer of Liability. The degree of flood protection required
by these regulations 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. These regulations do 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. These regulations shall not create liability on the part of the
Village of Shadyside, any officer or employee thereof, or the Federal Emergency Management
Agency, for any flood damage that results from reliance on these regulations or any
administrative decision lawfully made thereunder.

(j) Severability. Should any section or provision of these regulations be declared
by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the
regulations a whole, or any part thereof other than the part so declared to be unconstitutional
or invalid. (Ord. 1525. Passed 2-13-06.)

1333.02 DEFINITIONS.
Unless specifically defined below, words or phrases used in these regulations shall be
interpreted so as to give them the meaning they have in common usage and to give these
regulations the most reasonable application.

(1) Accessory Structure. A structure on the same lot with, and of a nature
customarily incidental and subordinate to, the principal structure.
(2) **Appeal.** A request for review of the Floodplain Administrator's interpretation of any provision of these regulations or a request for a variance.

(3) **Base Flood.** 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 1% chance annual flood or one-hundred (100) year flood.

(4) **Base (100-Year) Flood Elevation (BFE).** The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).

(5) **Basement.** Any area of the building having its floor subgrade (below ground level) on all sides.

(6) **Development.** Any manmade 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.

(7) **Enclosure Below the Lowest Floor.** See "Lowest Floor."

(8) **Executive Order 11988 (Floodplain Management).** Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

(9) **Federal Emergency Management Agency (FEMA).** The agency with the overall responsibility for administering the National Flood Insurance Program.

(10) **Fill.** A deposit of earth material placed by artificial means.

(11) **Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from:

   A. The overflow of inland or tidal waters, and/or
   B. The unusual and rapid accumulation or runoff of surface waters from any source.

(12) **Flood Hazard Boundary Map (FHBM).** Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

(13) **Flood Insurance Rate Map (FIRM).** 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.

(14) **Flood Insurance Risk Zones.** Zone designations on FHBM and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

   A. **Zone A:** Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.

   B. **Zones A1-30 and Zone AE:** Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.
C. Zone AO:
Special flood hazard areas inundated by the 100-year flood; with flood
depths of 1 to 3 feet (usually sheet flow on sloping terrain); average
depths are determined.

D. Zone AH:
Special flood hazard areas inundated by the 100-year flood; flood depths
of 1 to 3 feet (usually areas of ponding); base flood elevations are
determined.

E. Zone A99:
Special flood hazard areas inundated by the 100-year flood to be
protected from the 100-year flood by a Federal flood protection system
under construction; no base flood elevations are determined.

F. Zone B and Zone X (shaded):
Areas of 500-year flood; areas subject to the 100-year flood with average
depths of less than 1 foot or with contributing drainage area less than 1
square mile; and areas protected by levees from the base flood.

G. Zone C and Zone X (unshaded):
Areas determined to be outside the 500-year floodplain.

(15) Flood Insurance Study (FIS). 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 (sometimes
shown on Flood Boundary and Floodway Maps), and the water surface
elevations of the base flood.

(16) Flood Protection Elevation. The Flood Protection Elevation, or FPE, is the
base flood elevation plus 0 feet of freeboard. In areas where no base flood
elevations exist from any authoritative source, the flood protection
elevation can be historical flood elevations, or base flood elevations determined and/or
approved by the Floodplain Administrator.

(17) Floodway. A floodway is the channel of a river or other watercourse and the
adjacent land areas that have been reserved in order to pass the base flood
discharge. A floodway is typically determined through a hydraulic and
hydrologic engineering analysis such that the cumulative increase in the water
surface elevation of the base flood discharge is no more than a designated
height. In no case shall the designated height be more than one foot at any point
within the community.
The floodway is an extremely hazardous area, and is usually characterized by
any of the following: Moderate to high velocity flood waters, high potential for
debris and projectile impacts, and moderate to high erosion forces.

(18) Freeboard. A factor of safety usually expressed in feet above a flood level for
the purposes of floodplain management. Freeboard tends to compensate for the
many unknown factors that could contribute to flood heights greater than the
height calculated for a selected size flood and floodway conditions, such as wave
action, obstructed bridge openings, debris and ice jams, and the hydrologic
effect of urbanization in a watershed.

