

CODIFIED ORDINANCES OF MILFORD

PART THIRTEEN - BUILDING CODE

TITLE ONE - Standards and Administration

- Chap. 1301. Residential Code of Ohio.
- Chap. 1303. Ohio Basic Building Code.
- Chap. 1307. Building Permit and Inspection Fees.
- Chap. 1309. Ionization Detectors, Sprinklers and Standpipes in New Construction.

TITLE THREE - Local Provisions

- Chap. 1311. Building Numbering.
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- Chap. 1319. Flood Damage Reduction.

TITLE ONE - Standards and Administration

- Chap. 1301. Residential Code of Ohio.
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- Chap. 1309. Ionization Detectors, Sprinklers and Standpipes in New Construction.

**CHAPTER 1301
Residential Code of Ohio**

1301.01 Adoption.

1301.02 Fee schedule.

CROSS REFERENCES

Adoption by reference - see CHTR. Sec. 12.03
Permit fees - see BLDG. 1307.01

1301.01 ADOPTION.

Ohio Administrative Code 4101:08, Residential Code of Ohio as promulgated by the Ohio Board of Building Standards, shall apply and be enforced within the City of Milford, Ohio. (Ord. 06-563. Passed 12-5-06.)

1301.02 FEE SCHEDULE.

EDITOR'S NOTE: Pursuant to Ordinance 04-367, passed April 20, 2004, the City in accordance with Section 12.03 of the Charter incorporates by reference the Fee Schedule adopted by the Hamilton County Department of Building Inspections.

CHAPTER 1303
Ohio Building Code

1303.01	Adoption.	1303.06	Violations.
1303.02	Purpose.	1303.07	Stop work order.
1303.03	Scope.	1303.08	Conflict.
1303.04	Compliance.	1303.09	Enforcement.
1303.05	Existing structures.	1303.99	Penalty.

CROSS REFERENCES

See sectional histories for similar State law
 Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261
 Power to enact further and additional regulations - see Ohio R.C. 3781.01
 Authorization by Board of Building Standards - see Ohio R.C. 3781.12
 Enforcement - see Ohio R.C. 3781.03, 3781.031, 3781.10(E), 3781.102, 3781.19
 Final jurisdiction - see Ohio R.C. 3781.04
 Application - see Ohio R.C. 3781.06, 3781.10(E), 3781.11(A)
 Submission of plans - see Ohio R.C. 3791.04
 Dead bolt locks in apartment buildings - see Ohio R.C. 3781.103
 Smoke detection system for apartments and condominiums - see
 Ohio R.C. 3781.104
 Automatic sprinkler systems - see Ohio R.C. 3781.105, 3791.041 et seq.
 Fire suppression systems - see Ohio R.C. 3781.108
 Use of public buildings by handicapped persons - see Ohio R.C. 3781.111
 Energy conservation - see Ohio R.C. 3781.181, 3781.182, 3781.21
 Abandoned service stations - see Ohio R.C. 3791.11 et seq.
 Safety standards for refuse containers - see Ohio R.C. 3791.21

1303.01 ADOPTION.

There is hereby adopted by the Municipality, the Ohio Building Code (OBC) and related codes as adopted by the Ohio Board of Building Standards, Department of Industrial Relations, effective March 1, 2005, and as identified and published in Division 4101:1 et seq. of the Ohio Administrative Code (OAC).

1303.02 PURPOSE.

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

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

The rules of the Board of Building Standards and proceedings shall be liberally construed in order to promote its purpose. When the Building Official finds that the proposed design is a reasonable interpretation of the provisions of this Code, it shall be approved. Materials, equipment and devices approved by the Building Official pursuant to Section 118 of the Ohio Building Code shall be constructed and installed in accordance with such approval.

(OBC 101.3)

1303.03 SCOPE.

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

An owner may exceed the requirements of the Ohio Building Code in compliance with Section 102.7 of the Ohio Building Code.

Exceptions:

- (a) Detached one-, and two-, and three-family dwellings and structures incidental to those dwellings which are not constructed as industrialized units shall comply with local residential codes, if any, adopted by the authority having jurisdiction. This exception does not include the energy provisions required in "Chapter 13, Energy Efficiency" of the OBC (see Sections 3781.06, 3781.181 and 3781.182 of the Ohio Revised Code);
- (b) Buildings owned by and used for a function of the United States Government;

- (c) Buildings or structures which are incident to the use for agricultural purposes of the land on which said buildings or structures are located, provided such buildings or structures are not used in the business of retail trade; for the purposes of this section, a building or structure is not considered used in the business of retail trade if fifty percent or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller. (See Sections 3781.06 and 3781.061 of the Ohio Revised Code);
- (d) Agricultural labor camps;
- (e) Type A or Type B family day-care homes;
- (f) Buildings or structures which are designed, constructed and maintained in accordance with federal standards and regulations and are used primarily for federal and state military purposes where the U.S. Secretary of Defense, pursuant to 10 U.S.C. Sections 18233(a)(1) and 18237, has acquired by purchase, lease, or transfer, and constructs, expands, rehabilitates, or corrects and equips, such buildings or structures as he determines to be necessary to carry out the purposes of Chapter 1803 of the U.S.C.;
- (g) Manufactured homes constructed under "24 CFR Part 3280", "Manufactured Home Construction and Safety Standards".
(OBC 101.2)

1303.04 COMPLIANCE.

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

(ORC 3791.01, 3791.02)

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

(ORC 3791.01, 3791.03)

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

1303.05 EXISTING STRUCTURES.

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

The occupancy of any structure currently existing on the date of adoption of this Code shall be permitted to continue without change provided the alleged occupancy can be shown to have existed for more than two years and there are no orders of the Building Official pending, no evidence of fraud, or no serious safety or sanitation hazard.

Buildings constructed in accordance with plans which have been approved prior to the effective date of this Code are existing buildings.
(OBC 102.6)

1303.06 VIOLATIONS.

(a) Adjudication Orders Required Before Legal Proceedings. Before the Municipality attempts to enforce Chapters 3781 and 3791 of the Ohio Revised Code or any rules adopted pursuant thereto, by any remedy, civil or criminal, it shall issue an adjudication order within the meaning of Sections 119.06 to 119.13 of the Ohio Revised Code or a stop work order as provided in Section 1303.07. Every adjudication order shall:

- (1) Cite the law or rules directly involved and shall specify what appliances, site preparations, additions, or alterations to structures, plans, materials, assemblages or procedures are necessary for the same to comply with Chapters 3781 and 3791 of the Ohio Revised Code.
- (2) Include notice to the party of the procedure for appeal and right to a hearing if requested within thirty days of the mailing of the notice. The notice shall also inform the party that at the hearing he may be represented by counsel, present his arguments or contentions orally or in writing and present evidence and examine witnesses appearing for or against him.

(b) Notice of Violation. The Building Official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure. When the Building Official finds that work or equipment is contrary to approved construction documents and the rules of the Board of Building Standards, the Building Official shall send a notice in writing to the owner of said building or the owner's agent which shall state where and in what respect the work or equipment does not conform to the approved plans for same and the rules of the Board. The notice shall specify a reasonable period of time in which to conform to said plans or the rules of the Board. Before any work may continue on the construction, erection, alteration, or equipment of any building for which the approval is invalid, the owner of the building shall resubmit the plans or drawings and specifications for approval as required under Section 105.3 of the Ohio Building Code.

(c) Prosecution of Violation. Upon the issuance of any order provided for in this section or Section 1303.07, the person receiving an order shall cease work upon the site preparations or structure to be constructed, or in the case of an industrialized unit, the installation of the unit, or shall cease using the appliance, materials, assemblages or manufactured product identified in the order until such time as the appeal provided for in accordance with the provisions of Section 3781.19 of the Ohio Revised Code and all appeals from such hearing have been completed, or the order has been released.

