

CODIFIED ORDINANCES OF GENEVA-ON-THE-LAKE

PART THIRTEEN - BUILDING CODE

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CODIFIED ORDINANCES OF GENEVA-ON-THE-LAKE
PART THIRTEEN - BUILDING CODE

CHAPTER 1301
Ohio Building Code

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CROSS REFERENCES

See sectional histories for similar State law
 Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261
 Power to enact further and additional regulations - see Ohio R.C. 3781.01
 Authorization by Board of Building Standards - see Ohio R.C. 3781.12
 Enforcement - see Ohio R.C. 3781.03, 3781.031, 3781.10, 3781.102, 3781.19
 Final jurisdiction - see Ohio R.C. 3781.04
 Application - see Ohio R.C. 3781.06, 3781.10, 3781.11
 Submission of plans - see Ohio R.C. 3791.04
 Dead bolt locks in apartment buildings - see Ohio R.C. 3781.103
 Smoke detection system for apartments and condominiums - see
 Ohio R.C. 3781.104
 Automatic sprinkler systems - see Ohio R.C. 3781.105, 3791.041 et seq.
 Fire suppression systems - see Ohio R.C. 3781.108
 Use of public buildings by handicapped persons - see Ohio R.C. 3781.111
 Abandoned service stations - see Ohio R.C. 3791.12 et seq.
 Safety standards for refuse containers - see Ohio R.C. 3791.21

1301.01 ADOPTION.

There is hereby adopted by the Municipality, the Ohio Building Code (OBC) and related codes as adopted by the Ohio Board of Building Standards, Department of Industrial Relations, effective January 1, 2016, and as identified and published in Division 4101:1 et seq. of the Ohio Administrative Code (OAC).

1301.02 PURPOSE.

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

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

The rules of the Board of Building Standards and proceedings shall be liberally construed in order to promote its purpose. When the Building Official finds that the proposed design is a reasonable interpretation of the provisions of this Code, it shall be approved. Materials, equipment and devices approved by the Building Official pursuant to Section 114 of the Ohio Building Code shall be constructed and installed in accordance with such approval.

(OBC 101.3)

1301.03 SCOPE.

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

An owner may exceed the requirements of the Ohio Building Code in compliance with Section 102.9 of the Ohio Building Code.

(b) Exceptions.

- (1) The Ohio Building Code applies to detached one-, two-, and three-family dwellings and structures accessory to those dwellings, only to the extent indicated in Section 310 of the Ohio Building Code;
- (2) Buildings owned by and used for a function of the United States Government;
- (3) Buildings or structures which are incident to the use for agricultural purposes of the land on which said buildings or structures are located, provided such buildings or structures are not used in the business of retail trade; for the purposes of this section, a building or structure is not considered used in the business of retail trade if fifty percent or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller (see Ohio R.C. 3781.06 and 3781.061);

- (4) Agricultural labor camps;
- (5) Type A or Type B family day-care homes, except for the inspection required for licensure by the Ohio Department of Jobs and Family Services (ODJFS). This required inspection shall be conducted by the certified building department having jurisdiction or the Division of Industrial Compliance and Labor in accordance with the inspection checklist found on the Board of Building Standard's website;
- (6) Buildings or structures which are designed, constructed, and maintained in accordance with federal standards and regulations and are used primarily for federal and state military purposes where the U.S. Secretary of Defense, pursuant to 10 U.S.C. Sections 18233(A)(1) and 18237, has acquired by purchase, lease, or transfer, and constructs, expands, rehabilitates, or corrects and equips, such buildings or structures as he determines to be necessary to carry out the purposes of Chapter 1803 of the U.S.C.
- (7) Manufactured homes constructed under "24 CFR Part 3280", "Manufactured Home Construction and Safety Standards", and within the scope of the rules adopted by the Ohio Manufactured Home Commission.
- (8) Sewerage systems, treatment works, and disposal systems (the tanks, piping and process equipment associated with these systems), regulated by the legislative authority of a municipal corporation or the governing board of a county or special district owning or operating a publicly owned treatment works or sewerage system as stated in division (A) of Ohio R.C. 6111.032, however a building that houses such process equipment is within the scope of this Code.
- (9) Building sewer piping.
- (10) Amusement rides and portable electric generators and wiring supplying carnival and amusement park rides regulated by the Ohio Department of Agriculture pursuant to Ohio R.C. 1711.50 et seq.
- (11) Structures directly related to the operation of a generating plant or major utility facilities regulated by the Power Siting Board. As a condition of the Power Siting Board's approval, the Building Department may be requested to review and inspect these structures for compliance with the rules of the Board of Building Standards. However, the Building Department has no enforcement authority.
- (12) Public water systems (the tanks, foundations, piping and process equipment associated with these systems) regulated by the Ohio Environmental Protection Agency in accordance with division (A) of Ohio R.C. 6109.07, however, a building that houses such process equipment is within the scope of this Code.
- (13) Private water systems (the tanks, foundations, piping and process equipment associated with these systems) regulated by the Ohio Department of Health in accordance with Ohio R.C. 3701.344, however, a building that houses such process equipment is within the scope of this Code.
- (14) Fixed or floating docks (including the electrical wiring, lighting, and fire protection systems serving the docks) at marinas or boatyards, unless the docks directly serve as a means of egress from, or an accessible route to, a regulated building located at the marina or boatyard.

- (15) Portable mobile vehicles which have been issued a Vehicle Identification Number (VIN) by the United States Department of Transportation. The vehicles have wheels and license plates and are intended for transportation on the public streets and highways. Examples of the exempt vehicles include, but are not limited to, recreational vehicles, book mobiles, blood mobiles, mobile medical imaging units, mobile concession trailers, network television transmission and production trailers used at sporting events, mobile restroom facilities, mobile pet grooming units, etc.
(OBC 101.2)

1301.04 COMPLIANCE.

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

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

(c) No owner shall proceed with the construction, erection, alteration or equipment of any building to which the Ohio Building Code is applicable until the plans or drawings, specifications, and data have been approved as Ohio R.C. 3791.04 requires, or the industrialized unit inspected at the point of origin. No plans or specifications shall be approved or inspection approval given unless the building represented would, if constructed, repaired, erected, or equipped comply with Chapters 3781 and 3791 of the Ohio Revised Code and any rule made under those chapters. (ORC 3791.04)

1301.05 EXISTING STRUCTURES.

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

The occupancy of any structure currently existing on the date of adoption of this Code shall be permitted to continue without change provided there are no orders of the Building Official pending, no evidence of fraud, or no serious safety or sanitation hazard. When requested, such approvals shall be in the form of a "Certificate of Occupancy for an Existing Building" in accordance with Section 111.2 of the Ohio Building Code.

Buildings constructed in accordance with plans which have been approved prior to the effective date of this Code are existing buildings.
(OBC 102.7)

1301.06 ORDERS AND VIOLATIONS.

(a) Adjudication Orders Required. When the Building Official denies any approval or takes action in response to findings of non-compliance, such action shall be initiated by issuing an adjudication order, prior to seeking any remedy, civil or criminal. Every adjudication order shall:

- (1) Clearly identify the section of law or rules violated.

- (2) Clearly identify, in a contrasting and obviously marked manner, all violations related to accessibility.
- (3) Specifically indicate which detail, installation, site preparation, material, appliance, device, addition, alteration to structures, construction documents, assemblages or procedures are necessary to change to comply with the order.
- (4) When issued to stop work, the order shall also clearly indicate the specific work that is required to cease, when the work must cease and the conditions under which the cited work will be permitted to resume. The order to stop work shall be given to the owner of the property involved, to the owner's agent and the person doing the work.
- (5) Include notice of the procedure for appeal and right to a hearing if requested within thirty days of the mailing of the order. The order shall also indicate that, at the hearing, the owner may be represented by counsel, present arguments or contentions orally or in writing, and present evidence and examine witnesses appearing for or against the owner.
- (6) Any hearing(s) scheduled for accessibility issues shall cause the Building Official or the appeals board to notify a local advocate organization for people with disabilities of the scheduled hearing. When a local advocate organization is not available, a state organization representing people with disabilities, such as the "Governor's Council on People with Disabilities" shall be notified.
- (7) Specify a reasonable period of time in which to bring the item(s) on the order into compliance.
- (8) Include the signature of the Building Official.
- (9) The order shall be sent by certified mail, return receipt requested, to the owner and any individual designated as a representative or agent by the owner in such matters.

(b) Response to Orders. The person receiving an order shall exercise their right to appeal within 30 days of the mailing of the order, comply with the order, or otherwise be released from the order by the Building Official.

(c) Prosecution and Penalties. When an owner fails to comply with subsection (b) hereof, the owner may be prosecuted and is subject to the penalty provided in Section 1301.99.

(d) Unlawful Continuance. Failure to cease work after receipt of an order to stop work is hereby declared a public nuisance. (OBC 109)

1301.07 UNSAFE BUILDINGS.

(a) Unsafe Buildings Defined. Structures or existing equipment that are unsafe or unsanitary due to inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life, shall be deemed a serious hazard. Where a building is found to be a serious hazard, such hazard shall be eliminated or the building shall be vacated, and where such building, when vacated, remains a serious hazard, it shall be razed.

