

CODIFIED ORDINANCES OF MARTINS FERRY

PART THIRTEEN - BUILDING CODE

TITLE ONE - Administration

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- Chap. 1309. Permits and Fees.
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- Chap. 1305. Enforcement; Penalty.
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CHAPTER 1305
Enforcement; Penalty

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| 1305.01 | Definition. | 1305.03 | Right of entry. |
| 1305.02 | Enforcement. | 1305.99 | Penalty. |

CROSS REFERENCES

- Power to regulate building erection - see Ohio R.C. 715.26, 715.29, 737.28
 - Department of Public Service - see ADM. Ch. 135
 - Storage of building materials - see GEN. OFF. 543.04
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1305.01 DEFINITION.

For purposes of this chapter, "Building Code" means Titles One through Seven of this Part Thirteen of the Codified Ordinances.

1305.02 ENFORCEMENT.

The Director of Public Safety, or his authorized agent, is hereby authorized to enforce all of the provisions of this Building Code.
(Ord. 5000. Passed 7-9-60.)

1305.03 RIGHT OF ENTRY.

(a) The Safety Director, Chief of Police, Fire Chief, Code Administrator, Code Specialist, or any designee thereof, may, at any reasonable hour, enter any dwelling, multifamily dwelling, building, structure or premises within the City to perform any duty imposed on them by the ICC, this Building Code, or any applicable City Housing or Fire Prevention Code, provided that permission to enter is obtained from the occupant or, in the case of unoccupied property, from the owner or his or her agent. If such permission is refused or is otherwise unobtainable, a search warrant shall be obtained before such entry or inspection is made, except in the case of an existing emergency in which case entry may be made at any time and no search warrant is necessary.

(b) No person shall refuse to permit such emergency entry or inspection, nor shall any person hinder, obstruct, resist or abuse any person making or attempting to make such entry or inspection.

(Ord. 2012-28. Passed 10-3-12.)

1305.99 PENALTY.

Whoever violates any provision of the Building Code or whoever builds in violation of any plan or specification submitted and approved, or in violation of any permit issued thereunder, for each violation, if no other penalty is provided, shall be fined not more than two hundred dollars (\$200.00). Each ten days that the violation continues shall constitute a separate offense. (Ord. 2012-32. Passed 11-7-12.)

CHAPTER 1309
Permits and Fees

1309.01 Permit; application and fees. 1309.99 Penalty.

CROSS REFERENCES

Power to regulate building erection - see Ohio R.C. 715.26, 715.29, 737.28
 Fees for plan approval - see Ohio R.C 3791.07
 Urban renewal restrictions - see ADM. 181.13
 Certificate of occupancy defined - see P. & Z. 1111.01
 Appeals - see P. & Z. 1115.05

1309.01 PERMIT; APPLICATION AND FEES.

(a) Provided the estimated valuation equals five hundred dollars (\$500.00) or more, before the erection, construction or alteration of any building or other structure or part thereof, and before the installation or alteration of the drainage or electric wiring of any building or other structure is begun, there shall be submitted to the Director of Public Safety, by the contractor, an application for a permit in duplicate, on appropriate blanks to be furnished by the Director, containing a detailed statement of the specifications, cost, location and kind of building or other structure, and the name and address of the owner(s) of the property where the work is to be performed. The plans and specifications are to be in accordance with the provisions of the National Building Code adopted under Section 1325.01. The plans and specifications are to be approved by the Director and a permit issued before the beginning of work. The Director shall approve or reject any plans filed with him pursuant to this section within a reasonable time after they are submitted to him. A copy of the permit application and plans, as approved by the Director, shall be retained by him, and a copy, as approved by him, shall be kept at the building or other structure during the progress of work. The work shall be open to inspection by the Director or his authorized agent.

(b) A fee shall be paid to the Safety/Service Fund for issuing a permit for the erection, alteration or repair of a building or other structure, in accordance with the following estimated valuation schedule:

<u>ESTIMATED VALUATION</u>	<u>FEE</u>
\$1,000.00 or less	No permit or fee required
\$1,001.00 - \$1,500.00	\$20.00
\$1,501.00 - \$2,500.00	\$25.00
\$2,501.00 - \$5,000.00	\$30.00
\$5,001.00 - \$7,500.00	\$35.00
\$7,501.00 - \$10,000.00	\$40.00
\$10,001.00 - \$15,000.00	\$45.00
\$15,001.00 or more	\$50.00 plus \$1.00 per thousand in excess of \$15,001.00

Building cost estimates may be re-evaluated by the Director if it is apparent that such costs are underestimated for permit purposes.
(Ord. 2008-17. Passed 9-4-08.)

(c) Whoever violates this section shall be fined not more than five hundred dollars (\$500.00). (Ord. 98-51. Passed 9-3-98.)

1309.99 PENALTY.

(EDITOR'S NOTE: See Section 1305.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1313
Flood Damage Prevention

1313.01	General provisions.	1313.04	Use and development standards for flood hazard reduction.
1313.02	Definitions.	1313.05	Appeals and variances.
1313.03	Administration.	1313.06	Enforcement.

CROSS REFERENCES

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

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

Marking flood areas - see Ohio R.C. 1521.14

1313.01 GENERAL PROVISIONS.

(a) Article XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the Council of City of Martins Ferry, State of Ohio, does ordain as follows:

(b) Findings of Fact. The City of Martins Ferry has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

(c) Statement of Purpose. It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

- (6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions,
- (8) Minimize the impact of development on adjacent properties within and near flood prone areas;
- (9) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- (10) Minimize the impact of development on the natural, beneficial values of the floodplain;
- (11) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- (12) Meet community participation requirements of the National Flood Insurance Program.

(d) Methods of Reducing Flood Loss. In order to accomplish its purposes, these regulations include methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(e) Lands to Which These Regulations Apply. These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Martins Ferry as identified in subsection (f) hereof, including any additional areas of special flood hazard annexed by the City of Martins Ferry.

(f) Basis for Establishing the Areas of Special Flood Hazard. For the purposes of these regulations, the following studies and/or maps are adopted:

- (1) Flood Insurance Study for Belmont County, Ohio and incorporated areas, effective date April 5, 2006. Flood Insurance Rate Maps for Belmont County, Ohio and incorporated areas, effective date April 5, 2006.
- (2) Other studies and/or maps which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.
- (3) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Martins Ferry as required by Section 1313.04(c), Subdivisions and Large Scale Developments.

Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the Development Department, City of Martins Ferry, 5th and Walnut Streets, Martins Ferry, Ohio 43935.

(f) Abrogation and Greater Restrictions. These regulations are not intended to repeal any existing ordinances (resolutions) including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance (resolution), the more restrictive shall be followed. These regulations shall not impair any deed restriction, covenant or easement but the land subject to such interests shall also be governed by the regulations.

