

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

TITLE ONE - Building Standards

- Chap. 1301. Ohio Basic Building Code ***(Repealed)***
- Chap. 1303. One, Two and Three -Family Dwellings
- Chap. 1305. Ohio Plumbing Code ***(Repealed)***
- Chap. 1307. National Electrical Code ***(Repealed)***

TITLE THREE - Building Administration

- Chap. 1309. Board of Building Appeals
- Chap. 1311. Building, Wrecking and Moving Permits
- Chap. 1312. Schedule of Fees
- Chap. 1313. Inspections; Electrical and Plumbing Permits
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- Chap. 1317. Registration of Electricians
- Chap. 1319. Registration of Plumbers
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TITLE FIVE - Local Building Provisions.

- Chap. 1321. Fire Limits ***(Repealed)***
- Chap. 1323. Row or Town Houses ***(Repealed)***
- Chap. 1325. Aluminum and Metal Siding ***(Repealed)***
- Chap. 1327. Signs and Billboards ***(Repealed)***
- Chap. 1331. Swimming Pools ***(Repealed)***
- Chap. 1333. Numbering Structures
- Chap. 1335. Abandoned Service Stations ***(Repealed)***
- Chap. 1337. Flood Damage Control
- Chap. 1339. Technical Plan Review and Conformance

TITLE SEVEN - Environmental Health and Housing Maintenance Code

- Chap. 1361. General Provisions.
- Chap. 1363. Definitions
- Chap. 1365. Minimum Standards and Requirements
- Chap. 1367. Licensing Requirements
- Chap. 1369. Owner and Occupant Responsibilities
- Chap. 1371. Enforcement and Penalty
- Chap. 1373. Repairs and Demolition
- Chap. 1375. Appeals

TITLE TEN - Exterior Property Maintenance Code

- Chap. 1381. Title, scope, and conflict.
- Chap. 1383. Definitions.
- Chap. 1385. Administration and Enforcement.
- Chap. 1387. Exterior Property Maintenance.
- Chap. 1389. Notice of Violation, Corrective Action, and Appeals.
- Chap. 1391. Effective Date.



CODIFIED ORDINANCES OF KENT  
PART THIRTEEN - BUILDING CODE

TITLE ONE - Building Standards

Chap. 1301. Ohio Basic Building Code. **(REPEALED)**

Chap. 1303. One, Two and Three-Family Dwellings.

Chap. 1305. Ohio Plumbing Code. **(REPEALED)**

Chap. 1307. National Electrical Code. **(REPEALED)**

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CHAPTER 1301  
Ohio Basic Building Code

1301.01	Adoption. <b>(Repealed)</b>	1301.07	Copies. <b>(Repealed)</b>
1301.02	Purpose. <b>(Repealed)</b>	1301.08	Conflict. <b>(Repealed)</b>
1301.03	Application. <b>(Repealed)</b>	1301.09	Enforcement. <b>(Repealed)</b>
1301.04	Compliance. <b>(Repealed)</b>	1301.10	Application of physically handicapped and aged requirements to private structures. <b>(Repealed)</b>
1301.05	Use, maintenance and rehabilitation. <b>(Repealed)</b>		
1301.06	Notice of violations; adjudication or stop work order. <b>(Repealed)</b>	1301.99	Penalty. <b>(Repealed)</b>

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; OAC Ch. 4101:2-89

Use of public buildings by handicapped persons - see Ohio R.C. 3781.111

Energy conservation - see Ohio R.C. 3781.181; OAC Art. 4101:2-25

Safety glazing - see Ohio R.C. 3781.51 et seq.

Abandoned service stations - see Ohio R.C. 3791.11 et seq.

Safety standards for refuse containers - see Ohio R.C. 3791.21;

OAC 4101:2-88-01 et seq.

This Chapter was repealed by Ordinance No. 1999-87, passed August 11, 1999

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2004 Replacement

**CHAPTER 1303**

## One, Two and Three-Family Dwellings

1303.01	State of Ohio's Residential Code for One and Two-Family Dwellings Adopted	1303.02	Climatic and Geographic Design Criteria
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**CROSS REFERENCES**

Floodways and Floodplains - see P. &amp; Z. 1195

**1303.01 ONE , TWO, AND THREE-FAMILY DWELLING CODE ADOPTED.**

The City of Kent, Ohio hereby agrees to enforce the State of Ohio's Residential Code of Ohio for one, two and three family dwellings. (Ord. 2006-68. Passed 05-17-06)

**1303.02 TABLE R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

Ground Snow Load	20 Lbs per Sq Ft
Wind Speed	90 Mph
Seismic Design Category	C
Weathering	Severe
Frostline Depth	36 Inches
Termite	Moderate to Heavy
Decay	Slight to Moderate
Winter Design Temperature	6°f
Ice Shield Underlayment Required	Yes
Flood Hazards	Entry into National Flood Insurance Program May 20, 1987 Flood Insurance Rate Map Effective Date: March 15, 1978
Air Freezing Index	1,260
Mean Annual Temperature	49.5°F

(Ord. 2004-66. Passed 05-05-04.)

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CHAPTER 1305  
Ohio Plumbing Code

1305.01 Adoption. ***(Repealed)***

1305.02 File and distribution copies.  
***(Repealed)***

1305.03 Conflict of laws. ***(Repealed)***

1305.99 Penalty. ***(Repealed)***

CROSS REFERENCES

Board of Plumbing Examiners - see ADM. Ch. 157

Plumbing permits - see BLDG. 1313.23

Examining and licensing plumbers - see BLDG. Ch. 1319

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This Chapter was repealed by Ordinance No. 1999-87, passed  
August 11, 1999.



CHAPTER 1307  
National Electrical Code

1307.01 National Electrical Code adopted; 1307.99 Penalty. ***(Repealed)***  
copies. ***(Repealed)***

CROSS REFERENCES

Board of Electrical Examiners - see ADM. Ch. 151

Electrical permits required - see BLDG. 1313.08

Examining and licensing of electricians - see BLDG. Ch. 1317

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August 11, 1999. This Chapter was repealed by Ordinance No. 1999-87, passed

TITLE THREE - Building Administration  
 Chap. 1309. Board of Building Appeals.  
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 Chap. 1317. Examining and Licensing of Electricians.  
 Chap. 1319. Examining and Licensing of Plumbers.

