

CODIFIED ORDINANCES OF NEW LONDON
PART THIRTEEN - BUILDING CODE

Chap. 1305. Flood Control.

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CODIFIED ORDINANCES OF NEW LONDON
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CHAPTER 1305
Flood Control

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CROSS REFERENCES

Basis of zoning district - see Ohio R.C. 713.10
 Levees - see Ohio R.C. 717.01
 Marking flood areas - see Ohio R.C. 1521.14
 Ohio Water Commissioner - see Ohio R.C. 1525.01 et seq.
 Conservancy districts, purpose - see Ohio R.C. 6101.04

1305.01 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 a review of the Village Administrator'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 flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year.
- (d) "Base flood" means the flood having a one percent (1%) chance of being equalled or exceeded in any given year. The base flood may also be referred to as the 100 year flood.
- (e) "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 located within the area of special flood hazard.
 (Ord. 87-7. Passed 4-21-87.)

- (f) "Existing manufactured home park or subdivision" means a manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) are completed before the effective date of floodplain management regulations adopted by a community.
- (g) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).
(Ord. 87-16. Passed 9-1-87.)
- (h) "Federal Emergency Management Agency" (FEMA) means the agency with the overall responsibility for administering the National Flood Insurance Program.
- (i) "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.
(Ord. 87-7. Passed 4-21-87.)
- (j) "Flood Hazard Boundary Map (FHBM)" means the official map issued by the Federal Emergency Management Agency where the areas of special flood hazard have been designated as Zone A. As of May 1, 1988, the FHBM will officially be called a "Flood Insurance Rate Map (FIRM)."
- (k) "Flood Insurance Rate Map (FIRM)" means the same as "Flood Hazard Boundary Map". See above.
(Ord. 88-11. Passed 4-22-88.)
- (l) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). 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.
- (m) "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. It includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
- (n) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. This definition shall exclude any manufactured home parks as defined in Ohio R.C. 3733.01, over which the Public Health Council has exclusive rule making power.
- (o) "New construction" means structures for which the "start of construction" commenced on or after the effective date of this chapter.

- (p) "Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, 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.
- (q) "Structure" means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
- (r) "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications or any alteration of a structure listed on the National Register of Historical Places or a State Inventory of Historic Places.
- (s) "Variance" is a grant of relief to a person from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.
(Ord. 87-7. Passed 4-21-87.)

1305.02 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 Village of New London.
(Ord. 87-7. Passed 4-21-87.)

(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 its Flood Insurance Rate Map (FIRM), #390284, effective May 1, 1988, and any revision thereto are adopted by reference and declared to be a part of this chapter.
(Ord. 88-11. Passed 4-22-88.)

(c) Compliance. Unless specifically exempted from filing for a development permit as stated in Section 1305.03(b) no structure or land shall hereafter be located, erected, constructed, 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.

(d) Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. 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 provisions of this chapter may be in conflict with a State law, such State 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 consideration. 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 hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Village of New London, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on the ordinance or any administrative decision lawfully made thereunder.

(g) Violation and Penalties. Violation of the provision of this chapter or failure to comply with any of its requirements shall constitute a minor misdemeanor. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village of New London from taking such other lawful action as is necessary to prevent or remedy any violations.

(Ord. 87-7. Passed 4-21-87.)

1305.03 DEVELOPMENT PERMIT.

(a) A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 1305.02(b). Application for a development permit shall be made on forms furnished by the Zoning Inspector and may include but not be limited to, plans in duplicate 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 and, a description of the extent to which any watercourse will be altered or relocated as a result of proposed development. If base flood elevation data are available, the following information is also required:

- (1) Elevation in relation to mean sea level of floor, including basement, of all proposed structures.
- (2) Elevation in relation to mean sea level to which any proposed structure will be floodproofed; and
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 1305.06(b)(1).

(b) An application for a development shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small development activities (except for filling and grading) valued at less than one thousand dollars (\$1,000).

