

PART THIRTEEN - BUILDING CODE

TITLE ONE - Administrative

Chap. 1301. Administration and Penalty.

Chap. 1303. Building Official.

Chap. 1305. Permits.

Chap. 1307. Fees.

Chap. 1309. Inspections.

TITLE THREE - ~~Licensing and~~ Appeals

~~Chap. 1321. Contractor Registration Board.~~

~~Chap. 1323. Registration of Contractors.~~

Chap. 1325~~1~~. Board of Building Appeals.

Chap. 1327~~3~~. Appeal Procedure.

TITLE FIVE - Local Provisions

Chap. 1341. Demolishing or Moving Buildings.

Chap. 1343. Unsafe Buildings.

Chap. 1345. ~~Flood Damage Reduction~~ Special Purpose Flood Damage Reduction.

CODIFIED ORDINANCES OF SUMMIT COUNTY

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CHAPTER 1301

Administration and Penalty

1301.01 Short title.

1301.02 Purpose.

- 1301.03 Definitions.
- 1301.04 Incorporation and enforcement of the Ohio Building Code, the Residential Code of Ohio for One-, Two- and Three- Family Dwellings and other provisions of Ohio law.
- 1301.05 Flood plain areas.
- 1301.06 Existing buildings and structures.
- 1301.07 Maintenance.
- 1301.08 Relationship to other laws.
- 1301.09 Interpretation.
- 1301.10 Separability; validity.
- 1301.11 Stop work order.
- 1301.12 Violation responsibility.
- 1301.13 Notice of violation and abatement; service.
- 1301.14 Compliance required.
- 1301.15 **Manufactured homes.**
- 1301.16 **~~Medical gas systems.~~ Reserved**
- 1301.99 Penalty.

1301.01 SHORT TITLE.

These rules and regulations contained in Part Thirteen of the Codified Ordinances as promulgated by the County of Summit, a chartered County, shall be known as the County of Summit Building Code, and is hereinafter referred to as "this Building Code".

(Ord. 2007-501. Adopted 10-15-07.)

1301.02 PURPOSE.

The purpose of this Building Code is to provide basic uniform rules and regulations, standards and requirements, and performance objectives to achieve reasonable safeguards for the safety, health and welfare of the occupants of buildings and the general public.

(Ord. 2007-501. Adopted 10-15-07.)

1301.03 DEFINITIONS.

The following terms as used in this Building Code are defined as follows:

(a) "Building Official" means the Deputy Director-Department of Building Standards or any person to whom the Deputy Director has delegated the authority, duties and responsibilities assigned to the Deputy Director.

(b) Incorporation of definitions. The definitions set forth in the OBC, the RCO, Chapters 3781 and 3791 of the O.R.C., the rules issued by the Ohio Board of Building Standards and any other applicable Ohio law are incorporated into this Building Code by reference.

(Ord. 2007-501. Adopted 10-15-07.)

1301.04 INCORPORATION AND ENFORCEMENT OF THE OHIO BUILDING CODE, THE RESIDENTIAL CODE OF OHIO FOR ONE-, TWO- AND THREE-FAMILY DWELLINGS AND OTHER PROVISIONS OF OHIO LAW.

(a) Incorporation. ~~The 2007 Ohio Building Code of Ohio, ("OBC"), as amended, the 2006 Residential Code of Ohio for One-, Two- and Three-Family Dwellings ("RCO"), as amended,~~ The current State of Ohio adopted version of the Ohio Building Code (OBC), Ohio Mechanical Code (OMC), Ohio Plumbing Code (OPC) and Residential Code of Ohio (RCO), additionally Chapters 3781 and 3791 of the Ohio Revised Code ("O.R.C."), as amended, and the rules of the Ohio Board of Building Standards, as amended, are incorporated by reference into this Building Code.

(b) Enforcement.

(1) Enforcing officer. The enforcing officer of this Building Code shall be the Building Official in the County of Summit.

(2) OBC. The Building Official shall enforce the provisions of the OBC with regard to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures as enumerated in the OBC, subject the exceptions listed therein.

(3) RCO. The Building Official shall enforce the provisions of the RCO with regard to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every residential building or structure, any appurtenances connected or attached to such buildings or structures as enumerated in the RCO, or any accessory structures, subject to the exceptions listed therein.

(c) Additional residential regulations. The County may adopt and enforce additional regulations governing residential structures that the Ohio Board of Building Standards has determined pursuant to O.R.C. Section 3781.01 are not in conflict with the RCO.

(d) Copies of OBC and RCO. One copy of the OBC and RCO shall be filed in the office of the County of Summit Executive and one copy shall be filed in the office of the Building Official.

(Ord. 2007-501. Adopted 10-15-07.)

1301.05 FLOOD PLAIN AREAS.

The enforcement of construction requirements in designated flood plain areas shall meet all requirements set forth in the ~~County of Summit National Flood Insurance/Flood Plain Management Program~~ **Special Purpose Flood Damage Reduction**, Chapter 1345, as compiled and/or revised ~~by the County of Summit Department of Community and Economic Development.~~

(Ord. 2007-501. Adopted 10-15-07.)

1301.06 EXISTING BUILDINGS AND STRUCTURES.

This Building Code shall apply to all existing buildings and structures that are occupied or used within County of Summit and their accessory structures, and to their service equipment parts under the following conditions:

(a) A building or portion thereof becomes occupied which was not occupied when the Code became effective.

(b) A building is moved into or within the County of Summit.

(c) Ordinary repair, where the value of the work, including labor and materials, exceeds five hundred dollars (\$500.00). This does not include normal decorating, painting, wallpapering or ordinary maintenance.

(Ord. 2007-501. Adopted 10-15-07.)

1301.07 MAINTENANCE.

All buildings, structures and building service equipment shall be maintained in a safe and sanitary condition. All means of egress, devices and safety equipment required by this Building Code shall be kept in good working order.

(Ord. 2007-501. Adopted 10-15-07.)

1301.08 RELATIONSHIP TO OTHER LAWS.

Nothing contained in this Building Code shall be deemed to nullify or repeal any provision of the zoning regulation or any other law pertaining to the location, use or type of construction of any structure or other condition to which this Building Code may apply, except as such nullification or repeal may be specifically asserted by specific provisions of this Building Code. Where any provision of this Building Code conflicts with a provision of the OBC, the RCO, the O.R.C. or any other applicable provision of Ohio law, the provision of the OBC, RCO, O.R.C. or other applicable Ohio law shall govern, except that where the Ohio Board of Building Standards has determined pursuant to O.R.C. Section 3781.01 that additional regulations governing residential structures adopted by the County are not in conflict with the RCO, the additional regulations shall govern.

(Ord. 2007-501. Adopted 10-15-07.)

1301.09 INTERPRETATION.

The provisions and requirements of this Building Code shall be construed to be minimum requirements, and where not in conflict with any specific provision herein, nothing herein shall preclude any person from exceeding such minimum requirements.

(Ord. 2007-501. Adopted 10-15-07.)

1301.10 SEPARABILITY; VALIDITY.

In the event any part or provision of this Building Code is held to be illegal or void by a court of competent jurisdiction, such shall not have the effect of making illegal or void any other part or provision of this Building Code. It shall be presumed in such event that the Building Code would have been enacted had such illegal or invalid parts or provisions not

been included, and the remainder of the Building Code shall continue in full force and effect regardless of the extent to which such illegal or invalid parts or provisions may be integrated in the remaining portions of the Building Code.

(Ord. 2007-501. Adopted 10-15-07.)

1301.11 STOP WORK ORDER.

(a) Whenever it comes to the attention of the Building Official that work of any kind is being prosecuted contrary to the provisions of this Building Code or in an unsafe or dangerous manner, ~~he~~ **the Building Official** shall promptly issue a stop work order to the owner of the premises involved, or to the agent of such owner, or to the person doing such work and shall post, at the site of the work, a distinctive placard notifying the public and all concerned that work at the site has been stopped by official order.

(b) Upon receiving such order, the recipient thereof shall immediately cease all such work and cause such work to be ceased by all other persons engaged thereon. The order may be oral or written. If oral, it shall be reduced to writing and delivered within forty-eight (48) hours to the owner or agent. In all cases the order shall state the conditions under which work may be resumed. The order shall also direct the performance of such work as may be necessary to remove any violations of the Building Code and any conditions which the Building Official deems unsafe and shall describe what such corrective work is necessary.

(c) In the event the recipient of an order disagrees therewith, ~~he~~ they may request clarification in writing from the Building Official and may then appeal from such order as provided herein. The filing of an appeal shall not be deemed authority to resume the work until such appeal has been heard and favorably acted upon.

(d) Any person who violates any order or continues any prohibited work after notice, oral or written, shall be in violation of this Building Code.

(Ord. 2007-501. Adopted 10-15-07.)

1301.12 VIOLATION RESPONSIBILITY.

The owner of a building or other structure or premises in or on which buildings, structures, service equipment or machines are installed, altered, replaced, repaired or maintained shall have the final responsibility for every violation of any provision of this Building Code. However, any person, firm or corporation which performs work for which a permit is required by the Building Code without first having secured a permit therefore and every person, firm or corporation who violates or assists in the violation of any provision of the Building Code shall also be responsible and liable for such violation and subject to the penalty provided by this Building Code.

(Ord. 2007-501. Adopted 10-15-07.)

1301.13 NOTICE OF VIOLATION AND ABATEMENT; SERVICE.

The Building Official shall serve written notice of violation of the provisions of this Building Code or of violation of a detailed statement or a plan approved thereunder, or of violation of a permit or certificate issued under this Building Code, on the person responsible for such violation or for its remedy; and the Building Official shall order the discontinuance of illegal action or condition or the abatement or correction of any such violation or the taking of such action as may be necessary to achieve compliance with this Building Code, and he shall serve written notice of such order on the responsible person.

(Ord. 2007-501. Adopted 10-15-07.)

1301.14 COMPLIANCE REQUIRED.

No person shall erect, construct, alter, repair or maintain any residential, commercial or industrial structures within the unincorporated area of the County of Summit in violation of this Building Code.

(Ord. 2007-501. Adopted 10-15-07.)

1301.15 MANUFACTURED HOMES.

Providing the necessary certification is obtained from the Ohio Manufactured Homes Commission, the Building Official shall inspect the installation of manufactured homes, shall accept and approve plans for contemplated installation of manufactured homes, and shall enforce any rules governing the installation of manufactured homes that are promulgated by the Ohio Manufactured Homes Commission, pursuant to its authority under Ohio Revised Code §4781.01 et seq. or Ohio Administrative Code §4781-7-01, et seq.

1301.16 ~~MEDICAL GAS SYSTEMS. RESERVED~~

~~—(a) This section shall apply to all townships and municipalities for which the County has jurisdiction and/or has contracted to enforce the Ohio Building Code and perform inspections under that Code, or where the County has specifically contracted with a political subdivision to perform inspections and enforce the Codes set forth in subsection (b).~~

~~—(b) No person shall alter, construct, install and/or repair any medical gas system, medical oxygen, or vacuum piping system, as defined and set forth in the current versions of Chapters 4101:1, 4101:2 and 4101:3 of the Ohio Administrative Code, Chapter 12 of the Ohio Plumbing Code and the National Fire Protection Association Section 99C (hereinafter collectively "medical gas system") without first obtaining a~~

~~medical gas system permit from the Building Official to perform such work. No owner or person having charge of any property shall cause or allow any such work to be performed on such premises without a medical gas system permit having been first obtained therefore and the prescribed fee having been paid. Any person or company performing permitted work on a medical gas system shall be appropriately certified and provide proof of such certification upon request at the time of inspection.~~

~~—(c) Medical gas system permit fees shall be calculated and paid according to the fee schedule set forth in Section 1307.12.
(Ord. 2010-060. Adopted 3-1-10.)~~

1301.99 PENALTY.

(a) Whoever violates any provision of this Building Code is guilty of a misdemeanor of the first degree and shall be fined not more than ~~one thousand dollars (\$1,000)~~ **five hundred dollars (\$500)** or imprisoned not more than six (6) months, or both. Each day that any violation continues shall constitute a separate offense.

(b) In addition to the penalty provided in subsection (a) hereof, the County Executive or the Prosecuting Attorney may institute suit for injunction, abatement or other appropriate action to prevent violation of this Building Code. This action may be in addition to the remedies provided by law for any adjacent, contiguous or neighboring property owners.

(c) No permit, plan approval, certificate of occupancy or certificate of completion shall be issued by the Building Official until all unpaid fees and fines are paid in full.

(Ord. 2007-501. Adopted 10-15-07.)

CHAPTER 1303
Building Official

1303.01 Powers and duties.

1303.02 Applications and permits.

1303.03 Building notices and orders.

1303.04 Inspections.

1303.05 Annual report.

1303.06 Department records.

1303.07 Periodic review.

1303.08 Qualifications.

1303.09 Appointment.

1303.10 Delegation of authority.

1303.11 Official identification.

1303.01 POWERS AND DUTIES.

The Building Official shall be charged with the administration and enforcement of this Building Code and shall, in the enforcement and administration of such Code, act on any question relative to the make or manner of construction and the materials to be used in the erection, repair, removal, demolition, location, use, occupancy of any structure and the maintenance of, addition to and installation of service equipment in all buildings and structures, except as may otherwise be specifically provided for by requirements of other laws or by other provisions of this Building Code.

(Ord. 2007-501. Adopted 10-15-07.)

1303.02 APPLICATIONS AND PERMITS.

The Building Official or **his an authorized** agent shall receive applications and issue permits required by this Building Code, examine the premises for which such permits have been issued and enforce compliance with the provisions of this Building Code.

(Ord. 2007-501. Adopted 10-15-07.)

1303.03 BUILDING NOTICES AND ORDERS.

The Building Official or **his an authorized** agent shall issue notices and orders and do all things necessary to remove illegal, unsafe and unsanitary conditions including exit facilities in buildings or structures whether existing or hereafter constructed.

(Ord. 2007-501. Adopted 10-15-07.)

1303.04 INSPECTIONS.

(a) The Building Official shall make or cause to be made inspections to insure compliance with this Building Code. **He The Building Official** may require that certain inspections shall be made at specific points in the construction. All reports of inspections

shall be in writing and signed by the person making them or the person responsible for making them.

(b) The Building Official may request the services of such experts as ~~he~~ may be deemed necessary to report ~~to him~~ **their** opinion upon unusual technical questions that may arise.

(Ord. 2007-501. Adopted 10-15-07.)

1303.05 ANNUAL REPORT.

The Building Official shall submit annually to the County Executive a written statement of all permits and certificates issued and ~~his~~ activity in general, and shall, as often as specifically requested by such authority, promptly report in writing with regard to any particular matter of interest or concern relative to ~~his~~ official duties.

(Ord. 2007-501. Adopted 10-15-07.)

1303.06 DEPARTMENT RECORDS.

The Building Official shall keep official records of all business and activities of the Department of Building Standards, including but not limited to applications, drawings and specifications received, permits and certificates issued, fees collected, reports of inspections and notices and orders issued. ~~He~~ **The Building Official** shall retain such file in accordance with the requirements of the County Records Commission.

