

**CODIFIED ORDINANCES OF MARYSVILLE**  
**PART THIRTEEN - BUILDING CODE**

**Chap. 1301. Residential Code of Ohio.**

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**CODIFIED ORDINANCES OF MARYSVILLE**

**PART THIRTEEN - BUILDING CODE**

**CHAPTER 1301  
Residential Code of Ohio**

**1301.01 Adopted.**

**CROSS REFERENCES**

Adoption of technical codes - see CHTR. 3.06

Marking flood areas - see Ohio R. C. 1521.14

**1301.01 ADOPTED.**

Ohio Administrative Code 4101:8-Residential Code of Ohio (RCO) as promulgated by the Ohio Board of Building Standards, shall apply and be enforced within the City of Marysville, Ohio. (Ord. 91-06. Passed 11-16-06.)

**CHAPTER 1303**  
**Demolition of Buildings**

<b>1303.01</b>	<b>Building defined.</b>	<b>1303.03</b>	<b>Conditions</b>	<b>and</b>
	<b>regulations.</b>			
<b>1303.02</b>	<b>Permit required; expiration;</b>	<b>1303.99</b>	<b>Penalty.</b>	
	<b>fee.</b>			

**CROSS REFERENCES**

Building standards - see Ohio R.C. Ch. 3781 et seq.  
 Dwelling House Code - see BLDG. Ch. 1301

**1303.01 BUILDING DEFINED.**

As used in this chapter, "building" means any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property. "Building" does not include buildings which are not on a permanent foundation and which are 500 square feet or less in floor area.

(Ord. 62-84. Passed 12-27-84.)

**1303.02 PERMIT REQUIRED; EXPIRATION; FEE.**

(a) No person shall demolish, remove from the premises, tear down or raze a building without first obtaining a permit therefor from the Zoning Inspector.

(b) To obtain such a permit, the applicant shall first file with the Zoning Inspector a statement showing the manner in which such building shall be razed and such other particulars as will show that such person is in compliance with this chapter. If the demolition is not begun within six months of the issuance of the permit, the permit shall expire.

(c) The fee for the demolition permit shall be fifteen dollars (\$15.00).  
 (Ord. 62-84. Passed 12-27-84.)

**1303.03 CONDITIONS AND REGULATIONS.**

(a) Temporary Encroachments. Subject to the approval of the Zoning Inspector, sidewalk sheds, underpinning and other temporary and protective guards and devices may project beyond the interior of the building and street lot lines as may be required to ensure the safety of the adjoining property owner and the public. When necessary, the consent of the adjoining property owner shall be obtained.

(b) Protection. All existing and adjoining public and private property shall be protected from damage incidental to demolition operations. Material shall not be dropped by gravity or thrown outside the exterior walls of a building during demolition onto City property or adjoining property. Wood or metal chutes shall be provided for this purpose and any material which, in its removal, causes an excessive amount of dust, shall be wet down to prevent the creation of a nuisance.

(c) Grading of Lots. When a building has been demolished, the lot shall be filled, graded and maintained in conformity with the established street grades at curb level, unless rebuilding operations are projected and approved. The lot shall be maintained free from the accumulation of rubbish and all other unsafe or hazardous conditions which endanger the life or health of the public. Provision shall be made to prevent the accumulation of water or damage to any foundations on the premises or the adjoining property. If the owner elects to not fill the basement or excavation, he or she must provide necessary retaining walls and barriers, not less than six feet in height, which barriers shall be of such construction that will reasonably prevent accidental access to the excavation.

(d) Utility Connections. All service utility connections shall be discontinued and capped in accordance with the approved rules.

(e) Completion. Buildings shall be demolished within thirty days of the beginning of the work.  
(Ord. 62-84. Passed 12-27-84.)

**1303.99 PENALTY.**

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense. The imposition of one penalty for any violation or noncompliance shall not excuse the violation or noncompliance or permit it to continue, and all persons shall be required to correct or remedy such violation or noncompliance within a reasonable time. When not otherwise specified, a separate offense shall be deemed committed each ten days that a violation or noncompliance continues. The application of any penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. 62-84. Passed 12-27-84.)

**CHAPTER 1305**  
**Moving of Structures**

<b>1305.01</b>	<b>Permit required.</b>	<b>1305.03</b>	<b>Permission required</b>
<b>for</b>			
<b>1305.02</b>	<b>Conditions and regulations.</b>		<b>cutting of trees.</b>

**CROSS REFERENCES**

Power to regulate shade trees and shrubbery - see Ohio R.C.  
 715.20

Power to license house movers - see Ohio R.C. 715.27(C)

**1305.01 PERMIT REQUIRED.**

(a) No person shall move or cause to be moved from one point to another within the Municipality, or from any point outside of the corporation limits thereof, to any point within the Municipality any dwelling house, business house, barn, stable or other building or structure in the removal, passing over or occupying or using any public street, alley or highway of the Municipality, or any part of the street, alley or highway, without first obtaining from the Director of Administration a permit for such removal.

(b) To obtain such permit the applicant shall first file with the Director of Administration a statement showing the route over which he shall move the building or structure and pay the Director twenty-five dollars (\$25.00), as his fee for issuing the permit.

**1305.02 CONDITIONS AND REGULATIONS.**

Upon compliance by the applicant with Section 1305.01 the Director of Administration shall investigate as to the probable interference with the wires, poles, etc. of the various telephone, telegraph, electric light, street and other railroad companies whose wires, lines or tracks may be affected and grant such permit upon such conditions and regulations as in the

discretion of the Director shall seem to him just and equitable to protect the property rights of all parties interested.

**1305.03 PERMISSION REQUIRED FOR CUTTING OF TREES.**

No person engaged in the removal of any buildings or structures, shall cut or trim any trees or break or injure any branches thereof, without first obtaining the consent of the owner of the tree and for this purpose in the case of shade trees upon the street or sidewalk the abutting lot owner shall be deemed the owner thereof.

(Ord. 29. Passed 1- 23-09.)



CHAPTER 1309  
Numbering of Structures

1309.01	Numbering required; type and size.	1309.03	Adoption of schedule.
		1309.04	Violations.
1309.02	Numbering procedure.	1309.99	Penalty.

CROSS REFERENCES

Lot numbering and revision-see Ohio R. C. 711.02, 711.06, 711.28 et seq.

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

1309.01 NUMBERING REQUIRED; TYPE AND SIZE.

An owner, occupant(s) or person(s) having control of a residential, industrial, commercial or public building shall display the numerical address of the building in arabic numbers not less than three inches high.

- (a) The color of the numbers shall contrast to the color of the surface on which they are mounted and the numbers shall be clearly visible from the street on which the building is numbered.
- (b) The numbers shall be placed on the front of the building facing the street on which the building is numbered.
- (c) For buildings not having entrance doors facing the street on which the buildings are numbered, numbers of all units within such building shall be placed either on the wall of the building facing the street on which the building is numbered or on a sign in compliance with Chapter 1143 of the Codified Ordinances.
- (d) The owner of a residential building may post additional sets of address numbers provided that one set complies with the provisions of this section.  
(Ord. 1087-80. Passed 8-28-80.)

1309.02 NUMBERING PROCEDURE.

Streets crossing or terminating in Fifth Street shall be numbered north and south therefrom and streets crossing or terminating in Main Street shall be numbered east and west therefrom, and the streets not connecting with Fifth Street or Main Street shall be numbered as though the streets were extended to Fifth Street or Main Street. One hundred numbers shall be assigned to each block of usual length. Consecutive odd numbers shall be used upon the south and west sides and consecutive even numbers shall be used on the north and east sides of the streets. One whole number shall be assigned to every twenty feet abutting land, provided that any lot or building with a frontage of less than twenty feet shall be assigned a whole number and half numbers may be used when necessary.

