

VILLAGE  
OF  
LEETONIA  
  
HOUSING &  
BUILDING  
CODE

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# **VILLAGE OF LEETONIA**

## **HOUSING & BUILDING CODE**

The purpose of this Code is to protect the public health, safety and welfare of the Village of Leetonia, Ohio by enacting this Code to establish property maintenance and construction standards for the property addressed by the within Code.

# **ARTICLE 1 – STANDARDS**

## **1.1 2013 Residential Code of Ohio**

There is hereby adopted for the Village of Leetonia, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipping, use, occupancy, location and maintenance of building and structures those codes known as the “2013 Residential Code of Ohio” and the whole thereof, save and except such portions as are hereinafter modified, amended or deleted. A copy of said Code is presently on file with the Village Zoning Inspector.

## **1.2 Columbiana County Plumbing Standards**

There is hereby adopted by and for the Village, for purpose of establishing minimum standards for the location, construction, alteration, repair and inspection of plumbing, plumbing fixtures, sinks, drains and appurtenances for single and double dwellings, private garages and other structures used for residential purposes primarily constructed for occupancy as a single or double dwelling, those certain regulations known as the Plumbing Regulations of the Columbiana County Board of Health effective the date of this Ordinance, and the whole thereof, save and except such portions as are hereinafter amended, modified or deleted.

## **1.3 Electric Standards**

There is hereby adopted by and for the Village, for purpose of establishing minimum standards for the location, construction, alteration, repair and inspection of electrical systems used for residential purposes primarily constructed for occupancy as a single or double dwelling, those certain regulations provided by the ICC National Electrical Code.

## **1.4 Effect of Article on Existing Causes, Rights and Liabilities**

Nothing in this article or in the 2013 Residential Code of Ohio as adopted in Article 1.1, shall be construed to affect any suit or proceeding now pending in court, or any rights acquired or liability incurred, or any cause of actions accrued or existing under any act or ordinance repealed by this Article, nor shall any right or remedy of any character be lost, impaired or affected by this Article.

## **1.5 Conflict of Law**

In the event of a conflict between any of the provisions of this Article, including the codes adopted in this Article, and the provisions of the Zoning Code, the provisions of the Zoning Code shall prevail.

## **ARTICLE 2 – ADMINISTRATION AND ENFORCEMENT**

### **2.1 Zoning Inspector**

The Zoning Inspector shall serve as the Housing and Building Inspector. It shall be the responsibility of the Zoning Inspector of the Village of Leetonia, or his authorized representative, to enforce the provisions of the Housing and Building Code as herein provided.

### **2.2 Inspection of Dwelling**

The Zoning Inspector shall be authorized to make or cause to be made inspections to determine the conditions of dwellings, dwelling units, and premises thereof in order to safeguard the health, morals, and welfare of the public and/or individuals.

### **2.3 Right of Entry**

Upon presentation of proper credentials, the Zoning Inspector during normal business hours, or at any time if an emergency exists, or at any time mutually agreeable to the Inspector and owner, shall request of the owner or occupant in lawful possession of any building, structure, or premises in the Village, permission to enter and inspect the same in order to perform any duty imposed by this Code upon him.

The Zoning Inspector shall not enter any building, structure, or premises where an owner or occupant in possession shall object to such entry, except where the Zoning Inspector shall have first obtained an order for the purpose of entry after submitting evidence indicating probable cause exists for the inspection, from a court of competent jurisdiction. However, the Zoning Inspector shall not be required to obtain the consent of the owner of any premises, building, or structure in the Village where the same has been or gives the appearance of having been abandoned by the owner and the building, structure, or premises is in a condition where entry thereto is generally accessible.

### **2.4 Relief from Personal Responsibility**

The Zoning Inspector or other employees or elected officials or other officers of the Village charged with enforcement of this Code, while acting for the Village within the scope of their duties and responsibilities shall not be rendered personally liable for their actions in enforcing or enacting this Code and are hereby relieved of all personal liability for any damages to persons or property as a result of a lawful act required or permitted in the discharge of their duties or responsibilities.

Any suit filed against the Zoning Inspector or other employees, officers, or elected officials because of acts performed or the enactment of this Ordinance shall be defended by the Village Solicitor or such counsel as appointed by the



Village Council until final termination proceedings. The Zoning Inspector or other employees or elected officials or other officers of the Village shall not be liable for the cost or damages provided they have acted in good faith and without malice.

## 2.5 Notice of Violation

Whenever the Zoning Inspector determines that there has been a violation, or that there are reasonable grounds to believe that there has been a violation, or that there are reasonable grounds to believe that there has been a violation of any provision of this Code, he shall give notice of such violation or alleged violation to the person or persons responsible for such violation. The notice shall be deemed to be properly served upon the owner, agent, operator, or occupant, if a copy is served upon him personally, if a copy is sent by U.S. Mail, or if a copy is left at the place of residence of the owner, agent, operator, or occupant. If the owner, agent, operator, or occupant of the subject premises is unknown, then a copy of the notice and order shall be certified mail, addressed to such person, to the address of the subject premises. The failure of any such person to receive actual notice shall not affect the validity of any proceedings taken under this section. Service by certified, registered or ordinary mail in the manner herein provided shall be effective on the date of mailing. The notice may contain an outline of remedial action and time limit, which, if followed, will affect compliance with the provisions of this Article and with rules and regulations adopted pursuant thereto.

Said notice shall:

- (a) Set forth the alleged violation(s)
- (b) Described the dwelling structure and/or premises where the violation(s) are alleged to exist or to have been committed
- (c) Provide a reasonable time, not to exceed forty-five (45) days, for the correction of any alleged violation(s)
- (d) Explain the owner's right to seek modification or withdrawal of the notice by petition to the Zoning Inspector requesting a hearing as provided herein.

## 2.6 Final Order

Any notice of violation provided for in this Article shall automatically become a final order if written request for a hearing is not filed in the office of the Zoning Inspector or his duly designated representative within ten (10) days after the mailing or service of said notice. If the property owner fails to comply with the final order, the Zoning Inspector has the authority to take any action necessary, including contracting with outside resources to bring the property into compliance with the Code. The cost of abating the violated property shall be collected from the property owner in accordance with Section 715.261 if the Ohio Revised Code.

## 2.7 Demolition

Whenever the Zoning Inspector determines that any structure is beyond rehabilitation and constitutes a public nuisance in that it is injurious to the public health, safety or welfare and should be demolished, he shall notify the owner or agent to demolish the structure and restore the grounds to a satisfactory condition, as inspected by the Zoning Inspector. A reasonable time, not to exceed sixty (60) days shall be given for the execution of the work. If such demolition and cleanup has not been accomplished within the specified time period, the Zoning Inspector may request the Village Solicitor to institute proper legal action to abate the nuisance. All expenses or costs of demolition shall be borne by the owner of the premises.

## 2.8 Appeals and Hearings

Any person affected and aggrieved by any notice issued by the Zoning Inspector under any provisions of this code, or of the rules and regulations adopted pursuant thereto, may file a written request and shall be granted a hearing on the matter by the Zoning Board of Appeal. Such a request for a hearing shall be filed with the Zoning Inspector within ten (10) days of the date the notice was served or mailed and shall contain a brief statement of the grounds or basis for each request for a hearing. The petitioner shall have the right to appear in persons or be represented by attorney, architect, engineer or any person.

The Zoning Board of Appeal may affirm or reverse, in whole or in part, or modify any decision of the Zoning Inspector, or vary the application of any provision of this Housing and Building Code when, in its opinion, enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this Housing and Building Code, or the public interest.

The proceedings at such hearing, including the findings and decisions of the Zoning Board of Appeal and reasons therefore, shall be summarized in writing and entered as a matter of public record in the office of the Zoning Inspector. The record shall also include a copy of every notice and/or order issued in connection with the matter. Further, the decision of the Board shall be submitted to the Council.

## 2.9 Interference with the Zoning Inspector

If any owner, agent or occupant of a dwelling or building structure subject to the provisions of this Code refuses, impedes, inhibits, interferes with, restrict or obstruct entry and free access to every part of the structure or premises where inspection authorized by this Code is sought, the Zoning Inspector may refer the matter to the Village Solicitor for proper legal action.

## **ARTICLE 3 – DESIGNATION OF UNFIT DWELLING UNITS AND BUILDINGS**

### **3.1 Unfit Dwelling Units**

Any dwelling or dwelling unit may be designated as unfit for human habitation when any of the following defects or conditions are found, and when, in the judgment of the Zoning Inspector, these defects create a hazard to the health, safety, or welfare of the occupants, or of the public:

- (a) Is damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested
- (b) Lacks illuminations, ventilation, or required sanitary facilities.
- (c) General condition of the structure is unsanitary, unsafe, or unhealthful

### **3.2 Placard**

Whenever any dwelling, dwelling unit, rooming house, rooming unit, or building has been designated as unfit for human habitation or use as provided in this code, the Zoning Inspector may placard the dwelling, dwelling unit, rooming house, rooming unit, or building indicating that it is unfit for human habitation or use.

### **3.3 Order to Vacate**

Whenever a notice of violation, as provided has not been complied with or where an appeal has not been invoked, the Zoning Inspector may order the dwelling or dwelling unit to be vacated. A copy of the notice to vacate shall be served on the owner, agent, operator, and the occupant as provided in Article 2.6.

### **3.4 Vacation of Unfit Dwelling and Building**

Any dwelling, dwelling unit or building designated as unfit for human habitation or use pursuant to and ordered vacated as provided in, shall be vacated within such reasonable time as the Zoning Inspector may specify in the Order. No such dwelling, dwelling unit or building shall be used for human habitation or human use and the placard shall not be removed until written approval is secured from the Zoning Inspector.

### **3.5 Vacated Dwelling Made Secure**

The owner, agent, or operator of any dwelling, dwelling unit or building which has been designated as unfit for human habitation or human use and vacated, shall make said structure safe and secure in whatever manner the Zoning Inspector shall deem necessary.

### 3.6 Notice of Intent to Demolish

Whenever the Zoning Inspector designates a building unfit under this Code, he may notify the owner, agent, operator, and occupant of his intent to order the demolition of the structure. A copy of the notice shall be served on the owner, agent, operator, and occupant as provided herein. The expenses incurred pursuant to and shall be paid by the owner or occupant of the premises, or by the person who caused or maintained such nuisance or other matter.

The Zoning Inspector may institute a suit to recover such expenses against any person liable for such expenses or may cause such expenses to be charged against the property as a lien. Except with respect to a lien imposed for expenses incurred in demolitions, nothing herein shall be construed as placing a lien upon the property, which supersedes the lien of any mortgage on such property executed and recorded prior to the existence of a lien herein authorized.

## **ARTICLE 4 – LEGAL REMEDIES**

If enforcement under Article 2 is not successful, the Zoning Inspector may issue a citation to Mayor’s Court or the appropriate Columbiana County Court.

In addition, the Village Solicitor shall, upon complaint of the Zoning Inspector or his designated representative, or upon his own motion, institute appropriate action to restrain, prevent, enjoin, abate, correct, or remove such violations, and to take such other legal action as is necessary to carry out the terms and provisions of this Article. The remedies provided by the law, any and all remedies may be pursued concurrently or consecutively and the pursuit of any remedy shall be construed as an election or the waiver of the right to pursue any and all of the order.

## **ARTICLE 5 – CONFLICT WITH OTHER REGULATIONS**

In any case where a provision of this Code is found to be in conflict with a provision of any zoning, building, fire, safety, or health Ordinance or Code of this municipality, existing on the effective date of this Code, the provisions which established the higher standard, shall prevail.

## **ARTICLE 6 – DEFINITIONS**

Any and all definitions of Article 2 of the Zoning Code apply to the within Housing and Building Code and are incorporated herein as if fully rewritten.

### 6.1 Approved

Means in accordance with this Housing and Building Code, as determined by the Zoning Inspector or any other authority designated by law or this Code to give such approval.

6.2 Bathroom

Means an enclosed space containing one or more bathtubs, showers, or both, and which may also include toilets, lavatories, or fixtures serving similar purposes and not deemed a habitable room.