(Ord. 2007-501. Adopted 10-15-07.)

1303.07 PERIODIC REVIEW.

The Building Official shall keep official records of all business and activities of the Building Code provisions and standards. Whenever a new provision or standard is issued or when a provision or standard is amended or revised, the date of which is different from that currently listed for such standard, ~~he~~ **the Building Official** shall so advise the County Executive so that necessary legal steps can be taken to amend the Building Code and bring it up to current standards.

(Ord. 2007-501. Adopted 10-15-07.)

1303.08 QUALIFICATIONS.

To be eligible for appointment, the Building Official shall possess the experience required by the OBC and the RCO. ~~He~~ **The Building Official** shall be knowledgeable regarding the

quality and strength of building construction, on good practice in fire prevention, on the accepted requirements for safe exit facilities, and on the proper installation of plumbing and sanitary conditions of the occupants of buildings. **He The Building Official** shall be in good health, physically capable of making the necessary examinations and inspections of buildings in course of construction. **He The Building Official** shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with building construction and no affiliation with contractors doing business within Summit County.

(Ord. 2007-501. Adopted 10-15-07.)

1303.09 APPOINTMENT.

The Building Official shall be appointed by the County Executive.

(Ord. 2007-501. Adopted 10-15-07.)

1303.10 DELEGATION OF AUTHORITY.

While the Building Official is responsible for all operations, duties and work assigned to or lawfully under **his control of the position, he the Building Official** has the right and authority to delegate the authority, duties and responsibilities assigned to **him the Building Official**. Such delegation shall be to staff members of the Department of Building Standards within the various job descriptions adopted for the positions.

(Ord. 2007-501. Adopted 10-15-07.)

1303.11 OFFICIAL IDENTIFICATION.

The Building Official shall adopt an official means of identification for **all Department personnel himself and his staff** and the same shall be displayed for identification whenever requested.

(Ord. 2007-501. Adopted 10-15-07.)

CHAPTER 1305

Permits

1305.01 Requirement.

1305.02 Exceptions.

- 1305.03 Emergency permits.
- 1305.04 Failure to obtain permits.
- 1305.05 Application for permit.
- 1305.06 ~~Qualified owner-Owner.~~
- 1305.07 Permit information and documents.
- 1305.08 Approved documents.
- 1305.09 Description of work.
- 1305.10 Drawings and specifications.
- 1305.11 Drawings.
- 1305.12 Topographic site plan requirements.
- 1305.13 Specifications.
- 1305.14 ~~Imperfect application, drawings, specifications. Reserved.~~
- 1305.15 Signature of Building Official.
- 1305.16 Completion in accordance with original permit.
- 1305.17 ~~Approval in part. Phased Permits.~~
- 1305.18 Time limitations for permits.
- 1305.19 Commencement work; time extensions.
- 1305.20 Posting of permits.
- 1305.21 Revocation of permits.
- 1305.22 Service and posting revocation notice; appeal.
- 1305.23 Rescinding the revocation.
- 1305.24 Conditions of permit issuance.
- 1305.25 ~~Commercial site improvement inspection. Reserved.~~

CROSS REFERENCES

~~Medical gas systems permit – see BLDG. 1301.16~~

1305.01 REQUIREMENT.

(a) No building or structure shall be constructed, altered, removed or demolished nor shall the occupancy be changed from one use or use group to another; nor shall any equipment or fixtures be installed or altered if installation of such equipment or fixture is regulated by this Building Code, without first filing an application with the Building Official and obtaining a permit therefor. The issuance of a building permit is not a commitment to provide utilities, which include, but are not limited to, sewer and water services.

(b) No manufactured home in a manufactured home park or on private property shall be added to or altered without first filing an application with the Building Official and obtaining a permit therefor. Replacement of equipment shall be listed and labeled for use in a manufactured home and additions and alterations shall be compliant with Federal Housing and Urban Design (HUD) regulations 24 CFR, Parts 3280, as amended.

(Ord. 2007-501. Adopted 10-15-07.)

1305.02 EXCEPTIONS.

(a) A permit, as required by Section 1305.01, shall be required for all work, subject to the exceptions stated in the OBC and the RCO. Emergency work may be undertaken without first applying for and obtaining a permit provided the person, firm or corporation undertaking the work ~~has first notified~~ **notifies** the Building Official of the emergency and location of the structure **and obtains permits as required by this Building Code. If the Building Official is unavailable, notice shall be given to the nearest fire or police official.**

(b) An emergency for purposes of this exception shall be a situation where there is actual and immediate risk of failure or collapse of a structure or the existence of defective equipment or service facilities which endanger life or health and which require immediate action to make necessary repairs to prevent the occurrence of damages and there is, therefore, insufficient opportunity to apply and obtain a permit as provided by this Building Code.

(Ord. 2007-501. Adopted 10-15-07.)

1305.03 EMERGENCY PERMITS.

(a) When emergency repairs with notice are made, an application for a permit shall be made as soon as reasonably possible after the work is undertaken and in no event more than three (3) working days after the repairs are begun. In the event of delay beyond three (3) days, a penalty fee shall be imposed.

(b) Prior to issuing an emergency permit, the Building Official shall determine whether work performed during the emergency conforms to this Building Code. The applicant shall perform any necessary work including removing sections of surface work for access, to subsurface areas, digging for access to foundations, piping and any

subterranean work which is required by the Building Official. Such work shall be undertaken at the sole expense of the applicant.

(Ord. 2007-501. Adopted 10-15-07.)

1305.04 FAILURE TO OBTAIN PERMITS.

(a) Failure to obtain a permit, where required, shall constitute a violation of this Building Code.

(b) The Building Official may allow the issuance of a permit for work begun or completed without a permit in violation of this Building Code. Issuance of such a permit shall require payment of three (3) times the permit fees as set forth in Section 1307.05.

~~(c) Any contract made or bid submitted by any person without a permit, as required herein, shall be null and void, and no action may be maintained and no compensation or other consideration shall be paid thereon.~~

(Ord. 2007-501. Adopted 10-15-07.)

1305.05 APPLICATION FOR PERMIT.

(a) Application for a permit shall not constitute nor be construed to be permission to commence work or to be issued a permit. Application for a permit shall be made by the owner or lessee of the property concerned, or agent of either, or by the licensed engineer, or architect employed in connection with the proposed work. The full names and addresses of the owner, any lessee, and any applicant other than owner or lessee and of the responsible officers of owner or lessee, if a corporate body shall be stated in the application. All applicants for permits shall be duly qualified. **Application shall include a copy of the contractor's liability insurance, Federal Tax ID number and copy of State License as applicable.** Application for a permit shall be submitted in such form as the Building Official may prescribe.

(b) An application for permit shall not be approved without evidence of local jurisdiction zoning approval being presented to the Building Department.

(c) No application for a permit shall be made if there are outstanding violations including condemnation orders for the building or structure without the approval of the Building Official.

(Ord. 2007-501. Adopted 10-15-07.)

1305.06 ~~QUALIFIED~~ OWNER.

~~The owner of a single-family dwelling who intends to personally perform work requiring a license on the dwelling used or to be used as the owner's personal residence, may be issued a permit if the Building Official determines the owner possesses sufficient skill and knowledge to undertake the work in compliance with this Building Code and provides the required affidavit.~~

(a) The owner of a residential dwelling who intends to personally perform work requiring a permit shall complete an affidavit stating that as the owner they are performing the work themselves and not hiring a contractor to perform the work described in the permit application. The affidavit may be on a form provided by the Building Official. Additionally, for an owner to perform their own work, they must be currently occupying or intend to occupy the structure once construction is completed. If the owner does not occupy the structure once work is complete, any work performed that requires a contractor to be licensed by the State of Ohio shall be examined by a State licensed contractor and deficiencies shall be corrected after the issuance of a permit to the licensed contractor. The following work may not be performed by a residential dwelling owner and shall be performed by a State licensed contractor:

(1) Grounding and bonding of swimming, wading, therapeutic and decorative pools; fountains; hot tubs and spas.

(2) Installation of or repair of an electrical service/meter from the utility connection to the structure.

(3) Gas piping installation or alterations except for flexible appliance connections. Examples of appliance connections include but are not limited to dryers, stoves, ovens, fireplace inserts.

(4) Installation of fuel fired boilers for heating dwellings.

1305.07 PERMIT INFORMATION AND DOCUMENTS.

(a) At the time of applying for a permit, an applicant shall provide all information and documents required by the OBC or the RCO. The applicant shall also provide the following information and documents and no permit shall be issued until these items are received:

(1) A Zoning Permit.

(2) The house number.

(3) The lot number and name of allotment, or other legal identification.

(4) A scaled topographic site plan(s) **approved by the Summit County Engineer or Local Municipality, prepared and sealed by a professional engineer, professional surveyor or architect licensed to provide such plans. The content of the plans shall include items as noted in Section 1305.12 of this Chapter.**

(5) In Townships, a permit for excavation, grading, or filling, or is required unless notice that such a permit is not required from is provided by the Summit County Engineer.

(56) Septic approval from the Summit County Combined General Health District, or sanitary sewer approval from the Department of Sanitary Sewer Services, whichever is applicable.

~~EXCEPTION: A topographic plan shall not be required for existing residential homes, when adding an addition, deck, gazebo, accessory building, or swimming pool.~~

(Ord. 2007-501. Adopted 10-15-07; Ord. 2015-555. Adopted 12-14-15.)

1305.08 APPROVED DOCUMENTS.

All approved drawings, specifications and other papers filed with the application for permit shall be ~~so~~ stamped or endorsed by the Building Official or ~~his~~ a designated agent and one (1) set shall be returned to the applicant. The certified copies ~~of the same~~ shall be kept on the building site until **completion. the same has been completed.** True copies of all or as many of such drawings, specifications and statements as may be required in the opinion of the Building Official to illustrate the features of construction and equipment of the building referred to in this Building Code shall be retained ~~by him~~ and shall become records of ~~his office~~ **the County of Summit Department of Building Standards.**

(Ord. 2007-501. Adopted 10-15-07.)

1305.09 DESCRIPTION OF WORK.

(a) The application shall contain a general description of the proposed work, its location, the use and occupancy of all parts of the building or structure and of all portions of the site or lot not covered by the building, the estimated costs of the proposed work and such additional information as may be required by the Building Official, including but not restricted to the working drawings, specifications, topographic site/location plans, statement and such other information as may be required elsewhere in this Building Code, all of which shall be submitted in duplicate.

(b) All facts in the application shall be subject to affirmation or oath. If, in the judgment of the Building Official, the reported data is incorrect, ~~he~~ **the Building Official** shall have the right, as a condition precedent to issuance of the permit, to request the applicant for authority to have such data verified either by the Building Official **or a designated agent** ~~by others appointed by him~~, and when so authorized, the cost of such verifications shall be paid by the applicant.

(Ord. 2007-501. Adopted 10-15-07.)

1305.10 DRAWINGS AND SPECIFICATIONS.

(a) The drawings and specifications submitted with the application for a permit, shall be lettered, giving the name and address of the owner of the building, the purposes for which the building or structure is to be used, its location and the name and address of the architect, engineer or other person by whom the drawings and specifications were prepared.

(b) Drawings and specifications shall be submitted in the quantity required by the Building Official.

(c) When quality of materials is essential for conformity to this Building Code, specific information shall be given to establish such quality; and in no case shall this Building Code be cited or the term "legal" or its equivalent be used as a substitute for specific information.

(d) The Building Official may waive the requirements for filing drawings when the work involved is of a minor nature.

(Ord. 2007-501. Adopted 10-15-07.)

1305.11 DRAWINGS.

(a) The drawings to be filed for buildings or structures shall be those required by the OBC or the RCO. Additional drawings may also be required as may be necessary to fully illustrate and show the type, size and other dimensions of all structural parts and service equipment of the building except as set forth otherwise in this Building Code.

(b) All drawings shall be to a scale that shall clearly show the work to be done.

~~—(1) Special requirements of plans. The plans for each room, apartment or part of the building or structure, shall be clearly lettered, showing the purpose for which the same is designed to be used. If the room or part of the building or structure is to be used for any purpose for which the various sections of this Building Code restricts or limits the number of persons to be assembled or accommodated therein, the plans shall be clearly lettered to indicate the prescribed limitations.~~

~~—(2) Superimposed and typical plans. Nothing in this section shall be construed so as to prevent the showing of several of the floor plans superimposed over each other, providing that when there is any change or deviation in the parts, such changes and deviations shall be distinctly dimensioned and noted, and providing further that when there is a terrace, block of group of buildings or part of such terrace, block or group, it shall be shown on the block plan, and each such distinct building or part shall be classed as one building and separate permits issued accordingly.~~

(3c) Alterations and erasures. It shall be a violation of this Building Code to erase, alter or modify any lines, figures, coloring, written or printed matter contained upon any drawing or in any specification or statement filed with the Building Official after it has been approved by him except if during the progress of the execution of the work or prior thereto, it is desired to deviate in any manner affecting the construction or other essential or vital feature of the work from the terms of the application, drawings, specifications or statement, notice of such intention to alter or deviate shall be given in writing to the Building Official and his written consent shall be obtained **from the Building Official** before such alteration or deviation may be made. If such change or deviation affects the bearing or structural parts of such work or its class of occupancy, new plans and specifications therefore, shall be submitted for approval. Notices of alterations and approvals therefor shall be filed with the original application for permit.

(Ord. 2007-501. Adopted 10-15-07.)

1305.12 TOPOGRAPHIC SITE PLAN REQUIREMENTS.

~~(a) A topographic site plan submitted for permits to build, shall indicate the following items: **An approved topographic site plan from the Summit County Engineer or Local Municipality shall be submitted prior to permit issuance for all new single family residential construction.**~~

~~(1) Elevation at the following points:~~

~~— A. First floor of dwelling, attached garage, unattached garage, and other accessory buildings.~~

~~— B. Finish curb or crown of the street at point of extension of the lot line when in existence.~~

~~— C. Finish grade elevation at each principal corner of the structure.~~

~~— D. Finish grade at both sides of abrupt changes of grade, such as retaining walls and slopes.~~

~~— E. Topography (existing and proposed) including, but not limited to, location of yard drains/basins, swales, elevations as noted above, grading and drainage details for the entire parcel, including the adjacent parcels to the rear and on each side, for a distance of (20').~~

~~— (2) The scale of the topographic site plan must be not less than one (1) inch equals twenty (20) feet.~~

~~— (3) Lot, lot number or other legal identification.~~

~~— (4) Provide dimensions of plot and indicate north point.~~

~~— (5) Dimension of front of building lines, rear and side.~~

- ~~—(6) Location and dimension of garage, carport and other accessory buildings.~~
- ~~—(7) Show location of steps, terraces, porches, fences and retaining walls.~~
- ~~—(8) Show location and dimension of easements, if any.~~
- ~~—(9) Indicate location, width of street and right of way; indicate type of surface on street.~~

(Ord. 2007-501. Adopted 10-15-07.)