(b) Orders, Injunction Proceedings. Where the Building Official finds that a building is a serious hazard and the owner of such building fails, in the time specified in an order from the Building Official, to eliminate such hazard, or to vacate or raze the building, the building official shall proceed under Ohio R.C. 3781.15.

(c) Restoration. Where the structure or equipment is determined to be unsafe by the Building Official, it is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are intended to be made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with Chapters 1 and 34 of the Ohio Building Code and this chapter.
(OBC 109)

1301.08 CONFLICT.

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

(b) Other Laws. The provisions of the Ohio Building Code shall not be deemed to nullify any provisions of state or federal law. The Municipality may make further and additional regulations, not in conflict with Ohio R.C. Chapters 3781 and 3791 or with the rules of the Board of Building Standards. However approval by the Board of Building Standards of any fixture, device, material, system, assembly or product of a manufacturing process, or method or manner of construction or installation shall constitute approval for their use anywhere in Ohio.

(c) Other Rules. As provided in division (B) of Ohio R.C. 3781.11, the rules of the Board of Building Standards shall supersede and govern any order, standard or rule of the Divisions of State Fire Marshal or Industrial Compliance in the Department of Commerce, and the Department of Health and of counties and townships, in all cases where such orders, standards or rules are in conflict with the rules of the Board of Building Standards, except that rules adopted and orders issued by the Fire Marshal pursuant to Ohio R.C. Chapter 3743 prevail in the event of a conflict.

The rules of the Board of Building Standards adopted pursuant to Ohio R.C. 3781.10 shall govern any rule or standard adopted by the Board pursuant to Ohio R.C. 4104.02 and 4105.011.
(OBC 102)

1301.09 ENFORCEMENT.

(a) Building Official. The Building Official is responsible for the enforcement of the rules of the Board and of Ohio R.C. Chapters 3781 and 3791 relating to the construction, arrangement, and the erection of buildings or parts thereof. All building officials shall conduct themselves in a professional, courteous, impartial, responsive, and cooperative manner. The Building Official shall render interpretations of this Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Code. Building Officials shall be responsible to assure that a system is in place to track and audit all projects, to assure that all Building Department personnel perform their duties in accordance with this section, and for the overall administration of a Building Department as follows:

(b) Applications and Plan Approvals. The Building Official shall receive applications, require or cause the submitted construction documents to be examined, ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this Ohio Building Code, and shall issue plan approvals for the construction, erection, alteration, demolition and moving of buildings and structures.

(c) Plan Examination by the Building Official. When the Building Department does not have in its full-time employ a certified master plans examiner, the certified Building Official shall examine construction documents to determine compliance with the rules of the Board if the registered design professional elects to submit construction documents that contain a written certification by the registered design professional indicating conformance with the requirements of the rules of the Board and Ohio R.C. Chapters 3781 and 3791.

(d) Orders. The Building Official shall issue all orders in accordance with Section 1301.06 to ensure compliance with the Ohio Building Code.

(e) Inspections.

(1) If the plans for the erection, construction, repair, alteration, relocating, or equipment of a building are subject to inspection by the Building Official, under Section 108 of the Ohio Building Code, the Building Official shall cause to be made such inspections, investigations, and determinations as are necessary to determine whether or not the work which has been performed and the installations which have been made are in conformity with the approved construction documents.

(2) Special inspections are as required under Section 1704 of the Ohio Building Code.

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

(g) Department Reports. The Building Official shall be responsible for the submission of reports and any requested special information to the Board of Building Standards as required in paragraph (F) of Rule 4101: 7-2-01 of the Administrative Code. Failure to submit these reports as required by rule or by special request or inquiry of the Board of Building Standards may be grounds for Board action as described in paragraph (F)(7) of Rule 4101:7-3-01 of the Administrative Code.

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

1301.99 PENALTY.

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

CHAPTER 1311
Property Maintenance Code

<p>1311.01 Definitions.</p> <p>1311.02 Nuisance determination; prohibition.</p> <p>1311.03 Notice and abatement.</p> <p>1311.04 Notices.</p> <p>1311.05 Required schedule for boarded structures.</p> <p>1311.06 Noncompliant boarded structures a nuisance.</p> <p>1311.07 Cooperating owners; special notice and abatement.</p>	<p>1311.08 Expedited procedure for failure to clean up garbage, litter, rubbish and refuse, and furniture and/or other materials; work by Village; collection of expenses without lien.</p> <p>1311.09 Chapter not exclusive.</p> <p>1311.10 Severability.</p> <p>1311.11 Civil penalty for failure to pay.</p> <p>1311.12 Transfer of ownership.</p> <p>1311.99 Penalty.</p>
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CROSS REFERENCES

Unsafe structures - see BLDG. Ch. 1341

Residential Rental Dwelling Standards - see BLDG. Ch. 1371

1311.01 DEFINITIONS.

As used in this chapter:

- (a) "Dangerous building or structure" means any building, structure or mobile home (on a foundation or otherwise) which contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is possible.
- (b) "Unsafe equipment" means any boiler, heating equipment, elevator, moving stairway, electrical wiring or device on the premises which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety to the public or its inhabitants.
- (c) "Building or structure unfit for human occupancy" means any building, structure or mobile home designed or used for human occupation which is unsanitary, vermin or rat infested, contains filth or contamination, or lacks potable water, ventilation, illumination or sanitary facilities.
- (d) "Blighted building" means any building, structure or mobile home in a significant state of disrepair, including but not limited to, broken windows and doors, boarded windows or doors, crumbling foundations, missing siding or walls, etc.

- (e) "Unsightly building" means any building, structure or mobile home with missing shingles or peeling paint; or with broken or unsafe stairway, porches, fences or retaining walls.
- (f) "Dangerous landscaping" means trees, shrubs or other plants which extend out into sidewalks or the right of way in such a manner as to interfere with pedestrian or vehicular traffic. Dangerous landscape further includes residual debris and holes in the ground, including uncovered basements, left after the passage of thirty days from the beginning of a demolition.
- (g) "Owner" means the owner of record of the premises in fee or any lesser estate therein, a mortgagee or vendee in possession, assignee of the rents, receiver, executor, administrator, trustee, lessee or other person in control of the premises or their duly authorized agents including but not limited to property managers.
- (h) "Demolition material" means all material, including but not limited to, rock, stone, concrete, and asphalt which is used in construction, mining, building maintenance, or road or street maintenance.
- (i) "Furniture and/or Other Materials" means those items manufactured to be used inside a building or structure, such as, but not limited to, couches and chairs (conventional or overstuffed), mattresses, box springs, water closets, sinks, cabinets, tables, game tables, or other similar items manufactured to be used for interior purposes.
- (j) "Garbage" means all putrescible matter, including but not limited to animal or vegetable wastes or feces, whether solid, liquid or mixed, which attends, exists, or is created or accumulates within the Village.
- (k) "Litter" includes any garbage, waste, peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of vehicles, wagons, furniture, glass, oil of an unsightly or unsanitary nature, or anything else of an unsightly or unsanitary nature.
- (l) "Rubbish or refuse" means all natural or manmade matter, whether putrescible or non-putrescible, combustible or noncombustible and including but not limited to ashes, paper, tin, tin cans, bottles, glass, a non-permitted temporary sign, a temporary sign when its temporary sign permit has expired, vegetable material, brush, grass, leaves, wrappings, cardboard, trees, shrubs, crockery, dead animals, furniture or appliances (or parts thereof), industrial waste, waste of a dangerous or explosive nature, septic tank cleanings, demolition matter, rubber tires, rubber products, metal, motor vehicle parts or pieces, engines and motors or parts thereof, any upholstered furniture not manufactured, designed, and intended for exterior use, or any similar object which is not clearly intended for outdoor use on the premises.
- (m) "Public nuisance" means any yard, land or lot, fence, wall, garage, shed, house, building, structure, sign, tree, pole, smoke stack, or any excavation, basement, cellar, well, cistern or sidewalk subspace or part thereof:
 - (1) Having an accumulation of demolition material, garbage, litter, rubbish or weeds, which accumulation creates a danger to health, life, limb or property; or
 - (2) Which will cause hurt, harm, discomfort, damage or injury to the public or to any considerable number of persons in the Village or to members of the public by reason of any one or more of the following:
 - A. Being detrimental to the general health of the community,
 - B. Being a fire hazard,

- C. Being unsafe for occupancy, or use,
 - D. Being an attractive nuisance to children,
 - E. Lack of reasonable or adequate maintenance of structures, and grounds, causing deterioration and blighting influence on nearby properties and thereby depreciating the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community,
 - F. Having a condition which violates a provision of the Building and Housing Code adopted in Chapter Thirteen of the Codified Ordinances of the Village of Geneva on the Lake, Ohio,
 - G. Being a bench billboard which has fallen into such a state of disrepair or has suffered such damage and wear so as to no longer be in compliance with the Village's Housing and Building Code or is otherwise dangerous to use,
 - H. A sign which prohibited under Section 1133.05 of the Codified Ordinances of the Village of Geneva on the Lake, Ohio.
- (n) "Public nuisance" shall also mean any yard, land, or lot, or part thereof, other than a yard or lot zoned or legally used, for any use first permitted by Chapter Eleven of the Codified Ordinances of the Village of Geneva on the Lake which has placed or stored thereupon any used washer, dryer, refrigerator, dishwasher, stove, range, oven, freezer, water heater or other like major appliance, including, but not limited to, any yard, land, or lot or part thereof, upon which any such major household appliance is placed for purposes of outdoor sales and/or outdoor display.
(Ord. 2017-24. Passed 5-15-17.)

