

**CODIFIED ORDINANCES OF MANTUA
PART THIRTEEN - BUILDING CODE**

Chap. 1301. Ohio Building Code.

Chap. 1305. Portage County Building Code.

Chap. 1309. Flood Control.

Chap. 1313. Numbering Structures.

CODIFIED ORDINANCES OF MANTUA
PART THIRTEEN - BUILDING CODE

CHAPTER 1301
Ohio Building Code

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

CROSS REFERENCES

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

1301.01 ADOPTION.

There is hereby adopted by the Municipality, the Ohio Building Code (OBC) and related codes as adopted by the Ohio Board of Building Standards, Department of Industrial Relations, effective March 1, 2005, and as identified and published in Division 4101:1 et seq. of the Ohio Administrative Code (OAC).

1301.02 PURPOSE.

The purpose of the Ohio Building Code is to establish uniform minimum requirements for the erection, construction, repair, alteration, and maintenance of buildings, including construction of industrialized units. Such requirements shall relate to the conservation of energy, safety, and sanitation of buildings for their intended use and occupancy with consideration for the following:

- (a) Performance. Establish such requirements, in terms of performance objectives for the use intended.
- (b) Extent of Use. Permit to the fullest extent feasible, the use of materials and technical methods, devices, and improvements which tend to reduce the cost of construction without affecting minimum requirements for the health, safety, and security of the occupants of buildings without preferential treatment of types or classes of materials or products or methods of construction.
- (c) Standardization. To encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material and techniques, including methods employed to produce industrialized units.

The rules of the Board of Building Standards and proceedings shall be liberally construed in order to promote its purpose. When the Building Official finds that the proposed design is a reasonable interpretation of the provisions of this Code, it shall be approved. Materials, equipment and devices approved by the Building Official pursuant to Section 118 of the Ohio Building Code shall be constructed and installed in accordance with such approval.

(OBC 101.3)

1301.03 SCOPE.

The provisions of the Ohio Building Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures. As provided in Section 3791.04(B) of the Ohio Revised Code, no plans or specifications shall be approved or inspection approval given unless the building represented by those plans or specifications would, if constructed, repaired, erected or equipped according to those plans or specifications, comply with Chapters 3781 and 3791 of the Ohio Revised Code and any rules adopted by the Board.

An owner may exceed the requirements of the Ohio Building Code in compliance with Section 102.7 of the Ohio Building Code.

Exceptions:

- (a) Detached one-, and two-, and three-family dwellings and structures incidental to those dwellings which are not constructed as industrialized units shall comply with local residential codes, if any, adopted by the authority having jurisdiction. This exception does not include the energy provisions required in "Chapter 13, Energy Efficiency" of the OBC (see Sections 3781.06, 3781.181 and 3781.182 of the Ohio Revised Code);
- (b) Buildings owned by and used for a function of the United States Government;

- (c) Buildings or structures which are incident to the use for agricultural purposes of the land on which said buildings or structures are located, provided such buildings or structures are not used in the business of retail trade; for the purposes of this section, a building or structure is not considered used in the business of retail trade if fifty percent or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller. (See Sections 3781.06 and 3781.061 of the Ohio Revised Code);
- (d) Agricultural labor camps;
- (e) Type A or Type B family day-care homes;
- (f) Buildings or structures which are designed, constructed and maintained in accordance with federal standards and regulations and are used primarily for federal and state military purposes where the U.S. Secretary of Defense, pursuant to 10 U.S.C. Sections 18233(a)(1) and 18237, has acquired by purchase, lease, or transfer, and constructs, expands, rehabilitates, or corrects and equips, such buildings or structures as he determines to be necessary to carry out the purposes of Chapter 1803 of the U.S.C.;
- (g) Manufactured homes constructed under "24 CFR Part 3280", "Manufactured Home Construction and Safety Standards".
(OBC 101.2)