(Ord. 1087. Passed 8-28-80.)

**1309.03 ADOPTION OF SCHEDULE.**

The schedule of numbers, maps and plats relating thereto and now on file in the office of the Director of Administration are adopted as the official numbers for the houses of the City. The schedule of numbers, plats and maps are made a part of this chapter, and the Director shall from time to time cause detailed maps or other suitable records of buildings or lot numbers to be prepared and kept on file in his office. New buildings shall be assigned by the Director.

**1309.04 VIOLATIONS.**

The Director of Administration shall, after being notified of noncompliance with this chapter, cause notice to be sent, by certified mail, to the owner, occupant or person in control. No owner, occupant or person having control of a building shall fail to correct such noncompliance within thirty days of receipt of such notice.

(Ord. 33-84. Passed 8-23-84.)

**1309.99 PENALTY.**

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(Ord. 33-84. Passed 8-23-84.)

**CHAPTER 1313  
Flood Damage Prevention**

<b>1313.01</b>	<b>Statutory authorization.</b>	<b>1313.20</b>	<b>Exemption from filing a development permit.</b>
<b>1313.02</b>	<b>Findings of fact.</b>	<b>1313.21</b>	<b>Map maintenance activities.</b>
<b>1313.03</b>	<b>Statement of purpose.</b>	<b>1313.22</b>	<b>Data use and flood map interpretation.</b>
<b>1313.04</b>	<b>Methods of reducing flood losses.</b>	<b>1313.23</b>	<b>Substantial damage determinations.</b>
<b>1313.05</b>	<b>Lands to which these regulations apply.</b>	<b>1313.24</b>	<b>Use and development standards for flood hazard reduction.</b>
<b>1313.06</b>	<b>Basis for establishing the areas of special flood hazard.</b>	<b>1313.25</b>	<b>Permitted uses.</b>
<b>1313.07</b>	<b>Abrogation and greater restrictions.</b>	<b>1313.26</b>	<b>Prohibited uses.</b>
<b>1313.08</b>	<b>Interpretation.</b>	<b>1313.27</b>	<b>Water and wastewater systems.</b>
<b>1313.09</b>	<b>Warning and disclaimer of liability.</b>	<b>1313.28</b>	<b>Subdivisions and large developments.</b>
<b>1313.10</b>	<b>Severability.</b>	<b>1313.29</b>	<b>Residential structures.</b>
<b>1313.11</b>	<b>Definitions.</b>	<b>1313.30</b>	<b>Nonresidential structures.</b>
<b>1313.12</b>	<b>Designation of the Floodplain Administrator.</b>	<b>1313.31</b>	<b>Accessory structures.</b>
<b>1313.13</b>	<b>Duties and responsibilities of the Floodplain Administrator.</b>	<b>1313.32</b>	<b>Recreational vehicles.</b>
<b>1313.14</b>	<b>Floodplain development permits.</b>	<b>1313.33</b>	<b>Above ground gas or liquid storage tanks.</b>
<b>1313.15</b>	<b>Application required.</b>	<b>1313.34</b>	<b>Assurance of flood carrying capacity.</b>
<b>1313.16</b>	<b>Review and approval of a Floodplain Development Permit application.</b>	<b>1313.35</b>	<b>Fill.</b>
<b>1313.17</b>	<b>Inspections.</b>	<b>1313.36</b>	<b>Appeals Board established.</b>
<b>1313.18</b>	<b>Post-construction certifications required.</b>	<b>1313.37</b>	<b>Powers and duties.</b>
<b>1313.19</b>	<b>Revoking a floodplain development permit.</b>	<b>1313.38</b>	<b>Appeals.</b>
		<b>1313.39</b>	<b>Variances.</b>
		<b>1313.40</b>	<b>Procedure at hearings.</b>
		<b>1313.41</b>	<b>Appeal to the court.</b>
		<b>1313.42</b>	<b>Compliance required.</b>
		<b>1313.43</b>	<b>Notice of violation.</b>
		<b>1313.99</b>	<b>Violations and penalties.</b>

**CROSS REFERENCES**

Flood control as function of Ohio Commission on Interstate  
Cooperation - see Ohio R.C. 105.36

Flood control by soil conservation district supervisors - see  
Ohio R.C. 1515.08  
Flood insurance - see Ohio R.C. 3425.34(C), 3941.02(A)(1)  
Water supply, sanitation, ditches - see Ohio R.C. 6101.01  
Altering, polluting and diverting watercourse - see  
GEN. OFF. 521.08

### **1313.01 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. (Ord. 46-08. Passed 11-6-08.)

### **1313.02 FINDINGS OF FACT.**

The City of Marysville 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. (Ord. 46-08. Passed 11-6-08.)

### **1313.03 STATEMENT OF PURPOSE.**

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- (a) Protect human life and health;
- (b) Minimize expenditure of public money for costly flood control projects;
- (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) Minimize prolonged business interruptions;
- (e) 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;
- (f) 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; and
- (g) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- (h) Minimize the impact of development on adjacent properties within and near flood prone areas;
- (i) Ensure that the flood storage and conveyance functions of the floodplain are maintained;

- (j) Minimize the impact of development on the natural, beneficial values of the floodplain;
- (k) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- (l) Meet community participation requirements of the National Flood Insurance Program.  
(Ord. 46-08. Passed 11-6-08.)

**1313.04 METHODS OF REDUCING FLOOD LOSSES.**

In order to accomplish its purposes, this chapter includes methods and provisions for:

- (a) 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;
- (b) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;

- (c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (d) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- (e) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.  
(Ord. 46-08. Passed 11-6-08.)

#### **1313.05 LANDS TO WHICH THESE REGULATIONS APPLY.**

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Marysville as identified in Section 1313.06, including any additional areas of special flood hazard annexed by City of Marysville.

(Ord. 46-08. Passed 11-6-08.)

#### **1313.06 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.**

For the purposes of these regulations, the following studies and / or maps are adopted:

- (a) Flood Insurance Study Union County, Ohio and Incorporated Areas and Flood Insurance Rate Map Union County, Ohio and Incorporated Areas both effective December 16, 2008.
- (b) 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.
- (c) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Marysville as required by Section 1313.28 Subdivisions and Large Scale Developments.

Any revisions to the aforementioned maps and / or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the City Engineer's Office 125 East Sixth Street Marysville, Ohio.

(Ord. 46-08. Passed 11-6-08.)

#### **1313.07 ABROGATION AND GREATER RESTRICTIONS.**

These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations. (Ord. 46-08. Passed 11-6-08.)

#### **1313.08 INTERPRETATION.**

In the interpretation and application of these regulations, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and,
- (c) 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.  
(Ord. 46-08. Passed 11-6-08.)

**1313.09 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 City of Marysville, 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.  
(Ord. 46-08. Passed 11-6-08.)

**1313.10 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. 46-08. Passed 11-6-08.)

**1313.11 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.

- (a) "Accessory Structure" means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.
- (b) "Appeal" means a request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.
- (c) "Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.
- (d) "Base (100-Year) Flood Elevation (BFE)" means the water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).
- (e) "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.
- (f) "Development" means 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.
- (g) "Enclosure Below the Lowest Floor" See "Lowest Floor."
- (h) "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.

- (i) “Federal Emergency Management Agency (FEMA)” means the agency with the overall responsibility for administering the National Flood Insurance Program.
- (j) “Fill” means a deposit of earth material placed by artificial means.