CHAPTER 1309  
 Board of Building Appeals

1309.01	Established; composition and terms.	1309.03	Rules and Procedures.
		1309.04	Powers and duties.
1309.02	Organization.	1309.05	Appeals; procedure; fee.

CROSS REFERENCES

Creation of boards and commissions - see CHTR. §31  
 Building Inspector: appointment; duties - see CHTR. §60; ADM. Ch. 145

**1309.01 ESTABLISHED; COMPOSITION AND TERMS.**

There is hereby established a Municipal Board of Building Appeals which shall consist of six members as follows:

- (a) One General Contractor, need not be an elector of the City.
- (b) One architect, registered in Ohio; need not be an elector of the City.
- (c) One Registered plumber, need not be an elector of the City.
- (d) One Registered electrician, need not be an elector of the City.
- (e) One Registered hearing and air conditioning contractor, need not be an elector of the City.
- (f) One member shall be an elector of the City, selected from the general public, who shall not be actively engaged in any of the above-mentioned trades.
- (g) Three alternates, need not be electors of the City and not requiring any specific qualifications as listed in (a), (b), (c), (d), and (e). Alternates may attend and participate in all meetings, but may only vote when one of the positions listed in (a), (b), (c), (d), and (e) is vacant or absent.
- (h) Members shall be appointed for three-year terms, except that original appointments shall be for terms of one year for the general contractor, plumber, and one alternate; two years for the architect, electrician, and one alternate; and three year terms for the heating and air conditioning contractor, general public, and one alternate.

A member shall hold office from date of appointment until the end of the appointed term; however, he shall continue in office following the term expiration date until his successor takes office or until sixty days have elapsed, whichever occurs first.

Any member appointed to fill a vacancy occurring before the expiration of a term shall hold office for the remainder of that term. (Ord. 2004.84. Passed 7-14-04)

**1309.02. ORGANIZATION.**

The Building Department shall provide the Board such stenographic and other

assistance as may be required to enable the Board to perform the duties and exercise the powers imposed upon it or vested in it by this Building Code. (Ord. 1972-153. Passed 12-20-72.)

### **1309.03. RULES AND PROCEDURES.**

(a) The Board may adopt its own rules of procedure not inconsistent with the Codified Ordinances of the City or the Ohio Revised Code and may change the same from time to time at its discretion. The final disposition of an appeal or the adoption of any procedural rule or regulation or amendments to a rule or regulation shall be in the form of a resolution. When a decision of the Building Official is appealed, such resolution shall either reverse, modify or affirm the decision or determination appealed from. The affirmative vote of the majority of the members appointed to the Board shall be necessary to adopt any rule or resolution or an amendment to a rule or resolution. The Board shall render a decision on an appeal within thirty days after the hearing.

(b) A copy of the minutes of the proceedings and a copy of the resolution resulting from such a hearing shall be signed by all the members and secretary of the Board, and shall bear all approvals required by Section 1309.04 and be sent by mail or otherwise to the appellant or applicant, as the case may be. A like copy of the minutes and resolution shall be filed in the Building Department and shall be open for public inspection. (Ord. 1985-84. Passed 11-6-85.)

### **1309.04. POWERS AND DUTIES.**

The Board of Building Appeals shall have the following powers and perform the following duties in regard to one, two and three family dwellings and accessories thereto:

- (a) To hear any appeal filed as provided for in this Code by any person adversely affected by a decision of the Building Official in the enforcement of this Code and to determine whether, in the opinion of the Board such a decision of the Building Official should be reversed, modified or affirmed and the Board shall have the power and authority to require, by resolution, the Building Official to modify, reverse or enforce his decision.
- (b) In a specific case, to hear an appeal for variance in the requirements of this Code, where due to exceptional circumstances a hardship is created as the result of the literal application thereof. Hardship complained of cannot be self-created; it cannot be claimed by one who purchases with or without knowledge of restrictions; it must result from the application of this Code; it must be suffered directly by the property in question; and evidence of variance granted under similar circumstances shall not be sufficient in and of itself. For the purpose of this Code, a limitation upon the financial gain from the land and use shall not in and of itself constitute a hardship. Any variance requested or authorized shall be the minimum that will be accomplishing the purpose. In authorizing a variance, the Board may attach thereto such conditions as it may deem necessary. The Board may require such bond as they consider necessary to guarantee that all special conditions required by the Board will be complied with. When appealing a decision of the Building Official, the appellant must comply with the requirements set forth in Section 1309.05(b).
- (c) To conduct such hearings in addition to those required by this Code, and to make or cause to be made such investigations and tests and to require from other City departments, employees, boards or commissions such

information as the Board may consider necessary to assist in the discharge of any duty or power mentioned in this Code.

- (d) To formulate and report to Council, from time to time, recommendations for action by Council upon such amendments in existing ordinances or additional legislation the Board may consider necessary or advisable.
- (e) In matters to be acted upon by the Board over which departments or divisions of City government in addition to the Division of Building Inspection have jurisdiction, the director of the department or the head of the division having such jurisdiction shall be consulted before such matters are finally acted upon by the Board. (Ord. 2004-71. Passed 05-19-2004)

**1309.05. APPEALS; PROCEDURE; FEE.**

(a) Any decision of the Building Official made in the enforcement of the Building Code of the City may be appealed to the Board by any person adversely affected by such decision.

(b) An appeal shall be perfected by the appellant filing with the Building Official a notice of his intention to appeal, and a recital of the decision appealed and the appellant's exception thereto, together with a fee of seventy-five dollars (\$75.00), for appeals to all matters relating to the enforcement of Ohio R. C. Chapters 3781 and 3791 and rules adopted thereunder and fifty dollars (\$50.00) for all matters relating to the enforcement of the CABO One and Two-Family Dwelling Code, payable to the City. Upon receipt of such notice, the Building Official shall, within seven business days appealed and the appellant's exceptions thereto, together with a statement by the Building Official of his reasons for such decision.