1301.04 COMPLIANCE.

(a) No owner or any other person shall construct, erect, build or equip any building or structure to which the Ohio Building Code is applicable, or make any addition thereto or alteration thereof, except in case of repairs for maintenance without affecting the construction, sanitation, safety or other vital feature of such building or structure, without complying with this chapter, Ohio R.C. Chapters 3781 and 3791 or the Ohio Building Code, or fail to comply with any lawful order issued pursuant thereto.
(ORC 3791.01, 3791.02)

(b) No architect, builder, engineer, plumber, carpenter, mason, contractor, subcontractor, foreman or employee shall violate or assist in violating this chapter, Ohio R.C. Chapters 3781 and 3791 or the Ohio Building Code, or fail to comply with any lawful order issued pursuant thereto.
(ORC 3791.01, 3791.03)

(c) No owner shall proceed with the construction, erection, alteration or equipment of any building to which the Ohio Building Code is applicable until the plans or drawings, specifications, and data have been approved as Ohio R.C. 3791.04 requires, or the industrialized unit inspected at the point of origin. No plans or specifications shall be approved or inspection approval given unless the building represented would, if constructed, repaired, erected, or equipped comply with Chapters 3781 and 3791 of the Ohio Revised Code and any rule made under those chapters. (ORC 3791.04)

1301.05 EXISTING STRUCTURES.

The provisions of Chapter 34 of the Ohio Building Code shall control the alteration, repair, addition, and change of occupancy of any existing structure.

The occupancy of any structure currently existing on the date of adoption of this Code shall be permitted to continue without change provided the alleged occupancy can be shown to have existed for more than two years and there are no orders of the Building Official pending, no evidence of fraud, or no serious safety or sanitation hazard.

Buildings constructed in accordance with plans which have been approved prior to the effective date of this Code are existing buildings.

(OBC 102.6)

1301.06 VIOLATIONS.

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

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

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

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

(OBC 113)

1301.07 STOP WORK ORDER.

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

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

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

(OBC 114)

1301.08 CONFLICT.

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

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

(OBC 102)

1301.09 ENFORCEMENT.

(a) In General. The Building Official shall enforce provisions of the rules of the Board of Building Standards and of Chapters 3781 and 3791 of the Ohio Revised Code, relating to construction, arrangement, and the erection of buildings or parts thereof as defined in the rules of the Board in accordance with the certification. The Building Official shall exercise exclusive responsibility for the enforcement of all design and construction requirements found in the Ohio Building Code and in other codes and referenced standards to the extent that the Building Code refers to those documents for design data, facts, figures, requirements, criteria, conditions, measures, and information except as follows:

- (1) Fire. The Fire Marshal or Fire Chief shall enforce all provisions of the rules of the Board relating to fire prevention. For those design and construction requirements and other requirements found in the Fire Prevention Code to which the Building Code refers, to the extent of the reference they shall be enforced by the Building Official.
- (2) Health. The Department of Health, or the boards of health of the City or general health districts the Division of Industrial Compliance of the Department of Commerce, or the Departments of Building Inspection of municipal corporations shall enforce such provisions relating to sanitary construction.
- (3) Engineering. The Department of the City Engineer, in cities having such departments, has complete supervision and regulation of the entire sewerage and drainage system of the City, including the house drain and the house sewer and all laterals draining into the street sewers. Said department shall have control and supervision of the installation and construction of all drains and sewers that become a part of the sewerage system of the City and shall issue all the necessary permits and licenses for the construction and installation of all house drains and house sewers and of all other lateral drains that empty into the main sewers. Such department shall keep a permanent record of the installation and location of every drain and sewerage system of the City.
- (4) Enforcement. This section does not exempt any officer or department from the obligation of enforcing any provision of the rules of the Board.

The Building Official shall have the authority to render interpretations of the Ohio Building Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code.

