

PART THIRTEEN - BUILDING CODE

TITLE ONE - Administration

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- Chap. 1381. General Provisions.
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- Chap. 1385. Occupancy Permit.
- Chap. 1387. Basic Standards for Residential Occupancy.
- Chap. 1389. Enforcement and Penalty.

CODIFIED ORDINANCES OF OAKWOOD

PART THIRTEEN - BUILDING CODE

TITLE ONE - Administration

- Chap. 1301. Chief Building Official.
- Chap. 1305. Permits and Fees.

CHAPTER 1301

Chief Building Official

- 1301.01 Established; duties.**

CROSS REFERENCES

Building Department - see CHTR. Sec. 9.04

Smoke abatement - see BUS. REG. Ch. 781
As Municipal Arborist - see S. & P. S. 931.02(a)
To administer Zoning Code - see P. & Z. 1131.07
Appeals - see P. & Z. Ch. 1143
Inspection of unsafe buildings - see BLDG. 1363.02
Authority to enter and inspect installation and use of garbage disposers and incinerators - see BLDG. 1367.05

1301.01 ESTABLISHED; DUTIES.

The position of Chief Building Official (CBO) is hereby created. The CBO shall be appointed by the Mayor to serve at his or her pleasure. At the time of appointment, the CBO shall have and, during his or her employment with the Village, shall maintain all State certifications necessary to qualify as the Chief Building Official for the Village. The CBO shall perform such duties as are required by law and such other duties as may be assigned by the Safety Director. The CBO shall be paid and be subject to such other terms and conditions of employment as shall be approved by Council. In the event any political subdivision requests the services of the CBO during such time as the CBO would ordinarily be performing duties for the Village of Oakwood, the Finance Director shall charge the requesting political subdivision for such services at a rate to be determined by the Mayor which sums shall be deposited into the General Fund.
(Ord. 2018-04. Passed 1-9-18.)

CHAPTER 1305 Permits and Fees

- 1305.01 Submission of plans.**
- 1305.02 Approval of development plan; surety bond.**
- 1305.03 Filing of bond; forfeiture.**
- 1305.04 Submission of final plan.**
- 1305.05 Grade level permit.**
- 1305.06 Completion permit.**
- 1305.07 Fee collection.**
- 1305.08 Filing fees for examination of plans.**
- 1305.09 Building permit fees.**
- 1305.091 Architect examination fees.**
- 1305.10 Building demolition and moving fees.**
- 1305.11 Curb cutting, lowering or removing fees.**
- 1305.12 Heating systems and incinerators.**
- 1305.13 Plumbing and sewer fees.**
- 1305.14 Electrical fees.**
- 1305.15 Sign fees.**
- 1305.16 Grade setting fees.**
- 1305.17 Miscellaneous fees.**
- 1305.18 Churches and schools.**
- 1305.19 Re-inspection fee.**
- 1305.20 Completion bond.**
- 1305.201 Income tax withholding bond; information to be supplied by contractor.**
- 1305.21 Parking area fees.**
- 1305.22 Flood hazard review.**
- 1305.23 Assessment for Board of Building Standards.**
- 1305.24 Call-in Building Inspectors.**
- 1305.99 Penalty.**

CROSS REFERENCES

Required submission of plans of public buildings - see Ohio R.C. 3791.04
Fees for plan approval - see Ohio R.C. 3791.07
Grades defined - see P. & Z. 1135.07
Plans defined - see P. & Z. 1135.11

Building permits - see P. & Z. Ch. 1139
Appeals - see P. & Z. Ch. 1143
Swimming pool permit - see BLDG. 1355.08
Moving building permit - see BLDG. 1359.02
Garbage disposers and incinerators - see BLDG. 1367.04

1305.01 SUBMISSION OF PLANS.

Whoever proposes a multi-family, private club and recreation, business, commercial and industrial land use prior to application for a building permit shall deliver to the Building Department a complete and correlated plan and analysis for the consideration of the Planning Commission and Council. The plan shall include:

- (a) A site plan showing the relationship between the proposed developments and the existing thoroughfares, service roads, drives and parking areas;
- (b) Grading, drainage, water supply and sewage;
- (c) Design and construction standards of all private roadways, drives and parking areas;
- (d) Building location and placement indicating height, mass, area and gross floor area together with topographical analysis thereof;
- (e) Location and design of adequate and effective fire protection systems;
- (f) A summary and survey of all public utility services required, the cost thereof and the provision therefor, including but not limited to transportation, water, sewer, gas, electrical power and communications.

Upon receipt of such plans the Building and Zoning Inspector, Planning Consultant and Municipal Engineer shall prepare and submit a written report analyzing and evaluating the proposed plans and the several aspects thereof as they relate to the Building Code and the zoning and land use ordinances of the Municipality. The report shall be filed within sixty days with the Planning Commission and the Clerk of Council.

(Ord. 1970-72. Passed 6-2-70.)

1305.02 APPROVAL OF DEVELOPMENT PLAN; SURETY BOND.

If Council later approves the development plan required by Section 1305.01 and rezones the area of land included therein, the Clerk of Council shall notify the developer of such action by registered or certified mail, return receipt requested, and thus authorize the developer to proceed with the preparation of the final plans for the development in accordance with the procedures and criteria set forth in the ordinances of the Municipality and any special conditions under which the authorization to proceed was granted.

Within fifteen days after mailing such notice, unless the time is extended by Council, the developer shall post a surety bond with the Clerk in a form and with surety as approved by the Director of Law, conditioned that the developer shall, within two years or such longer period as may be allowed by Council, commence construction of the development, and failing to do so the Municipality shall be paid the principal of the bond as liquidated damages for failure to perform. The principal of such bond shall be determined according to the following scale:

<u>Estimated Cost of Development</u>	<u>Amount of Bond</u>
Up to \$250,000	\$ 2,500.00
\$250,000 to 500,000	5,000.00
500,000 to 1,000,000	10,000.00
Above 1,000,000	25,000.00

The estimated cost of the development is to be determined by the Building and Zoning Inspector or such other person as may be designated by Council.

In lieu of a surety bond, the developer may deposit a cash bond in like amount. The bond shall be released by Council as soon as one-half of the estimated cost of the development, as determined by the Building and Zoning Inspector, has been expended.

(Ord. 1970-123. Passed 10-20-70.)

1305.03 FILING OF BOND; FORFEITURE .

Upon filing of a surety bond as required by Section 1305.02, the Clerk of Council shall cause a notation to be made on the Zone Map to reflect the area in the appropriate district for the construction of the development in accordance with the plans and the use of the area for such purpose. The Clerk shall report the

filing of the bond to Council. If the developer does not complete and file final plans of the development area and take out building permits or commence construction within the respected periods allowed, the developer shall forfeit such surety bond, the approval of the plan shall lapse and the notation of such approval on the Zone Map shall be removed therefrom and the area shall be deemed zoned as existed prior to the filing of the petition for rezoning.

(Ord. 1970-123. Passed 10-20-70.)

1305.04 SUBMISSION OF FINAL PLAN.

The developer of any parcel or parcels of land for which preliminary plans have been approved by Council and who has posted the bond as required by Section 1305.02, shall submit final plans of the area to be developed. Any such plan shall be filed with the Building and Zoning Inspector and, upon payment of the appropriate fees, shall be submitted by him to the Planning Commission who, when satisfied that the final plans conform to the preliminary plans, shall approve the same. The Commission may hold a public hearing thereon. Before giving its final approval the Commission may request such changes as it deems necessary to insure that the proposed development tends to stabilize and improve property values, with the least possible burden on Municipal services and facilities and that the development will result in the highest possible return to the Municipality from tax revenues and to provide the best commercial and social advantages which can result from an orderly planned use of the development area. Having attained final approval of the plans of the development area, the developer may construct the development in progressive steps as may be approved by the Commission.

(Ord. 1970-123. Passed 10-20-70.)

1305.05 GRADE LEVEL PERMIT.

(a) Every new residential structure erected in the Municipality after the passage of this section (Ordinance 1960-16, passed 6-16-60) is required to have a grade level established by the Municipal Engineer prior to the construction of any residence.

(b) A permit for the establishment of such grade level shall be secured from the Building and Zoning Inspector in order that the same may be established by the Engineer.

(Ord. 1960-16. Passed 6-16-60.)

1305.06 COMPLETION PERMIT.

(a) No person shall occupy any building or structure until such building or structure has been fully completed on its exterior with such material as stone, brick, wood siding, aluminum siding, shingles, board or batten or a combination of any of these building materials.

(b) A Certificate of Completion Permit shall be issued by the Building and Zoning Inspector.

(Ord. 1966-37. Passed 11-1-66.)

1305.07 FEE COLLECTION.

Fees shall be charged for the examination of plans, permits to proceed and for the inspection of all types of construction, installation demolition, removal or alteration work performed on all types of property within the Municipality in accordance with the following sections and not specifically provided for otherwise in other chapters or sections of the Codified Ordinances. Such fees shall be charged by the Building and Zoning Inspector and delivered to the Director of Finance in accordance with the procedures adopted by the Director of Finance.

(Ord. 1974-71. Passed 9-3-74.)

1305.08 FILING FEES FOR EXAMINATION OF PLANS.

(a) New Construction.

- (1) For each one or two-family house, with or without attached garage \$75.00
- (2) For each residential garage, attached or detached 20.00
- (3) For apartments, motels, hotels and related buildings; each building 100.00
- (4) For business, commercial or industrial buildings, each building 100.00

(b) Additions, Alterations or Repairs.

- (1) For single-family dwelling, two-family dwelling or

Garage (attached or detached):

- A. Initial fee 10.00
- B. In addition to initial fee, a fee per 100 square feet, or fraction thereof, of floor area. 8.00
(Floor area shall be measured by using outside building dimensions and shall include basement, first floor, second floor and one-half attic floor.)
- C. When subparagraph B is not applicable to the addition, alteration or repair applied for, then the fee shall be based upon each \$1,000 of declared valuation or fraction thereof. 10.00

(2) For apartments, motels, hotels and related buildings, each building

- A. Initial fee, each building \$75.00
- B. In addition to the initial fee, a fee per 100 square feet, or fraction thereof, of floor area \$5.00
(Floor area shall be measured by using outside building dimensions and shall include all floors, including basement.)
- C. Maximum fee shall be 100.00

(3) Industrial and commercial

- A. Initial fee, each building 100.00
- B. In addition to initial fee, a fee per 100 square feet, or fraction thereof, of floor area 5.00
(Floor area shall be measured by using outside building dimensions and shall include all floors, including basement.)
- C. Change in Plans: When revised plans are presented after a permit is issued an additional filing fee of 50% of the original filing fee shall be charged and collected before such revised plans shall be considered.

(Ord. 2004-38. Passed 7-13-04.)

1305.09 BUILDING PERMIT FEES.

(a) Residential Buildings; New Construction.

- (1) One-family dwelling \$200.00
- (2) Two-family dwelling, per dwelling unit 200.00
- (3) Apartment house containing more than two dwelling units
first unit 200.00
each additional unit 75.00
- (4) Motels or hotels, per dwelling unit
first unit 200.00
each additional unit 75.00
- (5) An additional fee per 100 square feet of floor area or fraction thereof at the rate of 10.00
(Floor area shall be measured by using outside building dimensions and shall include all floors, including basement, but shall include only one-half of any attic floor.)

(b) Residential Building, Additions, Alterations, Repairs and Accessory Building, Including Garage.

- (1) One and two-family dwellings 10.00
- (2) Apartments, motels and hotels 50.00
- (3) An additional fee per 100 square feet, or fraction thereof, of total floor area 8.00

(Floor area shall be measured by using outside building dimensions and shall include all floors, including basement, but shall include only one-half of any attic floor.)

- (4) When paragraph (3) is not applicable to the addition, alteration, repair or accessory building applied for, then the fee shall be based upon each \$1,000 of declared valuation or fraction thereof 5.00

(c) Business, Commercial and Industrial Buildings; New Construction, Including Appurtenances Thereto.

- (1) Initial fee per floor or story 200.00
(2) An additional fee per 100 square feet, or fraction thereof, at the rate of 8.00
(Floor area shall be measured by using outside building dimensions and shall include all floors, including basement.)

(d) Business, Commercial and Industrial Buildings; Additions Alterations, Repairs and Accessory Buildings.

- (1) Initial fee per floor or story 100.00
(2) An additional fee per 100 square feet, or fraction thereof, at the rate of 8.00
(Floor area shall be measured by using outside building dimensions and shall include all floors, including basement.)
(3) When paragraph (2) is not applicable to the addition, alteration, repair or accessory building applied for then the fee shall be based upon each \$1,000 of declared valuation or fraction thereof 8.00

(e) Foundations, New Construction or Additions.

- (Constructed of Foundation Only.)
(1) One and two-family house 50.00
(2) Additions or accessory buildings to one or two-family dwellings 10.00
(3) Apartment, business, commercial or industrial buildings 50.00
(4) Mobile home stand or pad, each 20.00

(f) Greenhouses.

- (1) Residential, not in excess of 240 square feet, initial fee 20.00
(2) Business and commercial, initial fee 50.00
(3) An additional fee per 100 square feet, or fraction thereof, in excess of 240 square feet, at the rate of 5.00

(g) Storage Tanks (Not Including Septic Tanks).

- (1) Up to 2000 gallons capacity 25.00
(2) 2001 gallons to 4999 gallon capacity 40.00

- (3) 5000 gallons and not in excess of 20,000 gallons 50.00
 - (4) 20,000 gallons not in excess of 50,000 gallons 100.00
 - (5) 50,000 gallons or more 100.00
- (Ord. 2004-38. Passed 7-13-04.)

1305.091 ARCHITECT EXAMINATION FEES.

(a) In addition to the fees required to be paid for building permits as provided in Chapter 1305, filing fees shall be collected from the applicant at the time plans and specifications are submitted, and before a building permit can be issued, for those plans required to be reviewed by the Village Architect, as specified in the Administrative Section of the Ohio Building Code.

(b) A fee of one hundred fifty dollars (\$150.00) shall be paid to the Village for each plan to be reviewed by the Village Architect for all residential buildings. The following deposit shall also be submitted to cover all expenses of such review, by the Village and/or the Village Architect for all other buildings or structures:

Estimated total cost of project up to \$100,000	\$450.00
Estimated total cost of project up to \$250,000	600.00
Estimated total cost of project up to \$500,000	1,000.00
Estimated cost of project in excess of \$500,000	2,000.00

(Ord. 2004-38. Passed 7-13-04.)

1305.10 BUILDING DEMOLITION AND MOVING FEES.

(a) Demolition.

- (1) One and two families 50.00
- (2) Detached garages and other accessory buildings 35.00
- (3) All others 50.00

(b) Moving Any Building on Public Street or Highway; Excepting Open Buildings or Sheds Across Property Line.

- (1) Initial fee 100.00
- (2) In addition to initial fee, there shall be charged per hour while building is on public street or highway:
 - during the first 24 hours 30.00
 - after the first 24 hours 50.00
- (3) Police service. In addition, when special police services are deemed necessary by the Mayor, actual man-hours incurred at time-and-one-half shall be paid.
- (4) Performance Bond. Performance bond in the amount of At least \$10,000 and not more than \$50,000, at the discretion of the Building Inspector shall be posted with the Municipality by the individual or the contractor moving the structure. Such contractor shall have liability insurance in a combined single limit of at least 750,000.

(c) Moving Any Open Building or Shed Across Property Line. 10.00

(d) Moving Any Building on Own Property when Utilities Are Not Affected. 10.00

(Ord. 2004-38. Passed 7-13-04.)

1305.11 CURB CUTTING, LOWERING OR REMOVING FEES.

(a) New Work.

A fee of \$2.00 per lineal foot of curb to be cut, lowered or removed, with a minimum fee of \$25.00

(b) Widening Previous Cuts.

A fee of \$2.00 per lineal foot of curb to be cut,
lowered or removed, with a minimum fee of 25.00

(c) To Be Municipal Property; Work Done by Municipality. All curbs removed shall become the property of the Municipality and be hauled at the expense of the permittee to a place designated by the Building Inspector. Curb permit fees listed above shall be in addition to actual cost of any work of curb cutting, lowering or removal which may or may not be done by the Municipality. Any work performed by the Municipality shall be charged at cost.

(Ord. 2004-38. Passed 7-13-04.)

1305.12 HEATING SYSTEMS AND INCINERATORS.

(a) New Systems.

- (1) One and two-family dwellings
 - A. Per dwelling unit \$50.00
 - B. Plus \$8.00 per each 100 sq. ft. 8.00
 - C. Installation of unit heater
or space heater \$25.00
- (2) Apartments, motels and hotels
 - A. Central heating system 75.00
 - B. For each dwelling unit 25.00
- (3) Business, commercial and industrial
 - A. Initial fee 100.00
 - B. In addition to the initial fee, there shall be a fee per 100 square feet, or fraction thereof, of the ground floor plan at the rate of 8.00
 - C. In addition to the initial fee, there shall be a fee per 100 square feet or fraction thereof, for each floor level above the ground floor 5.00

(b) Additions, Alterations and Replacements to Heating Units.

- (1) One and two-family dwellings, per unit 40.00
- (2) Apartments, motels, hotels, per unit 40.00
- (3) Business, commercial and industrial,
per unit 40.00
- (4) Mobile homes 40.00
- (5) Commercial furnaces, gas ovens and
similar installations 40.00

(c) Incinerators, New or Replacement.

- (1) Domestic units 10.00
- (2) Others, except flue-fed 20.00
- (3) Flue-fed incinerators 50.00

(d) Fireplaces.

- (1) Residential 25.00
- (2) Business or commercial 50.00

(Ord. 2004-38. Passed 7-13-04.)

1305.13 PLUMBING AND SEWER FEES.

(a) Plumbing: New Construction.

- (1) One and two-family dwellings, per unit initial fee \$50.00
- (2) Apartments, motels, hotels, per dwelling unit initial fee 50.00
- (3) Business, commercial, industrial initial fee 100.00

(b) Plumbing: Additional Fee.

Plus: \$8.00:

Per each 100 Sq. Ft. for each trade.

Plus: \$2.00 for each of the following:

Gas connection \$2.00

\$5.00 for each of the following:

Gas pipe (one and two-family) 5.00

\$10.00 for each of the following:

Garbage Disposal 10.00

Plus: Sprinkler heads, each .25 (Max. \$100.00)

(c) Plumbing: Additions, Alterations, repairs and Replacements.

- (1) One and two-family dwellings 10.00
- (2) All others 50.00
- (3) Plus \$8.00 per each 100 Sq. Ft.

(d) Sewers: New Construction, Additions, Alterations, Repairs and Replacements.

- (1) Initial fee (Only if no plumbing permit) \$50.00
- (2) For each 100 feet or fraction thereof for four-inch through eight-inch sewer 20.00
- (3) For each 100 feet or fraction thereof for ten-inch sewer 25.00
- (4) For each 100 feet or fraction thereof for twelve-inch or larger sewer 50.00
- (5) Septic tank 20.00
(Ord. 2004-38. Passed 7-13-04.)

1305.14 ELECTRICAL FEES.

(a) Basic Fee - Residential: Additions, \$10.00

alterations, repairs and garages, attached or detached.

Plus \$8.00 per each 100 Sq. Ft.

Basic Fee - ALL OTHERS 50.00

(b) Aluminum or Vinyl Siding.

Remove and replace serve and ground siding \$40.00

(c) All Swimming Pools Whether Portable or Otherwise.

Residential - storable \$10.00

Residential - permanent 50.00

Commercial 100.00

(Ord. 2004-38. Passed 7-13-04.)

1305.15 SIGN FEES.

- (a) Non-illuminated, per sign \$30.00
- (b) Illuminated, non-flashing 50.00
- (c) In addition to the above fees there shall be, for each square foot of sign for each face, a fee of .50
(Ord. 2004-38. Passed 7-13-04.)

1305.16 GRADE SETTING FEES.

- (a) One and two-family dwellings \$750.00
- (b) For buildings other than one or two-family dwellings, for each 1000 square feet of building area at grade, or fraction thereof, a fee of 750.00
with a maximum of 1,000.00
(Ord. 2004-38. Passed 7-13-04.)

1305.17 MISCELLANEOUS FEES.

Fees for construction, alterations and repairs not included in other work herein covered shall be as follows:

- (a) Fences \$25.00
Plus \$1.00 for 100 lineal feet
- (b) Driveways and footers for garages - residential 25.00
- (c) Driveways and footers for garages - all other 50.00
- (d) Slab floors - residential 25.00
- (e) Slab floors - all other 50.00
- (f) Swimming pools and lakes:
Excavations fee for pool or lake \$50.00
Above-ground pool 24 inches
or over in depth 10.00
plus \$1.00/100 square feet of surface area
- (g) Air Conditioners
 - (1) Residential, apartments, condominiums and townhouses
 - A. For each unit up to 5-ton capacity 40.00
 - B. Over 5-ton and up to 10-ton capacity 40.00
 - C. Over 10-ton capacity 40.00
 - (2) Industrial and commercial
 - A. For each unit up to 5-ton capacity 40.00
 - B. Over 5-ton and up to 10-ton capacity 40.00
 - C. Over 10-ton and up to 25-ton capacity 50.00
 - D. All over 25-ton capacity 75.00
- (h) Aluminum and Vinyl Siding
 - (1) Residential dwellings and accessory buildings 40.00
 - (2) All others 75.00
- (i) Radio Receiving and Transmitting Masts or Towers
(Maximum height 40 feet) base fee 100.00
Plus \$2.50 for every \$100, or fraction thereof, of valuation.
- (j) Tanks for fuel oil, gasoline or other flammable liquids.
 - (1) Any tank for which a permit is required, up to 3000 gallons 50.00
 - (2) Over 3000 gallons and

- through 12,000 gallons 100.00
 - (3) Over 12,000 gallons and through 20,000 gallons 100.00
 - (4) Over 20,000 gallons and through 50,000 gallons 100.00
 - (5) Over 50,000 gallons and through 100,000 gallons 100.00
 - (6) Over 100,000 gallons 100.00
 - (k) Buildings or Equipment Not Specified. The fee for a permit to construct any building or install any equipment not specified in this chapter, shall be two-tenths of one percent of the estimated cost, except that no permit shall be issued for less than \$10.00.
 - (l) Solar heating.
 - Passive \$10.00
 - Active - (No storage) 25.00
 - Active - (With storage) 40.00
 - (m) Test for CO and CO₂ and furnace leaks 25.00
 - (n) Heating, repairs, revisions, additional items 25.00
 - (o) Dog Runs 20.00
- (Ord. 2008-46. Passed 10-16-08.)

1305.18 CHURCHES AND SCHOOLS.

For new construction, additions, alterations and repairs to churches and schools, the permit fees shall be figured at the same rate as for commercial buildings.
(Ord. 1974-71. Passed 9-3-74.)

1305.19 RE-INSPECTION FEE.

When any work represented to be ready for inspection is found to be incomplete or defective due to incompetent or negligent work, a re-inspection fee shall be paid for each additional inspection required as follows:

- (a) One and two-family dwelling, new construction \$35.00
 - (b) One and two-family dwellings, additions alterations, repairs and accessory buildings 25.00
 - (c) All others 50.00
- (Ord. 2004-38. Passed 7-13-04.)

1305.20 COMPLETION BOND.

(a) In addition to all the fees set forth in this chapter, every owner, whether a person, corporation or partnership, erecting or having erected, a residential building in this Municipality, shall post a completion bond of three thousand dollars (\$3,000) to guarantee completion of the residence and installation of approved landscaping within one year after the issue of building permit. Such completion is subject to the building and landscaping meeting the standards of all applicable building and landscaping requirements including, but not limited to the landscaping plan as approved by the Architectural Board of Review, within that time.
(Ord. 2008-57. Passed 11-6-08.)

(b) Residential additions of five thousand dollars (\$5,000) valuation will require a two hundred dollar (\$200.00) completion bond; five thousand dollars (\$5,000) to ten thousand dollars (\$10,000) valuation will require three hundred dollar (\$300.00) completion bond; over ten thousand dollars (\$10,000) valuation will require a five hundred dollar (\$500.00) completion bond.

(c) All other construction, additions, alterations or repairs including but not limited to business, commercial and industrial building, shall post a completion bond equal to eight dollars (\$8.00) for each thousand dollars of valuation on the constructions, addition, alteration or repair. In no instance shall the completion bond for this category of building be less than five hundred dollars (\$500.00).

(d) All valuations referred to in this section shall be established by and be in the sole discretion of the Building Inspector of the Municipality, based upon the plans, the materials, bids and any other matters

proposed and offered as evidence of valuation by the applicant.

(e) The completion bond shall be forfeited if the landscaping, construction, addition, alteration or repairs have not been completed within one year dated on the permit.

(Ord. 2004-38. Passed 7-13-04.)

1305.201 INCOME TAX WITHHOLDING BOND; INFORMATION TO BE SUPPLIED BY CONTRACTOR.

(a) Prior to performing any work in the Village, on any land or building, whether new construction, additions or alterations and repairs, all contractors or subcontractors, who are also employers as defined by Section 181.0308 of the Codified Ordinances, shall file with the Building and Zoning Inspector, an affidavit setting forth information necessary to provide an estimate of all salaries, wages, commissions or other forms of compensation to be paid to all employees engaged in performing such work. The affidavit shall include an estimate of the total construction cost of the project, cost of labor, cost of subcontractors, names and addresses of subcontractors, cost of material, and such other information that is deemed necessary in the discretion of the Building and Zoning Inspector and Finance Director. This information shall be set forth on a form provided by the Building and Zoning Inspector and Finance Director and shall be notarized.

(b) Within thirty days of the completion of the work being performed by any contractor or subcontractor, as determined by the Building and Zoning Inspector, the contractor or subcontractor shall file a completion affidavit, setting forth the actual cost of all wages, salaries, commissions or other forms of compensation paid to all employees engaged in performing such work by the contractor or subcontractor. The affidavit shall include the total construction cost of the project, cost of labor, cost of subcontractors, names and addresses of subcontractors, cost of material, and such other information that is deemed necessary in the discretion of the Building and Zoning Inspector and Finance Director. The completion affidavit shall include a statement that income tax has been withheld from all compensation paid pursuant to Section 181.1302 of the Codified Ordinances, and that such tax has or will be paid to the Municipal Income Tax Administrator. Verification of payment of all withholding tax shall be filed by the contractor or subcontractor with the Finance Director in a form acceptable to the Director.

(c) Upon filing the affidavit pursuant to subsection (a) hereof, and prior to the issuance of any permits by the Building and Zoning Inspector to perform any work, all contractors and subcontractor shall file with the Director of Finance a surety bond in the amount of twenty-five percent (25%) or a cash bond in an amount equal to five percent (5%) of the total estimated compensation to be paid to all employees performing work on the construction project. This bond shall be forfeited upon receipt of notice by the Village that the contractor or subcontractor has failed to make payment to the Municipal Income Tax Administrator pursuant to Section 181.1302 of the Codified Ordinances. Such bond shall be returned to the contractor or subcontractor upon receipt by the Finance Director of verification of payment of the withholding tax to the Municipal Tax Administrator as set forth above.

(Ord. 1991-05. Passed 1-15-91.)

1305.21 PARKING AREA FEES.

(a) Upon inspection of all parking areas, the contractors shall pay an inspection fee in an amount equivalent to the hourly rate of the building inspector plus twenty-five percent (25%) of the hourly rate for administrative costs. Any fraction of an hour shall be considered a complete hour.

(b) A deposit for parking area inspectors shall be made by each contractor in an amount equal to five dollars (\$5.00) for each 100 square feet of proposed parking area. Upon completion of the inspections, the inspection fee as indicated in subsection (a) hereof, shall be deducted from the deposit, and the balance of the deposit shall be returned to the contractor.

(Ord. 2004-38. Passed 7-13-04.)

1305.22 FLOOD HAZARD REVIEW.

(a) The Building and Zoning Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must:

- (1) Be designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure,
- (2) Use construction materials and utility equipment that are resistant to flood damage, and
- (3) Use construction methods and practices that will minimize flood damage.

(b) The Building and Zoning Inspector and the Municipal Engineer shall review subdivision proposals and other proposed new developments to assure that:

- (1) All such proposals are consistent with the need to minimize flood damage,
- (2) All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage, and
- (3) Adequate drainage is provided as to reduce exposure to flood hazard.

(c) The Building and Zoning Inspector shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

(Ord. 1975-36. Passed 5-20-75.)

1305.23 ASSESSMENT FOR BOARD OF BUILDING STANDARDS.

(a) The Building Inspector is authorized and directed to collect, on behalf of the Board of Building standards of the State of Ohio, an amount equal to three percent (3%) of all of the various Building Permit fees and Inspection fees as prescribed in the Building Code. This assessment, as collected on behalf of the Board of Building Standards shall be in addition to the current fees charged for inspections and for the issuance of various Building Permits.

(b) The Director of Finance is authorized and directed to remit any assessments received pursuant to subsection (a) hereof to the State Board of Building Standards on a monthly basis. The Director of Finance is further authorized and directed to establish a Fund to carry out the requirements of this section.

(c) The three percent (3%) assessment as provided for in subsection (a) hereof shall be collected by the Building Inspector from and after July 5, 1993.

(Ord. 1993-69. Passed 8-24-93.)

1305.24 CALL-IN BUILDING INSPECTORS.

The Safety Director be and he is hereby authorized to retain the services, on an independent contractor basis, of State Certified Building Inspectors to perform specialized building inspections on behalf of the Building Department of the Village of Oakwood on an "as needed", call-in basis. These inspectors shall be paid the sum of thirty-five dollars (\$35.00) for each inspection made on behalf of the Village and shall be paid on a monthly basis. The Building Inspector is prohibited from using the services of the Village's back-up or contract inspectors unless he is unavailable due to sickness, vacation, personal leave or while attending Village approved seminars.

(Ord. 2002-22. Passed 5-14-02.)

1305.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00). Each and every day during which such violation continues shall be a separate offense.

(Ord. 1971-88. Passed 9-21-71; Ord 1974-71. Passed 9-3-74.)

TITLE THREE - Model Codes Adopted

- Chap. 1325. Residential Code of Ohio.
- Chap. 1327. International Property Maintenance Code.
- Chap. 1329. Ohio Building Code.
- Chap. 1331. International Plumbing Code.
- Chap. 1333. National Electrical Code.
- Chap. 1335. International Mechanical Code.
- Chap. 1337. Ohio Basic Building Code. (Repealed)

CHAPTER 1325

Residential Code of Ohio

1325.01 Code adopted.

1325.02 Amendments and supplementation of Code.

1325.03 Inspection and sale copies.

1325.99 Penalty.

1325.01 CODE ADOPTED.

There is hereby adopted for use within the Village of Oakwood the most recent edition of the *Residential Code of Ohio for One, Two and Three Family Dwellings*, and any amendments subsequently made thereto. (Ord. 2004-42. Passed 9-14-04.)

1325.02 AMENDMENTS AND SUPPLEMENTATION OF CODE.

(a) The *Residential Code of Ohio for One, Two and Three Family Dwellings* as adopted herein is hereby amended and supplemented as follows:

- (1) **Amend:** R309.2 Separation required. The garage shall be separated from the residence and its attic area by not less than 5/8 inch (15.9 mm) type "x" gypsum board applied to the garage-side ceiling and all garage- side and house-side walls. Where the separation is a floor-ceiling assembly, any column supporting the separation shall also be protected by not less than 5/8 inch (15.9 mm) type "x" gypsum board or equivalent. Any detached garage within 10 feet (3048 mm) of a dwelling unit shall provide protection to the dwelling unit by having not less than 5/8 inch (15.9 mm) water resistant type "x" gypsum board or equivalent applied to all inside walls and ceiling.
- (2) **Add:** R311.7 Garage access door. A side hinged door not less than 2 feet 6 inches (760 mm) wide and 6 feet 8 inches (2032 mm) in height shall be required to the exterior from all garages. A door between an attached garage and dwelling (if provided) shall be not less than 2 feet 6 inches (760 mm) wide and 6 feet 8 inches (2032 mm) in height.

(Ord. 2004-42. Passed 9-14-04.)