1311.02 NUISANCE DETERMINATION; PROHIBITION.

(a) When a reasonable basis to believe that a public nuisance exists, the Police Chief or his/her designee shall inspect or cause the inspection of the premises on which such public nuisance is believed to exist. The Fire Chief may and, upon request of the Police Chief or his/her designee, shall inspect or cause the inspection of the premises on which a public nuisance is believed to exist.

(b) No owner or occupant of a premises shall permit the existence of a public nuisance to continue on such premises. (Ord. 2017-24. Passed 5-15-17.)

1311.03 NOTICE AND ABATEMENT.

(a) If, upon inspection, it is determined that a public nuisance exists, then the Police Chief or his/her designee shall send or deliver a written notice in accordance with Section 1311.07 of this chapter to abate such public nuisance to each owner or occupant, or both, who caused or permitted the public nuisance to exist. Such notice shall identify the public nuisance and require the owner or occupant, or both, to abate the public nuisance within seven (7) days of such notice if the public nuisance is litter or rubbish and in all other cases within thirty (30) days of such notice either by the removal of the public nuisance or the repair of the public nuisance. Failure to abate the public nuisance within seven (7) or thirty (30) days of such notice, as provided herein, may cause the Village to abate the public nuisance at the expense of the owner or occupant, or both, who caused or permitted such public nuisance to exist.

(b) The Police Chief or his/her designee shall prepare or cause the preparation of a written report, including photographs, of every public nuisance for which a notice to abate is issued. All such reports shall remain on file with the Mayor's Office until the public nuisance is abated. (Ord. 2017-24. Passed 5-15-17.)

1311.04 NOTICES.

(a) Whenever the Police Chief or his designee determines that there has been a violation of any provision of this chapter, he, or his designee, may give notice of such violation to the person responsible therefor and order compliance with this chapter as hereinafter provided. Such notice and order shall:

- (1) Be put in writing on an appropriate form;
- (2) Include a list of violations, refer to the section or sections of this chapter violated and order remedial action which, if taken, will effect compliance with the provisions of this chapter;
- (3) Specify a reasonable time for performance;
- (4) Advise the owner, operator or occupant of the procedure for appeal, except emergency orders issued pursuant to Section 1311.07(b)
- (5) Be served on the owner or occupant in person or by certificate of mailing to his last known mailing address, residence, or place of business, and a copy is posted in a conspicuous place in or on the dwelling affected. The mailing shall be evidenced by a certificate of mailing, and service shall be deemed complete on the date of mailing. The mailing shall be evidenced by a certificate of mailing, and service shall be deemed complete on the date of mailing, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery.
- (6) The notice and order may, in the alternative, be served by leaving it at his last known residence or place of business in the presence of a family member or other responsible person of suitable age and discretion who shall be informed of the general nature of the contents thereof. If service is not accomplished by any of the above means, then a notification of the existence of the notice and order may be published at least once in a local newspaper of general circulation.

(b) Any person aggrieved by the determination of the Police Chief or his/her designee shall have a period of ten (10) days from receipt of the notice to file a written appeal to the Village Planning Commission. There shall be a \$50.00 filing fee paid by the aggrieved party to the Village for any appeal filed. Said appeal shall provide the name, address and phone number of the appealing party, the address of the violation, and the basis for disputing the Village determination that the property violates Chapter 1311. Said appeal shall be heard by the Village Planning Commission within forty-five (45) days, and the Administrator shall insure that the person filing the appeal has at least five (5) days' notice of said hearing. The Commission shall take testimony from the party appealing and from the Village, shall make written findings and shall issue a written decision. Any party aggrieved by the Planning Commission shall have twenty-eight (28) days from receipt of the date of decision to appeal to the Ashtabula County Common Pleas Court.

(c) In instances where a dangerous building or dangerous landscape becomes an imminent threat and danger to the occupant or to the public, and, in the case of a dangerous building, the same is supported by an affidavit from a registered engineer, county health official, State Fire Marshal or certified Building Official, the Police Chief and his/her designee may take immediate steps to eliminate the imminent threat to the public without waiting for the remedial period or an appeal, including demolition, removing occupants from the dwelling and any other measures necessary to protect the public.

(d) Upon failure of the owner to comply with the provisions of this chapter within the time limit following service of the "Notice of Violation", the Village may remediate dangerous landscaping, remove trash and rubbish, make repairs or demolish a building in order to abate the public nuisance.

(e) If the Village makes such remediation, repairs, removal or demolition pursuant to this section, the costs shall be borne by the owner, which shall include all costs incurred by the Village, including cost of performing the work, engineering or other experts and costs, if any, of borrowing funds to complete the work, together with an administrative fee of twenty percent (20%) of the total costs.

(f) The expenses of the abatement shall be determined and billed to the property owner by regular mail. If the bill is not paid within ten (10) days following the date of mailing, the Fiscal Officer shall certify to the County Auditor the action taken under this chapter, a statement of the charges for such action, and a proper description of the premises, for the purpose of making the same a lien upon such land to be collected as other taxes and returned to the Village General Fund in accordance with Ohio R.C. 731.54.
(Ord. 2017-24. Passed 5-15-17.)

1311.05 REQUIRED SCHEDULE FOR BOARDED STRUCTURES.

(a) The owner of a structure known to have been boarded up for one hundred eighty (180) days shall receive from the Police Chief or his/her designee a "Notice to Elect Whether to Rehabilitate, Sell, or Demolish the Structure." Within ninety (90) days after the aforesaid Notice to Elect is sent to the owner, the owner of the structure (hereafter termed "owner") shall prepare a proposal to sell, demolish, or rehabilitate said structure including a timetable for completing said proposal. Police Chief or his/her designee shall examine the owner's proposal and timetable to see if it is a reasonable response to the condition of the structure. Provided there is a timely start and adequate progress, a timetable of as long as fifteen (15) months can be approved by the Police Chief or his/her designee.

(b) If the Police Chief or his/her designee determines that the proposed timetable to sell, demolish, or rehabilitate the structure is reasonable, and the proposed work program will result in bringing the structure into compliance with law, then the owner's proposal shall be approved by the Police Chief or his/her designee, and further Village enforcement shall be withheld as long as the property remains secure, and the timetable and work program are fulfilled.

(c) If the Police Chief or his/her designee determines that the timetable is unreasonable, or that the proposed work program will not bring the structure into compliance with the law, then the Police Chief or his/her designee shall disapprove the proposal, state the reasons therefor in writing, and continue enforcement action to require the repair or demolition of the structure.

(d) Sale. If the approved proposal calls for sale of the property, then the property shall be continuously listed on the Multiple Listing Service at a price deemed reasonable by the Police Chief or his/her designee, considering the conditions of the structure and the value of the underlying property. The listing must commence within thirty (30) days of the approval of the proposal.

(e) Demolition. If the approved proposal calls for demolition of the property, then the necessary approvals (historical or other) must be sought in a timely manner, all necessary submissions being completed within thirty (30) days of the approval of the proposal. Once all needed approvals have been received, the structure's demolition must begin within thirty (30) days and be continuously pursued.

(f) Rehabilitation. If the approved proposal calls for the rehabilitation and repair of the structure, then all trash, debris, and other contents impeding the necessary examinations by contractors and inspectors, shall be removed within thirty (30) days of the approval of the proposal. Thereafter the approved timetable and work program shall be fulfilled on schedule, or the Police Chief or his/her designee shall commence an action to force repair or demolition. The approved rehabilitation program shall be subject to the same requirements for building permits, zoning approvals, and such other regulatory approvals as apply to other structures within the Village. (Ord. 2017-24. Passed 5-15-17.)

1311.06 NONCOMPLIANT BOARDED STRUCTURES A NUISANCE.

It is hereby found that structures which have been boarded up for more than one hundred eighty (180) days, have been the subject of a "Notice to Elect" pursuant to Section 1311.08 for longer than ninety (90) days, yet still have no approved proposal, are in fact public nuisances. This finding reflects the blighting influence of such structures, their tendency to become attractive nuisances, their tendency to harbor rats and vermin, and the accelerated decay common to such structures. Therefore, while noncompliant owners are subject to the penalties referenced in Section 1311.99, the structures themselves are to be the subject of appropriate proceedings to mandate the abatement of the public nuisance. (Ord. 2017-24. Passed 5-15-17.)