1305.13 SPECIFICATIONS.

Each set of drawings submitted for permits shall be accompanied by a set of specifications describing all materials to be used and the work contemplated to be done, except that no separate specifications shall be required for one, two and three-family dwellings when the required information to show compliance to this Building Code is indicated on the drawings.

(Ord. 2007-501. Adopted 10-15-07.)

1305.14 ~~IMPERFECT APPLICATION, DRAWINGS, SPECIFICATIONS.~~RESERVED

~~—If the application for a permit or the drawings, specifications, details or statement accompanying the same, indicate to the Building Official that the work to be done is not clearly or specifically defined and/or dimensioned or is imperfect, or is not in all respects complete and in accordance with the provisions of this Building Code, he may refuse to issue a permit until such application, drawings, specifications, details and statement shall have been made to conform in every respect with the requirements thereof. All drawings which are not completely dimensioned or which are illegible shall be deemed incomplete.~~

(Ord. 2007-501. Adopted 10-15-07.)

1305.15 SIGNATURE OF BUILDING OFFICIAL.

The Building Official, or **his** authorized representative, shall affix **his** a signature to every permit receipt. Permit receipt may be signed electronically.

(Ord. 2007-501. Adopted 10-15-07.)

1305.16 COMPLETION IN ACCORDANCE WITH ORIGINAL PERMIT.

Nothing in this Building Code shall require changes in the drawings, construction or designated use of a building for which a lawful permit has been issued or otherwise lawfully authorized before the effective date of this Building Code, provided that work under such permit or authorization is under active prosecution upon such date, or is actively prosecuted within ninety (90) days of such date, and that all work thereunder is completed as so authorized within two (2) years after the date thereof or duly authorized extension of time; provided, however, that if the work has been diligently prosecuted, an extension of time shall be granted for the completion of such work which shall permit is completion in accordance with the original permit.

(Ord. 2007-501. Adopted 10-15-07.)

1305.17 ~~APPROVAL IN PART.PHASED PERMITS~~

(a) The Building Official may issue a permit for the construction of footings and foundations or any other part of a building or structure. ~~before the complete drawings and specifications for the whole building have been submitted. Adequate information and detailed statements shall be filed to demonstrate that an unjustifiable hardship will be entailed by the applicant if he is required to delay initiation of such work until completion and approval of the drawings and specifications, together with such other data as may be necessary to demonstrate that the work will comply with all the pertinent requirements of this Building Code.~~

(b) The holder of such permit for the foundation or other part of the building or structure shall proceed at ~~his~~ their own risk with the building operation and without assurance that a permit for the entire structure will be granted.

~~(c) In addition to drawings depicting the work to be done, site plans are required to be submitted in duplicate.~~

~~(dc)~~ A separate fee shall be assessed for the partial approval permit. This is in addition to the fee for the entire project.

(Ord. 2007-501. Adopted 10-15-07.)

1305.18 TIME LIMITATIONS FOR PERMITS.

(a) The Building Official has the authority to issue permits which have fixed time limits as a condition of the permit. Such time limits shall enumerate the limit of time in which work shall be fully executed.

(b) If the project is not completed within the time limit, the Building Official may revoke the permit.

(c) Permits with time limits may be issued for the following:

(1) Fire repair permits.

(2) Second permit extensions.

(3) Work under permit, where progress is extremely slow and the project is not completed over a protracted period of time.

(4) Wrecking permits.

(5) Permits for work to correct hazardous conditions.

(6) Temporary structures.

(Ord. 2007-501. Adopted 10-15-07.)

1305.19 COMMENCEMENT WORK; TIME EXTENSIONS.

If construction, erection, alteration, or other work upon the building has not commenced within twelve (12) months of the approval of the plans or drawings and specifications, the owner may request an extension. One extension shall be granted for an additional twelve (12) month period if requested by the owner at least ten (10) days in advance of the expiration of the permit and upon payment of a fee not to exceed one hundred dollars (\$100.00). Additional extensions of six (6) months each may be granted by the Chief Building Official upon the showing of good cause by the owner. Before any extension is granted, the owner of the building shall resubmit the plans or drawings and specifications for approval pursuant to this section.

(Ord. 2007-501. Adopted 10-15-07.)

1305.20 POSTING OF PERMITS.

A true copy of the building permit or such other instrument serving the purpose as the Building Official may authorize or approve shall be posted on the site of operation open to inspection during the entire time of prosecution of the work until completion.

(Ord. 2007-501. Adopted 10-15-07.)

1305.21 REVOCATION OF PERMITS.

(a) The Building Official may revoke any permit ~~or approval~~ issued for any of the following reasons:

(1) The continuance of any work becomes dangerous to life or property.

(2) There is a violation of any condition on which the issuance of the permit ~~or approval~~ was based.

(3) Any false statement or misrepresentation has been made upon the application, drawings or specifications on which the issuance of the permit ~~or approval~~ was based.

(4) In the opinion of the Building Official, the completion of the work has been unduly delayed.

(Ord. 2007-501. Adopted 10-15-07.)

1305.22 SERVICE AND POSTING REVOCATION NOTICE; APPEAL.

(a) The revocation notice of any permit shall be in writing and shall be served upon the holder of the permit, the owner, ~~his~~ agent or the person having charge of the work. Any revocation notice shall also be posted upon the building or structure in question by the Building Official. After the notice is received or posted, it shall be a violation of this Building Code for any person to proceed with any operation for which such a permit was issued. No part of the fees for such permit shall be returned.

(b) Revocation of a permit shall be subject to appeal to the Board of Building Appeals.

(Ord. 2007-501. Adopted 10-15-07.)

1305.23 RESCINDING THE REVOCATION.

The Building Official may rescind the revocation of a permit, in which case the applicant shall pay a fee equal to the original permit fee or fifty dollars (\$50.00), whichever is less. The Building Official shall not rescind the revocation until all drawings and work comply with all requirements of this Building Code.

(Ord. 2007-501. Adopted 10-15-07.)

1305.24 CONDITIONS OF PERMIT ISSUANCE.

(a) Payment of Fees. No permit shall be issued and no amendment to a drawing, application for permit, or other submission shall be approved or certified until **nonrefundable** fees have been paid.

(b) Compliance with Building Code. A permit shall be an authorization to proceed with the work, but shall not be construed as authority to violate, cancel or set aside any of the provisions of this Building Code, zoning laws or other applicable laws, except as specifically allowed by authorized modification or deviation.

(c) Compliance with Approved Documents. All work shall accurately conform to the approved application and drawings for which the permit has been issued and any approved amendments thereto.

(d) Change in Plot. No lot or plot shall be changed, increased or diminished in area from that shown in the application for permit without first amending the application to that effect, except where the change is caused by reason of an official street opening, street widening or other public improvement.

(e) Lot Lines. No person shall sell, lease or provide an easement over any land at any time if by virtue of such sale, lease or easement any clearance, yard or court space prescribed by this Building Code or the zoning or other applicable law for fire clearance or for other legal purposes is reduced to such an extent as to constitute a violation of this Building Code or such other laws. Any such sale, lease or easement shall be deemed null and void.

(f) Permits shall not be transferred to another entity or person. If a contractor is removed from a job by an owner, a new permit shall be issued to the replacement contractor pursuant to this section.

(Ord. 2007-501. Adopted 10-15-07.)

1305.25 COMMERCIAL SITE IMPROVEMENT INSPECTION.

(a) This Section shall apply only to the erection, construction, alteration, repair or addition of or to any commercial structure within any municipality or township for which the County has specifically contracted to provide the services herein.

(b) At the time of applying for a building permit, an applicant shall also apply for a Commercial Site Improvement Permit and shall provide a commercial site improvement plan that has previously been approved by the engineer of the municipality or township wherein the site is located. Said commercial site improvement plan shall set forth the location and specifications of the following site improvements, in addition to the location of all structures to be located on the site:

- (1) Graded areas
- (2) Paved areas/Parking lots/Driveways
- (3) Parking lot striping
- (4) Sidewalks
- (5) Curbs
- (6) Catch basins
- (7) Retention/Detention basins, including inlets and outlets
- (8) Storm sewers/Drainage pipes
- (9) Manholes

(c) Following construction of each site improvement set forth above, the Building Official shall inspect said site improvement for compliance with the commercial site improvement plan. No person shall occupy or use, and no Certificate of Occupancy shall be issued for, a commercial structure identified on the commercial site improvement plan until such time as the Building Official approves the construction of all site improvements as compliant with the commercial site improvement plan.

(d) Commercial Site Improvement Permit fees shall be calculated and paid according to the fee schedule set forth in Section 1307.1213.

(Ord. 2010-295. Adopted 6-28-10.)

CHAPTER 1307

Fees

1307.01 ~~Contractor registration fees.~~ **RESERVED**

1307.02 Penalty.

1307.03 Appeal.

1307.04 Plan review fees for residential and commercial/non-residential structures; topographic site plan review.

1307.05 Residential permit fees.

1307.06 Commercial permit fees.

1307.07 Fire suppression systems; fire alarm system.

1307.08 Accessory structure permit fees.

1307.09 Miscellaneous permit fees.

1307.10 Residential and commercial re-inspection fees.

1307.11 ~~Public utility exemption; limitation.~~ Reserved.

1307.12 Reserved.

1307.13 Commercial site improvement inspection fees.

1307.14 After-hours inspection fees.

1307.15 ~~Online~~ Paper permit application fee.

1307.01 ~~CONTRACTOR REGISTRATION FEES.~~RESERVED

~~Chapter 1323 of this code lists the types of contractors requiring registration.~~

~~[See also "Contractor Registration Application" form (obtained from Department of Building Standards.)]~~

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New/initial registration fee	\$145.00
Renewal fee (annual)	\$90.00
Late penalty fee	\$60.00

(Ord. 2007-501. Adopted 10-15-07; Ord. 2017-555. Adopted 2-12-18.)

1307.02 PENALTY.

Prior to commencement of any work, all applicable permits shall be obtained by the respective owner, architect, engineer, or contractors. Failure to do so will result in penalties of 200% of the regular permit fee, in addition to the regular permit fee requirement. New permit fees are required on all expired permits. (Ord. 2007-501. Adopted 10-15-07.)

1307.03 APPEAL.

Appeal from action of Building Official:

First Hearing:	\$115.00
Re-hearing:	\$230.00 (excludes tabled items).

(Ord. 2007-501. Adopted 10-15-07; Ord. 2017-555. Adopted 2-12-18.)

1307.04 PLAN REVIEW FEES FOR RESIDENTIAL AND COMMERCIAL/NON-RESIDENTIAL STRUCTURES; ~~TOPOGRAPHIC SITE PLAN REVIEW.~~

(a) Determination of Square Footage: For any square footage calculation used under this Section, the square footage of a structure shall be the total gross square footage of all levels of the structure.

(b) Residential Plan Review Fees: The following fees shall be charged for plan review for all residential structures constructed under the Ohio Residential Code:

Residential Structure 1st Review (New Construction and Additions):	\$60.00
Residential Structure 2nd Review:	No Fee
<u>Residential Structure 3rd and subsequent Reviews* each:</u>	\$30.00
Accessory/Deck/Misc. Building Review (Garage/Shed/Deck/Barn/Misc. Buildings):	\$30.00
Structural Alterations:	\$30.00
Residential Fire Suppression:	<u>\$25.00</u>No Fee

~~* Additional Reviews will be conducted at same fee as 3rd Review.~~

(c) Commercial/Non-Residential Plan Review Fee: The following fees shall be charged for plan review for all commercial/non-residential structures constructed under the Ohio Building Code:

Commercial Structure 1st Review:	\$3.50 per 100 <u>s.f. sf</u> ; Min 10,000 <u>s.f. sf</u> + <u>plus</u> \$90.00 per Trade* submitted with original drawings; Max. 4 Trades
Commercial 2nd Review:	No Fee
Commercial 3rd <u>Review and subsequent Reviews** each:</u>	\$150.00
Accessory Structures listed in §1307.08	\$60.00
Individual Trade* Submissions	\$145.00
Signs (Including Electrical)	\$60.00

* The following shall be the individual trades for which a plan review fee shall be charged-
(i) Building/Structural, (ii) Electrical, (iii) Heating, Ventilation and Air Conditioning, ~~and~~
(iv) Plumbing, (v) Fire Alarm, (vi) Fire Suppression (Sprinklers), (vii) Kitchen Hood, (viii)
Kitchen Hood Suppression (ansul), and (ix) Underground Fire Main

~~** Additional Reviews will be conducted at same fee as 3rd Review.~~

~~(d) Topographic Site Plan Review (Residential): The following fee shall be charged for topographic site plan reviews:~~

~~**Topographic Site Plan \$175.00**
Review:~~

~~**Plan reviews for Special Flood Damage Reduction Permits: \$100.00 + plus consultant review fee as applicable.**~~

(e) Regulatory Fee: In accordance with the regulations of the Ohio Board of Building Standards, all fees associated with commercial projects shall be assessed ~~3.00%~~; all fees associated with residential projects shall be assessed 1%. Said fee shall be remitted to the Ohio Board of Building Standards.

(f) Non-Refundable: All fees charged and paid under this Section are non-refundable to the payor.
(Ord. 2011-532. Adopted 12-12-11; Ord. 2017-555. Adopted 2-12-18.)

1307.05 RESIDENTIAL PERMIT FEES.

(a) Determination of Square Footage. Total of gross areas of every level, plus garages, decks, and porches, as affected by work trades.

(b) Building Permits.

(1) New Construction:	\$145.00 non-refundable application plus \$6.00 per 100 sq. ft.
(2) Alterations:	\$60.00 non-refundable application; plus \$6.00 per 100 sq. ft., (or \$6.00 per \$1,000.00 valuation if square-foot calculation is not applicable, minimum of \$25.00).
(3) Accessory buildings (400 <u>200</u> sq. ft. and larger):	\$60.00 non-refundable application plus \$6.00 per 100 sq. ft.
<u>(4) Repair and Replacements:</u>	<u>\$60.00 non-refundable application fee, plus \$40.00</u>

(c) Electrical Permits.

(1) New Construction:	\$60.00 non-refundable application plus \$4.00 per 100 sq. ft.
(2) Alterations:	\$60.00 non-refundable application plus \$2.00 per 100 sq. ft.
(3) Repair and Replacements:	\$60.00 non-refundable application fee, plus \$40.00

(d) Mechanical/Hydronic Permits.

(1) New Construction:	\$60.00 non-refundable application plus \$4.00 per 100 sq. ft.
(2) Alterations:	\$60.00 non-refundable application plus \$2.00 per 100 sq. ft.
(3) Repair and Replacements:	\$60.00 non-refundable application fee, plus \$40.00

(e) Plumbing Permits.

(1) New Construction:	\$60.00 non-refundable application plus \$4.00 per 100 sq. ft.
(2) Alterations:	\$60.00 non-refundable application plus \$2.00 per 100 sq. ft.
(3) Repair and Replacements:	\$60.00 non-refundable application fee, plus \$40.00

(Ord. 2007-501. Adopted 10-15-07; Ord. 2017-555. Adopted 2-12-18.)