(h) Interpretation. In the interpretation and application of these regulations, all provisions shall be:

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

(i) Warning and Disclaimer of Liability. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Martins Ferry, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood drainage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

(j) Severability. Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

(Ord. 2006-03. Passed 1-25-06.)

1313.02 DEFINITIONS.

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

- (a) Accessory Structure A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.
- (b) Appeal A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.
- (c) Base Flood The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.

- (d) **Base (100-Year) Flood Elevation (BFE)** The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).
- (e) **Basement** Any area of the building having its floor subgrade (below ground level) on all sides.
- (f) **Development** Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (g) **Enclosure Below the Lowest Floor** See "Lowest Floor."
- (h) **Executive Order 11988 (Floodplain Management)** Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.
- (i) **Federal Emergency Management Agency (FEMA)** The agency with the overall responsibility for administering the National Flood Insurance Program.
- (j) **Fill** A deposit of earth material placed by artificial means.
- (k) **Flood or Flooding** A general and temporary condition of partial or complete inundation of normally dry land areas from:
(1) The overflow of inland or tidal waters, and/or
(2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (l) **Flood Hazard Boundary Map (FHBM)** Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.
- (m) **Flood Insurance Rate Map (FIRM)** An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.
- (n) **Flood Insurance Risk Zones** Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:
Zone A:
Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.
Zones A1-30 and Zone AE:
Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.
Zone AO:
Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.
Zone AH:
Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

Zone A99:

Special flood hazard areas inundated by the 100-year flood to be protected from the 100 year flood by a Federal flood protection system under construction; no base flood elevations are determined.

Zone B and Zone X (shaded):

Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

Zone C and Zone X (unshaded):

Areas determined to be outside the 500-year floodplain.

- (o) **Flood Insurance Study (FIS)** The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.
- (p) **Flood Protection Elevation** The Flood Protection Elevation, or FPE, is the base flood elevation plus zero [0] feet of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.
- (q) **Floodway** A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.
The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.
- (r) **Freeboard** A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.
- (s) **Historic structure** Any structure that is:
 - (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
 - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
 - (3) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation office.
 - (4) Individually listed on the inventory of historic places maintained by the City of Martins Ferry whose historic preservation program has been certified by the Ohio Historic Preservation Office.

- (t) **Hydrologic and hydraulic engineering analysis** An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.
- (u) **Letter of Map Change (LOMC)** A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's are broken down into the following categories:
Letter of Map Amendment (LOMA) A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.
Letter of Map Revision (LOMR) A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.
Conditional Letter of Map Revision (CLOMR) A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.
- (v) **Lowest floor** The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floors" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.
- (w) **Manufactured home** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.
- (x) **Manufactured home park** As specified in the Ohio Administrative Code 3701-27-01, a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park, A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.

- (y) **National Flood Insurance Program (NFIP)** The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.
- (z) **New construction** Structures for which the "start of construction" commenced on or after the initial effective date of the City of Martins Ferry Flood Insurance Rate Map, July 5, 1983, and includes any subsequent improvements to such structures.
- (aa) **Person** Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.
- (bb) **Recreational vehicle** A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (cc) **Registered Professional Architect** A person registered to engage in the practice of architecture under the provisions of sections 4703.01 to 4703.19 of the Revised Code.
- (dd) **Registered Professional Engineer** A person registered as a professional engineer under Chapter 4733 of the Revised Code.
- (ee) **Registered Professional Surveyor** A person registered as a professional surveyor under Chapter 4733 of the Revised Code.
- (ff) **Special Flood Hazard Area** Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

- (gg) **Start of construction** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.
- (hh) **Structure** A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
- (ii) **Substantial Damage** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (jj) **Substantial Improvement** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:
- (1) Any improvement to a structure which is considered "new construction,"
 - (2) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - (3) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure".
- (kk) **Variance** A grant of relief from the standards of these regulations consistent with the variance conditions herein.
- (ll) **Violation** The failure of a structure or other development to be fully compliant with these regulations.
(Ord. 2006-03. Passed 1-25-06.)

1313.03 ADMINISTRATION.

(a) **Designation of the Floodplain Administrator.** The Safety/Service Director or his designee is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

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

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

(c) Floodplain Development Permits. It shall be unlawful for any person to begin construction or other development activity including but not limited to filling, grading, construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1313.01(f), until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

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

- (1) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

- (2) Elevation of the existing, natural ground where structures are proposed.
 - (3) Elevation of the lowest floor, including basement, of all proposed structures.
 - (4) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
 - (5) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
 - A. Floodproofing certification for non-residential floodproofed structure as required in Section 1313.04(e).
 - B. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1313.04(d)(5) are designed to automatically equalize hydrostatic flood forces.
 - C. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1313.04(i)(3).
 - D. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 1313.04(i)(2).
 - E. A hydrologic and hydraulic engineering analysis showing impact of any development on flood height as in an identified floodway as required by Section 1313.04(i)(1).
 - F. Generation of base flood elevation(s) for subdivision and large scale developments as required by Section 1313.04(c).
 - (6) A Floodplain Development Permit Application Fee set by the schedules of fees adopted by the City of Martins Ferry is based upon the fee schedule established and structured by the City of Martins Ferry Code Enforcement Department.
- (e) Review and Approval of a Floodplain Development Permit Application.
- (1) Review.
 - A. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in subsection (d) hereof has been received by the Floodplain Administrator.

B. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

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

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

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

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

(h) Revoking a Floodplain Development Permit. A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board (Variance Board for Counties) in accordance with Section 1313.05.

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

- (1) Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000.
- (2) Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.

- (3) Major utility facilities permitted by the Ohio Power Sitting Board under Section 4906 of the Ohio Revised Code.
- (4) Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
- (5) Development activities undertaken by a federal agency and which are subject to Federal Executive order 11988 - Floodplain Management.

Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

(j) Map Maintenance Activities. To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure at the City of Martins Ferry flood maps, studies and other data identified in Section 1313.01(f) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

- (1) Requirement to submit new technical data.
 - A. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
 1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 2. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 4. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 1313.04(c).
 - B. It is the responsibility of the applicant to have technical data, required in accordance with subsection (j)(1) hereof prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
 - C. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 1. Proposed floodway encroachments that increase the base flood elevation; and
 2. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
 - D. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to subsection (j)(1)A. hereof.

- (2) Right to submit new technical data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the City of Martins Ferry, and may be submitted at any time.
 - (3) Annexation/detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Martins Ferry have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Martins Ferry Flood Insurance Rate Map accurately represent the Martins Ferry, Ohio boundaries, include within such notification a copy of a map of the City of Martins Ferry suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Martins Ferry has assumed or relinquished floodplain management regulatory authority.
- (k) Data Use and Flood Map Interpretation. The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:
- (1) In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
 - (2) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
 - (3) When Preliminary Flood Insurance Rate Maps and/or Flood Insurance Study have been provided by FEMA:
 - A. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.
 - B. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

- (4) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1313.05, Appeals and Variances.
- (5) Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.