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

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

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

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

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

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

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

1301.99 PENALTY.

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

CHAPTER 1305
Portage County Building Code

1305.01	Adopted.	1305.03	Enforcement; fees.
1305.02	Compliance required.		

CROSS REFERENCES

Adoption by reference - see Ohio R.C. 731.231
Ohio Basic Building Code - see BLDG. Ch. 1301

1305.01 ADOPTED.

The Official Building and Electrical Codes of Portage County are hereby adopted by and for the Village of Mantua.

1305.02 COMPLIANCE REQUIRED.

All persons, firms or corporations within the Village shall be required to comply with the Portage County Building and Electrical Code on and after the effective date of this chapter.

1305.03 ENFORCEMENT; FEES.

The Mayor and Clerk are hereby authorized to execute and deliver a contract with the Portage County Commissioners for the services of the Portage County Building Inspector for inspection and enforcement of the Building Code within the Village, and the Portage County Building Inspector shall collect and the County shall retain the fees as per schedule in the Building Code. Portage County shall retain the fees so collected for services rendered.

**CHAPTER 1309
Flood Control**

1309.01	Statutory authorization.	1309.13	Establishment of development permit.
1309.02	Findings of fact.	1309.14	Exemption from filing a development permit.
1309.03	Statement of purpose.	1309.15	Designation of the Flood Damage Prevention Administrator.
1309.04	Methods of reducing flood losses.	1309.16	Duties and responsibilities of the Zoning Inspector.
1309.05	Definitions.	1309.17	Variance procedure.
1309.06	Lands to which this chapter applies.	1309.18	General standards.
1309.07	Basis for establishing the areas of special flood hazard.	1309.19	Specific standards.
1309.08	Compliance.	1309.20	Floodways.
1309.09	Abrogation and greater restriction.		
1309.10	Interpretation.		
1309.11	Warning and disclaimer of liability.		
1309.12	Violations and penalties.		

CROSS REFERENCES

Basis of zoning districts - see Ohio R.C. 713.10
 Marking flood areas - see Ohio R.C. 1521.14
 Ohio Water Commission - see Ohio R.C. 1525.01 et seq.
 Conservancy districts - see Ohio R.C. 6101.04

1309.01 STATUTORY AUTHORIZATION.

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, Council does ordain as follows.
 (Ord. 1994-39. Passed 12-12-94.)

1309.02 FINDINGS OF FACT.

(a) The Village has been subject to periodic inundation which if it were to occur again 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, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused to a certain extent by the cumulative effect of special flood hazards which increase flood heights and velocities and, when inadequately anchored, damage results in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage contribute to the flood loss.
(Ord. 1994-39. Passed 12-12-94.)

1309.03 STATEMENT OF PURPOSE.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (a) Protect human life and health;
- (b) Minimize expenditure of public money for costly flood control projects;
- (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) Minimize prolonged business interruptions;
- (e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (f) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (g) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- (h) Minimize insurance costs to property owners.
(Ord. 1994-39. Passes 12-12-94.)

1309.04 METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- (a) Restricting or prohibiting uses which are dangerous to health, safety and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Controlling the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
- (d) Controlling filling, grading, dredging and other development which may increase flood damage; and
- (e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.
(Ord. 1994-39. Passed 12-12-94.)