- (3) **Amend:** R404.1 Masonry foundations walls. Masonry foundation walls shall be selected and constructed in accordance with the provision of this section or in accordance with ACI 318, NCMA TR68-A or ACI 530/ASCE5/TMS 402 or other approved structural standards. When ACI 318 or ACI 530/ASCE/TMs 402 or the provisions of this section are used to design masonry foundation walls, project drawings, typical details and specifications are not required to bear the seal of the architect or engineer responsible for design, unless otherwise required by the law of the State of Ohio. Foundation walls of approved hollow masonry units shall be not less than 12 inches (305 mm) thick to grade for basement-type homes. Above grade such walls shall be not less than 8 inches (203 mm) thick, plus 4 inches (102 mm) exterior brick, stone or equal. Such walls of garages or crawlspace-type homes shall not be less than 8 inches (203 mm) thick to grade, and above grade shall be not less than 4 inches (102 mm) thick plus 4 inches (102 mm) exterior brick, stone or equal. Such walls of crawlspace-type homes with 2 stores or more shall be 8 inches (203 mm) thick, plus 4 inches (102 mm) exterior brick, stone or equal. Foundation walls of solid masonry units or poured concrete shall be covered with face brick or stone above grade.

(Ord. 2005-19. Passed 4-26-05.)

- (4) **Amend:** R603.7 Structural sheathing. Wood structural sheathing panels shall be installed on all exterior walls of buildings in accordance with this section. Wood structural sheathing panels shall consist of minimum of 1/2-inch (12.7 mm) thick cdx plywood or O.S.B. board and shall be installed on all exterior wall surfaces in accordance with Section R603.7.1 and Figure R603.3. The minimum length of full height sheathing on exterior walls shall be determined in accordance with Table R603.7, but shall not be less than 20 percent of the braced wall length in any case. The minimum percentage of full height sheathing in Table 603.7 shall include only those wall sections, uninterrupted by openings, which are a minimum of 48 inches (1120 mm) wide. The minimum percentage of full-height structural sheathing shall be multiplied by 1.10 for 9-foot (2743 mm) high walls and multiplied by 1.20 for 10-foot (3048 mm) high walls. In addition, structural sheathing shall:
 1. Be installed with the long dimension parallel to the stud framing and shall cover the full vertical height of studs, from the bottom of the bottom track to the top of the top track of each story.

2. Be applied to each end (corners) of each of the exterior walls with a minimum 48-inch side (1220 mm) panel.
- (5) **Amend:** R605.1 General. Particleboard is not permitted.
- (6) **Amend:** R703.1 General. Exterior walls shall provide the building with a weather-resistant exterior wall envelope. The exterior wall envelope shall include flashing as described in Section R703.8. The exterior wall envelope shall be designed and constructed in such a manner as to prevent the accumulation of water within the wall assembly by providing a water resistive barrier behind the exterior veneer as required by Section R703.2. Foam sheathing is not permitted. Approved house wrap shall be installed in accordance with manufacturer's requirements under all exterior finish materials. Except when back-plastered stucco construction is used, or the stucco is furnished with a wrapping of No. 18 A.W.G. wire attached horizontally on the studs at 6-inch (152 mm) intervals, the sheathing of all exterior frame walls shall consist of not less than ½ inch (12.7 mm) thick 5-ply exterior grade plywood.
- (7) **Amend:** R703.2 Weather-resistant sheathing paper. Asphalt- saturated felt free from hole and breaks, weighing not less than 14 pounds per 100 square feet (0.683 kg/m) and complying with ASTM D 226 or other approved weather-resistant material shall be applied over studs or sheathing of all exterior walls as required by Table R703.4. Such felt or material shall be applied horizontally, with the upper layer lapped over the lower layer not less than 2 inches (51 mm). Where joints occur, felt shall be lapped not less than 6 inches (152 mm). The membrane shall be free of holes except as created by approved fasteners. Such membrane shall be installed as per the manufacturer's recommendations.

Exception: Such felt or material is permitted to be omitted in the following situations:

 1. In detached accessory buildings.
 2. Under exterior wall finish materials as permitted in Table R703.4.
 3. Under paperbacked stucco lath.
- (8) **Amend:** R703.3 Wood hardboard and wood structural panel siding.

Hard board siding is not permitted.
- (9) **Amend:** M1305.1.3.1 Electrical requirements in attics. A lighting fixture controlled by a switch located at the required passageway opening and receptacle outlet shall be provided at or near the appliance location in accordance with the *National Electrical Code*.
- (10) **Add:** M1505.2 Discharge. All exhaust fans must vent directly outside.
- (11) **Amend:** P2501.2 Hot water tank. An expansion tank and pressure regulator is required for water pressure excluding 80 pounds per square inch (551.6kPa) or if required by the building official.
- (12) **Add:** P2501.4 Garage floor drains. Garage floor drains shall have a grate not less than 12 inches (197 mm) in diameter. A garage floor drain shall be connected to the sanitary sewer.
- (13) **Add:** P2501.5 Access. Access shall be provided to shut-off valves for bath tubs and similar fixtures.
- (14) **Add:** P2501.8 Vacuum breaker. An anti-syphon vacuum breaker is required for a hose bibb and a laundry tray.
- (15) **Amend:** E3301.2 Service and disconnect. All dwelling units shall be provided with service and a main disconnect not less than 100 ampere capacity.
- (16) **Amend:** E3301.3 Service drop. All service shall be underground using rigid galvanized conduit, rigid nonmetallic conduit or other approved raceway not less than 24 inches (610 mm) below finished grades.
- (17) **Add:** E3301.4 Exterior receptacles. All exterior receptacles shall be GFCI type with bubble-type weather proof covers.

(Ord. 2004-42. Passed 9-14-04.)

1325.03 INSPECTION AND SALE COPIES.

In accordance with Ohio R.C. 731.231, a complete copy of the current, *Residential Code of Ohio for One, Two and Three Family Dwellings*, as adopted and amended herein, shall be kept on file with the Clerk of the

Village of Oakwood, Ohio, 24800 Broadway Avenue, Oakwood Village, Ohio 44146 for public inspection and also on file in the Cuyahoga County Law Library, Cuyahoga County Court House, Cleveland, Ohio. The Clerk shall provide copies of the current *Residential Code of Ohio for One, Two and Three Family Dwellings*, and this chapter to the public at cost.

(Ord. 2004-42. Passed 9-14-04.)

1325.99 PENALTY.

Whoever violates any provisions of this chapter or the Code adopted herein by reference, or fails to comply with any lawful order issued pursuant thereto shall be deemed guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty (60) days or both. Each day during which noncompliance or a violation continues shall constitute a separate offense.

(Ord. 2004-42. Passed 9-14-04.)

CHAPTER 1327

International Property Maintenance Code

1327.01 Code adopted.

1327.02 Findings and declarations of policy.

1327.03 Purposes.

1327.04 Inspection and sale copies.

1327.99 Penalty.

CROSS REFERENCES

Adoption of technical codes by reference - see Ohio R.C. 731.231

1327.01 CODE ADOPTED.

There is hereby adopted as the Property Maintenance Code of the Village of Oakwood the most recent edition of the *International Property Maintenance Code*, and any amendments subsequently made thereto, prepared and promulgated by the International Code Council Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795.

(Ord. 2004-42. Passed 9-14-04.)

1327.02 FINDINGS AND DECLARATIONS OF POLICY.

It is hereby found and declared that there exists in the Village, structures used for residential and nonresidential use which are or may become in the future, substandard with respect to structure and maintenance, or further that such conditions, including but not limited to structural deterioration, lack of maintenance and appearance of the exterior of the premises, existence of fire hazard and unsafe hazards, and unsanitary interior conditions, constitute a nuisance and a menace to the health, safety, welfare and reasonable comfort of the citizens and inhabitants of the Village. It is further found and declared that by reason of lack of maintenance and progressive deterioration, certain properties have the further effect of creating blighting conditions and initiating slums, and that if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate this nuisance, and that by reason of timely regulations and restrictions as herein contained, the growth of slums and blight may be prevented and the immediate neighborhood and property values thereby maintained, the desirability and amenities of residential and nonresidential uses and immediate neighborhoods enhanced and the public health, safety and welfare shall be protected and fostered.

(Ord. 2004-42. Passed 9-14-04.)

1327.03 PURPOSES.

The purpose of this Code is to protect the public health, safety and welfare by establishing minimum standards governing the maintenance, appearance and condition of all residential and nonresidential premises; to fix certain responsibilities and duties upon owners and operators; to authorize and establish procedures for the inspection of residential and nonresidential premises; to fix penalties for the violations of this Code and to provide for the right of access across adjoining premises to permit repairs. This Code is hereby declared to be remedial and essential for the public interest and it is intended that this code be liberally construed to effectuate the purposes as stated herein.

(Ord. 2004-42. Passed 9-14-04.)

1327.04 INSPECTION AND SALE COPIES.

In accordance with Ohio R.C. 731.231, a complete copy of the current *International Property Maintenance Code*, as adopted and amended herein, shall be kept on file with the Clerk of the Village of Oakwood, Ohio, 24800 Broadway Avenue, Oakwood Village, Ohio 44146 for public inspection and also on file in the Cuyahoga County Law Library, Cuyahoga County Court House, Cleveland, Ohio. The Clerk shall provide copies of the current International Property Maintenance Code, and this chapter to the public at cost. (Ord. 2004-42. Passed 9-14-04.)

1327.99 PENALTY.

Whoever violates any provisions of this chapter or the Code adopted herein by reference, or fails to comply with any lawful order issued pursuant thereto shall be deemed guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty (60) days or both. Each day during which noncompliance or a violation continues shall constitute a separate offense. (Ord. 2004-42. Passed 9-14-04.)

**CHAPTER 1329
Ohio Building Code**

1329.01 Code adopted.

1329.02 Inspection and sale copies.

1329.99 Penalty.

CROSS REFERENCES

Adoption of technical codes by reference - see Ohio R.C. 731.231

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;
OAC Ch. 4101:2-89

Use of public buildings by handicapped persons - see Ohio R.C. 3781.111

Energy conservation - see Ohio R.C. 3781.181; OAC Art. 4101:2-25

Safety glazing - see Ohio R.C. 3781.51 et seq.

Abandoned service stations - see Ohio R.C. 3791.11 et seq.

Safety standards for refuse containers - see Ohio R.C. 3791.21; OAC 4101:2-88-01 et seq.

1329.01 CODE ADOPTED.

There is hereby adopted for use within the Village of Oakwood the most recent edition of the *Ohio Building Code*, and any amendments subsequently made thereto. (Ord. 2004-42. Passed 9-14-04.)

1329.02 INSPECTION AND SALE COPIES.

In accordance with Ohio R.C. 731.231, a complete copy of the current *Ohio Building Code*, as adopted and amended herein, shall be kept on file with the Clerk of the Village of Oakwood, Ohio, 24800 Broadway Avenue, Oakwood Village, Ohio 44146 for public inspection and also on file in the Cuyahoga County Law Library, Cuyahoga County Court House, Cleveland, Ohio. The Clerk shall provide copies of the current *Ohio Building Code*, and this chapter to the public at cost. (Ord. 2004-42. Passed 9-14-04.)

1329.99 PENALTY.

Whoever violates any provisions of this chapter or the Code adopted herein by reference, or fails to comply with any lawful order issued pursuant thereto shall be deemed guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty (60) days or both. Each day during which noncompliance or a violation continues shall constitute a separate offense.

(Ord. 2004-42. Passed 9-14-04.)

CHAPTER 1331
International Plumbing Code

- 1331.01 Code adopted.**
- 1331.02 Inspection and sale copies.**
- 1331.99 Penalty.**

CROSS REFERENCES

Adoption of technical codes by reference - see Ohio R.C. 731.231

1331.01 CODE ADOPTED.

Pursuant to Section 7.15 of the Charter of the Village of Oakwood and Section 731.231 of the Ohio Revised Code, there is hereby adopted the most recent edition of the International Plumbing Code and any amendments made thereto. (Ord. 1998-73. Passed 10-13-98.)

1331.02 INSPECTION AND SALE COPIES.

In accordance with Section 731.231 of the Ohio Revised Code, a complete copy of the current, International Plumbing Code, as adopted herein, shall be kept on file with the Clerk of Council of the Village of Oakwood, for public inspection and also on file in the Cuyahoga County Law Library, Cuyahoga County Court House, Cleveland, Ohio. The Clerk shall provide copies of the current International Plumbing Code, and this chapter to the public at cost.

(Ord. 1998-73. Passed 10-13-98.)

1331.99 PENALTY.

Whoever violates any provisions of this chapter or the Code adopted herein by reference, or fails to comply with any lawful order issued pursuant thereto shall be deemed guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty (60) days or both. Each day during which noncompliance or a violation continues shall constitute a separate offense.

(Ord. 1998-73. Passed 10-13-98.)

CHAPTER 1333
National Electric Code

- 1333.01 Code adopted.**
- 1333.02 Inspection and sale copies.**
- 1333.99 Penalty.**

CROSS REFERENCES

Conflicting provisions - see ADM. 101.06
Electric transmission line; pole lines - see S.U. & P.S. 941.01 et seq.
Electrical fee - see BLDG. 1305.14

1333.01 CODE ADOPTED.

Pursuant to Section 7.15 of the Charter of the Village of Oakwood and Section 731.231 of the Ohio Revised Code, there is hereby adopted the most recent edition of the National Electric Code and any amendments made thereto.

(Ord. 1998-73. Passed 10-13-98.)

1333.02 INSPECTION AND SALE COPIES.

In accordance with Section 731.231 of the Ohio Revised Code, a complete copy of the current, National Electric Code, as adopted herein, shall be kept on file with the Clerk of Council of the Village of Oakwood, for public inspection and also on file in the Cuyahoga County Law Library, Cuyahoga County Court House, Cleveland, Ohio. The Clerk shall provide copies of the current National Electric Code, and this chapter to the public at cost.

(Ord. 1998-73. Passed 10-13-98.)

1333.99 PENALTY.

Whoever violates any provisions of this chapter or the Code adopted herein by reference, or fails to comply with any lawful order issued pursuant thereto shall be deemed guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty (60) days

or both. Each day during which noncompliance or a violation continues shall constitute a separate offense. (Ord. 1998-73. Passed 10-13-98.)

CHAPTER 1335

International Mechanical Code

1335.01 Code adopted.

1335.02 Inspection and sale copies.

1335.99 Penalty.

CROSS REFERENCES

Adoption of technical codes by reference - see Ohio R.C. 731.231

1335.01 CODE ADOPTED.

Pursuant to Section 7.15 of the Charter of the Village of Oakwood and Section 731.231 of the Ohio Revised Code, there is hereby adopted the most recent edition of the International Mechanical Code and any amendments made thereto. (Ord. 1998-73. Passed 10-13-98.)

1335.02 INSPECTION AND SALE COPIES.

In accordance with Section 731.231 of the Ohio Revised Code, a complete copy of the current, International Mechanical Code, as adopted herein, shall be kept on file with the Clerk of Council of the Village of Oakwood, for public inspection and also on file in the Cuyahoga County Law Library, Cuyahoga County Court House, Cleveland, Ohio. The Clerk shall provide copies of the current International Mechanical Code, and this chapter to the public at cost.

(Ord. 1998-73. Passed 10-13-98.)

1335.99 PENALTY.

Whoever violates any provisions of this chapter or the Code adopted herein by reference, or fails to comply with any lawful order issued pursuant thereto shall be deemed guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty (60) days or both. Each day during which noncompliance or a violation continues shall constitute a separate offense. (Ord. 1998-73. Passed 10-13-98.)

CHAPTER 1337

Ohio Basic Building Code

EDITOR'S NOTE: Former Chapter 1337 was repealed by Ordinance 2004-42, passed 9-14-04. See Chapter 1329 for relevant provisions.

TITLE FIVE - Additional Municipal Requirements

- Chap. 1351. Licensing and Registering Contractors.
- Chap. 1352. Rental License/Occupancy Permits.
- Chap. 1353. Fair Housing.
- Chap. 1354. Small Cell Design Guidelines.
- Chap. 1355. Swimming Pools.
- Chap. 1359. Moving and Relocation of Buildings.
- Chap. 1360. Portable Storage Devices and Structures.
- Chap. 1361. Change in Grade.
- Chap. 1363. Demolition of Buildings.
- Chap. 1365. Point of Rental and Point of Sale Inspection.
- Chap. 1366. Registration of Vacant Buildings and Notice of Foreclosure.
- Chap. 1367. Garbage Disposers and Incinerators.
- Chap. 1368. Incidental Sale of Motor Vehicles.
- Chap. 1369. Chimneys and Heating Apparatus.
- Chap. 1371. Flood Plain Management Regulations.
- Chap. 1372. Address Signs.
- Chap. 1373. Front Porches.

CHAPTER 1351

Licensing and Registering Contractors

1351.01 Application of provisions.

- 1351.02 License or registration required; type of work covered.**
- 1351.03 Certificate application; fees.**
- 1351.04 Application information.**
- 1351.05 Bond requirements.**
- 1351.06 Insurance.**
- 1351.07 Registration with Income Tax Administrator.**
- 1351.08 License and registration expiration; application deposit.**
- 1351.09 Grounds for revocation, suspension or nonrenewal.**
- 1351.10 Revocation, suspension or nonrenewal; appeal to Council.**
- 1351.11 Exceptions to licensing.**
- 1351.12 Maintenance bond for keeping streets clean.**
- 1351.99 Penalty.**

CROSS REFERENCES

- Construction hours restricted - see GEN. OFF. 509.10
- Protection of sidewalks and curbs - see GEN. OFF. 521.04(d)
- Topsoil removal - see BUS. REG. Ch. 791
- Driveway conduit pipes - see S. & P.S. 911.01
- Temporary structures of contractors permitted in residential districts - see P. & Z. 1165.06

1351.01 APPLICATION OF PROVISIONS.

(a) All persons, firms, corporations, partnerships, or other legal entities, or any combination thereof, engaged in, or who directs, supervises, or has the responsibility for the means, method, and manner of any construction, improvement, renovation, repair or maintenance involving any of the following crafts, trades and businesses, shall be subject to the provisions of this chapter: plumbing; heating, ventilation and air conditioning; electrical; refrigeration; hydronics; carpentry; glazing; landscaping; ornamental iron work; sewer work; paving; grading; roofing; sheet metal work; tile setting; plastering; dry wall application; painting; decorating; brick masonry; stone masonry; cement work; excavating; and earth moving.

(b) No person, firm, partnership, corporation, association, or other legal entity, or any combination thereof shall undertake individually, or for another, or to engage for compensation in any of the following kinds of work: plumbing; heating, ventilation and air conditioning; electrical; refrigeration; hydronics; carpentry; glazing; landscaping; ornamental iron work; sewer work; paving; grading; roofing; sheet metal work; tile setting; plastering; dry wall application; painting; decorating; brick masonry; stone masonry; cement work; excavating; and earth moving, within the municipality, until such person, firm, partnership, corporation, association or other legal entity, or any combination thereof, has been duly licensed or registered as provided in the chapter by the municipality to perform such work.

(Ord. 2001-40. Passed 9-25-01.)

1351.02 LICENSE OR REGISTRATION REQUIRED; TYPE OF WORK COVERED.

(a) No person, firm, partnership, corporation, association, or other legal entity, or any combination thereof shall undertake individually, or for another, or to engage for compensation in any of the following kinds of work: carpentry; glazing; landscaping; ornamental iron work; sewer work; paving; grading; roofing; sheet metal work; tile setting; plastering; dry wall application; painting; decorating; brick masonry; stone masonry; cement work; excavating; and earth moving, within the municipality, until such person, firm, partnership, corporation, association or other legal entity, or any combination thereof, has been duly licensed as provided in the chapter by the municipality to perform such work.

(b) No person, firm, partnership, corporation, association, or other legal entity, or any combination thereof shall undertake individually, or for another, or to engage for compensation in any of the following kinds of work: plumbing; heating, ventilation and air conditioning; electrical; refrigeration; or hydronics, within the municipality, until such person, firm, partnership, corporation, association or other legal entity, or any combination thereof, has been duly registered as provided in the chapter by the municipality to perform such work. In the event the work involves a one, two or three family dwelling, a license shall be required as provided in this chapter.

(Ord. 2001-40. Passed 9-25-01.)

1351.03 CERTIFICATE APPLICATION; FEES.

The certificate of registration shall be valid for the calendar year in which issued and shall be renewed annually thereafter. A fee of seventy five dollars (\$75.00) shall be paid for registration at the time of original issuance and each renewal thereafter. The fee for the general contractor shall be seventy five dollars (\$75.00) plus seventy five dollars (\$75.00) for each trade in his direct employment. The fee for any subcontractor shall be seventy five dollars (\$75.00).

(Ord. 2004-38. Passed 7-13-04.)

1351.04 APPLICATION INFORMATION.

(a) Each application for a license shall contain the name, address and telephone number of the person, firm, partnership, corporation, association, or other legal entity applying for the license, whether the applicant is a member of a firm, partnership, corporation, association or other legal entity or any combination thereof, and evidence showing that such applicant is duly authorized to act for such firm, partnership, corporation, association or other legal entity, or any combination thereof, as well as such other information as the Building Inspector shall prescribe.

(b) Each application for registration shall contain the name, address and telephone number of the person, firm, partnership, corporation, association, or other legal entity applying for the license, whether the applicant is a member of a firm, partnership, corporation, association or other legal entity or any combination thereof, and evidence showing that such applicant is duly authorized to act for such firm, partnership, corporation, association or other legal entity, or any combination thereof. In addition, the applicant for registration shall provide evidence that the applicant has a valid and unexpired license issued pursuant to Chapter 4740 of the Ohio Revised Code.

(Ord. 2001-40. Passed 9-25-01.)

1351.05 BOND REQUIREMENTS.

No license or registration shall be issued by the Village authorizing any person, firm, partnership, corporation, association, or other legal entity, or any combination thereof, to engage in the activities listed in 1351.01, until a surety bond, with such terms and conditions to protect the Village and its inhabitants from any damages and to guarantee the performance of the insured to be in compliance with the codified ordinances of the Village of Oakwood, is filed with the Building Inspector in the sum of \$25,000 payable to the Village. Failure to maintain the surety bond provided for in this section shall result in the revocation of any license or registration to do business in the Village. The form of such surety bond shall be approved by the Director of Law.

(Ord. 2001-40. Passed 9-25-01.)

1351.06 INSURANCE.

(a) No license shall be issued by the Village authorizing any person, firm, partnership, corporation, association, or other legal entity, or any combination thereof, to engage in the activities listed in 1351.01 until evidence of insurance is furnished to the Village indicating that such license applicant has insurance for bodily injury in at least the amount of \$250,000/\$500,000 and for property damage in at least the amount of \$100,000. Failure to maintain the insurance provided for in this section shall result in the revocation of any license or registration to do business in the Village. Each such policy of insurance shall carry an endorsement which requires that the Village be provided with at least thirty (30) days written notice in the event such insurance is to be canceled or not renewed for any reason.

(b) No registration shall be issued by the Village authorizing any person, firm, partnership, corporation, association, or other legal entity, or any combination thereof, to engage in the activities listed in 1351.01 until evidence of insurance is furnished to the Village indicating that such registration applicant has insurance in at least the amounts as required under Division (B)(4) of Section 4740.06 of the Ohio Revised Code and the rules promulgated thereunder.

(Ord. 2001-40. Passed 9-25-01.)

1351.07 REGISTRATION WITH INCOME TAX ADMINISTRATOR.

No license or registration shall be issued by the Village authorizing any person, firm, partnership, corporation, association, or other legal entity, or any combination thereof, to engage in the activities listed in 1351.01, until evidence is provided to the Building Inspector that the applicant is registered with the Income Tax Administrator of the Village of Oakwood.

(Ord. 2001-40. Passed 9-25-01.)

1351.08 LICENSE AND REGISTRATION EXPIRATION; APPLICATION DEPOSIT.

Such license or registration to be issued to such applicant or applicants shall expire on December 31, at midnight, of each year for which the same shall be issued. A fifty dollar (\$50.00) nonrefundable deposit shall be made with each application regardless of whether or not such application for a license or registration is granted.

(Ord. 2001-40. Passed 9-25-01.)

1351.09 GROUNDS FOR REVOCATION, SUSPENSION OR NONRENEWAL.

(a) Any applicant's license may be suspended, revoked or not renewed for any one or more of the following reasons:

- (1) Faulty or defective workmanship;
- (2) Failure to timely complete work or project;
- (3) Misrepresentation of a material fact by the applicant in obtaining the applicant's license;
- (4) Noncompliance with the provisions of the Building Code of the municipality.

(b) Any applicant's registration may be suspended, revoked or not renewed for any one or more of the following reasons:

- (1) Failure to maintain any required bonds and/or insurance as provided in this chapter.
- (2) For any other reason as determined by the Building Inspector which constitutes good cause shown as provided in Section 715.27 of the Ohio Revised Code.

(Ord. 2001-40. Passed 9-25-01.)

1351.10 REVOCATION, SUSPENSION OR NONRENEWAL; APPEAL TO COUNCIL.

(a) Notice in writing by the Building Inspector shall be given to the applicant, at the address listed in his or her or its application, five or more days before any such license or registration may be revoked or the decision to not renew the applicant's license or registration becomes effective. The Building Inspector is invested with the authority to revoke, suspend or not renew such license or registration when he or she has determined that one or more of the grounds, as specified in this chapter, for revocation, suspension or nonrenewal exist.

(b) An appeal from the findings and decision of the Building Inspector shall be had before Council, provided the applicant files such appeal in writing with the Clerk of Council within ten days of the date of the Building Inspector's decision.

(c) If in the opinion of the Building Inspector or of Council upon an appeal, a license or registration should not be unconditionally renewed or reinstated, then the Building Inspector or Council upon appeal, may require the applicant to post a surety bond, prior to the renewal or reinstatement of the license or registration, in an amount not to exceed \$50,000 and in a form prescribed by and in favor of the Village, wherein the applicant guarantees to comply with the provisions of this chapter, and the other provisions contained in the codified ordinances of the Village.

(d) Any appeal from the finding of the Building Inspector as to the nonrenewal, suspension or the revocation of a license shall be heard before Council, upon notice to the applicant, and the same shall be held and decided within 30 days after the date the appeal is filed with the Clerk of Council.

(Ord. 2001-40. Passed 9-25-01.)

1351.11 EXCEPTIONS TO LICENSING.

(a) This chapter shall not apply to any individual person or member of his family who shall do any of the work herein listed upon his or her own premises, house or building, or the premises, house or building leased by him or her.

(b) This chapter shall not apply to officials or employees of the municipality engaged in municipal work, or to officials or employees of public utilities in such work for such public utilities as they are authorized by law to furnish or provide.

(Ord. 2001-40. Passed 9-25-01.)

1351.12 MAINTENANCE BOND FOR KEEPING STREETS CLEAN.

Every owner, developer, builder or contractor, who proposes to excavate or build upon any land zoned Residential Single Family within the Village, shall post a one hundred dollar (\$100.00) cash bond, and on land zoned than Residential Single Family within the Village shall post a five hundred dollar (\$500.00) cash bond, or other similar security as may be approved by the Mayor, guaranteeing that the Village streets, roads, avenues or other public rights-of-way will be maintained free and clear of all mud, stones, gravel, vegetation, or other materials while excavation, construction, developing or building is in process. In the event that any mud, stones, gravel, vegetation, or other materials are deposited or otherwise occur in any

Village streets, roads, avenues or other public rights-of-way, the owner, developer, builder or contractor shall have one working day, from the time of notification to clean the designated street, road, avenue or other public right-of-way from any substance mentioned herein. Thereafter, should the owner, developer, builder or contractor fail to timely remove this substance, the Service Department of the Village is hereby and herein authorized to clean the designated street, road, avenue or other public right-of-way, the cost of doing so shall be deducted from the bond posted in accordance with this Section. The Director of Finance shall determine the cost for the use of the Service Department personnel and equipment and notify the owner, developer, builder or contractor in writing of the costs assessed against the bond proceeds, and thereafter the owner, developer, builder or contractor shall promptly, but in no event later than seven (7) days after the date of the notice, restore the bond amount to the original deposit amount.

(Ord. 2001-40. Passed 9-25-01.)

1351.99 PENALTY.

Any person violating any provision of this chapter shall, upon conviction, be found guilty of a misdemeanor and shall be fined not more than \$500.00, together with costs, imprisoned for not more than six months, or both. Each day's violation shall constitute a separate offense.

(Ord. 2001-40. Passed 9-25-01.)

CHAPTER 1352

Rental License/Occupancy Permits

1352.01 Definitions.

1352.02 Rental license.

1352.03 Inspection prior to issuance.

1352.04 Issuance.

1352.05 Rental license/occupancy permit fees.

1352.99 Penalty.

CROSS REFERENCES

Apartment Maintenance Code - see BLDG. Ch. 1381 et seq.

1352.01 DEFINITIONS.

(a) "Owner" means any individual, person, firm, partnership, corporation or company acting on behalf of a property owner of a dwelling as defined in Section 1135.05 of the Planning and Zoning Code.

(b) "Rental Unit" shall mean the occupancy of a dwelling by persons who are not the owners of such unit. If the unit is owned by a corporation or a partnership and the occupier is less than fifty percent (50%) owner of the unit, an inspection, Rental License/Permit is required. (Ord. 2012-53. Passed 9-25-12.)

1352.02 RENTAL LICENSE.

(a) No owner of any dwelling shall rent or lease such rental unit or any part thereof for residential occupancy, nor shall any person occupy such rental unit unless the owner thereof holds a Rental License issued by the Chief Building Official, or his assistant, which license and occupancy permit has not expired, been revoked or otherwise become null and void.

(b) Application for a Rental License/Occupancy Permit required by the provisions of this Chapter shall be made by the owner not less than fifteen (15) days prior to occupancy. Such application shall be made on a form prescribed by the Chief Building Official which shall include the following information:

- (1) The street address of the premises or the specific address of the parts of part of the rental unit if the entire structure is not involved.
- (2) The name, address and telephone number of the owner or agent in charge and were such person may be reached during business hours.
- (3) An indication as to why the application is being requested, i.e., rental, lease or land contract.
- (4) Proposed date of occupancy.
- (5) The name, address and telephone number of the prospective or current tenant, his agent or representative. If the prospective tenant is unknown at the time application for a Rental License/Occupancy Permit is made, the owner shall supply such information to the Chief Building Official as soon as it is known, but in any event, prior to the issuance of a Rental License/Occupancy Permit.

(Ord. 2012-53. Passed 9-25-12.)

1352.03 INSPECTION PRIOR TO ISSUANCE.

(a) Within fifteen (15) days of the receipt of the Rental License/Occupancy Permit Application, the Chief Building Official, or his assistant, shall inspect the premises for the purpose of determining compliance or noncompliance of the Building Code. The prospective or current lessor of the premises shall have the right to be present at the initial and any subsequent inspections.

(b) Such inspections shall be made between 9:00 a.m. and 4:00 p.m. and the Chief Building Official, or his assistant, shall at all times cooperate with the applicant in setting up an appointment for such inspections. The applicant shall be required to notify the prospective or current tenant of such appointment and of his or her right to be present.

(c) The Chief Building Official, or his assistant, shall present proper identification to the owner, agent or current lessor of the premises before entering.

(d) The applicant shall cooperate with the Chief Building Official, or his assistant, for the purpose of making such inspection and failure to cooperate is a violation of this Chapter.

(e) In the event of the inability of the Chief Building Official, or his assistant, to determine the status or condition of any specific item or items due to weather or conditions such as snow covered roofs, driveways, patios, etc., shall be noted on the inspection sheet. The inability to determine the status of any such condition shall not constitute a waiver of any existing violation ascertained at a later time under proper conditions. Follow-up inspections shall be scheduled not later than six (6) months from the date of the initial inspection at which the conditions existed that prohibited a complete inspection and shall be conducted in a manner and with notice as set forth herein. The applicant shall be responsible for the correction of any violations.

(f) All interior violations shall be corrected within ninety (90) days and all exterior violations shall be corrected and reinspected within one hundred eighty (180) days.

(Ord. 2012-53. Passed 9-25-12.)

1352.04 ISSUANCE.

(a) If, upon inspection or re-inspection of the premises, it is determined that the same is in compliance with the Building Code, the Chief Building Official, or his assistant, shall issue a Rental License/Occupancy Permit to the owner of the premises. Such Rental License/Occupancy Permit shall be valid for a period of twelve (12) months from the date of issuance unless revoked.

