

CODIFIED ORDINANCES OF HILLIARD
PART THIRTEEN - BUILDING CODE

- Chap. 1301. Ohio Building Code.**
- Chap. 1303. National Electrical Code.**
- Chap. 1305. The Ohio Residential Code for One, Two and
Three-Family Dwellings.**
- Chap. 1317. Housing and Unsafe Building Code.**
- Chap. 1323. Flood Damage Prevention.**
- Chap. 1327. Sign Code. (Repealed)**
- Chap. 1331. Landscape Code.**
- Chap. 1335. 2009 International Property Maintenance Code.**

CODIFIED ORDINANCES OF HILLIARD
PART THIRTEEN - BUILDING CODE

CHAPTER 1301
Ohio Building Code

1301.01	Adoption.	1301.06	Violations.
1301.02	Purpose. (Repealed)	1301.07	Stop work order.
1301.03	Scope. (Repealed)	1301.08	Conflict.
1301.04	Compliance. (Repealed)	1301.09	Enforcement.
1301.05	Existing structures. (Repealed)	1301.99	Penalty.

CROSS REFERENCES

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

1301.01 ADOPTION.

There is hereby adopted by the Municipality, the Ohio Building Code (OBC) as adopted by the Ohio Board of Building Standards, Department of Industrial Relations, effective September 1, 2005, and as may be amended hereafter, and as published in Division 4101:1 et seq. of the Ohio Administrative Code (OAC). (Ord. 05-47. Passed 8-22-05.)

1301.02 PURPOSE.

(EDITOR'S NOTE: Former Section 1301.02 was repealed by Ordinance 05-47, passed August 22, 2005.)

1301.03 SCOPE.

(EDITOR'S NOTE: Former Section 1301.03 was repealed by Ordinance 05-47, passed August 22, 2005.)

1301.04 COMPLIANCE.

(EDITOR'S NOTE: Former Section 1301.04 was repealed by Ordinance 05-47, passed August 22, 2005.)

1301.05 EXISTING STRUCTURES.

(EDITOR'S NOTE: Former Section 1301.05 was repealed by Ordinance 05-47, passed August 22, 2005.)

1301.06 VIOLATIONS.

(a) Adjudication Orders Required Before Legal Proceedings. Before the Municipality attempts to enforce Chapters 3781 and 3791 of the Ohio Revised Code or any rules adopted pursuant thereto, by any remedy, civil or criminal, it shall issue an adjudication order within the meaning of Sections 119.06 to 119.13 of the Ohio Revised Code or a stop work order as provided in Section 1301.07. Every adjudication order shall:

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

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

(c) Prosecution of Violation. Upon the issuance of any order provided for in this section or Section 1301.07, the person receiving an order shall cease work upon the site preparations or structure to be constructed, or in the case of an industrialized unit, the installation of the unit, or shall cease using the appliance, materials, assemblages or manufactured product identified in the order until such time as the appeal provided for in accordance with the provisions of Section 3781.19 of the Ohio Revised Code and all appeals from such hearing have been completed, or the order has been released.
(OBC 113)

1301.07 STOP WORK ORDER.

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

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

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

1301.08 CONFLICT.

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

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

1301.09 ENFORCEMENT.

(a) General. The Building Official shall enforce provisions of the rules of the Board of Building Standards and of Chapters 3781 and 3791 of the Ohio Revised Code, relating to construction, arrangement, and the erection of buildings or parts thereof as defined in the rules of the Board in accordance with the certification except as follows:

- (1) Fire. The Fire Marshal or Fire Chief shall enforce all provisions of the rules of the Board relating to fire prevention.
- (2) Health. The Department of Health, or the Boards of Health, the Division of Industrial Compliance of the Department of Commerce, or the municipal Department of Building Inspection shall enforce such provisions relating to sanitary construction.
- (3) Engineering. The Department of the City Engineer, in cities having such departments, has complete supervision and regulation of the entire sewerage and drainage system of the City, including the house drain and the house sewer and all laterals draining into the street sewers. The department shall have control and supervision of the installation and construction of all drains and sewers that become a part of the sewerage system of the City and shall issue all the necessary permits and licenses for the construction and installation of all house drains and house sewers and of all other lateral drains that empty into the main sewers. Such Department shall keep a permanent record of the installation and location of every drain and sewerage system of the City.
- (4) No officer exempted. This section does not exempt any officer or department from the obligation of enforcing any provision of the rules of the Board.
- (5) Interpretations. The Building Official shall have the authority to render interpretations of the Ohio Building Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Code.

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

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

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

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

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

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

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

1301.99 PENALTY.

Whoever violates any provision of this chapter or any Code adopted herein or fails to comply with any lawful order issued pursuant thereto is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both. Each day during which noncompliance or a violation continues shall constitute a separate offense. The Municipality may institute injunction proceedings in Common Pleas Court to abate the nuisance of failure to cease work after receipt of a stop work order as referred to in Section 1301.07.

**CHAPTER 1303
National Electrical Code**

1303.01 Adoption by reference.

CROSS REFERENCES

Adoption by reference - see CHTR. 3.09

Electrical contractors - see BUS. REG. Ch. 729

1303.01 ADOPTION BY REFERENCE.

(a) The 2005 National Electrical Code, as adopted by the Ohio Board of Building Standards, Ohio Department of Commerce, and as may be amended hereafter, is hereby adopted and incorporated by reference as if fully rewritten herein.

(b) The City of Hilliard's Chief Building Official and the City Clerk shall keep on file a complete copy of the 2005 National Electrical Code, and shall thereafter keep on file all revised versions as approved and adopted by the Ohio Board of Building Standards, Ohio Department of Commerce. (Ord. 06-27. Passed 3-27-06.)

CHAPTER 1305
Ohio Residential Code for One, Two
and Three Family Dwellings

1305.01 Adoption by reference.

1305.02 Copies.

CROSS REFERENCES

Adoption by reference - see CHTR. 3.09

Energy conservation - see Ohio R.C. 3781.181

Industrialized dwellings - see OAC 4101:2-1-55 et seq.

1305.01 ADOPTION BY REFERENCE.

The Ohio Residential Code for One-, Two- and Three-Family Dwellings, as adopted by the Ohio Board of Building Standards, Ohio Department of Commerce, effective May 27, 2006, and as may be amended hereafter, as published in Division 4101:8-1 to 4101:8-43 of the Ohio Administrative Code (OAC), is hereby adopted and incorporated by reference as if fully rewritten herein. (Ord. 06-26. Passed 3-27-06.)

1305.02 COPIES.

In accordance with Charter Section 3.09, a complete current copy of the One, Two, and Three Family Dwelling Code, as adopted herein, shall be kept on file by the Clerk and be available for consultation by interested parties. In addition, copies of the code shall be made available to the public at their cost.
(1980 Code 152.04(F))

(The next printed page is page 23.)

CHAPTER 1317
Housing and Unsafe Building Code

GENERAL PROVISIONS

1317.01 Scope.

1317.02 Definitions.

ENFORCEMENT

1317.03 Building Inspector.

1317.04 Appeals; variances.

1317.05 Certificate of occupancy; fee.

1317.06 Inspections; complaints.

1317.07 Service of reports, notices,
complaints or orders.

1317.08 Failure to comply with order.

1317.09 Duties of Director of Law.

HOUSING STANDARDS

1317.10 Unfit dwellings.

1317.11 Compliance required.

1317.12 Minimum standards.

1317.13 Safety hazards.

RESPONSIBILITIES OF

OCCUPANTS

AND OWNERS

1317.14 Occupants' responsibilities.

1317.15 Owners' responsibilities.

1317.99 Penalty.

CROSS REFERENCES

Lighting exterior premises - see GEN. OFF. 521.06

Rodents and vermin - see GEN. OFF. 521.07

Littering and deposit of refuse - see GEN. OFF. 521.08

Noxious or offensive odors - see GEN. OFF. 521.09

GENERAL PROVISIONS

1317.01 SCOPE.

(a) The Housing and Unsafe Building Code shall apply to every building or structure or appurtenances connected or attached to buildings or structures.

(b) In any case where a provision of this chapter is found to be in conflict with any existing code, ordinance or regulation of the City, the provision which establishes the higher standard shall prevail.

(1980 Code 153.01)

1317.02 DEFINITIONS.

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

(a) "Approved" means constructed, installed and maintained in accordance with the provisions of this chapter and other pertinent ordinances of the City, and its rules and regulations adopted.