1307.06 COMMERCIAL PERMIT FEES.

(a) Determination of Square Footage. Total of gross areas of every level.

(b) Building Permits.

(1) New Construction:	\$155.00 167.00 non-refundable application plus \$6.00 per 100 sq. ft.
(2) Alterations:	\$90.00 102.00 non-refundable application plus \$6.00 per 100 sq. ft.
(3) Repair and Replacements:	<u>\$102.00 non-refundable application fee, plus \$60.00.</u>

(c) Electrical Permits.

(1) New Construction:	\$90.00 102.00 non-refundable application plus \$5.00 per 100 sq. ft.
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(2) Alterations:	\$90.00 102.00 non-refundable application plus \$2.00 per 100 sq. ft.
(3) Repair and Replacements:	\$90.00 102.00 non-refundable application fee, plus \$60.00.

(d) Mechanical/**Hydronic** Permits.

(1) New Construction:	\$90.00 102.00 non-refundable application plus \$5.00 per 100 sq. ft.
(2) Alterations:	\$90.00 102.00 non-refundable application plus \$2.50 per 100 sq. ft.
(3) Repair and Replacements:	\$90.00 102.00 non-refundable application fee, plus \$60.00

(e) Plumbing Permits.

(1) New Construction:	\$90.00 102.00 non-refundable application plus \$5.00 per 100 sq. ft.
(2) Alterations:	\$90.00 102.00 non-refundable application plus \$3.00 per 100 sq. ft.
(3) Repair and Replacements:	\$90.00 102.00 non-refundable application fee, plus \$60.00.

(Ord. 2007-501. Adopted 10-15-07; Ord. 2017-555. Adopted 2-12-18.)

1307.07 FIRE SUPPRESSION SYSTEMS; FIRE ALARM SYSTEM.

(a) Automatic Sprinkler System; Alternative Automatic Fire-Extinguishing System; Standpipe System.

(1) New Construction:	\$90.00 102.00 non-refundable application plus \$1.50 per 100 sq. ft.
(2) Alterations:	\$90.00 102.00 non-refundable application plus \$1.50 per 100 sq. ft.

(b) Fire Alarm Systems.

(1) New Construction:	\$90.00 102.00 non-refundable application plus \$1.00 per 100 sq. ft.
(2) Alterations:	\$90.00 102.00 non-refundable application plus \$1.00 per 100 sq. ft.

(Ord. 2007-501. Adopted 10-15-07; Ord. 2017-555. Adopted 2-12-18.)

1307.08 ACCESSORY STRUCTURE PERMIT FEES.

A non-refundable application fee of \$45.00, plus a \$60.00 fee shall be paid **for residential permits and a non-refundable application fee of \$67.00, plus a \$72.00 fee shall be paid for commercial permits** for the following:

- (a) Deck;
- (b) Gazebo/**Pergola**;
- (c) Retaining wall (4' feet or higher);
- (d) Handicap ramps;
- (e) **Temporary Structures**, Tents* (temporary 30 days);
- (f) Chimneys;
- (g) RESERVED;
- (h) Storage buildings/detached garages (~~larger than 120 sq. ft., plus less than 400 sq. ft.~~) **(greater than 120 sf s.f. Commercial / greater than 200 sf s.f. Residential)**;
- (i) Towers;
- (j) Grand Stands;
- (k) Kiosks;
- (l) Awnings;
- (m) Canopies;
- (n) Signs; and
- (o) Such other accessory structures** as determined by the Chief Building Official.

** Tents are exempt for nonprofit corporations organized under Section 501(c)(3) of Title 26 of the United States Code and other governmental entities, subject to the discretion of the Law Director.

~~** Accessory buildings 120 sq. ft. or smaller are exempt.~~

(Ord. 2007-501. Adopted 10-15-07; Ord. 2017-555. Adopted 2-12-18; Ord. 2021-112. Adopted 4-12-21.)

1307.09 MISCELLANEOUS PERMIT FEES.

In addition to non-refundable application fees of \$50.00 for residential construction and ~~\$75.00~~ 87.00 for commercial construction, the following fees shall be paid:

	Residential	Commercial/ Non-Residential
(a) Re-Roof [total replacement only (tear-off)]	\$40.00	65 <u>77</u> .00
(b) Special Inspections	65.00	65 <u>77</u> .00
(c) Replacement Siding	55.00	60 <u>77</u> .00
(d) Demolition/Moving/Site Restoration	65.00	115 <u>27</u> .00
(e) Changes in use	N/A	65 <u>77</u> .00
(f) Child Day Care	65.00	65 <u>77</u> .00
(g) Foundations (only) or foundation walls (only)	90.00	175 <u>87</u> .00
(h) RESERVED.		
(i) Temporary Occupancy	N/A	50 <u>62</u> .00
(j) Foundation Dampproofing	\$30.00	30 <u>42</u> .00

(k) RESERVED.		
(l) Special events	—* Dependent upon project scope of work.	—* Dependent upon project scope of work.
(m) Miscellaneous systems, installations:		
(1) Elect. service upgrade	40.00	40 <u>52</u> .00
(2) Low voltage systems	40.00	40.00
(3) Security systems	40.00	60.00
(4) Transformers	40.00	60 <u>72</u> .00
(5) Temporary or permanent electrical service	40.00	60 <u>72</u> .00
(6) Exterior/interior lighting	40.00	60 <u>72</u> .00
(7) Hot tubs	40.00	60 <u>72</u> .00
(8) Kitchen hood suppression system	40.00	60 <u>72</u> .00
(9) Underground fire main	40.00	60 <u>72</u> .00
(10) Fire pump	40.00	60 <u>72</u> .00
(11) Local duct detector	40.00	60 <u>72</u> .00
(12) Smoke control system	40.00	60 <u>72</u> .00
(13) Carnivals; and	40.00	60 <u>72</u> .00
(14) Additional circuits	12.00 each	12 <u>24</u> .00 each

(15) Fireplaces	25.00 each	3042.00 each
(16) Water Heater	40.00	N/A
(17) Siding Electrical	40.00	N/A
(18) Such other installations as determined by the Chief Building Official	40.00	5567.00
(n) Manufactured Homes	300.00	300.00

(Ord. 2008-429. Adopted 11-3-08; Ord. 2017-555. Adopted 2-12-18.)

1307.10 RESIDENTIAL AND COMMERCIAL RE-INSPECTION FEES.

(a) 1st Reinspection	\$30.00
(b) 2nd Reinspection	\$30.00
(c) 3rd Reinspection	\$60.00
(d) 4th Reinspection	\$80.00

(Ord. 2007-501. Adopted 10-15-07; Ord. 2017-555. Adopted 2-12-18.)

1307.11 **PUBLIC UTILITY EXEMPTION; LIMITATION. RESERVED**

~~—(a) Any public utility company or its employees engaged in the manufacture, transmission or distribution of electrical energy for commercial purposes or any persons primarily engaged in the business of transmission of signals, communications or intelligence, is not an "electrical contractor" and is exempt from permit fees for installing, altering or extending electrical wiring which is for the exclusive use of manufacturing, transmitting or distributing electrical energy. All such work shall be done in accordance with the ORC and the RCO and performed under the supervision of a qualified electrical engineer registered by the State of Ohio. Any work which is subject to inspection shall be approved by the Building Official.~~

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~~—(b) This exemption is limited to electric facilities located on property owned, licensed or leased by the utility company or located on an easement or right of way of the utility company. Permit fees shall be paid for electrical wiring installed in a~~

~~building or part thereof, not used or to be used solely for the manufacture of electrical energy. A permit fee shall be required for the installation, alteration or extension of electrical wiring in any building or part thereof not used or to be used solely for the manufacture or transmission of electrical energy for use by others. All work done beyond the weather head on overhead services and the point of service on underground services, with the exception of meters and metering equipment, is subject to permit fees.~~

(Ord. 2007-501. Adopted 10-15-07.)

1307.12 RESERVED.

1307.13 COMMERCIAL SITE IMPROVEMENT INSPECTION FEES.

(a) The fees for the inspection of commercial site improvements, as described in Section 1305.25 of these Codified Ordinances, shall be paid at the time of application and shall be as follows:

\$100.00 plus the following fee for each site improvement:

Graded areas:	\$5.00 per \$1,000 of job cost
Paved areas/Parking lots/Driveways	\$5.00 per \$1,000 of job cost
Parking lot striping	\$1.00 per space
Sidewalks	\$10.00 per 100 feet
Curbs	\$10.00 per 100 feet

Catch basins	\$20.00 each
Retention/Detention basins, including inlets and outlets	\$100.00 each
Storm sewers/Drainage pipes	\$50.00 per 100 linear feet
Manholes	\$20.00 each

(Ord. 2010-295. Adopted 6-28-10)

1307.14 AFTER-HOURS INSPECTION FEES.

In addition to the inspection fees set forth in Chapter 1307 of these Codified Ordinances, an additional fee of \$250.00 shall be paid by the permittee for any inspection that is performed by the Building Official, upon the request of the permittee, at any time other than during the Building Official's regular business hours, as established by the County Executive. Nothing herein shall require or obligate the Building Official to perform inspections at any time other than during the Building Official's regular business hours.

(Ord. 2010-296. Adopted 6-28-10.)

1307.15 ~~ONLINE~~ PERMIT APPLICATION FEE.

In addition to any applicable permit fees due under Sections 1307.01 to 1307.14, any person applying for a residential or commercial building permit of any type ~~online through the County's website~~ shall pay an additional non-refundable fee of two dollars (\$2.00) at the time of ~~online~~ application to cover the cost of technology utilized by the Department County of Summit Department of Building Standards.

(Ord. 2013-460. Adopted 11-4-13.)

CHAPTER 1309 Inspections

- 1309.01 Inspection prior to permit issuance.
- ~~1309.02 Local inspection or use of inspection services.~~
- ~~1309.03 Inspection prior to lathing or covering work.~~
- ~~1309.04 Notice by contractor or owner for Building Official to inspect.~~
- 1309.052 Re-inspection fee.
- ~~1309.06 Mandatory interval inspections.~~
- ~~1309.07 Notice by permittee for inspection agency to inspect.~~
- ~~1309.08 Action on inspection notice.~~
- 1309.093 Covering work.
- ~~1309.10 Final inspection.~~
- 1309.1104 Building use after Certificate of Occupancy.
- ~~1309.12 Right of entry.~~
- 1309.1305 Co-operation.
- 1309.1406 Removal of notices.
- 1309.1507 Change of occupancy.
- 1309.1608 Plumbing inspections.

1309.01 INSPECTION PRIOR TO PERMIT ISSUANCE.

Before issuing a permit for the construction, enlargement, alteration, repair, removal, demolition or change of use of any building, structure or site, the Building Official may examine or cause to be examined any or all such buildings, structures and sites in connection with which an application has been filed for such a permit.

(Ord. 2007-501. Adopted 10-15-07.)

~~1309.02 LOCAL INSPECTION OR USE OF INSPECTION SERVICES.~~

~~–Inspections shall be made by the Building Official or his duly authorized representative. In lieu of inspection the Building Official may accept reports of inspection services, if after investigation he is satisfied as to the qualifications and reliability of the inspection service under consideration. No certificate required by this Building Code shall be based on reports of inspection services unless such~~

reports are in writing and are certified by a responsible officer of such inspection service. The Building Official may require supervision of work and certificates of inspection as provided.

~~(Ord. 2007-501. Adopted 10-15-07.)~~

~~1309.03 INSPECTION PRIOR TO LATHING OR COVERING WORK.~~

~~—(a) All new buildings and additions under construction, and all alterations or repairs to buildings regulated by this Building Code, shall be inspected before lath is applied and before the framing or structural parts are covered in any manner which would make a proper inspection unnecessarily difficult.~~

~~—(b) New buildings or structures, and all additions, alterations and repairs, to existing buildings or structures, which when complete, will have all of the framing and structural parts exposed sufficiently to make a proper inspection practicable, shall be inspected when the work is completed.~~

~~(Ord. 2007-501. Adopted 10-15-07.)~~

~~1309.04 NOTICE BY CONTRACTOR OR OWNER FOR BUILDING OFFICIAL TO INSPECT.~~

~~—For the purpose of insuring that proper inspections will be made of new buildings and structures under construction, of additions, and alterations or repairs to existing buildings and structures, of buildings to be moved or razed, or installations and additions, alterations or repairs thereto, the contractor performing the work on any job for which a permit has been issued, or the owner to whom a permit has been issued when no contractor is employed, shall notify the Building Official of the time, as provided herein, to make such inspection. Notification for inspection shall be given at a time which will give the Building Official a reasonable amount of time to make or cause such inspection to be made. The Building Official shall be notified not less than forty-eight (48) hours before any lathing is done or any of the framing or structural parts are covered in a manner which would make inspection unnecessarily difficult. All mechanicals shall be inspected and approved before the rough building inspection.~~

~~(Ord. 2007-501. Adopted 10-15-07.)~~

1309.05₂ RE-INSPECTION FEE.

A re-inspection fee shall be paid for each re-inspection made necessary by incomplete, incompetent or negligent work. (Ord. 2007-501. Adopted 10-15-07.)

1309.06 MANDATORY INTERVAL INSPECTIONS.

~~—The Building Official may require some inspections to be performed at specific intervals during construction. These inspections require notification from the permit holder when the work is ready for such inspection. No work shall be performed to change or cover uninspected work.~~

~~(Ord. 2007-501. Adopted 10-15-07.)~~

1309.07 NOTICE BY PERMITTEE FOR INSPECTION AGENCY TO INSPECT.

~~—It shall be mandatory that the holder of a permit notify the proper inspection agency when work is ready for the various inspections required by the terms of the permit and this Building Code. Such notice shall be given within a reasonable time before the inspection is desired, but in no event shall be less than twenty-four (24) hours in advance. Notice given on a Friday or on a day prior to a legal holiday shall not constitute notice for inspection on a Saturday, Sunday or holiday unless arrangements have been made under approved rules for inspection on such days. Before giving such notice, the holder of the permit shall first test the work and satisfy himself that it conforms to the approved plans and specifications and the requirements of this Building Code.~~

~~(Ord. 2007-501. Adopted 10-15-07.)~~

1309.08 ACTION ON INSPECTION NOTICE.

~~—Upon receipt of notice that work is ready, inspection shall be as soon as reasonably practicable. However, failure to make a prompt inspection shall not be deemed justification for covering work without inspection when such work is required to be inspected before being covered. (Ord. 2007-501. Adopted 10-15-07.)~~

1309.093 COVERING WORK.

It shall be a violation of this Building Code to cover any work prior to the inspections required under the provisions of **an approval, permit,** the approved rules or this Building Code. The Building Official shall require **the owner or the owner's authorized representative to cause the work to remain accessible and exposed for inspection purposes and to uncover** any such work to be uncovered for inspection **when deemed necessary by the Building Official.** The cost of uncovering such work and of replacing the cover after the work has been found or made satisfactory shall not be borne by the County.