(c) The appellant may, at his own expense, be represented at the hearing of his appeal by counsel and by any experts on the question appealed whom he may select. The Board shall have the authority to call on such other persons for testimony as it sees fit.

(d) The fee set forth in subsection (b) hereof shall be refunded by the City in the event the appellant prevails in his appeal before the Board if the decision on appeal overturns or modifies the decision of the Building Official on matters of Code interpretation; however, such fee shall not be refunded if the appellant is granted a variance or if the appellant is unsuccessful and an appeal is denied on matters of Code interpretation.

(e) Requests for hearing shall be within thirty days of the mailing date of an adjudication order.

- (1) The Board may postpone or continue any adjudication hearing on its own motion or upon the application of any party.
- (2) The Board shall keep a full and complete record of all proceedings which shall be open to public inspection.

The Board shall render its decision within thirty days after the hearing.

Following the hearing, an order shall be entered on its journal and the local board shall serve by certified mail, return receipt requested, upon the party affected thereby, a certified copy of the order and a statement of the time and method by which an appeal may be perfected. A copy of the order shall be mailed to the attorney or other representatives of record representing the party.

The decision of the Board of Building Appeals is a final decision of the City of Kent. Appeals may be filed in accordance with Ohio R.C. 2505 and Ohio R.C. 2506.

CHAPTER 1311  
Building, Wrecking and Moving Permits

1311.01	Fees; evidence of responsibility.	1311.08	Time limit.
1311.02	Wrecking and moving permits required.	1311.09	Schedule of permit fees.
		1311.10	Schedule of cash deposits.
1311.03	Cash deposit required.	1311.11	Liability insurance.
1311.04	Proof of ownership or authority.	1311.12	Flood hazard areas.
1311.05	Removal of service connections and foundation material; filing of excavations and ditches.	1311.99	Penalty.
1311.06	Public protection; barricades.		
1311.07	Manner of wrecking; clearing of site.		

CROSS REFERENCES

Swimming Pools - see P. & Z. 1161.22  
 Electrical and plumbing permits - see BLDG. Ch. 1313  
 Permit revocation- see BLDG. Ch. 1315  
 Sign permit fee - see BLDG. 1327.02  
 Heating and air conditioning permits - see BLDG.

1329.06

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**1311.01 FEES; EVIDENCE OF RESPONSIBILITY.**

Work plans or drawings submitted to the Building Official at the time of application for building permits shall have contained thereon the identification of the person responsible for their preparation and for the provision for safety and sanitation shown therein. (Ord. 1988-33. Passed 4-20-88.)

**1311.02. WRECKING AND MOVING PERMITS REQUIRED.**

No person, firm or corporation shall wreck or demolish any building or structure, or move the same, without first obtaining a permit therefor from the Building Services Supervisor, and such permits as may be required under Chapter 905, 913, and 915 of the Kent Codified Ordinances. The permit to move any building or structure shall, in addition, be approved by the Building Services Supervisor and may be refused if, in the judgment of the Building Services Supervisor and the Building Inspector, the building cannot be moved without causing substantial damage to property or it is structurally unsafe or unfit for the purpose for which it is to be moved. The movement of any building or structure upon a city street or highway shall also require a permit issued by the Chief of Police, which shall provide for a determination as to the time, route, and additional personnel expense for such a move. (Codified Ordinance §339.02). The Safety Director shall be advised of the time for moving and the route. (Ord. 1991-23. Passed 5-1-91.)

This section does not apply to the initial delivery of industrialized units regulated by the Ohio Basic Building Code; initial delivery of manufacture homes regulated by the U.S. Department of Housing and Urban Development; or initial delivery of buildings accessory to one, two, and three family dwellings. (Oversize/overweight permit requirements described in Chapter 339 still apply). (Ord. 1999-96. Passed August 11, 1999)

**1311.03. CASH DEPOSIT REQUIRED.**

Before a permit to move or wreck a building is issued, the owner or applicant shall deposit with the Finance Director a sum of money as set forth in Section 1311.10 to indemnify the City against any claim of damage to public or private property and to reimburse the City for any expense incurred in connection with such moving or wrecking and to guarantee that all of the provisions of this chapter are complied with. In the event any claim of damage to public or private property is allowed by the City or any expense is incurred by the City in connection with such moving or wrecking, the City shall be authorized to reimburse itself out of such cash deposit. Furthermore, if the owner or applicant fails to perform the duties and obligations of this chapter within the time and in the manner prescribed herein, the City may proceed to complete the work and charge the cost thereof to the cash deposit. After all work is completed in accordance with the provisions of this chapter and after deducting any expenses incurred by the City or any claims allowed by the City, any moneys remaining shall be refunded to the party making the deposit. (Ord. 1964-99. Passed 11-2-64.)

**1311.04. PROOF OF OWNERSHIP OR AUTHORITY.**

The applicant, if other than the owner, shall present a written statement or bill of sale, signed by the owners, indicating that the applicant is authorized to move or wreck the building or structure. (Ord. 1964-99. Passed 11-2-64.)

**1311.05. REMOVAL OF SERVICE CONNECTIONS AND FOUNDATION MATERIAL;  
FILLING OF EXCAVATIONS AND DITCHES.**

- (A) Sanitary sewer service lines, storm sewer service lines, water service lines, and gas service lines shall all be disconnected at the main line. This is required to prevent future leaks and to reduce the possibility of damage to the utility during subsequent street excavations. Sanitary sewer laterals shall be capped or plugged where the connection to the sewer is a fabricated wye or tee. When the connection is a tap into the main sewer, a band shall be installed around the pipe to provide a water tight seal. The ends of a pipe abandoned in place shall be capped or plugged water tight. Storm sewer laterals shall be removed and capped or banded in the same manner as the sanitary laterals. Water service lines shall have the corporation stop removed from the main line and it shall be replaced with a threaded plug. When it is found that the trench in which said service lines have been laid has resulted in settlement of the area above the trench, the area affected by this settlement shall be excavated and a full depth repair of the affected area including pavement, sidewalk and curb replacement, as may be necessary, shall be performed.
- (B) The owner of the premises being moved or wrecked shall have the option of causing the above mentioned sanitary sewer or water service line disconnected work to be performed by a contractor of his/her choice or to make a payment in lieu of disconnection to the City at the time the demolition or moving permit is obtained. The payment in lieu of disconnection shall be \$2,500 per required sanitary sewer disconnection and \$1,500 per required water disconnection and is payable in cash or by a certified cashier's check, and shall be paid through the Deputy Service Director/Superintendent of Engineering's office. This payment will be used to offset the City's cost in contracting the completion of this work. (Ord. 2002-106. Passed 11-6-02)