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

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

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims. (Ord. 2006-03. Passed 1-25-06.)

1313.04 USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION.

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1313.01(f) or 1313.03(k)(1):

- (a) Use Regulations.
 - (1) Permitted uses. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the City of Martins Ferry are allowed provided they meet the provisions of these regulations.
 - (2) Prohibited uses.
 - A. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Section 3701 of the Ohio Revised Code.
 - B. Infectious waste treatment facilities in all special flood hazard areas, permitted under Section 3734 of the Ohio Revised Code.
- (b) Water and Wastewater Systems. The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
 - (2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
 - (3) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.
- (c) Subdivisions and Large Developments.
- (1) All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
 - (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
 - (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
 - (4) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
 - (5) The applicant shall meet the requirements to submit technical data to FEMA in Section 1313.03(j)(1)A.4. when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1313.04(c)(4).
- (d) Residential Structures.
- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring and construction materials resistant to flood damage are satisfied.
 - (2) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
 - (3) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (4) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation.
 - (5) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:

- A. Be used only for the parking of vehicles, building access, or storage, and
 - B. Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - C. Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (6) Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- (7) Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of subsection (d) hereof.
- (e) Nonresidential Structures.
- (1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of subsection (d)(1) to (3) and (5) to (7).
 - (2) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
 - A. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 - B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, and,
 - C. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Floodproofing Certificate, that the design and methods of construction are in accordance with subsections (e)(2) A. and B. hereof.
- (f) Accessory Structures. Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards:
- (1) They shall not be used for human habitation;
 - (2) They shall be constructed of flood resistant materials;
 - (3) They shall be constructed and placed on the lot to offer the minimum resistance to the flow of flood waters;

- (4) They shall be firmly anchored to prevent flotation;
 - (5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
 - (6) They shall meet the opening requirements of subsection (d)(5)C. hereof.
- (g) Recreational Vehicles. Recreational vehicles must meet at least one of the following standards:
- (1) They shall not be located on sites in special flood hazard areas for more than 180 days, or
 - (2) They must be fully licensed and ready for highway use, or
 - (3) They must meet all standards of subsection (d) hereof.
- (h) Above Ground Gas or Liquid Storage Tanks. All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.
- (i) Assurance of Flood Carrying Capacity. Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:
- (1) Development in floodways.
 - A. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
 - B. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - 1. Meet the requirements to submit technical data in Section 1313.03(j)(1);
 - 2. An evaluation of alternatives which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
 - 3. Certification that no structures are located in areas which would be impacted by the increased base flood elevation;
 - 4. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
 - 5. Concurrence of the Mayor of the City of Martins Ferry and the Chief Executive officer of any other communities impacted by the proposed actions.
 - (2) Development in riverine areas with base flood elevations but no floodways.

- A. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
 - B. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - 1. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
 - 2. Subsection (i)(1)B., items 1. and 3. to 5.
- (3) Alterations of a watercourse. For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the "USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique" or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:
- A. The bankfill flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfill flood carrying capacity of the watercourse will not be diminished.
 - B. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
 - C. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with City of Martins Ferry specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.

- D. The applicant shall meet the requirements to submit technical data in Section 1313.03(j)(1)A.3. when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.
(Ord. 2006-03. Passed 1-25-06.)

1313.05 APPEALS AND VARIANCES.

(a) Appeals Board Established.

- (1) The Council of the City of Martins Ferry shall appoint an Appeals Board consisting of five members known as the Appeal and Review Board. Three members shall serve four years and two member two years after which time they shall be reappointed or replaced by the Council of the City of Martins Ferry. Each member shall serve until his/her successor is appointed.
- (2) A chairperson shall be elected by the members of the Appeals Board. Meetings of the Appeals Board shall be held as needed and shall be held at the call of the Chairperson, or in his absence, the Acting Chairperson. All meetings of the Appeals Board shall be open to the public except that the Board may deliberate in executive sessions as part of quasijudicial hearings in accordance with law. The Appeals Board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of all official actions. Records of the Appeals Board shall be kept and filed in the City Council Chambers.

(b) Powers and Duties.

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

(c) Appeals.

- (1) Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within ten [10] days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.
- (2) Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

(d) Variances. Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

(1) Application for a variance.

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

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

(3) Public hearing.

- A. At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:
 - 1. The danger that materials may be swept onto other lands to the injury of others.
 - 2. The danger to life and property due to flooding or erosion damage.
 - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - 4. The importance of the services provided by the proposed facility to the community.
 - 5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
 - 6. The necessity to the facility of a waterfront location, where applicable.

7. The compatibility of the proposed use with existing and anticipated development.
 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
 9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- B. Variances shall only be issued upon:
1. A showing of good and sufficient cause.
 2. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
 3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
 4. A determination that the structure or other development is protected by methods to minimize flood damages.
 5. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- C. Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of these regulations.
- (4) Other conditions for variances.
- A. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - B. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in subsection (d)(3)A.1. to 11. have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
 - C. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

- (e) Procedure at Hearings.
- (1) All testimony shall be given under oath.
 - (2) A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
 - (3) The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
 - (4) The administrator may present evidence or testimony in opposition to the appeal or variance.
 - (5) All witnesses shall be subject to cross-examination by the adverse party or their counsel.
 - (6) Evidence that is not admitted may be preferred and shall become part of the record for appeal.
 - (7) The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
 - (8) The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

(f) Appeal to the Court. Those aggrieved by the decision of the Appeals Board may appeal such decision to the Belmont County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.
(Ord. 2006-03. Passed 1-25-06.)

1313.06 ENFORCEMENT.

- (a) Compliance Required.
- (1) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 1313.03(i).
 - (2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with subsection (e) hereof.
 - (3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with subsection (e) hereof.

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

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

(c) Violations and Penalties. Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a fourth degree misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Martins Ferry. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Martins Ferry from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Martins Ferry shall prosecute any violation of these regulations in accordance with the penalties stated herein.
(Ord. 2006-03. Passed 1-25-06.)

CHAPTER 1315
Contractor Registration

1315.01	Registration required.	1315.05	Appeals.
1315.02	Definitions.	1315.06	Exemptions
1315.03	Application; qualification; fees.	1315.99	Penalty.
1315.04	Suspension of registration.		

CROSS REFERENCES

Power to license - see Ohio R.C. 715.27
Application permit - see BLDG. 1309.01

1315.01 REGISTRATION REQUIRED.

All persons, firms, corporations, partnerships or any combination thereof, engaged as a contractor as hereinafter defined shall be required to register for all trades engaged within the City before performing any work within such City and shall be subject to all the provisions of this chapter.

(Ord. 85-50. Passed 11-7-85.)