6.3 Building Official

Means the Zoning Inspector, or his authorized representative, designated by the Village to administer and enforce the Housing and Building Code.

6.4 Ceiling

Means the surface suspended from or attached to the underside of floors or roofs, which does not form a structural part of a floor or roof, or shall mean the underside of exposed floor or roof.

6.5 Ceiling Height

Means the clear distance between the floor and the ceiling directly above.

6.6 Commercial Unit

Means any building or structure, or part thereof, which wholly or partially contains retail, services, or office space.

6.7 Construction Document

Means all written, graphic, and pictorial documents prepared or assembled for describing the design, location and physical characteristic of the elements of the project needed for obtaining a building permit.

6.8 Exit

In general, means the way out from any point in a building along continuous and unobstructed line of travel, which leads to a street or open space or court communicating with a street or public thoroughfare.

6.9 Extermination

Means the control and elimination of insects, rodents and other pest by cleaning out their places of refuge or havens; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or any other recognized and legal pest elimination method.

6.10 Fire Inspector

Means the Fire Chief of the Leetonia Village Fire Department or his designated representative.

6.11 Garbage

Means the animal and vegetable wastes resulting from the handling, processing, preparation, cooking, serving and non-consumption of food.

6.12 Health Commissioner

Means the Health Commissioner of the Columbiana County Health District or his authorized representative.

6.13 Hot Water

Means water heated to a temperature of not less than 120°F, at the outlet.

6.14 Kitchen

Means a room equipped with facilities for the storage, preparation and cooking of food and the washing and storage of dinner ware and utensils, and having a floor area of not less than sixty (60) square feet.

6.15 Kitchenette

Means a room having the facilities of a kitchen and intended to be used as a kitchen but having less than sixty (60) square feet of floor area.

6.16 Occupancy Certificate (Permit)

Means a permit issued by the Zoning Inspector and to be posted on the premises as an indication that the building may be occupied for its intended use.

6.17 Permissible Occupancy

Means the maximum number of persons permitted to reside in a dwelling unit or rooming house.

6.18 Plumbing

Means all the following supplied facilities and equipment: gas pipes, gas burning equipment, water supply lines, garbage disposal units, waste lines, water closets, sinks, lavatories, bathtubs, showers, drains, and vents and any similar fixtures, together with all connections to water, sewer, and gas lines.

6.19 Potable Water

Means water duly approved as satisfactory and safe for human consumptions or use in cooking and preparing of food.

6.20 Public Nuisance Includes the following:

- a. The physical condition, or use of any premises regarded as a public nuisance at common law; or
- b. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or
- c. Any premises which has unsanitary sewerage or plumbing facilities; or
- d. Any premises designated as unsafe for human habitation or use; or
- e. Any premises which are manifestly capable of being a fire hazard or is manifestly unsafe or unsecure as to endanger life, limb, or property; or
- f. Any premises from which the plumbing, heating and/or facilities required by this Article have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided; or
- g. Any premises which are unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; or
- h. Any structure or building that is in a state of dilapidation, deterioration, or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premise.

6.21 Refuse

Means all putrescible and non-putrescible solids, except body wastes, including garbage, rubbish, ashes and dead animals.

6.22 Rubbish

Means all non-putrescible waste.

6.23 Supplies facilities

Means facilities paid for, furnished, or provided by, or under the control of the owner or operator.

6.24 Ventilation

Means the process of supplying and removing air to and/or from any space.

6.25 Wastes

Means burnable and non-burnable trash, rubbish, and garbage.

6.26 Weeds

Means all grasses, annual plants and vegetation other than trees or shrubs and shall not include flowers and gardens.

6.27 Workmanlike State or Maintenance and Repair

Means that such maintenance and repair shall be made in a reasonably skillful manner as observed and determined by the Zoning Inspector.

## **ARTICLE 7 – MINIMUM MAINTENANCE STANDARDS**

### 7.1 Exterior Property Area

7.1.1 Sanitation. All exterior property areas and premises shall be free from conditions, which might create a nuisance including graffiti, rubbish, or garbage which present a health, accident, or fire hazard.

7.1.2 Containers. Any operator or establishment producing garbage, vegetable waste, or other putrescible materials shall provide, and at all times cause to be used, leak proof approved containers provided with close fitting covers for the storage of such materials until removed from the premises for disposal.

7.1.3 Grading and Drainage. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Stagnant water shall be determined as any accumulation that has not dispersed within seven (7) days of the last recorded local rainfall. Water retention ponds and/or reservoirs approved by the Zoning Inspector are exempt.

7.1.4 Discharge of Sewage. Sewage must be discharged into a public sewer system or an approved private septic system. Discharge of inadequately treated sewer shall not be permitted upon the surface of the ground or into natural or artificial surface drainage ways or into any drains intended for storm drainage only.



- 7.1.5 Storm Water Drainage. Storm water shall be properly drained to prevent recurrent or excessive ponding or the entrance of water into any basement. Downspouts, foundation drains, and other storm and surface water drains shall not be connected to sanitary sewers.
- 7.1.6 Insect and Varmint Harborage. Exterior property areas shall be kept free from sources of insect, vermin, and rodent breeding, harborage, and infestation.
- 7.1.7 Outdoor Storage. Outdoor storage of unsightly items, including, but not limited to, inoperable vehicles, vehicle parts, furniture, mattresses, household furnishings, rugs, appliances, and other discarded items and refuse shall not be placed or stored in any yard area contiguous to any structure within the Village over a period in excess of twenty four (24) hours, provided however, that such of the items as set forth herein which are usually and ordinarily placed for refuse hauling. Such may be placed in an appropriate place for pickup within a period of twenty four (24) hours of the scheduled hauling date. The storage of firewood and bicycles shall be exempt from this provision.
- 7.1.8 Domestic Animals and Pets. Domestic animals and pets shall not be kept on any premises in such manner as to create unsanitary conditions.
- 7.1.9 Fences and Retaining Walls. All fences, retaining walls, or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner and maintained in that same manner so that such shall always be in the state of good structural repair. If any fences, retaining walls, or similar structures are found not to be in a state of good structural repair, it shall be removed, replaced, or repaired within thirty (30) days of discovery.
- 7.1.10 Accessory Structures. Accessory structures, located on exterior property areas, shall be kept in good repair, free from health, fire, and accident hazards, and vermin, insects, and rodent harborage.
- 7.1.11 Loading Areas. All loading areas, automobile service stations, and drive-in food establishments shall be paved with bituminous, concrete or equivalent surfacing and shall be free from dirt and other litter and kept in good repair. When lighted for nighttime use, lights shall not be permitted to cast directly upon dwellings of adjacent property.

#### 7.1.12 Vehicle Parking.

- a. No motor vehicle or trailer shall be parked in any part of the yard area contiguous to a residential or commercial structure with the Village, other than that area designated as a driveway or parking lot, for cumulative of time greater than six (6) hours in a forty eight (48) hour period.
- b. No commercial or private vehicle exceeding ten thousand (10,000) pounds shall be parked on a residential lot or street for a period of time not to exceed four (4) hours in a forty-eight (48) hour period.

7.1.13 Ground Surface Hazard. Holes, cracks, excavations, breaks, projections, and obstructions at any place on the premises which, in the opinion of the Zoning Inspector, are a hazard to persons using the premises shall not be permitted and must be removed, filled, or remedied with materials of the same nature.

## 7.2 Exterior Structure of Buildings

7.2.1 General. The exterior of structures shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the health, safety, and welfare of the occupants and so as to protect the occupants from the adverse effects of the environment. All exterior surfaces weathered with dirt, grime, or moss shall be cleaned and surfaces, which are peeling or flaking, shall be scraped and surface coated with proper materials.

7.2.2 Foundation Walls of every structure shall be maintained in good repair and be structurally sound. Such shall show no evidence of deterioration which would render them incapable of carrying the loads as required by the Housing and Building Code, nor permit the invasion of neither insects nor vermin.

7.2.3 Street Numbers. Each structure to which a street number has been assigned shall have the number so assigned displayed in a position easily observed and readable from the public right-of-way. All numbers shall be in Arabic figures at least three (3) inches in height and one half (½) inches in width.

7.2.4 Walls. Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to be occupied spaces of the building. All exterior surfaces, including wood, composition, masonry surfaces, or metal siding, shall be maintained weatherproof and shall be properly surface coated when required to prevent deterioration.

#### 7.2.5 Roof and Drainage:

- a. The roof shall be structurally sound, tight, and not have defects which might admit rain. Roof drainage shall be adequate to prevent rain water from causing dampness or deterioration to the walls or interior portions of the building. Roof water shall not be discharged in a manner to create a nuisance to owners or occupants or adjacent premises, or that create a public nuisance.
- b. Any missing portions of any roof shall be replaced with material of similar kind, nature, design, and color as the original thereof. Any roof, or distinguishable portions thereof, determined by the Zoning Inspector to have more than twenty-five (25) percent of its total area comprised of missing or deteriorated shingles, or other roofing materials, shall be replaced in its entirety.
- c. Any structure within the Village having gutters and downspouts in place shall be maintained in such manner as to keep such gutters and or downspouts free of exterior rust and corrosion. Any missing sections or sections deteriorated beyond repair shall be replaced with gutter or down spouting to maintain the appearance and function as the original thereof. Further, all gutter systems shall be maintained in a condition that will allow the flow of roof runoff into the downspout and to be carried away in an acceptable manner that will not create a flooding situation on the property, nor on neighboring properties.

7.2.6 Decorative Features. All cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in safe conditions.

7.2.7 Signs, Marquees, and Awnings. All canopies, marquees, signs, metal awnings, standpipes, exhaust ducts and similar overhand extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from weather conditions and against decay and rust by the periodic application of a weather coating material such as paint or other protective treatment.

7.2.8 Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe, sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the weather conditions and against decay or rust by periodic application of weather coating materials such as paint or other protective treatment.

### 7.2.9 Stairs and Porches

- a. Every stair, porch, fire escape, balcony and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the anticipated loads and shall be maintained in sound condition and good repair. Every stair, porch and fire escape shall be maintained free of hazardous conditions such as but not limited to snow, ice, mud and other debris.
- b. Every flight of stairs which is more than four risers high shall have a handrail on at least one side of the stair, and every open portion of a stair, fire escape, porch, landing or balcony which is more than thirty (30) inches above the grade below shall have guardrails. Handrails shall be not less than thirty (30) inches nor more than thirty-four (34) inches high measured vertically above the nosing of the treads. Guardrails shall be not less than thirty (30) inches high above the floor of the porch, landing or balcony. Every handrail and guardrail shall be firmly fastened and capable of bearing the normally imposed loads and shall be maintained in good condition.

### 7.2.10 Window and Door Frames

- a. Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to be weather tight. Weather stripping shall be used to exclude wind or rain from entering the dwelling or structure and shall be kept in sound condition and good repair.
- b. Whenever glass windows or doors become broken, such windows and doors shall be promptly repaired to its original appearance. Boarding up windows and doors with plywood or any other material that does not return the window or door to its original appearance will not be acceptable. This does not preclude alterations of windows or doors during remodeling.
- c. All exterior windows, both within exterior walls and exterior doors, are to be covered from within by materials and items specifically designed and intended for such purpose. The following items may not be utilized for such: bed linens, bed covers, bath towels, quilts, newspapers, cardboard, package materials or outdoor covering tarps, and any other material or substances that is not intended for use as window coverings or shading. This list of non-permissible materials is not meant to be exclusive.

- 7.2.11 Insect Screens. During the period from April to December door and window or other outside opening used for ventilating purposes serving any building containing habitable rooms, food preparation areas, food service areas, or other areas where products used in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tight fitting screens of not less than sixteen (16) mesh per inch and every swinging screen door shall have a self-closing device in good working conditions.
- 7.2.12 Door Hardware. Every exterior door and its hardware shall be maintained in good, functional condition. Door locks on all doors entering dwelling units of buildings shall be in good repair and capable of tightly securing the door.
- 7.2.13 Basement Hatchways. Every basement hatchway shall be so constructed and maintained so as to prevent the entrance of weather conditions, varmints, and surface drainage water from entering the building.
- 7.2.14 Basement Window Guards. Every basement window which is openable shall be supplied with varmint proof shields, or storm windows or other material affording protection against the entry of varmints.
- 7.2.15 Exit Doors. Every door available as an exit shall be capable, in every structure used for human habitation or use, of being opened from the inside easily and without the use of a key.