- (i) When the payment in lieu of disconnection option is selected, the sewer service liens shall have a 45-degree elbow installed on the property end of the line as near as possible to the back of curb or back of sidewalk. Immediately after the 45-degree elbow, sufficient pipe shall be installed to bring this extension of the sewer line to one foot above grade. At this point, a cleanout with a water tight plug shall be installed so that the location of the sewer service line is accessible and readily identifiable. Those portions of the pipe and clean out above grade shall be adequately protected during backfilling and site restoration operations to guard against breakage. The water service line, when this option is selected, shall be shut off at the curb box and the house side end of the line shall be crimped or capped in a manner which provides a water tight plug. The stub end of the service line shall be the location of the shut-off box and shall be clearly identified that it may readily be located in the future.
- (ii) Where, in the opinion of the Deputy Service Director/Superintendent of Engineering, the sanitary sewer and waterline laterals are found to be in a condition equal to that required of new construction. He or she may allow them to remain providing there is reasonable cause to believe they will be used to serve a new structure. (Ord. 2002-106. Passed 11-6-02)

#### **1311.06. PUBLIC PROTECTION; BARRICADES.**

When wrecking buildings adjacent to public sidewalks or alleys within the fire limits, as described in Chapter 1321, a fence at least eight feet high must be erected around the site to protect the public from falling materials, cave-ins and other hazards, and adequate precautions shall be taken to protect buildings, public walks and streets adjacent thereto from damage. When wrecking buildings outside the fire limits, an open fence or barricade clearly defining the site shall be erected and maintained, and adequate precaution shall be taken to protect the public from falling materials, excavations and other hazards and to protect buildings, public walks and streets adjacent thereto from damage. At night the fences and barricades so erected shall be marked with flares or windproof lights. (Ord. 1964-99. Passed 11-2-64.)

#### **1311.07. BACKFILLING EXCAVATIONS.**

(a) All components of the demolished structure including concrete floors and block walls shall be hauled from the site. Foundation and utility excavations outside the road right-of-way shall be filled with clean soil containing no refuse or wood. The fill shall be installed and compacted in lifts to obtain a minimum of ninety percent (90%) maximum density at optimum moisture content as determined by a modified proctor test. The Deputy Service Director/Superintendent of Engineering may require on-site testing to assure proper compaction is obtained. The applicant shall be responsible for the costs for testing should it be required and shall supply an adequate sample of the material proposed for backfill well in advance of the scheduled work. Concrete and concrete block may only be used for backfill where it is mixed with granular material so as not to alter the compactability of the solid when it is crushed to pass one hundred percent (100%) through a three-inch sieve. (Ord. 2002-106. Passed 11-6-02)

(b) The filing of such excavation shall not be required when a building permit has been issued for a new building on the site and the construction thereof is to be started within sixty days after completion of the wrecking operation. However, in such event, the holder of the building permit shall surround such excavation with a substantial fence protecting all sides to a height specified by the Building Inspector. All adjacent streets, alleys and sidewalks shall be kept free and clear of all rubbish, refuse and loose material resulting from the wrecking and removal operations. (Ord. 1999-96. Passed 8-11-99)

**1311.08. SITE RESTORATION.**

The owner of the premises being moved or wrecked shall be responsible for restoring the affected site as required by Section 1311.07 and, in the event this site is not being reconstructed on as regulated by Section 1311.07, shall insure that a minimum of 3" of topsoil is placed over any area which has been backfilled and the area shall be graded to properly drain without ponding or erosion and shall be seeded in lawn, and maintained to insure property revegetation. All work to be performed within the street right-of-way including backfill formation and utility excavations shall be regulated by Chapter 905 "Excavations". This requires an excavation permit and bond in addition to the demolition permit and bond requirements.

Where there is a driveway and curb cut existing, and there is no identified, proposed use for said driveway, then the owner shall be responsible for restoring the curb cut and removing the drive approach. (Ord. 1999-96. Passed August 11, 1999)

**1311.09. TIME LIMIT.**

Any wrecking work shall be completed within thirty days from the date of issuance of the permit, except that such time may be extended for an additional thirty days from good cause shown, upon application to the Building Inspector. If the wrecking work is not completed within thirty days, or sixty days if an additional thirty days has been granted, then the Building Inspector shall immediately employ labor to complete the operation and deduct the cost thereof from the cash deposit provided above. However, if the cash deposit is insufficient to pay for the cost thus incurred by the Building Inspector, then either the one to whom a permit was issued or the owner of the property, jointly or severally, shall be liable to the City for reimbursement for such additional cost. (Ord. 1999-96. Passed 8-11-99.)