1315.02 DEFINITIONS.

For purposes of this chapter the following definitions shall apply:

- (a) "Contractor" means a person, firm, corporation, partnership or any combination thereof, who engages for hire in construction or improvements within the City in one or more trade categories, whether acting for themselves or others and whether such trade is being performed by themselves, their employees or under subcontract. In the event that the one trade category is under subcontract, no work shall be performed until the subcontractor is registered by the City.
- (b) "Trade" means the field of work requiring special skill or involving the use of specialized building crafts, and includes the following:
 - (1) Masonry, which includes, but is not limited to, bricklaying, block laying, concrete and cement, asphalt work and paving.
 - (2) Carpentry, which includes, but is not limited to, woodworking, siding, roofing and windows.
 - (3) Heating, tinning, central air conditioning and sheet metal work.
 - (4) Wall covering, which includes, but is not limited to, plastering, drywall, taping, insulating and lath work.
 - (5) Excavation, which includes, but is not limited to, sanitary sewer work, storm sewer work and general excavating, earth moving and grading.
 - (6) Structural iron work for new construction.
 - (7) Sign erection.

- (8) Swimming pool installation for all pools installed below grade.
(Ord. 85-50. Passed 11-7-85.)

1315.03 APPLICATION; QUALIFICATIONS; FEES.

(a) Application for registration shall be made to the Code Administrator on forms provided therefor.

(b) The following qualifications for registration shall apply:

- (1) The applicant shall provide satisfactory written evidence of current Ohio Workers' Compensation insurance coverage.
- (2) The applicant shall provide satisfactory written evidence of a minimum of three hundred thousand dollars (\$300,000) liability insurance coverage.
- (3) The applicant shall provide any and all references as may be requested on the application form in the manner provided.
- (4) All registrations shall expire on December 31 of the year in which they are in force. Renewal of registration may be commenced thirty days prior to the expiration date. For renewal of registration, the final date shall be January 31 within the year that the registration is to be renewed.

(c) Upon the approval of the application for registration and before a certificate is issued the following fees shall apply:

Initial fee	\$25.00
Annual renewal fee	\$25.00

(d) The Code Administrator, with the concurrence of the Director of Public Safety, may waive any or all of the above requirements in cases of hardship.
(Ord. 92-102. Passed 12-17-92.)

1315.04 SUSPENSION OF REGISTRATION.

Registration may be suspended by the Code Administrator upon giving written notice to that effect to the contractor for any of the following reasons:

- (a) Violation of any provision of this chapter or any part of the Building Code.
- (b) Misrepresentation of material fact in order to become registered, or in the renewal of registration.
- (c) Failure to secure permits, inspections and approvals required by the Building Code.
- (d) Use of registration to obtain a permit for another.
- (e) Failure or refusal to correct a violation of the Building Code within a prescribed period of time or to correct incompetent work as ordered by the Code Administrator.

For any other reason that is determined to be adverse to the health, safety and welfare of the residents of the City.
(Ord. 85-50. Passed 11-7-85.)

1315.05 APPEALS.

The Director of Public Safety shall hear all appeals of a decision to suspend registration by the Code Administrator.

Persons, firms or corporations aggrieved by the decision of the Code Administrator may, within five working days of the date of receipt of the notice of suspension, appeal to the Director of Public Safety by filing with the Code Administrator a written notice of appeal, specifying the reasons therefor.

The Director, within three working days of the date of receipt of the appeal by the Code Administrator, shall afford a public meeting upon such appeal. The Director shall at that meeting affirm or reverse the decision of the Code Administrator.

The Director shall affirm the decision of the Code Administrator unless he finds that:

- (a) The Code Administrator erred as a matter of law; or
- (b) The decision is not supported by reliable or probative evidence.

Any party aggrieved by the decision of the Director may appeal to Council for final judgment by filing written notice thereof to the Council Clerk within thirty days of the date of the decision by the Director. Council shall make a decision within thirty days.

No person shall do any work authorized by a certificate of registration when the same is suspended or revoked.

(Ord. 85-50. Passed 11-7-85.)

1315.06 EXEMPTIONS.

Persons exempt from registration shall be as follows.

- (a) Home Owners. No provision of this chapter shall be construed to require that a bona fide owner of a one-, two- or three-family dwelling be registered, who personally will perform work upon his premises. Home owners, shall be required to obtain all necessary permits. Such work shall be performed in accordance with the Building Code and according to plans and specifications filed with the application for a permit.
- (b) Government Agencies; Public Utilities; Private Organizations. Provisions of registration shall not apply to Federal, State, County or Municipal governmental agencies, public utilities furnishing services to the City under Municipal-utility franchise agreements or to industrial, commercial or institutional organizations. A maintenance department, doing work within the provisions of the Building Code, is provided for except that should work covered by the Building Code be contracted to outside concerns, then such contractors shall be registered with the City as provided herein.

(Ord. 85-50. Passed 11-7-85.)

1315.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00). Each day such violation continues shall constitute a separate offense. (Ord. 85-50. Passed 11-7-85.)

TITLE THREE - Model Codes Adopted
 Chap. 1325. National Building Code.
 Chap. 1329. National Electrical Code.
 Chap. 1333. Ohio Plumbing Code.
 Chap. 1337. International Property Maintenance Code.

CHAPTER 1325
 National Building Code

1325.01 Adoption.	1325.04 Amendments.
1325.02 File and distribution copies.	1325.05 Fire limits.
1325.03 Definitions.	1325.99 Penalty.

CROSS REFERENCES

Adoption of technical codes - see Ohio R.C. 731.231
 Ohio Building Code - see Ohio R.C. 3781.10
 Enforcement, penalty- see BLDG. Ch. 1305
 Permits; fees - see BLDG. Ch. 1309

1325.01 ADOPTION.

There is hereby adopted, and incorporated by reference as if fully set out at length herein, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance, of one, two and three-family dwellings and appurtenant structures, that certain code known as the National Building Code, 1976 edition, recommended by the American Insurance Association, subject to the modifications provided under Section 1325.04.

1325.02 FILE AND DISTRIBUTION COPIES.

Copies of the National Building Code adopted herein are on file with the Clerk of Council for inspection by the public and in the County Law Library. The Clerk of Council also has copies available for distribution to the public at cost.

1325.03 DEFINITIONS.

Whenever the following terms are used in the National Building Code adopted herein, they shall have the meanings respectively indicated:

- (a) "Municipality" means the City of Martins Ferry, Ohio.
- (b) "Corporation Counsel" means the City Director of Law.
- (c) "Building Official" means the Director of Public Safety or his authorized representative.

1325.04 AMENDMENTS.

The National Building Code adopted herein is revised by the amendment, enactment or deletion of the following provisions as respectively indicated, which changes are hereby adopted as set forth herein:

NBC ARTICLE I. ADMINISTRATION (Deleted).

1325.05 FIRE LIMITS.

The fire limits referred to in Section 570 of the National Building Code adopted herein comprise all areas of the City which are now or hereafter zoned for business, commercial or industrial uses.