(OBC 113)

1303.07 STOP WORK ORDER.

(a) Authority. Whenever the Building Official finds any work regulated by this Code being performed in a manner contrary to the provisions of this Code or in a dangerous or unsafe manner, the Building Official is authorized to issue a stop work order whenever the Building Official finds, after inspection, that the site preparations or structure to be constructed, or in the case of an industrialized unit, the installation of the unit, or that the use of an appliance, materials, assemblage, or manufactured product does not comply with the provisions of Chapters 3781 and 3791 of the Ohio Revised Code or the rules adopted pursuant thereto. The effect of such an order shall be limited to the matter specified in the order.

(b) Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent and the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

(c) Unlawful Continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition. Failure to cease work after receipt of a stop work order is hereby declared a public nuisance.
(OBC 114)

1303.08 CONFLICT.

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

(b) Other Laws. The provisions of the Ohio Building Code shall not be deemed to nullify any provisions of state or federal law. The Municipality, under Section 3781.01 of the Ohio Revised Code, may make further and additional regulations, not in conflict with Chapters 3781 and 3791 of the Ohio Revised Code or with the rules of the Board of Building Standards. However, under Section 3781.12 of the Ohio Revised Code, approval by the Board of Building Standards of any fixture, device, material, system, assembly or product of a manufacturing process, or method or manner of construction or installation shall constitute approval for their use anywhere in Ohio. The rules of the Board of Building Standards shall supersede and govern any order, standard, or rule of the Division of the Fire Marshal or Industrial Compliance in the Department of Commerce, and Department of Health and of counties and townships, in all cases where such orders, standards or rules are in conflict with the rules of the Board of Building Standards, except that rules adopted and orders issued by the Fire Marshal pursuant to Chapter 3743, of the Ohio Revised Code prevail in the event of a conflict.
(OBC 102)

1303.09 ENFORCEMENT.

(a) In General. The Building Official shall enforce provisions of the rules of the Board of Building Standards and of Chapters 3781 and 3791 of the Ohio Revised Code, relating to construction, arrangement, and the erection of buildings or parts thereof as defined in the rules of the Board in accordance with the certification. The Building Official shall exercise exclusive responsibility for the enforcement of all design and construction requirements found in the Ohio Building Code and in other codes and referenced standards to the extent that the Building Code refers to those documents for design data, facts, figures, requirements, criteria, conditions, measures, and information except as follows:

- (1) Fire. The Fire Marshal or Fire Chief shall enforce all provisions of the rules of the Board relating to fire prevention. For those design and construction requirements and other requirements found in the Fire Prevention Code to which the Building Code refers, to the extent of the reference they shall be enforced by the Building Official.
- (2) Health. The Department of Health, or the boards of health of the City or general health districts the Division of Industrial Compliance of the Department of Commerce, or the Departments of Building Inspection of municipal corporations shall enforce such provisions relating to sanitary construction.
- (3) Engineering. The Department of the City Engineer, in cities having such departments, has complete supervision and regulation of the entire sewerage and drainage system of the City, including the house drain and the house sewer and all laterals draining into the street sewers. Said department shall have control and supervision of the installation and construction of all drains and sewers that become a part of the sewerage system of the City and shall issue all the necessary permits and licenses for the construction and installation of all house drains and house sewers and of all other lateral drains that empty into the main sewers. Such department shall keep a permanent record of the installation and location of every drain and sewerage system of the City.
- (4) Enforcement. This section does not exempt any officer or department from the obligation of enforcing any provision of the rules of the Board.

The Building Official shall have the authority to render interpretations of the Ohio Building Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code.

(b) Applications and Approvals. The Building Official shall receive applications, require the review of submitted construction documents and issue plan approvals for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such approvals have been issued and enforce compliance with the provisions of this Code.

(c) Notices and Orders. The Building Official shall issue all necessary notices or orders to ensure compliance with this Code. When the Building Official finds that work or equipment is contrary to approved plans therefor and the rules of the Board, the Building Official shall send a notice in writing to the owner of said building or the owner's agent. The notice shall state where and in what respect the work or equipment does not conform to the approved plans for same and the rules of the Board, and specify a reasonable period of time in which to conform to said plans or the rules of the Board.

(d) Inspections. If the plans for the erection, construction, repair, alteration, relocating, or equipment of a building are subject to inspection by the Building Official, under Section 109 of the Ohio Building Code, the Building Official shall cause to be made such inspections, investigations, and determinations as are necessary to determine whether or not the work which has been performed and the installations which have been made are in conformity with the approved plans and to safety and sanitation, except special inspections required under Section 1704 of the Ohio Building Code.

(e) Identification. The Building Department personnel shall show, when requested, proper identification when entering structures or premises in the performance of duties under this Code.

(f) Right of Entry. The Building Official, or Building Official's designee, is authorized to enter a structure or premises at reasonable times to inspect or to perform the duties imposed by this Code, provided that credentials are presented to the occupant and that entry is requested and obtained. Where permission to enter has not been obtained, is denied, or the Building Official has probable cause to believe that there exists in a structure or upon a premises a condition which is a serious hazard the Building Official shall have recourse to the remedies provided by law to secure entry.

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

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

1303.99 PENALTY.

Whoever violates any provision of this chapter or any Code adopted herein or fails to comply with any lawful order issued pursuant thereto is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both. Each day during which noncompliance or a violation continues shall constitute a separate offense. The Municipality may institute injunction proceedings in Common Pleas Court to abate the nuisance of failure to cease work after receipt of a stop work order as referred to in Section 1303.07.

CHAPTER 1307
Building Permit and Inspection Fees

- 1307.01** Fee schedule.
- 1307.02** Refund of permit fees.

CROSS REFERENCES

Fees received by officers or employees - see CHTR. Sec. 15.05

1307.01 FEE SCHEDULE.

(EDITOR'S NOTE: Pursuant to Ordinance 97-1786, passed May 6, 1997, the City has adopted as its building permit fee schedule the schedule of fees for the Hamilton County Department of Building Inspections.)

1307.02 REFUND OF PERMIT FEES.

(a) Refund of permit fees may be authorized if applied for within one year from the date of issuance of the permit if:

- (1) The permit has expired by time limitation;
- (2) The project is abandoned;
- (3) There is a major change in the project such as a different type of building, different model, change of occupancy, etc.

(b) Refund shall be at the discretion of the Building Official and, if granted, shall be in the amount of one-half of the permit fee, less fifteen dollars (\$15.00). No refunds shall be granted where the permit fee is thirty dollars (\$30.00) or less.
(Ord. 92-1467. Passed 11-17-92.)

(The next printed page is page 19.)

CHAPTER 1309
Ionization Detectors, Sprinklers and
Standpipes in New Construction

1309.01	Installation of protective and extinguishing fire equipment required in new construction.	1309.04	Notice of inoperative or removed equipment.
1309.02	Equipment inspection.	1309.05	Existing buildings exempt; conformance upon alteration.
1309.03	Compliance with State standards.	1309.06	Appeal to Council.

CROSS REFERENCES

Fire protection systems - see OAC 4101:2-10 (OBBC Art. 10)

Smoke detectors required in existing residential uses - see

FIRE PREV. 1505.03

1309.01 INSTALLATION OF PROTECTIVE AND EXTINGUISHING FIRE EQUIPMENT REQUIRED IN NEW CONSTRUCTION.

(a) Equipment Installation Required. No person shall construct any building hereinafter described without installing at the time of such construction the protective and extinguishing fire equipment hereinafter provided with respect to such building, except to the extent the Chief Building Official and the Fire Chief determine any such requirement would create an undue hardship.

(b) Equipment Maintenance Required. No person shall construct, own or occupy any such building without thereafter maintaining in proper operative condition the protective and extinguishing fire equipment hereinafter provided.

(c) Computing Gross Floor Area. Building as defined shall be computed as the gross floor area within outside perimeter walls. The exception shall not be given to interior fire walls or fire partitions in computing the gross floor area of a building.

(d) Standpipe and Hose System Defined. "Standpipe and hose system" means a wet system of hose outlets having a minimum water flow of 500 gallons per minute for one standpipe plus 250 gallons for each additional standpipe, up to 2500 gallons per minute maximum and located so that all portions of each floor shall be within thirty feet of a nozzle attached to not more than 100 feet of hose.