(c) The Village Administrator 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 Village Administrator 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.
 - C. Review all development permits to determine if the proposed development is located within a designated floodway. Floodways may be delineated in other sources of flood information. If the proposed development is located within a designated floodway, assure that the encroachment provisions of Section 1305.07(a) is met.
- (2) Use of other base flood elevation and floodway data. Areas of special flood hazard where base flood data has not been provided by the Federal Emergency Management Agency are designated as Zone A on the community's Flood Insurance Rate Maps. Within these areas, the Village Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source in order to administer Section 1305.06 and 1305.07.
- (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 whether or not such structures contain a basement.

- B. For all new or substantially improved floodproofed 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 Section 1305.03(d)(3).
 - 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.
 - B. Require that necessary maintenance will be provided for by the applicant 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 hazards (For example, where there appears to be a conflict between mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1305.04.
(Ord. 88-11. Passed 4-22-88.)

1305.04 VARIANCE PROCEDURE.

- (a) Appeal Board.
- (1) The Zoning Appeals Board of the Village of New London shall hear and decide appeals and requests for variances from the requirements of this chapter.
 - (2) The Zoning Appeals Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Village Administrator.
 - (3) Those aggrieved by the decision of the Zoning Appeals Board or any taxpayer, may appeal such decision to the Huron County Common Pleas Court, as provided in Ohio R.C. Chapter 2506.
 - (4) In passing upon such applications, the Zoning Appeals Board 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 flood plain 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) and the purposes of this chapter, the Zoning Appeals Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
 - (6) The Village Administrator 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) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in subsection (a)(4) hereof have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
 - (2) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
 - (3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (5) 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.
- (6) 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 that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
(Ord. 87-7. Passed 4-21-87.)

1305.05 GENERAL STANDARDS.

In all areas of special flood hazards the following standards are required:

- (a) Anchoring.
- (1) 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.
 - (2) 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 to be limited to, use of over-the-top or frame ties to ground anchors.
- (b) Construction Materials and Methods.
- (1) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
 - (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - (3) 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 and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (c) Utilities.
- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
 - (2) New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
 - (3) Individual waste water treatment systems shall be located to avoid impairment to them or contamination from them during flooding.

- (d) Subdivision Proposals.
- (1) All subdivision proposals, including manufactured home subdivisions, shall be consistent with the need to minimize flood damage;
 - (2) 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;
 - (3) All subdivision proposals, including manufactured home subdivision, shall have adequate drainage provided to reduce exposure to flood damage; and
 - (4) Base flood elevation data shall be provided for subdivision proposals, including manufactured home subdivisions, and other proposed developments which contain at least 50 lots or 5 acres (whichever is less). (Ord. 87-7. Passed 4-21-87.)

1305.06 SPECIFIC STANDARDS.

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 1305.03(d)(2), the following provisions are required:

- (a) Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.
- (b) 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:
 - (1) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - (3) Be certified by a registered professional engineer or architect 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 1305.03(a)(3).
- (c) Accessory Structures. An exemption to the evaluation 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 Section 1305.07(a) and the following additional standards:
 - (1) They shall not be used for human habitation;
 - (2) They shall be designed to have low flood damage potential;
 - (3) They shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;
 - (4) They shall be firmly anchored to prevent flotation;
 - (5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

- (d) Manufactured Homes. The following standards shall apply to all new and substantially improved manufactured homes not subject to the manufactured home requirements of Ohio R.C. 3733.01.
- (1) Manufactured homes shall be anchored in accordance with Section 1305.05(a)(2).
(Ord. 87-7. Passed 4-21-87.)
 - (2) All manufactured homes to be placed or substantially improved within A1-30, AH, and AE on the community's FIRM, be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of this section. This paragraph applies to manufactured homes to be placed or substantially improved in an expansion to an existing manufactured home park or subdivision. This paragraph does not apply to manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision except where the repair, reconstruction, or improvement of the streets, utilities and pads equals, or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced.
(Ord. 87-16. Passed 9-1-87.)
- (e) Enclosures Below Base Flood Elevation. This provisions applies to all new and substantially improvement residential and nonresidential structures which are elevated to or above base flood elevations using pilings, columns, or posts or which contain a crawl space. These structures may enclose the area below base flood elevation provided that the enclosed areas are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Specific design criteria are found in the National Flood Insurance Program Rules and Regulations.
(Ord. 87-7. Passed 4-21-87.)