1325.99 PENALTY.

(EDITOR'S NOTE: See Section 1305.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1337
International Property Maintenance Code

1337.01	Adoption.	1337.04	Validity.
1337.02	Revisions.	1337.05	Pending litigation,
1337.03	Conflict.		

CROSS REFERENCES

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

1337.01 ADOPTION.

A certain document, on file in the office of the Director of Public Safety, being marked and designated as the International Property Maintenance Code, 2012 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Martins Ferry, Ohio, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Director of Public Safety are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 1337.02.
(Ord. 2013-06. Passed 5-1-13.)

1337.02 REVISIONS.

The following sections are hereby revised:

- | | |
|----------------|--|
| Section 101.1. | City of Martins Ferry, OH shall be inserted as the name of jurisdiction. |
| Section 103.5. | This section is deleted. Any applicable fees shall be as established by the Director of Public Safety. |
| Section 112.4. | Failure to Comply fine shall be not less than \$50.00 or more than \$200.00. |

- Section 302.4. In excess of twelve inches (12") shall be inserted as the prohibited weeds or plant growth height.
- Section 304.14. April 30th to September 1st shall be inserted as the applicable dates.
- Section 602.3. The minimum temperature referenced of 68 degrees Fahrenheit (20 degrees Celsius) shall be maintained at all times in all habitable rooms, bathrooms and toilet rooms.
- Section 602.4. The minimum temperature referenced of 65 degrees Fahrenheit (18 degrees Celsius) shall be maintained at all times when the referenced work spaces are occupied.

(Ord. 2013-06. Passed 5-1-13.)

1337.03 CONFLICT.

All other ordinances or resolutions, or portions thereof, which are in conflict with this chapter, are hereby repealed.

(Ord. 2013-06. Passed 5-1-13.)

1337.04 VALIDITY.

If any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. Council hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

(Ord. 2013-06. Passed 5-1-13.)

1337.05 PENDING LITIGATION.

Nothing in this legislation or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 1337.03; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

(Ord. 2013-06. Passed 5-1-13.)

CHAPTER 1329
National Electrical Code

1329.01 Adoption.	1329.99 Penalty.
1329.02 File and distribution copies.	

CROSS REFERENCES

Power to license electricians - see Ohio R.C. 715.27
 Adoption of technical codes - see Ohio R.C. 731.231
 Enforcement; penalty - see BLDG. Ch. 1305
 Permits; fees - see BLDG. Ch. 1309

1329.01 ADOPTION.

There is hereby adopted, and incorporated by reference as if fully set out at length herein, for the purpose of establishing standards for electrical materials and installations in one, two and three-family dwellings and appurtenant structures, that certain code known as the National Electrical Code, 1984 edition, recommended by the National Fire Protection Association.

1329.02 FILE AND DISTRIBUTION COPIES.

Copies of the National Electrical Code adopted herein are on file with the Clerk of Council for inspection by the public and in the County Law Library. The Clerk of Council also has copies available for distribution to the public at cost.

1329.99 PENALTY.

(EDITOR'S NOTE: See Section 1305.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1333
Ohio Plumbing Code

- | | |
|---------------------------------------|------------------|
| 1333.01 Adoption. | 1333.99 Penalty. |
| 1333.02 File and distribution copies. | |

CROSS REFERENCES

- Adoption of technical codes - see Ohio R.C. 731.231
 Power to license plumbers - see Ohio R.C. 715.27
 Ohio Building Code - see Ohio R.C. 3781.10
 Sewers - see S.U. & P.S. Ch. 925
 Enforcement; penalty - see BLDG. Ch. 1305
 Permits; fees - see BLDG. Ch. 1309

1333.01 ADOPTION.

There is hereby adopted and incorporated by reference as if fully set out at length herein, for the purpose of establishing basic minimum standards for plumbing, sewer building and water service installation in one, two and three-family dwellings and appurtenant structures, that certain code known as the Ohio Plumbing Code, being Chapter 4101:2-51 of the Ohio Administrative Code, 1985 edition.

1333.02 FILE AND DISTRIBUTION COPIES.

Copies of the Ohio Plumbing Code, adopted in Section 1333.01, are on file with the Clerk of Council for inspection by the public and in the County Law Library. The Clerk of Council also has copies available for distribution to the public at cost.

1333.99 PENALTY.

(EDITOR'S NOTE: See Section 1305.99 for general Code penalty if no specific penalty is provided.)

TITLE FIVE - Local Provisions

- Chap. 1355. Unsafe Structures.
- Chap. 1359. Building Numbering.
- Chap. 1363. Signs and Billboards.
- Chap. 1365. Swimming Pools.
- Chap. 1366. Garages and Other Structures.
- Chap. 1367. Erosion and Sediment Control Regulations.
- Chap. 1369. Source Water Protection Area.
- Chap. 1371. Recreational Vehicle Park.

CHAPTER 1355
Unsafe Structures

- | | |
|---|--|
| <ul style="list-style-type: none"> 1355.01 Definitions. 1355.02 Inspection of suspected public nuisance; written report and photographs. 1355.03 Notice to abate nuisance. 1355.04 Service of notice. | <ul style="list-style-type: none"> 1355.05 Right and procedure of making immediate repairs. 1355.06 Appeal; Hearing Board. 1355.07 Abatement of nuisance by City. 1355.08 Provisions of chapter not exclusive. |
|---|--|

CROSS REFERENCES

- Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261
- Inspection of buildings for fire and safety - see Ohio R.C. 737.34
- Health, safety and sanitation - see GEN. OFF. Ch. 517
- Enforcement; penalty - see BLDG. Ch. 1305
- Permits; fees - see BLDG. Ch. 1309
- Housing Ordinance - see BLDG. Ch. 1375
- Fire prevention - see FIRE PREV. Ch. 1511, Ch. 1515

1355.01 DEFINITIONS.

As used in this chapter:

- (a) "Public nuisance" means any fence, wall, garage, shed, house, building, structure, tree, pole, smoke stack, or any excavation, basement, cellar, well, cistern or sidewalk subspace or part thereof which may endanger the health, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage or injury to anyone in the City because it is:
 - (1) Detrimental to the general health of the community;
 - (2) A fire hazard;
 - (3) Unsafe for occupancy, or use on, in, upon, about or around the premises;
 - (4) Continually vacant which results in lack of reasonable or adequate maintenance of the structure and grounds, causing deterioration and having a blighting influence on nearby properties, thereby depreciating the enjoyment and use of property in the immediate vicinity to such an extent that it is harmful to the community in which the structure is situated.

- (b) "Owner" means the owner of record of the premises in fee or lesser estate therein, a mortgagee or vendee in possession, assignee of the rents, receiver, executor, administrator, trustee, lessee or other person, firm or corporation in control of a building, or his duly authorized agent. Any such person thus representing the owner shall be bound to comply with the provisions of this chapter to the same extent as if he were the owner.
(Ord. 5760. Passed 12-5-68.)