(b) The owner shall have the right to appeal the denial or revocation of a Rental License/Occupancy Permit pursuant to Chapter 1143 of the Planning and Zoning Code.

(Ord. 2012-53. Passed 9-25-12.)

1352.05 RENTAL LICENSE/OCCUPANCY PERMIT FEES.

(a) The owner of a rental unit(s) shall pay a fee of one hundred dollars (\$100.00) for each rental unit and a re-inspection fee, if necessary, of fifty dollars (\$50.00) for each rental unit. These fees cover a twelve (12) month period of time, after which the Rental License/Occupancy Permit must be renewed.

(Ord. 2015-37. Passed 6-9-15.)

1352.99 PENALTY.

(a) Whoever violates any provision of this chapter or any rule or regulation promulgated hereunder or fails to comply therewith or any written notice or order issued there under shall be guilty of a first degree misdemeanor and subject to a maximum fine of one thousand dollars (\$1,000.00), a maximum imprisonment term of six (6) months, or both.

(Ord. 2012-53. Passed 9-25-12.)

CHAPTER 1353

Fair Housing

1353.01 Purpose.

1353.02 Definitions.

1353.03 Exemptions.

- 1353.04 Prohibited acts.**
- 1353.05 Posting of notices.**
- 1353.06 Fair Housing Review Board.**
- 1353.07 Administrator.**
- 1353.08 Complaints.**
- 1353.09 Notice.**
- 1353.10 Investigation.**
- 1353.11 Conciliation.**
- 1353.12 Injunctive relief.**
- 1353.13 Hearings.**
- 1353.14 Hearing decisions.**
- 1353.15 Hearing officer.**
- 1353.16 Remedial actions.**
- 1353.17 Judicial relief.**
- 1353.18 Additional remedies.**
- 1353.19 Severability.**

CROSS REFERENCES

Fair Housing - see Ohio R.C. Ch. 4112

1353.01 PURPOSE.

It is hereby declared to be the purpose of this chapter to provide, within constitutional limitations, for fair housing throughout the Village, to assure that all persons have full and equal opportunity to consider all available housing for themselves and their families within the Village without being discriminated against on the basis of race, color, religion, sex, ancestry, handicap, familial status or national origin, and to promote a stable, racially integrated community.

(Ord. 2002-38. Passed 10-8-02.)

1353.02 DEFINITIONS.

(a) "Board" means the Fair Housing Review Board.

(b) "Discriminate" or "discrimination" means to separate or segregate persons in a particular manner solely or in part because of race, color, religion, sex, ancestry, handicap, familial status, or national origin; provided that "discriminate" or "discrimination" shall not include special outreach efforts conducted by or under the authority of units of local government (including agencies, departments and commissions thereof) or non-profit fair housing corporations or agencies to ensure that persons of minority groups are fully informed of, and have access to, available dwelling opportunities in areas of present or prospective majority group concentration or to ensure that persons of the majority group are fully informed of and have access to available dwelling opportunities in areas of present or prospective minority group concentration.

(c) "Covered multi-family dwellings" means buildings consisting of four or more units if such buildings have one or more elevators, and ground floor units in other buildings consisting of four or more units.

(d) "Dwelling" means a building or structure, or part thereof, used or designed or intended to be used for residential purposes.

(e) "Familial status" means one or more individuals (who have not attained the age of 18 years) being domiciled with: (1) a parent or another person having legal custody of such individual or individuals; or (2) the designee of such parent or other person having such custody, with the written permission of such parent or their person; and shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

(f) "Housing for older persons" means housing: (1) provided under any State or Federal program that the Secretary of HUD determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or (2) intended for, and solely occupied by persons 62 years of age or older; or (3) intended and operated for occupancy by at least one person 55 years or older per unit. The determination as to whether housing qualifies as housing for older persons under this subsection shall be consistent with regulations promulgated by the Secretary of HUD, providing at least the following factors: (1) the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to

provide important housing opportunities for older persons; and (2) that at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and (3) the publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older. Housing shall not fail to meet the requirements for housing for older persons by reason of: (1) persons residing in such housing as of the date of enactment of the Fair Housing Act of 1988 who do not meet the age requirements of this subsection, provided the new occupants of such housing meet such age requirements; or (2) unoccupied units; provided that such units are reserved for occupancy by persons who meet the age requirements of this subsection.

(g) "Lending Institution" means any bank, savings and loan association, insurance company, or other organization or person regularly engaged in the business of lending money, guaranteeing loans for profit, or otherwise providing financial assistance or insurance in connection with the purchase, sale or rental of dwellings.

(h) "Person" means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers or fiduciaries.

(i) "Purchase" means to obtain a dwelling through a sale.

(j) "Real estate agent" means a real estate broker or salesman or a limited real estate broker or salesman as defined in Section 4735.01 of the Ohio Revised Code.

(k) "Rent" or "rental," means to lease, sublease, assign or otherwise grant or obtain the right to occupy a dwelling not owned by the occupant in return for consideration, or a contract or option to do any of the foregoing.

(l) "Sale" or "sell" means to convey, exchange, transfer or assign legal or equitable title to, or beneficial interest in, a dwelling in return for consideration or a contract or option to do any of the foregoing.

(m) "Solicit" or "solicitation" means any conduct by a real estate agent, or an employee or agent thereof, intended to induce the owner of a dwelling with the Village to sell, rent, or list the same for sale or rental.

(n) "Unlawful discriminatory practice" means any act prohibited by Section 1353.04 of this chapter.

(o) "Handicap" means, with respect to a person: (1) a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in 21 U.S.C. Section 802.

(Ord. 2002-38. Passed 10-8-02.)

1353.03 EXEMPTIONS.

The provisions of this chapter shall not:

- (a) Prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members, provided such club does not discriminate in its membership policies on the basis of race, color, religion, sex, ancestry, handicap, familial status, or national origin.
- (b) Require any person selling or renting property to modify such property in any way at his or her expense, provided that such person does not refuse to permit reasonable modifications by a handicapped person necessary for that person to fully enjoy the premises in which he or she resides, when such modifications are made at the expense of the handicapped person, which permission may be conditioned on that person's promise to restore the premises to the condition in which it previously existed before granting permission for such modification nor

shall this chapter be construed to relieve any handicapped person of any obligation generally imposed on all persons regardless of handicap in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations, of the lease, agreement, or contract, so long as such distinctions are not based on the handicap itself, or on the landlord's refusal to make reasonable modification in the lease, agreement or contract conditions for the purpose of denying a handicapped person equal opportunity to the use and enjoyment of the premises.

- (c) Prohibit restricting the sale or rental of a dwelling on the basis of handicap when such a dwelling is authorized, approved, financed, or subsidized in whole or in part for the benefit of persons of a handicap by a unit of state, local, or federal government, so long as such restrictions do not discriminate against otherwise qualified handicapped persons.
- (d) Require that a dwelling be made available to a person with a handicap whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
- (e) Prohibit the applicability of any reasonable local, state or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.
- (f) With regard to familial status, apply to dwellings provided under any state or federal program specifically designed and operated to assist elderly persons, as defined in the State or Federal program, or to housing for older persons, provided that HUD has determined that such program or housing is exempt, which determination shall be conclusive.
- (g) Prohibit a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion national origin, sex, handicap, or familial status.
- (h) Apply to any single-family house sold or rented by an owner, under the terms and conditions set forth in 42 U.S.C. Section 3603(b); or to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.
- (i) Prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in 21 U.S.C. Section 802.

(Ord. 2002-38. Passed 10-8-02.)

1353.04 PROHIBITED ACTS.

It is hereby declared to be a discriminatory housing practice and unlawful for any person to:

- (a) Refuse to sell, transfer, assign, rent, lease, sublease, finance, negotiate or otherwise deny or make unavailable a dwelling to any person because of the race, color, religion, sex, ancestry, handicap, familial status or national origin of any present or prospective owner, occupant, or user of such dwelling, or in the case of a handicapped person, an associate thereof;
- (b) Represent to any person, because of race, color, religion, sex, ancestry, handicap, familial status or national origin, that a dwelling is not available for sale, rental, or inspection when in fact it is available;
- (c) Refuse to lend money, or to purchase a loan, or to provide other financial assistance, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of a dwelling or otherwise withhold financing of a dwelling from any person because of the race, color, religion, sex, ancestry, handicap, familial status or national origin of any present or dwelling, provided such person lends money as one of the principal aspects or incident to his principal business and not only as a part of the purchase price of an owner-occupied residence he is selling nor merely casually or occasionally to a relative or friend;
- (d) Discriminate against any person in the terms or conditions of selling, transferring, assigning, brokering, renting, leasing, or subleasing any dwelling or in furnishing facilities, services, or privileges in connection with the ownership, occupancy, or use of any dwelling, including the sale of fire, extended coverage or homeowners insurance, because of the race, color, religion, sex, ancestry, handicap, familial status or national origin of any present or prospective owner, occupant, or user of such dwelling, or in the case of a handicapped person, an associate

thereof, or because of the racial composition of the neighborhood in which the dwelling is located;

- (e) Discriminate against any person in the terms or conditions of any loan of money, purchase of loans, or in providing other financial assistance, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of a dwelling because of the race, color, religion, sex, ancestry, handicap, familial status or national origin of any present or prospective owner, occupant or user of such dwelling, or because of the racial composition of the neighborhood in which the dwelling is located;
- (f) Refuse to consider without prejudice the purpose of extending mortgage credit to a married couple or either member thereof;
- (g) Print, publish, or circulate any statement or advertisement, or make any verbal statement, relating to the sale, transfer, assignment, rental, lease, sublease, or acquisition of any dwelling or the loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of a dwelling which indicates any preference, limitation, specification, or discrimination based upon race, color, religion, sex, ancestry, handicap, familial status, national origin, or an intention to make any such preference, limitation, specification, or discrimination.
- (h) Include in any transfer, rental, or lease of a dwelling any restrictive covenant, based on race, color, religion, sex, ancestry, handicap, familial status or national origin, or honor or exercise, or attempt to honor or exercise, any such restrictive covenant, provided that the prior inclusion of such a restrictive covenant in the chain of title shall not be deemed a violation of this provision;
- (i) Induce or solicit or attempt to induce or solicit a dwelling listing, sale, or transaction by representing that a change has occurred or may occur with respect to the racial, religious, sexual, or ethnic composition of the block, neighborhood, or area in which the dwelling is located, or induced or solicited or attempt to induce or solicit such sale or listing by representing that the presence or anticipated presence of persons of any race, color, religion, sex, ancestry, handicap, familial status or national origin, in the area will or may have results such as the following:
 - (1) The lowering of property values;
 - (2) A change in the racial, religious, sexual or ethnic composition of the block, neighborhood, or area in which the dwelling is located;
 - (3) An increase in criminal or antisocial behavior in the area;
 - (4) A decline in the quality of the schools serving the area.
- (j) Deny any person access to or membership or participation in any multiple-listing service, real estate agents' association, or other service, association, or facility relating to the business of selling or renting housing accommodations, or to discriminate against any person in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, national origin, handicap, familial status or ancestry;
- (k) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person's having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this section;
- (l) Discourage or attempt to discourage the purchase by a prospective purchaser of a dwelling, by representing that any block, neighborhood, or area has undergone or might undergo a change with respect to the religious, racial, sexual, familial status or ethnic composition of the block, neighborhood, or area;
- (m) Discriminate against any person, because of race, color, religion, sex, national origin, handicap, familial status or ancestry, in appraising the value of any dwelling in connection with the sale, brokering, or rental of such dwelling;
- (n) Refuse to permit, at the expense of a handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premise, except that, in the case of a rental, no modification need be permitted unless the renter first agrees to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted unless previously negotiated with the landlord;

- (o) Refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy the dwelling;
- (p) Construct covered multi-family dwellings that do not provide for accessibility and usability for physically handicapped persons in compliance with applicable state or federal law, whichever is controlling;
- (q) Discriminate in any manner against any other person because that person has opposed any unlawful practice defined in this chapter, or because that person has made a charge, testified, assisted, or participated in any manner in any investigations, proceeding, or hearing as provided pursuant to this chapter;
- (r) Aid, abet, incite, compel, or coerce the doing of any act declared by this chapter to be an unlawfully discriminatory practice, or to obstruct or prevent any person from complying with the provision of this chapter, or any order issued pursuant thereto, or to attempt directly or indirectly to commit any act declared by this chapter to be an unlawful discriminatory practice.

(Ord. 2002-38. Passed 10-8-02.)

1353.05 POSTING OF NOTICES.

All real estate agents and all persons who operate or manage a dwelling with more than four (4) dwelling units shall post in a conspicuous location in those areas of their places of business located within the Village where prospective purchasers, sellers or renters normally make inquiries, and where the terms of a sale or rental are normally negotiated, a notice which contains the following language, printed on a light colored background, in not less than fourteen-point type:

"It is a violation of the Village of Oakwood Fair Housing Law, in connection with any housing activity, to discriminate against any person because of race, color, religion, sex, ancestry, handicap, familial status or national origin."

For more information, contact: 232-9988

(Ord. 2002-38. Passed 10-8-02.)

1353.06 FAIR HOUSING REVIEW BOARD.

(a) There is hereby created a Fair Housing Review Board, which shall consist of three (3) members, including the Mayor or his or her designee, a member of Village Council selected by majority vote of all members of Village Council, and one (1) citizen members appointed by the Mayor and confirmed by Village Council. The citizen member shall be appointed for a term of three (3) years. Vacancies shall be filled in the same manner as for original appointments.

(b) The Fair Housing Review Board shall have the responsibility to administer the provisions of this chapter and adjudicate complaints alleging violations of Section 1353.04. The administrative proceedings prescribed in this chapter shall be conducted at the Board's expense. The Board shall have and exercise the following powers to implement the purposes of this chapter:

- (1) To hold adjudicative hearings, make findings of fact, issue orders, enforce such orders, and seek judicial and/or administrative relief with respect to any such complaints in accordance with the provision of this chapter.
- (2) To subpoena witnesses, compel their attendance, administer oaths, take sworn testimony, and, in connection therewith, to require the production for examination of any documents relating to any matter under investigation or in questions before the Board, and enforce such powers by proper petition to any court of competent jurisdictions;
- (3) To adopt such rules and regulations as the Board may deem necessary or desirable for the conduct of its business and to carry out the purposes of this chapter; and
- (4) To do such other acts as are necessary and proper to perform those duties with which the Board is charged under this chapter.

(Ord. 2002-38. Passed 10-8-02.)

1353.07 ADMINISTRATOR.

The Mayor, upon the recommendation of the Fair Housing Review Board, shall appoint an Administrator who may be a Village employee. The Administrator shall have such duties, responsibilities and powers as may be provided by the Board, including but not limited to, receipt and processing of complaints on behalf of the Board. The compensation for such Administrator shall be set by Village Council. (Ord. 2002-38. Passed

10-8-02.)

1353.08 COMPLAINTS.

Any person may allege that a violation of Section 1353.04 has occurred, or that a violation will occur and cause injury, by filing with the Fair Housing Review Board, within one year of the alleged violation, a written complaint setting forth his or her grievance. The complaint shall state, on a printed form made available by the Board, the name and address of the complainant, the name and address of the person(s) alleged to have committed a violation of Section 1353.04 and the particular facts thereto, and such other information as may be required by the Board. A complaint may be amended at any time. Upon the filing of a complaint, the Administrator shall acknowledge the receipt of the complaint, serving notice thereof to the complainant, which notice shall also contain information as to the time limits and choice of forum provided in this chapter.

(Ord. 2002-38. Passed 10-8-02.)

1353.09 NOTICE.

Within fifteen (15) calendar days after a complaint has been received by the Board, the Administrator shall serve, or cause to be served, in person, or by certified mail, a copy of the complaint on the person (hereinafter referred to a "respondent") alleged to have violated Section 1353.04. Along with the service of the complaint, the Administrator shall advise the respondent in writing of his or her procedural rights and obligations pursuant to this chapter. The respondent may file with the Board an answer to the complaint.

(Ord. 2002-38. Passed 10-8-02.)

1353.10 INVESTIGATION.

Within thirty (30) calendar days after a complaint has been received by the Board, the Administrator shall conduct an investigation of the complaint and shall determine either that:

- (a) There are reasonable grounds to believe that a violation of Section 1353.04 has occurred, in which case the Administrator shall then initiate the conciliation process of Section 1353.11; or
- (b) There are reasonable grounds to believe that a violation of Section 1353.04 has not occurred, in which case the Administrator shall then dismiss the complaint by preparing a written notice of dismissal, including the reasons therefor, and notify the parties of the dismissal, within five (5) calendar days, by serving a copy of the notice of dismissal by certified mail on the parties. A copy of the notice shall also be filed with the Board. The notice of dismissal shall advise the complainant of his or her right of appeal under this section. Within fourteen (14) calendar days of receipt of the notice of dismissal, the complainant may appeal by filing a written request with the Board for a review of the complaint. By a majority vote, the Board may either sustain the dismissal or overrule the dismissal and refer the complaint to the Administrator for conciliation pursuant to Section 1353.11.
- (c) The Administrator shall complete the investigation within one hundred (100) days after receipt of the complaint, unless impracticable, in which case the Administrator shall inform, in writing, the complainant and the respondent of the reasons why the investigation cannot be completed within the time prescribed.

(Ord. 2002-38. Passed 10-8-02.)

1353.11 CONCILIATION.

(a) If the Administrator has made a determination pursuant to Section 1353.10 that there are reasonable grounds to believe that a violation of Section 1353.10 has occurred, or at such other time after a complaint has been filed, as appropriate, the Administrator shall:

- (1) Notify the complainant and respondent of the time, place and date of the conciliation conference at least ten (10) calendar days prior thereto, and both parties shall appear at the conciliation conference in person or by an attorney; and
- (2) Attempt to resolve the complaint by methods of conference, conciliation and persuasion with all interested parties and such representatives as the parties may choose to assist them. Conciliation conferences shall be informal and nothing said or done during such conferences shall be made public unless both parties agree thereto in writing. The terms of conciliation agreed to by the parties shall be reduced to writing and incorporated into a consent agreement to be signed by the parties, subject to approval by the Fair Housing Review Board. The terms of the conciliation agreement shall be made public unless the complainant and the respondent agree otherwise, and the Board

determines that disclosure is not required to further the purposes of this chapter.

(b) If the complaint has not been resolved by conciliation within sixty (60) calendar days after it has been received, the Administrator shall refer the complaint to the Fair Housing Review Board for an adjudicative hearing.

(Ord. 2002-38. Passed 10-8-02.)

1353.12 INJUNCTIVE RELIEF.

At any time after the filing of a complaint, the Administrator may request the Director of Law to petition the appropriate court for temporary or preliminary relief pending final determination of the proceedings under this chapter, or as otherwise necessary to carry out the purposes of this chapter, including an order or decree restraining the respondent from doing or causing any act which would render ineffectual any order or action by the Fair Housing Review Board.

(Ord. 2002-38. Passed 10-8-02.)

1353.13 HEARINGS.

Within thirty (30) calendar days after the complaint is referred to the Fair Housing Review Board the Board shall upon at least fourteen (14) calendar days written notice to all parties, conduct a hearing on the complaint. Parties to the hearing shall be the complainant and respondent, and such other persons as the Board may deem appropriate. The hearing shall be open to the public. At least fourteen (14) calendar days before the hearing, the Board shall serve upon respondent a statement of charges and a summons requiring the attendance of named persons and the production of relevant documents and records. The parties may apply to the Board to have subpoenas issued in the Board's name. Failure to comply with a summons or subpoena shall constitute a violation of this chapter. The parties may file such statements with the Board as they deem necessary. All members of the Board must be present at all times during a hearing. The parties may appear before the Board in person or by duly authorized representative, and may be represented by legal counsel. The parties shall have the right to present witnesses and cross examine witnesses, and all testimony and evidence shall be given under oath or by affirmation.

(Ord. 2002-38. Passed 10-8-02.)

1353.14 HEARING DECISIONS.

Within fifteen (15) days of the close of the hearing, the decision of a majority of the Board shall be rendered, in the form of a written order which shall include findings of fact, a statement of whether the respondent has violated Section 1353.04, and such remedial actions as the Board may order pursuant to Section 1353.16. The order shall be served upon the parties by certified mail within fifteen (15) days of the date of the decision. The order shall be available for public inspection, and a copy shall be provided to any person upon request and payment of reproduction costs.

(Ord. 2002-38. Passed 10-8-02.)

1353.15 HEARING OFFICER.

The Fair Housing Board, in lieu of conducting a hearing upon complaint, may appoint a hearing officer for the purpose of conducting hearings and reporting the findings thereof to the Board. In conducting such hearings, the hearing officer shall be delegated all powers conferred upon the Board pursuant to this chapter as to subpoenaing witnesses, compelling their attendance, administering oaths, taking sworn testimony, and requiring the production for examination of any documents relating to any matter under investigation or question before the Board. Notice of hearing and the procedures therefor shall be in accordance with Section 1353.13 of this Chapter. After the conclusion of any hearing, the hearing officer shall report these findings to the Board within seven (7) days. Within fifteen (15) days after receipt of the findings of the hearing officer, the Board shall render its decision in accordance with Section 1353.14 of this chapter.

(Ord. 2002-38. Passed 10-8-02.)

1353.16 REMEDIAL ACTIONS.

(a) If the Board finds that the respondent has not violated Section 1353.04, its order under Section 1353.14 shall be the dismissal of the complaint.

(b) If the Board finds that the respondent has violated Section 1353.04, its order under Section 1353.14 shall provide for the taking of such remedial action(s) as it deems appropriate, which may include, but need not be limited to:

- (1) Directing the respondent to cease and desist from violations of Section 1353.04 and to take such affirmative steps as are necessary to effectuate the purposes of this chapter.

- (2) Initiating, at the Board's expense, an appropriate court action for the enforcement of Section 1353.04, and for such other or further relief as the court may deem appropriate, including, but not limited to, injunctive relief, compensatory damages, punitive damages, and/or attorneys' fees and costs for award to the complainant; such court action shall be required in the event the respondent does not voluntarily comply with remedial actions ordered by the Board.
- (3) Initiating proceedings for violation of federal or state law and/or regulations;
- (4) Initiating proceedings with any contracting agency, in the case of any violation of Section 1353.04 by respondent in the course of performing under a contract or sub-contract with the State or any political subdivision or agency thereof, or with the United States of America or any agency or instrumentality thereof, for the purpose of causing a termination of such contract or any portion thereof, or obtaining other relief;
- (5) Initiating proceedings with the State of Ohio where applicable, to revoke, suspend or refuse to renew the license of any person found to have violated any provision of Section 1353.04.
- (6) Directing the respondent to reimburse the complainant for his actual and reasonable expenses incurred and to be incurred as a result of each violation found including, but not limited to, expenses for moving and temporary storage of household furnishings, additional expenses in connection with the purchase or rental of a dwelling for alternative accommodations, and reasonable attorneys' fees and costs.
- (7) Assessing compensatory damages, as appropriate, or arrange to have adjudicated in court at the Board's expenses the award of compensatory damages against the respondent.
- (8) Assessing civil penalties, as appropriate, or arrange to have adjudicated in court at the Board's expense the award of a civil penalty against the respondent.
- (9) Directing the respondent to comply with such other further relief as the Board may deem appropriate for the enforcement of Section 1353.04.

(c) The Fair Housing Review Board shall make a final administrative disposition of a complaint within one (1) year after the complaint has been filed, unless it is impracticable to do so, in which case the complainant and the respondent shall be notified in writing of the reasons why disposition of the complaint cannot be made within the time prescribed.

(d) Nothing herein shall be construed to prevent the Board at its own expense, from initiating appropriate court action on behalf of the complainant in order to enforce the provisions of this chapter. In addition, upon a finding by the Administrator that there are reasonable grounds to believe that a violation of Section 1353.04 has occurred, as provided in Section 1353.10, either the complainant or the respondent, in lieu of participating in the administrative hearing process before the Fair Housing Review Board, or at any time during said administrative process, may elect to have the case heard in a civil action upon their own initiative. Upon written notification thereof, the Board, shall cease further action under this chapter and notify the parties accordingly.

(e) The complainant and the respondent shall have the right to appeal an adverse final determination by the Board to the Cuyahoga County Common Pleas Court pursuant to Ohio Revised Code Chapter 2506, or in such other forum or court of competent jurisdiction as provided by law.

(Ord. 2002-38. Passed 10-8-02.)

1353.17 JUDICIAL RELIEF.

The Village, or the complainant, or any persons aggrieved by a violation of any provision of this chapter may, at any time within one (1) year from the date of the alleged violation, and in lieu of proceeding with the administrative process set forth in this chapter, apply to any court of competent jurisdiction for appropriate relief including, but not limited to:

- (a) Injunctive relief or an order otherwise compelling compliance with this chapter;
- (b) Compensatory damages, and/or punitive damages;
- (c) Reasonable attorneys' fees and costs provided that said complainant, in the opinion of the court, is not financially able to assume said attorneys' fees; and/or
- (d) Such other or further relief as is appropriate for the enforcement of this chapter and the elimination of

violations thereof.

(Ord. 2002-38. Passed 10-8-02.)

1353.18 ADDITIONAL REMEDIES.

This chapter shall not prevent the Village or any person from exercising any right or seeking any remedy to which that person might otherwise be entitled, or from filing any complaint with any other agency or court of law or equity.

(Ord. 2002-38. Passed 10-8-02.)

1353.19 SEVERABILITY.

If any provision of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the chapter shall not be invalidated.

(Ord. 2002-38. Passed 10-8-02.)

CHAPTER 1354

Small Cell Design Guidelines

1354.01 Overview and purpose, definitions.

1354.02 Small cell facility applications.

1354.03 General standards and design guidelines.

1354.04 Specifications for collocation.

1354.05 Antennas.

1354.06 Wireless support structure-mounted equipment.

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1354.10 Utility lines.

1354.11 Specifications for replacement of wireless support structures.

1354.12 Specifications for new wireless support structures.

1354.13 Historic District regulations.

1354.14 Underground area regulations.

1354.15 Required setbacks.

1354.16 Severability.

1354.99 Penalties; equitable remedies.

CROSS REFERENCES

Use of public ways for small cell wireless facilities - see S.U. & P.S. Ch. 945

1354.01 OVERVIEW AND PURPOSE, DEFINITIONS.

(a) The purpose of these Design Guidelines is to:

- (1) Provide standards for the construction, installation, modification, operation, and removal of Facilities and Wireless Support Structures in the Village's Right-of-Way to protect the health, safety, and general welfare of the citizens of the Village;
- (2) Preserve the character of the Village, including the Village's neighborhoods, downtown, and historic districts, and protect property values;
- (3) Strike a balance between preserving the character of the Village and enabling wireless telecommunications providers to deploy Small Cell Facilities and Wireless Support Structures so that residents, businesses, and visitors benefit from efficient wireless service availability through careful location, design, siting, landscaping, and camouflaging to blend these Facilities into the environment.
- (4) Give guidance to wireless telecommunications providers to assist such companies in the timely, efficient, safe, and aesthetically-pleasing installation of Facilities and Wireless Support Structures; and
- (5) To exercise the Village's home rule authority and, to the extent legally permitted, not to conflict with or preempt applicable state and federal laws.

(b) For the purpose of this Chapter, and the interpretation and enforcement thereof, the following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise:

- (1) "Applicant" means any person or entity who submits an Application pursuant to these Design Guidelines and Chapter 945 of the Village's Codified Ordinances.

- (2) "Application" means all necessary documentation submitted by an Applicant to obtain a Small Cell Use Permit from the Village to Collocate a Small Cell Facility and/or to construct, maintain, modify, operate, or replace a Wireless Support Structure.
- (3) "Accessory Equipment" means equipment used in conjunction with a Small Cell Facility and generally at the same location as the Small Cell Facility including, but not limited to, electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs.
- (4) "Antenna" means required towers and locations to include, but not limited to:
 - A. Tall Sites: lattice towers, monopoles, tall building roof mounts, steeples, bell towers, water towers;
 - B. Medium Sites: monopoles, roof mounts, stadium lighting, flag poles, and other required infill structures;
 - C. Small Sites: street light poles, building mounts, utility poles, mast antennas, roof mounts, flag poles, and other unique sites (micro cells, nano cells, distributed antenna systems, microcell networks).
- (5) "Village" means the Village of Oakwood.
- (6) "Collocation" or "Collocate" means to install, mount, maintain, modify, operate, or replace wireless Facilities on a Wireless Support Structure.
- (7) "Design Guidelines" means the standards applicable to Small Cell Equipment and Wireless Support Structures in the Right-of-Way established in this Chapter and promulgated by the Chief Building Official, in accordance with HB 478 and ORC 4939, to describe:
 - A. Written design guidelines with objective, technologically feasible criteria that reasonably match the aesthetics and character of the Village and Village Historic District(s) including location, appearance, and concealment,
 - B. Space reserved in the Village Public Way or Right-of-Way or on a Wireless Support Structure or pole if owned by the Village,
 - C. Restrictions for support structures and Collocated Antennas up to forty (40) feet, or thirty-five (35) feet or less as required by Village zoning laws,
 - D. Reasonable requirements for financial surety to ensure removal of abandoned or unused Facilities or damage to Village property caused by operator or agent,
 - E. Process for withholding, denying, or delaying Village consent based on an operator's failure to possess financial, technical and managerial resources to protect the Village's health, safety and welfare,
 - F. Priorities for access to or occupancy of the Village Right-of-Way or Public Way when the Right-of-Way or Public Way cannot accommodate all users, so that priorities are not unduly discriminatory and are competitively neutral,
 - G. Documentation of existing and planned Facilities, topography, living organisms/tree canopy, structures, utilities, buildings, and infrastructures in place at time of permits.
- (8) "Facilities" means Small Cell Facilities, Accessory Equipment, and Wireless Support Structures.
- (9) "Facilities Operator" means the person or entity responsible for the installation, operation, maintenance, replacement, and modification of Facilities. Facilities Operator includes:
 - A. Operators;
 - B. Applicants who applied for consent to Collocate a Small Cell Facility or to construct, maintain, modify, operate, or replace a new Wireless Support Structure pursuant to O.R.C. Section 4939.031(E) and who have obtained a Small Cell Use Permit; and
 - C. Applicants who applied for consent to Collocate a Small Cell Facility or to construct, maintain, modify, operate, or replace a new Wireless Support Structure pursuant to O.R.C. Section 4939.033 and who have obtained a Small Cell Use Permit.
- (10) "Historic District" means a building, property, or site, or group of buildings, properties, or sites that are any of the following:
 - A. Listed in the national register of historic places or formally determined eligible for listing by the keeper of the national register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility

for the national register, in accordance with section VI.D. 1 .a.i-v of the nationwide programmatic agreement codified at 47 C.F.R. part 1, Appendix C;

- B. A registered historic district as defined in section O.R.C. Section 149.311.
 - C. An area identified and recognized by the Village as a historic area/district.
- (11) "Operator" means a wireless service provider, cable operator, or video service provider that operates a Small Cell Facility and provides wireless information services as defined in the "Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C. 153(20), and that are fixed in nature or use unlicensed spectrum.
- (12) "Public Way" or "Right-of-Way" means the surface of, and the space within, through, on, across, above, or below, any public street, public road, public highway, public freeway, public lane, public path, public alley, public court, public sidewalk, public boulevard, public parkway, public drive, public easement, and any other land dedicated or otherwise designated for a comparable public use, which is owned or controlled by the Village or other public entity or political subdivision.
- (13) "Small Cell Equipment" means a Small Cell Facility and all Accessory Equipment.
- (14) "Small Cell Facility" means a wireless facility that meets both of the following requirements:
- A. Each Antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an Antenna with exposed elements, the Antenna and all of its exposed elements can fit within an enclosure of not more than six (6) cubic feet in volume; and
 - B. All other wireless equipment associated with the facility is cumulatively not more than twenty-eight cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- (15) "Small Cell Use Permit" means the permit granted by the Village authorizing an Applicant to Collocate a Small Cell Facility or to construct, maintain, modify, operate, or replace a Wireless Support Structure in the Right-of- Way.
- (16) "Substantial Modification" means a change to existing Facilities, measured from the Facilities as originally permitted (including any modifications that were reviewed and approved by the Village prior to the enactment of the federal Spectrum Act on February 22, 2012) that includes:
- A. Increasing the height of the Wireless Support Structure by more than ten percent (10%) or more than ten (10) feet, whichever is greater;
 - B. Adding an appurtenance to the body of the Wireless Support Structure that would protrude from the edge of the structure by more than six feet;
 - C. Installing more than the standard number of new equipment cabinets for the technology involved, not to exceed four cabinets;
 - D. Installation of any new equipment cabinets in the ground if there are no pre-existing ground cabinets associated with the structure, or the installation of ground cabinets that are more than ten percent (10%) larger in height overall volume than other ground cabinets associated with the structure, and/or
 - E. Any excavation or deployment outside the current site.
 - F. Removal of any concealment elements from the site.
- (17) "Underground Area" means an area in the Right-of-Way where existing electric utilities, cable facilities, telecommunications facilities and other facilities, other than structures and facilities owned by the Village or a transit authority, are located underground.
- (18) "Wireless Support Structure" means a pole, such as a monopole, either guyed or self-supporting, street light pole, traffic signal pole, a fifteen (15)foot or taller sign pole, or utility pole capable of supporting Small Cell Facilities. As used in this Chapter, "Wireless Support Structure" excludes all of the following:
- A. A utility pole or other facility owned or operated by a municipal electric utility; and
 - B. A utility pole or other facility used to supply traction power to public transit systems, including

railways, trams, streetcars, and trolleybuses.