- (k) “Flood or Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:
- (1) The overflow of inland or tidal waters, and/or
  - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (l) “Flood Hazard Boundary Map (FHBM)” means 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.
- (m) “Flood Insurance Rate Map (FIRM)” means an official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.
- (n) “Flood Insurance Risk Zones” means 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:
- (1) Zone A - Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.
  - (2) Zones A1-30 and Zone AE - Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.
  - (3) Zone AO - Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.
  - (4) Zone AH - Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.
  - (5) 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.
  - (6) 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.
  - (7) Zone C and Zone X (unshaded) - Areas determined to be outside the 500-year floodplain.
- (o) “Flood Insurance Study (FIS)” means the official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.
- (p) “Flood Protection Elevation” means the Flood Protection Elevation, or FPE, is the base flood elevation plus two (2) feet of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

- (q) “Floodway” means 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.

- (r) “Freeboard” means 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.
- (s) “Historic structure” means any structure that is:
  - (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
  - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; 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 City of Marysville’s historic preservation program, which program is certified by the Ohio Historic Preservation Office.
- (t) “Hydrologic and hydraulic engineering analysis” means 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.
- (u) “Letter of Map Change (LOMC)” means 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:
  - (1) 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.
  - (2) 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.
  - (3) Conditional Letter of Map Revision (CLOMR)

A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

- (v) “Lowest floor” means 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.
- (w) “Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.
- (x) “Manufactured home park” means as specified in the Ohio Administrative Code 3701-27-01, a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.
- (y) “National Flood Insurance Program (NFIP)” means 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.
- (z) “New construction” means structures for which the "start of construction" commenced on or after the initial effective date of the City of Marysville Flood Insurance Rate Map, April 2, 1986, and includes any subsequent improvements to such structures.
- (aa) “Person” includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. “Agency” does not include the general assembly, the controlling board, the adjutant general’s department, or any court.

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

- (cc) “Registered Professional Architect” means a person registered to engage in the practice of architecture under the provisions of sections 4703.01 to 4703.19 of the Revised Code.
- (dd) “Registered Professional Engineer” means a person registered as a professional engineer under Chapter 4733 of the Revised Code.
- (ee) “Registered Professional Surveyor” means a person registered as a professional surveyor under Chapter 4733 of the Revised Code.
- (ff) “Special Flood Hazard Area” is also known as “Areas of Special Flood Hazard”, it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.
- (gg) “Start of construction” means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.
- (hh) “Structure” means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
- (ii) “Substantial Damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (jj) “Substantial Improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

(1) Any improvement to a structure that is considered “new construction,”

- (2) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (3) Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".
- (kk) "Variance" means a grant of relief from the standards of these regulations consistent with the variance conditions herein.
- (ll) "Violation" means the failure of a structure or other development to be fully compliant with these regulations.  
(Ord. 46-08. Passed 11-6-08.)

#### **1313.12 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.**

The City Engineer is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.  
(Ord. 46-08. Passed 11-6-08.)

#### **1313.13 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.**

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

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

(Ord. 46-08. Passed 11-6-08.)

**1313.14 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 1313.06, 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.  
(Ord. 46-08. Passed 11-6-08.)

**1313.15 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:

- (a) 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.
- (b) Elevation of the existing, natural ground where structures are proposed.
- (c) Elevation of the lowest floor, including basement, of all proposed structures.
- (d) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
- (e) 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:
  - (1) Floodproofing certification for non-residential floodproofed structure as required in Section 1313.30.
  - (2) Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1313.20(e) are designed to automatically equalize hydrostatic flood forces.
  - (3) 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 1313.34(c).
  - (4) 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 1313.34(b).
- (5) A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1313.34(a).

- (6) Generation of base flood elevation(s) for subdivision and large-scale developments as required by Section 1313.28.
- (7) Volumetric calculations demonstrating compensatory storage has been provided as required by Section 1313.34(d).
- (f) A floodplain development permit application fee set by the schedule of fees adopted by the City of Marysville.  
(Ord. 46-08. Passed 11-6-08.)

#### **1313.16 REVIEW AND APPROVAL OF A FLOODPLAIN DEVELOPMENT PERMIT APPLICATION.**

(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 1313.15 has been received by the Floodplain Administrator.

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.

(b) Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.  
(Ord. 46-08. Passed 11-6-08.)

#### **1313.17 INSPECTIONS.**

The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.  
(Ord. 46-08. Passed 11-6-08.)

#### **1313.18 POST-CONSTRUCTION CERTIFICATIONS REQUIRED.**

The following as-built certifications are required after a floodplain development permit has been issued:

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

- (b) For all development activities subject to the standards of Section 1313.21(a), a Letter of Map Revision.  
(Ord. 46-08. Passed 11-6-08.)

**1313.19 REVOKING A FLOODPLAIN DEVELOPMENT PERMIT.**

A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Sections 1313.36-1313.41 of these regulations.

(Ord. 46-08. Passed 11-6-08.)

**1313.20 EXEMPTION FROM FILING A DEVELOPMENT PERMIT.**

An application for a floodplain development permit shall not be required for:

- (a) Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000.
- (b) Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.
- (c) Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
- (d) Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
- (e) Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.

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

(Ord. 46-08. Passed 11-6-08.)

**1313.21 MAP MAINTENANCE ACTIVITIES.**

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that Marysville's flood maps, studies and other data identified in Section 1313.06 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

- (a) Requirement to Submit New Technical Data.
  - (1) 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:
    - A. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
    - B. 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;
    - C. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and

- D. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 1313.28.

- (2) It is the responsibility of the applicant to have technical data, required in accordance with Section 1313.21(a), 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.
  - (3) The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
    - A. Proposed floodway encroachments that increase the base flood elevation; and
    - B. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
  - (4) Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 1313.21(a)(1).
- (b) 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 City of Marysville, and may be submitted at any time.
- (c) Annexation / Detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Marysville 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 Marysville's Flood Insurance Rate Map accurately represent the City of Marysville boundaries, include within such notification a copy of a map of the City of Marysville suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Marysville has assumed or relinquished floodplain management regulatory authority. (Ord. 46-08. Passed 11-6-08.)

### **1313.22 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:

- (a) 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.
- (b) 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.

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

- (1) Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.
- (2) Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.
- (d) 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 1313.36-1313.41, Appeals and Variances.
- (e) Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail. (Ord. 46-08. Passed 11-6-08.)

### **1313.23 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:

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

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

(Ord. 46-08. Passed 11-6-08.)

### **1313.24 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 1313.06 or 1313.22(a). (Ord. 46-08. Passed 11-6-08.)

**1313.25 PERMITTED USES.**

All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by City of Marysville are allowed provided they meet the provisions of these regulations.

(Ord. 46-08. Passed 11-6-08.)

**1313.26 PROHIBITED USES.**

- (a) Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Section 3701 of the Ohio Revised Code.
- (b) Infectious waste treatment facilities in all special flood hazard areas, permitted under Section 3734 of the Ohio Revised Code.
- (c) New construction of any residential or nonresidential structures in floodway areas, excluding accessory structures of 600 square feet or less constructed per standards of 1313.31 below.
- (d) Storage or processing of materials that are hazardous, flammable, or explosive in the identified special flood hazard area.
- (e) Storage of material or equipment that, in time of flooding, could become buoyant and pose an obstruction to flow in identified floodway areas.  
(Ord. 46-08. Passed 11-6-08.)

**1313.27 WATER AND WASTEWATER SYSTEMS.**

The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

- (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
- (b) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- (c) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.  
(Ord. 46-08. Passed 11-6-08.)