(Ord. 2007-501. Adopted 10-15-07.)

~~1309.10 FINAL INSPECTION.~~

~~—It shall be the duty of the Building Official to make or cause to be made a final inspection and examination of all buildings or structures included under the various classifications of this Building Code, hereafter erected, constructed, altered, repaired or added to, before any such building or structure is occupied, and if such building has been found to have been constructed in conformity with the provisions of this Building Code, to issue a written certificate thereof to the owner. See penalty Section 1301.99 for failure to comply.~~

~~(Ord. 2007-501. Adopted 10-15-07.)~~

1309.114 BUILDING USE AFTER CERTIFICATE OF OCCUPANCY.

A Certificate of Occupancy shall be **obtained issued** by the **applicant Building Official**. It shall be unlawful to occupy or use a building prior to the issuance of the Certificate of Occupancy. The **applicant Building Official** is obligated to certify that the building substantially complies with all provisions of **this Building Code** the **approved construction documents**. It shall be a violation of this Building Code if the applicant files false information on their application **for final inspection**, or if **he allows** the building **to be is** occupied before final inspection has been made and a Certificate of Occupancy **or Certificate of Completion** has been issued.

(Ord. 2007-501. Adopted 10-15-07.)

1309.12 RIGHT OF ENTRY.

~~—In the discharge of his duties, the Building Official or his authorized representative shall have the authority to enter under the conditions stated in the OBC or the RCO, any building, structure or premises in the interest of enforcing this Building Code.~~

~~(Ord. 2007-501. Adopted 10-15-07.)~~

1309.135 CO-OPERATION.

The assistance and co-operation of the police, fire and health departments and all other officials shall be given the Building Official as required in the performance of **his the Building Official's** duties.

(Ord. 2007-501. Adopted 10-15-07.)

1309.146 REMOVAL OF NOTICES.

It shall be a violation of this Building Code for any person, not authorized to do so by the Building Official, to remove or cause to be removed any notice or other matter posted or caused to be posted by the Building Official in the application of any provision of this Building Code.

(Ord. 2007-501. Adopted 10-15-07.)

1309.157 CHANGE OF OCCUPANCY.

(a) A Certificate of Occupancy shall be required for each building or structure whenever its use is changed from one occupancy class to another or for a part of a building or structure where its use is changed. The owner of the building or structure is required to obtain the Certificate of Occupancy in compliance with the Building Code. **Inspections shall be made in every case. Approvals and inspections for all requested changes are required. A structure or building changed, in whole or in part, shall not be occupied until the Certificate of Occupancy has been issued by the Building Official.**

(b) The **applicant owner or owner's authorized representative** shall make application and pay fees for **all the** Certificate of Occupancy **inspections.** ~~The premises shall comply with this Building Code before the change of occupancy is permitted.~~

(Ord. 2007-501. Adopted 10-15-07.)

1309.168 PLUMBING INSPECTIONS.

Effective June 1, 2001, the Summit County of Summit Department of Building Standards shall be responsible for plumbing inspections previously performed by the Summit County Combined General Health District pursuant to O.R.C. Section 3703.01.

(Ord. 2007-501. Adopted 10-15-07.)

TITLE THREE - ~~Licensing and Appeals~~

~~Chap. 1321. Contractor Registration Board.~~

~~Chap. 1323. Registration of Contractors.~~

Chap. 13251. Board of Building Appeals.

Chap. 13273. Appeal Procedure.

CHAPTER 1321

Contractor Registration Board

~~1321.01 Establishment and purpose.~~

~~1321.02 Composition of Board.~~

~~1321.03 Duties of Board.~~

~~1321.04 Revocation hearing, enforcement and appeal.~~

~~1321.05 Rules and regulations.~~

~~1321.01 ESTABLISHMENT AND PURPOSE.~~

~~—There is hereby created a Contractor Registration Board whose purpose shall be to advise the Building Official and to enforce the registration of all contractors doing business in the County of Summit.~~

~~(Ord. 2007-501. Adopted 10-15-07.)~~

~~1321.02 COMPOSITION OF BOARD.~~

~~—The Contractor Registration Board shall consist of nine (9) members who shall serve without compensation. Members shall be appointed by the County Executive for a term of three (3) years, upon confirmation by County Council. Should a vacancy occur on the Board, the County Executive shall, within thirty (30) days, appoint a new member to serve the balance of the unexpired term. All members of the Board, with the exception of the resident and fire services members, shall have established their principal place of business, defined as a business with a significant economic and physical presence, in the County of Summit for two successive calendar years prior to their appointment. The Board shall consist of one registered electrical contractor, one registered heating, ventilation and air conditioning contractor, one registered general residential contractor, one registered general commercial contractor, one design professional, one registered remodeling contractor, one member of a local fire department and one member of the general public who is a resident of the County of Summit. The County Executive may remove any member of the Board for inefficiency, neglect or malfeasance in office.~~

~~(Ord. 2007-501. Adopted 10-15-07.)~~

~~1321.03 DUTIES OF BOARD.~~

~~—The Contractor Registration Board shall have the following duties:~~

- ~~—(a) Advise and recommend to the Building Official necessary changes to the Building Code.~~
- ~~—(b) Hear complaints against registered contractors as directed to them by the Building Official. The Board may revoke a contractor's registration for good cause, including, but not limited to, the following:~~
 - ~~—(1) Misrepresentation of a material fact in obtaining a registration or the renewal thereof;~~
 - ~~—(2) Use of a registration in obtaining a permit for another unregistered contractor;~~
 - ~~—(3) Failure to secure permits, inspections or approvals as required by the Building Code;~~
 - ~~—(4) Workmanship or work not in conformity with the permit issued therefor;~~
 - ~~—(5) Conviction of a felony by the registrant, provided revocation is deemed necessary in the public interest;~~
 - ~~—(6) Suspension of a registration under Chapter 1323 three times within a five-year period;~~
 - ~~—(7) Dishonest or unfair practices in the conduct of a business or practice of a trade;~~
 - ~~—(8) Consumer fraud violations; and~~
 - ~~—(9) Violation of any provision of the this Building Code.~~
- ~~—(Ord. 2007-501. Adopted 10-15-07.)~~

~~1321.04 REVOCATION HEARING, ENFORCEMENT AND APPEAL.~~

- ~~—(a) No registration shall be revoked without notice and public hearing before the Contractor Registration Board. The registrant may appear with or without counsel. The Board may revoke a registration only for good cause upon a preponderance of the evidence.~~
- ~~—(b) Whenever a registration is revoked, the Building Official shall enforce the revocation by notification by certified mail to the registrant who shall surrender the registration to the Building Official. Any contractor whose registration has been revoked may not reapply for a registration until three (3) years after the date of revocation.~~
- ~~—(c) Whenever a registration is revoked, the registrant may appeal to the Board of Building Appeals as provided in Chapter 1325.~~

~~(Ord. 2007-501. Adopted 10-15-07.)~~

~~1321.05 RULES AND REGULATIONS.~~

~~—The Board shall have the power to adopt the necessary rules and regulations for conducting their own matters, and shall have such additional powers as may be provided elsewhere in this Building Code. The Board shall comply with requirements for open records and open meetings as provided in Article V, Sections 5.03 and 5.04 of the Charter of the County of Summit.~~

~~{Ord. 2007-501. Adopted 10-15-07.}~~

~~CHAPTER 1323~~

~~Registration of Contractors~~

~~1323.01 Definitions.~~

~~1323.02 Registration generally.~~

~~1323.03 Requirements for registration.~~

~~1323.04 Fees, expirations and revocation.~~

~~1323.05 Exceptions.~~

~~1323.06 Failure to register; stop work order.~~

~~1323.07 Registration revocation and suspension.~~

~~1323.08 Suspended registration restoration.~~

~~1323.09 Surrender of registration certificate; destruction of registration certificate.~~

~~1323.10 Appeal to Board of Building Appeals.~~

~~1323.99 Penalty.~~

~~-~~

~~1323.01 DEFINITIONS.~~

~~—Words and phrases shall have the following meanings:~~

~~—(a) “Contractor” means any person or entity that contracts or is employed to perform any work within the County that requires a permit. The person or entity obtaining the permit may be the owner, occupant or resident agent of the premises or contractor. “Contractor” does not include a person who is an employee of the person or entity obtaining the permit.~~

~~—(b) “General contractor” means a contractor as defined in subsection (a) hereof, who contracts with the owner, occupant or resident agent of the premises.~~

~~—(c) “Subcontractor” means a contractor who contracts with a general contractor or other subcontractor, but who does not contract directly with the owner, occupant or resident agent. For the purposes of this chapter, “contractor” shall include both general contractors and subcontractors.~~

~~—(Ord. 2007-501. Adopted 10-15-07.)~~

~~1323.02 REGISTRATION GENERALLY.~~

~~—(a) Certificate Required. No contractor shall perform any work within the County without a current Certificate of Contractor Registration from the Building Official. This registration requirement applies to the following contractors:~~

- ~~—Alarm~~
- ~~—Plumbing~~
- ~~—Carpentry~~
- ~~—Carpentry finish~~
- ~~—Communication wiring~~
- ~~—Concrete~~
- ~~—Demolition~~
- ~~—Drywall~~
- ~~—Underground fire service line installers~~
- ~~—Fire protection~~
- ~~—General contractor commercial~~
- ~~—General contractor residential~~
- ~~—General contractor remodeling~~
- ~~—Gutter~~
- ~~—Heating, ventilation and cooling (“HVAC”)~~
- ~~—Insulation~~
- ~~—Electrical~~
- ~~—Refrigeration~~
- ~~—Roofing commercial~~
- ~~—Roofing residential~~

- ~~—Siding~~
- ~~—Sign~~
- ~~—Sprinkler~~
- ~~—Structural steel~~
- ~~—Other as required by CBO~~

~~—(b) Failure to Register. Any contractor who fails to register by December 31, 2001 and continues to perform work in the County that requires a permit will be in violation of this chapter. Any contractor who is found to be performing work without a license in violation of this Chapter will be notified by the Building Official. Such contractor must register within ten days of notification and will be charged an additional administrative fee of twice the registration cost, as specified in Section 1323.04(a) herein.~~

~~(Ord. 2007-501. Adopted 10-15-07.)~~

~~1323.03 REQUIREMENTS FOR REGISTRATION.~~

~~—(a) An application for a Certificate of Contractor Registration shall be filed each year with the Building Official. An application may be filed no sooner than December 1 of the year preceding the period of registration.~~

~~—(b) The application shall include the following:~~

~~—(1) The name, address, business and home telephone number and federal tax identification number of the applicant, type of ownership (sole proprietorship, partnership, corporation) and the responsible parties for legal notification.~~

~~—(2) Contractors providing HVAC, sprinklers, electrical or underground fire service line services must also provide a copy of their current license from the state of Ohio.~~

~~—(3) The names, addresses and telephone numbers of municipalities within the County of Summit or contiguous counties where the applicant has done work.~~

~~—(c) Proof of insurance.~~

~~—(d) A contractor's bond in the amount of \$10,000.~~

~~(Ord. 2007-501. Adopted 10-15-07.)~~

1323.04 FEES, EXPIRATIONS AND REVOCATION.

~~—(a) The Building Official shall issue a Certificate of Contractor Registration upon submission of a complete application and the payment of a fee in the amount of \$100.00 for initial registration and \$50.00 for each renewal.~~

~~—(b) Any contractor who fails to register, submits an incomplete application, or submits an application containing false information, shall be notified in writing by certified mail. The contractor shall have thirty (30) days from the date of such notice to comply with all registration requirements.~~

~~—(c) The Certificate of Contractor Registration shall expire one year from the date issued or on the next quarterly expiration date following the year anniversary, whichever is later. The quarterly expiration dates are April 31st, July 31st, October 31st, and December 31st.~~

~~{Ord. 2007-501. Adopted 10-15-07.}~~

1323.05 EXCEPTIONS.

~~—This Chapter shall not apply to a homeowner who acts as his or her own general contractor; provided, however:~~

~~—(a) Each subcontractor of the homeowner shall be registered in accordance with the above sections.~~

~~—(b) The homeowner shall submit an affidavit to the Building Official identifying any subcontractor who will be performing construction services.~~

~~—(c) The homeowner's work shall comply with the applicable Building Code, ordinance, rule and regulation, and shall be inspected prior to being concealed or completed.~~

~~—(d) This Chapter shall not apply to a commercial, industrial, or rental property owner who acts as his or her own general contractor provided such owner:~~

~~—(1) Conforms with subsection (a), (b) and (c) above; and~~

~~—(2) Shall use electricians, plumbers, HVAC, and sprinkler contractors who are registered with County.~~

~~—(e) This Chapter shall not apply to any public utility company or its employees engaged in the manufacture, transmission or distribution of electrical energy for commercial purposes or any persons primarily engaged in the business of transmission of signals, communications or intelligence, is not an "electrical contractor" and is exempt from registration fees for installing, altering or extending electrical wiring which is for the exclusive use of manufacturing, transmitting or distributing electrical energy, subject to the limitations stated in Section 1307.11 of this Building Code.~~

(Ord. 2007-501. Adopted 10-15-07.)

~~1323.06 FAILURE TO REGISTER; STOP WORK ORDER.~~

~~—Any contractor performing work in the County in violation of this chapter may be ordered to stop all work in progress until proper registration, bond and insurance is obtained. The Building Official may, if the condition or situation warrants, obtain the assistance of other governmental agencies in the enforcement of this section.~~

~~{Ord. 2007-501. Adopted 10-15-07.}~~

~~1323.07 REGISTRATION REVOCATION AND SUSPENSION.~~

~~—Any contractor registered hereunder may be placed on probation by the Building Official for violation of this chapter or any other applicable provisions of the Building Code. Any such probation shall be put into effect by serving a notice thereof upon the contractor personally or by leaving a copy at his place of business as designated in the registration. Such notice shall specify the reason for the probation and the period of time, in no case exceeding 15 days, within which the condition causing the probation must be corrected. Unless such correction is made within such time, the registration will be revoked.~~

~~{Ord. 2007-501. Adopted 10-15-07.}~~

~~1323.08 SUSPENDED REGISTRATION RESTORATION.~~

~~—Upon showing by a contractor whose registration has been suspended that he has in good faith complied with all conditions at any time prior to the time specified in the notice of suspension, the Building Official may restore the registration.~~

~~{Ord. 2007-501. Adopted 10-15-07.}~~

~~1323.09 SURRENDER OF REGISTRATION CERTIFICATE; DESTRUCTION OF REGISTRATION CERTIFICATE.~~

~~—No contractor whose registration has been suspended or revoked shall fail, refuse or neglect to surrender the certificate of registration to the Building Official upon demand, nor shall any person conceal or destroy any license certificate during the year for which such registration was issued.~~

~~{Ord. 2007-501. Adopted 10-15-07.}~~

~~1323.10 APPEAL TO BOARD OF BUILDING APPEALS.~~

~~Chapter 1327 shall govern appeals to the Board of Building Appeals.~~

~~(Ord. 2007-501. Adopted 10-15-07.)~~

~~1323.99 PENALTY.~~

~~The penalty provisions set forth in Chapter 1301 shall govern violation of this chapter.~~

~~(Ord. 2007-501. Adopted 10-15-07.)~~

CHAPTER 13251

Board of Building Appeals

13251.01 Creation and appointment; hearing jurisdiction.

13251.02 Qualifications, terms and vacancy.

13251.03 Variances.

13251.04 Chairman and secretary.

13251.05 Rules of procedure; quorum.

13251.06 Disqualification for participation or interest.

13251.01 CREATION AND APPOINTMENT; HEARING JURISDICTION.

There is hereby created the Board of Building Appeals, consisting of ten (10) members. Members shall be appointed by the County Executive with the consent of Council and shall serve without compensation. The Board shall conduct hearings for any persons adversely affected by any order, decision or ruling of the Building Official upon a timely appeal ~~or the Contractor Registration Board~~. In conducting such hearings, the Board of Building Appeals shall have the authority to affirm, modify or reverse the order, decision or ruling.