(Ord. 2018-39. Passed 7-31-18.)

1354.02 SMALL CELL FACILITY APPLICATIONS.

(a) Requests by Facilities Operators to locate or Collocate Small Cell Facilities and Wireless Support Structures within the Village Right-of-Way and on private property fall into four categories:

- (1) Type 1: Existing Support Structures Application: Request to install on an existing support structure, both Village-owned and privately-owned, that require no change or minimal change to the support structure;
- (2) Type 2: Substantial Modification to an Existing Support Structure Application: Request to install on an existing support structure, both Village-owned and privately-owned, requiring one or more Substantial Modifications to the support structure;
- (3) Type 3: New Wireless Support Structure and Associated Small Cell Facilities Application: Request to install a new Wireless Support Structure and associated small cell facility privately owned by the Facilities Operator (e.g. installation of a new, freestanding small cell facility);
- (4) Type 4 - Removal of a Wireless Support Structure Application: Request to permanently remove an existing privately-owned Wireless Support Structure.

(b) TYPE 1 - Existing Support Structures Application.

- (1) Request involves installing or collocating Small Cell Facilities on an existing publicly-owned or Village-owned support structure, such as a tower or light pole, and is not expected to include Substantial Modifications.
- (2) Applications are administered by the Chief Building Official pursuant to this Chapter and Chapter 945 of the Village's Codified Ordinances. The process includes:
 - Pre-application meeting with Village and Applicant
 - Completion of the Village application form and payment of required fees
 - Maximum sixty (60) day application review.
- (3) Documentation of owner's permission to Collocate on privately-owned structures must be included with the application, in the form of a letter or other correspondence from the owner.

(c) TYPE 2 - Substantial Modification to an Existing Support Structure Application.

- (1) In the event the Applicant or the Village determines that Substantial Modifications are required for a site or multiple site locations, Applicant must complete and file a Substantial Modification to an Existing Support Structure Application.
- (2) Applications are administered by the Chief Building Official pursuant to this Chapter and Chapter 945 of the Village's Codified Ordinances. The process includes:
 - Pre-application meeting with Village and Applicant
 - Completion of the Village application form and payment of required fees
 - Maximum ninety (90) day application review.

(d) TYPE 3 - New Wireless Support Structure and Associated Small Cell Facilities Application.

- (1) Request involves a New Wireless Support Structure and Small Cell Facility by a privately-owned wireless carrier.
- (2) Applications are administered by the Chief Building Official pursuant to this Chapter and Chapter 945 of the Village's Codified Ordinances. The process includes:
 - Pre-application meeting with Village and Applicant
 - Completion of the Village application form and required fees
 - Maximum one hundred twenty (120) day application review.

(e) TYPE 4 - Removal of a Wireless Support Structure Application.

- (1) Request involves permanently removing an existing privately-owned Wireless Support Structure from the Village Right-of-Way.
- (2) Applications are administered by the Chief Building Official pursuant to this Chapter and Chapter 945 of the Village's Codified Ordinances. The process includes:
 - Pre-application meeting with Village and Applicant
 - Completion of the Village application form and payment of required fees
 - Maximum one hundred twenty (120) day application review.

(Ord. 2018-39. Passed 7-31-18.)

1354.03 GENERAL STANDARDS AND DESIGN GUIDELINES.

(a) Facilities shall not be installed unless the Facilities are compliant with these Design Guidelines, Chapter 945 of the Village's Codified Ordinances, any Application requirements, and all applicable local, state, and federal laws. To the extent these standards and guidelines conflict with the regulations and standards set forth in any Section or Chapter of the Village's Codified Ordinances, these regulations shall prevail.

(b) Facilities Operators shall not construct, maintain, modify, operate, or replace any Facilities not clearly depicted in an Application for a Small Cell Use Permit.

(c) All work shall be performed in a professional manner consistent with the highest standards of workmanship.

(d) Facilities shall be maintained in good and safe condition and in a manner that complies with all applicable federal, state and local requirements.

(e) Facilities shall not be installed in any location that causes any interference with the Village's public safety radio system, traffic and emergency signal light system, or other Village safety communications systems or system components.

(f) The Village may propose an alternative location for proposed Facilities up to one hundred (100) feet from the proposed location or within a distance that is equivalent to the width of the Public Way, whichever is greater. The Facilities Operator shall utilize the alternative location unless the Facilities Operator shows that the alternative location is not technically feasible.

(g) Facilities shall not interfere with existing or planned street trees, planned street and/ or business development.

(h) Signage shall be mounted on all new Facilities providing the Facilities Operator's name, an emergency contact phone number, an informational contact number, and all other information required by law. Unless otherwise prohibited by law, signage shall be discreet in color and shall match the Facilities and surrounding area and font size used on the sign shall be no smaller than 9 point font and no larger than 14 point font.

(i) Unless otherwise required by law, all manufacturer stickers and decals shall be removed from Facilities.

(j) Facilities shall be camouflaged using existing land forms, vegetation, and structures to screen the Facilities from view and to blend in with the surrounding built and natural environment.

(k) The Village may require the Facilities Operator to incorporate additional concealment elements before approving an Application. Concealment elements may include, but are not limited to, paint, fencing, public art, strategic placement, and placement within existing or replacement street furniture.

(l) Facilities shall not have any flashing lights, sirens or regular noise other than a cooling fan that may run intermittently.

(m) All hardware, including antenna mounting brackets and hardware, antenna mounting posts, cables, shrouds and other equipment mounted shall be painted in a color designated by the Village, and the color shall match the Facilities. The Village may require the Facilities Operator use a different, non-matching color on a case-by-case basis when the Village determines a non-matching color would better fulfill the purposes of these Design Guidelines.

(n) A Facilities Operator shall remove or paint over any graffiti on the Facilities at Facility Operator's sole expense as soon as practicable, but no later than ten (10) days from the date the Facilities Operator receives notice of the graffiti.

(o) The Village reserves the right to reserve space for future public safety, transportation, pathways/walkways and/or building use in the Right-of-Way or on a Wireless Support Structure in a documented plan in place at the time of application filing. If replacement or relocation of a Wireless Support Structure is required to accommodate the collocation of a small cell wireless facility or future use, the operator shall pay for and install the replacement of the Wireless Support Structure, which must accommodate future use.

(Ord. 2018-39. Passed 7-31-18.)

1354.04 SPECIFICATIONS FOR COLLOCATION.

(a) The collocation of Small Cell Facilities on existing support structures, owned by the Village or another entity and engineered to accommodate such facilities, is strongly encouraged to minimize the amount of infrastructure visible within the Village and Right- of-Way.

(b) The Village will not authorize any attachment to Village-owned infrastructure that negatively impacts

the structural integrity of the associated infrastructure for current or future planned use.

(c) The Village may condition approval of Collocation on replacement or modification of the Wireless Support Structure at the operator's cost if the Village determines that replacement or modification is necessary for compliance with Village standards. The Village may also retain ownership of a modified or replacement Wireless Support Structure.

(d) Small Cell Equipment shall not interfere with the primary purpose of a Wireless Support Structure.

(e) Small Cell Equipment to be attached to a Wireless Support Structure shall be attached at least six (6) feet above ground level. If Small Cell Equipment is projecting toward the street, then the Small Cell Equipment shall be installed no less than sixteen (16) feet above ground level. Where possible, Antenna shall be fully enclosed within a shroud, attached to as near possible to the top of a pole, and on the side of the pole opposite the direction of vehicular traffic on the same side of the Right-of-Way.

(f) All cables, wiring, and conduits shall be firmly secured to the pole structure and enclosed within a separate rigid external conduit attached directly to the pole or offset not more than four inches with mounting brackets. Conduit color will be gray, or as specified by the Village, to match the required enclosure color.

(g) All Small Cell Facilities, cabinets, shrouds, conduit, and mounting hardware proposed in conjunction with installation on an existing pole or structure shall be as approved by the Chief Building Official.

(Ord. 2018-39. Passed 7-31-18.)

1354.05 ANTENNAS.

(a) Antennas and Accessory Equipment must be capable of fitting within an enclosure not larger than six (6) cubic feet in volume.

(b) Antennas and Accessory Equipment shall not increase the overall height of an existing Wireless Support Structure by more than five (5) feet.

(c) Antennas mounted on a Wireless Support Structure shall be enclosed inside the Wireless Support Structure whenever possible and otherwise within a canister, shroud, or other enclosure. All Accessory Equipment associated with the Antenna shall be concealed and shall not visibly protrude from the shroud or canister.

(d) The width of the canister or other shroud encasing the Antenna and Accessory Equipment shall not exceed the width of the narrowest portion of the Wireless Support Structure.

(e) The enclosure or shroud shall be painted to match or complement the Wireless Support Structure.

(f) Antennas shall be installed in a manner that minimizes the visual impact to the general public.

(g) Antennas shall not impair light or views from adjacent window(s).

(h) Antennas located on the exterior of a Wireless Support Structure shall be top-mounted on a Wireless Support Structure. The Village may approve a side-mounted Antenna, at the Village's discretion, if the side-mounted Antenna would be more appropriate given the environment, neighborhood character, or overall site appearance, or if it would promote the purposes of these Design Guidelines.

(Ord. 2018-39. Passed 7-31-18.)

1354.06 WIRELESS SUPPORT STRUCTURE-MOUNTED EQUIPMENT.

(a) All Wireless Support Structure-mounted Small Cell Equipment other than the Antenna(s) and electric meter must be concealed within an equipment cabinet.

(b) Equipment cabinets shall be mounted flush to the Wireless Support Structure.

(c) Equipment cabinets shall be stacked together on the same side of the Wireless Support Structure and oriented away from any windows and doorways to minimize visual impacts thereupon.

(d) The equipment cabinets must be non-reflective and painted, wrapped or otherwise colored to match the Wireless Support Structure.

(Ord. 2018-39. Passed 7-31-18.)

1354.07 GROUND-MOUNTED SMALL CELL EQUIPMENT.

(a) The Village shall not approve the proposed location of ground-mounted Small Cell Equipment unless the Applicant:

(1) Proposes the ground-mounted installation in connection with a Collocation; and

(2) Shows that the Small Cell Equipment cannot be feasibly placed on a Wireless Support Structure or in an underground vault.

(b) If technically feasible, Small Cell Equipment should be located in a vault buried underground rather than being ground-mounted. If underground placement is not technically feasible, ground-mounted Small Cell Equipment shall be contained in a shroud or cabinet.

(c) All ground-mounted Small Cell Equipment shall be installed in a manner that minimizes the visual and ingress/egress impact to the general public.

(d) Ground-mounted Small Cell Equipment shall be placed as far as practicable from pedestrian sidewalks and shall neither block nor be placed within the sidewalk in any way. (Ord. 2018-39. Passed 7-31-18.)

1354.08 CABLES.

(a) All cables, conduit and wiring shall be located inside conduit and inside the Wireless Support Structure or an equipment cabinet.

(b) Excess cables and wiring shall not be spooled, coiled or otherwise stored on the exterior of the Wireless Support Structure unless within an enclosure. Cables shall not be externally visible. (Ord. 2018-39. Passed 7-31-18.)

1354.09 ELECTRICAL METERS.

(a) Facilities Operators shall use flat-rate electric service when available in order to eliminate the need for a meter.

(b) If a meter is required, then Facilities Operators shall use the smallest and least intrusive electric meter available. If not prohibited by the electric service provider, the electric meter shall be painted to match the Wireless Support Structure.

(Ord. 2018-39. Passed 7-31-18.)

1354.10 UTILITY LINES.

Service lines shall be undergrounded to avoid additional overhead lines. Undergrounded cables and wires must transition directly into the Wireless Support Structure base without any external junction box.

(Ord. 2018-39. Passed 7-31-18.)

1354.11 SPECIFICATIONS FOR REPLACEMENT OF WIRELESS SUPPORT STRUCTURES.

(a) A Facilities Operator shall be required to replace an existing Wireless Support Structure in the following circumstances:

(1) The Wireless Support Structure upon which the Applicant has proposed to Collocate Small Cell Equipment is deemed incapable of bearing the added weight of the Small Cell Equipment; or

(2) An existing Wireless Support Structure is located within one hundred (100) feet or less of the proposed site of a new Wireless Support Structure but the existing Wireless Support Structure is incapable of bearing the additional weight of the Small Cell Equipment.

(b) Designs for replacement of Wireless Support Structures shall be as architecturally similar as possible to the existing Wireless Support Structure to be replaced unless otherwise approved by the Village.

(1) All luminaire mast arms shall be the same length, arch, and style as the original luminaire arm, unless otherwise specified by the Village.

(2) The Village may require the Facilities Operator to install a new metal Wireless Support Structure rather than a new wood support structure.

(c) The overall height of a replacement Wireless Support Structure, including proposed Collocated Antenna, shall not be greater than forty (40) feet in height above ground level. Notwithstanding the foregoing height limitation, the overall height of a replacement Wireless Support Structure, including proposed Collocated Antenna, shall not be more than thirty-five (35) feet in height above ground level in the R1F, R2F and RMF Residential Districts, Local and General Business Districts, Shopping Center District, Office-Laboratory

District, Motorist Service District, Light Industrial District, Public Facilities District, Mobile Home Park District, Nature Preserve District and Planned Development Overlay District so long as there is no Wireless Support Structure or utility pole taller than thirty feet located within three hundred (300) feet of the location of the proposed replacement Wireless Support Structure.

(d) All existing signs, traffic signals, emergency signal detection units, video detection cameras, video cameras, crosswalk service buttons, crosswalk signals, and any other pedestrian or traffic devices shall be reinstalled or replaced with new units by the Facilities Operator and installed at no cost to the Village.

(e) The concrete Wireless Support Structure foundation for the original Wireless Support Structure shall be removed either partially or completely by the Facilities Operator as instructed by the Village.

(1) If partially removed, the original Wireless Support Structure foundation shall be taken back to a level that is twelve (12) inches below the existing grade and covered with four (4)

inches of one-half (1/2) inch to three-quarter (3/4) inch of rock material. The remaining eight (8) inches shall be native soil and landscaped with natural vegetation that is the same as the surrounding vegetation.

- (2) If the entire original Wireless Support Structure foundation must be removed, then all foundation materials (concrete, rebar, metals, bolts, etc.) shall be removed. The type of backfill material and compaction required is: (a) one-half (1/2) sack slurry for the entire depth in paved areas, and (b) one-half (1/2) sack slurry for the entire depth except the top twelve (12) inches will be native soil in landscaped areas with natural vegetation that is the same as the surrounding vegetation.

(Ord. 2018-39. Passed 7-31-18.)

1354.12 SPECIFICATIONS FOR NEW WIRELESS SUPPORT STRUCTURES.

(a) New Wireless Support Structures shall be designed and constructed to accommodate Small Cell Equipment from at least two (2) Operators on the same Wireless Support Structure.

(b) New Wireless Support Structures shall maintain a distance of three hundred (300) feet from existing monopoles, or utility poles.

(c) In residential districts, new Wireless Support Structures shall be located at the shared property line between two residential parcels where the parcels intersect the Right-of-Way.

(d) In non-residential districts, new Wireless Support Structures shall be located between tenant spaces, storefront bays, or adjoining properties at the shared property lines where the parcels intersect the Right-of-Way.

(e) New Wireless Support Structures shall not interfere with any metered parking space.

(f) A new Wireless Support Structure shall not be located in front of a building entrance or exit.

(g) The overall height of a new Wireless Support Structure, including proposed Collocated Antenna, shall not be greater than forty (40) feet in height above ground level. Notwithstanding the foregoing height limitation, the overall height of a replacement Wireless Support Structure, including proposed Collocated Antenna, shall not be more than thirty-five (35) feet in height above ground level in the R1F, R2F and RMF Residential Districts, Local and General Business Districts, Shopping Center District, Office-Laboratory District, Motorist Service District, Light Industrial District, Public Facilities District, Mobile Home Park District, Nature Preserve District and Planned Development Overlay District so long as there is no Wireless Support Structure or utility pole taller than thirty feet located within three-hundred (300) feet of the location of the proposed replacement Wireless Support Structure.

(h) The Village may require the Facilities Operator to install a metal Wireless Support Structure rather than a wood Wireless Support Structure. Unless otherwise specified by the Village, new wood Wireless Support Structures are prohibited.

(Ord. 2018-39. Passed 7-31-18.)

1354.13 HISTORIC DISTRICT REGULATIONS.

All Small Cell Equipment to be located in the Right-of-Way in any Historic District in the Village, shall be located in an underground vault or shall be subject to such reasonable, technologically feasible, and non-discriminatory design or concealment measures as the Village may specify, as long as such measures do not have the effect of prohibiting the Facilities Operator's provision of reasonable service in the Village. Such measures are not considered part of the Small Cell Facility for purposes of facility size restrictions in this Chapter or Chapter 945 of the Codified Ordinances. The Facilities Operator may submit a waiver request pursuant to Section 1354.14(d) if the Facilities Operator can demonstrate that underground placement is technologically infeasible.

(Ord. 2018-39. Passed 7-31-18.)

1354.14 UNDERGROUND AREA REGULATIONS.

(a) Whenever any existing electric utilities, cable facilities, telecommunications facilities or other facilities are located underground within a Public Way of the Village, the Facilities Operator must locate its Facilities underground.

(b) A Facilities Operator may replace an existing Wireless Support Structure or Collocate Small Cell Facilities on an existing Wireless Support Structure even if the Wireless Support Structure is located in an Underground Area.

(c) A Facilities Operator shall not install a new Wireless Support Structure in an Underground Area.

(d) An Operator may apply to the Board of Zoning Appeals for a waiver of the underground placement

requirement if the Operator is unable to achieve its service objective and provide reasonable service in the Village under the following circumstances:

- (1) From a location in the public Right-of-Way where the prohibition does not apply;
- (2) From a utility easement the service provider has the right to access;
- (3) From other suitable locations or structures made available by the Village at reasonable rates, fees and terms.

(e) Submission of a waiver request pursuant to subsection (d) is subject to the Facilities Operator's agreement to toll the timeframes set forth in this Chapter and in Section 945.08(a) of the Codified Ordinances by fourteen (14) days.

(Ord. 2018-39. Passed 7-31-18.)

1354.15 REQUIRED SETBACKS.

(a) Preferred Alignment: The centerline of new support structures shall be installed in alignment with existing poles where present, or with street trees along the same side of the Right-of-Way, unless otherwise required and approved by Planning and Zoning Commission.

(b) Minimum Distance from Travel Way: So as not to impede or impair public safety or legal use of the Right-of-Way by the traveling public, in no case shall any portion of a new support structure be located less than two (2) feet from the travel way, edge line, face of curb, sidewalk, bike lane or shared path.

(c) Minimum Distance from Existing Objects in the Right-of-Way: New Wireless Support Structures shall be located a minimum of twelve (12) feet from any permanent object or existing lawful encroachment in the Right-of-Way to allow for access.

(d) Minimum Distance from Intersections and Driveway Aprons: Wireless Support Structures shall be located a minimum of twelve (12) feet from driveway aprons and located outside of intersection sight distance triangles whenever possible.

(e) Minimum Distance from Street Trees and Protected Trees in the Vicinity: Wireless Support Structures shall be sited outside of the critical root zone and canopy drip line of existing trees and any existing protected trees having a six (6) inch or greater diameter at breast height (DBH) located in the immediate vicinity, including protected trees on private property. The Village will have final say as to protected trees within the Village proper, including any historic areas, foliage, and trees that must remain protected.

(f) Fall Zone: Fall-zone requirements for Wireless Support Structures shall be consistent with fall-zone requirements for other structures of similar type and height within the Right-of-Way. (Ord. 2018-39. Passed 7-31-18.)

1354.16 SEVERABILITY.

Sections and subsections of this chapter and the several parts and provisions thereof are hereby declared to be independent sections, subsections, parts and provisions. The holding of any such section, subsection, part or provision thereof to be unconstitutional, void or ineffective for any cause shall not affect nor render invalid any other such section, subsection, part or provision thereof. (Ord. 2018-39. Passed 7-31-18.)

1354.99 PENALTIES; EQUITABLE REMEDIES

(a) Any person or entity found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with any of the provisions of these Design Guidelines shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense. A separate and distinct offense shall be deemed committed each day during or on which a violation occurs or continues.

(b) Nothing in these Design Guidelines shall be construed as limiting any judicial remedies that the Village may have, at law or in equity, for enforcement of this the "Design Guidelines." (Ord. 2018-39. Passed 7-31-18.)

CHAPTER 1355 Swimming Pools

1355.01 Definition.

1355.02 Compliance required.

1355.03 Location on lot.

1355.04 Fence required.

1355.05 Conformance to natural grade.

1355.06 Drainage.

1355.07 Illumination.

1355.08 Permit required; fee.

1355.09 Appeal.

1355.99 Penalty.

CROSS REFERENCES

Swimming pools, zoning definition - see P. & Z. 1135.17

Appeals to the Board of Zoning Appeals - see P. & Z. Ch. 1143

Swimming pools in residential districts - see P. & Z. 1165.04(k)

1355.01 DEFINITION.

For the purposes of this chapter, an "outdoor swimming pool" means any artificial water pool of steel, masonry, concrete, aluminum or plastic construction located out of doors, which has a square foot water surface area of 300 square feet or more or a depth at any point of more than two feet, or both.

(Ord. 1961-13. Passed 5-18-61.)

1355.02 COMPLIANCE REQUIRED.

No permanent swimming pool which is not enclosed in a permanent building or like structure shall be constructed or maintained in the Municipality unless and until the requirements and conditions hereinafter enumerated are complied with, provided however that in the event of any conflict with Section 1165.04(k) of the Planning and Zoning Code the standards set forth in Section 1165.04(k) shall prevail.

1355.03 LOCATION ON LOT.

Every pool hereafter built must be so located upon the lot or parcel as to allow a safe distance between the pool and the property line, so that children of tender age can be readily observed while approaching or in the vicinity of the pool. A distance of fifteen feet from each property side line and rear line and ten feet to the rear of the main building to which such pool is accessory shall be presumed a minimum safe distance for such purpose.

(Ord. 1961-13. Passed 5-18-61.)

1355.04 FENCE REQUIRED.

Every pool heretofore or hereafter constructed shall have erected around it a barrier or fence which shall be of rigid construction and which shall be not less than four feet in height, shall extend to within four inches of the ground and shall not contain, except for gates, openings larger than six inches square. Gates shall be securely locked when such pool is not in use by the owner thereof, or anyone using the same with his permission.

(Ord. 1961-13. Passed 5-18-61.)

1355.05 CONFORMANCE TO NATURAL GRADE.

Every swimming pool hereafter constructed or created must substantially conform to the natural grade of the surrounding land, and no part thereof other than a diving board or similar equipment and the fence referred to in Section 1355.04, shall be higher than one foot above such grade.

(Ord. 1961-13. Passed 5-18-61.)

1355.06 DRAINAGE.

Every pool shall be so constructed that it can be drained into a Municipal storm sewer, or shall have a sump located in its deepest part, for the purpose of pumping out all the water into a storm sewer opening, sump well or other adequate drain opening.

(Ord. 1961-13. Passed 5-18-61.)

1355.07 ILLUMINATION.

If flood or other artificial light is used to illuminate the pool at night, none of the lights shall be used after 10:30 p.m. local time if the pool is located within 200 feet of any building used for dwelling purposes. The lights shall also be shielded to direct light only on the pool.

(Ord. 1961-13. Passed 5-18-61.)

1355.08 PERMIT REQUIRED; FEE .

No pool regulated by this chapter shall hereafter be constructed or established unless a permit to do so is first obtained from the Building and Zoning Inspector upon approval of submitted plans and specifications. A fee as provided in Chapter 1305 shall be charged for the issuance thereof.

(Ord. 1961-13. Passed 5-18-61.)

1355.09 APPEAL.

A refusal by the Building and Zoning Inspector to issue a permit as provided in Section 1355.08, may be

appealed in writing, within ten days after such refusal, to the Board of Zoning Appeals, as provided for in other cases of appeals thereto. The Board shall then, in accordance with its rules of procedure, investigate such application and refusal and render final judgment based upon whether, in its opinion, the provisions of this chapter have been and will be complied with.

(Ord. 1961-13. Passed 5-18-61.)

1355.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than fifty dollars (\$50.00). Each day such violation continues shall constitute a separate offense.

(Ord. 1961-13. Passed 5-18-61.)

CHAPTER 1359

Moving and Relocation of Buildings

1359.01 Definitions.

1359.02 Permit required.

1359.03 Application for permit.

1359.04 Application information.

1359.05 Action on application.

1359.06 Hearing on application.

1359.07 Nonapplicability.

1359.99 Penalty.

CROSS REFERENCES

Applications made to Planning Commission; deposit required - see P. & Z. 1101.01

Moving nonconforming building - see P. & Z. 1189.02(c)

Permit fee - see BLDG. 1305.10

1359.01 DEFINITIONS.

For the purposes of this chapter the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (a) "Dwelling structure" means a building or structure used or designed or intended to be used, all or in part, for residential purposes.
- (b) "Secondary or appurtenant structure" means a structure the use of which is incidental or accessory to that of the main building and which is attached to the main building or located on the same premises therewith.
- (c) "House trailer" means any self-propelled and nonself-propelled vehicle so designed, constructed, reconstructed or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to indicated utilities, whether resting on wheels, jacks or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets or highways.
- (d) "Person" means any person, firm, partnership, association, corporation, company or organization or association of persons of any kind.
- (e) "Owner" means the owner or part owner of the premises, including the holder of title thereto subject to contract of purchase, a vendee in possession, a mortgagee or receiver in possession, a lessee or joint lessees of the whole thereof or an agent or any person, firm, corporation or fiduciary directly in control of the premises.
- (f) "Premises" describes a lot, parcel or plot of land including the buildings or structures thereon.

(Ord. 1969-C-48. Passed 6-3-69; Ord. 1969-C-49. Passed 6-3-69.)

1359.02 PERMIT REQUIRED.

No permit shall be issued to a person or owner of premises located in the Municipality for the relocation on such premises, for moving from one location in the Municipality to another or for moving onto such premises from other municipalities, dwelling structures and secondary or appurtenant structures, except as hereinafter provided.

(Ord. 1969-C-48. Passed 6-3-69; Ord. 1969-C-49. Passed 6-3-69.)

1359.03 APPLICATION FOR PERMIT.

A person or owner of premises located in the Municipality requesting permission to relocate on his premises, to move from one location in the Municipality to another or to move into the Municipality from other municipalities, dwelling structures and secondary or appurtenant structures, shall, by written application, appeal directly to Council for authority to do so.

(Ord. 1969-C-48. Passed 6-3-69; Ord. 1969-C-49. Passed 6-3-69.)

1359.04 APPLICATION INFORMATION.

The application to Council to relocate, as provided in Section 1359.03 shall include the following:

- (a) A description of the dwelling structure and/or secondary or appurtenant structure proposed to be relocated, indicating the type of construction material, dimensions, number of rooms and condition of the exterior and interior of such structure;
- (b) An eight-inch by ten-inch photograph of such structure prior to its relocation;
- (c) A description of the premises where the dwelling structure and/or secondary or appurtenant structure is located, or if moving from another municipality the location of the premises and the municipality from which the structure is being removed;
- (d) A description of the premises where the applicant intends to relocate such structure;
- (e) The value of such dwelling structure and/or secondary or appurtenant structure prior to the relocation;
- (f) The improvements, if any, the applicant intends to make after relocation of such structure;
- (g) A copy of plans and specifications showing improvements, alterations and/or other changes to be made in accordance with subsection (f) herein.

(Ord. 1969-C-48. Passed 6-3-69; Ord. 1969-C-49. Passed 6-3-69.)

1359.05 ACTION ON APPLICATION.

(a) Council shall take no action on such application until it has first submitted the application to the Planning Commission for report and recommendation.

(b) The Planning Commission shall act upon such application in accordance with the provisions of Section 10.02 of the Charter.

(Ord. 1969-C-48. Passed 6-3-69; Ord. 1969-C-49. Passed 6-3-69.)

1359.06 HEARING ON APPLICATION.

The Planning Commission shall hold a public hearing on such application, to be held not earlier than fifteen days after publication of notice thereof one time in a newspaper of general circulation in the Municipality. Further, the Planning Commission shall post a copy of such notice of public hearing in the Council Chamber and in five of the most public places, as designated and provided for in Section 113.01

(Ord. 1969-C-48. Passed 6-3-69; Ord. 1969-C-49. Passed 6-3-69.)

1359.07 NONAPPLICABILITY.

The provisions of this chapter shall not apply to the regulation and/or control of house trailers.

(Ord. 1969-C-48. Passed 6-3-69; Ord. 1969-C-49. Passed 6-3-69.)

1359.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than five hundred dollars (\$500.00) or imprisoned for six months, or both.

CHAPTER 1360

Portable Storage Devices and Structures

1360.01 **Definitions.**

1360.02 **Regulations.**

1360.03 **Exemptions.**

1360.99 **Penalty.**

1360.01 DEFINITIONS.

As used in this Chapter, the terms portable storage device or portable storage structure shall mean any device or structure which is designed to be portable or transportable and not intended to be affixed to or placed upon on any lot or land on a permanent basis.

(Ord. 2009-08. Passed 5-12-09.)

1360.02 REGULATIONS.

(a) No person, partnership, corporation, or other legal entity shall place, install or otherwise locate any portable storage device or portable storage structure within the corporate limits of the Village of Oakwood, unless the portable storage device or portable storage structure is placed, installed or otherwise located on a

hard surface as approved by the Building Inspector.

(b) In addition, the following additional regulations shall apply to all portable storage devices or portable storage structures located within the Village:

- (1) All portable storage devices or portable storage structures shall be removed from the lot or property within thirty (30) days of its original placement and shall not exceed one placement per one hundred eighty (180) days.
- (2) All portable storage devices or portable storage structures shall be located in such a manner as to not obstruct the flow of pedestrian or vehicular traffic on the property or to and from the property.
- (3) Portable storage devices or portable storage structures shall not be located in any right-of-way or within twenty-five (25) feet of any right-of-way.
- (4) The maximum number of portable storage devices or portable storage structures located on any lot or combination of contiguous lots owned by the same person shall not exceed two (2).

(Ord. 2009-08. Passed 5-12-09.)

1360.03 EXEMPTIONS.

Portable storage devices or portable storage structures which are located within wholly enclosed structures such as a garage, are exempt from these regulations. Other types of storage structures, such as sheds, etc., which are not subject to the provisions contained in this Chapter shall be regulated by other applicable sections of the Codified Ordinances. In the case of any emergency, including but not limited to floods, wind storms, fires or other events that cause extensive damage to structures, the Building Inspector may allow an exception to the strict application of the provisions of this Chapter only upon written application by the property owner and upon good cause shown.

(Ord. 2009-08. Passed 5-12-09.)

1360.99 PENALTY.

(a) Any person or partnership violating any of the provisions of this chapter shall be guilty of a misdemeanor of the fourth degree.

(b) Any company or corporation violating any of the provisions of this chapter shall be fined not more than \$2,500.