**1313.28 SUBDIVISIONS AND LARGE DEVELOPMENTS.**

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- (d) 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 major (platted) subdivisions proposals, and other proposed developments at least 5 acres in size.

(e) The applicant shall meet the requirement to submit technical data to FEMA in Section 1313.21(a)(1)(D) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1313.28(d).

(f) All preliminary plans for platted subdivisions shall identify the flood hazard area and the elevation of the base flood.

(g) All final subdivision plats will provide the boundary of the special flood hazard area, the floodway boundary, and base flood elevations.

(h) In platted subdivisions, all proposed lots or parcels that will be future building sites shall have a minimum buildable area outside the natural (non-filled) 1% chance annual floodplain. The buildable area shall be large enough to accommodate any primary structure and associated structures such as sheds, barns, swimming pools, detached garages, on-site sewage disposal systems, and water supply wells, if applicable.

(i) Approval shall not be given for streets within a subdivision, which would be subject to flooding. All street surfaces must be located at or above the base flood elevation. (Ord. 46-08. Passed 11-6-08.)

#### **1313.29 RESIDENTIAL STRUCTURES.**

(a) 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 (1313.29(a)) and construction materials resistant to flood damage (1313.29(b)) are satisfied.

(b) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.

(c) 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.

(d) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. Where no flood protection elevation data is available, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade. Support structures and other foundation members shall be certified by a registered professional engineer or architect as designed in accordance with ASCE 24, Flood Resistant Design and Construction.

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

- (1) Be used only for the parking of vehicles, building access, or storage; and
- (2) 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

- (3) 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.

(f) 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.

(g) Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 1313.29.

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

(i) Each new residential site shall have direct access to a walkway, driveway, or roadway whose surface elevation is not less than the flood protection elevation and such escape route shall lead directly out of the floodplain area.

(Ord. 46-08. Passed 11-6-08.)

### **1313.30 NONRESIDENTIAL STRUCTURES.**

(a) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1313.29 (a)-(c) and (e)-(g).

(b) 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:

- (1) 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;
- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- (3) Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 1313.30((b) (1) and (2).

(c) Where no flood protection elevation data is available, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

(d) Each nonresidential site shall have direct access to a walkway, driveway, or roadway whose surface elevation is not less than the flood protection elevation and such escape route shall lead directly out of the floodplain area.

(Ord. 46-08. Passed 11-6-08.)

### **1313.31 ACCESSORY STRUCTURES.**

Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards:

- (a) They shall not be used for human habitation;
- (b) They shall be constructed of flood resistant materials;
- (c) They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- (d) They shall be firmly anchored to prevent flotation;
- (e) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
- (f) They shall meet the opening requirements of Section 1328.(e)(3).

(Ord. 46-08. Passed 11-6-08.)

### **1313.32 RECREATIONAL VEHICLES.**

Recreational vehicles must meet at least one of the following standards:

- (a) They shall not be located on sites in special flood hazard areas for more than 180 days, or
- (b) They must be fully licensed and ready for highway use, or
- (c) They must meet all standards of Section 1313.29.

(Ord. 46-08. Passed 11-6-08.)

### **1313.33 ABOVE GROUND GAS OR LIQUID STORAGE TANKS.**

All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

(Ord. 46-08. Passed 11-6-08.)

### **1313.34 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:

(a) Development in Floodways.

- (1) 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
- (2) Development in floodway areas causing increases in the base flood

elevation may be permitted provided all of the following are completed by the applicant:

- A. Meet the requirements to submit technical data in Section 1313.21(a).

- B. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
  - C. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
  - D. 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
  - E. Concurrence of the Mayor of City of Marysville and the Chief Executive Officer of any other communities impacted by the proposed actions.
- (b) Development in Riverine Areas with Base Flood Elevations but No Floodways.
- (1) 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,
  - (2) 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:
    - A. 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;
    - B. Section 1313.34(a)(2), items A. and C. - E.
- (c) 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:
- (1) 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.

- (2) 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.

- (3) 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 City of Marysville specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
  - (4) The applicant shall meet the requirements to submit technical data in Section 1313.21(a)(1)(C) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.
- (d) Compensatory Storage Required for Fill. Development within the Special Flood Hazard Area shall result in no net loss of natural floodplain storage. The volume of the loss of floodwater storage due to development shall be offset by providing an equal or greater volume of permanent flood storage by excavation or other compensatory measures at or adjacent to the development site. This compensatory floodplain storage shall be proposed and created in accordance with the following requirements:
- (1) Prior to issuance of a Stormwater Management Permit, a plan and calculations prepared by a professional engineer shall be submitted for approval. This plan shall be based on a field survey, shall show the existing and proposed grades of the development and compensatory storage areas, and shall be accompanied by calculations which demonstrate that the proposed stage vs. storage volume relationship of the compensatory storage area would have the same or greater storage volume at each stage as in the pre-development condition of the proposed development area.
  - (2) The compensatory storage area shall have a hydraulic connection to the affected watercourse which is equal to or greater than the pre-development conditions and shall provide the same or improved rate of flood storage capture and discharge over the course of the flood event as in the pre-development conditions.
  - (3) Compensatory storage shall be located adjacent to the development area or on the opposite side of the stream across from the development area. In the case of filling for a new stream crossing, the compensatory storage shall be located upstream of the crossing.
  - (4) The compensatory storage area shall be a permanent component of the property, and shall be repaired or replaced by the owner of the property if silted-in or otherwise compromised by activities other than natural movement of the stream.
  - (5) Where the applicant proposes compensatory storage on property owned by others, the applicant shall submit a written agreement between such landowner and the applicant wherein the landowner agrees to convey an easement or other property interest or right to the applicant allowing

compensatory storage, and to permanently maintain such area for flood storage purposes, as described in (4), above.

- (6) The design and creation of the development and compensatory storage areas shall incorporate best management practices as required by other City of Marysville regulations or state or federal agencies to minimize soil erosion and sediment impacts.

- (7) Prior to grading or construction in development and compensatory storage areas, the applicant shall be responsible for obtaining any necessary permits or approvals from other involved agencies such as the Army Corps of Engineers and the Ohio EPA.
- (8) Prior to grading or construction in development and compensatory storage areas, the applicant shall submit technical data regarding the proposed flood boundary revision to FEMA and obtain a Conditional Letter of Map Revision (CLOMR) in accordance with Section 1313.21(a) of these regulations.
- (9) After the development and compensatory storage areas are complete, an as-built topographic survey of the development area and the compensatory storage area shall be prepared and stamped by a professional surveyor and submitted to the Floodplain Administrator. This survey shall be accompanied by as-built stage vs. storage volume calculations prepared by a professional engineer as described in (1), above.
- (10) After the development and compensatory storage areas are satisfactorily complete, the applicant shall submit technical data to and obtain a Letter of Map Revision from FEMA in accordance with Section 1313.21(a) of these regulations. When the development and compensatory storage areas are created for a new subdivision development, the Letter of Map Revision shall be obtained prior to the City of Marysville approval of the final subdivision plat.  
(Ord. 46-08. Passed 11-6-08.)

#### **1313.35 FILL.**

The following standards apply to all fill activities in special flood hazard areas:

- (a) Fill sites, upon which structures will be constructed or placed, must be compacted to 95 percent of the maximum density obtainable with the Standard Proctor Test method or an acceptable equivalent method,
- (b) Fill slopes shall not be steeper than one foot vertical to two feet horizontal,
- (c) Adequate protection against erosion and scour is provided for fill slopes. When expected velocities during the occurrence of the base flood of five feet per second armoring with stone or rock protection shall be provided. When expected velocities during the base flood are five feet per second or less protection shall be provided by covering them with vegetative cover.
- (d) Fill shall be composed of clean granular or earthen material  
(Ord. 46-08. Passed 11-6-08.)