1309.05 DEFINITIONS.

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

- (a) "Accessory structure" means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure, in accordance with the Zoning regulations of the Village.
- (b) "Appeal" means a request for review of the Zoning Inspector's interpretation of any provision of this chapter or a request for a variance.
- (c) "Area of shallow flooding" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- (d) "Area of special flood hazard" means the land in the flood plain subject to a one percent (1%) or greater chance of flooding in any given year. Areas of special flood hazard are designated by the Federal Emergency Management Agency as Zone A, AE, AH, AO, A1-30, and A99.
- (e) "Base flood" means the flood having a one percent (1%) chance of being equalled or exceeded in any given year. The base flood may also be referred to as the 100-year flood.
- (f) "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.
- (g) "Development" means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (h) "Federal Emergency Management Agency" (FEMA) means the agency with the overall responsibility for administering the National Flood Insurance Program.
- (i) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters; and/or
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (j) "Flood Insurance Rate Map" (FIRM) means an official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazard.
- (k) "Flood Insurance Study" means the official report in which the Federal Emergency Management Agency has provided flood profiles, floodway boundaries and the water surface elevation of the base flood.
- (l) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- (m) "Historic Structure" means any structure that is:
 - (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
 - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - A. By an approved state program as determined by the Secretary of the Interior; or
 - B. Directly by the Secretary of the Interior in states without approved programs.
- (n) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is built in accordance with the applicable design requirements specified in this chapter for enclosures below the lowest floor.
- (o) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
- (p) "Manufactured home park" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. This definition shall exclude any manufactured home park as defined in Ohio R.C. 3733.01, over which the Public Health Council has exclusive rule making power.
- (q) "Manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale. This definition shall exclude any manufactured home park as defined in Ohio R.C. 3733.01, for which the Public Health Council has exclusive rule making power.
- (r) "New construction" means structures for which the "start of construction" commenced on or after the initial effective date of this chapter and includes any subsequent substantial improvements to such structure.
- (s) "Recreational vehicle" means a vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
- (t) "Start of Construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

- (u) "Structure" means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground and is not designed or intended for temporary use.
- (v) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the fair market value of the structure before the damage occurred.
- (w) "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the fair market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:
 - (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe operating or living conditions;
 - (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure"; or
 - (3) Any improvement to a structure which is considered new construction.
- (x) "Variance" means a grant of relief from the standards or spirit of this chapter consistent with the variance conditions herein.
(Ord. 1994-39. Passed 12-12-94.)

1309.06 LANDS TO WHICH THIS CHAPTER APPLIES.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Village of Mantua as identified by the Federal Emergency Management Agency, including any additional flood hazard areas annexed by the Village of Mantua that are not identified on the effective Flood Insurance Rate Map, or designated by other agencies or "preserves".
(Ord. 1994-39. Passed 12-12-94.)

1309.07 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study for the Village of Mantua."

This study, with accompanying Flood Boundary and Floodway Maps and/or Flood Insurance Rate Maps dated July 5, 1984 and any revisions thereto is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at 4736 East High Street, Mantua, Ohio.
(Ord. 1994-39. Passed 12-12-94.)

1309.08 COMPLIANCE.

No structure or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this chapter and all other applicable regulations which apply to uses within the jurisdiction of this chapter, unless specifically exempted from filing for a development permit as stated in Section 1309.14.
(Ord. 1994-39. Passed 12-12-94.)

1309.09 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail, unless untenable conditions exist.
(Ord. 1994-39. Passed 12-12-94.)

1309.10 INTERPRETATION.

In the interpretation and application of this chapter, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under State statutes. Where a provision of this chapter may be in conflict with a State law, such State law shall take precedence over this chapter, unless the health and safety of the Village be dominant.

(Ord. 1994-39. Passed 12-12-94.)

1309.11 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on existing scientific and engineering considerations. Larger floods may occur on rare occasions. Flood heights may be increased by man made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Village of Mantua, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. It is to be noted and considered part of this chapter that the flow of the Cuyahoga River through the Village of Mantua can be controlled by the City of Akron, Ohio and actions undertaken by them can alter the natural flow of the river and therefore, affect the floodway and flood plain. Actions undertaken by them or other agencies shall not be construed as the responsibility of the Village of Mantua, its elected officials and appointed officers. (Ord. 1994-39. Passed 12-12-94.)

1309.12 VIOLATIONS AND PENALTIES.

Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor of the third degree. Any person who violates this chapter or fails to comply with any of its requirements (including violations of conditions of and safeguards established in connection with conditions) shall upon conviction thereof be fined or imprisoned as provided by the laws of the Village. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violations. The Village shall prosecute any violation of this chapter in accordance with the penalties stated herein, or that which is necessary to protect the commonwealth.
(Ord. 1994-39. Passed 12-12-94.)