(e) Automatic Sprinkler System Defined. "Automatic sprinkler system" means an integrated system of piping and sprinklers, containing a controlling valve and a device for actuating an alarm clearly audible in all areas of the building when the system is in operation, connected to a suitable water supply, activated by heat from a fire to discharge water over the fire area.

(f) One, Two, Three and Four Family Residential and Townhouses.

- (1) A 110 volt A.C. with battery backup automatic ionization detector warning system approved by the Underwriter's Laboratories, Inc., the Factory Mutual System and the Chief Building Official installed in the immediate vicinity but outside of all sleeping rooms, with the alarm signaling devices clearly audible in all bedrooms when all intervening doors are closed.

(g) Transient and Nontransient Residential Buildings. Transient and nontransient residential buildings, excluding townhouses and one, two, three and four-family residential buildings, but including hotels, motels, lodging houses, dormitories, apartment houses, rooming houses and accessory sleeping quarters.

- (1) Apartment houses only, a 110 volt A.C. with battery backup automatic ionization detector warning system approved by the Underwriter's Laboratories, Inc., Factory Mutual System and the Chief Building Official installed in the immediate vicinity but outside of all sleeping rooms, with the alarm signaling devices clearly audible in all bedrooms when all intervening doors are closed; and
- (2) 110 volt A.C. with battery backup automatic ionization detection equipment approved by the Underwriter's Laboratories, Inc., Factory Mutual System and the Chief Building Official in all hallways, corridors, storage areas, basements, cellars or other areas within the building proper that will sound an alarm audible in all dwelling units and throughout the building proper; and
- (3) Apartment houses excepted, a 100 volt A.C. with battery backup automatic ionization detection warning system approved by the Underwriter's Laboratories, Inc., Factory Mutual System and the Chief Building Official installed in each sleeping room, with alarm signaling devices clearly audible throughout the sleeping unit; and
- (4) A standpipe and hose system if such building has a total floor area of 5,000 square feet or more; and

- (5) An automatic sprinkler system if such building:
 - A. Is more than one story high;
 - B. Is over fifty feet high;
 - C. Has a floor area of 5,000 square feet or more; or
 - D. Accommodates more than fifty persons.

- (h) Institutional Buildings. Institutional buildings including hospitals and extended care and rest facilities.
 - (1) A 110 volt A.C. with battery backup automatic ionization detector warning system by the Underwriter's Laboratories, Inc., the Factory Mutual System and the Chief Building Official installed in all sleeping rooms and throughout the building with alarm signaling devices clearly audible throughout the building; and
 - (2) A manually activated local alarm pull-system clearly audible in all areas of the building in each building connected to an Underwriter's Laboratories, Inc. and Factory Mutual System approved twenty-four hour central station alarm system to summon the Fire Department, with adequately available manual alarm sending stations on the premises; and
 - (3) A standpipe and hose system if such building has a total floor area of 5,000 square feet or more; or accommodates more than fifty person; and
 - (4) A minor accessory building excepted, an automatic sprinkler system throughout, (including basements and/or cellar areas) with an appurtenant Underwriter's Laboratories, Inc. and Factory Mutual System approved twenty-four hour central station alarm system to summon the Fire Department.

- (i) Schools and School Assembly Halls.
 - (1) A manually activated local alarm pull-station system clearly audible in all areas of the building in each building connected to an Underwriter's Laboratories, Inc. and Factory Mutual System approved twenty-four hour central station alarm to summon the Fire Department, with adequately available manual alarm sending stations on the premises; and
 - (2) A standpipe and hose system if such building has a total floor area of 5,000 square feet or more; and
 - (3) An automatic sprinkler system throughout, (including basement and/or cellar areas) with an appurtenant Underwriter's Laboratories, Inc. and Factory Mutual System approved twenty-four hour central station alarm system to summon the Fire Department, except where carbon banks, foam or chemical extinguishing systems or other approved fire extinguishing means are more suitable and approved by the Chief Building Official and Fire Chief.

- (j) Places of Assembly. Places of assembly, churches, day care centers, museums, theaters, restaurants, night clubs, recreation or amusement buildings, arenas and the like.
- (1) A manually activated local alarm pull-station clearly audible in all areas of the building connected to an Underwriter's Laboratories, Inc. and Factory Mutual System approved twenty-four hour central station alarm system to summon the Fire Department, with adequately available manual alarm sending stations on the premises; and
 - (2) A standpipe and hose system if such building has a total floor area of 5,000 square feet or more; and
 - (3) An automatic sprinkler system throughout (including basement and/or cellar areas) if such building:
 - A. Is more than one story high;
 - B. Is over fifty feet high; or,
 - C. Has a floor area of 5,000 square feet or more, except where carbon banks, foam or chemical extinguishing means are more suitable and approved by the Chief Building Official and Fire Chief; and
 - (4) A 110 volt A.C. with battery backup automatic ionization warning system approved by the Underwriter's Laboratories, Inc., the Factory Mutual System and the Chief Building Official installed in all rooms, halls, corridors, storage areas, basements, cellars, within the building proper that will sound an alarm audible throughout the building proper.
- (k) Business Buildings, Mercantile Buildings and Office Buildings.
- (1) A manually activated local alarm pull-station system clearly audible in all areas of the building connected by an Underwriter's Laboratories, Inc., and Factory Mutual system approved twenty-four hour central station alarm system to summon the Fire Department with adequately available manual alarm sending stations on the premises, in all buildings:
 - A. More than one story high;
 - B. Having a floor area of 5,000 square feet or more; or
 - C. Occupied by fifty or more persons; and
 - (2) A standpipe and hose system if such building has a total floor area of 5,000 square feet or more; and
 - (3) An automatic sprinkler system throughout (including basement and/or cellar areas) if such building is:
 - A. More than one story high;
 - B. Over fifty feet high; or
 - C. Has a floor area of 5,000 square feet or more.

- (l) Industrial Buildings and Storage or Warehouse Buildings.
 - (1) A manually activated local alarm pull-station system clearly audible in all areas of the building connected to an Underwriter's Laboratories, Inc. and Factory Mutual System approved twenty-four hour central station alarm system to summon the Fire Department, with adequately available manual alarm sending stations on the premises in all buildings:
 - A. More than one story high;
 - B. Has a floor area of 5,000 square feet or more; or
 - C. Occupied by fifty or more persons; and
 - (2) Excepting in areas where it is inadvisable to use water as a fire extinguishing agent, a standpipe and hose system if such building has a total floor area of 5,000 square feet or more; and
 - (3) Excepting in areas where it is inadvisable to use water as a fire extinguishing agent, an automatic sprinkler system throughout (including basement and/or cellar areas) if such building is:
 - A. More than one story high;
 - B. Over fifty feet high; or
 - C. Has a floor area of 5,000 square feet or more; and
 - (4) Where water is inadvisable as a fire extinguishing agent, foam, chemical or other acceptable extinguishing systems in fire hazard areas.
- (m) Special Occupancy Buildings. Special occupancy buildings and aircraft and motor vehicle sales, service and commercial storage buildings.
 - (1) Excepting in areas where it is inadvisable to use water as a fire extinguishing agent, a standpipe and hose system if such building: has a floor area of 5,000 square feet or more; and
 - (2) Excepting in areas where it is inadvisable to use water as a fire extinguishing agent, an automatic sprinkler system throughout (including basement and/or cellar areas) if such building is:
 - A. More than one story high;
 - B. Over fifty feet high; or
 - C. Has a floor area of 5,000 square feet or more; and
 - (3) Where water is inadvisable as a fire extinguishing agent, foam, chemical or other acceptable extinguishing systems in fire hazard areas; and
 - (4) Standard chemical or foam fire extinguishers in number and locations where the Chief Building Official and Fire Chief deem advisable.
(Ord. 1053. Passed 4-15-86.)