(19) Historic structure. Any structure that is:
A. 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;
B. 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; or
C. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.

(20) **Hydrologic and hydraulic engineering analysis.** An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

(21) **Letter of Map Change (LOMC).** A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's are broken down into the following categories:
A. **Letter of Map Amendment (LOMA).** A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.
B. **Letter of Map Revision (LOMR).** A revision based on technical data that, usually due to mammade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and plainimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.
C. **Conditional Letter of Map Revision (CLOMR).** A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

(22) **Lowest floor.** The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

(23) **Manufactured home.** 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". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.
(24) **Manufactured home park.** As specified in the Ohio Administrative Code 3701-27-01, a manufactured home park means any tract of land upon which three or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.

(25) **National Flood Insurance Program (NFIP).** The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

(26) **New construction.** Structures for which the "start of construction" commenced on or after the initial effective date of the Village of Shady Side Flood Insurance Rate Map, July 18, 1983, and includes any subsequent improvements to such structures.

(27) **Person.** Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio R.C. 111.15 as any governmental entity of the State and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the General Assembly, the Controlling Board, the Adjutant General's Department, or any court.

(28) **Recreational vehicle.** A vehicle which is:
   A. Built on a single chassis,
   B. 400 square feet or less when measured at the largest horizontal projection,
   C. Designed to be self-propelled or permanently towable by a light duty truck, and
   D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(29) **Registered Professional Architect.** A person registered to engage in the practice of architecture under the provisions of Ohio R.C. 4703.01 to 4703.19.

(30) **Registered Professional Engineer.** A person registered as a professional engineer under Chapter 4733 of the Ohio Revised Code.

(31) **Registered Professional Surveyor.** A person registered as a professional surveyor under Chapter 4733 of the Ohio Revised Code.
(32) **Special Flood Hazard Areas.** Also known as "Areas of Special Flood Hazard," it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, AI-30, and A99. Special flood hazard areas may also refer to areas that are floodprone and designated from other federal, state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and floodprone soils associated with a watercourse.

(33) **Start of construction.** 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.

(34) **Structure.** A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

(35) **Substantial Damage.** 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 (2) 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.

(36) **Substantial Improvement.** 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. When the combined total of all previous improvements or repairs made during the life of the structure equals or exceeds 50 percent of a structure's market value, that structure is considered a substantial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

A. Any improvement to a structure which is considered "new construction,"
B. 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; or
C. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure".

(37) **Variance.** A grant of relief from the standards of these regulations consistent with the variance conditions herein.

(38) **Violation.** The failure of a structure or other development to be fully compliant with these regulations. (Ord. 1525. Passed 2-13-06.)

1333.03 ADMINISTRATION.
(a) **Designation of the Floodplain Administrator.** The Floodplain Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

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

1. Evaluate applications for permits to develop in special flood hazard areas.
2. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
3. Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
4. Inspect buildings and lands to determine whether any violations of these regulations have been committed.
5. Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these regulations.
6. Enforce the provisions of these regulations.
7. Provide information, testimony, or other evidence as needed during variance hearings.
8. Coordinate map maintenance activities and FEMA follow-up.
9. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

(c) **Floodplain Development Permits.** It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1333.01(f), until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

2009 Replacement
(d) **Application Required.** An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development’s location. Such applications shall include, but not be limited to:

1. Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
2. Elevation of the existing, natural ground where structures are proposed.
3. Elevation of the lowest floor, including basement, of all proposed structures.
4. Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
5. Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:

   A. Floodproofing certification for non-residential floodproofed structure as required in Section 1333.04(c).
   B. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1333.04(d)(5) are designed to automatically equalize hydrostatic flood forces.
   C. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1333.04(i)(3).
   D. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 1333.04(i)(2).
   E. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1333.04(i)(1).
   F. Generation of base flood elevation(s) for subdivision and large scale developments as required by Section 1333.04(c).

(e) **Review and Approval of a Floodplain Development Permit Application.**

1. **Review.**

   A. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in subsection (d) hereof has been received by the Floodplain Administrator.
B. The Floodplain Administrator shall review all floodplain 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 U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

(2) Approval. Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

(f) Inspections. The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

(g) Post-Construction Certifications Required. The following as-built certifications are required after a floodplain development permit has been issued:

(1) For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency Elevation Certificate completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.