1309.13 ESTABLISHMENT OF DEVELOPMENT PERMIT.

(a) A development permit shall be obtained from the Zoning Inspector before construction or development begins within any area of special flood hazard established in Section 1309.07. Application for a development permit shall be made on forms furnished by the Zoning Inspector and may include, but not be limited to: site specific topographic plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. The following information is minimally required:

- (1) Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures located in special flood hazard areas where base flood elevation data are utilized;
- (2) Elevation in relation to mean sea level to which any proposed structure will be flood-proofed in accordance with Section 1309.19(b)A. where base flood elevation data are utilized;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 1309.19(b)A. where base flood elevation data are utilized.
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished.

(b) A model of said development permit is appended to this chapter and is considered part of it. (Ord. 1994-39. Passed 12-12-94.)

1309.14 EXEMPTION FROM FILING A DEVELOPMENT PERMIT.

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

(Ord. 1994-39. Passed 12-12-94.)

1309.15 DESIGNATION OF THE FLOOD DAMAGE PREVENTION ADMINISTRATOR.

The Zoning Inspector is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

(Ord. 1994-39. Passed 12-12-94.)

1309.16 DUTIES AND RESPONSIBILITIES OF THE ZONING INSPECTOR.

The duties and responsibilities of the Zoning Inspector shall include but are not limited to:

(a) Permit Review.

- (1) Review all development permits to determine that the permit requirements of this chapter have been satisfied.

- (2) Review all development permits to assure that all necessary permits have been received from those federal, State or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the Department of the Army under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.
- (3) Review all development permits to determine if the proposed development is located within a designated floodway. Floodways are delineated in the Flood Boundary and Floodway Map or the Flood Insurance Rate Map of the Flood Insurance Study. Floodways may also be delineated in other sources of flood information. If the proposed development is located within a designated floodway, assure that the encroachment provision of Section 1309.20(b)(1) is met.
- (4) Allow for exemptions to the chapter.
- (b) Use of Other Base Flood Elevation and Floodway Data. Areas of special flood hazard where base flood elevation data have not been provided by the Federal Emergency Management Agency in accordance with Section 1309.07, are designated as Zone A on the community's Flood Insurance Rate Map. Within these areas, the Zoning Inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data obtained under Section 1309.19(f), in order to administer Sections 1309.19(a), (b) and 1309.20.
- (c) Information to be Obtained and Maintained. Where base flood elevation data are utilized within areas of special flood hazard on a community's Flood Insurance Rate Map, regardless of the source of such data, the following provisions apply:
 - (1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and record whether or not such structures contain an enclosure below the lowest floor;
 - (2) For all new or substantially-improved floodproofed nonresidential structures:
 - A. Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and
 - B. Maintain the floodproofing certifications required in Section 1309.13(c).
 - (3) Maintain for public inspection all records pertaining to the provisions of this chapter for a reasonable period of time for inspection by those having a legitimate interest.
- (d) Alteration of Watercourses.
 - (1) Notify adjacent communities and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency if it impacts the floodplain or floodway. A watercourse is considered to be altered if any change occurs within its banks.

- (2) Maintain engineering or other documentation required in Section 1309.13(a)(4) that the flood carrying capacity of the altered or relocated portion of said watercourse will not be diminished due to the change.
- (3) Require that reasonable necessary maintenance will be provided for the altered or relocated portion for such watercourse so that the flood carrying capacity will not be diminished.
- (e) Interpretation of Flood Boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Where a map boundary and field elevations disagree, the elevations delineated in the flood elevation profile shall prevail. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1309.17. It shall be noted that the boundaries of the floodway of the Cuyahoga River within the boundaries of the Village of Mantua have not been set by any agency.
(Ord. 1994-39. Passed 12-12-94.)