**1311.10. SCHEDULE OF PERMIT FEES.**

Permit fees shall be assessed and collected by the Building Inspector as follows:

- |     |  |          |
|-----|--|----------|
| (a) | For moving a building or structure not on public property  | \$ 10.00 |
| (b) | For moving a building or structure, not exceeding fourteen feet in width,<br>on a public street  | 15.00    |
| (c) | For moving a building or structure, exceeding fourteen feet in width,<br>on a public street  | 35.00    |
| (d) | For wrecking a building or structure, for every 500 square feet or fraction thereof<br>of<br>floor space of each floor, including basement   | 10.00    |
| (e) | Such other fees as required by Chapters 905, 913 and 915 of the Kent Codified<br>Ordinances for excavation, water and sanitary line work.  |          |
| (f) | For escort and traffic control by the Police Department for movement on city<br>streets, highways or right-of-way. \$25.00 per hour per officer and \$10.00 per hour<br>per city vehicle, of sufficient officers and vehicles necessary to safely protect the<br>public during such a move. (Ord. 1999-96. Passed 8-11-99) |          |

**1311.11. SCHEDULE OF CASH DEPOSITS.**

Cash deposits shall be collected by the Building Inspector and deposited with the Finance Director before issuing permits, as follows:

- |     |  |          |
|-----|--|----------|
| (a) | For moving a building not exceeding fourteen feet in width                     | \$175.00 |
| (b) | For moving a building exceeding fourteen feet in width                         | 325.00   |
| (c) | For wrecking a building or structure up to 500 square feet<br>without basement | 100.00   |
| (d) | For wrecking a building or structure up to 500 square feet with basement       | 175.00   |

- |     |   |        |
|-----|---|--------|
|     | without basement  | 225.00 |
| (f) | For wrecking a building or structure 500 to 1,500 square feet with basement (Ord. 1964-99. Passed 11-2-64.)   | 275.00 |
| (g) | For wrecking all other buildings a deposit in proportion to the above schedule as determined by the Building Inspector but not in excess of five thousand dollars (\$5,000). (Ord. 1999-96. Passed 8-11-99) |        |

**1311.12. LIABILITY INSURANCE.**

Any person, firm or corporation moving or wrecking a building or structure shall, prior to the issuance of a permit, present evidence of public liability insurance coverage for a combined single limit for both personal bodily injury and property damage in the amount of one million (\$1,000,000.00) dollars.(Ord. 1999-96. Passed 8-11-99)

**1311.13. FLOOD DAMAGE AREAS.**

(a) The City Building Inspector when reviewing applications for building permits, including the plans and specifications for the proposed construction, will review all building permit applications to determine if the proposed construction is consistent with the need to minimize flood damage.

(b) The Building Inspector shall review all building permit applications to determine if the site of the proposed construction is reasonably safe from flooding and to make recommendations for construction in all locations which have flood hazards.

(c) The Building Inspector, in reviewing all applications for construction in flood hazard locations within the City, shall require that any such proposed construction must:

- (1) Be designed and anchored to prevent the flotation, collapse or lateral movement of the structure portions of the structure due to flooding.
- (2) Use of construction materials and utility equipment that are resistant to flood damage.
- (3) Use of construction methods and practices that will minimize flood damage.
- (4) Provide adequate drainage in order to reduce exposure to flood hazards.
- (5) Locate public utilities and facilities on the site in such a manner to be elevated and constructed to minimize or eliminate flood damage, such utilities and facilities including sewer, gas, electrical and water systems.

(d) The Planning Commission in reviewing all subdivision applications shall make findings of fact and determine if:

- (1) All such proposed developments are consistent with the need to minimize flood damage.
- (2) Adequate drainage is provided so as to reduce exposure to flood hazards.
- (3) Adequate drainage is provided so as not to increase the exposure to flood hazards of adjacent lands.
- (4) All public utilities and facilities are located, elevated and constructed as to minimize or eliminate flood damage, these utilities and facilities to include sewer, gas, electrical and water systems. (Res. 1973-8. Passed 1-17-73.)

**1311.99. PENALTY.**

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

June 2001 Replacement

CHAPTER 1312  
Schedule of Fees

1312.01	Zoning permits.	1312.08	Patios, decks and porches.
1312.02	Residential building permits.	1312.09	Swimming pools. <b>(Repealed)</b>
1312.03	Residential additions, alterations and repairs.	1312.10	Inspection fees.
1312.04	New retail, industrial and commercial structures.	1312.11	Commercial and industrial structural plan examination.
1312.05	Retail, industrial and commercial additions, alterations and repairs.	1312.12	Miscellaneous.
1312.06	New apartment and multiple dwellings.	1312.13	Refund of permit fees.
1312.07	Apartment and multiple dwelling additions and alterations.		

CROSS REFERENCES

Sign fees - see P. & Z. 1111. 05; BLDG. 1327.02  
Moving buildings; wrecking - see BLDG. 1311.09

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**1312.01 ZONING PERMITS**

The following fees shall be charged in conjunction with the requirements as stipulated throughout the Zoning Ordinance:

- (a) Residential new dwelling
- |     |   |          |
|-----|---|----------|
| (1) | Change in use with no construction involved, including home occupations | \$ 45.00 |
| (2) | New single family residential structure.                                | \$ 60.00 |
| (3) | New two-family residential structure                                    | \$100.00 |
| (4) | New residential additions.  | \$ 25.00 |
| (5) | Fences  | \$ 25.00 |
| (6) | Accessory buildings including sheds over 120 square feet                | \$ 25.00 |
| (7) | Outdoor swimming pool   | \$ 25.00 |
- (b) Apartment and multiple dwellings, industrial and commercial.
- |     |  |   |
|-----|--|---|
| (1) | Single structure   | \$20.00 plus \$.03 per square foot for every square foot of ground area covered by the structure for the first 15,000 square feet with the total not exceeding \$450.00 |
| (2) | New multifamily, commercial or industrial structures and/or accessory buildings or additions                                     | \$50.00   |
| (3) | New recreational, institutional, governmental, quasi-public and miscellaneous structures and/or accessory buildings or additions | \$50.00   |
| (4) | Temporary special events signs for residential, commercial or industrial use   | \$10.00   |
| (5) | All other permanent signs, including awnings and canopies  | \$25.00   |
| (6) | Outdoor swimming pool  | \$25.00   |
| (7) | Fences   | \$25.00   |
| (8) | Oil and Gas Well fees as specified in Chapter 1173.  |   |
- (c) Applications
- |     |   |  |
|-----|---|--|
| (1) | Board of Zoning Appeals - Application for interpretation, exception, variance or appeal | \$50.00 plus direct cost of public notification by certified mail  |
| (2) | Zoning Amendment - Application for amendment to the Zoning Ordinance                    | \$200.00 plus direct cost of public notification by certified mail |

- |     |   |  |
|-----|---|--|
| (3) | Conditional Zoning Certificate - Application for a Conditional Zoning Certificate | \$100.00 plus direct cost of public notification by regular mail   |
| (4) | Site Plan Review - Application for a Site Plan Review                             | \$100.00 plus direct cost of public notification by regular mail   |
| (5) | Special Permit - Application for a Special Permit                                 | \$100.00 plus direct cost of public notification by certified mail |

**1312.02. RESIDENTIAL BUILDING PERMITS.**

(a) Building permit -\$40.00 fee per unit plus \$.05 per square foot for all areas under roof including basements plus.