### 7.3 Interior Structure of Buildings

- 7.3.1 Dampness. Basements and crawl spaces in every structure meant for human habitation or use, shall be kept free from dampness.
- 7.3.2 Structural Members. Supporting structural members of every structure meant for human habitation or use shall be structurally sound and capable of maintaining their structural purpose.
- 7.3.3 Stairs and Railings. Interior stairs, of every structure meant for human habitation or use, shall be structurally sound and free from defects and shall be so designed as to minimize accident hazards. Railings shall be provided for stairs, balconies, landings, and stairwells.
- 7.3.4 Floors, Walls, and Ceilings. Floors, walls, and ceilings of every structure meant for human habitation or use shall be structurally sound, free from irregularities, which may be a cause of accidents, and maintained in a clean and sanitary condition.

- 7.3.5 Bathroom Floors. Bathroom, shower room, and toilet rooms or compartment floors and walls of every structure meant for human habitation or use shall be constructed and maintained so as to be impervious to water and so as to permit such floor and wall to be easily kept in a clean, safe, and sanitary condition.
- 7.3.6 Rubbish and Garbage. The interior of every structure meant for human habitation or use shall be maintained free from rubbish and garbage that might become a health, accident, or fire hazard, or become a nuisance in the opinion of the Zoning Inspector.
- 7.3.7 Insect and Varmint Conditions. Buildings used for human habitation or use shall be kept free from insect and varmint infestation, and where insects or varmints are found they shall be promptly exterminated by acceptable processes, which will not be injurious to human health. Following extermination, proper precautions shall be taken to prevent re-infestation. All cost associated with extermination shall be paid by the owner or occupant of the building.
- 7.3.8 Egress. Every dwelling structure shall have a safe, unobstructed means of egress to a safe and open outdoor space at ground level. At least one window or other exterior opening in each habitable room shall be arranged as to permit its use as a means of escape in an emergency.
- Every dwelling unit above the first floor of a multi-family dwelling shall have two means of egress, located as far apart as possible. One means of egress shall be by enclosed stairs leading directly to a ground floor porch, stoop or steps to grade. The second means of egress may be similar to and in addition to the above described stairway.
- All means of egress shall have minimum headroom of six (6) feet, eight (8) inches. Doors must be provided with a lock that can be readily opened from the inside without a key.
- 7.3.9 Poisonous Substances. Each dwelling shall have a suitable facility for the safe storage of drugs and household articles that are poisonous.
- 7.3.10 Public Hallways and Stairways. Public hallways and inside stairways in multiple family dwelling shall be adequately lighted at all times by natural or electric lighting with an illumination of at least six (6) footcandles at the floor or tread level. Light switches shall be conveniently located.
- 7.3.11 Unvented Space Heaters. No owner or occupant of any dwelling unit or dwelling room shall install, operate or use a portable unvented space heater in a bathroom, laundry room, recreation room, or hall space when such space heater employs a flame.

## **ARTICLE 8 – APPLICATION TO BUILD, ADD OR PLACE**

### **8.1 Application**

Any proposed new building, addition to an existing building or alteration of an existing building or structure shall be submitted to the Zoning Inspector in the form of an approved application. The Zoning Inspector shall note his approval or disapproval based upon compliance with this Code, along with reason thereof. No persons, firm, or corporation shall commence construction of any building or addition to any building upon any lot or tract of land without first submitting any application to the Zoning Inspector and securing his approval thereon. The approved permit must be posted in plain sight at the building site during construction.

### **8.2 Submission of Plans**

- a. For the purposes of the Article, a property line shall be the boundary line of a lot or tract of land described separately in deed or other instrument of conveyance of record with stakes set by the property owner and such stake shall be questioned only if adjoining property owners disagree.
- b. Plans, whether by blueprint or hand drawing to scale of all proposed buildings, additions to existing buildings to be placed upon lands within the Village, shall be filed with the Village on application forms approved by the Village Zoning Inspector and available at the Zoning Office. Such application shall be signed by the applicant and shall require the showing of property lines, lot numbers or other legal description of the property, the dimensions of the property, the size of the building, addition to be placed on the property and the location of the same on the property. The Zoning Inspector shall examine the application and the property.
- c. The property owner shall locate the property lines and stake such improvements before requiring an inspection.
- d. The Zoning Inspector will note his recommendations for approval or disapproval upon the application. The Zoning Inspector must sign the application. If the application is disapproved, the applicant shall have the right to appeal the decision the Board of Appeals within ten (10) days of the disapproval.

### **8.4 Penalty**

Any person, firm, corporation, partnership or limited liability company that hereby violates or fails to comply with any of the provisions of this Article is guilty of a minor misdemeanor for a first offense and shall be fined not more than one hundred fifty dollars (\$150.00). For a second subsequent offense such person,

firm, corporation, partnership or limited liability company is guilty of a misdemeanor of the second degree and shall be fined not more than two hundred fifty dollars (250.00) or imprisoned not more than thirty (30) days, or both. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

## **ARTICLE 9 – BASIC FACILITIES FOR RESIDENTIAL STRUCTURES**

### **9.1 General**

- 9.1.1 Potable Water. Every dwelling, dwelling unit, and rooming house or other structure meant for human habitations shall be supplied with a potable water supply. There shall be adequate water supply and pressure at all installed hot and cold water outlets.
- 9.1.2 Hot Water. Every dwelling, dwelling unit, rooming house, or structure meant for human habitation shall have an adequate supply of hot water, properly connected to plumbing fixtures requiring hot water, such as but not limited to washing fixtures, food preparation fixtures, and bathing and showering facilities.
- 9.1.3 Plumbing Fixtures. Within every dwelling unit there shall be the following plumbing fixtures: Kitchen sink, bathtub or shower, toilet, and lavatory. Kitchen sinks, bathtubs, showers, and lavatories shall be properly connected to both hot and cold water lines. All plumbing fixtures shall be connected to sewer lines that discharge into a public sewerage system or other approved means of disposal.
- 9.1.4 Heating Facilities. Every dwelling, dwelling unit, rooming house, rooming units or other structure meant of human habitation or use during normal heating periods, shall have heating facilities capable of maintaining a minimum inside temperature of sixty-eight degrees Fahrenheit (68°F).
- 9.1.5 Electrical Service. Every dwelling and dwelling unit shall be provided with approved electrical service.
- 9.1.6 Electrical Outlet Required. Every habitable room of such dwelling shall contain at least two (2) separate wall type electric convenience outlets or one such convenience outlet and one supplied wall or ceiling type electric light fixture; and every water closet compartment, bathroom, laundry, furnace room, and hallway shall contain at least one (1) ceiling or wall type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good working condition, and shall be connected to the source of electric power in a safe manner. Each electric light fixture shall have a conveniently located control switch.



9.1.7 Kitchen Facilities. Every dwelling unit shall contain a room or portions of a room in which food may be stored, prepared and/or cooked for consumption and shall be equipped with the following:

- a. A kitchen sink in good working condition which shall be connected to both a hot and cold water supply and to an approved water and sewer system. A lavatory shall not be considered a kitchen sink.
- b. Cabinets and/or shelves for the storage of eating, drinking and cooking equipment and utensil and/or food that does not require refrigeration for safe keeping. Said cabinets and/or shelves shall be adequate for the permissible occupancy of the dwelling unit and shall be of sound construction finished with surfaces that are easily cleanable and that will not impart any toxic or harmful effect to food.
- c. A stove, range, or similar device for cooking food, properly installed with all necessary connections for safe and efficient operation provided that such stove, range, or similar device need not be installed when the dwelling is not occupied. The use of gasoline stoves or similar fuel burning appliances using highly flammable fuels and the use of portable kerosene stoves, charcoal stoves, or other similar fuel burning portable appliances for cooking is prohibited.
- d. A refrigerator or similar device, for the safe storage of food at a temperature less than forty-five degrees Fahrenheit (45°F), but more than thirty two degrees Fahrenheit (32°F), properly installed with all necessary connections for safe, sanitary and efficient operations; provided that such refrigeration or similar equipment need not be installed when dwelling is not occupied.

9.1.8 Bathroom Facilities. Every dwelling unit shall contain a room or rooms within which affords privacy to a person within such room or rooms. Said room or rooms shall be equipped with a flush toilet and shall contain a lavatory, while a bathtub or shower stall may be in a separate room with all fixtures connected to an approved water and sewer system. The bathtub, shower, and lavatory shall be supplied with both hot and cold running water.

Every bathroom, shower room, or water closet compartment shall have the natural light and ventilation required for a habitable room or mechanical ventilation capable of providing eight (8) changes of room air per hour and artificial light of not less than five (5) footcandles at the floor.

9.1.9 Ventilation. At least one window or skylight in every habitable room shall be easily operable or there shall be some other approved device that will provide adequate ventilation. The window must be able to open at least forty (40) percent of its overall size.

## 9.2 Cleanliness

The interior of every dwelling shall be maintained in a clean and sanitary condition, free from any accumulation of rubbish or garbage, or the infestation of insects or varmints.

## 9.3 Maintenance of Facilities, Equipment and Utilities

Every supplied facility, piece of equipment or utility which is required under this Housing and Building Code shall be constructed, installed or operated, so that it will function safely and effectively and shall be maintained in a satisfactory working condition.

# **ARTICLE 10 – SPACE AND USE REQUIREMENTS**

No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

## 10.1 Area

Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant and at least one hundred (100) additional square feet for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

## 10.2 Sleeping Area, One Room

In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor space and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of floor space for each occupant thereof.

## 10.3 Sleeping Areas, Two or More Rooms

No dwelling or dwelling unit containing two (2) 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, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or bathroom or water closet compartment.

10.4 Ceiling Height

At least one half (1/2) of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet, and the floor area of that part of any room where the ceiling height is less than five (5) shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

10.5 Electrical Outlets

Every habitable room of a dwelling shall contain at least one wall type electric convenience outlet, and every water closet compartment, bathroom, laundry room, furnace room and public hallway shall have at least one light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working conditions and shall be connected to the source of electrical power in an acceptable manner according to the Electric Code.

10.6 Basement Window Screens

Every basement window used or intended to be used for ventilation and every other opening to a basement which might provide an entry for varmints shall be supplied with a screen or such other device as will effectively prevent their entrance.

10.7 Below Grade

Occupancy of dwelling units below grade shall not be used for living purposes unless:

10.7.1 All floors and walls are watertight;

10.7.2 Total window area and total openable area in accordance with this Code; and

10.7.3 Required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area.

**ARTICLE 11 – ROOMING HOUSES**

No person shall own or operate a rooming house, or occupy, let to another for occupancy, any room unit in any rooming house unless the rooming house accommodations have been approved by the Zoning Inspector. Additional requirements are as follows:

11.1 Bathroom Facilities

At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the Zoning Inspector and in good working condition, shall be supplied for each five (5) persons residing within a rooming house, including members of the owner or operator’s family wherever

they share the use of the facilities, provided that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one half (½) the required number of water closets. All such facilities shall be so located within the dwelling to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water and cold water at all times. No such facilities shall be located in a basement except by written approval of the Zoning Inspector.

## 11.2 Linens

The owner or operator of every rooming house shall change supplied bed linen and towels therein at least once each week and prior to the letting of any room to any occupancy. The owner or operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

## 11.3 Sleeping Area

Every room occupied for sleeping purposes by one person shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least fifty (50) square feet of additional floor space for each additional occupancy hereof.

## 11.4 Egress

Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level.

## 11.5 Walls and Floors

The owner and operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for maintenance of sanitary conditions in every other part of the rooming house. He shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the owner or operator.

## 11.6 Room Numberings

Every rooming unit and every dwelling unit in every rooming house of more than three (3) units shall be numbered in a plain and conspicuous manner, the number to be placed on the outside of the door to such rooming unit or dwelling unit. No two doors may bear the same number. No number on any door of any rooming unit or dwelling unit shall be changed to any other number without first securing a written approval of the Zoning Inspector

## 11.7 Pets

If the owner or operator of a rooming house permits the keeping of pets, such pets shall not create a nuisance by accumulations of body wastes or infestations of ectoparasites.