1355.02 INSPECTION OF SUSPECTED PUBLIC NUISANCE; WRITTEN REPORT AND PHOTOGRAPHS.

Whenever the Code Administrator suspects the existence of a public nuisance, he shall promptly cause the premises in question to be inspected. If the Code Administrator finds that a nuisance does exist, he shall have photographs made of the nuisance and the photographs shall be filed in his office along with a written report of the inspection of the premises, the date that the photographs were taken and the date of the inspection.
(Ord. 5760. Passed 12-5-68.)

1355.03 NOTICE TO ABATE NUISANCE.

The Code Administrator shall cause a written notice to be served on the owner of premises where a public nuisance exists, stating the findings of a public nuisance and that unless the owner causes the abatement of the public nuisance, by repair or removal, it shall be abated by the City at the expense of the owner. Such abatement shall start within fifteen days after service of the notice and shall be complete within forty-five days or such additional time, verified in writing, as the Code Administrator may deem advisable.
(Ord. 5760. Passed 12-5-68.)

1355.04 SERVICE OF NOTICE.

The notice to abate a public nuisance shall be served either personally or by mailing a copy to the owner at his usual place of residence by certified mail with return receipt requested. If service of the written notice is not perfected by either of these methods, then the Code Administrator shall cause the notice to be published in a newspaper of general circulation in the City once each week for two consecutive weeks and shall further cause a copy of the notice to be left with the person if any, in possession of the premises, or if there is no person in possession thereof, the Code Administrator shall cause a copy of the notice to be attached to the property. (Ord. 5760. Passed 12-5-68.)

1355.05 RIGHT AND PROCEDURE OF MAKING IMMEDIATE REPAIRS.

Upon being served a notice to abate a public nuisance, the owner may make immediate application in writing or in person to the Code Administrator for a special building permit to undertake the repair or replacement of items found to constitute a public nuisance.

Adequate plans and specifications, covering the repairs or replacement shall be furnished by the owner if required by the Code Administrator within fifteen days.

The Code Administrator shall, upon approval of the plans and specifications, cause a special building permit to be issued to the owner. The special building permit shall be for a period of thirty days and within the thirty days, the owner shall effect and complete the repairs and/or replacements. The Code Administrator may grant an extension to the special building permit if the owner shows cause for the requested extension.

(Ord. 5760. Passed 12-5-68.)

1355.06 APPEAL; HEARING BOARD.

The owner of premises where a public nuisance is deemed to exist may, within ten days after completion of service of the notice to abate the public nuisance, make a demand in writing to the Code Administrator for a hearing on the question of whether in fact a public nuisance, as defined in Section 1355.01 exists. The hearing shall be held within ten days following receipt of the written demand and at least two days notice in writing of the hearing shall be given to the owner.

The hearing shall be conducted by a Hearing Board composed of the Director of Public Service, the Director of Public Safety and the Health Commissioner or, in the event any such officer is unable to attend, by someone from his department delegated by him to act in his behalf. All members of the Hearing Board must concur that a public nuisance, as defined in Section 1355.01, exists before enforcement of the abatement is carried out. A copy of the decision of the Hearing Board shall be promptly served upon the owner in the manner provided for in Section 1355.04.

(Ord. 5760. Passed 12-5-68.)

1355.07 ABATEMENT OF NUISANCE BY CITY.

Should a public nuisance not be abated by the expiration date stated in the notice to abate or in the special building permit issued to abate the nuisance, or in such additional time as the Hearing Board may grant, the Code Administrator is authorized, at any time thereafter, to enter upon the premises and the owner shall permit him entry to abate the nuisance by demolition and removal of the structure or by taking any other action as may be required provided the requirements of Ohio R.C. 715.26(B) have been complied with.

In abating the nuisance the Code Administrator may call upon any department, division or bureau of the City for whatever assistance may be necessary; or the Code Administrator may, by private contract, obtain the abatement, and the cost of such private contract shall be paid for from City funds specifically authorized by Council to abate the nuisance.

In abating the nuisance, the Code Administrator may go to whatever extent necessary to complete the abatement and the cost of the abatement action shall be recovered from the owner in the following procedure:

- (a) The owner shall be billed directly by certified mail for the cost of the abatement. The bill for the cost of the abatement shall be paid within sixty days after receipt of the bill.
- (b) If costs are not so recovered then the City shall cause the cost of the abatement to be levied as an assessment and recovered in accordance with Ohio R.C. 715.261. (Ord. 5760. Passed 12-5-68.)

1355.08 PROVISIONS OF CHAPTER NOT EXCLUSIVE.

The provisions of this chapter shall not be deemed to be a limitation or restriction on the authority of any department, division, official or employee of the City, but shall be deemed as an enlargement of any authority existing by virtue of the Constitution or statutes of the State, or any ordinance enacted by Council prior to December 12, 1968.

(Ord. 5760. Passed 12-5-68.)

CHAPTER 1359
Building Numbering

1359.01	Numbers required.	1359.03	Numbers placed by City.
1359.02	Method of numbering.	1359.99	Penalty.

CROSS REFERENCE

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

1359.01 NUMBERS REQUIRED.

The owner of any residence, place of business or other building shall place or permanently fix on such building, the proper building number in the manner and according to the provisions of this chapter.

(1941 Code, Sec. 15-1.)

1359.02 METHOD OF NUMBERING.

The manner of numbering buildings shall be as follows: one whole number shall be allowed to each twenty-five feet of ground whether improved or vacant and any division of such place shall be designated by an additional fraction as the case may require. All streets running north and south from Hanover Street shall be numbered with odd numbers on the west side of street and even numbers on the east side thereof. All streets running east and west shall be numbered from their eastern termini westward with odd numbers on the north side of such streets and even numbers on the south side.

(1941 Code, Sec. 15-3.)

1359.03 NUMBERS PLACED BY CITY.

In case any owner or occupant of any building refuses or neglects to comply with the provisions of this chapter, Council shall immediately have the proper number permanently fixed to the building, and the cost of the number so fixed shall be paid for by the owner or occupant of the building, if the cost is not paid for on demand, it may be charged as an additional tax on the property and be collected with other taxes.

(1941 Code, Sec. 15-6.)

1359.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than fifty dollars (\$50.00). (Ord. 4781. Passed 11-6-58.)

CHAPTER 1365
Swimming Pools

- | | | | |
|---------|-------------------|---------|----------|
| 1365.01 | Definition. | 1365.99 | Penalty. |
| 1365.02 | Fences or covers. | | |
| 1365.03 | Permits; fees. | | |

CROSS REFERENCES

Swimming pools - see Ohio R.C. Ch. 3749; OAC Ch. 3701-31

1365.01 DEFINITION.

For purposes of this chapter, "swimming pool" means a body of water of artificial construction, used for swimming, or recreational bathing, which is over eighteen inches in depth at any point and has more than 100 square feet of area on the water surface when filled to capacity, and includes the sides and bottom of such pool and the equipment and appurtenances thereof.