1311.07 COOPERATING OWNERS; SPECIAL NOTICE AND ABATEMENT.

When, upon inspection, it is determined that a public nuisance exists in the form of litter, rubbish, or refuse as defined in Section 1311.01 at a single-family dwelling unit, then the Police Chief or his/her designee shall send or deliver a written notice to abate such public nuisance to each owner and to the tenant who caused or permitted the public nuisance to exist. Such notice served on the tenant shall identify the public nuisance and require the tenant to abate the public nuisance within seven (7) days of such notice and such notice served on the owner shall identify the public nuisance and require the owner to abate the public nuisance within fourteen (14) days of such notice either by the removal of the public nuisance or the repair of the public nuisance. Failure to abate the public nuisance within fourteen (14) days of such notice being served on both the owner and tenant, as provided herein, may cause the Village to abate the public nuisance at the expense of the owner or tenant, or both, who caused or permitted such public nuisance to exist. (Ord. 2017-24. Passed 5-15-17.)

1311.08 EXPEDITED PROCEDURE FOR FAILURE TO CLEAN UP GARBAGE, LITTER, RUBBISH AND REFUSE, AND FURNITURE AND/OR OTHER MATERIALS; WORK BY VILLAGE; COLLECTION OF EXPENSES WITHOUT LIEN.

(a) The owner, occupant or person having the charge or management of any lot or parcel of land situated within the Village, whether the same be improved or unimproved, vacant or occupied, shall properly dispose any and all garbage, litter, rubbish and refuse, or furniture and/or other material located on such lot or parcel of land in violation of the provisions of this Chapter 1311. Upon being notified in writing by the Police Chief or his/her designee to do so, such owner, occupant or person in charge or having the management of any such lot or parcel of land shall properly dispose any and all garbage, litter, rubbish and refuse, or furniture and/or other materials located on such lot or parcel of land in violation of the provisions of this Chapter 1311 within five (5) days of the date of service of such notice. Such notice shall conform to the provisions of subdivision (b) of this Section 1311.11.

- (b) The notice specified in subdivision (a) shall:
- (1) Be put in writing on an appropriate form;
 - (2) Include a list of violations, refer to the section or sections of this chapter violated and order remedial action which, if taken, will effect compliance with the provisions of this chapter;
 - (3) Specify a reasonable time of five (5) days or more for performance;
 - (4) 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 ordinary mail to his last known mailing address, residence, or place of business, and a copy is posted in a conspicuous place in or on the land affected. The mailing shall be evidenced by a certificate of mailing, and service shall be deemed complete on the date of mailing.

(c) If the owner, occupant or agent having the charge or management of any lot or parcel of land situated within the Village fails to comply with the notice provided for in this section within five (5) days from the time of service thereof, the Police Chief or his/her designee shall cause such garbage, litter, rubbish and refuse, furniture and/or other materials located on such lot or parcel of land to be removed and disposed of. He shall, with the assistance of the Village Solicitor, cause the cost of such removal and disposal to be collected through such legal processes as are available to the Village for the collection of such debts. All expenses so incurred, including charges for all services and service of notice, the use of machinery, equipment, landfill fees and labor necessary for removal of such garbage, litter, rubbish and refuse, or furniture and/or other material from such lot or parcel of land and disposed of, may be charged to such owner, occupant or agent having the charge or management of any lot or parcel of land on which the Village caused such garbage, litter, rubbish and refuse, or furniture and/or other materials to be removed and disposed of and upon whom the notice specified in subdivision (a) of this Section 1311.08 was served in accordance with subdivision (b) of this Section 1311.08. (Ord. 2017-24. Passed 5-15-17.)

1311.09 CHAPTER NOT EXCLUSIVE.

This chapter shall not be deemed to be a limitation or restriction on the authority of any department, division, official or employee of the Village, but shall be deemed as an enlargement of any authority existing by virtue of the statutes of the State of Ohio, or any ordinance heretofore enacted by Council. (Ord. 2017-24. Passed 5-15-17.)

1311.10 SEVERABILITY.

Should any section or provision of this chapter be held by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this chapter as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.
(Ord. 2017-24. Passed 5-15-17.)

1311.11 CIVIL PENALTY FOR FAILURE TO PAY.

In the event any person fails to pay a sum, required to be paid to the Village under this Chapter (hereinafter the "principal sum"), within ninety (90) days after the sum becomes due and owing to the Village, a civil penalty is imposed on such person equal to thirty-three and thirty-three one-hundredths percent (33.33 %) of the sum of the following two items:

- (a) The unpaid principal sum due and owing to the Village under this Chapter,
 - (b) Court costs incurred in obtaining a judgment against such person for the unpaid principal sum due and owing to the Village under this Chapter.
- (Ord. 2017-24. Passed 5-15-17.)

1311.12 TRANSFER OF OWNERSHIP.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Police Chief or his/her designee and shall furnish to the Police Chief or his/her designee a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.
(Ord. 2017-24. Passed 5-15-17.)

1311.99 PENALTY.

Whoever violates or fails to comply with any provision of this chapter shall be fined not more than one hundred fifty dollars (\$150) on a first offense and for a second offense, shall be fined not more two hundred fifty dollars (\$250.00) or imprisoned not exceeding thirty (30) days, or both. (Ord. 2017-24. Passed 5-15-17.)

**CHAPTER 1321
Flood Damage Reduction**

1321.01	General provisions.	1321.05	Appeals and variances.
1321.02	Definitions.	1321.06	Enforcement.
1321.03	Administration.		
1321.04	Use and development standards for flood hazard reduction.		

CROSS REFERENCES

Adoption by reference - see Ohio R.C. 731.231
Flood insurance - see Ohio R.C. 3925.34(C), 3941.122(A)(1)

1321.01 GENERAL PROVISIONS.

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

(b) Findings of Fact. The Village of Geneva on the Lake has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

(c) Statement of Purpose. It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

- (6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- (8) Minimize the impact of development on adjacent properties within and near flood prone areas;
- (9) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- (10) Minimize the impact of development on the natural, beneficial values of the floodplain;
- (11) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- (12) Meet community participation requirements of the National Flood Insurance Program.

(d) Methods of Reducing Flood Loss. In order to accomplish its purposes, these regulations include methods and provisions for:

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

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

(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 Rate Map for Ashtabula County, Ohio and Incorporated Areas effective August 28, 2019 Flood Insurance Study for Ashtabula County, Ohio and Incorporated Areas effective August 28, 2019
- (2) Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.
- (3) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the Village of Geneva on the Lake as required by Section 1321.04(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 4929 S Warner Road, Geneva on the Lake, OH.

(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 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 man made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the Village of Geneva on the Lake, 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. 2019-55. Passed 7-15-19.)

1321.02 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.

Breakaway wall

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Coastal high hazard area

An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast, and any other area subject to high velocity wave action from storms or seismic sources. A coastal high hazard area is identified on a community's FIRM by the designation of zone VE.

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.

Zone V

Coastal special flood hazard area subject to a 100-year flood from velocity hazard (wave action); base flood elevations are not determined.

Zone VE and V1-30

Coastal special flood hazard area subject to a 100-year from velocity hazard (wave action); base flood elevations are determined.

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 Geneva on the Lake'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.

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.

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.

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 Geneva on the Lake 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 [December 4, 1979] 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, A1 30, A99, or V, VE. 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 damage also means flood related damage sustained by a structure on two (2) separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred

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. (Ord. 2019-55. Passed 7-15-19.)

1321.03 ADMINISTRATION.

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

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

- (1) Evaluate applications for permits to develop in special flood hazard areas.
- (2) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- (3) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- (4) Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- (5) Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, floodproofing certificates, VE-zone construction certifications, 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 1321.01(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 1321.04(e).
 - B. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1321.04(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 1321.04(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 1321.04(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 1321.04(i)(1).

- F. Generation of base flood elevation(s) for subdivision and large-scale developments as required by Section 1321.04(c).
- G. Certification of structural design and methods of construction for VE zone construction as required by Section 1321.04(j)(1).
- H. Certification of breakaway wall design, when applicable, as provided in Section 1321.04(j)(2).

(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 1321.03(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 subsection (k)(1) hereof, 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 (Variance Board for Counties) in accordance with Section 1321.05 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.
 - A. 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 [COMMUNITY'S NAME] flood maps, studies and other data identified in Section 1321.01(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 subsection (c) hereof.
- B. It is the responsibility of the applicant to have technical data, required in accordance with subsection (k)(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 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 subsection (k)(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 Mayor of Geneva on the Lake and may be submitted at any time.
- (3) Annexation/Detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the Village of Geneva on the Lake have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Village of Geneva on the Lake's Flood Insurance Rate Map accurately represent the Village of Geneva on the Lake boundaries, include within such notification a copy of a map of the Village of Geneva on the Lake suitable for reproduction, clearly showing the new corporate limits or the new area for which the Village of Geneva on the Lake 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 1321.05, 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 reasonably utilized as best available data.
- B. When all appeals have been resolved and a notice of final food 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, AO, VE, and V1-30:

- 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 4.9(B) 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, AO, VE, or V1-30. 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.

(Ord. 2019-55. Passed 7-15-19.)

1321.04 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 1321.01(f), 1321.03(l)(1), or 1321.03(m):

(a) Use Regulations.