1309.02 EQUIPMENT INSPECTION.

All detection and extinguishing equipment shall be subject to inspection by the Building Department and the Fire Department. All automatic sprinkler equipment and appurtenant equipment specified herein shall be inspected annually by an approved sprinkler company, which shall present to the City an affidavit stating such equipment is in proper operative condition. (Ord. 1053. Passed 4-15-86.)

1309.03 COMPLIANCE WITH STATE STANDARDS.

All protective and extinguishing fire equipment provided for herein shall meet specifications and standards set forth in the Ohio Fire Code and Ohio Basic Building Code. (Ord. 1053. Passed 4-15-86.)

1309.04 NOTICE OF INOPERATIVE OR REMOVED EQUIPMENT.

The occupant and owner of the building containing such equipment shall promptly notify the Fire Department in case such sprinkler protection is withdrawn, interrupted, curtailed or altered. (Ord. 1053. Passed 4-15-86.)

1309.05 EXISTING BUILDINGS EXEMPT; CONFORMANCE UPON ALTERATION.

Buildings in existence at the time of the effective date of this section shall be exempt from the provisions herein; provided, however, that no such existing buildings shall be reconstructed or structurally altered in an amount exceeding twenty-five percent (25%) of 8,000 square feet in area without conforming to the provisions of this chapter. (Ord. 1053. Passed 4-15-86.)

1309.06 APPEAL TO COUNCIL.

Any party adversely affected by a decision of the Fire Chief and/or Chief Building Official may appeal to Council within twenty days after the decision by filing with the Clerk of Council a notice of appeal specifying the ground thereof. The Council may affirm, reverse, vacate or modify the decision complained of in the appeal. A party adversely affected by a decision of Council may then appeal that decision to the Clermont County Court of Common Pleas. (Ord. 1053. Passed 4-15-86.)

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and Preservation Commission.
- Chap. 1319. Flood Damage Reduction.

**CHAPTER 1311
Building Numbering**

**1311.01 Buildings required to
be numbered.**

1311.99 Penalty.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.26

1311.01 BUILDINGS REQUIRED TO BE NUMBERED.

(a) Dwellings and buildings in the City shall be numbered and designated as hereinafter provided.

(b) It shall be the duty of each resident owner of a building in the City and of the occupant of each building therein owned by nonresidents to procure the proper numbers for such building and affix the same in a conspicuous place to the front of such building. It shall be the duty of any person hereafter erecting any building in the City, within ten days after the issuance of a certificate of occupancy, to procure the proper numbers and affix the same to such new building. (Ord. 1063. Passed 7-1-86.)

1311.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). Each day of a continuing violation shall constitute a separate offense.

CHAPTER 1312
Property Maintenance

1312.01	Maintenance.	1312.03	Rules and Regulations.
1312.02	Citizens Housing Committee.	1312.99	Penalty.

1312.01 MAINTENANCE.

(a) Maintenance Required. All buildings and structures, all parts thereof and all building service equipment shall be maintained in a safe, sanitary and non-hazardous manner. All means of egress, devices, safeguards and equipment shall be kept in good working order. The exterior of all premises and the condition of all buildings, structures and components thereon shall be maintained so as to prevent and/or repair deterioration, so that the appearance thereof shall reflect a level of maintenance in conformity with the Milford Codified Ordinances and so as to insure that the property itself may be preserved safely and that hazards to public health and safety are avoided.

(b) Review and Recommendations by Committee. To assist in the enforcement of the provisions of this section, the Building Official or his representative shall refer all suspected violations and complaints to the Citizens Housing Committee for their review and recommendation. No violation notice shall be issued by the Building Official or his representative unless a written recommendation from the Citizens Housing Committee is received, indicating that corrective measures are required to avoid hazards to public health and safety and/or protect adjoining or neighboring properties from safety, fire and structural hazards.

(c) Maintenance Standards.

(1) Maintenance of structures. Each owner and/or occupant shall keep all exterior components of every structure in good repair, including but not limited to, walls, roofs, chimneys, cornices, gutters, downspouts, drains, porches, steps, landings, fire escapes, exterior stairs, windows, shutters, doors, storefronts, signs, marquees and awnings.

A. All surfaces shall be covered with a protective coating, including paint, shingles, plastic/aluminum/asbestos or vinyl siding or other material which preserves the structure and does not contribute to deterioration.

B. All surfaces shall be maintained free of deterioration, including but not limited to, broken glass, loose or missing shingles or siding, crumbling brick, stone and mortar, and peeling, scaling or deteriorated paint.

- C. Overhanging structures, including canopies, marquees, signs, awnings, exterior stairways, fire escapes, and other structures with overhanging extensions shall be maintained in good repair, be securely anchored to the structure, and protected from rust and other signs of decay by application of a weather protective material such as paint. Non-operative or broken electrical signs shall be repaired or removed. All obsolete signs and sign structures shall be removed.
 - D. Except for display merchandise in nonresidential buildings, no storage of materials, goods, stock or inventory shall be permitted in building openings ordinarily exposed to public view unless such areas are screened from public view. All such screening shall be of clean material and will be maintained in a good state of repair.
- (2) Maintenance of accessory structures. Each accessory structure shall be subject to the maintenance standards set forth in Section 1312.01. Further, each structure shall:
- A. Provide weatherproof usable space and shall not harbor rodents, termites, or other vermin.
 - B. All business, servicing or processing, except for off-street loading, shall be conducted within completely enclosed buildings.
 - C. In nonresidential districts, storage shall be within enclosed buildings or effectively screened from view by plantings as required by the Zoning Code.
 - D. In residential zones all outdoor storage for a continuous period exceeding fifteen days shall be within enclosed buildings or it shall be effectively screened from view as required by the Zoning Code. However, the storage of functional items such as children's play structures, firewood and operable vehicles and bicycles shall be exempt from this provision.
 - E. Inoperable vehicles must be stored within an enclosed building or effectively screened from view as required by the Zoning Code.
- (3) Maintenance of premises and landscape elements.
- A. All premises and landscape elements shall be maintained in a safe and sanitary condition, including but not limited to steps, walks, driveways, fences, retaining walls, trees, shrubs, grass and weeds. If any such area or object constitutes a danger to health or safety, it shall be repaired, replaced or removed.
 - B. All paved driveways and walks which exist within the public right of way shall be maintained in a safe condition.
 - C. All fences, retaining walls, or similar structures shall be firmly anchored in the ground and maintained in good structural repair. Wooden elements or other elements subject to deterioration from weathering shall be maintained with chemicals or paint to preserve the element and to retard deterioration.
 - D. Weeds and grass shall be kept trimmed and from becoming overgrown in accord with the provisions of Section 915.02.

- E. Trees and shrubs which have branches projecting into the public right of way, including public sidewalks, public places or public highway, shall be kept trimmed in accordance with the provisions of Section 915.01.
 - F. Trees and shrubs afflicted with a form of decay or vegetation sickness which can be transmitted to other trees or shrubs shall be removed or shall be treated or sprayed so as to eliminate the risk of such decay or vegetation sickness being transmitted to other trees. Dead trees in proximity to rights of way, buildings, structures or congregations of people which may endanger such objects shall be removed.
 - G. All yards, courts, or lots shall be kept free of accumulations of trash, garbage, waste, rubbish, refuse, junk and other noxious or offensive materials or substances which may cause a fire hazard or may act as a breeding place for vermin or insects. Storage of miscellaneous items must be within enclosed structures or screened as required in the Zoning Code.
 - H. All portions of all premises shall be graded so that there is not pooling of water or recurrent entrance of water into any basement or cellar. All condensate and waste cooling water shall be discharged into the storm sewer system with approval of the City Engineer.
- (d) Maintenance After Casualty Damage. Within a period of thirty days after casualty damage to any premises the owner and/or operator shall have taken the following steps:
- (1) Contracted for the repair and restoration of damaged areas and removal of debris; and/or
 - (2) Contracted for the demolition and removal of any part of the premises not to be repaired and restored and for the removal of debris in connection therewith. (Ord. 97-1813. Passed 9-2-97.)