1305.07 FLOODWAYS.

A floodway is the channel of a river or other water course and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential. The Flood Insurance Rate Map (or Flood Hazard Boundary Map) does not designate a floodway. However, floodways may be delineated in other available sources of flood information as specified in Section 1305.04(d)(2). The following provisions apply within all delineated floodway areas:

- (a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (b) If subsection (a) hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 1305.05 and 1305.06.

(Ord. 87-7. Passed 4-21-87.)

CHAPTER 1307
Dangerous or Fire Damaged Structures

1307.01	Definitions	1307.07	Rehabilitation or restoration.
1307.02	Inspection and notification.	1307.08	Fire-damaged structures; removal, repair or securing fund.
1307.03	Method of notification.	1307.09	Abatement.
1307.04	Right of appeal.	1307.99	Penalty.
1307.05	Posting of notice.		
1307.06	Vacation and demolition by Village.		

1307.01 DEFINITIONS.

- (a) “Dangerous or unfit building” means a structure possessing any of the following defects:
- (1) Structures whose interior or exterior bearing walls or other vertical structural members list, lean, or buckle to such an extent as to weaken the structural support they provide;
 - (2) Structures which, exclusive of the foundation, show damage to or deterioration of approximately one-third or more of the supporting member or members, or damage or deterioration of approximately fifty percent (50%) or more of the nonsupporting enclosing or outside walls or covering;
 - (3) Structures which have improperly distributed loads upon the floors or roofs or in which the same are overloaded to a dangerous degree, or which have insufficient strength to be reasonably safe for the purpose used;
 - (4) Structures which have been so damaged by wind, or other causes as to no longer provide adequate shelter from the elements, or have become dangerous to life, health, safety, morals, or the general welfare of the occupants or the public;
 - (5) Structures lacking facilities required by this chapter or other Village ordinances or codes, for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes, or other means of access;
 - (6) Structures and premises lacking the minimum light, air and sanitation facilities required by this chapter or other Village ordinances or codes for the protection of present and future occupants;
 - (7) Structures which have parts or appurtenances which are so attached that they may fall and injure occupants or the general public or damage property;

- (8) Structures and premises which have become or are dilapidated, decayed, unsafe, insanitary, or vermin-infested, or which are likely to cause sickness, disease, or injury to occupants or the general public; or
- (9) Structures and premises which constitute a serious hazard to the health or safety of the occupants or the general public because of the location, general conditions, state of the premises, or overcrowding.
(Ord. 99-02. Passed 2-2-99.)
- (10) Structures which have damaged, vacant, or boarded-up windows, when the same have been present for more than thirty days.
(Ord. 03-02. Passed 9-23-03.)

(b) “Fire damaged or deteriorated structure” means any structure which has become damaged by fire or deterioration; the extent of the damage the structure; and the structure is judged unsafe and dangerous. (Ord. 99-02. Passed 2-2-99.)

(c) “Building Official,” as the term is used throughout this Chapter, means the Village Zoning Inspector. (Ord. 03-02. Passed 9-23-03.)

1307.02 INSPECTION AND NOTIFICATION.

(a) When any building or structure within the Village is reported to the Building Official or Fire Chief to be a dangerous or unfit structure or a fire damaged or deteriorated structure, the Building Official or Fire Chief shall inspect the building.

(b) If, upon inspection, a building or structure within the Village is found to be a dangerous or unfit structure, or a fire damaged or deteriorated structure, the Building Official or Fire Chief shall immediately notify the owner of the property of the condition of the property and shall order the owner to vacate the structure, or cause the necessary repairs to commence, or cause the structure to be vacated and institute the necessary repairs to the structure.