### 11.8 Window Shades

Every window of every room used for sleeping shall be supplied with shades, draw drapes or other devices or materials which, when properly used, will afford privacy to the occupant of the room.

### 11.9 Refuse

Adequate rubbish storage containers, which have been approved by the Zoning Inspector as to type and location, shall be supplied by the rooming house owner or operator. The operator or owner shall be responsible for the disposal of all rubbish or garbage in a clean sanitary manner by placing it in the required containers.

### 11.10 Screens

The owner or operator of a rooming house shall be responsible for hanging all screen doors and window screens whenever the same are required by the provisions of this Code or by any rule or regulation adopted pursuant hereto.

### 11.11 Extermination

The owner or operator of a rooming house shall be responsible for the extermination of any insect, varmints, or other pests therein, and he shall be further responsible for extermination of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the owner or operator.

### 11.12 Passageway

Every exit shall be easily accessible from every rooming unit and dwelling unit by passage through a public passageway and without passing through any part of any other rooming unit or dwelling unit. Exits shall be unobstructed at all times.

### 11.13 Occupant Identity

It shall be the duty of the operator of a rooming house to report forthwith to the Zoning Inspector the name of any person living in the rooming house whenever the owner or operator has reason to believe or suspect that such person may be afflicted with any communicable disease or is committing acts constituting a violation of law within the rooming house.

### 11.14 Heating

Every rooming house shall have heating facilities which are properly installed, are maintained in safe and good working condition and are capable of safely and adequately heating all habitable rooms, the bathroom and water closet compartments in every rooming house located therein to a temperature of at least sixty-eight degrees Fahrenheit (68°F) at a distance three feet (3) above floor level.

11.15 Lighting

Every public hallway and stairway in every multiple dwelling containing five (5) or more dwelling units shall be adequately lighted at all times. Every public hallway and stairway in structures devoted solely to dwelling occupancy and containing not more than four (4) dwelling units shall be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

11.16 Hotels/Motels

Every provision of this Article which applies to rooming houses shall also apply to hotels and motels, except to the extent that any such provisions may be found to be in conflict with State or County laws and regulations.

**ARTICLE 12 – ABANDONED STRUCTURES AND UNOCCUPIED LOTS**

12.1 Abandoned

If any structure shall become abandoned, such structure shall be presumed to be a nuisance affecting or endangering surrounding property values and to be detrimental to the public health, safety, convenience, comfort, property or general welfare of the community and shall be abated.

12.2 Notice of Abandonment

Whenever the Zoning Inspector shall find any structure to be abandoned within the meaning of this Article, he shall give notice in the same manner as service of summons in civil cases or by certified mail addressed to the owner of record of the premises at his last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods, to abate such abandoned condition within thirty (30) days either by placing the structure in operation in accordance with the intended operation of said building, adapting and using the structure for another use permitted in the Zoning District, or by razing the structure removing all debris, any signs, supplies, and equipment, and filling depressions to the grade level of the lot, provided, however, that if the structure is in use at the time of notice is given and remains in operation for ninety (90) consecutive days, the provisions of this Article shall not apply.

12.3 Unoccupied Structures

Unoccupied or inoperative structures, whether or not abandoned, the lot upon which any such structure is located, with any other occupied lot, shall be maintained in accordance with provisions of this Code. Any such lot shall be provided with grass or other appropriated ground cover or landscaping material so as to assure absorption of rainfall and to prevent erosion and rapid runoff of surface water. The owner shall cut and maintain all grass or other ground cover whenever such exceeds six (6) inches in height. The parking of motor vehicles upon said property is prohibited.

## **ARTICLE 13 – FIRE DAMAGED STRUCTURES**

Fire Damaged Structure Removal or Repair Securing Fund. The Village is hereby authorized to utilize the procedure described in the Ohio Revised Code, 3929.86 (c) and (d), whereby no insurance company doing business in the State shall pay a claim of a named insured for fire damage to a structure located within the Village where the amount recoverable for the fire loss to the structure under all policies exceed five thousand (5,000) dollars unless there is a compliance with the following procedures:

- a. When the loss agreed to between the name insured or insureds and the company or companies equals or exceeds sixty (60) percent of the aggregate limits of liability on all fire policies covering the building or structure, the insurance company or companies in accordance with the Ohio Revised Code 715.26 (F) shall transfer from the insurance proceeds to the Village Fiscal Officer/Treasurer in the aggregate one thousand dollars (\$1,000.00) for each twenty thousand dollars (\$20,000.00), and each fraction of that amount of the claim; or if at the time of a proof of loss agreed to between the named insured or insureds and the insurance company or companies, the named insured or insureds have submitted a contractor's signed estimate of the cost of recovery, repairing or securing the building or other structure, the company or companies shall transfer the insurance proceeds the amount specified in the estimate. Such transfer of proceeds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the Village shall be disbursed in accordance with the policy terms. The name insured or insureds may submit a contractor's signed estimate of cost of removing, repairing or securing the building or other structure after the transfer, and the Village Fiscal Officer/Treasurer shall return the amount of the funds in excess of the estimate to the name insured or insureds, provided that the Village has not commenced to remove, repair or secure the building or other structure.
- b. Upon receipt of proceeds by the Village as authorized by this Article, the Village Fiscal Officer/Treasurer shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing or securing incurred by the Village pursuant to Ohio Revised Code 715.261.

When transferring the funds as required in subsection (a) hereof, an insurance company shall provide the Village with the name and address of the named insured or insureds, whereupon the Village shall contact the named insured or insureds, certify that the proceeds have been received by the Village and notify them that the following procedure shall be followed:

The funds shall be returned to the named insured or insureds when repairs, or removal, or securing of the building or other structure have been completed and the required proof received by the Village Fiscal Officer/Treasurer, if the Village has not incurred any cost for such repairs, removal or securing. If the Village has incurred any cost for repairs, removal or securing of the building or other structure, such cost shall be paid from the fund and if excess funds remain, the Village shall transfer the remaining funds to the named insured or insureds. Nothing in this Article shall be construed to limit the ability of the Village to recover any deficiency under Ohio Revised Code 715.261. Nothing in this Article shall be construed to prohibit the Village and the named insured or insureds from entering into an agreement that permits the transfer of funds to the named insured or insureds if some other reasonable disposition of the damaged property has been negotiated.

- c. The Village Fiscal Officer/Treasurer is hereby designated as the officer authorized and directed to carry out the duties of this Article. The Village Fiscal Officer/Treasurer shall file a certified copy of this Article with the Superintendent of Insurance of the State of Ohio.

## **ARTICLE 14 – FLOOD AND MUDSLIDE HAZARDS**

The Village of Leetonia has adopted a Flood Damage Reduction Ordinance. Said Ordinance was passed on January 6, 2006 under Village Ordinance 05-2076. See said Ordinance for the regulations and requirements in special flood hazard areas. Said Ordinance is incorporated into the Building Code as if fully rewritten herein.



## **ARTICLE 15 – MOVING OF BUILDINGS**

### **15.1 Permit Required and Bond**

No person shall move any building upon any public ground without first having obtained a permit therefore from the Zoning Inspector. No such permit shall be granted until the party applying therefore has given a bond in the sum of fifty thousand dollars (\$50,000.00) with good and sufficient securities to be approved by the Zoning Inspector. Conditioned that such party will pay any and all damages which may occur to any tree, pavement, street or sidewalk or to any public building or structure and all damages resulting to any person whatsoever, which may be caused by the carelessness or negligence of the workmen while engaged in the moving of any building in the public way of the Village, and conditioned also that such party so licenses will save and indemnify and keep harmless the Village against all liabilities, judgments, costs and expenses which may in any way accrue against the Village in consequence of the granting such permit, and will in all things strictly comply with all conditions of this permit.

### **15.2 Conditions for Issuance of Permit**

Upon the execution of the bond required by the above to the acceptance of the Zoning Inspector, a permit shall be granted to the applicant. The permit shall contain specifically, all the conditions thereof, prescribing the route to be taken, the building proposed to be moved, the site to which the same is to be moved and the period of time within which the moving shall be accomplished. No person shall violate any of the conditions of this permit.

### **15.3 Warning Lights on Building Public Ways**

A permittee under this Article, while engaging in the moving of any building in the public ways and while occupying and using the public way for this purpose, shall cause a red or amber light to be placed in a conspicuous place in the front and rear of such building or obstruction from sunset each night during which such building remains in any such public way.

## **ARTICLE 16 – STORM WATER MANAGEMENT and EROSION AND SEDIMENTATION CONTROL REGULATIONS**

### **16.1 Executive Summary:**

The Village of Leetonia has developed these regulations to guide drainage designs, erosion/sedimentation control, post-construction runoff controls and storm water management for development and construction within the Village of Leetonia.

The intent of these drainage regulations is to minimize impacts to:

- Human health and public safety.
- Existing drainage infrastructure.
- Flooding events and property damage.
- Stream channel degradation.

The Village of Leetonia Planning and Zoning Department will provide updates and revisions to this manual periodically based on reviews of actual manual concepts implemented in the field and manual user suggestions and feedback on improving manual content and applicability. The Village of Leetonia has the right to review drainage designs and construction plans submitted as a result of using this guidance manual. The Village of Leetonia shall not be held liable as a result of information presented in these regulations. These regulations have been developed primarily as a “tool” to guide developers, engineers, builders and contractors through the Village’s drainage design process and procedures. The Village of Leetonia does not consider this as an all-inclusive comprehensive design document or manual.

## 16.2 Drainage Design and Control

16.2.1 Purpose: The intent of this policy is to establish consistent, technically feasible and operationally practical standards to achieve a level of storm water management that will minimize damage to public and private property and the degradation of water resources, and will promote and maintain the health, safety and welfare of the resident of the Village.

16.2.2 Disclaimer of Liability: This policy outlines the basic requirement of Storm Water Management Plans. It is not intended as an all-inclusive list of work required to prepare the plans, specifications, reports and calculations for such projects. The Designer shall follow generally accepted standards for surveyors, architects and/or engineers.

Neither submission of a plan under the provisions herein, nor compliance with the provisions of these regulations, shall relieve any person or entity from responsibility for damage to any person or property that is otherwise imposed by law; nor shall it create a duty by the Village to those damaged by storm water or soil sediment pollution.

16.2.3 Storm Water Management Report Required: All new and redeveloped commercial sites, industrial sites, institutional sites, condominium developments, planned urban developments, and subdivisions are required to submit a Storm Water Management

Report to the Village of Leetonia. The Storm Water Management Report must be signed and stamped by a Registered Professional Engineer licensed to practice in the State of Ohio.

- 16.2.4 General Requirements: The policies contained herein outline the requirements for a Storm Water Management Report. Not all of the sections of this outline may apply to a proposed development. Applicable sections will depend on the size of the proposed development, the existing site conditions, and the proposed land use of the development.

These guidelines shall not limit the right of the Village of Leetonia to impose at any time additional, more stringent requirements based on the site circumstances. Nor, shall these guidelines limit the right of the Village of Leetonia to waive, in writing, individual requirements based on the site circumstances.

The Storm Water Management Report (SWMR) should be submitted with the Site Plan for commercial, institutional and industrial sites, and the SWMR should be submitted with the Construction Drawings for condominium developments, planned developments and subdivisions.

The SWMR should contain a description of the existing conditions on site, land usage, ground cover conditions, soil types, etc. The SWMR should explain the proposed improvements and the intent of the storm water management measures being proposed. The SWMR should provide maps and drawings, as necessary, to support the Report's calculations. The SWMR should verify that the information contained on such maps and drawings corresponds to the information provided in the rest of the SWMR.

As a minimum general requirement, the proposed storm water management measures shall be designed such that the runoff from the site shall not flood existing or proposed structures, cause the loss of property, endanger individuals, or cause the loss of life.