- (b) "Building" means any building or structure having a roof supported by columns or walls and intended for shelter, occupancy or enclosure of persons, animals or chattel.
- (c) "Building Inspector" means the Chief Building Inspector or other public officer or designated authority charged with the administration of this chapter, or his duly authorized representative.
- (d) "Commission" means the Planning and Zoning Commission of the City.
- (e) " Dwelling" means any building or mobile home, or part thereof, used and occupied for human habitation or intended to be so used. However, temporary housing, as hereinafter defined, shall not be regarded as a dwelling.
- (f) " Dwelling unit" means any room or group of rooms located within a dwelling and forming a single habitable unit with living, sleeping, cooking, eating and sanitary facilities.
- (g) "Extermination" means the control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating or trapping; or by any other recognized and legal pest elimination method.
- (h) "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (i) "Habitable room" means a room or enclosed floor space used, or intended to be used, for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, communicating corridors, closets or storage spaces.
- (j) "Infestation" means the presence, within or around a dwelling, of any insects, rodents or other pests.
- (k) "Mobile home" means any vehicle or similar portable structure on wheels, jacks or permanent foundation, and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.
- (l) "Occupant" means any person living, sleeping, cooking or eating in, or having actual possession of a dwelling unit, rooming unit, building or portion of a building.
- (m) "Owner" means a holder of any legal or equitable title in the premises, whether alone or jointly with others, and whether in possession or not, or any person who has charge, care or control of any dwelling, dwelling unit or building as owner or agent of the owner or as executor, administrator, trustee, or guardian of the estate of the owner.
- (n) "Parties in interest" means all individuals, associations and corporations who have interests of record in a dwelling or building and any who are in possession thereof.
- (o) "Plumbing" means the art of installing in buildings the pipes for distributing the water supply, the fixtures for using water and drainage pipes for removing wastes water and sewage, together with fittings and appurtenances of various kinds, all within or adjacent to the building, and including the service pipe which forms the connection between the shutoff valve and curb line and the building, and the house sewer

which conveys the waste water and sewage from the building to the street sewer or other point of disposal. The house sewer includes private sewage disposal contraptions or other methods and storm or rain water pipings, if the waste water or sewage is discharged through or connected with the house sewer or house drain.

- (p) "Potable water" means water duly approved as satisfactory and safe for drinking.
- (q) "Premises" means a platted lot or part thereof, or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure.
- (r) "Public hall" means any hall, corridor or passageway not within the exclusive control of one family.
- (s) "Rooming unit" means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
- (t) "Rooming house" means any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the occupant to three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the occupant.
- (u) "Rubbish" means all waste material except garbage, and the term shall include the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.
- (v) "Temporary housing" means any tent, travel trailer or other portable structure or vehicle used for human shelter which is not attached to the ground, another building or structure, or any utility for more than thirty consecutive days.
(1980 Code 153.02)

ENFORCEMENT

1317.03 BUILDING INSPECTOR.

(a) The administration of this chapter shall be the responsibility of the Chief Building Inspector. He shall work in close cooperation with the Fire Chief, the County Health Department, and other officials and agencies. He may seek their written opinions concerning the conditions of dwellings or other buildings.

(b) The Building Inspector and his assistants shall be free from personal liability for acts done in good faith in the performance of official duties.

(c) The Building Inspector or any one of his assistants shall not have a financial interest in the furnishing of labor, material or appliances for the construction, alteration or maintenance of a building, except where he is the owner, and shall not act as an agent for real estate sales, leases or rentals.

(d) Powers and duties of the Building Inspector shall be as follows:

- (1) The Building Inspector is authorized to conduct surveys and make inspections in any area of the community to determine compliance with this chapter or other ordinance he is empowered to enforce.
- (2) The Building Inspector shall investigate all complaints whether they be verbal, written or in the form of a petition alleging or charging that a violation of this chapter exists and that a building or dwelling is unfit or unsafe for human habitation or other occupancy.
- (3) For the purpose of making such surveys, inspections and investigations, the Building Inspector is authorized, upon identification and statement of purpose, to enter, inspect, survey and investigate between the hours of 8:00 a.m. and 5:00 p.m., or at any time if an emergency exists, or if requested by the owner or occupant, all buildings, dwellings, dwelling units, rooming units, and general premises. The owner or occupant of every building, dwelling, dwelling unit, rooming unit, and general premises, or the person in charge thereof, shall give the Building Inspector free access to the building, dwelling, dwelling unit, rooming unit or general premises for the purpose of the inspection, survey or investigation.

(e) The Building Inspector shall keep records of all complaints received, inspection reports, orders and complaints issued and of other actions taken. The records shall be available for public inspection. He shall prepare an annual report including statistics based on the records kept.

(1980 Code 153.10)

1317.04 APPEALS; VARIANCES.

(a) The Board of Zoning Appeals (the "Board") shall have authority to grant variances and hear appeals from the rulings of the Building Inspector as hereinafter provided.

(b) Where, because of conditions peculiar to a particular building, it would be unreasonably difficult to meet the literal requirements of this chapter, a variance may be granted by the Board upon written application therefor. The application shall state in writing the reasons why the variance should be made. A variance may be granted only where it is evident that reasonable safety and sanitation is assured, and may include conditions not generally specified by this chapter in order to achieve that end. The variance may include an expiration date. A copy of the variance shall be filed in the office of the Building Inspector and a copy shall be given to the applicant.

(c) Whenever it is claimed that the true intent and meaning of this chapter has been wrongly interpreted or that the time allowed for compliance is unreasonable, the owner, his agent or the occupant, as the case may be, may file a notice of appeal from a decision or order of the Building Inspector. The notice shall be in writing and filed within ten days after the decision or order of the Building Inspector has been made. The Board, when appealed to, may modify the decision or order of the Building Inspector. Its decision shall be final, subject however, to such remedy as any aggrieved person may have at law or in equity. The Board's decision shall be in writing and filed in the office of the Building Inspector, and a certified copy shall be given to the appellant.

(Ord. 12-04. Passed 3-26-12.)

1317.05 CERTIFICATE OF OCCUPANCY; FEE.

(a) No person shall occupy, reoccupy, let to another to occupy or reoccupy, or allow another to occupy or reoccupy any dwelling, dwelling unit, rooming house, rooming unit or building until a certificate of occupancy has been issued. Domestic water, electric or gas utilities supplied by the City or a public utility, may be denied or discontinued, until a certificate of occupancy has been issued.

(b) A certificate of occupancy shall be issued in the name of the owner, as defined herein, and shall state that the dwelling, dwelling unit, rooming house, rooming unit or building is in conformance with this chapter and, where applicable, the requirements of the Zoning Code, the Subdivision Regulations and the Building Code have been met. In addition:

- (1) For a dwelling or dwelling unit, the certificate shall contain the name of the individual or head of the household occupying the dwelling or dwelling unit and shall contain an expiration date, but in all cases shall expire upon a change in ownership or vacation of the dwelling or dwelling unit by the individual or head of household named in the certificate, unless sooner revoked as hereinafter provided; and
- (2) For a rooming house, the certificate shall contain the name of the operator if different from the owner, and shall expire at the end of one year following its date of issuance, unless sooner revoked as hereinafter provided.

(c) A certificate of occupancy shall be issued within five days after written application therefor or a statement shall be given in writing specifying the reasons why a certificate of occupancy cannot be issued. (1980 Code 153.12)

(d) Whenever any dwelling, dwelling unit, rooming house, rooming unit or building is found to contain violations of this chapter, the Building Inspector shall give notice that unless the violations are corrected within a reasonable period of time, the occupancy certificate shall be revoked, subject to appeal before the Board of Zoning Appeals. (Ord. 12-04. Passed 3-26-12.)

(e) A fee shall be charged by the Building Inspector for each inspection necessary for the issuance of a certificate of occupancy. The fee shall be paid prior to the issuance of a certificate of occupancy. The Building Inspector may issue a temporary certificate of occupancy in his/her discretion, which permit shall include a termination date. See Chapter 190 for fees. (Ord. 08-35. Passed 8-25-08.)

(f) The Building Inspector may issue an occupancy permit in cases where all items set forth in subsection (b) hereof have not been completed, provided he is satisfied that sufficient measures have been taken to secure the performance of such items and that the immediate occupancy is safe for the occupant and the general community. The Building Inspector is specifically authorized to adopt such rules and regulations as he sees necessary, including but not limited to the establishment of an escrow agreement, to enforce the terms of the provision. (1980 Code 153.12)

1317.06 INSPECTIONS; COMPLAINTS.

(a) The Building Inspector shall, for each inspection made, make an inspection report noting any violations of this chapter or conditions which indicate that a dwelling is unfit for human habitation or that any other building is unsafe. He shall give a copy to the owner or occupant or both, as the case may require, and shall retain one copy. Except where a complaint as provided in subsection (b) hereof is served at the time of inspection, the report shall serve as notice to the affected persons that there is a violation of this chapter and may contain a time limit for compliance.

(b) The Building Inspector may issue and cause to be served, in the manner prescribed in Section 1317.07, a complaint charging that a dwelling is unfit or that any building is unsafe. If his inspection discloses a basis for so charging, the complaint shall state that a hearing shall be held before the Building Inspector or his designated agent at a place therein fixed not less than ten days nor more than thirty days after the service of the complaint, that the owner and parties in interest may file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint, and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Building Inspector. If after such notice and hearing, the Building Inspector determines that the dwelling or dwelling unit under consideration is unfit for human habitation or the building is dangerous, he shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order to the intent and within the time specified in the order: to repair, alter or improve the dwelling or other building to render it fit and safe; or if the repair, alteration or improvement can be made at a cost that is not more than fifty percent (50%) of the value of the building, at the option of the owner, to vacate and close the building; or if the repair cannot be made at a cost that is not more than fifty percent (50%) of the value of the building, within the specified time in the order, to remove or demolish the dwelling or other building.
(1980 Code 153.13)

1317.07 SERVICE OF REPORTS, NOTICES, COMPLAINTS OR ORDERS.

(a) Reports or notices issued by the Building Inspector pursuant hereto shall be served upon persons either personally or by registered or certified mail to the last known address of the person or persons.