(c) The order mentioned in this section shall be in writing and shall specify the building, structure or portion thereof found to be dangerous, unfit, fire damaged, or deteriorated, and shall specify the repairs to be made thereto, and direct the owner to cause the repairs to be made, or the building or structure will be demolished. The order shall direct that the repairs commence within a period of two weeks from service of notice, and to proceed with the repairs so commenced without interruption and with diligence until completed.
(Ord. 99-02. Passed 2-2-99.)

1307.03 METHOD OF NOTIFICATION.

The notice and order provided for in Section 1307.02 shall be served upon the owner, and upon any mortgagee and other person having an interest in the building as shown by the County land records, by handing a copy thereof to the president or other chief executive officer thereof, or to the managing agent thereof. Provided, that if any owner, mortgagee, interested person, chief executive officer, or managing agent cannot be found, then service of the order shall be made by mailing a copy thereof by registered mail to either the address used for real property tax mailing purposes or to the last known address of the party, and by posting a copy thereof in a conspicuous place in or upon the building or structure affected.
(Ord. 99-02. Passed 2-2-99.)

1307.04 RIGHT OF APPEAL.

(a) The Board of Zoning Appeals shall also be the Board of Building Appeals for purposes of this chapter.

(b) Any owner, mortgagee, or other interested person of any building, structure, or portion thereof, ordered to vacate or to make repairs, or to demolish the building, structure, or portion, may, within ten (10) days from the date of service of the written notice to repair or demolish as provided above, file with the Board of Appeals his or her written objection to the order. The objection shall be filed with the secretary of the Board of Appeals together with a fee of twenty-five dollars (\$25.00). In the event of an objection being filed, a hearing shall be held at the first available hearing date, upon the question of whether or not the building, structure, or portion thereof is a dangerous, unfit, fire damaged, or deteriorated building or structure. The owner, mortgagee, or other interested party of the building or structure shall be notified in writing of the date, time, and place of the hearing. The notice of hearing shall be so given at least forty-eight (48) hours in advance of the time of the hearing by the Clerk of the Board of Appeals.

(c) At any hearing before the Board of Appeals, the Building Official or Fire Chief shall report in person the findings made upon his inspection of the building or structure, and shall present with the Law Director other evidence as may be available in support thereof. The owner, mortgagee, or other interested person shall then be heard, and the Board of Appeals shall receive evidence as may be offered tending to rebut the findings and evidence presented by the Building official. Thereupon, the Board of Appeals shall determine whether or not the building, structure, or portion thereof is a dangerous, unfit, fire damaged or deteriorated building, and shall notify all interested parties of its decision within seven (7) days of the hearing. If the Board of Appeals finds that the building or structure, or portion to be dangerous, unfit, fire damaged or deteriorated it shall so notify the Law Director by the same written finding it issued to the interested parties.

(d) Upon receipt of a decision adverse to any interested party such interested party may commence repairs or demolition of the structure within fourteen (14) days of receipt of such decision or may appeal the decision of the Board of Appeals as provided in Ohio Revised Code Chapter 2506.

(e) If any interested party does not commence proceeding to repair or demolish any structure found by the Board of Appeals to be unfit, dangerous, fire, damaged, or deteriorated within thirty-one (31) days from the date of receipt of the decision of the Board of Appeals, or appeal such decision to the appropriate court, the Director of Law shall cause an abatement action to be brought in the appropriate venue pertaining to the structure.

(f) The secretary of the Board of Appeals shall forward a copy of the Board's findings to all interested parties by certified mail, return receipt requested within seven (7) days of the Board's hearing.

(Ord. 99-02. Passed 2-2-99.)

1307.05 POSTING OF NOTICE.

Any building, structure, or portion thereof declared to be a dangerous, unfit, or a fire damaged or deteriorated structure, shall be posted with a placard by the Building Official or Fire Chief. The placard shall be affixed to the building or structure, upon the door or entrance thereto, and shall contain a declaration that the structure is dangerous, unfit, fire damaged, or deteriorated, and is ordered vacated. No person shall deface or remove such placard. The Building Official or Fire Chief shall remove the placard whenever the defect or defects upon which the vacation was based have been eliminated.

(Ord. 99-02. Passed 2-2-99.)