#### **1313.36 APPEALS BOARD ESTABLISHED.**

- (a) The City of Marysville Board of Zoning Appeals is hereby appointed to serve as the Appeals Board for these regulations as established by City Code.
- (b) Records of the Appeals Board shall be kept and filed in City Hall 125 East Sixth Street Marysville, Ohio.

(Ord. 46-08. Passed 11-6-08.)

**1313.37 POWERS AND DUTIES.**

(a) 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.

(b) Authorize variances in accordance with Section 1313.39 of these regulations.  
(Ord. 46-08. Passed 11-6-08.)

### **1313.38 APPEALS.**

(a) Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within 14 business 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.

(b) 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.  
(Ord. 46-08. Passed 11-6-08.)

### **1313.39 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.

(a) Application for a Variance.

- (1) 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.
  - (2) 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.
  - (3) All applications for a variance shall be accompanied by a variance application fee set in the schedule of fees adopted by the city of Marysville.
- (b) 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:

- (1) The danger that materials may be swept onto other lands to the injury of others.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

- (4) The importance of the services provided by the proposed facility to the community.
  - (5) The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
  - (6) The necessity to the facility of a waterfront location, where applicable.
  - (7) The compatibility of the proposed use with existing and anticipated development.
  - (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
  - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
  - (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (c) Variances shall only be issued upon:
- (1) A showing of good and sufficient cause.
  - (2) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
  - (3) A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
  - (4) A determination that the structure or other development is protected by methods to minimize flood damages.
  - (5) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.
- (d) Other Conditions for Variances.
- (1) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
  - (2) 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 Section 1313.39(b)(1)-(11) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

- (3) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.  
(Ord. 46-08. Passed 11-6-08.)

**1313.40 PROCEDURE AT HEARINGS.**

- (a) All testimony shall be given under oath.
- (b) A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
- (c) The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
- (d) The administrator may present evidence or testimony in opposition to the appeal or variance.
- (e) All witnesses shall be subject to cross-examination by the adverse party or their counsel.
- (f) Evidence that is not admitted may be proffered and shall become part of the record for appeal.
- (g) The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
- (h) The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.  
(Ord. 46-08. Passed 11-6-08.)

**1313.41 APPEAL TO THE COURT.**

Those aggrieved by the decision of the Appeals Board may appeal such decision to the Union County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.  
(Ord. 46-08. Passed 11-6-08.)

**1313.42 COMPLIANCE REQUIRED.**

- (a) 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 1313.20.
- (b) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 1313.99.
- (c) Floodplain development permits issued on the basis of plans and applications

approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 1313.99.

(Ord. 46-08. Passed 11-6-08.)

**1313.43 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:

- (a) Be put in writing on an appropriate form;
- (b) 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;
- (c) Specify a reasonable time for performance;
- (d) Advise the owner, operator, or occupant of the right to appeal;
- (e) 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.

(Ord. 46-08. Passed 11-6-08.)

**1313.99 VIOLATIONS AND PENALTIES.**

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

(Ord. 46-08. Passed 11-6-08.)



**CHAPTER 1317**  
**Infrastructure Extension/Oversizing Policy**

**1317.01 Construction of roads, water and sewer lines by the City.**

**1317.02 Oversizing of roads, water and sewer lines.**

**1317.01 CONSTRUCTION OF ROADS, WATER AND SEWER LINES BY THE CITY.**

(a) When the City elects to install a road, water line or sewer line in order to direct and control growth, those properties benefiting from the City's effort shall be expected to repay the City for an appropriate prorata share of the improvement. Such a repayment shall be in the form of an acreage fee, increased fees, property tax assessment or other such methods as authorized by the Ohio Revised Code.

(b) In making the decision to install with City funds, the City will consider the following:

- (1) The minimum annexed area to be served. Is it large enough so that the annexed area's prorata share will cover the costs necessary to meet the minimum service support for that annexed area?
- (2) The return on investment. Is the potential of cost recovery from annexed land and land that could be annexed available to recover costs in a time frame that reasonably matches the debt service payment schedule?
- (3) What is the area to be served? When possible, the area to be served will match the capacity of the service provided and all benefiting parties thus contribute. In case of sanitary sewer, drainage area or service area for that sewer will also be a consideration.  
(Ord. 61-96. Passed 10-24-96.)

**1317.02 OVERSIZING OF ROADS, WATER AND SEWER LINES.**

(a) When the City requires a developer to build a wider road or larger water or sewer line than that which is necessary for the development in order to serve the City's needs or to benefit future development, the developer shall provide the extra width or oversizing as currently specified in the subdivision regulations. This policy shall apply to all development whether a subdivision or a single site development.

(b) To compensate the developer for the extra cost, the City agrees to credit a portion of the appropriate fees as follows:

- (1) Up to thirty percent (30%) of water capacity fees for water oversizing.
- (2) Up to seventy percent (70%) sewer fees for sewer oversizing.
- (3) Up to one hundred percent (100%) of traffic impact fees from the specific development in question for all traffic improvements made by the developer.

(c) For amounts greater than the limits set above on water and sewer lines, developers will be compensated by setting aside fifteen percent (15%) of monthly user fees (see agreement attached to original Ordinance 61-96) from all users connecting to the oversize water and sewer lines. For road oversizing, the City will reimburse the developer for costs above one hundred percent (100%) of his traffic impact fees by using the fees collected and placed in the traffic system impact fee fund.

(Ord. 61-96. Passed 10-24-96.)

**CHAPTER 1319**  
**Exterior Property Maintenance Code**

- 1319.01 Purposes.**
- 1319.02 Definitions.**
- 1319.03 Applicability.**
- 1319.04 Owner and occupant duties and responsibilities.**
- 1319.05 Exterior appearance of premises and structures.**
- 1319.06 Freedom from infestation.**
- 1319.07 Administrative provisions.**
- 1319.08 Procedure when violation is discovered.**

- 1319.09 Application for inspection.**
- 1319.10 Application for status report.**
- 1319.11 Inspection fees.**
- 1319.12 Certificate of necessity.**
- 1319.13 Issuance of certificate and conditions.**
- 1319.14 Procedure where access is refused.**
- 1319.15 Severability.**
- 1319.99 Penalty.**

### **1319.01 PURPOSES.**

The purpose of this chapter is to protect the public health, safety and welfare of the citizens and inhabitants of the City by preventing property deterioration and by establishing minimum standards governing the maintenance, appearance and conditions of all residential and non-residential premises; to fix certain responsibilities and duties upon owners and occupants; and to fix penalties for violations of this chapter. This chapter is hereby declared to be remedial and essential for the public interest. (Ord. 50-02. Passed 9-12-02.)

**1319.02 DEFINITIONS.** The following terms, wherever used herein or referred to in this chapter shall have the respective meaning assigned to them unless a different meaning clearly appears from the context:

- (a) **“Accessory structure”** A detached building or structure in a secondary or subordinate capacity from the main building.
- (b) **“Approved”** Approval by the designated City official.
- (c) **“Blight”** Something that impairs or destroys a deteriorated condition <urban blight>
- (d) **“Building”** A combination of materials enclosed within walls or exterior walls, built, erected and framed of component structured parts designed for the housing, shelter, enclosure and support of individuals, business, institutions, animals or property of any kind.
- (e) **“Building code”** The Building Code as adopted by the Council of the City of Marysville by virtue of Ordinance 57-96.