(1) Permitted Uses. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by Geneva on the Lake 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:

- (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 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 1321.03(k)(1)A.4. when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1321.04(c)(4).
- (d) Residential Structures. The requirements of this subsection (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 1321.03(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 subsection (d)(1) and construction materials resistant to flood damage subsection (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.
 - (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 over the top or frame ties to ground anchors.
- (7) Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of subsection (d) hereof.
- (e) Nonresidential Structures. The requirements of this subsection (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 1321.03(m).
- (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 (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 subsection (e)(2)A. and B.
- (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 subsection (d)(5)C. hereof.
- (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 1321.03(c) and (d), and meet all standards of subsection (d) hereof.
- (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.
 - (2) In zones V or VE, new or substantially improved above ground gas or liquid storage tanks shall be elevated with the bottom of the lowest horizontal supporting member above BFE on the landward side of buildings.
 - (3) In zones V or VE, new or substantially improved underground gas or liquid storage tanks must be installed below the lowest eroded ground elevation.
- (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 1321.03(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 Mayor of Geneva on the Lake 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.
 - (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 Geneva on the Lake 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 1321.03(k)(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.
- (j) Development standards for coastal high hazard areas. The requirements of this subsection (j) apply to development in coastal high hazard areas designated zone V or VE on the community's effective FIRM [and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1321.03(m)].
- (1) All new construction and substantial improvements shall be elevated on pilings or columns that may be armored as necessary to withstand Lake Erie ice forces so that:
- A. The bottom of the lowest horizontal structural member supporting the lowest floor (excluding the pilings or columns) is elevated to or above the flood protection elevation, and
- B. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.
1. Water loading values shall be those associated with the base flood.
 2. Wind loading values shall be those defined according to American Society of Civil Engineers 7-13 Minimum design loads and associated criteria for buildings and other structures, or current version adopted by Ohio Board of Building Standards.
 3. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsection (j)(1) A. and B.
- (2) All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.
- A. For the purpose of this subsection (j)(2) hereof, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot.
- B. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or where so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet all of the following conditions:
1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

2. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values shall be those associated with the base flood. Wind loading values shall be those defined according to American Society of Civil Engineers 7-16 Minimum design loads and associated criteria for buildings and other structures, or equivalent standard.
 - C. All space enclosed by breakaway walls, open wood lattice-work, or insect screening below the lowest floor shall be used solely for parking of vehicles, building access, or storage.
- (3) The use of fill or redistributed existing fill, placed after the initial identification of Zones V, VE or V1-30 on the community's FIRM, for structural support of buildings is prohibited.
- (4) Alteration of sand dunes that will increase potential flood damage is prohibited.
- (5) Placement or substantial improvement of manufactured homes must comply with Section 1321.04(j)(1) through (5).
- (6) Recreational vehicles must either:
 - A. Be on site for fewer than 180 consecutive days;
 - B. Be fully licensed and ready for highway use; or
 - C. Comply with subsection (j)(1) through (5) hereof.
(Ord. 2019-55. Passed 7-15-19.)

1321.05 APPEALS AND VARIANCES.

- (a) Appeals Board Established.
 - (1) The Village Council shall appoint an Appeals Board. Meetings of the Appeals Board shall be held as needed and shall be held at the call of the Chairperson, or in his absence, the Acting Chairperson. All meetings of the Appeals Board shall be open to the public except that the Board may deliberate in executive sessions as part of quasi-judicial hearings in accordance with the law. The Appeals Board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of all official actions. Records of the Appeals Board shall be kept and filed at 4929 S Warner Road, Geneva on the Lake, Ohio.
- (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) 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 ten [10] 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.

(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.

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)(3)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 the Court. Those aggrieved by the decision of the Appeals Board may appeal such decision to the Ashtabula County Court of Common Pleas, pursuant to Ohio Rev. Code Chapter 2506. (Ord. 2019-55. Passed 7-15-19.)

1321.06 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 1321.03(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 Village of Geneva on the Lake. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village of Geneva on the Lake from taking such other lawful action as is necessary to prevent or remedy any violation. The Village of Geneva on the Lake shall prosecute any violation of these regulations in accordance with the penalties stated herein.

(Ord. 2019-55. Passed 7-15-19.)

CHAPTER 1331
Numbering Structures

1331.01	Property numbering map.	1331.04	Standards.
1331.02	Display of number.	1331.05	Alteration.
1331.03	Future structures.	1331.99	Penalty.

CROSS REFERENCES

Power to regulate building numbering - see Ohio R.C. 715.26

1331.01 PROPERTY NUMBERING MAP.

The property numbering map entitled Geneva-on-the-Lake Numbering Map is hereby adopted as the property numbering map of the Village, and all buildings, houses, and property numbers shall be assigned in accordance with this numbering map, and no other property numbers shall be used or displayed within the Village except in accordance with the numbering map adopted herein which shall be on file in the office of the Mayor.
(Ord. 1033. Passed 11-7-94.)

1331.02 DISPLAY OF NUMBER.

Every property owner of improved property shall on or before January 1, 1995, affix and display in a conspicuous place on said house, building or property the number assigned in the manner as hereinafter set forth.
(Ord. 1033. Passed 11-7-94.)

1331.03 FUTURE STRUCTURES.

All residence and business buildings erected after the adoption of this chapter shall be assigned a number in accordance with the property numbering map and shall display said number as provided for herein.
(Ord. 1033. Passed 11-7-94.)

1331.04 STANDARDS.

Each building or dwelling to which a number has been assigned shall have such number displayed in a position easily observed and readable from the road, sidewalk or other public right of way. All numbers shall be Arabic or plain block, not script or written numbers, and shall be at least 3 inches high and ½ inch stroke and shall be set on a background of a contrasting color. When a house is some distance from a road or when view of the house is blocked by trees or shrubs, house numbers should be on a sign attached to a tree, fence, gate, or lawn stake. On a corner lot, the house number should face the street named in the address. In a rural area the house number should be on both sides of the mailbox as well as on the house or building. House numbers should be illuminated and easily visible at night. (Ord. 1033. Passed 11-7-94.)

1331.05 ALTERATION.

It shall be unlawful for any person to alter, deface, or take down any number placed on any property in accordance with this chapter, except for repair or replacement of such number. (Ord. 1033. Passed 11-7-94.)

1331.99 PENALTY.

Any person, firm or corporation found guilty of violating any section of this chapter shall be fined not more than twenty-five dollars (\$25.00). Each day of continued violation is a separate violation. (Ord. 1033. Passed 11-7-94.)

CHAPTER 1341
Unsafe Structures

1341.01	Defined; abatement.	1341.05	Failure to repair.
1341.02	Inspection; notice to repair.	1341.99	Penalty.
1341.03	Posting of notice.		
1341.04	Permits required.		

CROSS REFERENCES

Removal of unsafe structures - see Ohio R.C. 715.26 et seq.

1341.01 DEFINED; ABATEMENT.

All buildings or structures which are structurally unsafe or not provided with adequate egress or which constitute a fire hazard, or are otherwise dangerous to human life or which in relation to existing use constitute a hazard to health by reason of inadequate maintenance, dilapidation or obsolescence are for the purpose of this chapter, "unsafe buildings". All such unsafe buildings are declared to be public nuisances and shall be abated by repair and rehabilitation or by demolition in accordance with the procedure of this chapter.
(Ord. 642. Passed 1-15-73.)

1341.02 INSPECTION; NOTICE TO REPAIR.

The Building Inspector shall examine or cause to be examined every building or structure or portion thereof reported as or believed to be an unsafe building as defined in Section 1341.01. He shall give written notice to the owner or owners of record, including any purchasers under a recorded land contract and to the persons occupying said building if they are not the owners thereof, at least thirty days prior to the removal or repair of any insecure, unsafe or structurally defective building by certified mail to the holders of legal or equitable liens recorded upon the real property of which such building is located and to owners of record of such property. Notice shall also be given to any purchaser under a recorded land contract to the person occupying said building, if they are not the owners thereof. The written notice shall specifically state the defects that cause the building to be unsafe and shall state that this work shall commence within thirty days and continue work whether to complete the repair or improvement or to demolish and remove the building or structure or portion thereof, leaving the premises in a clean and safe and sanitary condition. Such condition being subject to the approval of the Building Inspector except that in cases of emergency making immediate repair necessary, the Building Inspector may order the changes or demolition be made within a shorter period of time. The notice shall also require the building or portion thereof to be vacated forthwith by the occupants thereof.
(Ord. 642. Passed 1-15-73.)

1341.03 POSTING OF NOTICE.

The Building Inspector shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. DIVISION OF BUILDING REGULATION, VILLAGE OF GENEVA-ON-THE-LAKE, OHIO". Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person to remove such notice without permission of the Building Inspector or for any other person to enter the building, except for the purpose of making the required repairs or of demolishing same. (Ord. 642. Passed 1-15-73.)

1341.04 PERMITS REQUIRED.

In all cases of construction or repair pursuant to orders of the Building Inspector, permits covering such work shall be obtained as required by other sections of the Village Building Code. (Ord. 642. Passed 1-15-73.)