1309.17 VARIANCE PROCEDURE.

- (a) Appeal Board.
 - (1) The Board of Zoning Appeals as established by the Village shall hear and decide appeals and requests for variances from the requirements of this chapter.
 - (2) The Board of Zoning Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Zoning Inspector in the enforcement or administration of this chapter.
 - (3) Those aggrieved by the decision of the Board of Zoning Appeals or any taxpayer, may appeal such decision to the Portage County Court of Common Pleas, as provided in Ohio R.C. Chapter 2506.
 - (4) In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:
 - A. The danger that materials may be swept onto other lands to the injury of others;
 - B. The danger to life and property due to flooding or erosion damage;
 - C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - D. The importance of the services provided by the proposed facility to the community;
 - E. The availability and feasibility of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - F. The necessity to the facility of a waterfront location, where applicable;
 - G. The compatibility of the proposed use with existing and anticipated development;
 - H. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - I. The safety of access to the property in times of flood for ordinary and emergency vehicles;

- J. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) Upon consideration of the factors of subsection (a)(4) hereof and the purposes of this chapter, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter, or in the best interests of the Village.
 - (6) The Zoning Inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- (b) Conditions for Variances.
- (1) Variances shall not be issued within any designated floodway if any significant increase in flood levels during the base flood discharge would result.
 - (2) Variances that could be directly attributable to the construction or alteration proposed shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (3) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items A. to K. in subsection (a) hereof have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
 - (4) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - (5) Variances shall only be issued upon:
 - A. A showing of good and sufficient cause;
 - B. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - C. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this chapter, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection (a)(4) hereof, or conflict with existing local laws or ordinances.

- (6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
(Ord. 1994-39. Passed 12-12-94.)

1309.18 GENERAL STANDARDS.

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

- (a) Anchoring.
 - (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (2) All manufactured homes not otherwise regulated by the Ohio Revised Code pertaining to manufactured home parks shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors.
- (b) Construction Materials and Methods.
 - (1) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
 - (2) All new construction and substantial improvement shall be constructed using methods and practices that minimize flood damage.
 - (3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (c) Utilities. 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 them or contamination from them during flooding.
- (d) Subdivision Proposals.
 - (1) All subdivision proposals, including manufactured home subdivisions, shall be consistent with the need to minimize flood damage;
 - (2) All subdivision proposals, including manufactured home subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
 - (3) All subdivision proposals, including manufactured home subdivisions, shall have adequate drainage provided to reduce exposure to flood damage; and
 - (4) All subdivision proposals, including manufactured home subdivisions, shall meet the specific standards of Section 1309.19(f).

- (e) Standards in Areas of Special Flood Hazard Without Base Flood Elevation Data. In all areas of special flood hazard identified as Zone A on the Flood Insurance Rate Map where base flood elevation data are not available from any source, the following provisions apply:
New construction and substantial improvement of any residential, commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated to at least two feet above the highest adjacent natural grade.
(Ord. 1994-39. Passed 12-12-94.)

1309.19 SPECIFIC STANDARDS.

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 1309.07, 1309.16(b) or 1309.19(f), the following provisions are required:

- (a) Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to the base flood elevation.
- (b) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
- A. Be floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the base flood elevation. In order to be eligible for lower flood insurance rates, the structure should be floodproofed at least one foot above the base flood elevation;
 - B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - C. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this subsection. Such certification shall be provided to the official as set forth in Section 1309.13(c).
- (c) Accessory Structures.
- (1) A relief to the elevation of dry floodproofing standards may be granted for accessory structures (e.g., sheds, detached garages) containing 576 square feet or less in gross floor areas. Such structures must meet the encroachment provisions of Section 1309.20(a) and the following additional standards:
- A. They shall not be used for human habitation;
 - B. They shall be designed to have low flood damage potential;
 - C. They shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;
 - D. They shall be firmly anchored to prevent flotation; and
 - E. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