(c) A separate offense shall be deemed committed on each day during or on which a violation of this chapter occurs or continues.

(Ord. 2009-08. Passed 5-12-09.)

CHAPTER 1361

Change in Grade

1361.01 Change in grade; permit required; permit fee.

1361.02 Review fees; deposit.

1361.03 Fund for deposit established.

1361.04 Review by Engineer.

1361.99 Penalty.

1361.01 CHANGE IN GRADE; PERMIT REQUIRED; PERMIT FEE.

(a) Any owner of land within the Municipality who proposes to fill or otherwise change the grade of their land or in any way affect the current drainage of such land, shall first obtain a permit from the Building Inspector upon forms as prescribed by the Building Inspector. In addition to any information or documents required by the Building Inspector, all applications for a filling or change of grade permit shall be accompanied by the following data:

- (1) A plan drawn to scale showing the dimensions of the lot upon which the change of grade is to occur and the present location of all buildings and structures on such property and the location of surrounding streets and all adjacent parcels of land.
- (2) A topographic survey drawn to scale showing the existing grades and drainage patterns of the property, and showing the proposed finished grades and final drainage plan proposed for the property.
- (3) A description of the type and approximate quantities of fill material proposed to be utilized in the event fill material is to be placed upon the property.
- (4) A landscape plan for all areas of new fill or areas of where existing vegetation has been removed,

covered or otherwise destroyed.

(b) A non-refundable permit fee in the amount of twenty-five dollars (\$25.00) shall accompany all applications made under this chapter.

(Ord. 1998-67. Passed 10-13-98.)

1361.02 REVIEW FEES; DEPOSIT.

(a) When an applicant makes application to fill or change the grade of their land and the Building Inspector determines that a review of the application requires the services of the Engineer and/or the Law Director, the applicant shall deposit the sum of two hundred fifty dollars (\$250.00) with the Village.

(b) All expenses incurred by the Village for review by the Engineer and/or the Law Director shall be paid out of the funds as deposited by the applicant. The expenses incurred in connection with application review shall be approved for payment by the Building Inspector or the Mayor.

(Ord. 1998-67. Passed 10-13-98.)

1361.03 FUND FOR DEPOSIT ESTABLISHED.

(a) The Director of Finance shall deposit all funds received under Section 1361.02 of this chapter into a fund in the name of the applicant depositing such money. All expenses incurred in connection with the review of the applicant's application shall, upon proper authorization, be paid by the Director of Finance out of such fund.

(b) If, at any time prior to the completion of the review of the application, the fund has a balance of less than fifty dollars (\$50.00), the Director of Finance shall request in writing that the applicant deposit, within ten (10) days of such written request, additional funds so that the balance may be brought up to the original sum of two hundred fifty dollars (\$250.00).

(c) The Director of Finance shall promptly refund any unused balance contained in such fund upon notification by the Building Inspector that the application was approved, modified or denied and that all outstanding invoices for professional review fees related to such application have been submitted and paid.

(Ord. 1998-67. Passed 10-13-98.)

1361.04 REVIEW BY ENGINEER.

The Building Inspector, after receipt of a completed application and the review fee deposit as specified in this chapter, shall promptly submit the application to the Village Engineer for his or her review and report where the Building Inspector determines that such a review by the Village Engineer is necessary. In the event the Village Engineer determines that the proposed change in grade does not adversely affect the drainage of the property or adversely impact other parcels of land and that adequate provisions have been made to re-landscape any land to prevent erosion, the creation of dust or other nuisance, he or she shall advise the Building Inspector of his or her approval in writing. Otherwise, the Village Engineer shall advise the Building Commissioner in writing of any conditions or modifications to be placed on the proposed grading and/or filling or the reasons why the application should be rejected. The Building Commissioner shall incorporate all recommendations of the Village Engineer into any permit issued under this chapter.

(Ord. 1998-67. Passed 10-13-98.)

1361.99 PENALTY.

Any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than six months or both. Each day during which noncompliance or a violation of this chapter continues shall constitute a separate offense.

(Ord. 1998-67. Passed 10-13-98.)

CHAPTER 1363

Demolition of Buildings

1363.01 Maintenance of buildings required.

1363.02 Inspection.

1363.03 Notice to repair or demolish.

1363.04 Appeal.

1363.05 Hearing.

1363.06 Demolition bids.

1363.07 Liability of owner.

1363.08 Conflict of laws.

CROSS REFERENCES

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

Open fires to eliminate materials resulting from demolition of building prohibited - see BUS. REG. 781.12

Permit fee - see BLDG. 1305.10(a)

1363.01 MAINTENANCE OF BUILDINGS REQUIRED.

No owner of a building or structure within the boundaries of the Municipality shall permit the same to remain in such an advanced state of disrepair as to endanger the health, safety and welfare of the residents of the community or so as to be a public nuisance by reason of its condition.

(Ord. 1966-34. Passed 9-20-66.)

1363.02 INSPECTION.

The Building and Zoning Inspector shall have free access at any reasonable hour, upon showing appropriate identification when a building is occupied, to inspect, examine and survey any building, dwelling or structure located within the Municipality, where he has probable cause to believe the building, dwelling or structure is unsafe or insecure and thereby dangerous to the residents of the Municipality.

(Ord. 1966-34. Passed 9-20-66.)

1363.03 NOTICE TO REPAIR OR DEMOLISH.

Upon a determination by the Building and Zoning Inspector that any building, dwelling or structure is in such an advanced state of disrepair by reason of defective or inadequate plumbing or sanitary facilities; faulty or defective electric wiring; accumulation of debris, filth, rubbish or garbage; general deterioration in the structure by reason of age, neglect, exposure to the elements or vandalism; failure of the exterior enclosure causing exposure to the elements, or the compromise of the structural integrity of the building, dwelling or structure; partial damage to the structure by reason of fire, windstorm or otherwise; or deterioration or damage to the foundation; so as to endanger the health, safety and welfare of the public and is therefore a public nuisance, he or she shall direct the owner or occupant of such building, dwelling or structure, in writing by certified mail to the last known address of such owner or occupant, to effect the repairs necessary to put the building in a reasonably safe condition, or alternatively to demolish and remove the building, dwelling or structure, including its foundation and any driveways and/or sidewalks that are in such a state of disrepair so as to constitute a nuisance or a safety hazard and to properly restore the area to the reasonable satisfaction of the Building and Zoning Inspector. If the property is vacant and the owner is unknown or cannot be located, the Inspector shall publish a notice to the effect such repairs as are necessary to put the building in a reasonably safe condition or to demolish the offending building, dwelling or structure; such notice shall be published in a newspaper of general circulation in the community once a week for a period of no less than two consecutive weeks. No repairs or demolition shall be made or undertaken unless all requirements of the Municipal Building and/or Zoning Codes are complied with. (Ord. 2004-26. Passed 5-25-04.)

1363.04 APPEAL.

Within sixty days after receipt of the notice or the last publication of the same in a newspaper, as provided in Section 1363.03, the owner may appeal a finding by the Building and Zoning Inspector to Council that any such building, dwelling or structure is in such an advanced state of disrepair as to endanger the health, safety and welfare of the public.

(Ord. 1966-34. Passed 9-20-66.)

1363.05 HEARING.

Upon receipt of a written appeal as provided in Section 1363.04, Council shall provide for a hearing within thirty days after receiving notice of appeal and the owner shall have the opportunity to appear before Council and to present evidence that the building or structure is not in such an advanced state of disrepair for any of the reasons set forth in Section 1363.03 as to endanger the health, safety and welfare of the public, and therefore, is not a public nuisance.

(Ord. 1966-34. Passed 9-20-66.)

1363.06 DEMOLITION BIDS.

If no appeal is filed from the finding of the Building and Zoning Inspector within the sixty-day period established by Section 1363.04, or if Council affirms the findings of the Inspector and determines the building, dwelling or structure involved to be a public nuisance, Council shall order the Director of Finance

to advertise for bids for the demolition and removal of the building, dwelling or structure, including its foundation and any driveways and/or sidewalks that are in such a state of disrepair so as to constitute a nuisance or a safety hazard and to properly restore the area to the reasonable satisfaction of the Building and Zoning Inspector, in accordance with law, unless the owner or occupant has repaired the same to the satisfaction of the Building and Zoning Inspector, in accordance with the requirements of the Building Code.

In the event Council is apprised that the owner or occupant has appealed its decision to the Common Pleas Court or any other court having jurisdiction of such appeal the matter will be held in abeyance until further order of the Court.

(Ord. 2004-26. Passed 5-25-04.)

1363.07 LIABILITY OF OWNER.

All charges, costs and expenses arising out of or connected with the demolition and removal of any insecure building or structure pursuant to this chapter shall be paid by the owner of the premises upon which any such building, dwelling or structure is situated, within ninety days after the demolition or removal thereof as provided in this chapter and if not paid within such ninety-day period, it shall be certified to the Auditor of Cuyahoga County, at which time the lien shall vest, and the Auditor shall place the same on the tax duplicate of the County with interest and penalties allowed by law and it shall be collected as other taxes.

(Ord. 1966-34. Passed 9-20-66.)

1363.08 CONFLICT OF LAWS.

Nothing contained in this chapter should be construed as precluding the abatement of dangerous or hazardous conditions by the Fire Prevention Officer in the manner prescribed in the Fire Prevention Code, as adopted in Section 1501.01, when such provisions are applicable.

CHAPTER 1365

Point of Rental and Point of Sale Inspection

1365.01 Certificate of inspection required.

1365.02 Application for inspection.

1365.03 Orders for correction; issuance of certificate of compliance.

1365.04 Fees.

1365.05 Required use of certificate of inspection or compliance.

1365.06 Warranty of compliance.

1365.07 Forms, rules and regulations; appeals.

1365.08 Escrow agent obligations.

1365.09 Reliance on certificate of inspection and compliance document.

1365.99 Penalty.

1365.01 CERTIFICATE OF INSPECTION REQUIRED.

(a) The owner of any dwelling structure whether individual or multi-family, business, commercial or industrial structure or other buildings or structures or land upon which such buildings or structures are located, shall obtain a Certificate of Inspection prior to renting, leasing, selling, transferring, or conveying an interest or entering into an agreement to rent, lease, sell, transfer or otherwise convey an interest in such property.

(b) No owner of real estate described in subsection (a) above shall rent, lease, sell, transfer or otherwise convey an interest or enter into an agreement to rent, lease, sell, transfer or otherwise convey an interest in such property without first presenting the prospective lessee, purchaser or grantee with a copy of a Certificate of Inspection or a copy of a Certificate of Compliance issued by the Building Inspector within ninety (90) days prior to the date of execution of the agreement.

(c) In the event the real estate described in subsection (a) above is sold at Sheriff's sale or other court-ordered auction, and no Certificate of Compliance has been issued within ninety (90) days prior to such sale, the purchaser shall apply in writing to the Building Inspector within thirty (30) days after the date of sale for an inspection of the property. The method of application and inspection shall be as set forth in Section 1365.02.

(d) This Chapter shall not apply to the individual transfer of property through inheritance or gift where no bona fide sale is intended or has occurred nor shall it apply to the occupancy of the property by someone other than the owner wherein no consideration of any kind is being paid by such non-owner occupant. In addition this Chapter shall not apply to the construction of new residential or commercial construction

wherein a Certificate of Occupancy is required by other provisions of the Building Code.
(Ord. 2005-39. Passed 6-28-05.)

1365.02 APPLICATION FOR INSPECTION.

(a) Application for the Certificate of Inspection required by this Chapter shall be made by the owner, or an agent for the owner, upon forms provided by the Building Inspector.

(b) If the applicant consents to the inspection, the parties shall agree on a time during regular business hours of the Building Department.

(c) If, after application, the owner, authorized agent, or occupant refuses to consent to an inspection of the subject property or consent is otherwise unobtainable, the Building Inspector may make such inspection after first obtaining a search warrant as provided for by law.

(d) The following schedule for issuing a Certificate of Inspection shall be followed, except where a longer period is required because of a large number of units in a building or other causes beyond the control of the Village:

- (1) Within ten (10) working days after receipt of the application and required fee, the Building Inspector shall cause an inspection of the designated property to be made.
- (2) The Building Inspector or his or her designee shall then issue a Certificate of Inspection within ten (10) working days after gaining access to the subject property. The certificate shall contain the following information:
 - A. The street address, permanent parcel number or other identifying characteristics of the property;
 - B. The name, address and telephone number of the owner;
 - C. The authorized use and occupancy of the structure(s) or building(s);
 - D. The list of violations of the Codified Ordinances of the Village of Oakwood existing and found at the time of the inspection.

(Ord. 2005-39. Passed 6-28-05.)

1365.03 ORDERS FOR CORRECTION; ISSUANCE OF A CERTIFICATE OF COMPLIANCE.

(a) Except in the case of immediate danger to the public health or safety, the Certificate of Inspection shall contain the order of the Building Inspector for the correction of any Code violations noted on the Certificate, which shall be corrected by the owner of the property within ninety (90) days of the issuance of the Certificate, unless for good cause shown, the Building Inspector has extended the time for such completion. Upon reinspection and the finding by the Building Inspector or his or her designee that all violations have been satisfactorily corrected, a Certificate of Compliance shall be issued.

(b) In the case of the lease or rental of property, a Certificate of Compliance must be issued prior to any occupancy of the leased or rented property by any tenant unless the provisions contained in Section 1365.05(d) have been complied with. The issuance of a Certificate of Compliance shall also be a prerequisite to obtaining the issuance of any Certificate of Occupancy.

(c) As to property purchased at a Sheriff's sale, or other court-ordered auction, if violations noted in the Certificate of Inspection have not been corrected within ninety (90) days as set forth in subsection (a) hereof, the Building Inspector may extend such time for completion, but shall require a performance bond or equivalent financial guarantee in form satisfactory and approved by the Director of Law, issued to the Village in an amount reasonably calculated, as determined by the Building Inspector, to ensure the correction of such violations. Upon reinspection and the finding by the Building Inspector or his or her designee that all violations have been satisfactorily corrected, a Certificate of Compliance shall be issued.

(Ord. 2005-39. Passed 6-28-05.)

1365.04 FEES.

(a) The fee charged for the Certificate of Inspection shall be fifty dollars (\$50.00) for the first dwelling unit or structure and an additional twenty dollars (\$20.00) for each additional unit in such structure.

(b) A re-inspection fee of twenty-five dollars (\$25.00) shall be charged for each re-inspection after the first two re-inspections, shall be paid by the owner of the property prior to the issuance of the Certificate of Compliance.

(c) A property owner who fails to appear at the scheduled inspection time and date agreed to at the time the application for a certificate of inspection is filed with the Village shall be charged a fee of twenty-five dollars (\$25.00), unless said property owner provides the Building Department with one full business day's notice of cancellation of the appointment.

(Ord. 2005-39. Passed 6-28-05.)

1365.05 REQUIRED USE OF CERTIFICATE OF INSPECTION OR COMPLIANCE.

(a) No person, agent, firm or corporation shall rent, lease, sell, transfer title or convey an interest in any dwelling structure whether individual or multi-family, business, commercial or industrial structure or other buildings or structures or land upon which such buildings or structures are located without first providing the lessee, purchaser or grantee with a current Certificate of Inspection or a Certificate of Compliance.

(b) In the event of the sale of the property, the seller shall deposit in escrow a statement signed by the purchaser acknowledging receipt of the Certificate of Inspection or Certificate of Compliance, and such statement shall list thereon the date the Certificate was given to the purchaser.

(c) A copy of the purchaser's signed acknowledgment form, described in Section 1365.05 (b), shall be provided to the Building Department as a condition of transfer of title.

(d) In the event of the lease, rental or sale of the property, if all violations listed on the Certificate of Inspection are not corrected prior to date of occupancy of the property by the tenant or date of the transfer of title, an escrow account shall be established and funds, in an amount equal to 150% of the estimated cost of repairs, but in no event not less than one hundred dollars (\$100.00), shall be deposited therein to pay for the cost to correct all remaining violations. The amount to be held in escrow shall be determined by procuring written estimates from at least two companies capable of performing the work, which are currently registered to do business in the Village of Oakwood. The amount deposited into escrow shall be one hundred fifty percent (150%) of the higher of the two estimates. If the party establishing the escrow (lessor, lessee, seller or purchaser) can demonstrate to the Building Inspector that after a good faith effort he or she is unable to obtain two written estimates, the Building Inspector may establish the amount of the escrow. Funds shall be disbursed only upon written authorization from the Building Inspector or his or her designee. If the funds held in escrow are less than three thousand dollars (\$3,000.00), no funds held in escrow shall be released until all violations are corrected. If the funds held in escrow exceed three thousand dollars (\$3,000.00), the Building Inspector or his or her designee may authorize one partial release of funds from escrow upon his or her determination that substantial progress has been made in correcting the violations and that sufficient funds remain in escrow to correct all remaining violations.

(Ord. 2005-39. Passed 6-28-05.)

1365.06 WARRANTY OF COMPLIANCE.

In every lease, rental or sale of realty to which this Chapter applies, the lessor or seller of the property shall warrant, or be presumed to have warranted that the structures and premises are in compliance with the Building Code, the Housing Code, the Zoning Code and other applicable Ordinances of the Village of Oakwood at the time of the contract of lease, rental or sale, unless the lessor or seller has obtained and presented to the lessee or buyer a Certificate of Inspection or a copy of a Certificate of Compliance as provided for herein, or unless the lessee or buyer has actual knowledge of the deficiencies or violations in the structures at the time of the lease, rental or contract of sale.

(Ord. 2005-39. Passed 6-28-05.)

1365.07 FORMS, RULES AND REGULATIONS; APPEALS.

The Building Inspector is authorized and directed to promulgate such forms, rules and regulations as are necessary for the efficient administration of this Chapter. Rights of appeal from the decision of the Building Inspector shall be in accordance with the provisions contained in Chapter 1143 of the Codified Ordinances of the Village of Oakwood.

(Ord. 2005-39. Passed 6-28-05.)

1365.08 ESCROW AGENT OBLIGATIONS.

No person, firm or corporation acting in the capacity of an escrow agent in any real estate transaction, shall transfer title, file any instrument to transfer title, or disburse funds from any sale unless the provisions of this Chapter have been satisfied, including but not limited to the specific provisions of Section 1365.05.

(Ord. 2005-39. Passed 6-28-05.)

1365.09 RELIANCE ON CERTIFICATE OF INSPECTION AND COMPLIANCE DOCUMENT.

In issuing a Certificate of Inspection and/or a Certificate of Compliance, the Village does not thereby insure, warrant or guarantee to the holder thereof, to his or her assignees, or any other interested party that such certificate or certificates contain all of the violations or the correction of such violations of the Codified Ordinances of the Village of Oakwood or statutes of the State. Such certificate or certificates should be

considered by all parties as the Village's best effort to make known to lessors, owners, lessees and purchasers of real estate the violations discovered on a given property at the time the inspection is made or the correction of such violations upon reinspection and the issuance of a Certificate of Compliance. A copy of this Section, or a digest thereof, shall be contained in each Certificate of Inspection and Certificate of Compliance.

(Ord. 2005-39. Passed 6-28-05.)

1365.99 PENALTY.

(a) Whoever violates any provisions contained in Sections 1365.01, 1365.05, 1365.08, or any rule or regulation promulgated by the Building Inspector pursuant to Section 1365.07 of this Chapter shall be deemed guilty of a misdemeanor of the fourth degree.

(b) Whoever violates any provisions contained in Section 1365.03 of this Chapter shall be deemed guilty of a misdemeanor of the first degree.

(Ord. 2005-39. Passed 6-28-05.)

CHAPTER 1366

Registration of Vacant Buildings and Notice of Foreclosure

1366.01 Application of chapter.

1366.02 Definitions.

1366.03 Registration required; fees; vacant building plan; appeals; minimum requirements.

1366.04 Ownership of unregistered buildings.

1366.05 Notice to Village of foreclosure/forcible entry and detainer filing; fee.

1366.06 Person responsible for maintenance in event of foreclosure/forcible entry and detainer.

1366.07 Interpretation of chapter.

1366.99 Penalty.

CROSS REFERENCES

Demolition of structures - see BLDG. Ch. 1363

1366.01 APPLICATION OF CHAPTER.

This Chapter shall be applicable to all residential and commercial buildings located within the Village of Oakwood.

(Ord. 2006-33. Passed 10-10-06.)

1366.02 DEFINITIONS.

The following definitions shall apply to this Chapter:

- (a) "Owner" means any person who, alone or jointly or severally with others, shall have the legal or equitable title to a property, and shall include executors, administrators, trustees or guardians of the estate of the owner, and any purchaser or assignee under a certificate of sale pursuant to a mortgage foreclosure. The term "owner" shall also include partnerships and other unincorporated associations. Any individual owner, regardless of whether he or she shares ownership responsibility with any other person, any general partner of a partnership, and any officer of a corporation or unincorporated association, shall have direct and personal responsibility and liability for compliance with the provisions of this Chapter.
- (b) "Person" means a natural person or any legal entity, including but not limited to a corporation, a limited liability company, partnership, trust, unincorporated association, or a firm.
- (c) "Vacant building" means any structure or part of a structure which is unoccupied and which constitutes an unsafe building or public nuisance. "Unsafe building" and "public nuisance", as used in this Chapter, shall mean and include the following:
 - (1) Any building, house, shed, or other man-made, enclosed or partially enclosed structure, or part thereof, which, by reason of its condition, endangers human health, life or limb or is likely to cause the spread of disease by the infestation of vermin, rodents and other pests or otherwise cause injury to the health of persons or to surrounding neighborhood structures.
 - (2) Any building, house, shed, or other man-made, enclosed or partially enclosed structure, or part

thereof, which, by reason of faulty construction, age, lack of proper repair or other cause, is especially susceptible to the occurrence of fire and constitutes or creates a fire hazard.

- (3) Any building, house, shed, or other man-made, enclosed or partially enclosed structure, or part thereof, which, by reason of faulty construction, age, lack of proper repair or other cause, is especially susceptible to cause injury or damage to persons or property by collapse or by the danger of collapse of any part of the structure.
- (4) Any building, house, shed, or other man-made, enclosed or partially enclosed structure, or part thereof, which, because of its condition or state of disrepair, or lack of or insecure doors or windows, is unsecured, open and available to and frequented by persons or juveniles who are not lawful occupants of such structure.
- (5) Any building, house, shed, or other man-made, enclosed or partially enclosed structure, or the area surrounding any of the foregoing structures, which, by reason of continued vacancy and/or lack of reasonable and adequate maintenance, causes a deteriorating and blighting influence on nearby properties and causes depreciation in the use, enjoyment and value of properties in the immediately surrounding area to such an extent that it is harmful to the community in which such structure is situated.
- (d) "Totally vacant building" means that no person actually resides in any part of the building or that no person conducts a lawful business in any part of the building.

(Ord. 2006-33. Passed 10-10-06.)

1366.03 REGISTRATION REQUIRED; FEES; VACANT BUILDING PLAN; APPEALS; MINIMUM REQUIREMENTS.

(a) All buildings presently located within the Village which are vacant, as defined in this Chapter, or which hereafter become vacant, shall be registered by the owner thereof with the Building Inspector within thirty days from date of their last occupancy, or, if vacant at the time of the adoption of this Chapter, within thirty days of the date of such adoption.

(b) Registration shall be made on forms supplied by the Building Inspector and shall include:

- (1) The name, address and telephone number of the owner or owners.
- (2) The name, address and telephone number of any local agent or representative or the owner or owners.
- (3) The names, addresses and telephone numbers of all persons with any legal interest in the property, building and/or premises, including but not limited to lien holders and mortgage holders.
- (4) A legal description and the tax parcel identification number or numbers of the premises on which the building or structure is situated.
- (5) The street address of the building.
- (6) The date on which the building became vacant or will become vacant.
- (7) A vacant building plan as hereinafter required.

(c) The vacant building or structure registration shall be filed with the Building Inspector, accompanied with the applicable fee as provided herein.

(d) Fees for the Registration of vacant buildings shall be as follows:

- (1) Single and two-family residential structures:

During the first year of vacancy	\$75.00
During the second year of vacancy	\$100.00
During the third year of vacancy and thereafter	\$150.00

(2) Commercial buildings and all other structures not encompassed in paragraph (d)(1) hereof, one hundred dollars (\$100.00).

(e) Registration of a vacant building or structure shall be valid for a period of one year. If the building is vacant at the expiration of any registration period and requirements of the vacant building plan are not completed, then the owner shall re-register such building and pay an additional filing fee.

(f) If the building is vacant at the expiration of any registration period and the requirements of the vacant building plan are completed, the owner shall re-register such building without filing a new vacant building plan or paying an additional filing fee.

(g) The registration of a vacant building shall not preclude action by the Village to demolish or force rehabilitation of the building pursuant to the provisions of the Building Code or other law.

(h) When a building or structure is registered as required herein, the owner or agent shall submit a vacant building plan. The plan shall contain, as a minimum, the following:

- (1) A plan of action to maintain the building and premises thereof in conformance with all laws of the Village of Oakwood and State of Ohio, with reference to exterior maintenance, premises security and protection from vandalism.
- (2) A plan for fire alarm and fire protection as required and approved by the Fire Chief or his or her designee.
- (3) The name and address of a local company or person who can be called when emergencies occur requiring occupancy of the building or premises, to provide inspection access or to make immediate repairs to windows or doors.
- (4) A plan of action to remedy any existing Building Code violations existing in the building or on the premises.
- (5) Any plan for demolishing or altering structures or buildings, along with a time schedule for such activity.
- (6) Certification of property damage, fire and/or liability insurance that will be applicable on the property during the time of vacancy of the building or structure.
- (7) Any planned changes in ownership or legal interest in the building and/or property.
- (8) A lighting plan for parking or loading areas and night-time illumination of areas and walkways of the building which may compromise safety, as reasonably determined by the Director of Public Safety.
- (9) A listing of any and all motor vehicles that will be located on the premises, along with copies of the registration and ownership of such vehicles and a certification that current registration of all vehicles will be maintained.
- (10) A plan for the maintenance of all structural items, such as windows, doors and other openings, so as to avoid the necessity of any boarding up, and a plan for the regular maintenance of all exterior lighting fixtures and the illumination of the building and premises and walkways adjacent thereto. If a store front window is involved, a form of display shall be submitted to and approved by the Building Inspector so as to avoid the appearance of a vacancy and to avoid papering, soaping the windows or boarding up.

(i) Failure to comply with the approved plan shall constitute a violation of this section, subjecting the owner of the building to the penalties provided in this Code.

(j) The vacant building plan, as agreed upon by the Building Inspector, with the advice and consent of the Law Director, shall be binding upon the building owner and any interested person. Any disagreement between Village of Oakwood representatives and the owner shall be subject to appeal to the Board of Zoning Appeals, whose decision shall be final.

(k) The vacant building plan shall remain in effect notwithstanding a change in ownership. The new owner shall be required to file a new registration with the Building Inspector and to supply the names, addresses and telephone numbers of the new owners, along with any information required above that may be different from that set forth in the original plan.

(l) Upon registration of any new vacant building pursuant to this Chapter, or when any such vacant building comes to the attention of the Village, the Building Inspector shall cause inspections to be made of the buildings and premises to determine the condition of such buildings and premises and whether there exist any Building Code violations or other fire, safety or health hazards upon the premises and shall provide notice to the owners thereof to comply with the provisions of this Chapter.

(Ord. 2006-33. Passed 10-10-06.)

(m) As a minimum requirement, all vacant buildings, as defined in this Chapter, shall conform to the following requirements:

- (1) The interior of the building, including any garage area, shall be cleaned and free of debris. At any time the owner or person or entity charged with the responsibility of maintaining the vacant building decides to remove objects from the vacant building or to clean such building, the owner or person or entity charged with the responsibility of maintaining the vacant building shall notify the Building Inspector at least forty-eight (48) hours

prior to undertaking such cleaning or the removal of objects to enable the Building Inspector or his or her designee to be present at the time these operations are undertaken to make certain all such operations are in compliance with the provisions contained in this Chapter.

- (2) The grounds of the premises shall be kept free of weeds and debris and the grass shall be mowed during summer months and the public sidewalks shall be kept free of snow and ice during the winter months; and
- (3) No junk cars as defined in the Codified Ordinances of the Village of Oakwood shall be parked on the premises.

(Ord. 2008-02. Passed 1-22-08.)

(n) All buildings, which, in addition to being vacant, as defined in this Chapter, are also open and unsecured to trespass, may be boarded up, at the owner's expense, in accordance with the provisions contained in Ordinance 1995-51.

(o) The plan required in subsection (b) hereof shall be reviewed and approved by the Building Inspector and implemented and completed within six months of the date that the building is registered under this Chapter.

(p) Any structure in the Village, falling within the meaning of any definitions of unsafe building, is hereby declared to be illegal and to constitute a public nuisance which shall be subject to mandatory abatement by repair or demolition in accordance with the provisions of this Chapter or other provisions of the Codified Ordinances of the Village of Oakwood.

(q) When a building or structure is not registered as vacant, the Building Inspector shall cause written notice to be served by certified mail upon the owner or owners, and if different, the person or persons having charge of the land, notifying him/her that registration is necessary of the vacant building. If the address of the owner or person having charge of the property in question is unknown, it shall be sufficient for the Building Inspector to cause notice to be published once in a newspaper of general circulation in Cuyahoga County. In lieu of the above, the Building Inspector or any Police Officer may make personal or residence service and return of the notice provided for herein, which shall be duly noted by the Building Inspector, setting forth the cost of the notice or publication. Upon failure of the owner or person having charge of the property in question to comply with the notice within the period of time stipulated, the Building Inspection shall give notice to the Director of Public Service, if the building is open and unsecure, to proceed with any requirements contained in Section 1366.03 of this Chapter. Upon the completion of such labor, the Director of Public Service shall determine all costs associated thereof, including registration fees, with labor charges incurred at sixty-five dollars (\$65.00) per hour provided however there shall be a minimum fee of not less than one hundred dollars (\$100.00). In the event the Village is required to employ outside services for the abatement work, the fee shall be the actual cost of the contract plus five percent (5%) for administration charges. The total labor costs and registration fee shall be forwarded by the Director of Public Service to the Village Finance Director who shall make a return in writing to the County Auditor of such total charge which shall be entered upon the tax duplicate of the County and be allocated onto the taxes in accordance with Section 731.54 of the Ohio Revised Code.

(r) Whoever violates any provision of this section shall be subject to the penalties provided in Section 1366.99.

(Ord. 2006-33. Passed 10-10-06.)

1366.04 OWNERSHIP OF UNREGISTERED BUILDINGS.

No person shall own a vacant building, as defined in this Chapter, unless the building is registered with the Building Inspector in accordance with the requirements of this Chapter.

(Ord. 2006-33. Passed 10-10-06.)

1366.05 NOTICE TO VILLAGE OF FORECLOSURE/FORCIBLE ENTRY AND DETAINER FILING; FEE.

(a) Any person who files a complaint in any court of competent jurisdiction for foreclosure or forcible entry and detainer involving real property located within the Village of Oakwood on which there is a building or structure shall notify the Village of the filing of the foreclosure/forcible entry and detainer complaint and shall file a complete copy of the foreclosure complaint/forcible entry and detainer with the Building Inspector within ten days after the filing of that complaint with the relevant court. The notice to the Village shall be on a form as prescribed by the Building Inspector.

(b) The fee for filing a notice of foreclosure shall be one hundred dollars (\$100.00) and shall be paid at the time the notice is filed with the Village Building Inspector as provided herein.

(Ord. 2015-38. Passed 6-9-15.)

1366.06 PERSON RESPONSIBLE FOR MAINTENANCE IN EVENT OF FORECLOSURE/FORCIBLE ENTRY AND DETAINER.

(a) If the building or structure on the property that is the subject of a foreclosure/forcible entry and detainer proceeding it is vacant at the time the foreclosure/forcible entry and detainer complaint is filed with a court of competent jurisdiction, then the person filing the foreclosure/forcible entry and detainer complaint shall notify the Village of the name, address and contact information for the person who will be responsible for maintaining the property in compliance with the relevant sections of the Village Building and Zoning Code.