1341.05 FAILURE TO REPAIR.

In case the owner of record or the purchaser under a land contract if that be the case, shall fail, neglect or refuse to comply with the notice to repair, rehabilitate, or demolish and remove such building or structure or portion thereof, such party either the owner of record or the purchaser under a land contract shall be subject to the penal provisions of this chapter and the Building Inspector shall proceed to have the building or structure or portion thereof demolished and removed from the premises leaving the premises in a clean, safe and sanitary condition and the cost of such work shall be paid by the Village. The total costs whether such costs are incurred due to use of employees, materials and equipment of the municipal corporation or by contract for labor, materials, and equipment or both of removing insecure, unsafe or structurally defective buildings or other structures regardless whether such removal is authorized under Ohio R.C. 715.26 or Section 3 of Article 18 of the Ohio Constitution, including costs of service of publication of notice together with proper description of the premises shall be certified by the Clerk of Council to the County Auditor and by him placed upon the tax duplicate and such costs are a lien upon such lands from and after the date of entry and shall be collected as other taxes and returned to the municipal corporation. (Ord. 642. Passed 1-15-73.)

1341.99 PENALTY.

Whosoever violates any provision of this chapter shall be deemed guilty of a misdemeanor and shall be fined not more than fifty dollars (\$50.00) and be imprisoned for not more than ten days or both. Each section and each part of each section of this chapter is hereby declared to be an independent section or part of a section and notwithstanding any other evidence of legislative intent. It is hereby declared to be the controlling legislative intent that if any subsection or part of a section or any provision thereof or the application thereof to any person or circumstances is held to be invalid, the remaining sections or parts of sections in the application of said provision to any other person or circumstances other than those as to which it is held invalid shall not be effected thereby; and it is hereby declared to be the legislative intent that the other provisions of this chapter would have been adopted independently of such section, sections or parts of the section so held to be invalid. (Ord. 642. Passed 1-15-73.)

**CHAPTER 1345
Building Demolition**

1345.01	Demolition permit required.	1345.03	Barricades required.
1345.02	Standards for demolition.	1345.99	Penalty.

CROSS REFERENCES
Unsafe structures - see BLDG Ch. 1341

1345.01 DEMOLITION PERMIT REQUIRED.

No landowner shall begin, or cause to begin, the demolition of any building or structure without first obtaining a demolition permit from the Ashtabula County Building Department and providing a copy of the same with the Village Administrator.
(Ord. 2010-74. Passed 11-15-10.)

1345.02 STANDARDS FOR DEMOLITION.

All landowners, and those employed by landowners, demolishing any building or structure shall satisfy all of the following criteria:

- (a) The demolition shall be completed within thirty days after work begins to demolish such building or structure.
- (b) To deter rodent infestation, eliminate odors and avoid backfill clogging storm and sewer lines, all abandoned storm drains and sanitary sewers shall be capped with at least four inches of concrete before being covered. The landowner, and those employed by the landowner, shall not cover such drains or sewers without the Village Administrator first inspecting and approving the capping of such abandoned storm drains and sanitary sewers.
- (c) To avoid spontaneous combustion or explosion, all combustible materials, such as wood, paper, rags and all fuel tanks, both above and below ground, must be removed from the site.
- (d) To provide a safe and well groomed area, within thirty days, all basements or other excavated areas must be filled and graded. Fill material must consist of clean earth, brick, stone or concrete free of garbage or decaying material. The top six inches of fill must be clean soil.
- (c) All sidewalks, streets, or roadways damaged as a result of the demolition work shall be restored to their original condition by the owner, within thirty days, unless a longer time is approved by the Village Administrator. During demolition of the building and improvements, sidewalks, streets and roadways shall be maintained in usable condition. (Ord. 2010-74. Passed 11-15-10.)

1345.03 BARRICADES REQUIRED.

(a) No person shall abandon or knowingly permit to remain on public or private property, any excavation, well, cesspool or structure which is in the process of construction, reconstruction, repair, alteration or demolition unless the same is adequately protected by suitable barricades and guarded by warning devices or lights at night so that the condition will not reasonably provide danger to life or limb.

(b) No person shall destroy, remove, damage or extinguish any barricade or warning light that is placed for the protection of the public so as to prevent injury to life or limb.
(Ord. 2010-74. Passed 11-15-10.)

1345.99 PENALTY.

Violation of any provision of this chapter is a minor misdemeanor, subject to a fine of fifty dollars (\$50.00) per day.
(Ord. 2010-74. Passed 11-15-10.)

CHAPTER 1351
Community Reinvestment Area

<p>1351.01 Purpose.</p> <p>1351.02 Established.</p> <p>1351.03 Eligibility.</p> <p>1351.04 Tax exemption.</p> <p>1351.05 Commercial and industrial projects.</p>	<p>1351.06 Housing Officer.</p> <p>1351.07 Community Reinvestment Area Housing Council.</p> <p>1351.08 Tax Incentive Review Council.</p>
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1351.01 PURPOSE.

The area designated as the Village of Geneva-on-the-Lake Community Reinvestment Area constitutes an area in which housing facilities or structures of historical significance are located, and in which new construction or repair of existing facilities has been discouraged. (Ord. 2006-87. Passed 11-27-06.)

1351.02 ESTABLISHED.

Pursuant to Ohio R.C. 3735.66, the Geneva-on-the-Lake Community Reinvestment Area is hereby established for the entire corporate limits of the Village of Geneva-on-the-Lake, Ohio. The Community Reinvestment Area is approximately depicted as the cross hatched area on the map attached to Ordinance 2006-87, marked Exhibit "B", and by this reference incorporated herein. Only residential, commercial and/or industrial properties consistent with the applicable zoning regulations within the designated Community Reinvestment Area will be eligible for exemptions under this Program. (Ord. 2006-87. Passed 11-27-06.)

1351.03 ELIGIBILITY.

All properties identified in Exhibit "A" as being within the designated Community Reinvestment Area are eligible for this incentive (the Village may determine that all or any combination of project types--residential, commercial and industrial as eligible). This proposal is a public/private partnership intended to promote and expand conforming uses in the designated area. As part of the project, the Village intends to undertake supporting public improvements in the designated area. (Ord. 2006-87. Passed 11-27-06.)

1351.04 TAX EXEMPTION.

Within the Community Reinvestment Area, the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to commercial and industrial real property and the term of those exemptions shall be negotiated on a case-by-case basis in advance of construction or remodeling occurring according to the rules outlined in Ohio R.C. 3735.67. The results of the negotiation as approved by this Council will be set in writing in a Community Reinvestment Area Agreement as outlined in Ohio R.C. 3735.671. For residential property, a tax exemption on the increase in the assessed valuation resulting from the improvements as described in Ohio R.C. 3735.67 shall be granted upon proper application by the property owner and certification thereof by the designated Housing Office for the following periods. Residential applications must be filed with the Housing Officer no later than six months after construction completion and shall be accompanied by a one hundred dollar (\$100.00) application fee.

- (a) Five years for the remodeling of every residential dwelling unit containing not more than two family units and upon which the cost of remodeling is at least ten thousand dollars (\$10,000), as described in Ohio R.C. 3735.67, and which such exemption being fifty percent (50%) for each of the five years.
- (b) Five years for new residential construction consisting of not more than two family units, as described in Ohio R.C. 3735.67, and with such exemption being fifty percent (50%) for each of the five years.
- (c) Anything more than two residential units per lot shall be deemed commercial.
- (d) Up to twelve years and up to one hundred percent (100%) for existing commercial and industrial facilities, the term and percentage of which shall be negotiated on a case-by-case basis in advance of construction or remodeling occurring.
- (e) Up to fifteen years and up to one hundred percent (100%) for new commercial or industrial facilities, the term and percentage of which shall be negotiated on a case-by-case basis in advance of construction occurring.
- (f) Mixed use facilities (i.e. combined residential and commercial use) shall be treated as a commercial project in its entirety subject to the term length and percentages as set forth in subsections (d) and (e) above.

If remodeling qualifies for an exemption during the period of the exemption, the exempted percentage of the dollar amount of the increase in market value of the structure will be exempt from real property taxation. If new construction qualifies for an exemption, during the period of exemption, the exempted percentage of the structure shall not be considered to be an improvement on the land on which it is located for the purpose of real property taxation.
(Ord. 2006-87. Passed 11-27-06.)

1351.05 COMMERCIAL AND INDUSTRIAL PROJECTS.

All commercial and industrial projects are required to comply with the state application fee requirements of Ohio R.C. 3735.672(C) and the local annual monitoring fee equal to the greater of one percent (1%) of the amount of taxes exempted under the agreement or five hundred dollars (\$500.00); provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars (\$250,000), the fee shall not exceed two thousand five hundred dollars (\$2,500). The fee shall be payable to Council once per year for each year the agreement is effective on the days and in the form specified in the agreement. Fees paid shall be deposited in a special fund created for such purpose by Council and shall be used by Council exclusively for the purpose of complying with Ohio R.C. 3735.672 [3735.67.2] and by the tax incentive review council created under Ohio R.C. 5709.85 exclusively for the purposes of performing the duties prescribed under that section. (Ord. 2006-87. Passed 11-27-06.)

1351.06 HOUSING OFFICER.

To administer and implement the provisions of this chapter, the Code Enforcement Officer of the Village is designated the Housing Officer as described in Ohio R.C. 3735.65 through 3735.70. He shall be compensated at the rate of ten dollars (\$10.00) per hour, for time specifically authorized by the Mayor, provided such compensated time is above the twenty hours per week dedicated to other code enforcement activities.
(Ord. 2006-87. Passed 11-27-06.)