(b) Electrical permit - \$50.00 per unit, not to exceed \$500.00 total per apartment complex or multiple dwelling.

(1) Service Only – Temporary or Permanent - \$25.00 Each

(c) Plumbing permit - \$50.00 per unit, not to exceed \$500.00 total per apartment complex or multiple dwelling.

(d) Heating and air conditioning permit - fee per dwelling unit:

(1)	Heating or air conditioning unit	\$40.00
(2)	Combination heating and air system	50.00
(3)	Heat-pump heating and air system	30.00
(4)	Hot-water, vapor or steam-heating system	25.00
(5)	Stoker-heating system	20.00
(6)	Fan or blower installation	30.00
(7)	Wood-burning stove	30.00
(8)	Incinerator	25.00
(9)	Any heating, air conditioning or ventilation system unclassified above.	25.00

(Ord. 2004-65. Passed 05-05-04)

**1312.03. RESIDENTIAL ADDITIONS, ALTERATIONS AND REPAIRS.**

(a) Building permit - \$25.00 fee plus \$.05 per square foot for all areas under roof including basements plus. Includes attached or detached garages, accessory building, pole buildings and barns.

(b) Electrical permit-

(A) \$25.00 up to 10 outlets.

(B) \$.25 each additional outlet over 10.

(C) \$25.00 –Service Only – Temporary or Permanent

(c) Plumbing permit - \$35.00 each dwelling unit plus \$4.00 per fixture.

(d) Heating and air conditioning permit - fee per dwelling unit:

(1)	Replacement of heating or air conditioning unit	\$30.00
(2)	Conversion burner	20.00
(3)	Wall heater	20.00
(4)	Addition to existing system of warm-air supply, return-air supply, outside-air supply, hot-water heat, vapor unit, steam-heat boiler, flue pipes or ductwork	20.00
(5)	Replacement or addition of type "B" or all-fuel chimney.	15.00
(6)	Wood-burning stove	30.00
(7)	Fan or blower installation	10.00

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	(8) Incinerator	\$15.00
	(9) Any heating, air conditioning or ventilation system unclassified above. (Ord. 2004-65. Passed 05-05-04.)	25.00
(e)	There shall be no permit requirements for reroofing, for siding, other than aluminum, or for decks less than thirty inches high. (Ord. 1988-32. Passed 4-20-88.)	

**1312.04. NEW RETAIL, INDUSTRIAL AND COMMERCIAL STRUCTURES.**

(a)	Building permit -\$100.00 fee plus \$.05 per square foot for all areas under roof including basement plus.	
(b)	Electrical permit -	
	(1) \$55.00 up to and including 15,000 square feet.	
	(2) \$ 6.00 each additional 1,000 square feet over 15,000 square feet.	
	(3) \$25.00 Service Only – Temporary or Permanent	
(c)	Plumbing permit -	
	(1) \$50.00 up to and including 15,000 square feet.	
	(2) \$ 6.00 each additional 1,000 square feet over 15,000 square feet.	
(d)	Heating and air conditioning permit - fee per unit, not to exceed \$500.00 per building.	
	(1) Heating systems:	
	A. Heating unit up to and including 150,000 BTU	\$15.00
	B. Heating unit over 150,000; up to and including 250, 000 BTU	40.00
	C. Heating unit over 250,000; up to and including 400,000 BTU	60.00
	D. Heating unit over 400,000 BTU - First 400, 000 BTU	50.00
	Each 100, 000 BTU or fraction thereof, add	25.00
	(2) Heat-pump system	40.00
	(3) Wood-burning stove	30.00
	(4) Exhaust hood	15.00
	(5) Air conditioning units:	
	A. Air conditioning unit up to and including 7 ½ tons	50.00
	B. Air conditioning unit over 7 ½ tons; up to and including 10 tons	50.00
	C. Air conditioning unit over 10 tons; up to and including 15 tons	50.00
	D. Air conditioning unit over 15 tons - First 15 tons	50.00
	Each additional ton or fraction thereof add	5.00
(6)	All types of ventilation systems - First 5,000 CFM	30.00
	Each additional 1, 000 CFM or fraction thereof add	1.00

(7)	Fan or blower installation	\$10.00
(8)	Incinerator	15.00
(9)	Any heating, air conditioning or ventilation system unclassified above (Ord. 2004-65. Passed 05-05-04.)	30.00

**1312.05. RETAIL, INDUSTRIAL AND COMMERCIAL ADDITIONS, ALTERATIONS AND REPAIRS.**

(a)	Building permit - \$50.00 Fee plus \$.05 per Square Foot..	
(b)	Electrical permit - \$50.00 Fee plus \$.50 per Outlet.	
(1)	\$25.00 Service Only – Temporary or Permanent	
(c)	Plumbing permit - \$50.00 Fee plus \$4.00 per Fixture.	
(d)	Heating and air conditioning permit - fee per unit, not to exceed \$500.00 per building.	
(1)	New separate heating, air conditioning or ventilation system	
A.	base fee	\$50.00
B.	Each run - add	4.00
(2)	Fan or blower installation	10.00
(3)	Incinerator	15.00
(4)	Wood-burning stove	30.00
(5)	Exhaust hood	15.00
(6)	Replacement or addition of type "B" flue or all fuel chimney	15.00
(7)	Re-work of existing system	25.00
(8)	Any heating, air conditioning or ventilation system unclassified above	25.00
(e)	Appliances - \$10.00	
(f)	Awnings - \$5.00	
(g)	Canopies - \$5.00 plus \$. 02 per square foot of soffit area. (Ord. 2004-65. Passed 05-05-04.)	