(2) For all development activities subject to the standards of subsection (j)(1) hereof, a Letter of Map Revision.

(h) Revoking a Floodplain Development Permit. A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Section 1333.05 of these regulations.

(i) Exemption from Filing a Development Permit. An application for a floodplain development permit shall not be required for:

(1) Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than $5,000.

(2) Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.
Major utility facilities permitted by the Ohio Power Siting Board under Chapter 4906 of the Ohio Revised Code.

Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Chapter 3734 of the Ohio Revised Code.

Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 - Floodplain Management.

Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

(j) **Map Maintenance Activities.** To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the Village of Shadyside's flood maps, studies and other data identified in Section 1333.01(f) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

1. **Requirement to submit new technical data.**
   A. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
      1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
      2. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
      3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
      4. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 1333.04(c).
   B. It is the responsibility of the applicant to have technical data, required in accordance with subsection (j)(1) hereof, prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
   C. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
      1. Proposed floodway encroachments that increase the base flood elevation; and
      2. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
   D. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to subsection (j)(1)A. hereof.
(2) **Right to submit new technical data.** The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or plainimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the Village of Shadyside, and may be submitted at any time.

(3) **Annexation/detachment.** Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the Village of Shadyside 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 Shadyside's Flood Insurance Rate Map accurately represent the Village of Shadyside boundaries, include within such notification a copy of a map of Village of Shadyside suitable for reproduction, clearly showing the new corporate limits or the new area for which the Village of Shadyside has assumed or relinquished floodplain management regulatory authority.

(k) **Data Use and Flood Map Interpretation.** The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

(1) In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.

(2) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.

(3) **When Preliminary Flood Insurance Rate Maps and/or Flood Insurance Study have been provided by FEMA:**

A. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.

B. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.
(4) The Floodplain Administrator shall make interpretations where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1333.05, Appeals and Variances.

(5) Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.

(I) Substantial Damage Determinations. Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:

(1) Determine whether damaged structures are located in special flood hazard areas;
(2) Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
(3) Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims. (Ord. 1525. Passed 2-13-06.)

1333.04 USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION.

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1333.01(f) or 1333.03(k)(1);

(a) Use Regulations.

(1) Permitted uses. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the Village of Shadyside are allowed provided they meet the provisions of these regulations.

(2) Prohibited uses.

A. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Chapter 3701 of the Ohio Revised Code.

B. Infectious waste treatment facilities in all special flood hazard areas, permitted under Chapter 3734 of the Ohio Revised Code.
Flood Damage Reduction

(b) **Water and Wastewater Systems.** The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
2. 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,
3. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during.

(c) **Subdivisions and Large Developments.**

1. All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
4. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
5. The applicant shall meet the requirements to submit technical data to FEMA in Section 1333.03(j)(1)A.4. when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by subsection (c)(4) hereof.

(d) **Residential Structures.**

1. 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. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (subsection (d)(1) hereof) and construction materials resistant to flood damage (subsection (d)(2) hereof) are satisfied.
2. New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
3. 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.
4. New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation.

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(5) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:

A. Be used only for the parking of vehicles, building access, or storage; and

B. Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or

C. Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(6) Manufactured homes shall be affixed to a permanent foundation and 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.

(7) 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 is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of subsection (d) hereof.

(e) Nonresidential Structures.

(1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of subsection (d)(1)-(3) and (5)-(7).

(2) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:

A. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;

B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

C. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Floodproofing Certificate, that the design and methods of construction are in accordance with subsection (e)(2)A. and B. hereof.
(f) **Accessory Structures.** Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following 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 lot 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 flood protection elevation; and
6. They shall meet the opening requirements of subsection (d)(5)C. hereof;

(g) **Recreational Vehicles.** Recreational vehicles must meet at least one of the following standards:

1. They shall not be located on sites in special flood hazard areas for more than 180 days, or
2. They must be fully licensed and ready for highway use, or
3. They must meet all standards of subsection (d) hereof.