- (d) Manufactured Homes and Recreational Vehicles. The following standards shall apply to all new and substantially-improved manufactured homes not subject to the manufactured home requirements of Ohio R.C. 3733.01.
- (1) Manufactured homes shall be anchored in accordance with Section 1309.18(a)(2).
 - (2) Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at the base flood elevation.
- These standards also apply to recreational vehicles that are either located on sites for 180 days or more or are not fully licensed and ready for highway use.
- (e) Enclosures Below The Lowest Floor. The following standards apply to all new and substantially-improved residential and nonresidential structures which are elevated to the base flood elevation using pilings, columns or posts. Fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must:
- (1) Be certified by a registered professional engineer or architect; or
 - (2) Must meet or exceed the following criteria:
 - A. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - B. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with fencing, screens, louvers, valves, or other openings provided that they permit the automatic entry and exit of floodwaters.
- (f) Subdivisions and Large Developments. In all areas of special flood hazard where base flood elevation data have not been provided in accordance with Section 1309.07 or Section 1309.16(b), the following standards apply to all subdivision proposals, including manufactured home subdivisions, and other proposed developments containing at least fifty lots or five acres (whichever is less):
- (1) The applicant shall provide base flood elevation data performed in accordance with standard engineering practices;
 - (2) If subsection (f)(1) hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 1309.18, and Section 1309.19.
(Ord. 1994-39. Passed 12-12-94.)

1309.20 FLOODWAYS.

(a) A floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential. The Flood Insurance Rate Map does not designate a floodway. However, floodways may be delineated in other sources of flood information as specified in Section 1309.16(b).

- (b) In all areas of special flood hazard where FEMA has provided base flood elevation data as set forth in Section 1309.07, but FEMA has not delineated a floodway, the following provisions apply:
- (1) New construction, substantial improvements, or other development (including fill) shall only be permitted if it is demonstrated that the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.
 - (2) If subsection (b)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 1309.18 to 1309.20.
 - (3) Any encroachment that would result in an increase in base flood elevations beyond the one foot allowable rise can only be granted upon the prior approval of the Federal Emergency Management Agency. Such requests must be submitted by the Zoning Inspector to the Federal Emergency Management Agency and must meet the requirements of the National Flood Insurance Program.
(Ord. 1994-39. Passed 12-12-94.)

CHAPTER 1313
Numbering Structures

1313.01	Numbering required.	1313.03	Posting required.
1313.02	System established.	1313.04	Administration.

CROSS REFERENCES

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

1313.01 NUMBERING REQUIRED.

For the public convenience and welfare and under the authority granted to them under Ohio R.C. 715.26 it is hereby ordered that all buildings in the Village of Mantua be numbered. (Ord. 1961-361. Passed 3-13-61.)

1313.02 SYSTEM ESTABLISHED.

(a) The numbering system shall be a coordinate system and conform to the County-wide system of numbering as established by the Portage County Engineer. The coordinates of the corners of the Village of Mantua as it exists in 1960 are:

Northwest Corner: North - 109563 East - 43627

Northeast Corner: North - 109476 East - 50637

Southeast Corner: North - 103715 East - 50599

Southwest Corner: North - 103919 East - 43662

(b) A house or building shall be located by its east or north coordinates in feet. For convenience the last digit of the coordinate shall be dropped and the resulting figure shall be the house number. As the numbers increase, the right-hand side of the street shall be even-numbered and the left-hand side odd-numbered.

(Ord. 1961-361. Passed 3-13-61.)

1313.03 POSTING REQUIRED.

After receipt of an official house number, each owner shall place in a conspicuous place on the front of his building his number. Numbers used shall not be less than three inches in height.

(Ord. 1961-361. Passed 3-13-61.)

1313.04 ADMINISTRATION.

(a) The house-numbering system shall go into effect immediately after due notification is received by the property owner from the proper authorities.

(b) After the initial numbering system is established, the Superintendent of the Water Department shall assign all house numbers.

(Ord. 1961-361. Passed 3-13-61.)