- (f) “Deterioration” The condition or appearance of a building or part thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay, neglect or lack of maintenance.
- (g) “Dwelling” Any structure designed for use by human occupants for sleeping and living purposes, whether occupied or vacant.
- (h) “Dwelling unit” A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (i) “Exposed to public view” Any premises, or any part thereof, or any building or any part, which may be lawfully viewed by the public or any member thereof, from a sidewalk, street, alleyway, open-air parking lot, or from any adjoining or neighboring premises.
- (j) “Exterior of the premises” Those portions of a building which are exposed to public view and the open space of any premises outside of any building erected thereon.
- (k) “Fire hazard” means any thing or act which increases or may cause any increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire, or that which may obstruct, delay or hinder or may become the cause of any obstruction, delay or hindrance or may become the cause of any obstruction, delay, hazard or hindrance to the prevention, suppression or extinguishment of fire.
- (l) “Garbage” Putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (m) “Habitable space” Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.
- (n) “Infestation” means the presence of insects, rodents, vermin or other pests on the premises which constitute a health hazard.
- (o) “Immediate neighborhood” An area separated by no appreciable space and specially denoting a limited number of properties in a very close space relationship to each other.
- (p) “Mixed occupancy” Any building containing one or more dwelling units or rooming units and also having a portion thereof devoted to non-dwelling uses.
- (q) “Natural growth” Dead trees and limbs or other natural growth that, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity thereof.
- (r) “Nuisance” means any of the following:
  - (1) Any public nuisance known in equity jurisprudence, or as provided by the Statutes of the State of Ohio or the Ordinances of the City of Marysville.
  - (2) Conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist and where the conditions are perilous by active and negligent operation thereof.
  - (3) Unsanitary conditions or anything offensive to the senses or dangerous to health, in violation of this Chapter.
  - (4) Fire hazards.

- (s) “Occupant” Any person who has charge, care or control of a building, structure, dwelling or premises (or a part thereof), whether with or without the knowledge and consent of the owner.
- (t) “Overhangings” Loose and overhanging objects that, by reason of location above ground level, constitute a danger of falling on persons in the vicinity thereof.
- (u) “Owner” The owner or owners of the premises including the holder of title thereto subject to contract of purchase, a vendee in possession, a mortgagee or receiver in possession, lessee or joint lessees of the whole thereof, or an agent or any other person, firm, corporation or fiduciary directly in control of the premises.
- (v) “Person” An individual, corporation, partnership or any other group acting as a unit.
- (w) “Premises” A lot, plot or parcel of land, including the buildings or structures thereon.
- (x) “Property Maintenance Officer” The Zoning Inspector of the City of Marysville or such other public official or deputy property maintenance officer as shall be appointed by the Mayor.
- (y) “Refuse” All putrescible and nonputrescible solid wastes (except body wastes) including but not limited to garbage, rubbish, ashes, dead animals and solid market and industrial wastes; an accumulation of brush, broken glass, stumps and roots that present a safety hazard, and includes garbage, trash and debris which present an unsanitary and/or safety hazard.
- (z) “Registered mail” Registered or certified mail.
- (aa) “Rooming unit” Any room or group of rooms forming a single habitable unit other than a dwelling unit, which is rented or available for rent for sleeping purposes with or without cooking facilities.
- (bb) “Rubbish” Combustible and noncombustible waste materials; except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.
- (cc) “Setback line” A line established by the Zoning Ordinance generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in such Zoning Ordinance.
- (dd) “Structure” That which is built or constructed or a portion thereof.
- (ee) “Tenant” A person, corporation, partnership or group whether or not the legal owner or record, occupying a building or portion thereof as a unit.
- (ff) “Weathering” Deterioration, decay or damage caused by exposure to the elements.
- (gg) “Workmanlike” Executed in a skilled manner; e.g. generally plumb, level, square, in line, undamaged and without marring adjacent work.
- (hh) “Yard” A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded lot upward; provided accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility. (Ord. 50-02. Passed 9-12-02.)

**1319.03 APPLICABILITY.**

(a) Every building and the premises on which it is situated in the City shall comply with the provisions of this chapter, whether or not such building has been constructed, altered or repaired before or after the enactment of this chapter, and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or for the installation or repair of equipment or facilities prior to the effective date of this chapter. This Chapter establishes minimum standards for the initial and continued occupancy and use of all such buildings and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the building.

(b) In any case, where the provisions of this chapter impose a higher standard than set forth in any other ordinances of the City or under the laws of the State, then the standards as set forth herein shall prevail; but if the provisions of this chapter impose a lower standard than any other ordinances of the City or of the laws of the State, then the higher standard contained in any such ordinance or law shall prevail.

(c) After the date of enactment hereof, all licenses and permits shall be issued upon compliance with this chapter as well as compliance with the ordinances under which such licenses and permits are granted.

(d) No license or permit or other certification of compliance with this chapter shall constitute a defense against any violation of any other ordinance of the City applicable to any structure or premises, nor shall any provision herein relieve any owner or occupant from complying with any such other provision, nor any official of the City from enforcing any such other provision.

(e) This chapter only pertains to violations visible from any public right-of-way, including but not limited to, alleys, sidewalks and streets and/or from adjoining, separately-owned properties. (Ord. 50-02. Passed 9-12-02.)

**1319.04 OWNER AND OCCUPANT DUTIES AND RESPONSIBILITIES.**

(a) Owners shall have all the duties and responsibilities as prescribed in this chapter and the regulations as described herein, and no owner shall be relieved from any such duty and responsibility, nor be entitled to defend against any charge of violation thereof by reason of the fact that the occupant is also responsible therefore and in violation thereof.

(b) Unless expressly provided to the contrary in this chapter, the respective obligations and responsibilities of the owner and the occupant shall not be altered or affected by an agreement or contract by and between any of the aforesaid or between them and any other parties.

(c) The exterior of the premises and all structures thereon shall be kept free of all nuisance and any hazards to the safety of the occupants, pedestrians, and other persons utilizing the premises; and free of unsanitary conditions; and any of the foregoing shall be promptly removed and abated by the owner. It shall be the duty of the owner to keep the premises free of hazards. (Ord. 50-02. Passed 9-12-02.)



**1319.05 EXTERIOR APPEARANCE OF PREMISES AND STRUCTURES.**

(a) The exterior of the premises, both residential and non-residential, and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereon shall reflect a level of maintenance in keeping with the standard set forth in this chapter, and so that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property owners, nor an element leading to the progressive deterioration and downgrading of the immediate neighborhood with the accompanying diminution of property values, including the following:

(1) Storage of inoperable, unlicensed or junk vehicles.

- A. The following provisions and requirements shall pertain to the parking and storage of certain vehicles:
1. The parking and storage, within any district, of automotive vehicles without current license plates, for a period of more than fifteen days shall be prohibited unless such vehicles are stored in an enclosed garage or other accessory building.
  2. The parking or storage, within any district, of a disabled automotive vehicle for a period of more than fifteen days shall be prohibited unless such vehicle is stored in an enclosed garage or other enclosed accessory building.
  3. The parking or storage, within any district, of a junked, dismantled or wrecked automotive vehicle or parts thereof which is in public view of any street or highway for a period of more than fifteen days shall be prohibited.
- B. For purposes of this section, a junked, dismantled or wrecked automotive vehicle shall be one which is damaged, or no longer serviceable, to the extent that it is inoperable or is unsafe to operate upon the public streets or highways.
- C. This section shall not apply to properly licensed junkyards, motor vehicle salvage facilities and automotive dealers, which are regulated by appropriate sections of the Ohio Revised Code.
- D. A written, five-day notice will be served on the owner, occupant or person in violation, in conformity with Ohio Revised Code, Sections 731.51 and 731.52. Whoever violates this section is guilty of a minor misdemeanor.