(Ord. 2007-501. Adopted 10-15-07.)

13251.02 QUALIFICATIONS, TERMS AND VACANCY.

(a) The Board of Building Appeals shall consist of: one (1) registered architect, one (1) structural engineer, one (1) mechanical engineer, one (1) building contractor, one (1) real estate broker or salesperson, two (2) persons for the general public, one (1) attorney and one (1) for organized labor, and one (1) who will represent fire service. A majority shall constitute a quorum.

(b) Original appointments shall be for terms of one (1), two (2), three (3) and four (4) years and thereafter to serve for five (5) year terms. No member shall act on any matter in which he has any financial interest.

(c) Should a vacancy occur on the Board, the County Executive shall, within thirty (30) days, appoint a new member to serve the balance of the unexpired term.

(Ord. 2007-501. Adopted 10-15-07.)

13251.03 VARIANCES.

Except as otherwise provided in the OBC, the RCO, O.R.C. or other applicable provision of Ohio law, the Board of Building Appeals shall also have the authority to grant a variance from the terms of this Building Code where the variance would not be contrary to the public interest and where a literal enforcement of such Building Code provisions would result in unnecessary hardship. (Ord. 2007-501. Adopted 10-15-07.)

13251.04 CHAIRMAN AND SECRETARY.

The Board of Building Appeals shall select one (1) of its members to serve as its chairman, and the Building Official shall designate such ~~department~~ personnel ~~from his department~~ as required to act as secretary for the Board and to keep a detailed record of all Board proceedings on file in the County of Summit Department of Building Standards.

(Ord. 2007-501. Adopted 10-15-07.)

13251.05 RULES OF PROCEDURE; QUORUM.

(a) The Board of Building Appeals may adopt its own rules of procedure. A full and complete record of all proceedings of the Board shall be kept and be open to the public.

(b) A simple majority of the Board shall constitute a quorum to transact business and any vacancy shall not impair the right of remaining members to exercise authority.

(Ord. 2007-501. Adopted 10-15-07.)

13251.06 DISQUALIFICATION FOR PARTICIPATION OR INTEREST.

No member of the Board of Building Appeals shall review any question involving work on which ~~he~~ they or ~~his~~ their employer is or has been engaged or involved as a contractor or material dealer or superintendent, or for which ~~he~~ they or ~~his~~ their employer has prepared plans or specifications or in which ~~he~~ they ~~has~~ have any personal or financial interest whatever.

(Ord. 2007-501. Adopted 10-15-07.)

CHAPTER ~~1327~~3

Appeal Procedure

1327.01 Appeal time limit from action of Building Official ~~or Contractor Registration Board.~~

1327.02 Appeal grounds involving permit, material or equipment use, or code interpretation.

1327.03 Time limit of Board decision on appeal, rule change application.

1327.04 Fee for appeal or action.

1327.05 Opportunity for presentation.

1327.06 Appeal and action.

1327.07 Re-hearing.

1327.08 Enforcement of decisions.

1327.09 Appeal to Court.

~~1327.01 APPEAL TIME LIMIT FROM ACTION OF BUILDING OFFICIAL OR CONTRACTOR REGISTRATION BOARD.~~

A decision or order of the Building Official ~~or the Contractor Registration Board denying, revoking or suspending a license or registration in excess of three (3) weeks, or any other decision adversely affecting a licensee,~~ may be appealed to the Board of Building Appeals within ~~fifteen~~ thirty (1530) days of the effective date of the action.

(Ord. 2007-501. Adopted 10-15-07.)

~~1327.02 APPEAL GROUNDS INVOLVING PERMIT, MATERIAL OR EQUIPMENT USE, OR CODE INTERPRETATION.~~

Any person adversely affected by a decision of the Building Official refusing to grant a permit or extension of a permit, or a certificate of occupancy, or to permit the use of a particular material and/or equipment in a proposed structure, may appeal such decision within ~~fifteen (15)~~ thirty (30) days of the date of written decision of the Building Official either on the ground that the Building Code or rules legally adopted thereunder have been incorrectly interpreted in that particular case, or that there are no such Building Code or regulatory provisions covering the particular matter involved.

(Ord. 2007-501. Adopted 10-15-07.)

13273.03 TIME LIMIT OF BOARD DECISION ON APPEAL; RULE CHANGE APPLICATION.

The Board of Building Appeals shall determine all appeals within thirty (30) days after the filing thereof. Decisions of the Building Official shall be deemed to be written if it is noted on the copy of the permit kept at the site of the work and signed by the appropriate inspector or other authorized representative of the Building Official. The Building Official or any interested person may apply to the Board for a modification or for an approved rule at any time.

(Ord. 2007-501. Adopted 10-15-07.)

13273.04 FEE FOR APPEAL OR ACTION.

Each application for an appeal to the Board of Building Appeals from an action of the Building Official ~~or Contractor Registration Board~~ shall be accompanied by a fee as specified in Section 1307.04-3. Such fee shall be in addition to other costs authorized by law which shall be the expense of the person requesting the appeal. costs for research and investigation. Fees shall be deposited in accordance with applicable laws, including the payment for time of the secretary, payment for the preparation of transcript of hearings by a court reporter when deemed necessary or such similar expenses as the Board may authorize which shall be the expense of the person requesting the appeal.

(Ord. 2007-501. Adopted 10-15-07.)

13273.05 OPPORTUNITY FOR PRESENTATION.

Each appellant, the Building Official and any other person whose interests may be affected by the appeal, shall be given a fair opportunity to be heard orally, in person or by counsel, and to present written argument.

(Ord. 2007-501. Adopted 10-15-07.)

13273.06 APPEAL AND ACTION.

Except as otherwise provided in the O.R.C. or Ohio Administrative Code, as amended, the Board of Building Appeals shall review and decide appeals from rulings and actions of the Building Official in administering the Building Code, and shall hear and decide applications for modifications of approved rules. The decision of the Board in each instance shall be by not less than two (2) affirmative or two (2) negative votes of the membership of the Board, and shall be in writing and a copy thereof shall be furnished to the appellant.

(Ord. 2007-501. Adopted 10-15-07.)

~~13273~~.07 RE-HEARING.

The Board of Building Appeals shall, upon application of either the appellant or the Building Official, grant re-hearing before the Board in any case where new evidence is presented which in the opinion of the Chairman may justify such re-hearing. Such re-hearing shall not serve to stop execution of the previous decision of the Board pending the re-hearing except as directed by special action of the Board.

(Ord. 2007-501. Adopted 10-15-07.)

~~13273~~.08 ENFORCEMENT OF DECISIONS.

Decisions of the Board of Building Appeals, including all conditions, shall be enforced by the Building Official in keeping with deadlines set by the Board.

(Ord. 2007-501. Adopted 10-15-07.)

~~13273~~.09 APPEAL TO COURT.

Decisions of the Board of Appeals are appealable to the Court of Common Pleas of the County of Summit, Ohio. Such appeals shall be made within thirty (30) days after the entry of the final order appealed from, as provided in O.R.C. Section 3781.031, **as amended in and all other laws.**

(Ord. 2007-501. Adopted 10-15-07.)

TITLE FIVE - Local Provisions

Chap. 1341. Demolishing or Moving Buildings.

Chap. 1343. Unsafe Buildings.

Chap. 1345. Flood Damage Reduction.

CHAPTER 1341

Demolishing or Moving Buildings

1341.01 Notice of demolition or moving.

1341.02 Permits for moving buildings and structures required.

~~1341.03 Inspection prior to moving; supervision and specified conditions.~~

~~1341.04 Equipment to prevent pavement damage.~~

1341.053 Bond required.

1341.064 Deposit of certificate.

1341.075 Site restoration.

1341.086 Permit prior to demolition or razing.

1341.01 NOTICE OF DEMOLITION OR MOVING.

As a condition precedent to obtaining a permit, the owner, agent or person in control of a building or structure to be demolished or moved shall notify, in writing, the appropriate utility companies or public authorities serving the building and/or structure of **his their** intention to demolish or move such building or structure. Notice shall request the public utility company or public authority to disconnect such service.

(Ord. 2007-501. Adopted 10-15-07.)

1341.02 PERMITS FOR MOVING BUILDINGS AND STRUCTURES REQUIRED.

(a) When any person desires to move any building or structure, ~~he~~ they shall apply to the Building Official for a permit. A mover shall obtain a permit from the County Engineer's office for movement over County or Township roads.

(b) The Building Official shall take action to prevent any person from moving a building or structure without a permit as required by this Building Code.

(Ord. 2007-501. Adopted 10-15-07.)

~~1341.03 INSPECTION PRIOR TO MOVING; SUPERVISION AND SPECIFIED CONDITIONS.~~

~~—(a)— Before a permit is issued and within forty-eight (48) hours after an application therefor, the Building Official shall cause such building or structure to be inspected.~~

—

~~—(b)— If he finds that conditions require special inspection and supervision during the moving period, such inspection and supervision shall be agreed to in writing prior to a permit being issued. All costs related to special inspection and supervision~~

~~shall be paid by the mover. When the Building Official determines the building can be moved safely under specified conditions, he shall cause a permit to be issued.~~

~~(Ord. 2007-501. Adopted 10-15-07.)~~

~~1341.04 EQUIPMENT TO PREVENT PAVEMENT DAMAGE.~~

~~—All equipment for moving buildings and structures, except that provided with rubber treads, shall, during its use on streets, be provided with means to prevent picking up asphalt from the pavements. If the Building Official finds that such means are not in use when necessary, or are ineffective, he shall immediately order the work stopped until the necessary precautions are taken to prevent damage.~~

~~(Ord. 2007-501. Adopted 10-15-07.)~~

1341.053 BOND REQUIRED.

Before any permit is issued allowing the moving of any building or structure along any route, the applicant shall furnish a bond in an amount and with surety subject to the approval of the County Executive providing for the payment of any damages to property for the repair of which the County may be held responsible, whether such damage is caused by the person or ~~his~~ their agents, employees or workman; and, further, that the person shall hold the County harmless against any liabilities, judgments, damages, costs and expenses which may in any way accrue against the County in consequence of the granting of such permit or the performance of any work thereunder.

(Ord. 2007-501. Adopted 10-15-07.)

1341.064 DEPOSIT OF CERTIFICATE.

A deposit of a certificate or copy of a usual form public liability and property damage insurance policy showing the County Executive, the Township Trustees and the County Engineer, as named insureds under such policy, together with a surety bond or deposit of cash or securities of at least twenty-five thousand dollars (\$25,000) with the County Fiscal Officer, shall be required to equal or exceed the total of one hundred thousand dollars (\$100,000) to constitute sufficient security. All form of security deposits and bonds shall be approved by the County Prosecutor as to form. Bonds and deposits shall be held for ninety (90) days after the last moving job issued under them has been completed.

(Ord. 2007-501. Adopted 10-15-07.)

1341.075 SITE RESTORATION.

Whenever a building or structure is demolished or removed, the site shall be restored to a state that is free of dangers or hazards and as approved by the Building Official.

(Ord. 2007-501. Adopted 10-15-07.)

1341.~~086~~ PERMIT PRIOR TO DEMOLITION OR RAZING.

No building or structure shall be demolished or razed without prior issuance of a permit. Application for a permit shall be made on a form provided by the Building Official.

(Ord. 2007-501. Adopted 10-15-07.)

CHAPTER 1343 Unsafe Buildings

1343.01 Examination and record of unsafe buildings.

1343.02 Uncovering for inspection.

1343.03 Right of condemnation.

1343.04 Unsafe building orders.

1343.05 Posting unsafe building orders.

1343.06 Required response to order.

1343.07 Appeals.

1343.08 Disregard of unsafe building order.

1343.09 Discontinuance of service.

1343.10 No liability upon public utilities or public authorities.

1343.11 Vacating.

1343.12 Emergency work.

1343.13 Recovery of costs.

1343.01 EXAMINATION AND RECORD OF UNSAFE BUILDINGS.

The Building Official shall examine every building or structure reported or observed during process of inspection as damaged, dangerous, structurally unsafe, or constituting Building Code violations including, but not limited to health or fire hazard; and he shall

cause a report of such examination to be prepared and **kept in the records of the County of Summit Department of Building Standards, filed in a docket for unsafe or damaged structures and premises**, stating the use of the building or structure and the nature **and estimated amount** of any damage.

(Ord. 2007-501. Adopted 10-15-07.)

1343.02 UNCOVERING FOR INSPECTION.

Whenever it is established by inspection that a probable hazard to safety or health may exist, the Building Official shall have the right to require the removal or may remove lath, plaster, boarding, earth or other cover or obstruction concealing suspected unsafe conditions to permit adequate inspection thereof, but the extent of such removal shall be that reasonably necessary for such inspection.

(Ord. 2007-501. Adopted 10-15-07.)

1343.03 RIGHT OF CONDEMNATION/**CONDEMNATION ORDERS.**

(a) When a building or structure is or hereafter becomes unsafe, unsanitary or deficient in adequate exit facilities, or which is or constitutes a fire hazard, or is or becomes, in any way, dangerous to human life or the public welfare, or which, by reason of illegal or improper use, occupancy or maintenance, is or becomes unsafe, it may be ordered **demolished condemned** by the Building Official **by a written order hereinafter referred to as a "Condemnation Order"**. Such **Condemnation Order** shall be issued only after proper inspection and evaluation by the Building Official. The results of such evaluation and the professional opinion of the Building Official shall be the factors which determine the terms of the **Condemnation Order**.

(b) The Building Official may permit the owner to make proper repairs to the building or structure. Such repairs shall render the building or structure safe and secure as deemed necessary by the Building Official and as provided in this section or any other applicable laws, ordinances or resolutions.

(c) An uninhabitable and/or unused building which is open at door, window or other openings, shall conclusively be deemed a fire hazard and unsafe, unless it is permanently closed and protected in an approved manner.