(b) If the building or structure on the property that is the subject of a foreclosure proceeding becomes vacant at any time after the foreclosure/forcible entry and detainer complaint is filed with a court of competent jurisdiction, then the person filing the foreclosure/forcible entry and detainer complaint shall notify the Village of the name, address and contact information for the person who will be responsible for maintaining the property in compliance with the relevant sections of the Village Building and Zoning Code, and shall otherwise comply with the provisions of this chapter.

(c) In addition to the requirements set forth in Section 1366.03(m) hereof, the person responsible for maintaining the property shall also be responsible for the removal of any personal property, furniture, appliances, etc., left on the premises within twelve (12) hours from the time the building or structure becomes vacant.

(Ord. 2015-38. Passed 6-9-15.)

1366.07 INTERPRETATION OF CHAPTER.

This Chapter shall not, in any manner, abrogate any of the other provisions of the Building or Property Maintenance Codes of the Village or any other provisions of the Codified Ordinances of the Village of Oakwood pertaining to the abatement of Building Code violations, the demolition of unsafe structure or the abatement of public nuisances or unsafe buildings.

(Ord. 2006-33. Passed 10-10-06.)

1366.99 PENALTY.

(a) Whoever fails to timely register a vacant building or structure as provided in this Chapter shall be deemed guilty of a misdemeanor of the fourth degree for the first offense and a misdemeanor of the second degree for the second and any subsequent offenses. A separate offense shall be deemed committed on each day during or on which a continuing violation occurs.

(b) Whoever fails to timely or otherwise comply with a vacant building plan as provided in this Chapter shall be deemed guilty of a misdemeanor of the fourth degree for the first offense and a misdemeanor of the third degree for the second and any subsequent offenses. A separate offense shall be deemed committed on each day during or on which a continuing violation occurs.

(c) Whoever fails to file a complete copy of a foreclosure complaint with the Village of Oakwood as required in Subsection 1366.06 of this Chapter, shall be deemed guilty of a misdemeanor of the fourth degree.

(d) Whoever violates any other provision contained in this Chapter for which no penalty has been provided shall be deemed guilty of a misdemeanor of the fourth degree.

(Ord. 2006-33. Passed 10-10-06.)

CHAPTER 1367

Garbage Disposers and Incinerators

1367.01 Dwelling house requirements.

1367.02 Nondwelling house requirements.

1367.03 Standards.

1367.04 Permit; fee.

1367.05 Inspection.

1367.99 Penalty.

CROSS REFERENCES

Noxious or offensive odors - see GEN. OFF. 517.09

Smoke abatement - see BUS. REG. Ch. 781

Incinerator permit fee - see BLDG. 1305.12(c)

Garbage disposer permit fee - see BLDG. 1305.13(b)

1367.01 DWELLING HOUSE REQUIREMENTS.

Each dwelling unit for which the application for a building permit is made after the effective date of this chapter, Ordinance 1966-19, passed June 7, 1966, shall, prior to occupation thereof for residence purposes, be equipped with a properly installed garbage incinerator which conforms to the specifications provided for in Section 1367.03(a). Each dwelling unit may also be equipped with a properly installed mechanical garbage disposer which conforms to the specifications provided for in Section 1367.03(b).

(Ord. 1966-19. Passed 6-7-66.)

1367.02 NONDWELLING HOUSE REQUIREMENTS.

Every building or place, other than a dwelling unit, the construction or equipment of which is commenced on or after the effective date of this chapter, Ordinance 1966-19, passed June 7, 1966, shall, prior to occupancy or use for any purpose or purposes which results in the production of garbage, be equipped:

- (a) With a properly installed mechanical garbage disposer which conforms to the specifications provided for in Section 1367.03(b);
- (b) With a properly installed garbage incinerator which conforms to the specifications provided for in Section 1367.03(a).

(Ord. 1966-19. Passed 6-7-66.)

1367.03 STANDARDS.

(a) The garbage incinerators installed in accordance with the provisions of this chapter shall be of a type tested, approved and listed by the American Gas Association in their current Directory of Approved Gas Appliances and Listed Accessories, and shall be installed in accordance with the provisions of the National Building Code the 1967 or current edition, other current standards of the National Fire Protection Association or in accordance with published current regulations of the East Ohio Gas Company.

(b) The mechanical garbage disposers installed in accordance with the provisions of this chapter, if activated electrically, shall bear evidence of the Underwriters Laboratories, Inc., approval and shall operate so as to completely consume wet or dry garbage by burning it to an ash without causing noisome, offensive or noxious odors, vapors or gases, and without the discharge or emission into the atmosphere of sparks, ash or the powdered residue of the substance which has been burned.

(Ord. 1966-19. Passed 6-7-66.)

1367.04 PERMIT; FEE.

No mechanical garbage disposer or garbage incinerator shall be installed in new construction without obtaining from the Building and Zoning Inspector a permit thereof, the application for which shall be accompanied by a fee as provided in Chapter 1305.

(Ord. 1966-19. Passed 6-7-66.)

1367.05 INSPECTION.

The Building and Zoning Inspector, or his duly authorized representative, shall have the authority to enter and inspect new and pre-existing buildings and premises for the purpose of investigation of the installation and use of the mechanical garbage disposers and garbage incinerators.

(Ord. 1966-19. Passed 6-7-66.)

1367.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than fifty dollars (\$50.00) for each violation. Each day in which the violation is continued shall constitute a separate offense.

(Ord. 1966-19. Passed 6-7-66.)

CHAPTER 1368

Incidental Sale of Motor Vehicles

1368.01 Definitions.

1368.02 Sale of motor vehicles on residential property.

1368.03 Sale of motor vehicles on non-residential property.

1368.99 Penalty.

1368.01 DEFINITIONS.

As used in this Chapter:

- (a) "Motor vehicle" shall have the same meaning as contained in Section 4501.01 of the Ohio Revised Code, as the same may be amended from time to time.
- (b) "Residential property" shall mean any land which is zoned for residential use.
- (c) "Non-residential property" shall mean any land that is zoned for anything other than for residential use.
- (d) "Vacant land" shall mean any lot or parcel of land where no building or other structure is located.
- (e) "Vacant residential structure" means any house or other inhabitable structure which is continuously vacant for more than thirty (30) days.
- (f) "Vacant commercial structure" means any non-residential building or other structure which is continuously vacant for more than thirty (30) days.
(Ord. 2009-48. Passed 10-13-09.)

1368.02 SALE OF MOTOR VEHICLES ON RESIDENTIAL PROPERTY.

The offering for sale of any motor vehicle on any residential property shall be regulated as follows:

- (a) All motor vehicles offered for sale shall be wholly located upon the driveway or other hard surfaced area of the property upon which the motor vehicle is being offered for sale.
- (b) The motor vehicle being offered for sale shall be located no closer than fifteen (15) feet from the inside edge of any public sidewalk located on the property upon which the motor vehicle is being offered for sale, or twenty five (25) feet from the edge of the roadway pavement in areas where there are no public sidewalks.
- (c) Not more than two signs indicating the sale shall be permitted and each sign shall be physically located on the motor vehicle and each sign shall not be larger than eighteen inches (18") by twenty four (24") inches in size.
- (d) All motor vehicles offered for sale shall be owned by a person who owns or resides on the property upon which the motor vehicle is being offered for sale.
- (e) Not more than two (2) motor vehicles shall be offered for sale from any one property during any calendar year.
- (f) No motor vehicle that is being offered for sale shall be located on any vacant property or upon any property wherein a vacant residential structure is located.
- (g) All motor vehicles being offered for sale shall be currently registered with the Bureau of Motor Vehicles and contained valid and current license plates with valid and current registration stickers.
- (h) No motor vehicles shall be offered for sale for more than 21 days, after which the signs as provided in Subsection 1368.02(c) shall be removed from the vehicle. The property owner shall have the option to offer the motor vehicle for an additional 21 days, however if this option is exercised, the second offering for sale shall constitute the second motor vehicle being offered for sale as provided in Subsection 1368.02(e) of this Chapter.
(Ord. 2009-48. Passed 10-13-09.)

1368.03 SALE OF MOTOR VEHICLES ON NON-RESIDENTIAL PROPERTY.

The offering for sale of any motor vehicle on any non-residential property shall be regulated as follows:

- (a) All motor vehicles offered for sale shall be wholly located upon the parking lot or other hard surfaced area of the property upon which the motor vehicle is being offered for sale.
- (b) The motor vehicle being offered for sale shall be located no closer than fifty feet (50) feet from the edge of the roadway pavement adjacent to the non-residential property.
- (c) Not more than two signs indicating the sale shall be permitted and each sign shall be physically located on the motor vehicle and each sign shall not be larger than eighteen inches (18") by twenty four (24") inches in size.
- (d) All motor vehicles offered for sale shall be owned by a person who owns the non-residential property upon which the motor vehicle is being offered for sale or is an employee of the business located on the non-residential property upon which the motor vehicle is being offered for sale.
- (e) Not more than one (1) motor vehicle shall be offered for sale from any one non-residential property during any one time.
- (f) Not more than two (2) motor vehicles shall be offered for sale from any one non-residential property during any calendar year.
- (g) No motor vehicle that is being offered for sale shall be located on any vacant property or upon any

property wherein a vacant commercial structure is located.

- (h) All motor vehicles being offered for sale shall be currently registered with the Bureau of Motor Vehicles and contained valid and current license plates with valid and current registration stickers.
- (i) No motor vehicles shall be offered for sale for more than 21 days, after which the signs as provided in Subsection 1368.03(c) shall be removed from the vehicle. The property owner shall have the option to offer the motor vehicle for an additional 21 days, however if this option is exercised, the second offering for sale shall constitute the second motor vehicle being offered for sale as provided in Subsection 1368.03(f) of this Chapter.
- (j) This Chapter shall not apply to any business operations conducted pursuant to Section 1169.03(c)(2) of the Codified Ordinances of the Village of Oakwood.
(Ord. 2009-48. Passed 10-13-09.)

1368.99 PENALTY.

Anyone who violates and provision of this Chapter shall be deemed guilty of a minor misdemeanor for the first offense and a misdemeanor of the fourth degree for any second or subsequent offenses. Each day such violation occurs or continues shall constitute a separate offense.

(Ord. 2009-48. Passed 10-13-09.)

CHAPTER 1369

Chimneys and Heating Apparatus

1369.01 Definitions.

1369.02 Furnace and boiler rooms.

1369.03 General requirements for chimneys, stacks and flues.

1369.04 Masonry chimney requirements.

1369.05 Incinerators for residences.

1369.06 Incinerator construction and installation.

1369.07 Metal smokestacks.

1369.08 Fireplaces.

1369.99 Penalty.

CROSS REFERENCES

Permit fees - see BLDG. 1305.12

Contractor's Registration - see BLDG. 1351.01

1369.01 DEFINITIONS.

(a) "Chimney" means a vertical shaft of masonry (brick or stone exterior) or metal, noncombustible, heat-resisting material approved by the Building and Zoning Inspector, approved and tested by Underwriters' Laboratories, Inc., for the use intended, enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid or gas fuel.

(b) "Flue" means a vertical passageway for products of combustion.

(c) "Smokepipe" means a pipe or breeching connecting a heating apparatus and a flue.

(d) "Hood", as applied to a heating device, means a canopy or a similar device placed over a stove, range or other heating installation connected to a venting duct.

(e) "Draft hood" means a device placed in and made a part of the flue pipe from an appliance, or a part of an appliance itself, which is to be designed to assure the ready escape of all the products of combustion in the event of no draft, backdraft and stoppage beyond the draft hood, or prevent a backdraft from entering the appliance, and neutralize the effects of stack action of the chimney flue upon the operation of the appliance.

(Ord. 1971-75. Passed 7-20-71.)

1369.02 FURNACE AND BOILER ROOMS.

Every furnace installed in any building, other than one-family dwellings, shall be enclosed and separated from the rest of the building by walls, partitions, floors and ceilings of noncombustible construction or of one-hour fire-resistive construction. Buildings having a capacity for their particular use of more than seventy-five persons or of assembly occupancy, shall be separated by walls, partitions, floor and ceiling construction having a fire-resistance rating of not less than two hours or as required below. In no case shall the enclosing construction be located within two and one-half feet of the furnace on the rear and sides and four feet in the

front.

The surfaces of combustible materials less than thirty inches above a furnace shall be covered with not less than No. 24 U. S. gauge sheet metal, whose edges shall be extended not less than twelve inches beyond the top of the heating unit.

Every boiler carrying more than fifteen pounds per square inch pressure with a rating in excess of ten boiler horsepower shall be installed in a separate room or compartment and separated from the rest of the building by walls, partitions having at least a two-hour fire resistive rating and by floor and ceiling construction having not less than a two and one-half hour fire rating.

(Ord. 1971-75. Passed 7-20-71.)

1369.03 GENERAL REQUIREMENTS FOR CHIMNEYS, STACKS AND FLUES.

(a) All chimneys, stacks, heating equipment and other apparatus liable to cause undue heating to surrounding materials or parts of any building shall be well and carefully constructed and maintained at all times in a safe condition. When operated under the most severe service conditions, they shall not cause any combustible material adjacent to them to attain a higher temperature than 125 degrees Fahrenheit. Whenever any such apparatus is found to be defective or in such a condition as is liable to cause a fire, the Building and Zoning Inspector or Fire Chief shall order the same repaired at once, or, in case the same is not repaired within a reasonable length of time, he may order it removed at the owner's expense. This authority shall extend to such apparatus existing before the adoption of this chapter (July 20, 1971) as well as that constructed subsequent to its adoption. Any rebuilding shall be done in accordance with all the requirements of this chapter.

(b) Chimneys and flues shall be required for all heating or heat-producing appliances, except electrical heating. No flue shall have a smokepipe connection in more than one story of a building. The smokepipe of a heating appliance shall not be connected into the flue of an incinerator which has a rubbish chute identical with the smoke flue. All smokepipe or vent outlets shall be provided with metal or tile thimbles, carefully fitted into the linings of the flue, causing no restrictions to the size of the same, and all such inlets shall be proportioned in accordance with the size of the smokepipe or vent which they receive so as to prevent the escape of smoke, gas or sparks, and shall rigidly hold the pipe or vent in place. When eight by twelve-inch flue liners are used, the smokepipe shall enter the flue on the twelve-inch side or the flue will be made larger for a distance of two feet above the smokepipe to permit the smokepipe to enter without flattening, except when the smokepipe is not as wide as the flue.

(c) For each furnace the minimum net area of any flue shall be sixty-four square inches for square or rectangular flues, and fifty-five square inches for any round or oval flue. The flue area of any heating apparatus, other than domestic stoves, shall be adequate to carry off combustive products without attaining a stack temperature in excess of 650 degrees Fahrenheit in the outgoing gases. Minimum effective flue area shall not be less than the following:

Stoves, ranges and small room heaters	40 square inches
Fireplaces (not less than 1/10 of the fireplace opening)	96 square inches
Warm air furnaces, steam and hot water boilers	64 square inches

These sizes are applicable only with connection to a flue. Such minimum effective flue areas shall be provided by a flue liner with the short dimension not less than one-half of the long dimension. When more than two flues are connected or contained in the same chimney, each unit of the two flues shall be separated from any other flues by masonry not less than three and three-quarter inches bonded to the wall of the chimney.

The joining of two or more smokepipes to a single flue connection will be permitted, provided that the smokepipe and flue are of sufficient size to serve all of the appliances thus connected and provided that, except for vents for gas appliances, the several smokepipes are constructed to comply with the severest requirements for any one of those connected. All smokepipes shall be as short and straight as possible. No smokepipes shall pass through any floor or ceiling. Where a smokepipe must pass through a partition, it must be provided with a double metal ventilated thimble not less than three diameters of original pipe. Smokepipes shall not come within twenty inches of any unprotected combustible material, whether plastered or not.

(d) No chimney shall carry any load other than its own weight. Steel or other incombustible structural

members shall not be supported by the required thickness of chimney wall, but may be supported by an adequate masonry buttress constructed integrally with the chimney. All chimney foundations shall be of solid brick masonry or reinforced 2500 pound concrete, extending at least three feet below the grade line and at least one and one-half feet into virgin soil. Such a foundation shall distribute the weight of the chimney uniformly so as not to exceed one-half of the soil-bearing capacity beneath the same, and shall be so constructed and proportioned to carry the entire chimney structure without settling and cracking. All chimneys shall be securely stayed against wind pressures and shall be designed to resist a horizontal wind load of twenty-five pounds per square foot for heights up to 100 feet. In no case shall the overturning moment due to wind stress exceed two-thirds of the moment of stability due to dead load only. The calculation method shall be made to the acceptability of the Building and Zoning Inspector.

(e) No chimney shall be allowed to corbel more than six inches in any direction; such corbelling shall be accomplished with a maximum of one-inch projection for each course of brick, nor shall such a chimney be corbelled from a wall which is less than twelve inches in thickness unless it projects equally on each of its sides, or provides that in the second story of a two-story dwelling the corbelling on the exterior of the enclosing walls may equal the wall thickness.

(f) When chimneys occur in masonry walls, they shall be bonded to the wall every fifth course of brick or sixteen inches height of wall. No change may take place in size and shape of a chimney, where it passes through the roof, when made within six inches below or above the roof joists, rafters, trusses, etc.

(g) An opening shall be provided at the base of each flue of all stacks and chimneys for cleanout purposes, and each such opening shall be provided with a cast-iron or better cleanout door and frame. When ash pits are used under fireplaces, each and every fireplace shall be provided with its own separate ash pit, equipped with a cast-iron door and frame on its cleanout opening. The doors and frames are to be arranged to remain tightly closed when not in use.

(h) All incinerators, stacks and any chimney smokestack or flue which emits sparks or of a size to cause a hazard to buildings and surrounding property shall be equipped with a spark arrester of proper size and construction to prevent the emission of dangerous sparks. The sides of the spark arrester (or circumference) shall be equal to at least the smallest dimension of the chimney flue. The total area of the spark arrester shall not be less than four times the area of the flue. If a square flue is used, the vertical side of the spark arrester shall not be less than the smallest flue dimension. If a circular flue is used, the vertical side of the spark arrester shall not be less than the flue diameter. The maximum size of mesh shall be one-half inch.

(i) Whenever a building is hereafter erected, enlarged or raised, the owner of such building shall, at his own expense, carry up, either independently or on his own building, all chimneys and smokeflues of an adjoining building which are within ten feet of any portion of the wall extending above such chimney or flue. The construction of such chimneys and flues shall conform to all the requirements of the Building Code. Such chimneys and flues shall be carried simultaneously with the walls.

It shall be the duty of the owner of the building to be erected, enlarged or raised, to notify in writing, at least ten days before such work is to begin, the owner of the chimneys and flues affected of his intention to carry up such chimneys and flues.

(j) The Building and Zoning Inspector and his representatives may order that a test be made on any chimney for smoke leaks at the owner's expense, if, in the judgment of the Inspector, it is necessary.

(Ord. 1971-74. Passed 7-20-71.)

1369.04 MASONRY CHIMNEY REQUIREMENTS.

(a) Chimneys with a smoke flue having no side or diameter in excess of twenty-four inches shall be built of eight inches of brick, solid masonry or stone; if provided with a standard terra cotta flue of not less than five-eighths inch in thickness, the walls may be only four inches in thickness.

(b) Chimneys having any side or diameter more than twenty-four inches, but not having an area in excess of 900 square inches, shall be lined with a firebrick lining four inches minimum thickness laid in fireproof mortar, for a distance of not less than two feet below the lowest smoke inlet and extending upward at least twenty-feet; the remainder of the chimney shall have the same lining or may have a standard terra cotta flue lining. Such firebrick may be considered as a part of the thickness required for the surrounding walls, except in cases where there is an air space between such lining and surrounding walls. In such cases the surrounding walls shall be the full thickness required, in no case shall be less than eight inches in thickness.

(c) All chimneys with a flue area greater than 900 square inches, and other chimneys subject to excessive heat, shall be lined with firebrick at least four inches thick and extending from below the flue opening to a

height of one-fifth the chimney height for steam boilers, or to one-half the chimney exposed to temperatures of 800 to 1,200 degrees Fahrenheit and for the full height for temperatures over 1,200 degrees Fahrenheit. At least a two-inch air space shall be allowed in all cases between lining and the outer wall. The lining material shall not be considered as carrying any stress. This requirement also applies to smoke flues of high pressure (over fifteen pounds pressure) appliances.

(d) Chimneys shall be finished on top with one of the following:

- (1) Three-inch stone cap.
- (2) Solid masonry laid up in cement lime mortar.
- (3) Solid three-inch minimum concrete cap.
- (4) Cast-iron plates at least three-fourths inch thick.
- (5) All chimneys shall be built at least four feet above flat roofs, or a minimum of two feet above the peaks of pitched roofs, and chimneys for iron cupolas and other similar purposes shall project at least fifteen feet above the highest point of any roof within fifty feet.

(Ord. 1971-75. Passed 7-20-71.)

1369.05 INCINERATORS FOR RESIDENCES.

An incinerator shall be installed in each single-family or multiple-family dwelling which is constructed or erected after the effective date of this section. Such incinerator shall be sufficient in design and capacity to dispose of all garbage, rubbish and waste materials created on the premises and shall in all respects fully meet the requirements of Section 1369.06.

(Ord. 1971-75. Passed 7-20-71.)

1369.06 INCINERATOR CONSTRUCTION AND INSTALLATION.

(a) Built-in incinerators shall be supported on masonry or concrete floors and shall have sides and top made of brick not less than eight inches thick, which will be composed of two four-inch walls with an air space between, or a complete metal unit may be used with four-inch masonry walls on all sides and top. The flue shall be constructed of brick, not less than four inches thick, with a fire clay tile flue lining. Minimum size of the flue shall be twelve inches with a maximum opening of seventy-two square inches. No flue feed incinerators will be permitted.

(b) Built-in house incinerators in single and two-family dwellings may be constructed as built-in basement fed incinerators at the bottom of an eight by twelve inch flue in cases where the rated capacity of the incinerator does not exceed two bushels. Where the rated capacity of the built-in incinerator exceeds two bushels, a flue of at least twelve by twelve inches nominal size shall be provided.

(c) Portable incinerators shall be constructed of cast-iron or steel supported on a proven structurally supported noncombustible floor and shall be so designed that when operating at full capacity the sides shall not reach a higher temperature than 300 degrees and the top shall not reach a higher temperature than 400 degrees Fahrenheit. No wood or other combustible portion of the building shall be within two feet of the sides, four feet of the front, or within three feet of the top of such incinerator. Every such incinerator shall be connected with a smokepipe, as required in this section, to a flue constructed as herein required.

(d) Industrial incinerators shall be supported on masonry or concrete foundations and shall have sides and top of not less than eight inches of brick, the inner four inches of which shall be firebrick. The burnt gases shall be conducted directly from the incinerator by a masonry breeching lined with firebrick to a masonry flue. Such flue shall be at least eight inches thick for the first twenty-five feet above the breaching, the inner four inches of which shall be firebrick, and at least four inches thick in addition to a fire clay tile flue lining for the remainder of its height. There shall be an air space between the inner four inches of firebrick and the outer wall of the flue. All units shall be required to have a forced draft gas washer or approved equal.

(e) Every incinerator shall conform to the requirements and recommendations of the Regulations of the National Board of Fire Underwriters for Incinerators, NBFU Pamphlet #82.

(f) No incinerator shall be installed, after the effective date of this section, which is not equipped and constructed so it can be operated without producing objectionable quantities of smoke and so that no objectionable or obnoxious odors will be emitted from the chimney.

(g) No incinerator shall be approved that does not feature provisions for over-fire air to permit reasonable smokeless incineration of the contents, irrespective of the depths of the charge, provided the charge is within its range capacity. (Ord. 1971-75. Passed 7-20-71.)

1369.07 METAL SMOKESTACKS.

(a) Metal smokestacks will not be allowed in the following types of occupancies:

Residential- transient
Residential- nontransient
Hospitals and homes
Schools and school assembly halls
Business offices
Storage buildings
Places of assembly.

(b) All metal stacks shall have iron or steel base plates resting on a foundation of brick, stone or concrete, or may be supported on a structural steel or masonry boiler setting which is adequate to carry the superimposed load.

(c) All metal stacks shall be properly anchored to the foundation or supports by means of anchor bolts of adequate size and number.

(d) Metal stacks may be designed in accordance with requirements of being self- supporting and resist all wind stresses without guys, or they may be designed with the assumption that they will be laterally stayed with guys or braces. In the latter case, they shall be stayed laterally at intervals of not over thirty feet by steel cables, rods or struts designed to safely resist the maximum wind pressure from any direction. All guys shall be secured to a structural steel ring which encircles and which is riveted or welded to the stack. Steel stacks shall be provided with tackle blocks or hooks and steel wire cables not less than three-eighths inch in diameter for the purpose of painting. Cables shall be greased at least once a year.

(e) Steel stacks which are constructed inside of a nonfireproof building shall be entirely enclosed with masonry walls not less than eight inches thick, except that metal stacks for small stoves in temporary sheds, contractors' offices and similar buildings may be unprotected if adequately separated from all wood or other combustible material. The shaft between the stack and the enclosing wall in such a building shall be roofed over with incombustible material, and no wood shall be used in any way inside of such shaft.

(f) If such stacks are constructed inside of fireproof buildings, they shall be enclosed by a partition wall made of brick, terra cotta, concrete or other incombustible materials not less than four inches thick. Such stacks in fireproof buildings may be made self- supporting the entire height or may be supported from the floors at intervals, but in either case the construction shall provide for all contingencies due to changes in temperature. The shaft formed between the stack and the enclosing partition shall be roofed in with steel plates or other incombustible material.

(g) Where such stack passes through a roof only, which is of nonfireproof construction, it shall be separated from any combustible material of such roof by a clear space of at least twelve inches, over which space shall be placed a hood or shield of metal at least six inches above the roof, permitting free air circulation around the stack.

(h) Metal smokestacks installed outside of a building shall not be located within two feet of any structure built of combustible material.

(i) No metal stacks shall be made of metal less in thickness than one two-hundred- fortieth ($1/240$) of the diameter of the stack, and stacks over fifty feet high shall not be made of metal less than three-sixteenths ($3/16$) of an inch thick.

(j) All metal stacks shall be at least ten feet higher than the highest point of buildings or roofs of buildings within a radius of fifty feet.

(k) Lengthening or alterations may be required by the Building Inspector of any chimney, stack or flue which may cause a nuisance or be a fire hazard to surrounding property, regardless of the fifty-foot requirement above, unless the nuisance or fire hazard can be abated in some other way.

(l) The exposed length of any metal stack above the ground or roof shall be inspected at least every two years by a competent steeplejack, employed by the owner or user of such stack, who shall furnish the Building and Zoning Inspector with a certificate as to the condition of such stack and its support. Such certificate shall be accepted only from steeplejacks who are registered with the Building Department after it is determined that they are competent.

(m) All stacks shall be kept in good condition and the exposed portion shall be kept well painted.
(Ord. 1971-75. Passed 7-20-71.)

1369.08 FIREPLACES.

(a) All fireplaces designed to burn solid fuel shall be constructed of masonry supported from the ground or upon fireproof construction. The back and sides of such fireplaces shall be at least six and one-half inches

thick up to the point where the flue lining commences, above which the construction shall comply with all requirements for masonry chimneys. Every such fireplace shall have a separate and distinct flue having a net area of not less than forty-five square inches. No wood or other combustible material shall be permitted to enter the required thickness of masonry around fireplace or flue.

(b) The joint between the face brick or tile used for the mantel facing shall be slushed solid with mortar.

(c) The hearth shall be at least twenty inches wide measured from the outer face of the masonry and shall extend at least sixteen inches on each side of the fireplace opening. The hearth shall be of brick or concrete at least four inches thick supported on brick arches, reinforced concrete or steel joists, or on steel bars not over eight inches apart. One end of the hearth supports shall rest on the fireplace supports.

(d) Every fireplace using heating appliances, for which natural or artificial gas is used as fuel, shall be provided with a suitable vent flue having a net area of not less than twelve square inches, and having all joints properly sealed.

(e) Flues will not be required when approved gas heating appliances are used for space heaters which meet the following requirements. A space heater shall produce no carbon monoxide. This requirement shall be deemed met when:

- (1) A concentration not in excess of 0.02 percent is present in an air-free sample of combustion products when tested in a room with approximately a normal oxygen supply.
- (2) When the heater is operated in a reduced oxygen supply, a concentration not in excess of 0.05 percent is produced in a 1,000 cubic foot airtight room with no air changes occurring during the combustion of an amount of gas liberating 20,000 B.T.U.
(Ord. 1971-75. Passed 7-20-71.)

1369.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than fifty dollars (\$50.00).
(Ord. 1971-88. Passed 9-21-71.)

CHAPTER 1371

Flood Plain Management Regulations

- 1371.01 **Flood Plain Management Regulations.**
- 1371.02 **Statement of purpose.**
- 1371.03 **Methods of reducing flood loss.**
- 1371.04 **Lands to which these regulations apply.**
- 1371.05 **Basis for establishing the areas of special flood hazard.**
- 1371.06 **Abrogation and greater restrictions.**
- 1371.07 **Interpretation.**
- 1371.08 **Warning and disclaimer of liability.**
- 1371.09 **Severability.**
- 1371.10 **Definitions.**
- 1371.11 **Administration.**
- 1371.12 **Data use and flood map interpretation.**
- 1371.13 **Substantial damage determinations.**
- 1371.14 **Use and development standards for flood hazard reduction.**
- 1371.15 **Accessory structures.**
- 1371.16 **Recreational vehicles.**
- 1371.17 **Above ground gas or liquid storage tanks.**
- 1371.18 **Assurance of flood carrying capacity.**
- 1371.19 **Appeals and variances.**
- 1371.20 **Enforcement.**
- 1371.99 **Violations and penalties.**

CROSS REFERENCES

- Basis of zoning districts - see Ohio R.C. 713.10
- Levees - see Ohio R.C. 717.01
- 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

1371.01 FLOOD PLAIN MANAGEMENT REGULATIONS.

(a) The Mayor and the Village Engineer are hereby and herein authorized and directed to update the Village of Oakwood's Flood Plain Management Regulations in order to remain in compliance with the minimum National Flood Insurance Program standards.

(b) The Mayor and Village Engineer are hereby and herein authorized to take any and all other necessary steps in order to comply with the mandates of the Federal Emergency Management Agency and the Ohio Department of Natural Resources.

(Ord. 2010-65. Passed 10-29-10.)

1371.02 STATEMENT OF PURPOSE.

It is the purpose of the regulations contained in this Chapter are to promote the public health, safety and general welfare of the residents of the Village of Oakwood, 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. 2010-65. Passed 10-29-10.)

1371.03 METHODS OF REDUCING FLOOD LOSS.

In order to accomplish its purposes, the regulations contained in this Chapter 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. 2010-65. Passed 10-29-10.)

1371.04 LANDS TO WHICH THESE REGULATIONS APPLY.

The regulations contained in this Chapter shall apply to all areas of special flood hazard within the jurisdiction of the Village of Oakwood as identified in Section 1371.05, including any additional areas of special flood hazard annexed by Village of Oakwood.

(Ord. 2010-65. Passed 10-29-10.)

1371.05 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

For the purposes of the regulations contained in this Chapter, the following studies and/or maps are adopted:

- (a) Flood Insurance Study Cuyahoga County, Ohio and Incorporated Areas and Flood Insurance Rate Map Cuyahoga County, Ohio and Incorporated Areas both effective December 3, 2010.
- (b) Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.

- (c) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the Village of Oakwood as required by Section 1371.14 (d) Subdivisions and Large Scale Developments.
- (d) Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of this Chapter. Such maps and/or studies are on file at the Clerk of Council's Office, located at 24800 Broadway Avenue, Oakwood, Ohio 44146.

(Ord. 2010-65. Passed 10-29-10.)

1371.06 ABROGATION AND GREATER RESTRICTIONS.

The regulations contained in this Chapter are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between the regulations contained in this Chapter and any other ordinance, the more restrictive shall be followed. The regulations contained in this Chapter shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations contained in this Chapter.

(Ord. 2010-65. Passed 10-29-10.)

1371.07 INTERPRETATION.

In the interpretation and application of the regulations contained in this Chapter, 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 the regulations contained in this Chapter may be in conflict with a state or Federal law, such state or Federal law shall take precedence over the regulations contained in this Chapter.

(Ord. 2010-65. Passed 10-29-10.)