(2) Storage of recreational vehicles.

- A. No more than two of the following: boat with a trailer, bus, utility trailer or recreational vehicle with current license plates that is not in violation of any of the above, may be stored in the rear yard or side yard, behind the setback line. It may also be stored in the front yard, as long as it is entirely behind the setback line and placed on a driveway. Any boat stored in compliance with this section must be kept on a trailer.
- B. A written, five-day notice will be served on the owner, occupant or person in violation, in conformity with Ohio Revised Code, Sections 731.51 and 731.52. Whoever violates this section is guilty of a minor misdemeanor.

(3) Front yard parking not permitted.

- A. Parking of any automotive vehicle is not permitted in the front yard of any residential dwelling with the exception of the designated driveway located from the street to the primary structure or garage of a property. Front yard is defined as the area

extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

B. A written, five-day notice will be served on the owner, occupant or person in violation, in conformity with Ohio Revised Code, Sections 731.51 and 731.52. Whoever violates this section is guilty of a minor misdemeanor.

(4) Trimming of trees and shrubbery required.

A. The owner of every lot or parcel of land within the corporate limits upon which a tree, plant or shrubbery stands with any part thereof upon or overhanging a public street or sidewalk shall conform to the regulations herein provided; otherwise, the Municipality shall cause such trees to be trimmed or cut down and removed in accordance with such regulations and assess the cost thereof against the owner of such lot or parcel of land.

1. Such owner shall trim or cause such tree, plant or shrubbery to be trimmed so that a clear height of eight feet between the lowest branches of the same and the street or sidewalk is maintained.

2. Such owner shall trim or remove, as the case may require, every dead, decayed or broken tree, plant or shrubbery, or part thereof, so the same shall not fall to the street or sidewalk.

3. Such owner shall cut down and remove any tree, plant or shrubbery, or any part thereof, as may be necessary to provide a clear and unobstructed view of traffic from all directions at any street intersection, or to abate any nuisance necessary to protect life, limb or property of persons, drivers of any vehicles or pedestrians using such street or sidewalk.

4. A written, five-day notice will be served on the owner, occupant or person in violation, in conformity with Ohio R.C. 731.51 and 731.52. Whoever violates this section is guilty of a minor misdemeanor.

(5) Removal of grass and weeds by owner or occupant; notice.

A. The owner, occupant or person having the charge or management of any lot or parcel of land, which is not being farmed or grazed, situated within the corporate limits, whether the same is improved or unimproved, vacant or occupied, shall cut or destroy or cause to be cut or destroyed, any grass, noxious or poisonous weeds or vines growing upon any such lot or parcel of land and prevent the same from blooming or going to seed or exceeding a height of twelve inches; otherwise, the Municipality shall cause such grass, weeds or vines to be cut down and/or removed in accordance with such regulations and assess the cost thereof against the owner of such lot or parcel of land.

B. A written, five-day notice will be served on the owner, occupant or person in violation, in conformity with Ohio R.C. 731.51 and 731.52. Whoever violates this section is guilty of a minor misdemeanor.

- (6) Landscaping.
- A. Lawns must be established in areas surrounding the residence or building or any areas not covered by landscaping, driveways, and parking areas in order to prevent erosion and maintain a good appearance.
  - B. Premises shall be maintained. Hedges and bushes shall be kept from becoming overgrown and unsightly where exposed to public view, and where same constitute a blighting factor depreciating adjoining property and impairing the good residential character of the immediate neighborhood.
- (7) Signs and billboards. All signs and billboards permitted by reason of other regulations or as a lawful nonconforming use shall be maintained in good repair, and printed matter, pictures or illustrations contained thereon shall be completely maintained or, when no longer in use, completely removed.
- (8) Maintenance of exteriors of structures and secondary or appurtenant structures.
- A. All exterior parts of every structure, including exterior walls, roofs, chimneys, fences and all other exterior structures, either above or below the roof line, shall be maintained in a good state of repair and free from deterioration from any cause.
  - B. Any structure or secondary or appurtenant structure whose exterior surface is bare, deteriorated, ramshackle, tumbledown, decaying, disintegrating or in poor repair must be repaired or razed.
    - 1. All buckled, rotted or decayed walls, doors, windows, porches, floors, steps, trim, railings and their missing members must be replaced and put in good condition.
    - 2. All replacements must match and conform to original design or be replaced completely.
    - 3. The structure shall be maintained free of broken windows, crumbling stone or brick, or other conditions reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated and the adjoining properties and the immediate neighborhood protected from blighting influences.
- (9) Store fronts. All store fronts shall be kept in good repair, painted where required, and shall not constitute a safety hazard or a nuisance. In the event repairs to a store front become necessary, such repairs shall be made with the same (or with similar) materials as used in the construction of the store front in such a manner as to permanently repair the damaged area or areas. Any cornice visible above a store front shall be kept painted, where required, and in good repair.

- (10) Awnings and marquees. Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or other portion of the premises shall be maintained in good repair, and shall not constitute a nuisance or a safety hazard. In the event such awnings or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed forthwith. In the event such awnings or marquees are made of cloth, plastic or similar materials, such cloth or plastic, where exposed to public view, shall be maintained in good condition and shall not show evidence of weathering, discoloration, ripping, tearing or other holes. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain.

(Ord. 67-07. Passed 11-15-07.)

#### **1319.06 FREEDOM FROM INFESTATION.**

All parts of the premises shall be maintained so as to prevent infestation by insects, termites or rodents. All provisions for garbage shall be constructed so as not to be accessible to dogs, cats or other animals. (Ord. 50-02. Passed 9-12-02.)

#### **1319.07 ADMINISTRATIVE PROVISIONS.**

(a) Property Maintenance Officer. The Zoning Inspector of the City is hereby designated to serve as the Property Maintenance Officer hereunder together with such additional or other public officials to serve as deputy or otherwise appointed by the Mayor; all inspections, regulations and enforcement on violations of the provision of this chapter, unless expressly stated to the contrary, shall be under the direction or supervision of the foregoing officials.

(b) When Inspections are to be Made. All inspections shall be made from any public right-of-way, including but not limited to, alleys, sidewalks and streets and/or from adjoining properties with the consent of the adjoining property owner. The Property Maintenance Officer may only enter the property to be inspected with the consent of the property owner.

(Ord. 50-02. Passed 9-12-02.)

#### **1319.08 PROCEDURE WHEN VIOLATION IS DISCOVERED.**

When a violation of this chapter or the regulations hereunder are found to exist, with the exception of violations of Sections 1319.05 subsection (a)(1), 1319.05 subsection (a)(2), and 1319.05 subsection (a)(3), a written notice, as provided below, from the Property Maintenance Officer shall be served upon the person or persons responsible for the correction thereof.

- (a) Contents of Notice. The notice shall specify the violation or the violations committed, what must be done to correct the same, a reasonable period of time (not to exceed forty-five (45) days) to correct or abate the violation, the right of the person served to request a hearing, and that the notice shall become an Order of the Property Maintenance Officer in ten days after service, unless a hearing is requested pursuant to the provisions in subsection (c) herein.