(b) Complaints or orders shall be served upon persons either personally or by registered or certified mail, but if the whereabouts of any person is unknown and cannot be ascertained by the Building Inspector in the exercise of reasonable diligence, and the Building Inspector makes an affidavit to that effect, the service of a complaint or order upon such person may be made by publishing the complaint or order once a week for two successive weeks in the official newspaper of the City, service being deemed complete upon the date of the last publication. A copy of the complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order and shall be recorded in the office of the Clerk of the Franklin County Common Pleas Court.
(1980 Code 153.14)

1317.08 FAILURE TO COMPLY WITH ORDER.

(a) If the owner of a dwelling or other building fails to comply with the order of the Building Inspector to repair, alter or improve, or vacate, close, remove or demolish the dwelling, dwelling unit or building, the Building Inspector may cause the dwelling, dwelling unit or building to be repaired, altered or improved, or to be vacated, closed, removed or demolished. The Building Inspector may cause to be posted on the main entrance a placard with the following words:

"This building is unfit for human habitation or other use; the use or occupation of this building for human habitation or other use after is unlawful and is prohibited."

(b) No person shall deface or remove the placard or other notice required hereunder from any dwelling, dwelling unit, rooming house, rooming unit or building. The Building Inspector shall cause the placard to be removed whenever the defects upon which the placarding action were based have been corrected or removed.

(c) The amount of the cost of the repairs, alterations or improvements, or vacating and closing, or removal or demolition by the Building Inspector, including the cost of advertising and publishing notices, shall be the personal debt and liability of the owner or owners, and shall be a lien against the real property upon which the cost was incurred. The cost shall be certified to the County Treasurer against the property and may be collected, and the liens may be foreclosed, in the same manner as taxes and tax liens are collected and foreclosed, or by other civil suit or process as the Director of Law may determine. If the dwelling, dwelling unit or building is removed or demolished by the Building Inspector, he shall, if possible, sell the materials of the dwelling, dwelling unit or building and shall credit the proceeds of the sale against the cost of removal or demolition, and any balance remaining shall be deposited in the Franklin County Common Pleas Court by the Building Inspector, shall be secured in such manner as may be directed by such Court, and shall be disbursed by such Court to the persons found to be entitled thereto by final order or decree of such Court.

(d) Failure on the part of any owner or party in interest to receive or have served upon him any complaint, notice or order herein provided for, shall not affect or invalidate the proceedings with respect to any other owner or party in interest or any other person, firm or corporation.
(1980 Code 153.15)

1317.09 DUTIES OF DIRECTOR OF LAW.

The Director of Law shall, upon complaint of the Building Inspector or upon his own motion, institute appropriate action to restrain, prevent, enjoin, abate, correct or remove the violation, and to take such other legal action as is necessary to carry out the terms and provisions of this chapter. The remedies provided for herein shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law. Any and all remedies may be pursued concurrently or consecutively, and the pursuit of any remedy shall not be construed as a waiver of the right to pursue any and all of the others.
(1980 Code 153.16)

HOUSING STANDARDS

1317.10 UNFIT DWELLINGS.

The Building Official may determine that a dwelling is unfit for human habitation or that any building is unsafe, if he finds that conditions exist in the dwelling or other building which are dangerous or injurious to the health, safety or morals of the occupants of neighboring buildings or the general public. In making these determinations he shall be guided, without limiting the generality of the foregoing, by the standards and conditions established in Sections 1317.11 and 1317.12.

(1980 Code 153.20)

1317.11 COMPLIANCE REQUIRED.

No person shall occupy as an owner-occupant or let to another for occupancy any dwelling, dwelling unit, rooming house or rooming unit for the purpose of living, sleeping, cooking or eating therein, which does not comply with the requirements of this section and Section 1317.12, nor shall any person use as owner or user or let to another for use of any kind, any building which is unfit and unsafe as determined by the standards of this chapter.

(1980 Code 153.21)

1317.12 MINIMUM STANDARDS.

(a) Minimum space use and location requirements shall be as follows:

- (1) Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof, and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area;
- (2) In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least fifty square feet of floor space for each occupant thereof, except that for children under seven years of age, the sleeping room may contain thirty-five square feet of floor space per child;
- (3) No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment;

- (4) At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet, and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total area of the room for the purpose of determining the maximum permissible occupancy thereof; and
- (5) No basement or cellar shall be used as a habitable room or dwelling unit unless the floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness, the total window area in each room is equal to at least the minimum window sizes as required in the Ohio Building Code, the required minimum window area is located entirely above the grade of the ground adjoining the window area and the total openable window area in each room is equal to at least the minimum as required in the Ohio Building Code, except where there is supplied some other device affording adequate ventilation and approved by the Building Inspector, and there are adequate exits as required by State and City laws and regulations. (Ord. 12-04. Passed 3-26-12.)

1317.13 SAFETY HAZARDS.

The following conditions are determined to be hazardous and shall warrant a finding that a building or its premises are unsafe or constitute a nuisance.

- (a) Structural hazards such as:
 - (1) Any door, aisle, passageway, stairway, or other means of exit not of sufficient width or size, or not so arranged as to provide safe and adequate means of exit in case of fire or panic for all persons housed or assembled therein who would be required to, or might use such door, aisle, passageway, stairway or other means of exit;
 - (2) A stress in any material element, member or portion thereof, due to all dead and live loads, which is greater than the working stresses allowed by the Building Code or any City building code;
 - (3) Damage to any portion of a building by earthquake, wind, fire, flood or any other cause, in such a manner that the structural stability or strength thereof is appreciably less than the minimum requirements set forth in existing codes for a new building or structure of similar size, construction, location and use;
 - (4) Likelihood of any portion, member or appurtenance of a building to fall, become dislodged or detached, or collapse, and thereby cause bodily injury or property damage;
 - (5) Settling of any building or portion thereof to such an extent that walls or other structural portions have been displaced or distorted and rendered structurally unstable or dangerous, or that the basic function of the element has been impaired;
 - (6) The building or structure, or any portion thereof, because of dilapidation, deterioration, decay, faulty construction, removal or movement of some portion of the ground necessary for the purpose of supporting the building or structure or portion thereof, or other cause, is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give away;
 - (7) The building or structure, or any portion thereof, is for any reason whatsoever manifestly unsafe for the purpose for which it is used or intended to be used;

- (8) The exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity of that wall or structural member does not fall inside the middle third of the base;
 - (9) The building or structure, exclusive of the foundation, shows thirty-three percent (33%) or more of damage or deterioration to the member or members or fifty percent (50%) of damage or deterioration of a nonsupporting enclosing or outside wall or covering;
 - (10) The building or structure has been so damaged by fire, wind, earthquake, flood, or has become so dilapidated or deteriorated, from any cause whatsoever, as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, criminals or immoral persons, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts;
 - (11) Any building or structure which has been constructed or now exists or is maintained in violation of any specific requirement or prohibition, applicable to the building ordinances of the City or of any law or ordinance of this State or City relating to the location, use and physical condition of buildings or structures; and
 - (12) Any building or structure which, whether or not erected in accordance with all applicable laws or ordinances, because of dilapidation, deterioration, damage or other cause, is so weakened or defective as to have in any nonsupporting part, member or portion, less than fifty percent (50%) or in any supporting member less than sixty-six percent (66%), of the strength, fire-resisting qualities or characteristics required by law or ordinance in the case of a newly constructed building or structure of similar size, use and location.
- (b) Faulty weather protection such as:
- (1) Deteriorated, crumbling or loose plaster;
 - (2) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors;
 - (3) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering;
 - (4) Broken, rotted, split or buckled exterior walls or roof coverings.
- (c) Faulty materials of construction, being all materials of construction, except those which are specifically allowed or approved by the Building Code, and which have been adequately maintained in good and safe condition.
- (d) Inadequate fire-protection or fire-fighting equipment, and all buildings or portions thereof which are not provided with fire-resistive construction or fire-extinguishing systems or equipment required by the Building Code, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

- (e) Fire hazards, and any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which is in such a condition as is likely to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
- (f) Hazardous or unsanitary premises, being those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions constitute fire, health or safety hazards or constitute a nuisance as defined by City ordinance.
- (g) Improper occupancy, and all buildings or portions thereof occupied for purposes for which they were not designed or intended to be used.
- (h) Hazardous wiring such as:
 - (1) Exposed electric wire or wire with deteriorated or damaged insulation;
 - (2) Switch and outlet plates missing or improperly fastened;
 - (3) Short circuit or break in an electric line;
 - (4) Obvious shock hazards; and
 - (5) Temporary wiring, except extension cords which run directly from portable electric fixtures to convenience outlets, and which do not lie underneath floor-covering materials or extend through doorways, transoms, or other similar openings through walls or ceilings.
- (i) Hazardous plumbing such as:
 - (1) Plumbing that permits contamination of the water supply through backflows, back-siphonage or any other method of contamination;
 - (2) Water supply inlets below the flood level of any sink, lavatory, bathtub or other fixture, and submerged inlets except those with a vacuum breaker complying with the Plumbing Code; and
 - (3) The waste line of a water-using fixture that is not trapped.
- (j) Hazardous heating equipment such as:
 - (1) Fuel supply connection of material other than pipe or tubing of solid metal and not permanently fastened in place;
 - (2) Equipment or vents so close to a wall of combustible materials or so lacking in insulation that there is danger of combustion; and
 - (3) Equipment burning liquid or solid fuel which are not connected to chimneys or flues, or which are connected to vents suitable for gas only. (1980 Code 153.23)

RESPONSIBILITIES OF OCCUPANTS AND OWNERS

1317.14 OCCUPANTS' RESPONSIBILITIES.

- (a) The responsibilities of occupants are as follows:
 - (1) To keep the dwelling, dwelling unit and premises he controls and occupies in a clean and sanitary condition;
 - (2) To dispose of rubbish and garbage in a clean and sanitary manner as prescribed by City regulations;
 - (3) To hang and remove screens provided by the owner except where the owner has agreed to supply such services;

- (4) To keep plumbing fixtures therein in a clean and sanitary condition and to exercise reasonable care in the proper use and operation thereof; and
- (5) To exterminate in the following cases:
 - A. The occupant of a single dwelling is responsible for extermination of any insects, rodents or other pests therein or on the premises;
 - B. The occupant of a single-dwelling unit in a multiple-unit structure is responsible for extermination of any insects, rodents or other pests if his unit is the only unit infested.