(Ord. 92-63. Passed 8-20-92.)

1365.02 FENCES OR COVERS.

Every swimming pool in the City and the premises upon which the swimming pool is located shall be enclosed by a fence at least forty-two inches in height, and constructed so as to prevent access to such pool by small children. As an alternative, a swimming pool may be equipped with a cover which may be securely fastened and locked and which shall be of sufficient strength to support the weight of an adult.

At all times when a swimming pool is not in use, the gates in such fence shall be kept locked or a securely fastened cover shall be kept over the pool.

Freestanding above-ground pools with sides not less than forty-eight inches high, from the ground on which it rests, shall not require additional fencing, insofar as the side of the pool itself constitutes a barrier, equal to a fence, and ladders used to enter the pool shall be removed when not in use.

(Ord. 92-63. Passed 8-20-92.)

1365.03 PERMITS; FEES.

No person shall locate, construct or install any swimming pool or make any changes therein or in the appurtenances thereof without first having submitted an application and plans therefor to, and having obtained a permit from, the Code Administrator and the Health Commissioner. The fee for such permit which shall be collected by the Code Administrator shall be not less than twenty dollars (\$20.00) in any case, and in the event of new construction, shall be at the rate of two dollars (\$2.00) for each 100 square feet of surface area, or fraction thereof, of the pool proper.

The permit shall not be issued until the plans and specifications have been approved as to structural safety and compliance with this chapter by the Code Administrator, and the pool shall not be used until the construction thereof has been so approved by the Code Administrator.

(Ord. 92-63. Passed 8-20-92.)

1365.99 PENALTY.

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

(Ord. 92-63. Passed 8-20-92.)

CHAPTER 1366
Garages and Other Structures

1366.01 Building requirements.

1366.02 Filing of plans and specifications.

1366.01 BUILDING REQUIREMENTS.

Any garage or other structure that is added to an existing structure, or which is built on vacant property, and which is adjacent to any alley must be built at least eighteen inches from any adjoining property. Further, the garage or other structure must have at least a ten inch overhang, with gutters and downspouts attached.

(Ord. 2007-18. Passed 6-27-07.)

1366.02 FILING OF PLANS AND SPECIFICATIONS.

Complete plans and specifications for the garage or other structure must be filed with the Department of Public Service/Safety prior to the commencement of construction.

(Ord. 2007-18. Passed 6-27-07.)

CHAPTER 1367
Erosion and Sediment Control Regulations

EDITOR'S NOTE: Pursuant to Resolution 2006-15, passed March 16, 2006, the City has adopted the Belmont County and City of Martins Ferry Erosion and Sediment Control Regulations. A copy of such Regulations is attached to Resolution 2006-15 as Exhibit A, and incorporated therein. Copies are on file at City Hall.

CHAPTER 1369
Source Water Protection Area

EDITOR'S NOTE: Pursuant to Ordinance 2007-03, passed January 18, 2007, the City has created the Martin's Ferry Source Water Protection Area to prevent contamination of its wellfield areas, including groundwater. A copy of the administrative regulations for the program is attached to Ordinance 2007-03, marked as Exhibit A and made a part of such Ordinance.

Copies are on file at City Hall.

CHAPTER 1371
Recreational Vehicle Park

1371.01 Location.	1371.03 Minimum specifications.
1371.02 Recreational vehicle defined.	1371.04 Conflict.

CROSS REFERENCES
Parking generally - see TRAF. 351.13

1371.01 LOCATION.

A Recreational Vehicle Park (RV) is hereby permitted, to be located only in the industrial park area, east of the railroad tracks that run parallel to Route 7 north and south. A map of the designated area is attached hereto, and incorporated herein, marked as 'Exhibit A' to Ordinance 2013-14.

(Ord. 2013-14. Passed 5-15-13.)

1371.02 RECREATIONAL VEHICLE DEFINED.

For purposes of this chapter, a Recreational Vehicle shall be defined as any licensed camp trailer, travel trailer, motor home or fifth wheel designed to provide temporary living quarters for recreational camping or travel use, constructed with integral wheels to make it mobile and/or towable by motor vehicle.

(Ord. 2013-14. Passed 5-15-13.)

1371.03 MINIMUM SPECIFICATIONS.

The following minimum specifications shall be maintained within the Recreational Vehicle Park (RV) at all times:

- (a) The RV park must include a minimum of 5 parking sites or more, and must comply with the Ohio Department of Health rules: OAC 3701-26.
- (b) Only Recreation Vehicles with self-contained facilities will be permitted in the park. No dropped house trailers, pop-up campers, or tents will be permitted.
- (c) The RV park must be enclosed with a minimum chain link fence or higher grade privacy fence erected at a minimum height of 6 feet.
- (d) The RV park must supply separate and permanent water, sewer and electric hookups for all individual units buried underground with a minimum 30 amp electrical service to each unit.
- (e) The RV park site shall be underlain with a geotextile fabric with 1's and 2's with crush run #57 on the surface with a total minimum thickness of 6 inches.

- (f) Only pre designed or manufactured skirting materials may be used around the RV units.
- (g) No straw, hay bales or other flammable type materials may be used as insulating materials under or around any of the recreational vehicles.
- (h) No pets are permitted in the RV park area.
- (i) No open burning shall be permitted in RV park area at any time.

All being subject to further direction from the City of Martins Ferry.

(Ord. 2013-14. Passed 5-15-13.)

1371.04 CONFLICT.

All other Ordinances or Resolutions, or portions thereof, which are in conflict with this Ordinance are hereby repealed, only as they may relate to the above-referenced Recreational Vehicle Park. (Ord. 2013-14. Passed 5-15-13.)

TITLE SEVEN - Housing
Chap. 1375. BOCA Basic/National Existing Structures Code.
Chap. 1379. Rat Control.

CHAPTER 1375
BOCA Basic/National Existing Structures Code

1375.01 Adoption.

1375.02 File and distribution copies.

CROSS REFERENCES

Adoption of technical codes - see Ohio R.C. 731.231
Health, safety and sanitation - see GEN. OFF. Ch. 521
Unsafe structures - see BLDG. Ch. 1355

1375.01 ADOPTION.

There is hereby adopted, and incorporated by reference as if set out at length herein, for the purpose of establishing minimum standards for the structure, equipment, sanitation, maintenance, use or occupancy of premises, dwellings, dwelling units, rooming units or parts thereof, that certain code known as The BOCA Basic/National Existing Structures Code, 1984 edition, as published by Building Officials and Code Administrators International, Inc.