(d) Upon the Building Official issuing the Condemnation Order, the city, village or township where the building or structure is located shall be responsible for the condemnation proceedings in accordance with their local zoning ordinances, Ohio Revised Code Chapter 5, Ohio Revised Code Chapter 7 and all other applicable laws.

(Ord. 2007-501. Adopted 10-15-07.)

1343.04 UNSAFE BUILDING ORDERS.

If a **building is condemned** or an unsafe or unsanitary condition is found in a building or structure, the Building Official shall serve on the owner, agent or person in control of the building or structure, a written order hereinafter referred to as an "**Unsafe Building Condemnation Order**". The **Condemnation Order** shall designate the building or structure, describing the repairs or improvements required to render the building or structure or its equipment or service facilities safe, secure and/or sanitary, ordering that such repairs or improvement be made or that the building or structure or equipment or service facilities or unsafe portion thereof be demolished within a period also stipulated in the order.

~~–Service of the written "Unsafe Condemnation Building Order" shall be by person or residence service, directed to the last known address of the owner, agent or person in control of such unsafe building.~~
(Ord. 2007-501. Adopted 10-15-07.)

1343.05 ~~POSTING NOTICE OF UNSAFE CONDEMNATION BUILDING ORDERS.~~

~~–If neither the owner, agent or person in control of such building or structure can be found within the County after reasonable diligent search, the unsafe building condemnation order shall be sent to one of them by registered or certified mail directed to his last known address, and a copy thereof shall be posted in a conspicuous place on such building or structure. Such procedure shall be deemed the equivalent of personal notice or service.~~

Notice of the Condemnation Order shall be served to the record owner as required by the Ohio Revised Code. A copy of the Condemnation Order may be posted in a conspicuous place on such building or structure.

(Ord. 2007-501. Adopted 10-15-07.)

1343.06 REQUIRED RESPONSE TO **CONDEMNATION ORDER**.

The person upon whom the ~~unsafe building Condemnation~~ Order is served is required to give notice, in writing, to the Building Official within forty-eight (48) hours of receipt of such order, stating whether ~~he they~~ intends to comply with the **unsafe building Condemnation Order**. ~~If the order is in the alternative, as to repair or demolition, the notice shall indicate what action is to be taken.~~

(Ord. 2007-501. Adopted 10-15-07.)

1343.07 APPEALS.

(a) The owner of any building or structure, against which an ~~unsafe building~~ **Condemnation Order** has been issued and served under this section, shall have the right to appeal such order to the Board of Appeals.

(b) Such appeal shall be presented in writing within ~~fifteen (15)~~ **thirty (30)** days after service of such ~~unsafe building~~ **Condemnation Order**, but shall not operate to stay any emergency action or the performance of any emergency work on such building or structure which the Building Official deems immediately necessary as provided under Section 1343.12., ~~nor shall such appeal be heard unless it contains statement of the specific reasons which the appellant contends support such allegations for their appeal.~~

(Ord. 2007-501. Adopted 10-15-07.)

1343.08 **DISREGARD VIOLATION OF UNSAFE CONDEMNATION BUILDING ORDER.**

~~(a)~~ Refusal of the person on whom an unsafe building Condemnation Order is served to comply ~~therewith~~, or upon ~~his~~ their failure or neglect to reply thereto stating ~~his~~ their intention **to comply with regard thereto**, or upon ~~his~~ **their** use of the ~~unsafe building~~ structure, equipment or service facilities in violation of the ~~unsafe building~~ **Condemnation Order** shall constitute a violation of this Building Code.

(b) An owner's failure to comply with a Condemnation Order is a violation of this Building Code.

(Ord. 2007-501. Adopted 10-15-07.)

1343.09 DISCONTINUANCE OF SERVICE.

~~(a)~~—The Building Official ~~shall~~ may furnish a copy of all unsafe building orders to the public utilities serving that building or structure which may be affected by the condition responsible for such order, and shall mark thereon a request that service being furnished the building or structure by such utility be discontinued when, in ~~his~~ the Building Official's opinion, the continuance of such service will constitute a hazard to the public.

~~(b)~~ ~~Upon receipt of notice, any person or business entity supplying such service shall promptly discontinue supply at the meter in the designated portion of the building or structure. It shall be unlawful for such person or business entity thereafter to continue such service or to restore the same until furnished with a copy of the certificate of approval from the Building Official, certifying that an inspection has been made, that the hazardous conditions have been corrected and that the affected service installation has been brought into substantial compliance with the requirements of this Building Code.~~

(Ord. 2007-501. Adopted 10-15-07.)

1343.10 NO LIABILITY UPON PUBLIC UTILITIES OR PUBLIC AUTHORITIES.

(a) No liability shall be imposed upon any public service company, business entity or public authority for failure to render service or for disconnecting service to any person or place where such failure of disconnection is based upon the nonissuance of a permit and/or certificate of approval by the Building Official, or upon an order hereunder by the Building Official to disconnect such service, including, but not limited to, the following:

(1) Failure or refusal to render services at any place which has not been issued a certificate of occupancy.

(2) Disconnection of service to a person or place upon receipt of an "**unsafe building Condemnation Order**".

(Ord. 2007-501. Adopted 10-15-07.)

1343.11 VACATING.

(a) When, in the opinion of the Building Official, there is actual and immediate risk of failure or collapse of a building or structure or any part thereof or the existence of defective equipment or service facilities such as to endanger life or health, or when any structure or part of a structure has fallen or failed and use or occupancy of the structure, equipment, service facility and/or equipment or part thereof would endanger life or health, **he the Building Official** is hereby authorized and empowered to order and require the occupants and inmates to vacate the same forthwith, and/or forthwith cease, desist and refrain from use or operation of the building, structure, equipment, service facility or part thereof which is deemed dangerous. If such order is made, **he the Building Official** shall cause to be posted a notice to the effect that "~~This the~~ Building is Unsafe and Its Use or Occupancy or Operation is Prohibited by Law".

(b) It shall be unlawful for any person thereafter to enter, use and/or operate such structure, or any part, equipment, service facility thereof. Repair or demolition personnel may enter after notice to the Building Official and issuance of permits.

(Ord. 2007-501. Adopted 10-15-07.)

1343.12 EMERGENCY WORK.

(a) In case there shall be, in the opinion of the Building Official, actual and immediate danger of failure or collapse of a building or structure or any part thereof, so as to endanger life or property, **he the Building Official** shall cause the necessary work to be done to

render such building or structure, or parts thereof, temporarily safe whether notice of unsafe conditions has been provided or not.

(b) For the purpose of carrying out the provisions of this section, the Building Official may employ such supervisors, workman, equipment and materials as may be necessary.

(Ord. 2007-501. Adopted 10-15-07.)

1343.13 RECOVERY OF COSTS.

(a) When the Building Official has found it necessary to cause emergency work to be performed, all costs thereby incurred in the performance of such work and the furnishing of materials, shall be promptly paid by the owner of the **building, structure or** premises on which such emergency work is performed; and if such owner, within thirty (30) days after such emergency work is performed fails, neglects or refuses to pay such costs, such costs shall be paid out of the General Fund on the certificate of the Building Official and the County Executive shall authorize the Fiscal Officer to certify the amount so paid to the Fiscal Officer.

(b) The County Fiscal Officer shall enter such amount on the tax duplicate of the County of Summit as a special assessment against the real estate which is the situs of the building or structure which required such emergency work and such assessment shall be collected as other taxes or assessments, and when collected, shall be paid to the Fiscal Officer to the credit of the General Fund.

(Ord. 2007-501. Adopted 10-15-07.)

CHAPTER 1345

Flood Damage Reduction

~~1345.01 General provisions.~~

~~1345.02 Definitions.~~

~~1345.03 Administration.~~

~~1345.04 Use and development standards for flood hazard reduction.~~

~~1345.05 Appeals and variances.~~

~~1345.06 Enforcement.~~

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1345.01 GENERAL PROVISIONS.

~~—(a) Statutory Authorization. This Chapter is adopted pursuant to authorization contained in Sections 307.37 and 307.85 of the Ohio Revised Code. This Chapter adopts regulations for areas of special flood hazard that are necessary for participation in the National Flood Insurance Program.~~

~~—(b) Findings of Fact. The County of Summit (Unincorporated Areas) 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, flood-proofed, 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 County of Summit (Unincorporated Areas) as identified in subsection (f) hereof, including any additional areas of special flood hazard annexed by the County of Summit (Unincorporated Areas).~~

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

~~— (1) Flood Insurance Study The County of Summit, Ohio and Incorporated Areas and Flood Insurance Rate Map The County of Summit, Ohio and Incorporated Areas, both effective July 20, 2009.~~

~~— (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 County of Summit (Unincorporated Areas) as required by Section 1345.04(c) Subdivisions and Large Scale 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 Department of Building Standards, 1030 East Tallmadge Avenue, Akron, Ohio 44310.~~

~~—(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 manmade 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 County of Summit (Unincorporated Areas), 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 as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.~~

~~(Ord. 2009-266. Adopted 6-29-09.)~~

~~1345.02 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.~~

~~Accessory Structure~~

~~A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.~~

Appeal

A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.

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.

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).

Basement

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

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.

Enclosure Below the Lowest Floor

See "Lowest Floor."

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.

Federal Emergency Management Agency (FEMA)

The agency with the overall responsibility for administering the National Flood Insurance Program.

Fill

A deposit of earth material placed by artificial means.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- ~~— 1. The overflow of inland or tidal waters, and/or~~
- ~~— 2. The unusual and rapid accumulation or runoff of surface waters from any source.~~

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.~~

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.~~

Flood Insurance Risk Zones

~~Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:~~

~~—Zone A:~~

~~Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.~~

~~—Zones A1-30 and Zone AE:~~

~~Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.~~

~~—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.~~

~~—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.~~

~~—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.~~

~~—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.~~

~~–Zone C and Zone X (unshaded):~~

~~Areas determined to be outside the 500-year floodplain.~~

~~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.~~

~~Flood Protection Elevation~~

~~The Flood Protection Elevation, or FPE, is the base flood elevation. 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.~~

~~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.~~

~~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.~~

~~Historic structure~~

~~Any structure that is:~~

~~1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the~~

Secretary of the Interior as meeting the requirements for individual listings on the National Register;

**2. ~~Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;~~
or**

3. ~~Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.~~

4. ~~Individually listed on the inventory of historic places maintained by The County of Summit (Unincorporated Areas)'s historic preservation program, which program is certified by the Ohio Historic Preservation Office.~~

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.~~

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. LOMCs are broken down into the following categories:~~

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.~~

Letter of Map Revision (LOMR)

~~A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric 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.~~

~~—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.~~

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.~~

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.~~

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.~~

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.~~

New construction

~~Structures for which the "start of construction" commenced on or after the initial effective date of the County of Summit (Unincorporated Areas) Flood Insurance Rate Map, April 15, 1981, and includes any subsequent improvements to such structures.~~

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 Revised Code Section 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.~~

Recreational vehicle

~~A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.~~

Registered Professional Architect

~~A person registered to engage in the practice of architecture under the provisions of Sections 4703.01 to 4703.19 of the Revised Code.~~

Registered Professional Engineer

~~A person registered as a professional engineer under Chapter 4733 of the Revised Code.~~

Registered Professional Surveyor

~~A person registered as a professional surveyor under Chapter 4733 of the Revised Code.~~

Special Flood Hazard Area

~~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, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone 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 flood prone soils associated with a watercourse.~~

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.~~

Structure

~~A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.~~

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 fifty percent (50%) 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 twenty-five percent (25%) of the market value of the structure before the damage occurred.~~

Substantial Improvement

~~Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:~~

- ~~1. Any improvement to a structure that is considered "new construction,"~~
- ~~2. 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~~
- ~~3. Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".~~

Variance

~~A grant of relief from the standards of these regulations consistent with the variance conditions herein.~~

Violation

The failure of a structure or other development to be fully compliant with these regulations.

~~—(Ord. 2009-266. Adopted 6-29-09; Ord. 2014-353. Adopted 8-18-14.)~~

1345.03 ADMINISTRATION.

~~—(a) Designation of the Floodplain Administrator. The Chief Building Official 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 1345.01(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.~~

~~—(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 nonresidential floodproofed structure as required in Section 1345.04 (e).~~
- ~~B. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1345.04 (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 1345.04 (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 1345.04 (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 1345.04(i)(1).~~
- ~~F. Generation of base flood elevation(s) for subdivision and large-scale developments as required by Section 1345.04(c).~~

~~(6) A floodplain development permit application fee set by the schedule of fees adopted by the County of Summit (Unincorporated Areas).~~

~~(e) Review and Approval of 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 1345.05.~~

~~—(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 five thousand dollars (\$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.~~

~~(3) Major utility facilities permitted by the Ohio Power Siting Board under Chapter 4906 of the Ohio Revised Code.~~

~~(4) Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Chapter 3734 of the Ohio Revised Code.~~

~~(5) 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 County of Summit (Unincorporated Areas) flood maps, studies and other data identified in Section 1345.01 (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 1345.04(c).~~

~~_____ B. It is the responsibility of the applicant to have technical data, required in accordance with this 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 planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the County Executive of the County of Summit (Unincorporated Areas), 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 County of Summit (Unincorporated Areas) 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 County of Summit (Unincorporated Areas) Flood Insurance Rate Map accurately represent the County of Summit (Unincorporated Areas) boundaries, include within such notification a copy of a map of the County of Summit (Unincorporated Areas) suitable for reproduction, clearly showing the new corporate limits or the new area for which~~

~~the County of Summit (Unincorporated Areas) 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 area 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 1345.05, 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.~~

~~—(l) 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. 2009-266. Adopted 6-29-09.)~~

~~1345.04 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 1345.01(f) or 1345.03(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 County of Summit (Unincorporated Areas) 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.~~

~~—(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 floodwaters 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 flooding.~~

~~— (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 requirement to submit technical data to FEMA in Section 1345.03(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. Where flood protection elevation~~

~~data are not available, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.~~

~~— (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.~~

~~— (8) In AO Zones, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.~~

~~— (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) to (3) and (5) to (8) hereof.~~

~~— (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 Agency Floodproofing Certificate, that the design and methods of construction are in accordance with subsection (e)(2)A. and B. hereof.~~

~~— (3) Where flood protection elevation data are not available, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.~~

~~— (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 floodwaters;~~

~~— (4) They shall be firmly anchored to prevent flotation;~~

~~— (5) Service facilities such as electrical and heating equipment shall be elevated or flood-proofed 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:~~

~~— 1. Meet the requirements to submit technical data in Section 1345.03(j)(1);~~

~~— 2. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;~~

~~— 3. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;~~

~~— 4. 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~~

~~— 5. Concurrence of the County Executive of the County of Summit (Unincorporated Areas) 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. Subsection (i)(1)B.1. and 3. to 5. hereof.~~

~~— (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 the 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 County of Summit (Unincorporated Areas) 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 1345.03(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. 2009-266. Adopted 6-29-09.)~~

~~1345.05 APPEALS AND VARIANCES.~~

~~— (a) Appeals Board Established.~~

~~(1) The County of Summit Board of Building Appeals is hereby appointed to serve as the Appeals Board for these regulations as established by County Code.~~

~~(2) Records of the Appeals Board shall be kept and filed in the Department of Building Standards, 1030 East Tallmadge Avenue Akron, Ohio 44310.~~

~~— (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 15 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 the County of Summit (Unincorporated Areas).~~

~~—(2) Public hearing. 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:

~~— A. The danger that materials may be swept onto other lands to the injury of others.~~

~~— B. The danger to life and property due to flooding or erosion damage.~~

~~— C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.~~

~~— D. The importance of the services provided by the proposed facility to the community.~~

~~— E. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.~~

~~— F. The necessity to the facility of a waterfront location, where applicable.~~

~~— G. The compatibility of the proposed use with existing and anticipated development.~~

~~— H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.~~

~~— I. The safety of access to the property in times of flood for ordinary and emergency vehicles.~~

~~— J. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.~~

~~— K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.~~

~~— (3) Variances shall only be issued upon:~~

~~— A. A showing of good and sufficient cause.~~

~~— B. A determination that failure to grant the variance would result in exceptional hardship 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.~~

~~— C. 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.~~

~~— D. A determination that the structure or other development is protected by methods to minimize flood damages.~~

~~— E. 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)(2)A. to K. hereof 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 Court. Those aggrieved by the decision of the Appeals Board may appeal such decision to the County of Summit Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.~~

~~(Ord. 2009-266. Adopted 6-29-09.)~~

~~1345.06 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 1345.03(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 therefore 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 first 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 County of Summit (Unincorporated Areas) in accordance with Chapter 1301 of the Codified Ordinances. Each day that such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the County of Summit (Unincorporated Areas) from taking such other lawful action as is necessary to prevent or remedy any violation. The County of Summit (Unincorporated Areas) shall prosecute any violation of these regulations in accordance with the penalties stated herein.~~

~~(Ord. 2009-266. Adopted 6-29-09.)~~

[ENTIRE FOLLOWING SECTION NEW - to replace Chapter 1345 struck above.]