(b) Notwithstanding the foregoing provisions of this section, whenever infestation is caused by the failure of the owner to maintain the dwelling in a rat-proof or reasonably insect-proof condition, the occupant is not responsible for extermination of any insects, rodents, or other pests therein.

(1980 Code 153.30)

1317.15 OWNERS' RESPONSIBILITIES.

The responsibilities of the owner are as follows:

- (a) To have the dwelling in a clean, sanitary, habitable condition, to free it from infestation before renting, to paint the walls and ceilings and to clean, repair and exterminate if needed to meet these requirements before offering for rent;
- (b) To provide every door opening directly from a dwelling unit to outdoor space with screens and a self-closing device; and every window or other device opening to outdoor space, used or intended to be used for ventilation, with screens;
- (c) To exterminate in the following cases:
 - (1) When infestation exists in two or more units of a multiple-unit structure;
 - (2) When infestation exists in shared or public areas of a multiple-unit structure; or
 - (3) When infestation exists in a single-unit or multiple-unit structure or in a single-unit structure when infestation is due to failure of the owner to maintain the dwelling in a rat-proof and reasonably insect-proof condition; and
- (d) To insure that all driveways that access commercial, retail, industrial or manufacturing properties are blocked whenever the property is no longer occupied or is vacant. The driveway shall be blocked so as to prohibit vehicular access onto or through the property while it is no longer occupied or is vacant, yet there shall be no obstruction to pedestrian traffic. The driveways may be opened whenever work is conducted on the property to make it ready for occupancy. The driveway shall be blocked in such a manner as is approved by the City Building Inspector.
- (e) To perform the responsibilities of the occupant when premises are vacant.

1317.99 PENALTY.

Any person who violates any provision of this chapter or who fails to comply with any order or inspection report within the time limit shall be guilty of such offense as follows:

- (a) For violations of the following sections, the violator is guilty of a 4th degree misdemeanor: Section 1317.12(b)(6); Section 1317.13(a)(3) through (6); Section 1317.13(g); Section 1317.13(i)(1) through (3); Section 1317.15(a) through (e).
- (b) For violations of the following sections, the violator is guilty of a 3rd degree misdemeanor: Section 1317.13(b)(1) through (4), (c).
- (c) For violations of the following sections, the violator is guilty of a 2nd degree misdemeanor: Section 1317.13(d), (e), (h) and (j).
- (d) For violations of the following sections, the violator is guilty of a 1st degree misdemeanor: Section 1317.13(a)(7), (10) and (12); Section 1317.13(f).
- (e) For violations not mentioned above, the violator is guilty of a minor misdemeanor.
- (f) Each day that any such violation or failure to comply occurs, or is continued, shall constitute a separate offense.
(Ord. 12-04. Passed 3-26-12.)

(Note: The next printed page is page 39.)

CHAPTER 1323
Flood Damage Prevention

1323.01	Definitions.	1323.05	Provisions for flood hazard reduction.
1323.02	General provisions.	1323.99	Penalty.
1323.03	Administration.		
1323.04	Variance procedure.		

CROSS REFERENCES

Flood control bonds; public capital improvement - see Ohio Const. Art. VIII, Sec. 21; Ohio R.C. 129.70 et seq.

County Commission flood control aid to governmental units - see Ohio R.C. 307.77

Construction permits and prohibitions for dams, dikes or levees - see Ohio R.C. 1521.06

Marking flood areas - see Ohio R.C. 1521.14

Review of flood plain management ordinances - see Ohio R.C. 1521.18

1323.01 DEFINITIONS.

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

- (a) "Accessory structure" means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.
- (b) "Appeal" means a request for review of the City Engineer's interpretation of any provision of this chapter or a request for a variance.
- (c) "Area of special flood hazard" means the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Areas of special flood hazard are designated by the Federal Emergency Management Agency as Zone A, AE, AH, AO, A1-30, and A99.
- (d) "Base flood" means the flood having a one percent chance of getting equaled or exceeded in any given year. The base flood may also be referred to as the 100 year flood.
- (e) "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.
- (f) "Development" means any man-made 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) "Federal Emergency Management Agency" (FEMA) means the agency with the overall responsibility for administering the National Flood Insurance Program.
- (h) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters, and/or
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (i) "Flood Insurance Rate Map" (FIRM) means an official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazard.
- (j) "Flood Insurance Study" means the official report in which the Federal Emergency Management Agency has provided flood profiles, floodway boundaries, and the water surface elevations of the base flood.
- (k) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.5 foot.
- (l) "Historic structure" means any structure that is:
 - (1) Listed individually in the National Register of Historic Places (a listing, maintained by the U. S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
 - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (3) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office;
 - (4) Individually listed on the inventory of historic places maintained by the Northwest Historical Society, which program is certified by the Ohio Historic Preservation Office;
- (m) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement) of a structure. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is built in accordance with the applicable design requirements specified in this chapter for enclosures below the lowest floor.
- (n) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
- (o) "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.

- (p) "New construction" means structures for which the "start of construction" commenced on or after the initial effective date of the City of Hilliard's Flood Insurance Rate Map, and includes any subsequent improvements to such structures.
- (q) "Recreational vehicle" means a vehicle which is:
 - (1) Built on a single chassis,
 - (2) 400 square feet or less when measured at the largest horizontal projection,
 - (3) Designed to be self propelled or permanently towable by a light duty truck, and
 - (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (r) "Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.
- (s) "Structure" means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
- (t) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (u) "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:
 - (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
 - (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure"; or
 - (3) Any improvement to a structure which is considered new construction.
- (v) "Variance" means a grant of relief from the standards of this chapter consistent with the variance conditions herein.
- (w) "Violation" means the failure of a structure or other development to be fully compliant with these regulations. (Ord. 07-29. Passed 5-29-07.)

1323.02 GENERAL PROVISIONS.

(a) **Lands to Which This Chapter Applies.** This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City of Hilliard as identified by the Federal Emergency Management Agency, including any additional flood hazard areas annexed by the City of Hilliard that are not identified on the effective Flood Insurance Rate Map.

(b) **Basis for Establishing the Areas of Special Flood Hazard.** The areas of special flood hazard have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study Franklin County and Incorporated Areas." This study, with accompanying "Flood Insurance Rate Map Franklin County and Incorporated Areas" both date March 16, 2004, and any revisions thereto, is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study and map is on file at 3800 Municipal Way, Hilliard, Ohio.

(c) **Compliance.** No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this chapter and all other applicable regulations which apply to uses within the jurisdiction of this chapter, unless specifically exempted from filing for a development permit as stated in Section 1323.03(b).

(d) **Abrogation and Greater Restrictions.** This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions, but the land subject to such interests shall be governed by these regulations. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(e) **Interpretation.** In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of this chapter may be in conflict with a state law or federal law, such state or federal law shall take precedence over this chapter.

(f) **Warning and Disclaimer of Liability.** The degree of flood protection required by 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. This chapter does 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. This chapter shall not create liability on the part of the City of Hilliard, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 07-29. Passed 5-29-07.)

(g) **Permit Fee.** The applicant shall deposit with the City Engineer a permit fee as set forth in Chapter 190. Should a permit application require modifications to the existing floodplain computer model, or if the City Engineer otherwise determines study of the permit application is needed, the applicant shall reimburse to the City its costs, which may include review fees by a professional engineer registered in the State of Ohio. All fees must be paid in full before a permit may be issued. Upon receipt, the Director of Finance shall deposit said fees into the General Revenue Fund. (Ord. 08-35. Passed 8-25-08.)

1323.03 ADMINISTRATION.

(a) Establishment of Development Permit. A development permit shall be obtained from the City Engineer before construction or development begins within any area of special flood hazard established in Section 1323.02(b). Application for a development permit shall be made on forms furnished by the City of Hilliard and may include, but not be limited to: site specific topographic plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. The following information is required:

- (1) Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures located in special flood hazard areas where base flood elevation data are utilized;
- (2) Elevation in relation to mean sea level to which any proposed structure will be floodproofed in accordance with Section 1323.05(b)(2)A. where base flood elevation data are utilized;
- (3) Certification by a registered professional engineer, architect or surveyor of the structure's as-built lowest floor or flood-proofed elevation that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 1323.05(b)(2)A. where base flood elevation data are utilized;
- (4) 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 flood carrying capacity of the watercourse will not be diminished.