- 16.2.5 Storm Sewer Systems and Roadway Drainage: Storm Sewer Systems and Roadway Drainage including catch basins, pipes, culverts, swales, ditches, and other open channels shall be designed in accordance with the latest editions of the Ohio Department of Transportation's Location and Design Manual, Volume Two - Drainage Design and Construction and Materials Specifications.

- a. Provide calculations for the storm sewer systems. All storm sewer systems shall be designed to flow just full for a 10-year frequency storm, except where more stringent requirements are noted in the Location and Design Manual. For roadway pipe design, check the hydraulic grade line does not exceed the grate elevations based on a 25-year frequency storm.
- b. Provide calculations for the inlet spacing and pavement spread. Allowable pavement spread shall be six (6) feet from the curb for a 10-year frequency storm.
- c. All commercial, institutional and industrial sites, condominium developments, planned urban developments and subdivisions shall be designed with supplemental conveyance systems (i.e. swales, ditches, channels, roadway, etc.) to convey up to the 100-year frequency storm flow, in conjunction with the designed storm sewers, to the proposed detention or retention systems.
- d. Provide a Storm Sewer System and Roadway Drainage drawing. Perform field surveying as necessary to ensure that this drawing is an accurate representation of actual field conditions. The scale of this drawing must be sufficient to clearly present the following information:
  1. Existing and proposed elevation contours at an interval of two (2) feet or less. Contour lines shall be labeled frequently enough to be easily read and interpreted.
  2. All of the individual surface areas that drain to each intercepting structure or the storm sewer system must be submitted. The areas must be numbered or labeled to match the calculations.
  3. The path used to calculate the time of concentration for each individual drainage area. Indicate the types of flow and provide calculations
- e. An adequate outlet must be provided for all proposed drainage systems, such as an existing ditch, stream, river, storm sewer, pond, lake or proposed detention/retention facility. The downstream outlet must be able to accommodate the flow of storm water from the proposed drainage system.

- f. Provide headwalls, energy dissipaters, rip-rap, erosion control mats, and other measures, as necessary, at all outlets to prevent erosion.
- g. Storm sewer and drainage system materials and construction shall be in accordance with the latest edition of Ohio Department of Transportation (ODOT) Construction and Materials Specifications (CMS) for pipe, catch basins, manholes, excavation, rock channel protection and seeding and mulching.

Storm sewers beneath pavement and 5 feet outside the edge of pavement shall be ODOT CMS Item 611, Conduit, Type "B".

Storm sewer 5 feet outside of the edge of pavement shall be ODOT CMS Item 611 Conduit, Type "C".

#### 16.2.6 Storm Water Control Methodology:

- a. The peak discharge rate of runoff from the critical storm and all more frequent storms occurring under post-development conditions shall not exceed the peak discharge rate of runoff from a 2-year frequency, 24-hour storm occurring on the same development drainage area under pre-development conditions.
- b. Storms of less frequent occurrence (longer return periods) than the critical storm up to the 100-year storm have a peak runoff discharge shall have rates no greater than the peak runoff rates from equivalent size storms under pre-development conditions.

Consideration of the 1, 2, 5, 10, 25, 50 and 100-year storms will be considered adequate in designing and developing to meet this standard.

- c. The critical storm for a specific development drainage area is determined as follows:
  - 1. Use the SCS TR-20 Hydrologic Analysis Model or other appropriate and approved hydrologic simulation model along with 24-hour rainfall data obtained from Huff & Angel, to determine the total volume (acre-feet) of runoff from a two (2) year development. Include clearly in the calculations the coverage assumptions

used for full build out of the proposed condition. Curve numbers for the predevelopment condition must reflect the average type of land use over the past 10 years and not only the current land use.

- i. For sites which are currently developed and are scheduled to be redeveloped, the pre-developed condition shall be defined to be 100% of the site as grassland for critical storm and volume storage calculations.
- ii. From the volumes determined in (A) above, determine the percent increase in volume of runoff due to development. Using this percentage, select the 24 hour critical storm from the following table:

**TABLE 1: CRITICAL STORM DETERMINATION TABLE**

If the Percentage of Increase in Volume of Runoff is:		The Critical Storm Will Be:
Equal to or Greater Than:	Less Than	
---	10	1-Year
10	20	2-Year
20	50	5-Year
50	100	10-Year
100	250	25-Year
250	500	50-Year
500	---	100-Year

**16.2.7 Storm Water Runoff Control Standards:**

- a. Storm Water Runoff from a proposed development site shall be controlled to meet the following criteria:
  - 1. Two methods for calculating storm water runoff volumes and control measures are approved. They are the Modified Rational Method and the Soil Conservation Service Method. Either may be used for

sites up to six (6) acres in size. The Soil Conservation Method must be used for all sites six (6) acres or larger.

2. Provide a drainage area map (or maps) for the pre-developed and post developed sites. Perform field surveying as necessary to ensure that this drawing is an accurate representation of actual field conditions. The scale of this drawing must be sufficient to clearly present the following information:

- i. Existing and proposed elevation contours, at an interval of two (2) feet or less. Contour lines shall be labeled frequently enough to be easily read and interpreted.
- ii. Hydrologic boundaries of watersheds, including areas outside the proposed development that flow into the project area.
- iii. Points of analysis, or the location where the drainage is being evaluated, for each watershed.
- iv. The path used to calculate the time of concentration for each watershed. Indicate types of flow and provide calculations.
- v. Delineate and label the types of land use, surface features, ground cover, soil types, etc. used to determine the runoff coefficients or curve numbers for the project areas.
- vi. Show the proposed development layout.
- vii. Provide a USGS Topographic Map copy indicating the proposed development area and 1,000 feet beyond the proposed development limits in each direction.

3. Calculations:

- i. Provide routing calculations for each drainage area and drainage structure and their corresponding inflow and outflow hydrographs for the 2-year storm up through the 100-year

storm. Prepare a summary table of results of the routing calculations. The table shall include, at a minimum, peak inflow, peak outflow, water surface elevations, and storage volume requirements.

- ii. Provide pond volume -vs- elevation summaries.
- iii. Provide calculations for the inlet/outlet works including weirs, orifices, culverts, spillways, grates, etc. Show their capacities and stage-discharge calculations, including tailwater assumptions.
- iv. Verify capacities of receiving drainage features such as ditches, storm sewers, ponds, streams, etc. to verify sufficient capacity to accommodate the runoff of the development. The receiving drainage feature must be approved by the Village of Leetonia Planning and Zoning Department. Check all storms with a return frequency of 100-years or less.
- v. Provide runoff coefficients or curve number calculations for each watershed or sub-area, including impervious calculations.
- vi. Provide time of concentration calculations for each watershed or sub-area.
- vii. Calculate hydraulic grade line for outlet structures with pipes.
- viii. Determine velocities of discharged waters and show details to control erosion.
- ix. Provide narratives, as needed, to describe the methods, assumptions, formulas, and intent of the calculations.

4. Detention Basins:

- i. The minimum length of width ratio of the basin shall be two-to-one.



- ii. The grading of the detention basin shall be such that it reflects the surrounding topography. The embankment slopes for the detention basin should be four (4) feet horizontal to one (1) foot vertical preferred or a maximum of two (2) feet horizontal to one (1) foot vertical.
- iii. The maximum water depth shall not exceed 10 feet.
- iv. The minimum top width of the side embankments shall be 8 feet for nonvehicular traffic and 12 feet for vehicular traffic. The embankment shall be set at an elevation of least 12 inches above the emergency spillway.
- v. Principal outlet (or outlets in a multi-stage configuration) shall have the capacity to pass the 100-year design storm flow.
- vi. Outlet pipes shall have a minimum diameter of 6 inches. Orifice plates must be used for restrictions of smaller diameter. Consideration should be given to removable trash racks or other means to prevent clogging.
- vii. Access to entire outlet structure for maintenance and inspection shall be provided and shall follow current OSHA Standards.
- viii. An emergency spillway shall be provided; emergency spillways shall be designed to pass the 100-year storm frequency flow without the principal outlet capacity (in the event the principal outlet becomes plugged). The location of the emergency spillway shall be such that its overflow can be directed to an acceptable location. Permanent erosion control measures at the emergency spillway may be required by the Village based on potential erosion at the site.
- ix. Dry type detention structures shall be graded to drain to the outlet structure. The minimum grade in an earthen pond shall be one (1) percent.

- x. All pipes through the embankment shall have anti-seep collars.
  - xi. Soil borings and testing may be requested by the Village of Leetonia, such testing shall be performed by an approved soil testing laboratory. Submit a report certifying suitability of the soils on-site for embankment and basin construction.
5. In certain applications, alternative detention facilities may be permitted and encouraged. These methods may be especially useful on small sites or where the increase in runoff is small. They may also be useful in conjunction with these methods described above. Requests for alternative detention facilities shall be submitted to the Village of Leetonia Planning and Zoning Department within the appropriate design standards.
- i. Infiltration basin, dry wells and infiltration ditches:
    - a. Soil borings and testing shall be performed by an approved soil testing laboratory. Submit a report certifying the suitability of the soils on-site for infiltration.
    - b. Infiltration measures must make provisions for overflow to a suitable area.
  - ii. Underground Detention Tanks or Pipes:
    - a. May be used for commercial, institutional or industrial sites only.
    - b. Must provide access for inspection and maintenance.
    - c. Must have sufficient load bearing capacity.

- iii. Detention areas in parking lots using catch basins may be used providing the following criteria can be met:
  - a. A maximum water depth of 12 inches in parking areas may be used.
  - b. Maximum water depth shall not exceed 6 inches below the finished floor elevations of the existing or proposed structures.
  - c. Slopes for parking lots used for this purpose shall be a minimum of 0.75 percent and a maximum of 10 percent.
- iv. Retention Basins:
  - a. Soils report will be required to determine suitability.

6. Maintenance of Storm Water Management Practices:

- i. The Village of Leetonia shall approve an inspection and maintenance agreement binding on all subsequent owners of lands served by the planned storm water management practices before the Village accepts the final plat or plan of the proposed project.
- ii. All inspection and maintenance agreements shall do the following:
  - a. Designate the party responsible for maintenance of structural and nonstructural storm water management practices including, mowing and ensuring outlet structures are clear and in good repair. Unless otherwise approved by the Village, this shall be an entity of common ownership within the proposed subdivision (such as an Association) or the owner of an industrial or commercial site.

- b. Prohibit unauthorized alterations of structural and nonstructural storm water management practices.
    - c. Provide access to storm water management practices for inspection by the Village to document the condition of the practices. Authorize the Village to make corrections to the facility, if deemed necessary, and assess the affected property owners.
  - iii. The location, dimensions, and bearings (including the depth and capacity) of all storm water management practices shall be incorporated on the final plat or plan, prior to approval by the Village, and reference thereon shall be made to the entity or individual(s) responsible for maintenance.
- 7. Inspection of Storm Water Management Practices:
  - i. The Village may inspect storm water management practices periodically.
  - ii. Upon finding a malfunction or other need for maintenance, the Village shall notify the responsible party of the need for maintenance.
  - iii. Upon notification, the responsible party shall have 15 working days, or other time stipulated by the Village, to make repairs.
  - iv. Should repairs not be made within the time, or a plan approved by the Village for these repairs not be in place, the Village may undertake necessary repairs and assess the repair cost to the responsible party.

### 16.3 Post Construction Storm Water Quality Requirements:

16.3.1 Overview: Post-construction runoff controls are permanent controls which are intended and shall be designed to improve or maintain a receiving stream's physical, chemical and biological characteristics. In addition, stream functions are maintained and post-construction storm water practices shall provide continued management of both quality and quantity facilities.