(h) **Above Ground Gas or Liquid Storage Tanks.** All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

(i) **Assurance of Flood Carrying Capacity.** Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

1. **Development in floodways.**
   A. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
   B. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:

2. Meet the requirements to submit technical data in Section 1333.03(j)(1);
3. An evaluation of alternatives which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
4. Certification that no structures are located in areas which would be impacted by the increased base flood elevation;
5. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
6. Concurrence of the Mayor of the Village of Shadyside and the Chief Executive Officer of any other communities impacted by the proposed actions.
(2) Development in riverine areas with base flood elevations but no floodways.
A. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
B. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
1. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
2. Section 1333.04(i)(1)B., items 1. and 3.-5.

(3) Alterations of a watercourse. For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:
A. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to issuance of a floodplain development permit, the applicant must submit a 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 bankfull flood carrying capacity of the watercourse will not be diminished.
B. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
C. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the Village of Shadyside specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.

D. The applicant shall meet the requirements to submit technical data in Section 1333.03(j)(1)A.3. when an alteration of a watercourse results in the relocation or elimination of the special flood hazard, area, including the placement of culverts.

(Ord. 1525. Passed 2-13-06.)

1333.05 APPEALS AND VARIANCES.

(a) **Appeals Board Established.**

1. The Village of Shadyside Board of Zoning Appeals, consisting of four appointed members of the community and a Chairman, shall serve indefinite terms after which time they shall be reappointed or replaced by the Council of Shadyside. Each member shall serve until his/her successor is appointed.

2. Meetings of the Appeals Board shall be held as needed and shall be held at the call of the Chairperson, or in his absence, the Acting Chairperson. All meetings of the Appeals Board shall be open to the public except that the Board may deliberate in executive sessions as part of quasi-judicial hearings in accordance with law. The Appeals Board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of all official actions. Records of the Appeals Board shall be kept and filed in the Village of Shadyside Mayor's Office at 50 East 39th Street, Shadyside, Ohio, 43947.

(b) **Powers and Duties.**

1. The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.

2. Authorize variances in accordance with subsection (d) hereof.

(c) **Appeals.** Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within 14 days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.
(d) **Variances.** Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

(1) **Application for a variance.**
   A. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator who upon receipt of the variance shall transmit it to the Appeals Board.
   B. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.
   C. All applications for a variance shall be accompanied by a variance application fee set in the schedule of fees adopted by Belmont County.

(2) **Notice of public hearing.** The Appeals Board shall schedule and hold a public hearing within thirty (30) days after the receipt of an application for a variance from the Floodplain Administrator. Prior to the hearing, a notice of such hearing shall be given in one (1) or more newspapers of general circulation in the community at least ten (10) days before the date of the hearing.

(3) **Public hearing.**
   A. At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:
   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 development.
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.
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.

B. 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 due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
   3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
   4. A determination that the structure or other development is protected by methods to minimize flood damages.
   5. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of these regulations.

(4) Other 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. 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 in subsection (d)(3)A.1. to 11. have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
   C. 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.
(e) **Procedure at Hearings.**

(1) All testimony shall be given under oath.
(2) A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
(3) The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
(4) The Administrator may present evidence or testimony in opposition to the appeal or variance.
(5) All witnesses shall be subject to cross-examination by the adverse party or their counsel.
(6) Evidence that is not admitted may be proffered and shall become part of the record for appeal.
(7) The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
(8) The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

(f) **Appeal to the Court.** Those aggrieved by the decision of the Appeals Board may appeal such decision to the Belmont County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code. (Ord. 1525. Passed 2-13-06.)

1333.06 **ENFORCEMENT.**

(a) **Compliance Required.**

(1) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 1333.03(i).
(2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with subsection (c) hereof.
(3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with subsection (c) hereof.

(b) **Notice of Violation.** Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefor and order compliance with these regulations as hereinafter provided. Such notice and order shall:

(1) Be put in writing on an appropriate form;
(2) Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action which, if taken, will effect compliance with the provisions of these regulations;
(3) Specify a reasonable time for performance;
(4) Advise the owner, operator, or occupant of the right to appeal;
(5) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person’s last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

(c) Violations and Penalties. Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a fourth degree misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the Village of Shadyside. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village of Shadyside from taking such other lawful action as is necessary to prevent or remedy any violation. The Village of Shadyside shall prosecute any violation of these regulations in accordance with the penalties stated herein.
(Ord. 1525. Passed 2-13-06.)