(b) Exemption from Filing a Development Permit. An application for a development permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$1,000. Any proposed action exempt from filing for a development permit is also exempt from the standards of this chapter.

(c) Designation of the Flood Damage Prevention Chapter Administrator. The City Engineer is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

(d) Duties and Responsibilities of the City Engineer. The duties and responsibilities of the City Engineer shall include but are not limited to:

- (1) Permit review.
 - A. Review all development permits to determine that the permit requirements of this chapter have been satisfied.
 - B. Review all development permits 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 Department of the Army under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.

- C. Review all development permits to determine if the proposed development is located within a designated floodway. Floodways are delineated in the Flood Boundary and Floodway Map or the Flood Insurance Rate Map of the Flood Insurance Study. Floodways may also be delineated in other sources of flood information. If the proposed development is located within a designated floodway, assure that the encroachment provision of Section 1323.05(c)(1) is met.
 - D. Inspect all development projects before, during and after construction to ensure proper elevation of the structure and to ensure compliance with all provisions of this chapter.
- (2) Use of other base flood elevation and floodway data. Areas of special flood hazard where base flood elevation data have not been provided by the Federal Emergency Management Agency in accordance with Section 1323.02(b), are designated as Zone A on the community's Flood Insurance Rate Map. Within these areas, the City Engineer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, including data obtained under Section 1323.05(b)(6), in order to administer Section 1323.05(b)(1), Section 1323.05(b)(2), and Section 1323.05(c).
- (3) Information to be obtained and maintained. Where base flood elevation data are utilized within areas of special flood hazard on a community's Flood Insurance Rate Map, regardless of the source of such data, the following provisions apply:
- A. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and record whether or not such structures contain an enclosure below the lowest floor;
 - B. For all new or substantially improved floodproofed nonresidential structures:
 - 1. Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and,
 - 2. Maintain the floodproofing certifications required in subsection (a)(3) hereof.
 - C. Maintain for public inspection all records pertaining to the provisions of this chapter.
- (4) Alteration of watercourses.
- A. Notify adjacent communities and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. A watercourse is considered to be altered if any change occurs within its banks.
 - B. Maintain engineering documentation required in subsection (a) hereof that the flood carrying capacity of the altered or relocated portion of said watercourse will not be diminished.
 - C. Require that necessary maintenance will be provided for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished.

- (5) Interpretation of flood boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Where a map boundary and field elevations disagree, the elevations delineated in the flood elevation profile shall prevail. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1323.04. (Ord. 07-29. Passed 5-29-07.)

1323.04 VARIANCE PROCEDURE.

(a) Appeal Board.

- (1) The Board of Zoning Appeals as established by City of Hilliard shall hear and decide appeals and requests for variances from the requirements of this chapter.
- (2) The Board of Zoning Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City Engineer in the enforcement or administration of this chapter.
- (3) Those aggrieved by the decision of the Board of Zoning Appeals or any taxpayer, may appeal such decision to the Franklin Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.
- (4) In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - 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 which 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 flood waters and the effects of wave action, if applicable, expected at the site; and,
 - 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.
- (5) Upon consideration of the factors of subsection (a)(4) hereof and the purposes of this chapter, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

- (6) The City Engineer shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- (b) Conditions for Variances.
 - (1) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - (2) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (3) Variances may only be issued where due to physical characteristics of the property compliance with the requirements of this chapter creates an exceptional hardship. Increased cost or inconvenience of meeting the requirements of the ordinance does not constitute an exceptional hardship.
 - (4) 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 A. through K. of subsection (a)(4) hereof have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
 - (5) Variances may be issued for the 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 the variance is the minimum necessary to preserve the historic character and design of the structure.
 - (6) 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 to the applicant; and,
 - C. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this chapter, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection (a)(4) hereof, or conflict with existing local laws or ordinances.
 - D. A determination that the structure or other development is protected by methods to minimize flood damages.
 - (7) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 07-29. Passed 5-29-07.)

1323.05 PROVISIONS FOR FLOOD HAZARD REDUCTION.

(a) General Standards. In all areas of special flood hazard the following standards are required:

- (1) Anchoring.
 - A. All 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.

- B. All manufactured homes, not otherwise regulated by the Ohio Revised Code pertaining to manufactured home parks, shall be 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.
- (2) Construction materials and methods.
- A. All new construction and substantial improvements shall be constructed with materials resistant to flood damage;
 - B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and
 - C. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed with/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (3) Utilities. The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:
- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
 - B. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
 - C. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (4) Subdivision proposals.
- A. All subdivision proposals, including manufactured home subdivisions, shall be consistent with the need to minimize flood damage;
 - B. All subdivision proposals, including manufactured home subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
 - C. All subdivision proposals, including manufactured home subdivisions, shall have adequate drainage provided to reduce exposure to flood damage; and
 - D. All subdivision proposals, including manufactured home subdivisions, shall meet the specific standards of subsection (b)(6) hereof.
- (5) Standards in areas of special flood hazard without base flood elevation data. In all areas of special flood hazard identified as Zone A on the Flood Insurance Rate Map where base flood elevation data are not available from any source, for new construction and substantial improvement of any residential, commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated to at least two feet above the highest abutting natural grade.

(b) Specific Standards. In all areas of special flood hazard where base flood elevation data have been provided as set forth in Section 1323.02(b), Section 1323.03(d)(2), or subsection (b)(6) hereof, the following provisions are required:

- (1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to the base flood elevation.
- (2) Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - A. Be floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the base flood elevation. In order to be eligible for lower flood insurance rates, the structure should be flood proofed at least one foot above the base flood elevation.
 - B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, and,
 - C. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this subsection. Such certification shall be provided to the official as set forth in Section 1323.03.
- (3) Accessory structures. A relief to the elevation or dry floodproofing standards may be granted for accessory structures (e.g., sheds, detached garages) containing 576 square feet or less in gross floor area. Such structures must meet the encroachment provisions of subsection (c)(1) and the following additional standards:
 - A. They shall not be used for human habitation;
 - B. They shall be designed to have low flood damage potential;
 - C. They shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;
 - D. They shall be firmly anchored to prevent flotation; and
 - E. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.
- (4) Manufactured homes and recreational vehicles. The following standards shall apply to all new and substantially improved manufactured homes not subject to the manufactured home requirements of Section 3733.01, Ohio Revised Code:
 - A. Manufactured homes shall be anchored in accordance with subsection (a)(1)B. hereof.
 - B. Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at the base flood elevation.

These standards also apply to recreational vehicles that are either located on sites for 180 days or more, or are not fully licensed and ready for highway use.

- (5) Enclosures below the lowest floor. The following standards apply to all new and substantially improved residential and nonresidential structures which are elevated to the base flood elevation using pilings, columns, or posts. Fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must:
- A. Be certified by a registered professional engineer or architect; or,
 - B. Must meet or exceed the following criteria:
 - 1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - 2. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other openings provided that they permit the automatic entry and exit of floodwaters.
- (6) Subdivisions and large developments. In all areas of special flood hazard where base flood elevation data have not been provided in accordance with Section 1323.02(b), or Section 1323.03(d)(2), the following standards apply to all subdivision proposals, including manufactured home subdivisions, and other proposed developments containing at least 50 lots or 5 acres (whichever is less):
- A. The applicant shall provide base flood elevation data performed in accordance with standard engineering practices;
 - B. If subsection (b)(6)A. hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of subsections (a) and (b) hereof.

(c) Floodways. The Flood Insurance Study referenced in Section 1323.02(b) identifies a segment within areas of special flood hazard known as a floodway. Floodways may also be delineated in other sources of flood information as specified in Section 1323.03(d)(2). The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential. The following provisions apply within all delineated floodway areas:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a hydrologic and hydraulic analysis performed in accordance with standard engineering practices demonstrates that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.
 - (2) If subsection (c) hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of subsection (b) hereof.
 - (3) Any encroachment within the floodway that would result in an increase in base flood elevations can only be granted upon the prior approval by the Federal Emergency Management Agency. Such requests must be submitted by the City Engineer to the Federal Emergency Management Agency and must meet the requirements of the National Flood Insurance Program.
- (Ord. 07-29. Passed 5-29-07.)

1323.99 PENALTY.

Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor of the fourth degree. Any person who violates any provision of this chapter or fails to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall be fined or imprisoned as provided by the laws of the City of Hilliard. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Hilliard from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Hilliard shall prosecute any violation of this chapter in accordance with the penalties stated herein.

(Ord. 07-29. Passed 5-29-07.)

CHAPTER 1327
Sign Code

EDITOR'S NOTE: Former Chapter 1327 was repealed by Ordinance 98-31, passed August 10, 1998. See Chapter 1129 of the Planning and Zoning Code for current City sign and graphics regulations.

(NOTE: The next printed page is page 69.)