**1312.06. NEW APARTMENT AND MULTIPLE DWELLINGS.**

- (a) Building permit - \$50.00 fee per unit plus \$.05 per square foot for all areas under roof including basements.
- (b) Electrical permit - \$50.00 per dwelling unit or accessory use unit, not to exceed \$500.00 per apartment complex or multiple dwelling.
  - (1) \$25.00 service only – temporary or permanent.
- (c) Plumbing permit - \$50.00 per dwelling unit or accessory use unit, not to exceed \$500.00 per apartment complex or multiple dwelling.

(d)	Heating and air conditioning permit - fee per dwelling unit or accessory use unit, not to exceed \$400.00 per apartment building or multiple dwelling.	
(1)	Heating or air conditioning unit	\$50.00
(2)	Combination heating and air system	50.00
(3)	Heat-pump heating and air system	50.00
(4)	Hot-water, vapor or steam-heating system	50.00
(5)	Stoker-heating system	20.00
(6)	Fan or blower installation	10.00
(7)	Wood-burning stove	30.00
(8)	Incinerator	20.00
(9)	Any heating, air conditioning or ventilation system unclassified above	50.00
	(Ord. 2004-65. Passed 05-05-04.)	

#### 1312.07. APARTMENT AND MULTIPLE DWELLING ADDITIONS AND ALTERATIONS.

(a)	Building permit - \$50.00 fee per unit plus \$.02 per square foot.	
(b)	Electrical permit - \$50.00 per unit, not to exceed \$500.00 per apartment complex or multiple dwelling.	
(1)	\$25.00 service only – temporary or permanent.	
(c)	Plumbing permit - \$45.00 per unit plus \$4.00 per fixture.	
(d)	Heating and air conditioning permit - fee per dwelling unit, not to exceed \$300.00 per apartment building or multiple dwelling.	
(1)	Replacement of heating or air conditioning unit	\$20.00
(2)	Conversion burner	20.00
(3)	Wall heater	20.00
(4)	Addition to existing system of warm air supply, return-air supply, outside-air supply, hot-water heat, vapor unit, steam-heat boiler, flue pipes or ductwork	25.00
(5)	Replacement or addition of type "B" flue or all-fuel chimney	20.00
(6)	Wood-burning stove	30.00
(7)	Fan or blower installation	20.00
(8)	Incinerator	20.00
(9)	Any heating, air conditioning or ventilation system unclassified above	25.00
	(Ord. 2004-65. Passed 05-05-04.)	

**1312.08. PATIOS, DECKS AND PORCHES.**

- (a) \$25.00 for \$500.00 valuation or less. (Ord. 2007-56. Passed 06-20-07.)
- (b) \$50.00 for more than \$500.00 valuation. (Ord. 2004-65. Passed 05-05-04.)
- (c) \$35.00 for aluminum siding. (Ord. 2004-65. Passed 05-05-04.)
- (d) \$15.00 for electrical grounding permit. (Ord. 2004-65. Passed 05-05-04.)

**1312.09. SWIMMING POOLS.**

(This section was repealed with Ordinance No. 2004-65, passed 05-05-04).

**1312.10. INSPECTION FEES.**

- (a) Reinspections - \$30.00.
- (b) Special inspections - \$25.00 (electric, plumbing, heating).
- (c) Specially-scheduled inspections - \$50.00 (electric, plumbing, heating).
- (d) Consultations - \$50.00 per hour (minimum one hour).
- (e) Professional services - \$25.00 per hour (minimum one hour).

(Ord. 2004-65. Passed 05-05-04.)

**1312.11 COMMERCIAL AND INDUSTRIAL STRUCTURAL PLAN EXAMINATION.**

- (a) The fee for the structural plan examination for commercial and industrial structures shall be based on the total size of the structure at the rate of \$80.00 per hour and shall be paid at the time of filing of the plans with the Building Department. This fee shall apply for all commercial and industrial occupancies covered under the Ohio Building Code.
- (b) The above fees shall be for the original examination of the structural plans for commercial and industrial buildings and one re-examination, after which an additional fee of \$50.00 per hour shall be paid for additional re-examinations performed.
- (c) The fee for mechanical plan examinations for commercial and industrial building shall be \$65.00 per hour with a minimum of one hour.
- (d) The fee for plumbing plan examinations of commercial and industrial buildings shall be \$65.00 per hour with a minimum of one hour.
- (e) The fee for electrical plan examinations for commercial and industrial buildings shall be \$65.00 per hour with a minimum of one hour.

(Ord. 2004-65. Passed 05-05-04.)

**1312.12. MISCELLANEOUS.**

- (a) Sprinkler systems - \$30.00 each installation.
- (b) Filing fee for all matters relating to the enforcement of the One, Two, and Three Family Dwelling Code (KCO 1303) and KCO 1195 Floodways and Floodplains \$50.00 (Ord. 2004-65. Passed 05-05-04)

(Ord. 2004-65. Passed 05-05-04.)

**1312.13. REFUND OF PERMIT FEES.**

Applicants not receiving a building permit within thirty days of the date of proper filing of such application for the building permit shall have the entire permit fee accompanying the application returned and refunded to the applicant. (Ord. 1988-29. Passed 4-20-88.)

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CHAPTER 1313  
Inspections; Electrical and Plumbing Permits

1313.01	Appointment of Electrical and Plumbing Inspectors.	1313.14	Continuous permit fee; new work.
1313.02	Supervision and payment of inspectors.	1313.15	Inspection and certificates of approval.
1313.03	Fees.	1313.16	Inspection of work under continuous permit.
1313.04	Responsibility for rough, service and final inspections.	1313.17	Inspection of concealed wiring.
1313.05	Enforcement.	1313.18	Reinspection.
1313.06	Duties of Electrical Inspector.	1313.19	Connection to installation.
1313.07	Authority granted to Electrical Inspector.	1313.20	Review of decisions.
1313.08	Electrical permits required.	1313.21	Installation standards.
1313.09	Permit application and issuance.	1313.22	Approved materials.
1313.10	Continuous permit.	1313.23	Plumbing permit required; fees.
1313.11	Permit regulations.	1313.24	Liability for damages.
1313.12	Payment of fees.	1313.99	Penalty.
1313.13	Electrical wiring permit fees.		