1351.07 COMMUNITY REINVESTMENT AREA HOUSING COUNCIL.

(a) A "Community Reinvestment Area Housing Council" shall be created, consisting of two members appointed by the Mayor, two members appointed by Council and one member appointed by the Planning Commission. The majority of the members shall then appoint two additional members who shall be residents within the area. Terms of the members of the council shall be for three years. An unexpired term resulting from a vacancy in the council shall be filled in the same manner as the initial appointment was made.

(b) The council reserves the right to re-evaluate the designation of the Genera-on-the-Lake Community Reinvestment Area after December 31, 2007, on an annual basis, at which time the council may direct the Housing Officer not to accept any new applications for exemptions as described in Ohio R.C. 3735.67.

(c) The Community Reinvestment Area Council shall make an annul inspection of the properties within the district for which an exemption has been granted under Ohio R.C. 3735.67. The council shall also hear appeals under Ohio R.C. 3735.70.
(Ord. 2006-87. Passed 11-27-06.)

1351.08 TAX INCENTIVE REVIEW COUNCIL.

A Tax Incentive Review Council shall be established pursuant to Ohio R.C. 5709.85 and shall consist of three representatives appointed by the Board of County Commissioners, two representatives of the Village, appointed by the Mayor with Council concurrence, the county auditor or designee and a representative of each affected Board of Education. At least two members must be residents of the Village. The Tax Incentive Review Council shall review annually the compliance of all agreements involving the granting of exemptions for commercial or industrial real property improvements under Ohio R.C. 3735.671 and make recommendations to the Council as to continuing, modifying or terminating said agreement based upon the performance of the agreement.
(Ord. 2006-87. Passed 11-27-06.)

CHAPTER 1361
Standards for Dwelling Units, RV's and Temporary Structures

1361.01	Definitions.	1361.05	Temporary structures.
1361.02	Connection required for all dwelling units.	1361.06	Title.
1361.03	RV's in residentially zoned areas.	1361.07	Other prohibitions.
1361.04	RV's in commercially zoned area.	1361.08	Minimum dimensions of a home.
		1361.99	Penalty.

CROSS REFERENCES

Property Maintenance Code - see BLDG. Ch. 1311

1361.01 DEFINITIONS.

As used in this chapter:

- (a) "Village" refers to the Village of Geneva on the Lake, State of Ohio.
- (b) "Dwelling Unit" is defined as a house, stationary trailer or any other non-mobile unit designed or used for human habitation. This chapter shall not apply to any trailer, tent, camper, or other unit located within a properly licensed campground.
- (c) "Temporary Structure" is defined as a structure which is not permanently affixed to the ground and which is not listed on the Ashtabula County Auditor's list as an improvement to the land, and shall include but not limited to: trailers (with or without wheels and axles), kiosks, tents, booths, carts and other enclosures.
- (d) "RV" is defined as a mobile living unit, whether motorized or drawn by a motorized vehicle.
- (e) "Occupy" shall mean: using an RV for overnight stays or otherwise using the RV for enjoyment or other recreational activities.
 (Ord. 2016-44. Passed 9-19-16.)

1361.02 CONNECTION REQUIRED FOR ALL DWELLING UNITS.

(a) It shall be unlawful for any person to own or occupy any dwelling unit which is not properly connected to electric, Village water or other Health Department approved water supply, or the Village sanitary sewer system or other Health Department approved septic tank system. It shall not be a violation if the dwelling unit is connected to the utilities listed above, but currently shut off, provided that the dwelling unit is not occupied or used for human habitation.

(b) Any dwelling unit not complying with this chapter is deemed a public nuisance and hazard and the Village shall notify in writing the owner of the land upon which the dwelling unit sits that s/he has three days in which to remove the dwelling unit or to complete the connections required by this chapter. (Ord. 2016-44. Passed 9-19-16.)

1361.03 RV's IN RESIDENTIALLY ZONED AREAS.

(a) It shall be unlawful for any person to allow or permit any person to occupy an RV on a lot in a zoned residential district except as follows:

- (1) The owner of the property where the RV is to be occupied shall obtain from the Village Mayor or his designee during regular Village business hours a permit to occupy an RV on his land. The permit shall be good for only four days and can be obtained no more than four times per year at a cost of \$50.00 per permit. The permit shall be prominently displayed on the RV.
- (2) The RV shall be located no closer than ten feet from any building or structure and within the side setbacks for the zoning district, and shall not obscure the roadway or present risks or danger to pedestrians, cyclists or motor vehicles, and
- (3) An RV that is occupied or used may be located only on a residential lot with a dwelling and shall not be located on a residential vacant lot except where the adjacent lot has a permanent dwelling and there is common ownership of the vacant lot and the dwelling lot, and
- (4) Only one RV, whether occupied or stored, shall be located on any residential lot including a residential lot adjacent to a commonly owned vacant lot.

(b) It shall be unlawful for any person to store more than one RV on a lot in a zoned residential district. An RV stored on a residential lot shall meet the following criteria:

- (1) Such RV must be titled to the owner/spouse of the lot where it is stored, or the lessee of the property with the written consent of the titled owner.
- (2) An RV shall not be stored on a vacant lot unless said lot is adjacent to a lot with a dwelling owned by the same person.
- (3) The RV must meet all setbacks required by zoning.
- (4) The RV must have current registration and be kept in good order and repair.
- (5) Any RV stored on a residential lot shall meet the requirements of Section 1121.11.

(Ord. 2016-44. Passed 9-19-16.)

1361.04 RV'S IN COMMERCIAL ZONED AREA.

No owner of land shall permit or allow any person to occupy an RV in a commercially zoned area unless all the following conditions are met:

- (a) The owner of the land upon which the RV is located obtains a permit from the Mayor or his designee at a cost of \$50 per event.
- (b) The persons occupying such RV are vendors, employees and immediate family, servicing the lot upon which the RV is located.
- (c) Such person is a vendor or employee of a vendor serving an on-site event where serviced continually by ten or more vendors not to exceed fourteen days per month, on such lot or lot immediately adjacent thereto.

- (d) The RV is located on the parcel hosting the on-site event.
- (e) There is at least ten (10) feet between each RV and any structures or buildings.
- (f) The RV is fully equipped with an approved holding tank for grey water and sanitation.
- (g) The RV is removed within 24 hours after the completion of the on-site event.
- (h) Nothing in this chapter shall prohibit the use of an RV associated with a live band provided that:
 - (1) The RV is located on the property where the band is playing or designated parking areas,
 - (2) The RV shall not be parked for more than 24 hours.
(Ord. 2016-44. Passed 9-19-16.)

1361.05 TEMPORARY STRUCTURES.

No person shall locate a temporary structure within fifty feet of the edge of State Route 531 or 534, or adjacent sidewalks except during an on-site event on that parcel serviced continually by ten or more vendors, in which case such temporary structure shall be located at least twenty feet from the edge of the road or sidewalk, whichever is greater.
(Ord. 2016-44. Passed 9-19-16.)

1361.06 TITLE.

Nothing in this chapter shall be construed to prohibit the use or occupancy of RVs in licensed RV sites and licensed campgrounds. Nothing in this chapter shall be construed to prohibit the reasonable use of a tent for overnight accommodation in the back yard of residential lots wherein a dwelling is located provided that the tent is used by minor children of the owner or his guests. (Ord. 2016-44. Passed 9-19-16.)

1361.07 OTHER PROHIBITIONS.

- (a) No person shall dump, release or otherwise dispose of any waste or wastewater except in approved sanitation facilities.
- (b) No person shall utilize an electric generator, however powered, for any dwelling unit or RV. (Ord. 2016-44. Passed 9-19-16.)

1361.08 MINIMUM DIMENSIONS OF A HOME.

Except as provided for conditional use permits for condominiums, and except where expressly allowed and mobile home districts, every 1-family or 2-family dwelling unit shall be placed upon a continuous solid foundation and shall be a minimum of 600 square feet on the ground floor living space, for which no dimension shall be less than 20 feet from outside corner to outside corner. (Ord. 2020-71. Passed 10-5-20.)

1361.99 PENALTY.

- (a) Anyone found violating any provision of this chapter shall on a first offense, be fined \$150.00, and each day of violation shall be considered a new violation. Anyone found violating any provision of this chapter on a second offense shall be fined \$500.00.
- (b) Violations of Sections 1361.03, 1361.04 and 1361.05 are deemed public nuisances and the Village is authorized to seek injunctions and other legal remedies to abate such nuisances.
- (c) Anyone found violating the prohibitions of Section 1361.07 shall be deemed guilty of a first degree misdemeanor including a maximum of a \$1,000.00 fine and a maximum of six months in jail. (Ord. 2016-44. Passed 9-19-16.)

CHAPTER 1371
Residential Rental Dwelling Standards and Inspections

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CROSS REFERENCES

Property Maintenance Code - see BLDG. Ch. 1311

1371.01 DEFINITIONS.

As used in this chapter:

- (a) "Dwelling unit" means: any building, including mobile homes and trailers whether affixed to the land or not, used or designed to be used for human habitation.
- (b) "Rental unit" shall mean the renting of a dwelling unit, including government subsidized housing, and shall not include hotels, motels, campgrounds, mobile home parks or other residential rentals subject to state regulation and inspection.
- (c) "Inspector" means the Village Fire Chief or his designee provided such designee is a state certified fire inspector. (Ord. 2016-33. Passed 5-16-16.)