Detailed drawings and maintenance plans shall be provided for all post-construction Best Management Practices (BMP's). BMP's included in Ohio Department of Natural Resources (ODNR) Rainwater and Land Development Manual (latest edition) shall be considered to be the Village Standards. Maintenance plans shall also be provided by the permittee to the postconstruction operator of the site (including homeowner associations). The use of innovative and/or emerging storm water management post-construction technologies shall be at the discretion of the Village of Leetonia Planning and Zoning Department. The post-construction portion of the Storm Water Management Plan shall include the following required elements:

- a. Description of post-construction BMP's to be installed during construction. Description shall include estimated installation schedule and sequencing plan.
- b. Rationale for selection shall incorporate anticipated impacts on the channel and flood plain, morphology, hydrology and water quality.
- c. Detailed post-construction BMP drawings shall be provided.
- d. BMP Maintenance Plan shall be developed for all BMP's selected and presented to postconstruction operator.
- e. Maintenance Plan shall include a disposal statement for structural BMP's. Ensure pollutants collected within structural BMP's are disposed of in accordance with local, state and federal regulations.
- f. Linear Projects:
  1. Linear projects, such as utility line installations with no net increase in impervious areas, do not need to comply with OEPA's General Permit. Linear projects must minimize number of stream crossings and width of disturbance. Construction Erosion and Sedimentation Controls are required for all projects, see Storm Water Pollution Prevention Regulations. Linear projects shall be required to document land disturbance area estimates and develop an Erosion/Sedimentation Control Plan.

16.3.2 Post Construction Water Quality Calculations:

- a. Using the following equations:  $CPWQ_v = C * P * A/12$

Where:

CPWQ<sub>v</sub> = Channel protection and water quality volume in acre-feet

C = Runoff coefficient appropriate for storm less than 1 inch (See Table 2)

P = 0.75-inch precipitation depth.

A = Area draining into the BMP in acres.

**TABLE 2: RUNOFF COEFFICIENTS BASED ON TYPE OF LAND USE FOR CPWQ<sub>v</sub> CALCULATION**

Land Use	Runoff Coefficient
Industrial & Commercial	0.8
High Density Residential (>8 dwellings/acre)	0.5
Medium Density Residential (4 to 8 dwellings/acre)	0.4
Low Density Residential (<4 dwellings/acre)	0.3
Open Space and Recreational Areas	0.2

Where the land use will be mixed, the runoff coefficient should be calculated using a weighted average. For example, if 60% of the contributing drainage area to the storm water treatment structure is Low Density Residential, 30% is High Density Residential, and 10% in Open Space, the runoff coefficient is calculated as follows:

$$(0.6)(0.3) + (0.3)(0.5) + (0.1)(0.2) = 0.35$$

- b. An additional volume equal to 20 percent of the CPWQ<sub>v</sub> shall be incorporated into the BMP for sediment storage and/or reduced infiltration capacity during construction.
- c. BMP's shall be designed such that the drain time is long enough to provide treatment, but short enough to provide storage available for successive rain events as described in Table 3 below.

- d. Commercial, institutional and industrial sites that are currently developed are only required to provide 20% of the calculated CPWQv upon re-development, alternatively the re-development site may provide a 20% net reduction in impervious area.

**TABLE 3: TARGET DRAW DOWN (DRAIN) TIMES FOR STRUCTURAL POST-CONSTRUCTION TREATMENT CONTROL PRACTICES**

<b>Best Management Practice (BMP)</b>	<b>Drain Time of CPWQv</b>
Infiltration	24 - 48 Hours
Vegetated Swale or Filter Strip	24 Hours
Extended Detention Basins (Dry Basins)	48 Hours
Retention Basins (Wet Basins)*	24 Hours
Constructed Wetlands (above permanent pool)	24 Hours
Media Filtration, Bioretention	40 Hours

**16.3.3 Water Quality BMP Installation and Maintenance:**

- a. A description of the post-construction BMP's that will be installed during construction for the site and the rationale for their selection in protection of channels from erosion and pollution prevention from sediment deposition must be provided. All pond designs must provide a minimum one (1) foot of freeboard. When designing storm water ponds, the applicant must consider public safety as a design factor for the pond and alternative designs must be implemented where site limitations would preclude a safe design.
- b. Maintenance plans shall be provided for all post-construction BMP's. Maintenance plans shall be provided by the permittee to the post-construction operator of the site upon completion of construction activities and should be included in the Inspection and Maintenance Agreement. All storm water management facilities shall be cleaned and maintained such that the full water quality volume is available and that the facility functions as designed.

#### 16.3.4 Compliance with State and Federal Regulations:

Approvals issued in accordance with this regulation do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from the Ohio EPA, the US Army Corps of Engineers, and other federal, state and/or county agencies not listed herein. If requirements vary, the most restrictive requirement shall prevail. These permits may include but are not limited to those listed below. Proof of compliance with these state and federal regulations is required to be submitted with the Storm Water Management and Sediment Control Plan before the Village of Leetonia Planning and Zoning Department will approve or recommend approval.

- a. Ohio EPA NPDES Permits authorizing storm water discharges associated with construction activity or the most current version thereof: Proof of compliance with these requirements shall be a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, Ohio EPA NPDES Permit Number for the project, or a letter from the site owner explaining why the NPDES Permit is not applicable.
- b. If there is any indication or reasonable evidence that disturbance of an existing watercourse, or potential wetland might occur, one or all of the following may be required depending on the extent and type of disturbance:
  1. Jurisdictional Determination: Proof of compliance shall be a copy of the Jurisdictional Determination from the US Army Corps of Engineers affirming the findings of a qualified professionals survey and report of the site,
  2. Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the US Army Corps of Engineers Individual Permit Applications, if an Individual Permit is required for the development project, public notice or project approval. If an Individual Permit is not required, the site owner shall submit proof of compliance with the US Army Corps of Engineers Nationwide Permit Program. This shall include the following:



- i. A Site Plan showing that any proposed fill of waters of the United States conforms to the general and specific conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the US Army Corps of Engineers at the time of application of this regulation.
  3. If a Section 404 Permit or Jurisdictional Determination is not required because wetlands or watercourses are not present on the property and there is no indication or reasonable evidence that disturbance will occur, a letter from the site owner verifying that a qualified professional has surveyed the site and found no waters of the United States are present or will be affected must be provided.
  4. Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit application, public notice or project approval, or a letter from the site owner verifying that a qualified professional has surveyed the site and found no isolated wetlands are present on the site. Isolated wetlands shall be delineated by protocols accepted by the US Army Corps of Engineers at the time of application of this regulation.
  5. Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application, public notice, or project approval, or a letter from the site owner verifying that a qualified professional has surveyed the site and found no water of the United States are present or will be affected by the project. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the US Army Corps of Engineers at the time of applications of this regulation.
- c. Ohio Dam Safety Law: Proof of compliance shall be a copy of the ODNR Division of Water permit application, a copy of the project approval letter from the ODNR Division of water, or a letter from the site owner explaining why the Ohio Dam Safety Law is not applicable.

### 16.3.5 General Requirements:

- a. The Storm Water Pollution Prevention Plan (SWP3) shall incorporate measures as recommended by the most current edition of the Rainwater and Land Development Manual, as published by the Ohio Department of Natural Resources (ODNR).
- b. A Registered Professional Engineer or Certified Professional Erosion Control Specialist (CPESC) must certify storm water and sediment and erosion control calculations, designs and plan sheets. To the extent necessary, a Registered Professional Surveyor may be required to certify boundary lines, measurements or land surfaces.
- c. A Registered Professional Engineer, Certified Professional Erosion and Sediment Control Specialist (CPESC), or otherwise qualified person may select BMP's for sediment and erosion control. Projects exempt from professional design, include:
  - 1. All soil disturbing activities related to single-family residential development on individual lots; or
  - 2. All soil disturbing activities on residential parcels less than 1 acres and not part of a larger common plan of development on land used or being developed for all building lots.
- d. The Village at its discretion may require an exempt project to provide erosion and sediment controls.
- e. Projects with earth disturbing activities anticipated to exceed 1 acre must file a Notice of Intent (NOI) with the Ohio EPA General Permit Program.
- f. All earth disturbing projects regardless of size must have a Storm Water Pollution Prevention Plan (SWP3) for control of erosion and sediment; this plan must be submitted to the Village of Leetonia Planning and Zoning Department for approval, prior to beginning any work.

### 16.3.6 Application, Narrative and Site Description:

The SWP3 Plan must contain an application, narrative report and site description with the following information provided:

- a. Site Type (i.e. residential, commercial, institutional, subdivision, industrial, institutional, multi-family, apartment, condominium, mobile home park, or manufactured home park).
- b. Phase (if applicable).
- c. Ohio EPA NPDES Permit Number.
- d. Location - include address or description and which township, city, or village it is located within (include subplot number if applicable).
- e. Geographic Coordinates (i.e. latitude and longitude). A. Site Location.
- f. Total acreage of entire site.
- g. Total acreage to be disturbed as part of the project. Include and list all areas where clearing, grubbing, excavating, filling, grading, including off-site borrow areas will occur. This includes the location and plan for off-site borrow areas.
- h. List the number of sublots if project is a subdivision.
- i. Provide the percentage of disturbed area in relation to the entire development area.
- j. The aerial extent (plan view) and description of wetlands (including size and Ohio EPA category 1, 2, or 3) or other special aquatic sites on or near the site and whether or not disturbance of any are anticipated which will receive discharges from the disturbed areas of the project.
- k. A list including the name and/or location of watercourses located on the property, immediate receiving watercourses or surface water(s) and the first subsequent named receiving water(s).
- l. List of any conservation easements or other restrictive uses of the property on record.

- m. Contact information, including company name, contact name, addresses, and phone number of the following:
  - 1. Professional Engineer certifying the plans and/or other preparer of the Erosion and Sediment Control portion of the submittal.
  - 2. Owner of the development site.
  
- n. An inspection and maintenance agreement binding the owner and all subsequent owners of lands where a storm water management facility is to be constructed. Such agreements/deed restrictions/restrictive covenants shall designate and minimally provide the following and be recorded with the deed of the property:
  - 1. The party(s) responsible for long-term maintenance including repairs, as necessary for the facility(s).
  - 2. Prohibit unauthorized alteration of the facility(s) without prior written approval from the Village of Leetonia.
  - 3. Allow the Village of Leetonia personnel or agents access to the storm water management facility(s) at reasonable times for inspections to document the facilities condition and ensure its originally designed function.

Alterations to these stipulations or termination of any of these requirements are prohibited in the document and must run with the land. The document must clearly identify each facility and its location. The owner may provide a draft for review as part of the submittal. Once the draft is approved, a recorded copy of the entire document must be submitted to the Village of Leetonia to receive final inspection approval of the site.

- o. Storm water runoff estimations and calculations (including runoff coefficients) for Pre- and Post-Development peak discharges and the volume for channel protection and water quality. Include critical storm determination and demonstrate that runoff from upper watershed areas have been considered in calculations.

- p. An estimate of the impervious area and percent imperviousness created by the soil disturbing activity.
- q. A description of prior land uses at the site.
- r. An implementation schedule which describes in detail the sequence of major construction operations (i.e., grubbing, excavating, grading, utilities and infrastructure installation) and the implementation of erosion, sediment and storm water management practices or facilities to be employed during each operation of the sequence.
- s. For subdivided developments where SWP3 Plan does not call for a centralized sediment control capable of controlling multiple individual lots, a detail drawing of a typical individual lot of erosion and sediment control practice including designation of specific erosion and sediment control practices for critical areas such as steep slopes, watercourse banks, drainage ways and riparian zones.
- t. Prior to construction commencing or before the pre-construction meeting, the following must additionally be provided:
  - 1. Primary operator or contractors name, address and phone that is responsible for the development area.
  - 2. List of all contractors/subcontractors contact information involved in the implementation of the SWP3 Plan.