**CHAPTER 1331
Landscape Code**

<p>1331.01 Purpose and enforcement. 1331.02 Definitions. 1331.03 Tree protection and wood area preservation. 1331.04 Tree replacement. 1331.05 Procedure; plan submission; content; appeals.</p>	<p>1331.06 Landscaping standards. 1331.07 Screening standards. 1331.08 Fees. 1331.99 Penalty.</p>
---	--

CROSS REFERENCES

CRCOD - see Cemetery Road Corridor Overlay District, Chapter 1160
 Hilliard Planting Manual - available from Enforcement Officer and Planning Department
 Planned Unit Development - see P. & Z. 1157.05
 Trees - see S.U. & P.S. Ch. 921
 Subdivision design standards and improvements - see P. & Z. Ch. 1179 et seq.

1331.01 PURPOSE AND ENFORCEMENT.

(a) Purpose. The purpose of landscaping regulations is to promote and protect the public health, safety, and welfare through the preservation and protection of the environment. It is further the purpose of this chapter to:

- (1) Promote the preservation of trees and the replacement of major trees removed in the course of land development so as to mitigate the impact of development;
- (2) Promote the proper utilization of landscaping as a buffer between certain land uses and to minimize the possibility of nuisances including potential noise, glare, litter, and visual clutter of parking and service areas;
- (3) Protect, preserve and promote the aesthetic appeal, character and value of neighborhoods with the placement of landscaping;
- (4) Offer a minimum standard for the consistent appearance of plant material in the community landscape; and
- (5) Soften the appearance of building masses and paved areas and reduce the generation of heat and stormwater runoff.

(b) Enforcement. The Director of Public Service or designated staff member assigned to enforce the provisions of this chapter shall be known as the Enforcement Officer. Whenever the Enforcement Officer determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given to the owner, developer or person or persons in possession and/or control of the premises in the following manner:

- (1) Notice shall be in writing, and shall include a description of the location of the violation sufficient for identification purposes; and
- (2) Shall include a statement of the violation or violations, specifying the code section(s) violated, why notice is being issued, and the applicable penalty if compliance is not forthcoming; and
- (3) Notice shall include a compliance order allowing a reasonable time under the circumstances for corrective action to bring the violation into code compliance; and
- (4) The Notice shall provide the violator with the right to appeal the compliance order issued.

(c) Method of Service. The Notice shall be deemed properly served if a copy thereof is provided in one of the following methods:

- (1) Delivered personally; or
- (2) Sent by certified or first-class mail addressed to the violator at his/her last known address; or
- (3) If the mailed Notice was returned showing that delivery was not successful, a copy thereof shall be posted in a conspicuous place in or about the premises or property affected by such notice.

(d) Penalties. Penalties for noncompliance with orders and notices hereunder shall be as set forth in 1331.99.

(e) Transfer of Ownership. It shall be unlawful for the owner of the property, premises or parcel which is the subject of a violation and who has been served a notice of violation and/or a compliance order, to sell, transfer, mortgage, lease or otherwise dispose of such property, premises or parcel to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish to the enforcement officer a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without any conditions for making the corrections or replacements required by such compliance order or notice of violation. (Ord. 12-03. Passed 3-26-12.)

1331.02 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply.

- (a) Accessory Use or Service Structure: a use or structure which is incidental to the main use of the land or building, but in this Chapter, does not include or apply to garages or sheds on residential lots.
- (b) EDITOR'S NOTE: Former subsection (b) hereof was deleted by Ordinance 12-03.

- (c) Enforcement Officer: The Director of Public Service or staff member designee assigned to enforce all sections of this Chapter.
- (d) Existing Tree: the tree or trees existing on property prior to construction on a site, including those in existence prior to expansion or demolition of the current structure(s) on a parcel.
- (e) Interior landscaping: the use of landscape material within the boundaries of the landscape buffer zone and perimeter landscaping.
- (f) Landscaping/landscaped area: any portion of a parcel of land that includes trees, planting beds, hedges, earth mounds or other material designed and located in a manner complimentary to the overall architecture of the surrounding building and the character of the surrounding neighborhood.
- (g) Large tree: any tree species which normally attains a full-grown height in excess of fifty feet.
- (h) Major tree: any tree having a trunk diameter of six inches or greater as measured twelve inches from ground level.
- (i) Medium tree: any tree species which normally attains a full-grown height of between twenty-six to fifty feet.
- (j) Opacity: the degree to which a wall, fence or landscaping is impenetrable to light.
- (k) Open Space: the area that is dedicated on a preliminary plat and/or development plan that is for passive recreational and/or aesthetic purposes.
- (l) Parking area or parking structure: an off street area or structure, used for required parking or loading spaces, including driveways, access ways, aisles, parking and maneuvering space, but excluding required on-street parking and public right of way.
- (m) Perimeter landscaping buffer: the use of landscape materials within and adjacent to the outer boundary of a parcel.
- (n) Person: any person, corporation, partnership, company, association, contracting firm or other entity, including those employed under a contract with the City.
- (o) Site Triangle at driveway intersection: the sight triangle shall be established by locating the intersection of the street curb with the driveway edge, and by measuring from this point a distance of ten feet along the driveway to a point and a distance of twenty feet along the street curb to a point and connecting these points.
- (p) Small tree: means any tree species which normally attains a full-grown height of twenty-five feet and under.
- (q) Treelawn: that area between the sidewalk or the street right-of-way and the curb or edge of pavement that is used for the planting of grasses or trees.
- (r) Tree size measurement: the caliper of a tree shall be measured in accordance with the American Association of Nurserymen's Standards, which provides that a tree is measured six inches above ground if four inches or less caliper size and twelve inches above ground for larger sizes. For trees exceeding twelve (12) feet in height, the tree measurement size is the trunk measurement at four foot five inches above the ground.
- (s) Tree Preservation and Protection Plan: The inventory of trees on a site prior to demolition or construction naming each species, size and condition of each tree, and the steps that will be undertaken to protect trees on site, and to provide for the protection of trees at a distance in feet equal to inches in diameter of tree trunk.
- (t) Tree Topping: the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.
(Ord. 12-03. Passed 3-26-12.)

1331.03 TREE PROTECTION AND WOOD AREA PRESERVATION.

(a) All existing trees shall be preserved by the property owner, developer or person in possession and control of the property. However, the Enforcement Officer may approve the removal of an existing tree, and issue a permit to do so, when the tree interferes with the proper development of a parcel, provided that the parcel is the subject of an application for approval of a preliminary or final plat, a zoning certificate, site plan, variance or a conditional use permit, or demolition permit, and one of the following applies:

- (1) The tree is located within a public right-of-way or easement; or
- (2) The tree is located within the area to be covered by a proposed structure(s) or within twelve (12) feet from the perimeter of a structure(s), and the proposed structure(s) cannot be located in a manner to avoid removal of the tree while at the same time permitting desirable and logical development of the lot; or
- (3) The tree is located within a proposed driveway, parking area, lot or structure; or
- (4) Trees that in the judgment of the Enforcement Officer are damaged, diseased, overmature, or which interfere with utility lines, are an inappropriate or undesirable species, are located in an unsafe manner, or are located in an undesirable location.

(b) Tree Survey and Protection: Prior to any construction or demolition activities on a site containing existing trees, a tree preservation plan including a tree survey of existing trees (including trunk diameter, location and species) must be submitted to the City for review and approval. During all phases of demolition or construction, including a ten-foot radius from any public tree, all steps necessary to prevent the destruction or damage to protected trees shall be taken by the owner or developer or person in possession and control of the premises (the "tree preservation area"). All required protective fencing, frame or box, or other physical barrier must be erected around the tree preservation area and approved by the City prior to any construction, demolition or site clearing. The fencing or other physical barrier must remain in place and be secured in an upright position during the entire construction period to prevent encroachment and interference of construction vehicles, materials, spoils and equipment into or upon the tree preservation area.

(c) The Developer or owner or person in possession of the property shall submit a tree preservation plan to the Enforcement Officer who may seek a recommendation regarding said Plan from the Shade Tree Commission. When preparing and reviewing subdivision plans and landscaping plans, the plan shall be designed to preserve natural growth areas. Streets, parcels, structures, and parking areas shall be laid out to avoid the unnecessary destruction of heavily wooded areas and outstanding tree specimens which are unique to the site and not easily replaceable. Developers of land are encouraged to designate heavily wooded areas as open space or park reserves. (Ord. 12-03. Passed 3-26-12.)

1331.04 TREE REPLACEMENT.

(a) Each tree removed pursuant to Section 1331.03 during the course of development of a parcel shall be replaced by the owner or developer or person in possession of the parcel with a tree of the same caliper size. For example, if a 20" caliper tree is removed, it must be replaced with 20" of calipers which can be accomplished in various ways, such as with ten 2" calipers or five 4" calipers, and being of the same or similar species as approved by the Enforcement Officer.

(b) Failure to replace a tree as required by subsection (a) hereof, within three (3) months, of the approval of the application referred to in Section 1331.03, or by a later date as approved in writing by the Enforcement Officer, is declared a minor misdemeanor for each separate failure to replace a tree and is punishable as set forth in 1331.99. (Ord. 12-03. Passed 3-26-12.)