1371.08 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by the regulations contained in this Chapter 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. The regulations contained in this Chapter 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. The regulations contained in this Chapter shall not create liability on the part of the Village of Oakwood, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on the regulations contained in this Chapter or any administrative decision lawfully made thereunder.

(Ord. 2010-65. Passed 10-29-10.)

1371.09 SEVERABILITY.

Should any section or provision of the regulations contained in this Chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations contained in this Chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. (Ord. 2010-65. Passed 10-29-10.)

1371.10 DEFINITIONS.

Unless specifically defined below, words or phrases used in the regulations contained in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give the regulations contained in this Chapter the most reasonable application:

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

- (f) **Development** - Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (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)** - The agency with the overall responsibility for administering the National Flood Insurance Program.
- (j) **Fill** - A deposit of earth material placed by artificial means.
- (k) **Flood or Flooding** - A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters, and/or
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (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)** - 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)** - 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. 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** - 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** - 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** - 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. LOMCs are broken down into the following categories:
 - (1) **Letter of Map Amendment (LOMA)**

A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.
 - (2) **Letter of Map Revision (LOMR)**

A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.
 - (3) **Conditional Letter of Map Revision (CLOMR)**

A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.
- (v) **Lowest floor** - 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 the regulations contained in this Chapter for enclosures below the lowest floor.
- (w) **Manufactured home** - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of the regulations contained in this Chapter, 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** - Structures for which the "start of construction" commenced on or after the initial effective date of the Village of Oakwood Flood Insurance Rate Map, March 2, 1979, 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** - 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** - 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** - A person registered as a professional engineer under Chapter 4733 of the Revised Code.
- (ee) **Registered Professional Surveyor** - 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** - 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** - A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
- (ii) **Substantial Damage** - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (jj) **Substantial Improvement** - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:
 - (1) Any improvement to a structure that is considered "new construction";
 - (2) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - (3) Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".
- (kk) **Variance** - A grant of relief from the standards of the regulations contained in this Chapter consistent with the variance conditions as provided herein.
- (ll) **Violation** - The failure of a structure or other development to be fully compliant with the regulations contained in this Chapter.

(Ord. 2010-65. Passed 10-29-10.)

1371.11 ADMINISTRATION.

(a) **Designation of the Floodplain Administrator.** The Village Engineer is hereby appointed to administer and implement the regulations contained in this Chapter and are jointly and individually referred to herein as the Floodplain Administrator.

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

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

(c) **Floodplain Development Permits.** It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1371.05, 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 the regulations contained in this Chapter. No such permit shall be issued by the Floodplain Administrator until the requirements of the regulations contained in this Chapter have been met.

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

- (1) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- (2) Elevation of the existing, natural ground where structures are proposed.
- (3) Elevation of the lowest floor, including basement, of all proposed structures.
- (4) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of the regulations contained in this Chapter.
- (5) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
 - A. Floodproofing certification for non-residential floodproofed structure as required in Section 1371.14 (g).
 - B. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1371.14(h) are designed to automatically equalize hydrostatic flood forces.
 - C. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1371.18 (c).
 - D. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 1371.18 (b).
 - E. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1371.18 (a).
 - F. Generation of base flood elevation(s) for subdivision and large-scale developments as required by Section 1371.14 (d).
- (6) A floodplain development permit application fee set by the schedule of fees adopted by the Village of Oakwood.

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

- (1) Review.
 - A. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of the regulations contained in this Chapter have been met. No floodplain development permit application shall be reviewed until all information required in Section 1371.11 (d) has been received by the Floodplain Administrator.
 - B. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers

and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

(f) 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.

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

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

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

(2) For all development activities subject to the standards of Section 1371.11 (k)(1), a Letter of Map Revision.

(i) 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 1371.19 of the regulations contained in this Chapter.

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

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

(2) Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.

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

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

(5) Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 B Floodplain Management.

Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of the regulations contained in this Chapter.

(k) Map Maintenance Activities. To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that Village of Oakwood flood maps, studies and other data identified in Section 1371.05. accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

(1) Requirement to Submit New Technical Data:

A. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
2. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and

4. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 1371.14 (d).
- B. It is the responsibility of the applicant to have technical data, required in accordance with Section 1371.11 (k)(1), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
- (2) 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.
- (3) 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 1371.11 (k)(1)(A).
- (4) Right to Submit New Technical Data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of Village of Oakwood, and may be submitted at any time.

(1) Annexation/Detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the Village of Oakwood have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Village of Oakwood Flood Insurance Rate Map accurately represent the Village of Oakwood boundaries, include within such notification a copy of a map of the Village of Oakwood suitable for reproduction, clearly showing the new corporate limits or the new area for which the Village of Oakwood has assumed or relinquished floodplain management regulatory authority. (Ord. 2010-65. Passed 10-29-10.)

1371.12 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 the regulations contained in this Chapter.
 - (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 1371.19, 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. 2010-65. Passed 10-29-10.)

1371.13 SUBSTANTIAL DAMAGE DETERMINATIONS.

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

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

(b) 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. 2010-65. Passed 10-29-10.)

1371.14 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 1371.05 or Section 1371.12(a):

(a) Use Regulations.

(1) Permitted Uses:

- A. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by Village of Oakwood are allowed provided they meet the provisions of the regulations contained in this Chapter.

(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.

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

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

(d) Subdivisions and Large Developments.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in the regulations contained in this Chapter;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- (4) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.

- (e) The applicant shall meet the requirement to submit technical data to FEMA in Section 1371.11 (k)(1)A.4. when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1371.14 (d)(4).
- (f) Residential Structures.
- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (Section 1371.14(f)(1)) and construction materials resistant to flood damage (Section 1371.14(f)(2)) are satisfied.
 - (2) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
 - (3) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (4) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. In Zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.
 - (5) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - A. Be used only for the parking of vehicles, building access, or storage; and
 - B. be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - C. have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (6) Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors.
 - (7) Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 1371.14 (f).
 - (8) In AO Zones, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.
- (g) Nonresidential Structures.
- (1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1371.14 (f) (1) - (3) and Section 1371.14 (f) (5) - (8).
- (h) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
- (1) Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the

passage of water to the level of the flood protection elevation;

- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - (3) Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 1371.14 (h) (1) and Section 1371.14 (h) (2).
- (i) In Zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade. (Ord. 2010-65. Passed 10-29-10.)

1371.15 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 1371.14 (f)(5)C.

(Ord. 2010-65. Passed 10-29-10.)

1371.16 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 1371.14 (f).

(Ord. 2010-65. Passed 10-29-10.)

1371.17 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. 2010-65. Passed 10-29-10.)

1371.18 ASSURANCE OF FLOOD CARRYING CAPACITY.

Pursuant to the purpose and methods of reducing flood damage stated in the regulations contained in this Chapter, 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 1371.11 (k)(1).
 - B. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
 - C. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
 - D. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
 - E. Concurrence of the Mayor of the Village of Oakwood and the Chief Executive Officer of any other communities impacted by the proposed actions.

(b) Development in Riverine Areas with Base Flood Elevations but No Floodways.

- (1) In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or
- (2) Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - A. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
 - B. Section 1371.18 (a)(2), items A., C., D., and E.

(c) Alterations of a Watercourse. For the purpose of the regulations contained in this Chapter, 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 Village of Oakwood 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 1371.11 (k)(1)A.3. when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

(Ord. 2010-65. Passed 10-29-10.)

1371.19 APPEALS AND VARIANCES.

(a) Appeals Board Established.

- (1) The Village of Oakwood Council is hereby appointed to serve as the Appeals Board for the regulations contained in this Chapter as established by Village Code.
- (2) Records of the Appeals Board shall be kept and filed in the Office of the Clerk of Council, at 24800 Broadway Avenue, Oakwood, Ohio 44146.

(b) Powers and Duties.

- (1) The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of the regulations contained in this Chapter.
- (2) Authorize variances in accordance with Section 1371.19 (d) of the regulations contained in this

Chapter.

(c) Appeals. Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within 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. Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

(d) Variances. Any person believing that the use and development standards of the regulations contained in this Chapter 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 the regulations contained in this Chapter, 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 the regulations contained in this Chapter would result in unnecessary hardship.

(1) Application for a Variance:

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

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

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

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

electrical, and water systems, and streets and bridges.

(4) Variances shall only be issued upon:

- A. A showing of good and sufficient cause.
- B. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of the regulations contained in this Chapter does not constitute an exceptional hardship to the applicant.
- C. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in the regulations contained in this Chapter; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
- D. A determination that the structure or other development is protected by methods to minimize flood damages.
- E. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

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

(5) Other Conditions for Variances.

- A. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- B. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 1371.19(d)(3)(A) to (K) have been fully considered. As the lot size increases beyond one half acre, the technical justification required for issuing the variance increases.
- C. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(6) 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.

(7) Appeal to the Court. Those aggrieved by the decision of the Appeals Board may appeal such decision to the Cuyahoga County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.

(Ord. 2010-65. Passed 10-29-10.)

1371.20 ENFORCEMENT.

- (a) Compliance Required. No structure or land shall hereafter be located, erected, constructed,

reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of the regulations contained in this Chapter and all other applicable regulations which apply to uses within the jurisdiction of the regulations contained in this Chapter, unless specifically exempted from filing for a development permit as stated in Section 1371.11(j).

(b) Failure to obtain a floodplain development permit shall be a violation of the regulations contained in this Chapter and shall be punishable in accordance with Section 1371.99.

(c) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of the regulations contained in this Chapter and punishable in accordance with Section 1371.99.

(d) Notice of Violation. Whenever the Floodplain Administrator determines that there has been a violation of any provision of the regulations contained in this Chapter, he or she shall give notice of such violation to the person responsible therefore and order compliance with the regulations contained in this Chapter as hereinafter provided. Such notice and order shall:

- (1) Be put in writing on an appropriate form;
- (2) Include a list of violations, referring to the section or sections of the regulations contained in this Chapter that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of the regulations contained in this Chapter;
- (3) Specify a reasonable time for performance;
- (4) Advise the owner, operator, or occupant of the right to appeal;
- (5) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected. (Ord. 2010-65. Passed 10-29-10.)

1371.99 VIOLATIONS AND PENALTIES.

Violation of the provisions of the regulations contained in this Chapter 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 the regulations contained in this Chapter or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the Village of Oakwood. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village of Oakwood from taking such other lawful action as is necessary to prevent or remedy any violation. The Village of Oakwood shall prosecute any violation of the regulations contained in this Chapter in accordance with the penalties stated herein.

(Ord. 2010-65. Passed 10-29-10.)

CHAPTER 1372

Address Signs

1372.01 Display of address signs.

1372.02 Rules and regulations.

1372.03 Enforcement.

1372.99 Penalty.

CROSS REFERENCES

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

1372.01 DISPLAY OF ADDRESS SIGNS.

All main buildings and dwellings used for residential, commercial, and industrial purposes shall include the display of a sign denoting the numerical address of that building or dwelling. Such sign shall be constructed and located in such a fashion as to be visible and readable from the front lot line as determined by the Building and Zoning Inspector, and shall conform to all applicable zoning and building ordinances.

(Ord. 1991-07. Passed 2-5-91.)

1372.02 RULES AND REGULATIONS.

The Building and Zoning Inspector is hereby authorized and empowered to make such rules and

regulations not inconsistent with the Zoning and Building Code, determining the standards for the construction and location of address signs as required by this chapter.

(Ord. 1991-07. Passed 2-5-91.)

1372.03 ENFORCEMENT.

When any building or dwelling is in violation of this chapter, the Building and Zoning Inspector shall deliver or mail to the owner, agent or occupant of that building or dwelling, written notice of such violation. Such notice shall order the owner, agent or occupant within a stated reasonable time, but not less than ten days, to correct the violation. Such delivery or mailing shall be deemed legal service of notice. If such owner, agent or occupant cannot be found after reasonable and diligent search, the notice shall be sent by registered mail to the owner of record of such property to that person's last known address. Such mailing shall be deemed legal service of notice.

(Ord. 1991-07. Passed 2-5-91.)

1372.99 PENALTY.

Whoever violates any provision of this chapter or any rule or regulation promulgated hereunder, is guilty of a misdemeanor of the fourth degree. Each day during which noncompliance or a violation continues, shall constitute a separate offense.

(Ord. 1991-07. Passed 2-5-91.)

CHAPTER 1373

Front Porches

1373.01 Front porches.

1373.01 FRONT PORCHES.

(a) Definition. A front porch shall be defined as an open area, with or without an approved roof or canopy, located at the front of a house, behind the front setback line, with a masonry foundation. A front stoop shall be considered a front porch.

(b) Basic Standards. All new and replacement front porch construction, after the effective date of this Chapter, must comply with the following basic standards. Any existing front porch structure not in compliance with this Chapter shall be permitted to remain so long as the structure is in good repair.

(1) Planning Commission Approval. All construction plans for front porches must come before the Planning Commission and the Architectural Board of Review for approval prior to the issuance of a permit to construct. Planning Commission fees shall be waived for:

A. Replacement of an existing masonry front stoop.

B. Wheelchair ramps.

C. ADA lifts and platforms.

(2) Compatibility with house design and color. A front porch shall be enclosed from ground level to porch floor with materials compatible to house design and color.

(3) Safeguards. All porch floors above thirty (30) inches from grade shall have safeguards such as handrails, foot rails and properly spaced balusters around the perimeter of the porch, including steps.

(4) Building materials. A front porch may be made out of poured concrete cap or stone.

(5) Footers. Front porches must have a continuous, frost proof footer. Material above grade must be continuous masonry to match the foundation of the house. wolmanized wood is prohibited from being used in a footer, pier or decking.

(c) Prohibited Front Porch Structures. All decks shall be prohibited from being placed on the front of any house.

(Ord. 2015-50. 9-27-2015.)

TITLE SEVEN - Housing

Chap. 1375. BOCA National Existing Structures Code.

Chap. 1377. Basic Standards for Residential Occupancy.

Chap. 1379. Enforcement and Penalty.

CHAPTER 1375

BOCA National Existing Structures Code

1375.01 1987 edition adopted.

1375.02 File copy.

1375.99 Penalty.

CROSS REFERENCES

Power to regulate sanitary condition of buildings - see Ohio R.C. 715.26(A), 715.29
Inspection of buildings for fire and safety - see Ohio R.C. 737.34
Conflict of laws - see ADM. 101.06
Unvented gas heaters - see GEN. OFF. 521.02
Noxious or offensive odors - see GEN. OFF. 521.09

1375.01 1987 EDITION ADOPTED.

Pursuant to Section 7.15 of the Charter, there is hereby adopted as the Existing Structure Code for the Municipality that certain code known as the BOCA National Existing Structures Code being particularly the 1987 edition thereof in its entirety save and except any portions inconsistent with the Codified Ordinances, sponsored by the Building Officials Conference of America, Inc., save and except such portions as are hereinafter added, modified, or deleted. The purpose of such Code is to protect the public health, safety and welfare in buildings used for all structures, by establishing minimum standards for basic equipment and facilities for light, ventilation, space, heating and sanitation; for safety from fire; for space, use and location; for safe and sanitary maintenance, and for cooking equipment in all dwelling and multi-family dwellings now in existence by fixing the responsibilities of owners, operators and occupants of all structures and by providing for administration, enforcement and penalties.

(Ord. 1989-85. Passed 7-11-89.)

1375.02 FILE COPY.

A complete copy of the BOCA National Existing Structures Code, as adopted in Section 1375.01, shall be kept on file with the Clerk of Council for inspection by the public.

(Ord. 1989-85. Passed 7-11-89.)

1375.99 PENALTY.

(a) Whoever violates any provision of this chapter or any rule or regulation promulgated thereunder, or fails to comply therewith or with any order issued thereunder, or causes or permits the same to be done, shall be fined not more than five hundred dollars (\$500.00). Each day's violation shall be considered a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of the prohibited conditions through a civil action in the proper court.

(Ord. 1970-25. Passed 3-16-70.)

CHAPTER 1377

Basic Standards for Residential Occupancy

1377.01 Renting.

1377.02 Rubbish and garbage disposal.

1377.03 Maintenance responsibilities.

1377.04 General maintenance requirements, excluding interiors of owner occupied dwellings.

1377.05 Maintaining of foundations.

1377.06 Maintenance of roofs, gutters and downspouts.

1377.07 Maintenance of exteriors.

1377.08 Pest control.

1377.09 Exterior property areas.

1377.10 Secondary or appurtenant structures.

1377.11 Parking or storing of commercial vehicles.

1377.99 Penalty.

CROSS REFERENCES

Junk vehicles - see TRAF . 303.08
Duty to repair sidewalks - see GEN. OFF. 521.06
Littering- see GEN. OFF. 521.08
Weeds - see GEN. OFF. Ch. 551

1377.01 RENTING.

No owner, operator or agent shall maintain, rent or lease, or offer for rental or lease, any dwelling units, dwelling structures or any parts thereof which do not comply with the provisions of this Housing Code. (Ord. 1984-50. Passed 6-26-84.)

1377.02 RUBBISH AND GARBAGE DISPOSAL.

(a) Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner placing it in approved receptacles or in other approved rubbish disposal facilities.

(b) Every occupant of a dwelling unit shall dispose of all his garbage and other waste which might provide food for insects and rodents in a clean and sanitary manner by placing it in approved nonleakable, nonabsorbent, covered garbage storage receptacles or in other approved garbage disposal facilities. (Ord. 1984-50. Passed 6-26-84.)

1377.03 MAINTENANCE RESPONSIBILITIES.

(a) Owner. The owner of every dwelling or his appointed agent shall be responsible for maintaining in a clean and sanitary condition the shared or common areas of the premises.

(b) Occupant. The occupant of a dwelling unit in any dwelling structure shall be responsible for maintaining in a clean and sanitary condition that part of the dwelling unit, dwelling structure or premises which he occupies and controls. (Ord. 1984-50. Passed 6-26-84.)

1377.04 GENERAL MAINTENANCE REQUIREMENTS, EXCLUDING INTERIORS OF OWNER OCCUPIED DWELLINGS.

(a) All dwelling structures and all parts thereof, excluding interiors of owner occupied dwellings, shall be maintained in good repair and shall be capable of performing the function for which such structure or part or any feature thereof was designed or intended to be used.

(b) All equipment and facilities appurtenant to a dwelling structure or dwelling unit shall be maintained in good and safe working order.

(c) The interiors of other than owner-occupied dwellings, and any dwellings that are or have been vacant and unoccupied for a period of sixty days or more shall be capable of performing the function for which such structure or part or any feature thereof was designed or intended to be used.

(d) Interior inspections shall be performed so that all minimum standards are complied with and in addition the following specific conditions shall be met:

(1) All interior walls and floors of every dwelling structure shall be maintained free of holes, large cracks, any loose or deteriorated materials and any evidence of vandalism.

(2) All floors within every bathroom or water closet compartment of a dwelling structure shall be maintained water resistant.

(3) All electrical, plumbing, heating, air conditioning, walls, floors, ceilings, windows and doors shall be maintained in good repair and capable of performing the function for which it was designed or intended to be used.

(Ord. 1984-50. Passed 6-26-84.)

1377.05 MAINTAINING OF FOUNDATIONS.

(a) All foundations of every dwelling structure shall be maintained in structurally sound condition and in good repair.

(b) All foundations of every dwelling structure shall be maintained in such condition as to prevent seepage or leakage of water into the space enclosed within such foundations.

(c) All openings into the foundations of every dwelling structure shall be protected against the entrance of rodents.

(d) Where parts of dwellings supported on masonry piers require substantial repair or replacement due to sagging, settling or failure of supporting piers, the same shall be replaced with a foundation conforming to the Building Code of the Village. (Ord. 1984-50. Passed 6-26-84.)

1377.06 MAINTENANCE OF ROOFS, GUTTERS AND DOWNSPOUTS.

All roofs of every dwelling structure shall be maintained weathertight and roof drainage shall be handled by suitable collectors and downspouts connected to a public storm sewer. Where a storm sewer or other storm drainage outlet is not available, downspouts may discharge onto splash blocks or into other devices,

provided that no excess water flows onto adjoining property or over sidewalks. Connection of any pipe carrying roof water or yard drainage to a sanitary sewer is prohibited.

(Ord. 1984-50. Passed 6-26-84.)

1377.07 MAINTENANCE OF EXTERIORS.

(a) All exterior walls of every dwelling structure shall be maintained weathertight and so as to resist decay or deterioration from any cause.

(b) Any dwelling structure or secondary or appurtenant structure whose exterior surface is bare, deteriorated, ramshackle, tumble-down, decaying, disintegrating or in poor repair must be repaired or razed.

- (1) All buckled, rotted or decayed walls, doors, windows, porches, floors, steps, railings, soffits, posts, sills, trim and their missing members must be replaced and put in good condition.
- (2) All replacements must match and conform to original design or be replaced completely.
- (3) All exterior wood or exterior unfinished surfaces must be sealed and . painted, or the surface covered with other approved protective coating or treated to prevent rot and decay and conform to and match the existing paint or surface covering and original design or replacement thereof. All exterior walls and surfaces must be properly protected against the weather.

(c) Any dwelling structure or secondary or appurtenant structure whose exterior surface is deteriorated, decaying, disintegrating, or whose exterior surface has weathered with dirt and grime or has been impaired through peeling or flaking of the paint or other protective coating, shall be repaired, repainted or resurfaced.

- (1) All exterior surfaces shall be replaced or repaired in good condition preparatory to painting or coating.
- (2) All bare exterior surfaces which are flaking or crumbling shall be replaced or sealed in a good and workmanlike manner.
- (3) All new or repaired bare surfaces shall be painted or coated.

(Ord. 1984-50. Passed 6-26-84.)

1377.08 PEST CONTROL.

All dwelling structures and the premises thereof shall be maintained free from sources of breeding, harborage and infestation by insects, vermin, rodents, fowl, birds and moles.

(Ord. 1984-50. Passed 6-26-84.)

1377.09 EXTERIOR PROPERTY AREAS.

No owner or operator of any premises shall maintain or permit to be maintained at or on the exterior areas of such premises any condition which deteriorates or defaces the appearance of the neighborhood, adversely alters the appearance, or which is a public nuisance or health hazard, including but not limited to the following:

- (a) Broken or dilapidated fences, walls or other structures. All businesses abutting a residential property shall be made to install a solar screen block wall.
- (b) Improperly maintained walks, including public sidewalks, or driveways, or driveway aprons, creating a hazardous condition.
- (c) Out-of-use or nonusable, dilapidated appliances, automobile or automobile parts.
- (d) Rags, rugs or other materials hung on lines or in other places on such premises, which materials are not being used for general household or housekeeping purposes; broken, dilapidated, or unusable furniture, mattresses, or other household furnishing; plastic materials, paints, miscellaneous coverings and/or any other materials, including those described in this section placed at or on the premises in such a manner as to be patently unsightly, grotesque or offensive to the senses.
- (e) Lawns, landscaping and driveways shall also be maintained so as not to constitute a blighting or deteriorating effect in the neighborhood. The aprons of driveways and the driveways shall be repaired and maintained with concrete or asphalt constructed in accordance with specifications prescribed by the Building Department. All sidewalks shall be repaired with concrete. The aprons of driveways shall be maintained so as to prevent loose stones or gravel from spilling or falling over, into and onto any public way, culvert or storm ditch.
- (f) No motor vehicle shall be parked upon the premises except upon driveways, parking lots, in garages or on areas improved for vehicular use.
- (g) No building materials or materials, earth, sand or dirt intended for use in landscaping or gardening

shall be left standing open or covered upon any premises for a period of time longer than six months.

(Ord. 1984-50. Passed 8-26-84.)

1377.10 SECONDARY OR APPURTENANT STRUCTURES.

(a) All secondary or appurtenant structures such as sheds, barns, garages, etc., shall either be maintained in good repair and free from health, accident and fire hazards or shall be removed from the premises.

(b) All roofs of every secondary or appurtenant structure exceeding 250 square feet of roof shall be equipped with gutters and downspouts connected to a public storm sewer. Where a storm sewer or other storm drainage outlet is not available, downspouts may discharge onto splash blocks or into other devices provided that no excess water flows onto adjoining property or over sidewalks. Connection of any pipe carrying roof water or yard drainage to a sanitary sewer is prohibited.

(c) Where foundations of secondary or appurtenant structures have deteriorated or settled to the point where wall plates or studs are rotting, they shall be replaced with foundations as required for garages under the Building Code.

(Ord. 1984-50. Passed 6-26-84.)

1377.11 PARKING OR STORING OF COMMERCIAL VEHICLES.

No commercial vehicles or equipment shall be parked, stored or located on any lot or other premises or in any garage in any residentially zoned district except that an occupant shall be permitted to park one panel or pickup truck, not exceeding 10,000 pounds gross vehicle weight rated capacity, used in connection with his or her livelihood, wholly located within a garage.

(Ord. 2002-47. Passed 1-14-03.)

1377.99 PENALTY.

The provisions contained in this Chapter 1377 shall be enforced and be subject to the same penalties as provided for in Chapter 1379 of the Codified Ordinances of the Village of Oakwood.

(Ord. 2002-47. Passed 1-14-03.)

CHAPTER 1379

Enforcement and Penalty

1379.01 Inspection.

1379.02 Notice of violation.

1379.03 Noncompliance with notice.

1379.04 Cases of emergency.

1379.05 Placards.

1379.06 Paying for demolition.

1379.07 Rules and regulations.

1379.08 Right of appeal.

1379.99 Penalty.

CROSS REFERENCES

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

1379.01 INSPECTION.

The Building Commissioner or his assistant, is authorized to make or cause to be made inspections of all structures or premises excluding interiors of owner-occupied dwellings, used for dwelling purposes and all secondary or appurtenant structures to determine whether such structures or premises conform to the provisions of this Housing Code. Upon refusal to permit any inspection necessary to insure or compel compliance with this Housing Code, the Commissioner or his assistant shall set forth such facts in an affidavit and seek a search warrant from a court of competent jurisdiction to permit such inspection.

(Ord. 1984-50. Passed 6-26-84.)

1379.02 NOTICE OF VIOLATION.

(a) Whenever the Building Commissioner or his assistant finds any dwelling structure or premises, or any part thereof, to be in violation of the provisions of this Housing Code, the Commissioner or his assistant shall give or cause to be given or mailed to the owner, agent or operator of such structure or premises, a written notice stating the violation therein. Such notice shall order the owner, agent or operator within a stated reasonable time, but not less than ten days, to repair, improve or demolish the structure or premises

concerned. Such delivery or mailing shall be deemed legal service of notice.

(b) If the person to whom a notice of violation is addressed cannot be found within Cuyahoga County after a reasonable and diligent search, the notice shall be sent by registered mail to the last known address of such person, and warning of the existence of such notice shall be posted in a conspicuous place on the structure or premises to which it relates. No person shall remove or deface such warning notice without written permission of the Building Commissioner. Such mailing and posting shall be deemed legal service of notice.

(Ord. 1984-50. Passed 6-26-84.)

1379.03 NONCOMPLIANCE WITH NOTICE.

(a) Whenever the owner, agent, occupant or operator of a structure or premises fails, neglects or refuses to comply with any notice of the Building Commissioner, the Commissioner may issue a notice to such owner, agent, occupant or operator ordering the structure or premises, or part thereof, to be vacated within such time as shall be stated in such notice, but which shall be not less than ten days, except in cases of emergency, or he may advise the Director of Law of the circumstances and request the Director of Law to institute an appropriate action at law to compel compliance or both. Such notice shall be delivered, mailed or posted in the same manner as provided in Section 1379.02.

(b) Whenever the owner, agent, operator or occupant of a structure or premises fails, neglects or refuses to comply with a notice to vacate issued by the Commissioner, the Commissioner may enforce the orders of such notice of vacation and cause the structure or premises, or part thereof, to be vacated in accordance with the terms of such notice.

(c) Whenever the owner, agent or operator of a structure fails, neglects or refuses to comply with notice to demolish such structure, or a part thereof, or a secondary or appurtenant structure is determined by Council after referral by the Commissioner to constitute a public nuisance in that it is dangerous or injurious to the public health, safety or welfare, Council may request the Director of Law to institute legal proceedings or to take such other action as may be necessary to abate the nuisance. The Commissioner shall further give notice informing the owner, agent or operator of such determination and action. Such notice shall be given in the same manner as provided in Section 1379.02.

(d) The owner or owners of any such property as to which such an order or notice to repair, improve, demolish or vacate has been issued shall not sell or enter into an agreement to sell or lease such property for a period of one year or longer unless such order of the Commissioner has been disclosed and displayed to the prospective purchaser or lessee, or unless or until the owner or owners have received notice from the Commissioner of satisfactory compliance with such order or notice from the Commissioner or such order has been withdrawn or cancelled.

(Ord. 1984-50. Passed 6-26-84.)

1379.04 CASES OF EMERGENCY.

Whenever, in the opinion of the Building Commissioner, the condition of a structure or premises, or part thereof, constitutes an immediate hazard to human life or health, he shall declare a case of emergency and shall order immediate vacation of the structure or premises, or part thereof. Such notice shall be served in the manner provided in Section 1379.02, but shall require immediate compliance.

(Ord. 1984-50. Passed 6-26-84.)

1379.05 PLACARDS.

Whenever the Building Commissioner or his assistant orders a structure or premises, or part thereof, to be vacated, he shall cause to be posted at each entrance to such structure or premises, or part thereof, a placard warning of the existence of such vacation order. No person shall deface or remove such placard until the repairs or demolition are completed, without written permission of the Commissioner or his assistant. No person shall enter or use any structure or premises so placarded except for the purpose of making the required repairs or demolishing the structure or premises.

(Ord. 1984-50. Passed 6-26-84.)

1379.06 PAYING FOR DEMOLITION.

(a) Any expense or cost incurred under the provisions for demolition contained in this Housing Code shall be paid by the owner of the structure or premises.

(b) If expenses and costs of demolition are not paid by the owner of the structure or premises within thirty days after written notice from the Village to do so, the expenses and costs may be recovered by an action at law or may be assessed against the lands of the owner and shall become a lien thereon, and shall be collected in the manner provided by law for assessments.

(Ord. 1984-50. Passed 6-26-84.)

1379.07 RULES AND REGULATIONS.

(a) The Building Commissioner or his assistant is authorized to adopt such written rules and regulations as may be necessary for the proper interpretation and enforcement of this Housing Code. Such rules and regulations shall not conflict with or waive any provision of this Housing Code or any other ordinance of the Village.

(b) Such rules and regulations, upon approval of the Mayor shall be on file with the Commissioner for public examination, and a copy of such rules and regulations shall be posted on the bulletin board of the main entrance of the Village Hall for at least five days. Such rules and regulations shall have the force and effect of this Housing Code and shall continue in effect until revoked by the Building Commissioner, or his assistant, with the approval of the Mayor.

(Ord. 1984-50. Passed 6-26-84.)

1379.08 RIGHT OF APPEAL.

(a) The Board of Appeals shall hear appeals on decisions made by the Building Commissioner or by any administrative officer, in matters relating to this Code, for relief from any order, requirement, decision or determination, including the refusal, granting or revocation of permits, and may thence decide appeals by either reversing, affirming, wholly or in part, or modifying, such order, requirement, decision or determination. The Board shall also have the power to grant relief from the strict enforcement of this Housing Code if it finds that the decision of the Commissioner would cause undue economic hardship upon the property owner or in the event the property owner is capable of showing the Board clear and convincing evidence that the property owner has insufficient funds to perform the work required by the Housing Code. In any such case, the Board, upon the granting of such relief, shall set a specific date in the future, not more than six months from the date of its decision to review the reason for the granting of such relief and may at that time order the improvement completed or allow an additional extension of time.

(b) The owner, agent or operator of any structure or premises shall have the right to appeal the denial of an occupancy permit, or from any order of or written notice issued by the Building Commissioner or his assistant, within twenty days from the date such notice was given or mailed or order issued, and to appear before the Board of Appeals at a time and place fixed by the Board of Appeals to show cause why he should not comply with such notice. Such appeal shall be in writing. Failure to file a written appeal with the Board of Appeals within the time prescribed herein shall constitute a waiver of the right to appeal. Except in cases of emergency as set forth in Section 1379.04, filing of an appeal from any such notice shall suspend action on enforcement of such notice until the appeal is acted upon by the Board of Appeals.

(Ord. 1984-50. Passed 6-26-84.)