1312.02 CITIZENS HOUSING COMMITTEE.

(a) Establishment of Citizens Housing Committee; Membership; Appointment; Terms; Vacancies; Oaths; Compensation; Removal; Officers.

- (1) The Citizens Housing Committee is hereby established pursuant to the authority set forth in Section 3.14 of the Charter.
- (2) The Citizens Housing Committee shall consist of five residents of the City, none of whom may hold other public office in the City and each of whom shall have resided in the City for a period of two years.
- (3) The City Manager shall be the appointing authority of the Citizens Housing Committee, subject to the approval of the City Council.
- (4) The term of office for each member of the Citizens Housing Committee shall be for three years; however, the terms of office of the members first appointed shall be staggered so that two members shall serve for one year, two members shall serve for two years, and one member shall serve for three years.

- (5) Vacancies on the Citizens Housing Committee shall be filled within sixty calendar days. When an occupancy occurs, other than through expiration of the term of office, it shall be filled for the remainder of that term.
- (6) All members of the Citizens Housing Committee shall, before entering upon their duties, qualify by taking the City's oath of office.
- (7) Reimbursement for expenses or compensation or both may be authorized for members on the Citizens Housing Committee.
- (8) Any member of the Citizens Housing Committee may be removed by the City Council, for inefficiency, neglect of duty, malfeasance or conflict of interest.
- (9) The Citizens Housing Committee shall elect annually a chairman, vice-chairman, and secretary, and any officer shall be eligible for reelection at the expiration of his term.

(b) Meetings of Citizens Housing Committee; Quorum; Minutes; By-Laws; Finances; Subpoena Power; Administration of Oaths.

- (1) The Citizens Housing Committee shall conduct meetings at the call of the chairman, who shall give written or oral notice to all members of the Citizens Housing Committee at least seven days prior to the meeting; which notice shall contain the date, time and place for the meeting, and the subject or subjects which will be discussed.
- (2) A simple majority of the total membership of the Citizens Housing Committee, as established by regulation or agreement, shall constitute a quorum. Any member of the Citizens Housing Committee who has any direct or indirect financial interest in the outcome of any question before the body shall discuss the nature of the interest and shall disqualify himself from voting on the question.
- (3) The action of the Citizens Housing Committee shall be by motion or resolution. No motion or resolution shall be passed without the concurrence of at least three members of the Citizens Housing Committee.
- (4) The Citizens Housing Committee shall adopt bylaws for the transaction of business and shall keep minutes and records of all proceedings including motions, resolutions, regulations, transactions, findings, and determinations and the number of votes for and against each question, and if any member is absent or abstains from voting indicating the fact, all of which shall immediately after adoption, be filed in the office of the Citizens Housing Committee. A transcript of the minutes of the Citizens Housing Committee shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.
- (5) The Citizens Housing Committee shall have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions before it.
- (6) The Chairman of the Citizens Housing Committee shall have the power to administer an oath to witnesses prior to their testimony before the Committee on any issue.

(c) Duties, Jurisdiction and Responsibilities. The Citizens Housing Committee shall review all suspected violations of the provisions of Section 1312.01 of this Building Code and submit written recommendations thereon to the Building Officials.
(Ord. 97-1813. Passed 9-2-97.)

1312.03 RULES AND REGULATIONS.

The Citizens Housing Committee may adopt any Rules and Regulations which are necessary and proper for carrying into execution all the powers vested in it by this Chapter. The Rules and Regulations shall first be submitted to City Council for its approval. (Ord. 98-1915. Passed 11-3-98.)

1312.99 PENALTY.

Whoever violates any of the provisions of this chapter or fails to comply with any of its requirements or any of the Rules and Regulations adopted by the Housing Committee pursuant to this chapter shall be fined not more than one hundred dollars (\$100.00). Each day during which noncompliance or a violation continues shall constitute a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violations. (Ord. 98-1915. Passed 11-3-98.)

CHAPTER 1313
Moving Buildings or Structures

1313.01 Use of streets for moving buildings or structures. **1313.99 Penalty.**

CROSS REFERENCES
Commercial and heavy vehicles - see TRAF. Ch. 339

1313.01 USE OF STREETS FOR MOVING BUILDINGS OR STRUCTURES.

In the event that the moving of any building or structure requires the use of any street, highway, alley or other public way of the City, no permit for such moving shall be issued unless the applicant files with the Building Official the written permission of the City Engineer for the use of such street, highway, alley or other public way for such purpose, together with a bond signed by the applicant, with sufficient surety, conditioned upon the public rights of way of the City being cleared of all obstruction resulting from such moving within such period of time as is deemed reasonable by the Building Official. The amount of the bond and the sufficiency of the surety shall be subject to the approval of the Building Official.
(Ord. 739. Passed 5-6-80.)

1313.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). Each day of a continuing violation shall constitute a separate offense.

**CHAPTER 1315
Public Nuisances**

1315.01	Definitions.	1315.05	Appeal.
1315.02	Abatement of public nuisance.	1315.06	Abatement by Building Inspector.
1315.03	Service of notice.	1315.07	Provisions not exclusive.
1315.04	Right to make immediate repairs.		

CROSS REFERENCES

Removal of unsafe structures - see Ohio R.C. 715.26(B),
715.261

1315.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "Public nuisance" means any fence, wall, garage, shed, house, building, structure, tree, pole, smoke stack or any excavation, basement, cellar, well, cistern or sidewalk subspace or part thereof, shall be deemed a public nuisance if by reason of the condition in which the same is permitted to be or remain, shall or may endanger the health, life, limb, or property, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one or more persons in the City in any one or more of the following particulars:
- (1) By reason of being detrimental to the general health of the community;
 - (2) By reason of being a fire hazard;
 - (3) By reason of being unsafe for occupancy, or use on, in, upon, about or around the above premises; or
 - (4) By reason of continued vacancy thereby resulting in lack of reasonable or adequate maintenance of structures and grounds and causing deterioration and blighting influence on nearby properties and thereby depreciating the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the neighborhood in which such structure is situated.

- (b) "Owner" means the owner of record of the premises in fee or lesser estate therein, a mortgagee or vendee in possession, land contract purchaser, assignee of the rents, receiver, executor, administrator, trustee, lessee or other person, firm or corporation in control of a building, or their duly authorized agents. Any such person thus representing the owner shall be bound to comply with the provisions of this chapter to the same extent as if he were the owner.
(Ord. 418. Passed 6-6-72.)

1315.02 ABATEMENT OF PUBLIC NUISANCE.

- (a) (1) Whenever the Building Inspector suspects the existence in the City of a public nuisance as defined in Section 1315.01, he shall promptly cause to be inspected the premises on which he suspects such public nuisance exists. Should the aforesaid Building Inspector find that a public nuisance does exist, he shall promptly notify the City Manager and the Fire Chief or their duly authorized agents. The Fire Chief and the City Manager shall cause to be inspected the premises on which it is suspected such public nuisance exists.
- (2) Written reports of the inspection and of the findings of the Fire Chief and the City Manager, with respect to the existence of the public nuisance shall be filed with the Building Inspector.

(b) Should all of the aforesaid officers or their duly authorized agents concur that a public nuisance exists, it shall be the duty of the Building Inspector to cause photographs of such nuisance to be made and to file and keep in his office the written reports of the findings of the aforesaid officials or their agents. The Building Inspector shall cause a written notice to be served on the owner stating the findings with respect to the existence of a public nuisance and stating that unless the owner or owners thereof shall cause the abatement of the public nuisance by rehabilitation or by removal of the building or structure, the same shall be abated by the City at the expense of the owner. Such abatement shall start within fifteen days after service of such notice and shall be complete within forty-five days or such additional time as the Building Inspector may deem necessary to complete the abatement.
(Ord. 418. Passed 6-6-72.)