1331.05 PROCEDURE; PLAN SUBMISSION; CONTENT; APPEALS.

(a) Applicants must submit landscaping plans, consistent with the plan content set forth below, for review and approval by the Enforcement Officer, which may be in consultation with the Shade Tree Commission. Such plans shall be reviewed with the goal of accomplishing the purposes of this Chapter and specific requirements herein. Landscaping plans must be submitted whenever one of the following applies:

- (1) Application is made for a building permit in any area zoned other than A-1, RR, R-1, R-2 or R-3; or
- (2) Application is made for a conditional use, variance, rezoning, subdivision plat, development plan, or zoning certificate in all areas except A4, RR, R4, R-2 or R-3.

(b) No building permit or application shall be granted without approval of the required landscaping plan by the Enforcement Officer. Further, no certificate of occupancy shall be issued until the landscaping is completed as certified by an on-site inspection by the Enforcement Officer, unless a performance bond, cashier's check/bank check, cash deposit, or irrevocable, unconditional letter of credit shall be posted at the time the certificate of occupancy is issued. The amount posted and the form of security shall be in an amount determined by the City Manager to be necessary to complete the required landscaping, plus twenty-five percent (25%) for possible cost overruns.

(c) After a bond or irrevocable letter of credit has been posted, the landscaping material required in the approved landscaping plan shall be planted and installed no later than six (6) months after the date of posting the bond or irrevocable letter of credit. A one-month extension of the planting period may be granted by the Enforcement Officer upon a demonstration by the property owner or developer that such an extension is warranted because of adverse weather conditions or unavailability of required plant materials. No more than three such one-month extensions may be granted. Enforcement and foreclosure proceedings shall be brought against the performance bond or irrevocable letter of credit if the required landscaping plans have not been complied with at the end of the approved planting period.

(d) Any landscape plans submitted to and disapproved by either the Enforcement Officer or required Commission may be appealed to the Board of Zoning Appeals in accordance with Chapter 1106 of the City's Codified Ordinances.

A landscaping plan required by this Chapter shall be drawn to scale of not less than "one inch equals forty feet" and shall include information deemed necessary by the Enforcement Officer. (Ord. 19-31. Passed 12-9-19.)

1331.06 LANDSCAPING STANDARDS.

(a) General Requirements. For all development following the effective date of this Chapter, the following requirements shall apply and be met regardless of whether a specific written plan is required by Section 1331.05.

- (1) Individual lots under RR, R1, R2, R3, PUD, and PND districts. There shall be tree plantings equal to one-half inch in caliper for every 500 square feet of surface covered by the structure. Such plantings shall be required within the lot. The Enforcement Officer may grant the applicant credit toward the tree planting requirements of this section for other proposed landscaping materials as defined by subsection (c) hereof which is to be located within the lot. Such credit shall be within the discretion of the Enforcement Officer with the intention of accomplishing the purpose of this Chapter set forth herein. No such credit shall be given for the street tree requirements of subsection (d) hereof, and street tree planting requirements shall be fulfilled as outlined therein.
- (2) All other zoning districts except individual lots RR, R1, R2, R3, PUD, and PND. In addition to the requirements of subsection (b) hereof, the following shall apply: there shall be landscaped areas equal to twenty (20) square feet for every 1,000 square feet of building surface coverage area, or fraction thereof, and one inch in tree size for every 1,500 square feet of building surface coverage with a minimum tree caliper of 2 inches, whichever is greater. Such landscaped areas shall contain trees, planting beds, hedges, earthmounds, or other materials designed and located in a manner complimentary to the overall architecture of the surrounding buildings.
- (3) Parking lots. See subsection (b) hereof.
- (4) Existing tree credit. No new tree plantings shall be required if existing trees are healthy and the aggregate trunk sizes of such trees meet or exceed the requirements as set forth in this Chapter and providing that such trees are evenly distributed throughout the development area and not confined either to isolated dense clusters or to the perimeter of the developed area as determined by the Enforcement Officer.
- (5) Existing material. Existing landscape material shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the Enforcement Officer, such material meets the requirements and achieves the objectives.

(b) Interior Landscaping for Parking Areas. Any open parking area containing more than 4,000 square feet of area, or being comprised of twelve (12) or more vehicular parking spaces, shall provide "interior" landscaping that may be peninsular or island in nature and shall be distributed throughout the site. Interior landscaping shall equal not less than five percent (5%) of the total area of the parking lot.

(c) Landscaping at Driveway and Street Intersections. To insure that landscape materials do not constitute a driving hazard, a sight triangle shall be observed at all street intersections or intersections of driveways and streets. Within this sight triangle, neither landscape material nor parked vehicles, except for required grass or ground cover, shall be permitted. Within the sight triangle, trees shall be permitted as long as, except during early growth stages, only the tree trunk is visible between the ground and eight feet above the ground, and/or otherwise does not present a traffic visibility hazard.

- (1) Driveway intersection sight triangle. At intersections of driveways with streets, the sight triangle shall be established by locating the intersection of the street curb with the driveway edge, and by measuring from this point a distance of ten feet along the driveway to a point and a distance of twenty feet along the street curb to a point and connecting these points.
- (2) Street intersection sight triangle. At street intersections, the sight triangle shall be formed by measuring at least thirty-five feet along curb lines and connecting these points.

(d) Types of Landscape Materials. The proposed landscape materials must complement the form of the existing trees and plantings, as well as the development's general design and architecture. Landscaping design and material shall consist of the following:

- (1) Walls and fences. For any proposed new building, residential or otherwise, where stone fencing exists, such stone fencing shall be retained and improved as part of the approved landscaping, unless it is waived by the Planning and Zoning Commission.
- (2) Earth mounds. Earth mounds shall be physical barriers which shall block or screen the view similar to a hedge, fence or wall. Mounds shall be constructed with proper and adequate plant material to prevent erosion and facilitate drainage. Earthen mounds shall have a maximum slope of three to one or three feet horizontal space is required for each one-foot vertical change in elevation. The crest or top of the mound shall be rounded with elevation changes maintained one foot off of the centerline of the mounds.
- (3) Plants. All plant materials shall be living plants (artificial plants are prohibited) and shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations.
- (4) Deciduous trees. Deciduous trees, trees which normally shed their leaves in the fall, shall be of a species having an average mature crown spread of greater than fifteen feet in Central Ohio and having trunk(s) which can be maintained with over five feet of clear wood in areas which have visibility requirements, except at vehicular use area intersections where eight foot clear wood requirements shall control. Trees having an average mature spread of crown less than fifteen feet may be substituted by grouping of the same so as to create the equivalent of a fifteen-foot crown spread.
- (5) Evergreen trees. Evergreen trees shall be a minimum of five feet high with a ratio of height to spread of no less than five feet in height to three feet in spread.
- (6) Shrubs and hedges. Shrubs and hedges shall be a minimum size of 3-gallon containers and reach 36" in height by the second year growing season. This shall not apply to planting intended as ground cover.
- (7) Maintenance and installation. All shrubs, trees, grass, ground covers and other plantings shall be well-maintained, pruned, properly weeded and mulched and kept free of trash and other unsightly material and/or debris at all times.

- (8) Plant material not surviving. Plant material which does not survive shall be replaced by the owner within three (3) months after the material dies, unless approved otherwise by the Enforcement Officer due to seasonal or other extenuating circumstances (but not including costs).
 - (9) Replacement plants/materials. Replacement plants shall be of the same size, genus and species as originally planted, unless the planting of similar materials is approved by the Enforcement Officer.
 - (10) Failure to maintain or replace. Failure to maintain or replace plant material as required in this Chapter is a minor misdemeanor for each separate failure to replace the required landscape plant. See Section 1331.99 for penalties, including subsequent violations.
- (e) Street Tree Planting Requirements in All Zoning Districts.
- (1) Requirements. All builders are required to plant large or medium trees along the public streets of their developments in such a manner, type, quantity and location as required by the Enforcement Officer, who may consult with the Shade Tree Commission. Any undeveloped street or existing street with undeveloped frontage shall conform to these requirements at the time of occupancy of each unit. Small trees may be used upon application to and permission from the Enforcement Officer. Such request may be granted upon the showing by the applicant that the small trees are more appropriate for the area. Economic hardship shall not be a reason for not using medium or large trees. Consult the City of Hilliard's Tree Manual for street tree planting requirements.
 - A. The Developer shall be required to maintain and warrant the trees survivability for one year after each tree is inspected and approved by the Enforcement Officer and planted. During this one-year warranty and maintenance period, the Developer shall immediately replace any tree that fails to survive or that does not exhibit normal growth characteristics of health and vigor. Each tree replaced during the one-year warranty and maintenance period shall also be warranted and maintained by the Developer for a period of one-year. A final inspection shall be made at the end of the warranty period. All trees not exhibiting healthy, vigorous growing conditions, as determined by the Enforcement Officer, during the warranty period shall be replaced within one month at the expense of the Developer.
 - (2) Tree topping. Tree topping shall be unlawful as a normal practice for any tree within the public right-of-way. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or trees under utility wires or other obstructions where other pruning practices are impractical are hereby exempted from this section, as determined by the Enforcement Officer.
 - (3) Height of limbs over sidewalks, rights of way and streets. Tree limbs extending over a sidewalk and/or right of way shall be trimmed to such an extent that no portion of the same shall be less than seven feet above the sidewalks. Tree limbs extending over streets shall be trimmed to such an extent that no portion of the same shall interfere with visibility and the safe flow of traffic.