#### 16.3.7 Site Construction Plans, Drawings and Details:

The SWP3 Plan shall include construction plan sheets containing drainage, erosion and sediment control measures, and storm water control for proper management of the site during and after construction. A detail listing of the components required are as follows:

- a. Vicinity Map: A map should be shown on the plans indicating the site in relation to the surrounding area.
- b. Site Plan: A plan sheet indicating all temporary and permanent BMP's proposed to be used during all phases of construction shall be provided. It is preferred that the entire site be contained on one sheet, if possible, to permit an

entire view of the site for analysis. If a smaller scale is used to permit inclusion of the entire site on one sheet, separate sheets providing an enlarged view of areas on individual sheets should be additionally provided. The following items shall be provided within the plans:

1. The limits of clearing, grading, excavation or any other soil disturbing activities, including off-site spoil and borrow areas must be provided with final contours shown.
2. Soil type and their boundaries, including locations of unstable or highly erodible soils.
3. Surface water locations including springs, wetlands, watercourses, lakes, water wells, etc., on or within 20 feet of the site, including the boundaries of wetlands or watercourses and first subsequent named receiving water(s) the applicant intends to fill or relocate for which the applicant is seeking approval from the US Army Corp of Engineers and/or Ohio EPA.
4. Existing and proposed two (2) foot contours with both labeled accordingly.
5. Sediment ponds and or sediment traps, including their dimensions and the calculation of the available sediment settling volume and the contributing drainage area.
6. Location of all erosion and sediment control practices, including location of areas likely to require temporary stabilization during the course of site development.
7. Areas designated for the storage or disposal of solid and liquid wastes, including dumpster areas, areas designed for cement truck washout and vehicle fueling.
8. The location of any activities in watercourses including watercourse crossings.
9. Existing and planned location of buildings, roads, parking facilities and utilities.

10. Detail drawings of all permanent and temporary structural storm water management and erosion control methods must be provided.
11. Description and specifications for stabilization of all disturbed areas of the site and guidance to which method of stabilization should be employed for any time of the year shall be provided. Such practices may include: temporary seeding, permanent seeding, mulching, matting, sod stabilization, vegetative buffer strips, phasing of construction operations, the use of construction entrances, and the use of alternative ground cover.
12. The plan must make use of non-structural practices that preserve the existing natural condition to the maximum extent practicable. Such practices may include preserving riparian areas, preserving existing vegetation and vegetative buffer strips, phasing construction operation in order to minimize the amount of disturbed land at any one time, and designation of tree preservation areas or other protective clearing or grubbing practices.
13. Construction schedule clearly identifying the appropriate erosion, sediment or storm water control method and the general sequence during the construction process when each specific method will be implemented and the contractor responsible for implementation.
14. General Notes must be provided to clearly indicate the methods, timing and implementation of all temporary and permanent storm water management, erosion and sediment control items. The following notes or similar but not less restrictive should be provided:
  - i. “Minimize tracking of sediments by vehicles by utilizing the construction entrance as the only entrance for vehicles. Maintain this entrance with stone as needed to prevent dirt and mud from tracking onto the roadway. Regular sweeping of the roadway may be necessary to ensure roadway does not build up with sediments.”

- ii. “The owner of record must provide regular inspection and maintenance for all erosion and sediment control practices. Permanent records of all maintenance and inspections must be kept throughout the construction period. Inspection must be made a minimum of once every seven (7) days and immediately after storm events greater than 0.5 inches of rain within a 24-hour period. The name of owner’s designated inspector, major observations, date of inspections and corrective measures taken must be noted on all inspections.”
- iii. “Other erosion and sediment control items may be necessary due to environmental conditions and may be required at the discretion of the Village of Leetonia or agents, Ohio EPA or County SWCD.”
- iv. “Sediment/storm water ponds and erosion and sediment controls shall be implemented as the first step of grading and within 7 days from the start of grubbing. Upon completion of construction of ponds, seeding and mulching shall immediately follow to aid in the stabilization and minimize erosion and sediment transport of the soil before water leaves the pond. All erosion and sediment controls shall continue to function until disturbed areas are restabilized.”
- v. “No solid or liquid waste shall be discharged into storm water runoff. (This includes washing out of cement trucks.) Designated wash pit areas are shown on the plans and are preset for this purpose away from areas of storm water runoff.”
- vi. “Site stabilization either permanent or temporary must follow the requirements as applicable on the following Table 3 or Table 4:”



### 16.3.8 PERFORMANCE AND DESIGN STANDARDS

- a. Notification: A Storm Water Pollution Prevention Plan (SWP3) must be reviewed and found in compliance with these regulations by the Village of Leetonia Planning and Zoning Department prior to the commencement of any soil disturbing activities. The owner of a site with this approved SWP3 must notify the Village of Leetonia Planning and Zoning Department within 48 hours before initiating any soil disturbing activities. Village of Leetonia Planning and Zoning Department shall also be notified upon project completion to grant final site approval of the project and ensure associated long-term maintenance agreement has been submitted and recorded for any storm water management facilities and built for the project.

### 16.3.9 Protection and Adjacent Properties:

- a. Properties adjacent to the site, including public land and waters of the State shall be protected from sediment deposition resulting from land disturbance during construction. This may be accomplished by preserving a well vegetated buffer strip around the lower perimeter of the land disturbance, by installing perimeter controls such as sediment barriers, filters or dikes, or sediment basins, or by a combination of such measures.
- b. When water must be pumped for the purposes of dewatering such as culvert construction, storm sewer construction or pond maintenance/construction, this water must pass through a filtering device or onto well vegetated soil on the property where construction is occurring before entering adjacent properties or drainage ways.

### 16.3.10 Soil Stabilization:

- a. Permanent Soil Stabilization: All areas of final grade must be permanently stabilized within 7 days of reaching final grade. This is usually accomplished by using seed and mulch, but special measures are sometimes required. Permanent stabilization must be specified and performed as list in Table 3 below:

**TABLE 3: PERMANENT STABILIZATION**

Area Requiring Permanent Stabilization	Time Frame to Apply Erosion Controls
Any area that will lie dormant for one year or more.	Within 7 days of the most recent disturbance
Any area within 50 feet of a watercourse and at final grade.	Within 2 days of reaching final grade.
Any area at final grade.	Within 7 days of reaching final grade within that area.

1. For slopes steeper than 3:1, erosion control netting, placement of seed and mulch with tackifier, retaining walls, and/or other comparable method shall be utilized. All drainage ditches shall be designed and stabilized with rock riprap, sod, or erosion control matting, as appropriate. If failures occur within these created channels, immediate repair and/or revised design is required. Soil stabilization measures should be selected to be appropriate for the time of year, site conditions, and estimated length of use should include the use of the addition of topsoil, erosion control matting, rock riprap, and/or retaining walls. Permanent seeding should be done March 1 to May 31 and August 1 to September 30. Dormant seeding can be done from November 20 to March 15. At all other times of the year, the area should be temporarily stabilized until a permanent seeding can be applied.
  2. A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until an 80% ground cover is achieved that is mature enough to control soil erosion satisfactorily and to survive severe weather conditions.
- b. Temporary Soil Stabilization: Temporary soil stabilization is the most effective BMP during construction. The goal of temporary stabilization is to provide cover, quickly. This is accomplished by seeding with fast growing grasses then covering with straw mulch. Apply only mulch between November 1 and March 31. To minimize costs of temporary

stabilization, leave natural cover in place for as long as possible. Only disturb areas where work is anticipated within the next 21 days. Temporary soil stabilization is required and NOT an option. Temporary stabilization must be specified and performed as listed in Table 4 below:

**TABLE 4: TEMPORARY STABILIZATION**

<b>Area Requiring Temporary Stabilization</b>	<b>Time Frame to Apply Erosion Controls</b>
Any disturbed area within 50 feet of a watercourse and not at final grade.	Within 2 days of the most recent disturbance, if that area will remain idle for more than 21 days.
For all construction activities, any disturbed area, including soil stockpiles, that will be dormant for more than 21 days but less than one year, and not within 50 feet to a watercourse.	Within 7 days of the most recent disturbance within the area.
Disturbed areas that will be idle over the Winter.	Prior to November 1.
NOTE: Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed. These techniques may include mulching, erosion matting, or placement of stone.	

- c. Soil Stockpiles: Soil stockpiles shall be stabilized with temporary seed and mulch or have perimeter silt fencing place to prevent soil loss. All stockpiles shall be located at least one hundred (100) feet from all watercourses, drainage ways, wetlands and site drainage exit points.

**16.3.11 Storm Water Runoff Controls:**

- a. Runoff control practices and associated details must be provided to control the flow of runoff from disturbed areas to prevent erosion. Such practices may include rock check dams, pipe slope drains, and diversions to direct flow away from exposed soil and protective grading practices. These practices shall divert runoff away from the disturbed areas and steep slopes where practicable.
- b. Control of storm water runoff requires that use of grassed/vegetated areas, or sedimentation basins, to removed sediment and/or contaminants.

1. Vegetated filter strips, a minimum of 15 feet in width, can be utilized when sheet or overland flow is planned (storm water is not collected). If at any time it is found that a vegetated filter strip alone is ineffective in stopping sediment movement onto adjacent property, additional perimeter controls shall be provided.
2. Grassed swales can be utilized for treatment if the development site is not conducive to more diffuse overland flow. A minimum ratio of 100 linear feet of grassed swale per acre of impervious area is required. When possible, swales should be designed to minimize the velocity of runoff to less than 2 feet per second from a 10-year, 24-hour storm. If failures occur within these swales, immediate repair and/or revised design is required.

#### 16.3.12 Sediment Basins/Traps:

- a. Sediment control practices and construction details of these practices must be provided for all structural practices that shall store runoff, allowing sediments to settle and/or divert flows away from exposed soils or otherwise limit runoff from exposed areas.
- b. Structural practices shall be used to control erosion and trap sediment from a site remaining disturbed for more than 14 days. Such practices may include, among others: sediment settling ponds, and earth diversion dikes or channels which direct runoff to a sediment settling pond. All sediment control practices must be capable of ponding runoff in order to be considered functional. Where five (5) acres or more, of development area are disturbed in one watershed, storm water runoff from that watershed shall pass through a sediment basin or other suitable sediment trapping facility with equivalent or greater storage capacity. All sediment basins and/or traps must provide a minimum storage of 67 cubic yards per acre of total contributing drainage area. The use of a dewatering device must be provided on the outlet structure to allow dewatering of the facility and ensure adequate time for sediment settlement. When determining the total contributing drainage area, off-site areas and areas which remain undisturbed by construction activity must be included unless runoff from these areas is diverted away from the sediment settling pond and is not co-mingled with sediment laden runoff. The depth of the sediment settling

pond must be less than or equal to five (5) feet. The configuration between inlets and outlets of the basin must provide at least two units of length for each one unit of width (>2:1 length: width ratio). Sediment must be removed from the sediment settling pond when the design capacity has been reduced by 40 percent. (This is typically reached when sediment occupies one-half of the basin depth). Any dredged sediments placed on site must be immediately seeded and mulched or hauled off site to an appropriate location. When designing sediment settling ponds, the applicant must consider public safety as a design factor for the sediment basin and alternative sediment controls must be used where site limitations would preclude a safe design. The use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal is encouraged.

- c. The Village of Leetonia may require sediment settling basins or traps for smaller disturbed areas where deemed necessary. Sediment settling basins or traps whether permanent or temporary must be provided and continue to function until final stabilization of the site is achieved. Temporary sediment settling basins or traps may be removed following final stabilization of the site.

#### 16.3.13 Installation of Sediment Controls:

Sediment basins and traps, diversion dikes, sediment barriers, and other measures intended to trap sediment on-site shall be constructed as a first step in grading and be made functional before upslope land disturbance takes place. Earthen structures whether permanent or temporary such as dams, dikes, sediment basins, storm water basins and diversions shall be seeded and mulching within seven (7) days after installation is complete.

#### 16.3.14 Storm Sewer Inlet Protection:

Storm sewer inlet protection must be provided to minimize sediment laden water from entering storm drain systems, unless the storm drain system drains to a sediment settling pond. All storm sewer inlets/catch basins that are made operable during construction shall be protected so that sediment laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment. Provisions shall be made for these inlets/catch basins to operate and be maintained before, during and after the final surface is applied around it, such as concrete, asphalt or grass. This may require a provision for an

alternate method of inlet protection such as the use of a “Dandy Bag” or approved equal. Water should pond around the inlet when it rains. Silt fence alone cannot be utilized as inlet protection. A sturdy frame must be constructed such as wood 2x4's to support silt fence around inlets. The storm sewer inlet/catch basin protection should encircle the entire basin and be properly entrenched if silt fence is to be utilized. Sediment must be removed on a regular basis around the inlet and properly spread, seeded and mulching or disposed of appropriately off-site.