1315.03 SERVICE OF NOTICE.

The notice shall be served either personally or by leaving a copy at the usual place of residence of the owner, or by mailing a copy to such owner at his usual place of residence by United States certified mail with return receipt requested. If service of the written notice is not perfected by any of hereinbefore described methods, then the Building Inspector shall cause such notice to be published in a newspaper of general circulation in the City, once each week for two consecutive weeks and shall further cause a copy of the notice to be left with the person, if any, in possession of the premises on which it is alleged such public nuisance exists or if

there be no person in possession thereof, he shall cause a copy of the notice to be posted on the premises. The Building Inspector shall cause a return of service in the form of an affidavit to be made by the person who served it, which affidavit shall set forth the name and address of the person served, the manner of service and the date thereof.
(Ord. 418. Passed 6-6-72.)

1315.04 RIGHT TO MAKE IMMEDIATE REPAIRS.

(a) Upon being served notice, the owner may make immediate application in writing or in person to the Building Inspector for a special building permit to undertake the repairs or replacement of items found to constitute a public nuisance.

(b) Adequate plans and specifications as required by the Building Inspector, covering the repairs or replacements shall be furnished by the owner to the Building Inspector within fifteen days after receipt of notice or such additional time as the Building Inspector may deem necessary to complete plans and specifications not to exceed ninety days. The Building Inspector shall upon approval of the plans and specifications cause a special building permit to be issued to the owner. The special building permit to be issued by the Building Inspector shall be for a period of thirty days and within the thirty days the owner shall effect and complete the repairs or replacements, or the Building Inspector may grant an extension to the special building permit if the owner shows reason or cause for the request extension and which extension shall more readily effect the repairs or replacement with respect to the existence of a public nuisance, and stating that unless the owner thereof shall cause the abatement of the public nuisance by rehabilitation or by removal of the building or structure the same shall be abated by the City at the expense of the owner. Such abatement shall start within fifteen days after service of the notice and shall be complete within forty-five days or such additional time as the Building Inspector may deem necessary to complete the abatement.
(Ord. 418. Passed 6-6-72.)

1315.05 APPEAL.

The owner may within ten days after completion of service of the notice, make a demand in writing to the Building Inspector for a hearing on the question of whether in fact a public nuisance exists. The hearing shall be held within ten days following receipt of the written demand and at least two days notice in writing of the hearing shall be given to the owner. The hearing shall be conducted by a Hearing Board composed of the City Manager, the Fire Chief, the Building Inspector and the Law Director or in the event any of the officers are unable to attend, by someone from their respective department delegated by them to act in their behalf. All members of the Hearing Board shall concur that a public nuisance exists before enforcement of the abatement is carried out. A copy of the decision of the hearing officers shall be promptly served upon the owner in the manner provided for in Section 1315.03.
(Ord. 418. Passed 6-6-72.)

1315.06 ABATEMENT BY BUILDING INSPECTOR.

(a) Should the nuisance not be abated at the expiration time stated in the notice or expiration of the time stated in the special building permit issued by the Building Inspector or such additional time as the Hearing Board may grant, the Building Inspector shall be authorized, at any time thereafter to enter upon the premises and the owner shall permit him entry to abate the nuisance by demolition and removal of the structure or by taking any other such action as may be required.

(b) In abating such nuisance, the Building Inspector may call upon any department, division or bureau of the City for whatever assistance may be necessary; or may, by private contract, obtain the abatement thereof and the cost of such private contract shall be paid from City funds specifically authorized by Council in order to abate such public nuisance.

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

- (1) The owner or owners shall be billed directly by certified mail for the cost of the abatement. The bill for the cost of the abatement shall be paid within sixty days after receipt of the bill.
- (2) If costs are not so recovered then the City shall cause the cost of the abatement to be levied as an assessment and recovered in accordance with Ohio R.C. 715.261.
(Ord. 418. Passed 6-6-72.)

1315.07 PROVISIONS NOT EXCLUSIVE.

This chapter shall not be deemed to be a limitation or restriction on the authority of any department, division, official or employee of the City, but shall be deemed as an enlargement of any authority existing by virtue of the State statutes, or any ordinance heretofore enacted by Council.
(Ord. 418. Passed 6-6-72.)

CHAPTER 1317
Historical and Architectural Protection
and Preservation Commission

<p>1317.01 Purposes. 1317.02 Definitions. 1317.03 Historical and Architectural Protection and Preservation Commission. 1317.04 Written consent of property owner required. 1317.05 Criteria for designation of landmarks.</p>	<p>1317.06 Regulation of environmental changes. 1317.07 Appeal procedure. 1317.08 Repair or maintenance exception. 1317.09 Separability; health and safety provisions preserved.</p>
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CROSS REFERENCES

"HPD" Historic Preservation District - see P.& Z. 1141.02,
 Ch. 1163

1317.01 PURPOSES.

The purposes of this chapter are to:

- (a) Safeguard the heritage of the City by preserving sites and structures which reflect elements of the City's cultural, social, economic, political or architectural history;
- (b) Stabilize and improve property values;
- (c) Strengthen the economy of the City;
- (d) Protect and enhance the City's attractions to residents, tourists and visitors, and encourage business and industry;
- (e) Foster civic pride in the beauty and notable accomplishments of the past; and
- (f) Promote the use and preservation of historic sites and structures for the education and general welfare of the people of the City.
 (Ord. 489. Passed 9-3-74.)

1317.02 DEFINITIONS.

As used in this chapter, certain terms and words are defined as follows:

- (a) "Alteration" means any material change in the external architectural features of any improvement which has been designated as a landmark.
- (b) "Applicant" means any person, persons, association, partnership or corporation who applies for a building permit in order to make a change on property subject to this chapter.

- (c) "Commission" means the Milford Historical and Architectural Protection and Preservation Commission as established under the provisions of this chapter.
- (d) "Landmarks" means any building or site which has a special character or special historical or architectural value as part of the development, heritage or cultural characteristics of the City of Milford, State of Ohio, or the United States and which has been designated as a landmark.
- (e) "Member" means any member of the Commission.
- (f) "Owner" means the owner of record and such term includes the plural as well as the singular.
- (g) The wording Historical and Architectural Protection and Preservation Commission and The Landmark Commission are used interchangeably and has the same meaning and powers.
(Ord. 489. Passed 9-3-74.)

1317.03 HISTORICAL AND ARCHITECTURAL PROTECTION AND PRESERVATION COMMISSION.

(a) In order to execute the purposes declared in this chapter there is hereby created the Historical and Architectural Protection and Preservation Commission. The Commission shall consist of five members, appointed by a majority of Council: at least one shall be a registered architect; at least one shall be a historian, and such historian shall be chosen from nominations presented by the City Historical Society, Inc.; at least one whose education, experience and training qualifies him in building construction; at least one shall be the Chairman of the Planning Commission; and at least one shall be a member of Council.

(b) The terms of the members shall be as follows: the architect, the building construction representative and the historian shall serve for three years from the date of appointment; one shall serve for three years, for two years and for one year, and thereafter one shall be appointed for a full term each year. The member from Council shall serve for his term and the Chairman of the Planning Commission shall serve so long as he is Chairman of the Planning Commission.

(c) The members of the Commission shall elect from among themselves a chairman and a secretary to conduct the business of the Commission for a term of one calendar year.

(d) The Commission shall meet as frequently as necessary to give applicants their prompt attention.
(Ord. 489. Passed 9-3-74.)

1317.04 WRITTEN CONSENT OF PROPERTY OWNER REQUIRED.

(a) This chapter shall not be binding on any property owner who does not want to be included therein. In order for this chapter to be binding on any property owner, the Historical and Architectural Protection and Preservation Commission shall receive from such property owner his written consent for his property to be designated as a landmark and to be included under the terms and conditions of this chapter.

(b) Once the written consent has been given by such property owner and such property has been designated as a landmark, then such property is included under the terms and conditions of this chapter, and such designation shall be permanent.
(Ord. 489. Passed 9-3-74.)