1307.06 VACATION AND DEMOLITION BY VILLAGE.

(a) If the owner, mortgagee, or other interested person of the building or structure affected fails to comply with the order of the Building Official or Fire Chief and does not appeal such order to the Appeals Board within thirty (30) days of its issuance, the Building Official or Fire Chief shall cause the building, structure, or part thereof to be vacated, and may cause the same to be repaired or demolished if the facts indicate that any delay will be dangerous to the public health, safety, morals, or general welfare. The costs of repair or demolition shall be charged as a municipal lien against the land on which the building exists or existed, or shall be recovered in a suit at law against the owner, or shall be assessed upon the tax duplicate of the real property.

(b) In cases where the Building Official or Fire Chief deems that there is immediate danger to the life or safety of any person unless a dangerous, unfit, fire damaged, or deteriorated building as defined herein, is immediately vacated and repaired or demolished, the Building Official or Fire Chief shall cause the immediate vacation and repair or demolition of the dangerous or unfit building. The costs of emergency repair or demolition shall be charged or recovered in the same manner as provided in subsection (a) hereof.
(Ord. 99-02. Passed 2-2-99.)

1307.07 REHABILITATION OF RESTORATION.

Whenever the Building Official determines that a vacated, dangerous or unfit building or premises has been so repaired, reconstructed, and rehabilitated that it is in such condition as to be fit for human habitation or occupancy, then he shall notify the owner or operator of that determination. The Building Official shall then cause the placard to be removed.
(Ord. 99-02. Passed 2-2-99.)

1307.08 FIRE-DAMAGED STRUCTURES: REMOVAL, REPAIR OR SECURING FUND.

The Municipality hereby authorizes the adoption of the procedures set forth in Ohio State shall pay a claim to a named insured for fire damage sustained by a structure located within the Village unless there has been full compliance with the applicable provisions of Ohio R.C. 3929.86, which is incorporated herein as if fully rewritten. The Village Administrator is hereby designated as the official authorized to carry out the duties set forth in Ohio R.C. 3929.86. The Clerk of Council shall file a certified copy of this section with the State Superintendent of Insurance.
(Ord. 99-02. Passed 2-2-99.)

1307.09 ABATEMENT.

If the person served with a notice or order to remove or repair an unsafe or damaged structure, or a fire damaged or deteriorated building should fail within ninety (90) days to complete the requirements thereof, the Law Director shall institute the appropriate proceeding to compel demolition of the structure.
(Ord. 99-02. Passed 2-2-99.)

1307.99 PENALTY.

(a) Whosoever fails to comply with an order of the Building Official or Fire Chief to vacate a building and has exhausted all remedies available to him or her shall be guilty of a minor misdemeanor. Each day of continued occupancy after the order and after all remedies have been exhausted shall be a separate violation.

(b) A violation of Section 1307.05 shall constitute a misdemeanor of the third degree.
(Ord. 99-02. Passed 2-2-99.)

CHAPTER 1315
Numbering Structures

1315.01	Numbering required.	1315.03	Failure to display.
1315.02	Style.	1315.99	Penalty.

CROSS REFERENCES

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

1315.01 NUMBERING REQUIRED.

Every residence and commercial or industrial building shall display the street number assigned by the U.S. Post Office so that such number can be readily seen from the street.
(Ord. 90-03. Passed 3-6-90.)

1315.02 STYLE.

Each such street number shall be at least four inches high and of a style and character that it is readable from the street.
(Ord. 90-03. Passed 3-6-90.)

1315.03 FAILURE TO DISPLAY.

Upon failure to display the required street number, the Chief of Police or his designee, shall notify the property owner personally or by posting a notice on the front door, that a street number is required by law and give ten days to display said numbers. Upon the further failure to display numbers the property owner shall be issued a minor misdemeanor citation, answerable in the Norwalk Municipal Court.
(Ord. 90-03. Passed 3-6-90.)

1315.99 PENALTY.

Failure to display street numbers, by the property owner shall be a minor misdemeanor.
(Ord. 90-03. Passed 3-6-90.)