1375.02 FILE AND DISTRIBUTION COPIES.

Copies of the BOCA Basic/National Existing Structures Code adopted herein are on file with the Clerk of Council for inspection by the public and in the County Law Library. The Clerk of Council also has copies available for distribution to the public at cost.

CHAPTER 1379
Rat Control

1379.01	Rat-free premises required.	1379.09	Receptacles.
1379.02	Definitions.	1379.10	Feeding of birds, animals or domesticated fowl.
1379.03	Inspection; notice.	1379.11	Rodent harborage in plants.
1379.04	Maintenance.	1379.12	Open burning of garbage.
1379.05	Rat-stoppage not to be removed.	1379.99	Penalty.
1379.06	Structural changes.		
1379.07	Dumping prohibited.		
1379.08	Accumulations of materials or junk.		

CROSS REFERENCES

Littering and deposit of garbage, rubbish, etc. - see
GEN. OFF. 521.08

Storage of materials and vehicles - see GEN. OFF. 543.02

BOCA Housing Code adopted - see BLDG. Ch. 1375

1379.01 RAT-FREE PREMISES REQUIRED.

Every premises, building or structure within the City shall be rat stopped, freed of rats and maintained in a rat-stopped and rat-free condition.

(Ord. 6298. Passed 3-16-73.)

1379.02 DEFINITIONS.

As used in this chapter:

- (a) "Building" means any business building or structure and one-business building or structure.
- (b) "Rat-stoppage" applies to a form of rat proofing to prevent the ingress of rats into or under buildings or other structures from the exterior or from one building or structure to another. It consists essentially of the closing of all openings in the exterior walls, ground or first floors, basements and foundations, that may be reached by rats from the ground by climbing or by burrowing, with concrete, sheet iron, hardware cloth or other types of rat-proofing material impervious to rat gnawing, approved by the Health Commissioner. Hardware cloth means wire screen of such thickness and spacing as to afford reasonable protection against the entrance of rats.
- (c) "Rat-harborage" means any condition which provides shelter or protection for rats, thus favoring their multiplication and continued existence in, under or outside a structure of any kind.
- (d) "Health Commissioner" means the person occupying the office in the health district which is created by Ohio R.C. 3709.11 and 3709.14 or his authorized representative.

- (e) "Owner" means the actual owner of the building, whether an individual, partnership or corporation. In the case of a leased building, with a clause in the lease specifying that the lessee is responsible for maintenance and repair, the lessee will be considered in such cases as the owner for the purposes of this chapter.
- (f) "Garbage" means the putrescible animal and vegetable wastes resulting from the handling, processing, preparation, cooking or serving of food.
- (g) "Refuse" means combustible and noncombustible waste materials except garbage, and the term includes the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, plastics, glass, crockery and dust.
- (h) "Person" means an individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, bureau, agency or any entity recognized by law.
- (i) "Occupant" means the individual, partnership or corporation that has the use of or occupies any building or a part or fraction thereof, whether the actual owner or tenant. In the case of a vacant building or any vacant portion of a building, the owner, lessee, agent or custodian shall have the responsibilities of an occupant. (Ord. 6298. Passed 3-16-73.)

1379.03 INSPECTION; NOTICE.

The Health Commissioner shall cause inspection of buildings or other structures to determine evidence of rat infestation and the existence of new breaks or leaks in the rat stoppage. When any evidence is found indicating the presence of rats or openings through which rats may enter such buildings or structures, he shall serve the owner, agent or occupant of such building or structure with written notice to abate the conditions found. The owner, agent or occupant of every building or structure shall give the Health Commissioner free access to his building or structure for the purpose of such inspection. (Ord. 6298. Passed 3-16-73.)

1379.04 MAINTENANCE .

The owner, agent or occupant in charge of each rat-stopped building or structure shall maintain the building or structure in a rat-stopped condition and repair all breaks or leaks that may occur in the rat-stoppage. (Ord. 6298. Passed 3-16-73.)

1379.05 RAT -STOPPAGE NOT TO BE REMOVED.

No owner, occupant, contractor, public utility company, plumber or any other person shall remove the rat-stoppage from any building or structure for any purpose and fail to restore the same in satisfactory condition, or make any new openings that are not closed or sealed against the entrance of rats. (Ord. 6298. Passed 3-16-73.)

1379.06 STRUCTURAL CHANGES.

Whenever conditions of the building or structure provide such extensive harborage for rats that the Health Commissioner deems it necessary to eliminate such harborage, he may require the owner in charge of any such building or structure to install suitable cement floors in the basement, or to require the owner to correct such rat harborage as may be necessary in order to facilitate the eradication of rats. (Ord. 6298. Passed 3-16-73.)

1379.07 DUMPING PROHIBITED.

No person shall place, leave, dump or permit to accumulate any garbage or refuse in or around any building, structure or premises so that the same shall afford food or harborage for rats, or dump or place on any premises, land or waterway any dead animals or waste vegetable or animal matter of any kind.

(Ord. 6298. Passed 3-16-73.)

1379.08 ACCUMULATIONS OF MATERIALS OR JUNK.

No person shall accumulate or permit the accumulation on any open lot or other premises any lumber, boxes, barrels, bricks, stones, scrap metal, motor vehicle bodies or parts or similar materials, rubbish or any articles of junk, which provide rat-harborage, unless the same is placed on open racks that are elevated not less than eighteen inches above the ground, evenly piled or stacked.

(Ord. 6298. Passed 3-16-73.)

1379.09 RECEPTACLES.

Every person occupying or having charge of or owning any building or structure shall provide receptacles for the reception of garbage and refuse. The receptacles shall be provided with covers so that they are rat-proof and it shall be the duty of such persons to have the contents of the receptacle removed from the premises whenever such receptacles are full. No person occupying, owning or having charge of any premises shall put garbage or refuse in any place other than in the receptacles defined herein.

(Ord. 6298. Passed 3-16-73.)

1379.10 FEEDING OF BIRDS, ANIMALS OR DOMESTICATED FOWL.

No person shall place food in the open for the feeding of any birds, animals or domesticated fowl except in such containers as will prevent the scattering of such food upon the ground. After such feeding, the food shall not be allowed to remain where it is accessible to rats. Food for birds, animals and domesticated fowl shall be stored in such a manner as to not be accessible to rats.

(Ord. 6298. Passed 3-16-73.)

1379.11 RODENT HARBORAGE IN PLANTS.

No owner or occupant shall permit conditions whereby grasses, weeds or other plants may provide a rodent harborage on his property.

(Ord. 6298. Passed 3-16-73.)

1379.12 OPEN BURNING OF GARBAGE.

No person shall burn garbage in open containers. Such putrescible wastes shall be placed in covered garbage receptacles and shall be hauled away and disposed of in a satisfactory manner.

(Ord. 6298. Passed 3-16-73.)

1379.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00).

(Ord. 6298. Passed 3-16-73.)