1317.05 CRITERIA FOR DESIGNATION OF LANDMARKS.

(a) In considering the designation of any building, structure, work of art or similar object in the City as landmarks, the Historical and Architectural Protection and Preservation Commission shall apply the following criteria with respect to such property:

- (1) Its character, interest or value as part of the development, heritage or cultural characteristics of the City, State of Ohio or the United States;
- (2) Its location as a site of a significant historic event;
- (3) Its identification with a person or persons who significantly contributed to the culture and development of the City;
- (4) Its exemplification of the cultural, economic, social, political or historic heritage of the City;
- (5) Its embodiment of distinguishing characteristics of an architectural type of specimen;
- (6) Its identification as the work of an architect or master builder whose individual work has influenced the development of the City;
- (7) Its embodiment of elements of architectural design, detail, materials or craftsmanship which represent a significant architectural innovation; and
- (8) Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood community of the City.

(b) The Commission may accept or reject requests of property owners to be declared "landmarks"; it can propose to property owners that it would be valuable to the City should a building, structure, work of art or object be declared landmarks and it shall follow the prescribed procedure:

- (1) The Commission shall notify the owner of the property of the proposed designation and receive from him written consent for such designation.
- (2) The Historical and Architectural Protection and Preservation Commission shall advise the Planning Commission of the proposed designation and secure from the Planning Commission its recommendation of the proposed designation in relation to the Zoning Code and its opinion of the effect on the surrounding neighborhood. The Planning Commission may approve, reject or modify the request of the Historical and Architectural Protection and Preservation Commission. That recommendation shall become part of the official record concerning the proposed designation and shall be submitted by the Planning Commission along with its

- recommendation to Council. The Historical and Architectural Protection and Preservation Commission may make such modifications, changes and alterations concerning the proposed designation as it deems necessary in consideration of the recommendation of the Planning Commission.
- (3) Council shall give due consideration to the findings and recommendations of the Historical and Architectural Protection and Preservation Commission and the recommendations of the Planning Commission in making its determination with respect to the proposed designation of any building, structure, work of art or other similar object as landmarks. Council may, in its discretion, hold public hearings on any such proposed designation. Upon conclusion of its study and if Council approved the designation it shall designate by ordinance such building, structure, work of art or object as landmarks.
(Ord. 489. Passed 9-3-74.)

1317.06 REGULATION OF ENVIRONMENTAL CHANGES.

(a) Whenever an application is made to the Building Department for a building permit to modify an existing landmark in any of these manners:

- (1) Building to be enlarged, remodeled or constructed;
- (2) Sign, wall or walk to be installed;
- (3) Demolition or rehabilitation project; and/or
- (4) Grading, planting or landscaping,

that application shall be promptly referred to the Historical and Architectural Protection and Preservation Commission for its review and approval under the provisions of this chapter before the permit request shall be granted. The Commission shall meet within a week and make its determination within ten days within receipt of the application. The applicant shall be notified to appear at the meeting. In its review, the Historical and Architectural Protection and Preservation Commission shall inquire into the general nature and the specific details of the application in order to determine whether the proposed request shall be appropriate within the intent of this chapter. In determining appropriateness, the Commission shall consider, in addition to other pertinent factors, the historical and architectural value and significance, architectural style, general design, texture and other visible external aspects of the other structures in immediate vicinity, in order to achieve a harmonious blend within the neighborhood. And in conducting its inquiry and review, the Commission may request from the applicant such additional information, sketches and data as it shall reasonably require. It may recommend to the applicant changes in the plans that it considers desirable, and can accept his voluntary amendment of the application to include or reflect such changes. The Commission Secretary shall keep a record of its proceedings and shall append to the application copies of information, sketches and data needed to clearly describe any amendment to it, such to be furnished by the applicant.

(b) When its review is concluded, the Commission shall determine, by vote of its members, whether the application for a permit as presented or as amended, shall be approved. If approved, the Commission shall return the application and appended material to the Building Inspector with the recommendation that the permit be issued, provided all other requirements are met. If not approved, the Commission shall return the application and appended material to the Building Inspector with the instruction that the permit not be issued because the intent and purposes of this chapter were not satisfied. When so instructed, the Building Inspector shall not issue the permit, and the applicant shall be notified of the decision and reasons for it.
(Ord. 489. Passed 9-3-74.)

1317.07 APPEAL PROCEDURE.

(a) Council shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Historical and Architectural Protection and Preservation Commission in the enforcement of this chapter.

(b) Appeals to Council shall be taken by any person aggrieved. Such appeal shall be taken within thirty days after the ruling has been made by the Commission, by filing with the Commission and with the Clerk of Council a notice of appeal, specifying the grounds for the appeal. The Commission shall make available to Council all papers constituting the record upon which the action appealed from is taken.

(c) Council shall hold a public hearing on each and every appeal and shall give public notice thereof. The appeal shall be heard at the next regular meeting of Council after the receipt of the notice of appeal.

(d) Council shall decide the appeal and give a ruling, which was decided by a majority vote, no later than the next regularly scheduled Council meeting following the hearing of the appeal.

(e) In exercising its powers Council may reverse, sustain or modify the decision appealed from. Every appeal granted or denied by Council shall be accompanied by a written finding of fact and specifying the reason for granting or denying the appeal.
(Ord. 489. Passed 9-3-74.)

1317.08 REPAIR OR MAINTENANCE EXCEPTION.

Nothing in this chapter shall be construed to prevent any ordinary repair or maintenance of the exterior architectural feature now designated landmarks which involve no change in material design, arrangement or texture, in order to maintain a building that is safe and consistent with the Building Code.
(Ord. 489. Passed 9-3-74.)

**1317.09 SEPARABILITY; HEALTH AND SAFETY PROVISIONS
PRESERVED.**

(a) The provisions of this chapter shall be deemed to be severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction the decision of the court shall not impair any of the remaining provisions.

(b) The provisions of this chapter shall not abrogate any building, fire, safety or health code that is enacted for the preservation of the public peace, property, health, safety and welfare of the City.

(Ord. 489. Passed 9-3-74.)

**CHAPTER 1319
Flood Damage Reduction**

1319.01	Statutory authorization.	1319.21	Map maintenance activities.
1319.02	Findings of fact.	1319.22	Data use and flood map interpretation.
1319.03	Statement of purpose.	1319.23	Substantial damage determination.
1319.04	Methods of reducing flood loss.	1319.24	Use and development standards for flood hazard reduction.
1319.05	Lands to which these regulations apply.	1319.25	Use regulations.
1319.06	Basis for establishing the areas of special flood hazard.	1319.26	Water and wastewater systems.
1319.07	Abrogation and greater restrictions.	1319.27	Subdivisions and large developments.
1319.08	Interpretation.	1319.28	Residential structures.
1319.09	Warning and disclaimer of liability.	1319.29	Nonresidential structures.
1319.10	Severability.	1319.30	Accessory structures.
1319.11	Definitions.	1319.31	Recreational vehicles.
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		1319.41	Compliance required.
		1319.42	Notice of violation.
		1319.43	Violations and penalties.

CROSS REFERENCES

Flood control bonds; public capital improvement - see Ohio Const. Art. VIII, Sec. 21; Ohio R.C. 129.70 et seq.
County Commission flood control aid to governmental units - see Ohio R.C. 307.77
Levees - see Ohio R.C. 717.01
Construction permits and prohibitions for dams, dikes or levees - see Ohio R.C. 1521.06
Reduction of assessed valuation for establishing reservoirs - see Ohio R.C. 1521.09
Marking flood areas - see Ohio R.C. 1521.14
Ohio Water Commission - see Ohio R.C. 1525.01 et seq.
Conservancy districts, purpose - see Ohio R.C. 6101.04
"F" Flood Plain District - see P.& Z. Ch. 1169

1319.01 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. Therefore, the City Council of Milford, State of Ohio, does ordain as follows: (Ord. 04-383. Passed 7-6-04.)

1319.02 FINDINGS OF FACT.

The City 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. 04-383. Passed 7-6-04.)

1319.03 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;
- (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. 04-383. Passed 7-6-04.)

1319.04 METHODS OF REDUCING FLOOD LOSS.

In order to accomplish its purposes, these regulations include 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. 04-383. Passed 7-6-04.)