1371.02 CERTIFICATE OF RENTAL OCCUPANCY; APPLICATION.

No person shall rent to another a residential dwelling unit without first applying for and obtaining a certificate of rental occupancy from the Village. Such certificate is in addition to the Village Business license. Such application shall include:

- (a) The name of the person or entity owning the property, including the address, phone number, and email address.
- (b) The name of the person, if any, managing the rentals of such property, including their address and phone number.
- (c) The name and address of the insurance company covering the insurance for such property.
(Ord. 2016-33. Passed 5-16-16.)

1371.03 FEE.

Each application for a rental occupancy certificate shall be accompanied by a fee in the amount of \$25.00 per property address and, if more than three dwelling units within such building or property address titled to the same owner, an additional five dollars (\$5.00) for each such unit over three units. Each Certificate of Rental Occupancy shall expire in one year or upon a change in ownership. Such fees shall not be prorated. The revenue generated by such fees shall be placed in a designated fund and shall be used solely for the costs of administering the rental inspection program or other property maintenance enforcement actions.
(Ord. 2016-33. Passed 5-16-16.)

1371.04 GENERAL REQUIREMENTS.

(a) For the renewal of a rental occupancy permit, the applications and filing fees shall be filed with the Village no later than January 31st of each year; a \$25 late fee shall be assessed for those applications filed after April 1, 2016 and in the following years for those applications filed after January 31st.

(b) The Village shall inspect the premises as soon as possible to determine compliance with the provisions of Section 1371.06.

(c) The Village shall issue a Certificate of Rental Occupancy:

- (1) If the owner has submitted its application for occupancy accompanied by the required fee and certificate of insurance.
- (2) If the owner is current on Village bed tax and income tax.

(d) The Certificate of Rental Inspection shall not be transferable or assignable.
(Ord. 2016-33. Passed 5-16-16.)

1371.05 OTHER PROVISIONS.

For new rental occupancy permits, or those not operating in the year prior to the current year, the application and filing fee shall be filed at least ten (10) days prior to operating the business. Any person seeking a rental occupancy permit application after renting the unit, shall be assessed in addition to the occupancy permit fee a late fee of \$25 per month, or portion thereof, after it has begun rental operations. Prior to issuing a certificate for rental occupancy, the Village shall inspect the rental premises for compliance with Section 1371.06.
(Ord. 2016-33. Passed 5-16-16.)

1371.06 INSPECTION OF PREMISES.

The Village Inspector shall inspect all rental premises to determine compliance with the following conditions:

(a) Exterior/Structural of the Rental Unit.

- (1) Roof shall be in good order and repair with no signs of leakage or damage.
- (2) All habitable rooms with an outside wall including kitchen, bathroom, bedrooms and living room shall have at least one window therein capable of opening and closing, and shall be covered with a screen. Windows shall be unbroken and shall not be boarded while the dwelling is inhabited.
- (3) Stairs and porches shall be in good order and repair. Any staircase with more than three steps shall have a handrail.
- (4) Siding shall be in good order and repair without holes or damage.
- (5) Doors shall be in good order and repair, swing freely and without hindrance, and all locks shall be functional.

- (6) There shall be no structural hazards which present an unreasonable risk to the health and safety of the occupants including, but not limited to, damaged or unstable floors, walls, ceilings, sidewalks, steps or roofs.
- (7) Trees and shrubs shall be trimmed so as not to interfere or block driveways and sidewalks.
- (b) Interior and Exterior Plumbing.
 - (1) Sink areas in kitchens and bathrooms shall have hot and cold running water and shall not leak.
 - (2) Toilets and other sources of wastewater from sinks, showers, tubs, washing machines, etc., shall be properly disposed through appropriate and secure wastewater connections, in conformity with County Health and Building Codes, into the Village sanitary sewer system or a County approved private septic system.
- (c) Fire Safety Issues.
 - (1) All electrical connections shall be secure with no bare or unprotected wires protruding from any fuse box, outlet or electrical conduit.
 - (2) All light fixtures shall be fixed securely to walls, or ceilings, and attached to cover all bare wires or other conductive material.
 - (3) Fireplaces shall be equipped with screens and closing doors.
 - (4) Each home shall have at least one functional alarm for smoke detection per floor, or carbon monoxide detector and at least one functional fire extinguisher in the kitchen.
 - (5) Each living area shall otherwise meet basic fire safety standards.
- (d) Other Criteria.
 - (1) If equipped with a basement, the basement shall be free of standing water.
 - (2) Each bedroom, kitchen, bathroom and living area shall have a lamp or other light fixture and a screened window capable of opening and closing.
 - (3) All appliances including but not limited to heating units, refrigerators, and stoves shall be in good working order.
 - (4) Each living unit shall not have holes in walls, doors or floors.
 - (5) If the unit is rented from November 1-May 1, or any portion thereof, there shall be an adequate, safe and functioning heat source. No living unit shall be solely dependent on heat from any portable source, including kerosene or portable electric heaters.
 - (6) There shall be no infestation of rats or other rodents, cockroaches, insects or vermin, mold or other plant, animal, insect, or microbiological life capable of carrying disease or otherwise presenting a risk to human health or safety, or property. There shall be no conditions on the rental premises which encourage such infestations including, but not limited to, garbage, unsanitary conditions or wet conditions.
 - (7) Every occupant of a dwelling unit shall be responsible for keeping the occupied area and premises in a clean, safe and sanitary condition.
 - (8) No living unit shall have any condition creating a risk to human life or property. (Ord. 2016-33. Passed 5-16-16.)

1371.07 INSPECTIONS.

(a) In order to safeguard the safety, health and welfare of the public, the inspector is authorized to gain consensual entry to any structure or premises at any reasonable time for the purpose of making inspections and performing duties under this chapter or under other applicable provisions of this chapter.

(b) If any owner, occupant or other person in charge of the dwelling unit and subject to the provisions of this chapter refuses, impedes or otherwise obstructs entry and free access to any part of the premises as part of the duties imposed upon the inspector, the Inspector shall be permitted to seek in a court of competent jurisdiction a warrant for administrative inspection.

(c) Any warrant for administrative inspection shall allow for the inspection of the subject structure and premises subject to the provisions of this Code and shall be so limited in scope.

(d) Nothing herein shall be construed to limit the authority of the Code Official to gain access to any structure or premises in emergency circumstances or otherwise pursuant to law. (Ord. 2016-33. Passed 5-16-16.)

1371.08 NOTICE OF VIOLATION.

(a) Upon finding any violation under Section 1371.07 or any other danger or risk to human life or property, the inspector shall prepare a Notice of Violation and serve it personally upon the owner, or shall serve the owner of the premises by regular mail at their last known address as reflected in the tax records of the Ashtabula County Auditor. Such notice shall identify each violation, a statement as to whether the condition presents a serious risk to human health/life or a serious risk to property, and a deadline with which the repair must be completed.

(b) Any owner who is denied a rental permit, or who objects to the Notice of Violation, shall have ten (10) days from the date the Notice is mailed or the permit denied to appeal the decision or findings of the Inspector. (Ord. 2016-33. Passed 5-16-16.)

1371.09 REPAIRS TO COMPLY WITH BUILDING AND HEALTH CODES.

All repairs made pursuant to this chapter shall be fully compliant with County Building and Health Codes. (Ord. 2016-33. Passed 5-16-16.)

1371.10 VIOLATION DEEMED A PUBLIC NUISANCE.

Any violation of this chapter or condition which creates a serious risk to human life/health, or serious risk to property, shall be deemed a public nuisance and shall be remedied by the owner within five days. (Ord. 2016-33. Passed 5-16-16.)

1371.11 FAILURE TO COMPLY WITH NOTICE; PENALTY.

Any owner of real estate who fails to comply with the Notice of Violation within the time set forth in Section 1371.10 shall be guilty of a third degree misdemeanor punishable by up to 90 days in jail and a fine of \$50 per day. Additionally, the Mayor may revoke the Certificate of Rental Occupancy and the Business License held by the owner. A second offense shall be punishable by up to 90 days in jail and a fine of \$100 per day. (Ord. 2016-33. Passed 5-16-16.)

1371.12 LEGAL ACTION BY VILLAGE.

The imposition of any penalty as set forth in Section 1371.11 above shall not prevent the Village from instituting legal action in a court of competent jurisdiction to prevent an unlawful repair, or to restrain, correct or abate a violation, or to prevent the occupancy or remove the occupants of a dwelling. (Ord. 2016-33. Passed 5-16-16.)

**1371.13 ACTION OR INACTION BY VILLAGE NOT CONSTRUED AS
DETERMINATION OF SAFETY.**

No action or inaction on the part of the Village or its employees and agents shall be construed as a determination that any dwelling or appliance is safe for human habitation as such a determination is ultimately the responsibility of the owner and occupant of the premises. By the passage of this chapter, the Village is setting forth standards of human occupation of rental premises and the Village, its employees and agents, is not accepting responsibility for any defect or unsafe condition not found by its inspectors.
(Ord. 2016-33. Passed 5-16-16.)