- (b) Service of Notice. Notice may be served personally or by mail with postage prepaid, addressed to the last known address of the person to be served. If no response is received, the notice shall be sent by certified mail. Where it is ascertained that the owner does not reside on the premises, the last known address shall be the address of the owner as shown in the office of the Union County Auditor. If the last known address cannot be ascertained, the notice may be posted on the outside front entrance of the building. The Property Maintenance Officer shall file and provide notice to any owner or occupant of any violation at any address other than the last known address provided hereunder if such other address is filed with the Property Maintenance Officer personally or by certified mail addressed to the Property Maintenance Officer. Date of service of the notice shall be determined (where service is by mail) as the day following the day of mailing for notices to addresses within the City and as of the fourth day after the day of mailing for notices to addresses outside the City. Where the day of service would fall upon a Sunday or other day when mail is not ordinarily delivered, then the day of service shall be the next regular delivery day. Notwithstanding any other provisions herein contained where premises are subject to registration and have been so registered, notice served upon the agent designated therein shall constitute service upon the owner, or lessor of the premises, jointly and severally.
- (c) Notice To Become An Order Unless Hearing Is Requested. Within ten (10) days of the date of service of a notice, the notice shall constitute a final order unless any person affected by the notice requests a hearing thereon before the Exterior Property Maintenance Commission, serving a written request within the ten (10) day period, in person or by mail, on the Property Maintenance Officer and Mayor. The Commission shall consist of five Marysville citizens, not employed by the City, one appointed by the Mayor and one from each ward of the City appointed by each Ward Council person. Members shall serve a three-year term. Members shall serve no more than two consecutive terms. Such request for a hearing before the Commission shall set forth briefly the grounds or reasons on which the request for a hearing is based and the factual matters contained in the notice of violation that are to be disputed at the hearing. The Property Maintenance Officer, upon receipt of the request shall, within thirty (30) days therefrom and upon five (5) days notice to the party aggrieved, set the matter down for hearing. Any decision rendered by the Commission must be made by affirmative vote of majority of the quorum. A quorum of the Commission represents at least three of the five members.
- (d) Determination at Hearing. The Commission shall issue an order either incorporating the determination and directions contained in the notice, modifying the same, or withdrawing the notice. Determination shall be made within ten (10) days from the completion of the hearing.
- (e) Extension of Time. The Commission may extend the time for correction or abatement of the violations for an additional period of time not to exceed thirty (30) days, except where major capital improvements or renovations are involved, in which instance the time for completion may be extended for a period of time

not to exceed three hundred sixty-five (365) days beyond the expiration date of the original notice, with the provisions of an agreed-upon time frame established between the property owner and City.

- (f) Noncompliance with Notice. Whenever the owner, agent, occupant or operator of a structure or premises fails, neglects or refuses to comply with any notice of the Property Maintenance Officer that becomes a final order, the Property Maintenance Officer may advise the City Law Director of the circumstances and request him to institute an appropriate legal action to compel compliance.
- (g) Referral of Violations. Any violation of any ordinance other than this chapter, discovered by the Property Maintenance Officer or his/her representative, shall be reported to the official or agency responsible for the enforcement of such ordinance. (Ord. 50-02. Passed 9-12-02.)

#### **1319.09 APPLICATION FOR INSPECTION.**

Whenever an owner or agent, a bona fide prospective purchaser or mortgagee requests an inspection in order to ascertain if any section of this chapter has been violated, the Property Maintenance Officer shall, upon payment of the fee hereunder stated, cause an inspection to be made of the premises and issue an informational certificate or report of the inspection to the applicant, indicating therein any violation of this chapter on the premises. The applicant for such inspection shall state in writing his full name, his residence and the reasons and basis for which the inspection is requested. The Property Maintenance Officer may deny the application for failure to comply with this requirement. (Ord. 50-02. Passed 9-12-02.)

#### **1319.10 APPLICATION FOR STATUS REPORT.**

Where, in lieu of an inspection, an owner, agent, lessee, bona fide prospective purchaser or mortgagee requests a status report as to whether or not there are any known violations presently pending on such premises, upon written request, a copy of any notice or order of any violation then pending shall be sent to the applicant.  
(Ord. 50-02. Passed 9-12-02.)

#### **1319.11 INSPECTION FEES.**

The fee for any inspection report of any structure made at the request of the owner, agent of the owner, lessee, bona fide prospective purchaser or mortgagee shall be in accordance with the Inspection Fee schedule adopted by the City herein.

- (a) Inspection fee, \$50.00  
(Ord. 50-02. Passed 9-12-02.)

#### **1319.12 CERTIFICATE OF NECESSITY.**

(a) Who May Apply. Where any owner or agent is required to make repairs or otherwise improve his property and is unable to comply with this chapter without having right of access to the building or premises through or across adjoining premises not owned by him or under his control, and where right of access has been refused the owner or agent; or where the owner or person responsible for granting permission cannot be found or located; then, upon the filing of an affidavit setting forth the facts with the Property Maintenance Officer, the Property Maintenance Officer shall serve a five (5) day notice, in writing, of a hearing upon the owner or the agent of any adjoining premises affected by the application.

(b) Hearing. On the day fixed for hearing, the Exterior Property Maintenance Commission shall provide opportunity for the owner or agent of the adjoining property or properties to state why access should not be granted across such adjoining properties. (Ord. 50-02. Passed 9-12-02.)

#### **1319.13 ISSUANCE OF CERTIFICATE AND CONDITIONS.**

If the Exterior Property Maintenance Commission determines that access is deemed absolutely necessary for compliance with this chapter, then the Commission shall issue a certificate of necessity setting forth therein the person or persons to whom the certificate shall apply, such conditions as shall be necessary to protect the adjoining property, reasonable time limits during which such certificate shall operate, precautions to be taken to avoid damages and, where the Commission deems proper, that a bond be procured at the expense of any persons seeking access to secure the adjoining property against damage to persons or property arising out of such rights of access. The bond shall not exceed ten thousand dollars (\$10,000) unless conditions deemed advisable by the Commission appear otherwise; and the amount set shall take into consideration the extent, nature and the duration of the repairs, the proximity of the improvement on the premises affected and the potential risk of damage thereto. The bond shall be filed with the Property Maintenance Officer. (Ord. 50-02. Passed 9-12-02.)

#### **1319.14 PROCEDURE WHERE ACCESS IS REFUSED.**

Any refusal to comply with this section or any interference with access to premises pursuant to a certificate issued hereunder shall be a violation of this chapter and, in addition to the penalties provided hereunder, the Property Maintenance Officer may, upon affidavit, apply to the Municipal Court for a warrant under the procedure set forth herein or to the Common Pleas Court for an order granting access to the subject premises. (Ord. 50-02. Passed 9-12-02.)

#### **1319.15 SEVERABILITY.**

If any section, subsection, paragraph, sentence, clause, phrase or word contained in this chapter shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter, which shall remain in full force and effect, and to this end, the provisions of this chapter are hereby declared to be severable. (Ord. 50-02. Passed 9-12-02.)

#### **1319.99 PENALTY.**

(a) Fines For Violations. A first violation of any section of this chapter shall be punishable by a fine of not more than one hundred dollars (\$100.00) for the violation committed hereunder. Each violation of a section of this chapter shall constitute a separate and distinct violation independent of any other section or subsection or any order issued pursuant to this chapter. Each day's failure to comply with any such section or subsection shall constitute a separate violation. Where the defendant is other than a natural person or persons, this section shall also apply to any agent, superintendent, officer, member or director or partner who shall alone or with others have charge, care or control of the premises.

(b) Other Legal Action. The imposition of any penalty shall not preclude the City Law Director from instituting an appropriate action of proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance; or to restrain, correct or abate a violation; to require compliance with the provisions of this chapter or other applicable laws, ordinances, rules or regulations, or the orders or determinations of the Property Maintenance Officer or the Commission. (Ord. 50-02. Passed 9-12-02.)