1379.99 PENALTY.

Whoever violates any of the provisions of this Housing Code, or any rule or regulation promulgated thereunder, or fails to comply therewith or with any written notice or written order issued thereunder, or whoever refuses to permit entry by the Building Commissioner or his assistant, or other Village department heads or their representatives at a reasonable hour, and whoever interferes with, obstructs or hinders such Commissioner, or his assistant, while attempting to make such inspection, shall be guilty of a misdemeanor of the first degree. Each day such violation occurs or continues shall constitute a separate offense.

(Ord. 1984-50. Passed 6-26-84.)

TITLE NINE - Apartment Maintenance Code

Chap. 1381. General Provisions.

Chap. 1383. Definitions.

Chap. 1385. Occupancy Permit.

Chap. 1387. Basic Standards for Residential Occupancy.

Chap. 1389. Enforcement and Penalty.

CHAPTER 1381

General Provisions

1381.01 Title.

- 1381.02 Purpose.**
- 1381.03 General scope.**
- 1381.04 Existing buildings.**
- 1381.05 Conflict of law.**
- 1381.06 Severability.**
- 1381.07 Remedies.**

CROSS REFERENCES

Model Codes adopted - see BLDG. CODE - Title Three

1381.01 TITLE.

The provisions of Chapters 1381 through 1389 of this Part Thirteen - Building Code of the Codified Ordinances shall be known and may be cited and referred to as "The Apartment Maintenance Code of the Village of Oakwood" or "Apartment Code".

(Ord. 1984-24. Passed 4-3-84.)

1381.02 PURPOSE.

Within the scope of this Apartment Maintenance Code, the purpose of this Apartment Maintenance Code is to establish minimum standards necessary to make all multiple dwelling structures used for rental purposes safe, sanitary, free from fire and health hazards, fit for human habitation and beneficial to the public welfare; to establish minimum standards governing the maintenance of multiple dwelling structures in such condition as will not constitute a blighting or deteriorating influence on the neighborhood and the community; to fix responsibilities for owners and tenants of multiple dwelling structures with respect to sanitation, repair and maintenance; to authorize the inspection of multiple dwelling structures used for rental purposes; to establish enforcement procedures; to authorize the vacation or condemnation of multiple dwelling structures unsafe for or unfit for human habitation; and to fix penalties for violations.

(Ord. 1984-24. Passed 4-3-84.)

1381.03 GENERAL SCOPE.

The provisions of this Apartment Maintenance Code shall be supplementary to all other provisions of the ordinances of the Village relating to the construction, use and maintenance of residential buildings and shall apply to all buildings or portions thereof which are used or designed or intended to be used for rented multi-family occupancy.

(Ord. 1984-24. Passed 4-3-84.)

1381.04 EXISTING BUILDINGS.

Existing buildings or portions thereof presently used for multi-family rental purposes may continue to be occupied for rental housing purposes if:

- (a) The building complies with the provisions of this Apartment Maintenance Code except as to any variance heretofore specifically granted by the City; and
- (b) The use and occupancy of the building is not, or at the time of construction or alteration was not, in violation of any provision of the ordinances of the City and applicable statutes of the State, including any rules and regulations adopted pursuant to such ordinances or statutes.

(Ord. 1984-24. Passed 4-3-84.)

1381.05 CONFLICT OF LAW.

In the event of conflict between any provision of this Apartment Maintenance Code, including any rules and regulations adopted pursuant to this Apartment Maintenance Code, and any provision of the ordinances of the Village including any rules and regulations adopted pursuant to such ordinances, the more restrictive provisions shall prevail.

(Ord. 1984-24. Passed 4-3-84.)

1381.06 SEVERABILITY.

Sections and subsections of this Apartment Maintenance Code and the several parts and provisions thereof are declared to be independent sections, subsections, parts and provisions, and the holding of any such section, subsection, part or provision thereof to be unconstitutional, void or ineffective for any cause shall not affect nor render invalid any other such section, subsection, part or provision thereof.

(Ord. 1984-24. Passed 4-3-84.)

1381.07 REMEDIES.

The imposition of any penalty, as provided for in this Apartment Maintenance Code, shall not preclude the Director of Law from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance, to restrain, correct or abate a violation, to prevent the occupancy of a building, structure or premises, to require compliance with the provisions of this Apartment Maintenance Code or other applicable laws, ordinances, rules or regulations or determinations of the Building Commissioner, the Mayor, the Planning Commission or the Board of Zoning Appeals.
(Ord. 1984-24. Passed 4-3-84.)

CHAPTER 1383

Definitions

- 1383.01 Definitions generally.**
- 1383.02 Approved.**
- 1383.03 Board.**
- 1383.04 Building Commissioner.**
- 1383.05 Village.**
- 1383.06 Code.**
- 1383.07 Dwelling structure.**
- 1383.08 Multiple dwelling structure.**
- 1383.09 Dwelling unit.**
- 1383.10 Family.**
- 1383.11 Garbage.**
- 1383.12 Habitable room.**
- 1383.13 Infestation.**
- 1383.14 Occupant.**
- 1383.15 Operator.**
- 1383.16 Owner.**
- 1383.17 Person.**
- 1383.18 Premises.**
- 1383.19 Rubbish.**
- 1383.20 Secondary or appurtenant structure.**
- 1383.21 Supply or supplied.**

CROSS REFERENCES

General Code definitions - see ADM. 101.02

1383.01 DEFINITIONS GENERALLY.

Certain words and phrases as used in this Apartment Maintenance Code are defined, for the purpose of this Apartment Maintenance Code as hereafter set forth in this chapter.

(Ord. 1984-24. Passed 4-3-84.)

1383.02 APPROVED.

"Approved" means approved by the Building Commissioner pursuant to this Apartment Maintenance Code, or approved by any other person or board designated by the ordinances of the Village to give approval to the matter in question.

(Ord. 1984-24. Passed 4-3-84.)

1383.03 BOARD.

"Board" means the House Maintenance Board of Appeals of the Village.

(Ord. 1984-24. Passed 4-3-84.)

1383.04 BUILDING COMMISSIONER.

"Building Commissioner" means the Building Commissioner of the Village and, when used herein, shall be construed as though followed by the words "or his authorized agent or representative."

(Ord. 1984-24. Passed 4-3-84.)

1383.05 VILLAGE.

"Village" means the Village of Oakwood, Ohio.

(Ord. 1984-24. Passed 4-3-84.)

1383.06 CODE.

"Code" means the Apartment Maintenance Code, being Title Nine, Chapter 1381 through 1389 of Part Thirteen, the Building Code of these Codified Ordinances.

(Ord. 1984-24. Passed 4-3-84.)

1383.07 DWELLING STRUCTURE.

" Dwelling structure" means a building or structure or that part of a building or structure used or designed or intended to be used for residential purposes.

(Ord. 1984-24. Passed 4-3-84.)

1383.08 MULTIPLE DWELLING STRUCTURE.

" Multiple dwelling structure" means a building or structure or that part of a building or structure used or designed or intended to be used for residential purposes and to be occupied by more than two families living separately and independently of each other. The words " multiple dwelling structure", " multiple family structure", and " apartment" shall be considered synonymous.

(Ord. 1984-24. Passed 4-3-84.)

1383.09 DWELLING UNIT.

" Dwelling unit" means a group of rooms arranged, maintained or designed to be occupied by a single family for living, sleeping, cooking and eating. The words " dwelling unit" and " suite" shall be considered synonymous.

(Ord. 1984-24. Passed 4-3-84.)

1383.10 FAMILY.

" Family" means one individual or a number of individuals related by blood, adoption or marriage to the head of a household or to the spouse of the head of a household and/or other relationships as provided hereinafter, living as a single housekeeping unit in a single dwelling unit, but limited to the following:

- (a) Husband or wife of the head of the household.
- (b) Children of the head of the household or of the spouse of the head of the household, provided each such child has no spouse or children residing with him or her.
- (c) Father, mother, grandfather and grandmother of the head of the household or of the spouse of the head of the household.
- (d) A family may include those persons described in subsections (d)(1), (2) and (3) hereof, so long as such combination does not exceed two additional persons:
 - (1) Not more than one dependent married or unmarried child of the nominal head of the household or of the spouse of the nominal head of the household and the spouse and dependent children of such child. For the purpose of this subsection, a dependent child is one who has more than fifty percent (50%) of his total support furnished for him, his spouse and children, by the nominal head of the household and the spouse of the nominal head of the household, or
 - (2) Not more than two additional persons not included within subsections (a) through (c) hereof, whether or not related in any manner to the head of the household or to the spouse of the household, provided such persons are at least eighteen years of age, or
 - (3) Not to exceed two persons under eighteen years of age for whom the head of the household or the spouse of the head of the household, or a member of the family related by blood to such minor or minors, has been appointed the legal guardian by a court of competent jurisdiction.
- (e) A family may consist of one individual.
- (f) One person shall be designated as head of the household who shall be that person who customarily furnishes the greatest percentage of financial support to the maintenance of the family.

(Ord. 1984-24. Passed 4-3-84.)

1383.11 GARBAGE.

" Garbage" means the animal, vegetable or mineral waste from the handling, preparation, cooking and consumption of food.

(Ord. 1984-24. Passed 4-3-84.)

1383.12 HABITABLE ROOM.

" Habitable room" means a room or enclosed floor space used or intended to be used for living, sleeping or eating purposes, but excludes the following: kitchens (except kitchens where eating space is included in a room also used for kitchen or cooking purposes), bathrooms, toilet rooms, laundries, pantries, dressing

rooms, storage spaces, foyers, hallways, utility rooms, boiler rooms, heater rooms, basement recreation rooms, interior rooms not provided with natural light and ventilation, and special purpose rooms shared by more than one dwelling unit.

(Ord. 1984-24. Passed 4-3-84.)

1383.13 INFESTATION.

"Infestation" means the presence, either in or around a dwelling, building or structure, of any insects, rodents, pests, fowl, birds or moles.

(Ord. 1984-24. Passed 4-3-84.)

1383.14 OCCUPANT.

"Occupant" means a person living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or a room. The words "occupant" and "tenant" shall be considered synonymous.

(Ord. 1984-24. Passed 4-3-84.)

1383.15 OPERATOR.

"Operator" means a person who has charge, care or control of a dwelling structure.

(Ord. 1984-24. Passed 4-3-84.)

1383.16 OWNER.

"Owner" means the owner of the multiple family dwelling, including the holder of title thereto subject to contract of purchase, a vendee in possession, a mortgagee or receiver in possession, a lessee or joint lessees of the whole premises, excluding the rental occupants, of an individual dwelling unit therein, a landlord, or an agent or any other person, firm, corporation, or fiduciary directly in control of the rental property.

(Ord. 1984-24. Passed 4-3-84.)

1383.17 PERSON.

"Person" means any person, firm, partnership, association, company or organization or association of persons of any kind.

(Ord. 1984-24. Passed 4-3-84.)

1383.18 PREMISES.

"Premises" means a lot, parcel or plot of land, including the buildings or structures thereon.

(Ord. 1984-24. Passed 4-3-84.)

1383.19 RUBBISH.

"Rubbish" means combustible and noncombustible waste materials, except garbage. The term shall include the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.

(Ord. 1984-24. Passed 4-3-84.)

1383.20 SECONDARY OR APPURTENANT STRUCTURE.

"Secondary or appurtenant structure" means a structure, the use of which is incidental or accessory to that of the main building, and which is attached to the main building or located on the same premises therewith.

(Ord. 1984-24. Passed 4-3-84.)

1383.21 SUPPLY OR SUPPLIED.

"Supply" or "supplied" means paid for, furnished, provided by or under the control of the owner or operator.

(Ord. 1984-24. Passed 4-3-84.)

**CHAPTER 1385
Occupancy Permit**

1385.01 Permit required.

1385.02 Application information.

1385.03 Inspection prior to issuance.

1385.04 Issuance.

1385.05 Fee.

CROSS REFERENCES

Permits and fees - see BLDG. Ch. 1305

1385.01 PERMIT REQUIRED.

An occupancy permit is required to be obtained by the owner of a multiple family dwelling if a dwelling unit in the multiple family dwelling is to be:

- (a) Rented to tenants not occupying the dwelling unit during the previous rental period.
- (b) Leased or combination to tenants not parties to the prior lease agreement.

(Ord. 1984-24. Passed 4-3-84.)

1385.02 APPLICATION INFORMATION.

Application for an occupancy permit, required by Section 1385.01, shall be made not less than fifteen days prior to such occupancy by the owner or agent and shall include the following information:

- (a) The street address of the structure or the specific address of the parts or part if the entire structure is not involved.
- (b) The name and address and phone number of the owner or agent in charge and where such person may be reached during normal business hours.
- (c) An indication as to why the application is being requested, i. e.:
 - (1) Rental.
 - (2) Lease or combination.
- (d) Proposed date of occupancy.

(Ord. 1984-24. Passed 4-3-84.)

1385.03 INSPECTION PRIOR TO ISSUANCE.

(a) As soon as possible after, but not more than fifteen days from the receipt of an occupancy permit application, the Building Commissioner, or his assistant, shall inspect the premises for the purpose of determining compliance or noncompliance with the provisions of the Apartment Maintenance Code.

(b) Such inspections by the Building Commissioner, or his assistant, shall be made between the hours of 8:00 a.m. to 4:00 p.m. and will at all times cooperate with the applicant in setting up a date and time of such inspections.

(c) The Building Commissioner, or his assistant, must present proper identification to the owner, agent or present occupant of the premises before entering. He shall also obtain and present a proper search warrant if the owner, agent or present occupant requests same. A request by the owner, agent or present occupant that the Building Commissioner obtain a search warrant is an exercisable right of the requesting party and shall not constitute failure to cooperate for the purpose of this section nor shall it constitute a failure to comply with the provisions of this Apartment Maintenance Code.

(Ord. 1984-24. Passed 4-3-84.)

1385.04 ISSUANCE.

(a) If, upon inspection of the dwelling structure, it is determined that the same is in compliance with the Apartment Maintenance Code, the Building Commissioner, or his assistant, shall issue an occupancy permit within five working days of the date of the favorable inspection.

(b) Where violations are found, or where conditions exist which are determined to be a hazard to the health, safety or welfare of the occupants of a dwelling structure, the Building Commissioner, or his assistant, shall refuse to issue an occupancy permit. Such refusal shall be in writing, and shall list the corrective measures required. A copy of such refusal and list shall be posted on the door of the inspected premises. No change of occupancy shall take place until such corrections have been made and approved and an occupancy permit has been issued. Where there is noncompliance with a written notice, or in the case of an emergency situation, the Building Commissioner, or his assistant, shall proceed in the manner prescribed by Sections 1389.03 and 1389.04.

(c) The owner, agent or operator of any structure or premises shall have the right to appeal the denial of an occupancy permit in the manner prescribed by Section 1389.08.

(Ord. 1984-24. Passed 4-3-84.)

1385.05 FEE.

An application for an occupancy permit shall be accompanied by a nonrefundable fee of ten dollars (\$10.00) for each dwelling unit covered by the application. Failure to apply for a permit where required by Section 1385.01 shall double the amount of the fee.

(Ord. 1984-24. Passed 4-3-84.)

Basic Standards for Residential Occupancy

- 1387.01 Compliance required; reporting violations.**
- 1387.02 Rubbish and garbage disposal.**
- 1387.03 Maintenance responsibilities.**
- 1387.04 General maintenance requirements.**
- 1387.05 Maintaining of foundations.**
- 1387.06 Maintenance of roofs, gutters and downspouts.**
- 1387.07 Maintenance of exteriors.**
- 1387.08 Maintenance of interior walls and floors.**
- 1387.09 Pest control.**
- 1387.10 Exterior property area.**
- 1387.11 Secondary or appurtenant structures.**

CROSS REFERENCES

Building and Zoning Inspector - see BLDG. Ch. 1301
Permits and fees - see BLDG. Ch. 1305

1387.01 COMPLIANCE REQUIRED; REPORTING VIOLATIONS.

(a) No owner, operator or agent shall maintain for rent or lease, any dwelling units within multiple dwelling structures or any parts thereof which do not comply with the provisions of this Apartment Maintenance Code.

(b) Any tenant may report a violation to the Building Commissioner concerning the interior of his dwelling unit and any person may report a violation to the Commissioner regarding a violation in the public areas of a multi-family dwelling.

(Ord. 1984-24. Passed 4-3-84.)

1387.02 RUBBISH AND GARBAGE DISPOSAL.

(a) Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner placing it in approved receptacles or in other approved rubbish disposal facilities.

(b) Every occupant of a dwelling unit shall dispose of all his garbage and other waste which might provide food for insects and rodents in a clean and sanitary manner by placing it in approved nonleakable, nonabsorbent, covered garbage storage receptacles or in other approved garbage disposal facilities.

(c) In any case where the use of containers for the storage of garbage and/or rubbish or other waste materials, which containers are stored out-of-doors, the owner shall provide a masonry enclosure, constructed of materials which match the principal building or of such materials as are approved by the Building Commissioner, within which such containers shall be stored. The structure shall be constructed so as to allow sufficient ventilation to prevent the accumulation of odors, and to allow sufficient ease of access to permit entry to and cleaning thereof.

(Ord. 1984-24. Passed 4-3-84.)

1387.03 MAINTENANCE RESPONSIBILITIES.

(a) Occupant. The occupant of a rented or leased dwelling unit shall be responsible for maintaining in a clean and sanitary condition that part of the dwelling structure or premises which he occupies or controls. The occupant as a party to a rental agreement shall fulfill the obligations of a tenant as set forth in Ohio R.C. 5321.05.

(b) Owner. The owner or landlord of every dwelling or his appointed agent, shall be responsible for maintaining in a clean and sanitary condition the shared or common areas of the premises. The owner of the dwelling or his appointed agent shall further fulfill the following obligations:

- (1) Make all repairs and do whatever is reasonably necessary to put and keep the premises in a fit and habitable condition;
- (2) Keep all common areas of the premises in a safe and sanitary condition;
- (3) Maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, and air conditioning fixtures and appliances and elevators, supplied or required to be supplied by him;
- (4) Maintain in good and safe working order and condition all security systems, including but not limited to exterior door locking mechanisms, window locking mechanisms, and remote

control locking and unlocking mechanisms;

- (5) When he is a party to any rental agreement that covers four or more dwelling units in the same structure, provide and maintain appropriate receptacles for the removal of ashes, garbage, rubbish and other waste incidental to the occupancy of the dwelling unit, and arrange for its removal;
- (6) Supply running water, reasonable amounts of hot water, and reasonable heat at all times, except where the dwelling unit is so constructed that heat or hot water is generated by an installation within the exclusive control of the tenant and supplied by a direct public utility connection.

Prior to acquiring new tenants in the rental unit, the owner or his appointed agents shall fulfill responsibility for any corrections to that portion of the rental unit previously occupied or controlled by the tenants which are necessary to bring the unit in compliance with this chapter.

(c) Fire lanes must be plowed to permit access for emergency vehicles.

(Ord. 1984-24. Passed 4-3-84.)

1387.04 GENERAL MAINTENANCE REQUIREMENTS.

(a) All multiple dwelling structures maintained for rental purposes and all parts thereof shall be maintained in good repair and shall be capable of performing the function for which such structure or part or any feature thereof was designed or intended to be used.

(b) All equipment and facilities appurtenant to a dwelling structure or dwelling unit shall be maintained in good and safe working order.

(Ord. 1984-24. Passed 4-3-84.)

1387.05 MAINTAINING OF FOUNDATIONS.

(a) All foundations of every dwelling structure shall be maintained in structurally sound condition and in good repair.

(b) All foundations of every dwelling structure shall be maintained in such condition as to prevent seepage or leakage of water into the space enclosed within such foundations.

(c) All openings into the foundations of every dwelling structure shall be protected against the entrance of rodents.

(d) Where parts of dwelling supported on masonry piers require substantial repair or replacement due to sagging, settling, or failure of supporting piers, the same shall be replaced with a foundation conforming to the Building Code of the Village.

(Ord. 1984-24. Passed 4-3-84.)

1387.06 MAINTENANCE OF ROOFS, GUTTERS AND DOWNSPOUTS.

All roofs of every dwelling structure shall be maintained weathertight and roof drainage shall be handled by suitable collectors and downspouts connected to a public storm sewer. Where a storm sewer or other storm drainage outlet is not available, downspouts may discharge onto splash blocks or into other devices, provided that no excess water flows onto adjoining property or over sidewalks. Connection of any pipe carrying roof water or yard drainage to a sanitary sewer is prohibited.

(Ord. 1984-24. Passed 4-3-84.)

1387.07 MAINTENANCE OF EXTERIORS.

(a) All exterior walls of every dwelling structure shall be maintained weathertight and so as to resist decay or deterioration from any cause.

(b) Any dwelling structure or secondary or appurtenant structure whose exterior surface is bare, deteriorated, ramshackle, tumble-down, decaying, disintegrating or in poor repair must be repaired or razed.

(1) All buckled, rotted or decayed walls, doors, windows, porches, floors, steps, railings, soffits, posts, sills, trim and their missing members must be replaced and put in good condition.

(2) All replacements must match and conform to original design or be replaced completely.

(3) All exterior wood or exterior unfinished surfaces must be sealed and painted or the surface covered with other approved protective coating or treated to prevent rot and decay and conform to and match the existing paint or surface covering and original design or replacement thereof. All exterior walls and surfaces must be properly protected against the weather.

(c) Any dwelling structure or secondary or appurtenant structure whose exterior surface is deteriorated, decaying, disintegrating or whose exterior surface has weathered with dirt and grime or has been impaired through peeling, or flaking of the paint or other protective coating, shall be repaired, repainted or resurfaced.

- (1) All exterior surfaces shall be replaced or repaired in good condition preparatory to painting or coating.
- (2) All bare exterior surfaces which are flaking or crumbling shall be replaced or sealed in a good and workmanlike manner.
- (3) All new or repaired bare surfaces shall be painted or coated and shall match the main structure or improve the appearance as an addition.

(Ord. 1984-24. Passed 4-3-84.)

1387.08 MAINTENANCE OF INTERIOR WALLS AND FLOORS.

(a) All interior walls and floors of every structure shall be maintained free of holes, large cracks and any loose or deteriorated material.

(b) The floors of all bathrooms and water closet compartments shall have a cove base at all walls and partitions. Floor surfaces and cove base shall be of nonabsorbent materials with moisture resistant joints.

(Ord. 1984-24. Passed 4-3-84.)

1387.09 PEST CONTROL.

All dwelling structures and the premises thereof shall be maintained free from sources of breeding, harborage and infestation by insects, vermin, rodents, fowl, birds and moles.

(Ord. 1984-24. Passed 4-3-84.)

1387.10 EXTERIOR PROPERTY AREAS.

No owner or operator of any premises shall maintain or permit to be maintained at or on the exterior property areas of such premises any condition which deteriorates or defaces the appearance of the neighborhood, adversely alters the appearance, or which is a public nuisance or health hazard, including but not limited to the following:

- (a) Broken or dilapidated fence, walls or other structures. All businesses abutting a residential property shall be made to install a solar screen block wall.
- (b) Improperly maintained walks, excluding public sidewalks, or driveways creating a hazardous condition.
- (c) Out-of-use or nonusable, dilapidated appliances, automobiles or automobile parts.
- (d) Rags, rugs or other materials hung on lines or in other places on such premises, which materials are not being used for general household or housekeeping purposes; broken, dilapidated, or unusable furniture, mattresses or other household furnishings; plastic materials, paints, miscellaneous coverings and/or any other materials, including those described in this section placed at or on the premises in such a manner as to be patently unsightly, grotesque or offensive to the senses.
- (e) Lawns, landscaping and driveways shall also be maintained so as not to constitute a blighting or deteriorating effect in the neighborhood. The aprons of driveways on paved streets shall be maintained so as to prevent loose stones or gravel from spilling or falling over, into and onto any public way, culvert or storm ditch.
- (f) No motor vehicle shall be parked upon the premises except upon driveways, parking lots, in garages or on area improved for vehicular use.
- (g) No building materials or materials, earth, sand or dirt intended for use in landscaping or gardening shall be left standing open or covered upon any premises for a period of time longer than six months.
- (h) No recreational and/or play equipment, portable grills, portable fire pits or portable lawn furniture or other similar portable items, shall be stored in any front yard area as defined in subsection 1135.21(b) of the Codified Ordinances of the Village of Oakwood.

(Ord. 1984-24. Passed 4-3-84.)

(Ord. 2004-57. Passed 11-9-04.)

1387.11 SECONDARY OR APPURTENANT STRUCTURES.

(a) All secondary or appurtenant structures such as sheds, barns, garages, etc., shall either be maintained in good repair and free from health, accident and fire hazards or shall be removed from the premises.

(b) All roofs of every secondary or appurtenant structure exceeding fifty square feet of roof shall be equipped with gutters and downspouts connected to a public storm sewer. Where a storm sewer or other storm drainage outlet is not available, downspouts may discharge onto splash blocks or into other devices provided that no excess water flows onto adjoining property or over sidewalks. Connection to any pipe

carrying roof water or yard drainage to a sanitary sewer is prohibited.

(c) Where foundations of secondary or appurtenant structures have deteriorated or settled to the point where wall plates or studs are rotting, they shall be replaced with foundations as required for garages under the Building Code.

(Ord. 1984-24. Passed 4-3-84.)

CHAPTER 1389 Enforcement and Penalty

- 1389.01 Inspection.**
- 1389.02 Notice of violation.**
- 1389.03 Noncompliance with notice.**
- 1389.04 Cases of emergency.**
- 1389.05 Placards .**
- 1389.06 Paying for demolition.**
- 1389.07 Rules and regulations.**
- 1389.08 Right of appeal.**
- 1389.09 Appeal from decisions of the Board.**
- 1389.99 Penalty.**

CROSS REFERENCES

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

1389.01 INSPECTION.

The Building Commissioner or his assistant is authorized to make or cause to be made inspections of all multiple family structures or premises used for rental purposes and all secondary or appurtenant structures to determine whether such structures or premises conform to the provisions of this Apartment Maintenance Code. Upon refusal to permit any inspection necessary to insure or compel compliance with this Apartment Maintenance Code, the Commissioner or his assistant shall set forth such facts in an affidavit and seek a search warrant from a court of competent jurisdiction to permit such inspection.

(Ord. 1984-24. Passed 4-3-84.)

1389.02 NOTICE OF VIOLATION.

(a) Whenever the Building Commissioner or his assistant finds any dwelling structure or premises, or any part thereof, to be in violation of the provisions of this Apartment Maintenance Code, the Commissioner or his assistant, shall give or cause to be given or mailed to the owner, agent or operator of such structure or premises a written notice stating the violation therein. Such notice shall order the owner, agent or operator, within a stated reasonable time, but not less than ten days, to repair, improve or demolish the structure or premises concerned. Such delivery or mailing shall be deemed legal service of notice. Warning of the existence of such notice shall be posted in a conspicuous place on the structure or premises to which it relates. No person shall remove or deface such warning notice without written permission of the Building Commissioner.

(b) If the person to whom a notice of violation is addressed cannot be found within Cuyahoga County after a reasonable and diligent search, the notice shall be sent by registered mail to the last known address of such person. Such mailing shall be deemed legal service of notice.

(Ord. 1984-24. Passed 4-3-84.)

1389.03 NONCOMPLIANCE WITH NOTICE.

(a) Whenever the owner, agent or operator of a structure fails, neglects or refuses to comply with a notice to demolish such structure, or a part thereof, or a secondary or appurtenant structure is determined by the Council after referral by the Building Commissioner to constitute a public nuisance in that it is dangerous or injurious to the public health, safety or welfare, the Council may request the Director of Law to institute legal proceedings or to take such other action as may be necessary to abate the nuisance. The Commissioner shall further give notice informing the owner, agent or operator of such determination and action. Such notice shall be given in the same manner as provided in Section 1389.02.

(b) The owner or owners of any such property as to which such an order or notice to repair, improve, demolish or vacate has been issued shall not sell or enter into an agreement to sell or lease such property unless such order of the Commissioner has been disclosed and displayed to the prospective purchaser or

lessee, or until the owner or owners have received notice from the Commissioner of satisfactory compliance with such order or notice from the Commissioner or such order has been withdrawn or cancelled.

(Ord. 1984-24. Passed 4-3-84.)

1389.04 CASES OF EMERGENCY.

(a) Whenever, in the opinion of the Building Commissioner, the condition of a structure or premises or part thereof, constitutes an immediate hazard to human life or health, he shall declare a case of emergency and shall order immediate vacation of the structure or premises, or part thereof.

(b) Such notice shall be served in the manner provided in Section 1389.02, but shall require immediate compliance.

(Ord. 1984-24. Passed 4-3-84.)

1389.05 PLACARDS.

Whenever the Building Commissioner or his assistant orders a structure or premises, or part thereof, to be vacated, he shall cause to be posted at each entrance to such structure or premises, or part thereof, a placard warning of the existence of such vacation order. No person shall deface or remove such placard until the repairs or demolition are completed, without written permission of the Commissioner or his assistant. No person shall enter or use any structure or premises so placarded except for the purpose of making the required repairs or demolishing the structure or premises.

(Ord. 1984-24. Passed 4-3-84.)

1389.06 PAYING FOR DEMOLITION.

(a) Any expense or cost incurred under the provisions for demolition contained in this Apartment Maintenance Code shall be paid by the owner of the structure or premises.

(b) If expenses and costs of demolition are not paid by the owner of the structure or premises within thirty days after written notice from the City to do so, the expenses and costs may be recovered by an action at law or may be assessed against the lands of the owner and shall become a lien thereon, and shall be collected in the manner provided by law for assessments.

(Ord. 1984-24. Passed 4-3-84.)

1389.07 RULES AND REGULATIONS.

(a) The Building Commissioner or his assistant, is authorized to adopt such written rules and regulations as may be necessary for the proper interpretation and enforcement of this Apartment Maintenance Code. Such rules and regulations shall not conflict with or waive any provision of this Apartment Maintenance Code or any other ordinance of the Village. Such rules and regulations shall be submitted to the Board of Appeals for approval and no such rule or regulation shall be adopted without such approval.

(b) Such rules and regulations, upon approval of the Board of Appeals, shall be on file with the Building Commissioner for public examination, and a copy of such rules and regulations shall be posted on the bulletin board of the main entrance of the City Hall for at least five days. Such rules and regulations shall have the force and effect of this Apartment Maintenance Code and shall continue in effect until revoked by the Commissioner or his assistant, with the approval of the Board of Appeals, or by action of Council.

(Ord. 1984-24. Passed 4-3-84.)

1389.08 RIGHT OF APPEAL.

The owner, agent or operator of any structure or premises shall have the right to appeal the denial of an occupancy permit, from any order of, or written notice issued by the Building Commissioner, or his assistant, within twenty days from the date such notice was given or mailed or order issued, and to appear before the Board of Appeals at a time and place fixed by the Board of Appeals to show cause why he should not comply with such notice. Such appeal shall be in writing. Failure to file a written appeal with the Board of Appeals within the time prescribed herein shall constitute a waiver of the right to appeal. Upon receipt of such written appeal, the Board of Appeals shall fix the time and place for the appearance within thirty days from the date of receipt of a timely notice of appeal. Except in cases of emergency as set forth in Section 1389.04, filing of an appeal from any such notice shall suspend action on enforcement of such notice until the appeal is acted upon by the Board of Appeals.

(Ord. 1984-24. Passed 4-3-84.)

1389.09 APPEAL FROM DECISIONS OF THE BOARD.

Any person or persons jointly or severally aggrieved by any decision of the Board and any officer, department, division, board or bureau of the Village may present an appeal to the Common Pleas Court within the time permitted by law.

(Ord. 1984-24. Passed 4-3-84.)

1389.99 PENALTY.

Whoever violates any of the provisions of the Apartment Maintenance Code, or any rule or regulation promulgated thereunder, or fails to comply therewith or with any written notice or written order issued thereunder, or whoever refuses to permit entry by the Building Commissioner, or his assistant, or other City department heads or their representatives who attempt to make an inspection of any structure or premises at a reasonable hour with a proper search warrant and whoever interferes with, obstructs or hinders such Building Commissioner, or his assistant, while lawfully attempting to make such inspection is guilty of a misdemeanor of the first degree. Each day such violation occurs or continues shall constitute a separate offense.

(Ord. 1984-24. Passed 4-3-84.)

CODIFIED ORDINANCES OF OAKWOOD