#### 16.3.15 Cut and Fill Slopes:

- a. Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion. Consideration should be given to the length and steepness of the slope, the soil type, upslope drainage area, groundwater conditions, and other applicable factors. Slopes should be no steeper than 2:1 and preferably 3:1. Slopes that are found to be eroding excessively during the first year after construction shall be provided with additional slope stabilizing measures by the developer until the problem is corrected. The following guidelines are provided to aid in developing an adequate design:
  1. Roughened soil surfaces are generally preferred to smooth surfaces on slopes. Tracking should be done perpendicular to the direction of flow to retard runoff.
  2. Diversions should be constructed at the top of long steep slopes that have significant drainage areas above the slope. Diversions or terraces may also be used to reduce slope length.
  3. Concentrated storm water should not be allowed to flow down cut or fill slopes unless contained within an adequate channel, flume, or slope drain structure.
  4. Wherever a slope face crosses a water seepage plane that endangers the stability of the slope, adequate drainage or other protection should be provided.

#### 16.3.16 Stabilization of Waterways and Outlets:

- a. Permanent stabilization of conveyance channels must be shown for all channels and outfalls to prevent erosive flows. Measures may include erosion control matting, sodding, or rock riprap. All on-site storm water conveyance channels, except roadway ditches, shall be minimally designed and constructed to withstand the expected velocity of flow from a 10-year, 24 hours frequency storm without erosion. Stabilization adequate to prevent erosion shall also be provided at the outlets of all pipes and paved channels. Permanent stabilization of ALL non-paved channels carrying storm water including roadside ditches must consist of excelsior matting in the bottom of the channel.
- b. All constructed waterways/drainage ways not directed to a sediment basin must be stabilized either temporarily or permanently immediately following construction to prevent scour and erosion from occurring. All culvert outlets must have rock channel protection placed immediately following construction.

#### 16.3.17 Working in or Crossing Watercourses:

- a. Construction vehicles should be kept out of watercourses to the extent possible. Where in-channel work is necessary, precautions shall be taken to stabilize the work area during construction to minimize erosion. The channel (including bed and banks) shall always be restabilized immediately after in-channel work is completed. An Ohio EPA 401 Permit and/or a US Army Corp of Engineers, Section 404 Permit may be necessary to perform projects within watercourses.
- b. Where a live (wet) watercourse will be crossed by construction vehicles regularly during construction, a temporary vehicular watercourse crossing shall be provided.
- c. If construction activities will disturb areas adjacent to watercourses, structural practices shall be designed and implemented on site to protect all adjacent watercourses from the impacts of sediment runoff. No structural sediment controls (e.g. the installation of silt fence or a sediment settling pond in watercourses) shall be used in a watercourse. For all construction activities immediately adjacent to surface waters of the State, it is recommended that a setback of at least 25 feet, as measured from the

ordinary high-water mark of the surface water, be maintained in its natural state as a permanent buffer.

16.3.18 Maintenance of Temporary Measures:

All temporary and permanent erosion and sediment control practices shall be maintained and repaired as needed to assure continued performance of their intended function throughout the course of soil disturbing activities and until any up-slope development area is restabilized. As construction progresses and the topography is altered, appropriate controls must be constructed or existing controls altered to address the changing drainage patterns. If periodic inspections or other information indicated a control has been used inappropriately or incorrectly, the applicant must replace or modify the control for site conditions. Other erosion and sediment control items may be necessary due to environmental conditions and may be required at the discretion of the Village of Leetonia or its representatives. The owner will be responsible for such maintenance until final inspection approval by the Village of Leetonia.

16.3.19 Disposition of Temporary Measures:

All temporary erosion and sediment control measures shall be disposed of within 30 days after final stabilization of the site is achieved and approved by the Village of Leetonia or after the temporary measures are no longer needed, unless otherwise authorized by the Village of Leetonia, trapped sediment and other disturbed soil areas resulting from the disposition of temporary measures shall be permanently stabilized to prevent further erosion and sediment accumulation.

16.3.20 Construction Entrances:

Good housekeeping practices must be implemented to ensure sediment is not tracked off-site. Construction entrances shall be installed and maintained to minimize off-site tracking of sediments. A stone access drive should be installed at every point where vehicles enter or exit the site. Maintenance of the stone access drive with additional stone throughout construction to ensure mud is not tracked out onto the roadway is required. The length of the construction stone entrance must be at least 70 feet in length (30 feet for an individual subplot) and 14 feet in width.



16.3.21 Other Pollutant Controls:

No solid (other than sediment) or liquid waste, including building materials, shall be discharged in storm water runoff. Wash pit areas must be constructed in pre-designated areas as shown on the plans. The applicant must implement all necessary BMP's to prevent the discharge of non-sediment pollutants to the drainage system of the site or surface waters of the state. Under no circumstances shall concrete trucks wash out directly into a drainage channel, storm sewer or surface waters of the state. No exposure of storm water to waste materials is recommended.

16.3.22 Silt Fence and Diversions:

Sheet flow runoff from denuded areas shall be intercepted by silt fence or diversions to protect adjacent properties and water resources from sediment transported via sheet flow.

- a. Where intended to provide sediment control, silt fence shall be placed on a level contour and not placed where concentrated flow is directed toward it. Silt fence shall be pulled tight and trenched at least 4" to 6" into the ground and backfilled to prevent runoff from cutting underneath the fence. Sections of silt fence shall be joined so there are no gaps in the fence. The ends of the silt fence shall be brought upslope of the rest of the fence to prevent runoff from going around the ends. Silt fence shall not control large drainage areas. The relationship between the maximum drainage area to silt fence for a particular slope range is shown in the table below.

**TABLE 5: MAXIMUM DRAINAGE AREA TO SILT FENCE**

<b>Maximum Drainage Area (in acres) to 100 Linear Feet of Silt Fence</b>	<b>Range of Slope for a Particular Drainage Area (in percent)</b>
0.5	< 2%
0.25	□ 2% but <
1.125	□ 20% but < 50%

The use of combination barrier constructed of silt fence supported by straw bales or silt fence embedded within rock check dams may be effective for use in roadside ditches and on-site diversion swales and ditches. Storm water diversion practices shall be used to keep runoff away from disturbed areas and steep slopes where practicable. Such devices, which include swales, dikes or berms, may receive storm water runoff from areas up to 10 acres.

### 16.3.23 Compliance with Other Requirements:

The SWP3 Plan shall be consistent with applicable State and/or local waste disposal, sanitary sewer or septic system regulations, including provisions prohibiting waste disposal by open burning and shall provide for the proper disposal of contaminated soils to the extent these are located within the permitted area.

### 16.3.24 Trench and Ground Water Control:

These shall be no turbid discharges to surface waters of the state resulting from dewatering activities. If ground water or a trench contains sediment, it must pass through a sediment settling pond or equally effective sediment may be removed by settling in place or by dewatering into a sump pit, filter bag or comparable practice. Ground water dewatering which does not contain sediment or other pollutants is not required to be treated prior to discharge. However, care must be taken when discharging ground water to ensure that it does not become pollutant laden by traversing over disturbed soils or other pollutant sources.

## 16.4 Administrative

### 16.4.1 Inspection and Compliance:

- a. The Village of Leetonia Planning and Zoning Department or agents will make regular inspections of development areas to determine compliance with these rules and regulations and a report sent to the Commissioners of the site's compliance status. All construction activities, including permanent storm water facilities, will be constructed in conformity with approved SWP3 Plans. If it appears that a violation of these regulations has occurred, the owner or his appointed representative shall be notified of the deficiencies or non-compliance by the Village of Leetonia in writing. If within two (2) weeks after the date of the proof of mailing receipt, the deficiency or non-compliance has not been corrected, or plans have not been approved by the Village of Leetonia for its correction, said deficiency or non-compliance shall be reported to the Village of Leetonia Planning and Zoning Department for consideration of a "finding of violation".
- b. If, in the opinion of the Village of Leetonia Planning and Zoning Department, immediate and irreparable damage will occur because of the violations, Village of Leetonia Planning

and Zoning Department may approach the Village Solicitor for consideration without delay.

- c. If the Village of Leetonia determines that a violation exists and requests the Prosecuting Attorney of the County of Jurisdiction in writing, the Prosecuting Attorney shall seek an injunction or other appropriate relief to abate excessive erosion or sedimentation and secure compliance with these regulations. In granting relief, the court may order the construction of sediment control improvements or implementation of other control measures.

#### 16.4.2 Variance:

- a. The Village of Leetonia Planning and Zoning Department may grant a variance to these regulations where the owner or his appointed representative can show that a hardship exists whereby compliance with these regulations is not appropriate, based upon the following:
  - 1. That exceptional topographic or other physical conditions exist that are peculiar to the particular parcel of land.
  - 2. That the peculiar condition in (1.) above did not result from previous actions by the owner.
  - 3. That a literal interpretation of these regulations would deprive the owner of rights enjoyed by other property owners.
  - 4. Adverse economic conditions shall not be considered as a valid reason or hardship for a variance request to be granted. No variances will be granted where activities occur that will defeat the purposes of these regulations.
  - 5. The request for a variance shall be submitted to the Village of Leetonia Planning and Zoning Department and shall state the specific variances sought and include sufficient data to justify the granting of a variance.

#### 16.4.3 Appeals:

Any person aggrieved by any order, requirement, determination, or any other action or inaction by the Village of Leetonia in relation to these regulations, may appeal to the court of Common Pleas. Such an appeal shall be made in conformity with the Ohio Revised Code. Written notice of appeal shall be served on the Village of Leetonia Planning and Zoning Department.

#### 16.4.4 Maintenance and Final Inspection Approval:

- a. To receive final inspection and acceptance of any project the following must be provided or completed:
  1. Disposition of all temporary erosion and sediment control measures.
  2. Final stabilization and all permanent erosion and sediment control measures must be established.
  3. Permanent storm water management facilities must be installed and made functional per the approved plans.
  4. At the discretion of the Village of Leetonia Planning and Zoning Department, an "As Built" survey may be requested; said survey must be certified (sealed, signed and dated) by an Ohio Registered Surveyor and/or Engineer, as applicable with a statement certifying that the storm water facilities, as designed and installed meet the requirements of the plans originally found in compliance by the Village of Leetonia Planning and Zoning Department. This may include a new set of storm water facility calculations to be provided if the design was altered significantly. The "As-Built" survey must minimally provide the location, dimensions, and bearing of such facilities and reference the entity or individual(s) responsible for long term maintenance.
- b. The above listed items must be received by the Village of Leetonia Planning and Zoning Department prior to receiving approval for the maintenance period inspection for subdivisions and prior to receiving final inspection approval of all other construction sites.

## **ARTICLE 17 – LEGAL REMEDIES**

If enforcement under Article 2 of this Code is not successful, the Zoning Inspector may issue a citation to Mayor’s Court or the appropriate Columbiana County Court.

In addition, the Village Solicitor shall, upon complaint of the Zoning Inspector or his designated representative, or upon his own motion, institute appropriate action to restrain, prevent, enjoin, abate, correct, or remove such violation, and to take such other legal action as is necessary to carry out the terms and provisions of this Code. The 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 an election or the waiver of the right to pursue any and all of the others.

## **ARTICLE 18 – PENALTY**

Any person, firm, corporation, partnership or limited liability company that hereby violates or fails to comply with any of the provisions of this Code is guilty of a minor misdemeanor for a first offense and shall be fined not more than one hundred fifty dollars (\$150.00). For a second subsequent offense such person, firm, corporation, partnership or limited liability company is guilty of a misdemeanor of the second degree and shall be fined not more than two hundred fifty dollars (250.00) or imprisoned not more than thirty (30) days, or both. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

## **ARTICLE 19 – VALIDITY**

### 19.1 Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Code, which shall continue in full force and effect; and to this and the provisions of this Code are hereby declared to be severable.

### 19.2 Saving Clause

This Code shall not affect violations of any other ordinance, code or regulation of the municipality existing prior to the effective date hereof and any violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

### 19.3 Repealing Prior Ordinances as it Pertains to Housing and Building Code

All prior Ordinances, and parts of Ordinances and Resolutions that are in conflict with the within Housing and Building Code are repealed as to all sections and/or articles addressing Housing and Building Code effective upon the date this Housing and Building Ordinance takes effect.

19.4 Open Meeting

It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.