**CHAPTER 1345
SPECIAL PURPOSE
FLOOD DAMAGE REDUCTION**

1345.01 General provisions.

1345.02 Definitions.

1345.03 Administration.

1345.04 Use and development standards for flood hazard reduction.

1345.05 Appeals and variances.

1345.06 Enforcement.

1345.01 GENERAL PROVISIONS

(a) Statutory Authorization

This resolution is adopted pursuant to authorization contained in Sections 307.37 and 307.85 of the Ohio Revised Code. This resolution adopts regulations for areas of special flood hazard that are necessary for participation in the National Flood Insurance Program.

(b) Findings of Fact

The County of Summit (Unincorporated Areas) 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 County of Summit (Unincorporated Areas) as identified in Section 1345.01 (f), including any additional areas of special flood hazard annexed by the County of Summit (Unincorporated Areas).

(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 Summit County, Ohio and Incorporated Areas, and Flood Insurance Rate Map Summit County, Ohio and Incorporated Areas, both effective April 19, 2016.
- (2) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the County of Summit (Unincorporated Areas) as required by Section 1345.04(c) Subdivisions and Other New 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 Department of Building Standards, ~~1030 Tallmadge Avenue, Akron, OH 44310.~~

(g) Abrogation and Greater Restrictions

These regulations are not intended to repeal any existing resolutions including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other resolution, the more restrictive shall be followed. These regulations are not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(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 manmade 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 County of Summit (Unincorporated Areas), 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 as

a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

1345.02 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.

Accessory Structure

A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Appeal

A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.

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.

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 lowest adjacent natural grade elevation plus the depth number (from 1 to 3 feet).

Basement

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

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.

Enclosure Below the Lowest Floor

See "Lowest Floor."

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.

Federal Emergency Management Agency (FEMA)

The agency with the overall responsibility for administering the National Flood Insurance Program.

Fill

A deposit of earth material placed by artificial means.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

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

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.

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.

Flood Insurance Risk Zones

Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

Zone A:

Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are not determined.

Zones A1-30 and Zone AE:

Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are determined.

Zone AO:

Special flood hazard areas inundated by the 100-year flood in any given year; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.

Zone AH:

Special flood hazard areas inundated by the 100-year flood in any given year; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

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.

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.

Zone C and Zone X (unshaded):

Areas determined to be outside the 500-year floodplain.

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.

Floodproofing

Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood Protection Elevation

The Flood Protection Elevation, or FPE, is the base flood elevation. 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.

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.

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.

Historic structure

Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
3. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.
4. Individually listed on the inventory of historic places maintained by the County of Summit (Unincorporated Areas)'s historic preservation program, which program is certified by the Ohio Historic Preservation Office.

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.

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. LOMCs are broken down into the following categories:

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.

Letter of Map Revision (LOMR)

A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric 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.

Conditional Letter of Map Revision (CLOMR)

A comment by FEMA regarding a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

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.

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 4781 of the Ohio Revised Code, as amended.

Manufactured home park

As specified in the Ohio Adm. Code 4781-12-01(K), 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. Manufactured home park does not include any tract of land used solely for the storage or display for sale of manufactured homes.

Mean sea level

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

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.

New construction

Structures for which the "start of construction" commenced on or after the effective date of a floodplain regulation adopted by Summit County (Unincorporated Areas) and includes any subsequent improvements to such structures.

For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM [April 15, 1981] or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

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 Rev. Code §111.15(A)(2) 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.

Recreational vehicle

A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Registered Professional Architect

A person registered to engage in the practice of architecture pursuant to Ohio Rev. Code §4703.01 and 4703.19.

Registered Professional Engineer

A person registered as a professional engineer pursuant to Ohio Rev. Code Chapter 4733.

Registered Professional Surveyor

A person registered as a professional surveyor pursuant to Ohio Rev. Code Chapter 4733.

Special Flood Hazard Area

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, A-130, or A99. Special flood hazard areas may also refer to areas that are flood prone 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 flood prone soils associated with a watercourse.

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.

Structure

A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to the ‘before damaged’ condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

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. This term includes structures, which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

Variance

A grant of relief from the standards of these regulations.

Violation

The failure of a structure or other development to be fully compliant with these regulations.

1345.03 ADMINISTRATION

(a) Designation of the Floodplain Administrator

The Chief Building Official 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, floodproofing 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 1345.01 (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.

(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 1345.04 (e).
 - B. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1345.03(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 1345.04 (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 1345.04 (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 1345.04(i)(1).

F. Generation of base flood elevation(s) for subdivision and other new developments as required by Section 1345.04 (c).

(6) A Floodplain Development Permit Application Fee set by the Schedule of Fees adopted by the County of Summit (Unincorporated Areas).

(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 Section 1345.03 (d) 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 the Floodplain Administrator is satisfied that the development proposed in the floodplain development application conforms to the requirements of this ordinance, the Floodplain Administrator shall issue the permit. All floodplain development permits shall be conditional upon the commencement of work within 180 days. A floodplain development permit shall expire 180 days 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 professional 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 Section 1345.03(k)(1), a Letter of Map Revision.
- (3) For new or substantially improved nonresidential structures that have been floodproofed in lieu of elevation, where allowed, the applicant shall supply a completed *Floodproofing Certificate for Non-Residential Structures* completed by a registered professional engineer or architect together with associated documentation.

(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 1345.05 of these regulations.

(i) Exemption from Filing a Development Permit

An application for a floodplain development permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$2500.

(j) State and Federal Development

- (1) Development that is funded, financed, undertaken, or preempted by state agencies shall comply with minimum NFIP criteria.
- (2) Before awarding funding or financing or granting a license, permit, or other authorization for a development that is or is to be located within a 100-year floodplain, a state agency shall require the applicant to demonstrate to the satisfaction of the agency that the development will comply with minimum NFIP criteria and any applicable local floodplain management resolution or ordinance as required by Ohio Revised Code Section 1521.13. This includes, but is not limited to:
 - A. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Commerce and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 4781-12.
 - B. Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
 - C. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
- (3) Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.
 1. Each federal agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget

request reflect consideration of flood hazards and floodplain management; and to prescribe procedures to implement the policies and requirements of EO 11988.

(k) Map Maintenance Activities

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that Summit County's flood maps, studies and other data identified in Section 1305.01(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 other new development proposals requiring the establishment of base flood elevations in accordance with Section 1345.04 (c).

B. It is the responsibility of the applicant to have technical data, required in accordance with Section 1345.03 (k)(1), 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 riverine 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 Section 1345.03(k)(1)1.

(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 planimetric details. Such a submission shall include

appropriate supporting documentation made in writing by the County Executive of the County of Summit (Unincorporated Areas) 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 County of Summit (Unincorporated Areas) 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 Summit County (Unincorporated Areas)'s Flood Insurance Rate Map accurately represent the County of Summit (Unincorporated Areas) boundaries, include within such notification a copy of a map of the County of Summit (Unincorporated Areas) suitable for reproduction, clearly showing the new corporate limits or the new area for which the County of Summit (Unincorporated Areas) has assumed or relinquished floodplain management regulatory authority.

(l) 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) 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 1345.05, Appeals and Variances.
- (4) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.

(m) Use of Preliminary Flood Insurance Rate Map and/or Flood Insurance Study Data

- (1) Zone A:
 - A. Within Zone A areas designated on an effective FIRM, data from the preliminary FIRM and/or FIS shall be reasonably utilized as best available data.
 - B. When all appeals have been resolved and a notice of final flood elevation determination has been provided in a Letter of Final Determination (LFD), BFE

and floodway data from the preliminary FIRM and/or FIS shall be used for regulating development.

(2) Zones AE, A1-30, AH, and AO:

- A. BFE and floodway data from a preliminary FIS or FIRM restudy are not required to be used in lieu of BFE and floodway data contained in an existing effective FIS and FIRM. However,
 - 1. Where BFEs increase in a restudied area, communities have the responsibility to ensure that new or substantially improved structures are protected. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data in instances where BFEs increase and floodways are revised to ensure that the health, safety, and property of their citizens are protected.
 - 2. Where BFEs decrease, preliminary FIS or FIRM data should not be used to regulate floodplain development until the LFD has been issued or until all appeals have been resolved.

- B. If a preliminary FIRM or FIS has designated floodways where none had previously existed, communities should reasonably utilize this data in lieu of applying the encroachment performance standard of Section 1345.04(i)(2) since the data in the draft or preliminary FIS represents the best data available.

(3) Zones B, C, and X:

- A. Use of BFE and floodway data from a preliminary FIRM or FIS are not required for areas designated as Zone B, C, or X on the effective FIRM which are being revised to Zone AE, A1-30, AH, or AO. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data to ensure that the health, safety, and property of their citizens are protected.

(n) 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) Require owners of substantially damaged structures 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.

1345.04 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 1345.01 (f), 1345.03 (l)(1), or 1345.03 (m):

(a) Use Regulations

(1) Permitted Uses

All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the County of Summit (Unincorporated Areas) are allowed provided they meet the provisions of these regulations.

(b) Water and Wastewater Systems

The following standards apply to all water supply, sanitary sewerage and waste disposal systems in the absence of any more restrictive standard provided under the Ohio Revised Code or applicable state rules:

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

(c) Subdivisions and Other New Developments

- (1) All subdivision proposals and all other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
- (2) All subdivision proposals and all other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
- (3) All subdivision proposals and all other proposed new development 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 requirement to submit technical data to FEMA in Section 1345.03 (k)(1)4 when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1345.04 (c)(4).

(d) Residential Structures

The requirements of Section 1345.04 (d) apply to new construction of residential structures and to substantial improvements of residential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1345.03 (m).

- (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 (1345.04(d)(1)) and construction materials resistant to flood damage (1345.04(d)(2)) 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. In areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.
- (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 to allow the automatic equalization of hydrostatic pressure 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 overthetop 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 Section 1345.04(d).

- (8) In AO and AH Zones, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

(e) Nonresidential Structures

The requirements of Section 1345.04 (e) apply to new construction and to substantial improvements of nonresidential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1345.03 (m).

- (1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1345.04 (d) (1)-(4) 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 Agency Floodproofing Certificate*, that the design and methods of construction are in accordance with Section 1345.04 (e)(2) A and B.
- (3) In areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

(f) Accessory Structures

Structures that are 600 square feet or less which are used for parking and storage only are exempt from elevation or dry floodproofing standards within zones A, A1-30, AE, AO, and AH designated on the community's FIRM. 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 floodwaters;
- (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 Section 1345.04 (d) (5) C.

(g) Recreational Vehicles

Recreational vehicles on sites within zones A, A1-A30, AE, AO, or AH 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 be placed on the site pursuant to a floodplain development permit issued under Sections 1345.03(c) and 1345.03(d), and meet all standards of Section 1345.04(d).

(h) Gas or Liquid Storage Tanks

- (1) Within zone A, A1-A30, AE, AO, or AH, new or substantially improved 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:
 1. Meet the requirements to submit technical data in Section 1345.03(k)(1);
 2. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
 3. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
 4. 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
 5. Concurrence of the County Executive of the County of Summit (Unincorporated Areas) 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 1345.04(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 the 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 County of Summit (Unincorporated Areas) 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 1345.03(k)(1)3 when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

1345.05 APPEALS AND VARIANCES

(a) Appeals Board Established

- (1) The County of Summit Board of Building Appeals is hereby appointed to serve as the Appeals Board for these regulations as established by Chapter 1327.
- (2) Records of the Appeals Board shall be kept and filed in the Department of Building Standards.

(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 Section 1345.05(d) of these regulations.

(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 15 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 the County of Summit (Unincorporated Areas).

(2) Notice for 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

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:

- A. The danger that materials may be swept onto other lands to the injury of others.
- B. The danger to life and property due to flooding or erosion damage.
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- D. The importance of the services provided by the proposed facility to the community.
- E. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
- F. The necessity to the facility of a waterfront location, where applicable.
- G. The compatibility of the proposed use with existing and anticipated development.
- H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
- I. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- J. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Variations 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 onehalf acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 1345.05(d)(3) A-K have been fully considered. As the lot size increases beyond onehalf 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.

(5) Procedure at Hearings

A. All testimony shall be given under oath.

B. 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.

C. The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.

D. The administrator may present evidence or testimony in opposition to the appeal or variance.

E. All witnesses shall be subject to cross-examination by the adverse party or their counsel.

F. Evidence that is not admitted may be proffered and shall become part of the record for appeal.

G. 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.

H. 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.

(6) Appeal to the Court

Those aggrieved by the decision of the Appeals Board may appeal such decision to the Summit County Court of Common Pleas, pursuant to Ohio Rev. Code Chapter 2506.

1345.06 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 1345.03 (i).
- (2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 1345.06 (c).
- (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 Section 1345.06 (c).

(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 therefore 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 first 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 County of Summit (Unincorporated Areas). Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the County of Summit (Unincorporated Areas) from taking such other lawful action as is

necessary to prevent or remedy any violation. The County of Summit (Unincorporated Areas) shall prosecute any violation of these regulations in accordance with the penalties stated herein.

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