- (4) City Rights.
 - A. The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the rights-of-way of all streets, alleys, avenues, lanes and other public grounds as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
 - B. The Enforcement Officer may cause or order to be removed any tree or part thereof which is in an unsafe condition or which by areas of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements or is affected with any injurious fungus, insect or other pest.
 - C. This subdivision does not prohibit the planting of street trees by adjacent property owners provided that the selection and location of such trees is in accordance with the provisions of this Chapter.
- (5) Reducing treelawn. No person shall by any type of construction reduce the size of a treelawn without first procuring permission from the Enforcement Officer. A person who removes, damages or causes to be removed a public tree from the treelawn or other public place without prior approval shall be required to replace such tree at his/her own expense; the replacement tree shall have a minimum diameter of two inches.
(Ord. 12-03. Passed 3-26-12.)

1331.07 SCREENING STANDARDS.

(a) Landscaping for Accessory Uses, Service Structures, Cellular Towers and Communication Towers. Any accessory use, service structure or tower shall be sufficiently screened whenever located in or adjacent to any residential district, as determined by the Enforcement Officer.

(b) Screening of Service Areas and Loading Dock Areas.

- (1) All areas for parking, service, loading and unloading activities shall be screened along the entire lot line adjacent to or abutting a residential district or public right-of-way.
- (2) Screening shall consist of walls, fences, natural vegetation, or an acceptable combination of these elements, provided that screening shall be at least six feet, and walls and fencing no more than twelve feet in height. Natural vegetation shall be of a variety which shall attain six feet in height within four years of planting.
- (3) Natural growth screening during full foliage shall have a minimum opaqueness of seventy-five percent (75%). The use of year-round vegetation, such as pines or evergreens is encouraged. Vegetation shall be planted no closer than three feet to any property line.

(c) Screening of Trash Container Receptacles.

- (1) For commercial, community service, industrial, office, institutional and multiple family uses, all trash containers or receptacles shall be screened or enclosed. Trash containers designed to service more than one residential unit or to service a nonresidential structure shall be fully screened on all four sides by walls, fences, mounding, natural vegetation or an acceptable combination of these elements. The height of such screening shall be one foot higher than the proposed structure or at least six feet. The maximum height of walls and fences shall not exceed twelve feet.

- (2) Earth mounds may not exceed four feet for use as screening herein, and shall only be used in combination with other types of screening to ensure four-sided screening.
- (d) Curbs to Protect Screening Material.
- (1) Interior protection. The use of curbs or steel pipes filled with concrete, or other similar measures, shall be required to control the placement of the dumpster and to protect the screening materials (fence or plants) during the emptying and replacement operation.
- (2) Exterior protection. The use of concrete curbs around planting beds shall be required to protect plantings from damage caused by traffic movement, whenever plantings are utilized to screen dumpsters.
- (e) Additional Screening Requirements.
- (1) For commercial, retail, office-institutional, places of worship and community service (all S-I Zoning) uses, screening shall be provided between such uses and when adjacent to or abutting residential districts.
- (2) For multi-family uses abutting single-family residential districts.
- (3) Screening for subsections (e)(1) and (2) hereof shall comply with the following: Screening can consist of walls, fences, natural vegetation, or an acceptable combination of these elements. Such screening shall cover the entire rear property line, and between the front building line and rear property line for side lot lines. Vegetation shall be planted no closer than three feet to any property line.
- A. The height of screening shall be at least six feet and walls and fences shall not exceed eight feet in height. Natural vegetation, during full foliage shall have an opaqueness of at least seventy-five percent (75%), and shall be of a variety which will attain four feet in height within five years of planting.
- B. For all industrial uses adjacent to or abutting a residential district, the following screening shall be provided:
1. Minimum visual face coverage: 75%
 2. Minimum opaqueness: 75%
 3. Minimum height, walls and fences: 7 feet
 4. Maximum height, walls and fences: 12 feet.
- (Ord. 12-03. Passed 3-26-12.)

1331.08 FEES.

City Council shall approve a fee schedule for the submission and review of plans required by this Chapter. See Chapter 190 for fees. (Ord. 12-03. Passed 3-26-12.)

1331.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor and punishable as permitted by law (see section 501.99 for penalties, including those for Organizations). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Any person or organization that commits a subsequent offense within one year of a prior offense hereunder shall be guilty of a misdemeanor of the fourth degree. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(Ord. 12-03. Passed 3-26-12.)

CHAPTER 1335
2009 International Property Maintenance Code

1335.01 Adoption of Property Maintenance Code.

1335.02 Additions, insertions and changes.

CROSS REFERENCES

Adoption by reference - see CHTR. Sec. 3.09

1335.01 ADOPTION OF PROPERTY MAINTENANCE CODE.

There is hereby adopted by the Municipality, the 2009 International Property Maintenance Code (“IPMC”), as published by the Building Officials and Code Administrators International, Inc., and as such code may be amended hereafter from time to time, as the Property Maintenance Code (“PMC”) of the City of Hilliard, Ohio, for the control of buildings and structures as provided herein. Each and all of the regulations, provisions, penalties, conditions and terms of the PMC are hereby referred to, adopted, and made a part hereof as if fully rewritten herein, with the additions, deletions and changes as approved by Hilliard City Council. In the event of a conflict between one or more provisions of the PMC and the Ohio Building Code, the provisions of the OBC shall control. In the event of a conflict between one or more provisions of the PMC and other codified ordinances of the City of Hilliard, Ohio, the stricter provision shall apply. All references in the IPMC to the “International Building Code” or the “International Existing Building Code” are deleted and replaced with the “Hilliard Building Code, as codified or as such code is adopted by the City by reference”. All references in the IPMC to the “International Plumbing Code” are deleted and replaced with the “Hilliard Plumbing Code, as codified or as such code is adopted by reference”. All references to the “International Fire Code” in the IPMC are deleted and replaced with the “Ohio Fire Code or applicable code adopted by the City of Hilliard. (Ord. 09-37. Passed 7-12-09.)

1335.02 ADDITIONS, INSERTIONS AND CHANGES.

The 2009 International Property Maintenance Code is amended and revised in the following respects:

Section 101.1: Insert: City of Hilliard, Ohio

Section 101.2: Amend to read as follows:

This code is intended to protect the public health, safety and welfare in all existing structures, residential and non-residential, and on all existing premises by establishing minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners, operators, and occupants; regulating the occupancy of existing structures and premises, and providing for administration, enforcement and penalties.

Nothing contained herein shall be construed to require an owner, operator or occupant to alter, remove, modify or otherwise abate a condition under the following parameters:

- 1) (Existing conditions which are considered violations under this code which were permissible when the structure or premises was originally constructed and/or issued a building permit shall be permitted to remain provided the condition is properly maintained in a condition similar to that at the time of original construction and said condition does not constitute a Serious Hazard; or
- 2) (Existing conditions within structures built before March 1, 1959 or listed on the National Register of Historic Structures, are exempted from this code unless the condition is deemed to be a Serious Hazard to the health, safety or welfare of the occupant(s).

Section 102.3: Replace italicized language with:

“applicable Codes within the City of Hilliard, Ohio”.

Section 103: Deleted in its entirety. (Ord. 03-81. Passed 12-22-03.)

Section 103.5: The fees for activities and services performed by the department in carrying out its responsibilities under this code are included in Chapter 190 “Fees” of the City’s Codified Ordinances. (Ord. 09-37. Passed 7-12-09.)

Section 106.3: Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor of the first degree, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. (Ord. 04-10. Passed 2-9-04.)

Section 111: Amended to read as follows:

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have a right to appeal to the City’s Board of Zoning Appeals.

(The remainder of Section 111 is deleted)

Section 111.8: Section 111.8 reads in its entirety “Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Appeals Board.

Section 201.3: Replace italicized language with:

“applicable Codes within the City of Hilliard, Franklin County and State of Ohio.”

- Section 302.2: The **Exception** is to read “Approved retention and detention areas and reservoirs.”
- Section 302.4: “10 inches” shall be deleted and replaced with “6 inches.”
- Section 302.8: The **Exception** is to read:
“A vehicle of any type is permitted to undergo major overhaul including body work, provided that such work is performed inside a structure.”
- Section 303.14: The dates to be inserted in the blanks are “May 15” and “October 15” respectively.
- Section 401.3: Replace italicized language with:
“applicable Codes within the City of Hilliard, Ohio.”
- Section 402.1: “8 percent” shall be deleted and replaced with “10 percent”.
- Section 403.1: In the **Exception**, “8 percent” shall be deleted and replaced with “10 percent.”
- Section 505.1: Replace italicized language with:
“applicable Codes within the City of Hilliard, Ohio.”
- Section 602.2: Replace italicized language with:
“applicable Codes within the City of Hilliard, Ohio.”
- Section 602.3: The dates to be inserted in the blanks are “October 1” and “May 1” respectively.
- Section 602.4: The dates to be inserted in the blanks are “October 1” and “May 1” respectively.

Section 702.2: Replace italicized language with:

Ohio.” “Ohio Fire Code and other applicable Codes within the City of Hilliard,

Section 702.3: Delete all language of subsection following “egress is to be made.”
(Ord. 03-81. Passed 12-22-03.)

Section 704.2: Single- or multiple-station smoke alarms shall be installed in other groups in
accordance with Section R313 “Smoke Alarms” of the Ohio Building Code.
(Ord. 09-37. Passed 7-12-09.)