1319.05 LANDS TO WHICH THESE REGULATIONS APPLY.

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City as identified in Section 1319.06, including any additional areas of special flood hazard annexed by the City. (Ord. 04-383. Passed 7-6-04.)

1319.06 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 Rate Map for the City of Milford, Ohio Clermont and Hamilton Counties dated November 16, 1994.
Flood Insurance Study for the City of Milford, Ohio Clermont and Hamilton Counties dated November 16, 1994.
- (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 include:
Flood Insurance Rate Map for Clermont County, Ohio (Unincorporated Areas) dated March 16, 2006.

Flood Insurance Study for Clermont County, Ohio (Unincorporated Areas) dated March 16, 2006.

Flood Insurance Rate Map for Hamilton County, Ohio and Incorporated Areas dated May 17, 2004.

Flood Insurance Study for Hamilton County, Ohio and Incorporated Areas dated May 17, 2004.

- (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 as required by Section 1319.27 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 Milford City Building: 745 Center Street, Suite 200, Milford, Ohio. (Ord. 04-383. Passed 7-6-04; Ord. 06-504. Passed 2-21-06.)

1319.07 ABROGATION AND GREATER RESTRICTIONS.

These regulations are not intended to repeal any existing ordinances (resolutions) including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance (resolution), 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. 04-383. Passed 7-6-04.)

1319.08 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. 04-383. Passed 7-6-04.)

1319.09 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, 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. 04-383. Passed 7-6-04.)

1319.10 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. 04-383. Passed 7-6-04.)

1319.11 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)". 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”. 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.” The Flood Protection Elevation, or FPE, is the base flood elevation plus 1 (one) foot 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”.
- (1) 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.
 - (2) 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.
- (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).” A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's are broken down into the following categories:
- (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”. 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).” 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 Milford Flood Insurance Rate Map, January 16, 1981, 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”. 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 which 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 will 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. 04-383. Passed 7-6-04.)

1319.12 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.

The Building Inspector is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.
(Ord. 04-383. Passed 7-6-04.)

1319.13 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

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

- (a) Evaluate applications for permits to develop in special flood hazard areas.
- (b) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- (c) 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.
- (d) Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- (e) 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.
- (f) Enforce the provisions of these regulations.
- (g) Provide information, testimony, or other evidence as needed during variance hearings.
- (h) Coordinate map maintenance activities and FEMA follow-up.
- (i) 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. 04-383. Passed 7-6-04.)

1319.14 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 1319.06, 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. 04-383. Passed 7-6-04.)

1319.15 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 1309.29.
 - (2) Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1319.28(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 1319.33(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 1319.33(b).
 - (5) A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1319.33(A).
 - (6) Generation of base flood elevation(s) for subdivision and large scale developments as required by Section 1319.27.
(Ord. 04-383. Passed 7-6-04.)

1319.16 REVIEW AND APPROVAL OF A FLOODPLAIN DEVELOPMENT PERMIT APPLICATION.(a) Review.

- (1) 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 1319.15 has been received by the Floodplain Administrator.
- (2) 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) Approval. Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

(Ord. 04-383. Passed 7-6-04.)

1319.17 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. 04-383. Passed 7-6-04.)

1319.18 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 1319.21(A), a Letter of Map Revision.
(Ord. 04-383. Passed 7-6-04.)

1319.19 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 Board of Zoning Appeals in accordance with Section 1309.34 of these regulations.
(Ord. 04-383. Passed 7-6-04.)

1319.20 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 five thousand dollars (\$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. 04-383. Passed 7-6-04.)

1319.21 MAP MAINTENANCE ACTIVITIES.

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the City's flood maps, studies and other data identified in Section 1319.06 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 1319.27.

- (2) It is the responsibility of the applicant to have technical data, required in accordance with Section 1319.21 (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 1319.21(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 City Manager 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 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 City's Flood Insurance Rate Map accurately represent the City's boundaries, include within such notification a copy of a map of the City suitable for reproduction, clearly showing the new corporate limits or the new area for which the City has assumed or relinquished floodplain management regulatory authority. (Ord. 04-383. Passed 7-6-04.)

1319.22 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 1319.34, 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. 04-383. Passed 7-6-04.)

1319.23 SUBSTANTIAL DAMAGE DETERMINATIONS.

Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, flood, 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. 04-383. Passed 7-6-04.)

1319.24 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 1319.06 or 1319.22(a). (Ord. 04-383. Passed 7-6-04.)

1319.25 USE REGULATIONS.

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

(b) Prohibited Uses.

- (1) Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Section 3701 of the Ohio Revised Code.
- (2) Infectious waste treatment facilities in all special flood hazard areas, permitted under Section 3734 of the Ohio Revised Code.
(Ord. 04-383. Passed 7-6-04.)

1319.26 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 flood waters into the systems;
- (b) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- (c) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.
(Ord. 04-383. Passed 7-6-04.)

1319.27 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 subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.

(e) The applicant shall meet the requirement to submit technical data to FEMA in Section 1319.21(a)(1)D. when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1319.27(d).
(Ord. 04-383. Passed 7-6-04.)

1319.28 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 subsection (a) and construction materials resistant to flood damage subsection (b) are satisfied.

(b) New construction and substantial improvements shall be constructed with 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.

(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 1319.24.

(Ord. 04-383. Passed 7-6-04.)

1319.29 NONRESIDENTIAL STRUCTURES.

(a) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1319.28(a)-(c) and (e)-(g).

(b) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to or above the level of the 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 Floodproofing Certificate, that the design and methods of construction are in accordance with subsections (b)(1) and (2).

(Ord. 04-383. Passed 7-6-04.)

1319.30 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 flood waters;
- (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 1319.28(e)(3);

(Ord. 04-383. Passed 7-6-04.)

1319.31 RECREATIONAL VEHICLES.

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 1319.28.

(Ord. 04-383. Passed 7-6-04.)

1319.32 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. 04-383. Passed 7-6-04.)

1319.33 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 1319.21(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 which 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 City Manager 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 (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 1319.33(a)(2)A. and C. to 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 the City 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 1319.21(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.
(Ord. 04-383. Passed 7-6-04.)

1319.34 APPEALS AND VARIANCES.

Appeals and Variances shall be as follows.
(Ord. 04-383. Passed 7-6-04.)

1319.35 APPEALS BOARD ESTABLISHED.

- (a) The City Council shall appoint an Appeals Board consisting of the Board of Zoning Appeals of the City of Milford.
- (b) Meetings of the Appeals Board shall be held as needed and shall be held at the call of the Chairperson, or in his absence, the Acting Chairperson. All meetings of the Appeals Board shall be open to the public except that the Board may deliberate in executive sessions as part of quasi-judicial hearings in accordance with law. The Appeals Board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of all official actions. Records of the Appeals Board shall be kept and filed in the Municipal Building.
(Ord. 04-383. Passed 7-6-04.)

1319.36 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 1319.38 of these regulations.
(Ord. 04-383. Passed 7-6-04.)

1319.37 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 20 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. 04-383. Passed 7-6-04.)

1319.38 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 Building Inspector, 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.

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

- (c) 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 which are not subject to flooding or erosion damage.
 - (6) The necessity to the facility of a waterfront location, where applicable.
 - (7) The compatibility of the proposed use with existing and anticipated development.
 - (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
 - (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

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 1319.38(c)(1) to (11) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- (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. 04-383. Passed 7-6-04.)

1319.39 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. 04-383. Passed 7-6-04.)

1319.40 APPEAL TO THE COURT.

Those aggrieved by the decision of the Appeals Board may appeal such decision to the Clermont County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.
(Ord. 04-383. Passed 7-6-04.)

1319.41 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 1319.20.

(b) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 1319.43.

(c) Floodplain development permits issued on the basis of plans and applications approved by the Building Inspector 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 1319.43. (Ord. 04-383. Passed 7-6-04.)

1319.42 NOTICE OF VIOLATION.

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

- (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. 04-383. Passed 7-6-04.)

1319.43 VIOLATIONS AND PENALTIES.

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

(Ord. 04-383. Passed 7-6-04.)