CROSS REFERENCES

Board of Electrical Examiners - see ADM. Ch. 151  
Board of Plumbing Examiners - see ADM. Ch. 157  
National Electrical Code- see BLDG. Ch. 1307  
Revocation of permits - see BLDG. Ch. 1315  
Examining and licensing of electricians - see BLDG. Ch. 1317  
Examining and licensing of plumbers - see BLDG. Ch. 1319

**1313.01 APPOINTMENT OF ELECTRICAL AND PLUMBING INSPECTORS.**

The Manager shall appoint one or more Electrical Inspectors and one or more Plumbing Inspectors as he deems necessary for the efficient and expedient handling of building inspections for the benefit and welfare of the City.

**1313.02. SUPERVISION AND PAYMENT OF INSPECTORS.**

Appointee-inspectors, under Section 1313.01, shall work under the supervision, direction and control of the Building Inspector and shall keep a record as to date, time, place and approval or disapproval of job, and report all inspections made to the Building Inspector at the end of each month's activity.

The Building Inspector shall report the number of inspections so made and fees collected in his regular monthly report and certify the same to the Director of Finance who shall pay to each appointee-inspector the fees earned monthly by each appointee-inspector, as provided in Section 1313.03. (Ord. 1960-48. Passed 5-16-60.)

#### **1313.03. FEES.**

(EDITOR'S NOTE: The electrical and plumbing fees formerly codified under this section have been revised and consolidated with other building and zoning fees under Chapter 1312 of the Codified Ordinances.)

All fees required herein shall be collected in advance by the Building Inspector at the time the applicable permit is issued. (Ord. 1973-98. Passed 7-11-73.)

#### **1313.04. RESPONSIBILITY FOR ROUGH, SERVICE AND FINAL INSPECTIONS.**

(a) Electrical Inspectors on one, two or three-family residential buildings shall make rough or service inspection.

(b) Electrical Inspectors on all other buildings or structures shall make rough and final inspection.

(c) Plumbing Inspectors on all buildings or structures shall make rough and final inspection. (Ord. 1963-87. Passed 9-3-63.)

#### **1313.05. ENFORCEMENT.**

All duties, inspections and the enforcement of the provisions of this chapter shall be performed by the Building Inspector or his designated agent under the title of Electrical Inspector or Plumbing Inspectors (Ord. 1969-88. Passed 7-9-69.)

#### **1313.06. DUTIES OF ELECTRICAL INSPECTOR.**

It shall be the duty of the Electrical Inspector to see that the provisions of this Building Code relating to electricity and wiring are enforced. He shall, upon application, grant permits for the installation or alteration of electrical wiring, devices, appliances and equipment, and shall make inspections of all new electrical installations and reinspection of all electrical installations, all as provided in this Building Code. He shall keep complete records of all permits issued, inspections and reinspections made and other official work performed in accordance with this Building Code. He may hold membership in the National Fire Protection Association and the International Association of Electrical Inspectors and shall serve on any electrical committee of these associations to which he may be appointed. The Electrical Inspector shall not engage in the business of the sale, installation or maintenance of electric wiring, devices, appliances or equipment, either directly or indirectly, and shall not have financial interest in any concern engaged in such business in the City at any time while holding such office as herein provided for. (Ord. 739. Passed 6-21-37.)

**1313.07. AUTHORITY GRANTED TO ELECTRICAL INSPECTOR.**

The Electrical Inspector shall have the right during reasonable hours to enter any building in the discharge of his official duties, or for the purpose of making any inspection, reinspection or test of the installation of electrical wiring, devices, appliances and equipment contained therein, and shall have the authority to cut or disconnect any wire in cases of emergency where necessary for safety to life or property, or where such wire may interfere with the work of the Fire Department. The Electrical Inspector is empowered to disconnect or order the discontinuance of electrical service to any electric wiring, devices, appliances or equipment found to be dangerous to life or property because they are defective or defectively installed or otherwise not in conformity with this Building Code until such wiring, devices, appliances and equipment and their installation have been made safe as directed by him. (Ord. 739. Passed 6-21-37.)

**1313.08. ELECTRICAL PERMITS REQUIRED.**

No wiring, devices, appliances or equipment for the transmission, distribution or utilization of electrical energy for any purpose shall be installed within or on any building or structure nor shall any alteration or addition be made in any such existing wiring, devices, appliances or equipment without first securing a permit therefor from the Electrical Inspector, except as stated in the following subsections (a) through (c) hereof.

- (a) No permit shall be required for minor repair work, for the replacement of lamps or for the connection of portable devices to suitable receptacles which have been permanently installed.
- (b) No permit shall be required for the installation of wiring devices, appliances or equipment for the operation of signals or the transmission of intelligence, where such wiring, devices, appliances or equipment operate at a voltage not exceeding fifty between conductors and do not include generating or transforming equipment capable of supplying more than fifty watts of energy.
- (c) No permit shall be required for the installation, maintenance or alteration of electric wiring, devices, appliances or equipment to be installed by or for an electric public service corporation for the use of such a corporation in the generation, transmission, distribution or metering of electrical energy or for the use of such a corporation in the operation of signals or the transmission of intelligence. (Ord. 739. Passed 6-21-37.)

**1313.09. PERMIT APPLICATION AND ISSUANCE.**

Application for such permit, describing the work to be done, shall be made in writing to the Electrical Inspector by the person installing the work, and the permit, when issued, shall be issued to such applicant. The application shall be accompanied by such plans, specifications and schedules as may be necessary to determine whether the installation as described will be in conformity with the requirements of this Building Code. If it shall be found that the installation as described will in general conform with the requirements of this chapter, a permit for such installation shall be issued; provided, however, that the issuance of the permit shall not be taken as permission to violate any of the requirements of this Building Code.

The permit when issued shall be for such installation as is described in the application and no deviation shall be made from the installation so described without written approval of the Electrical Inspector. (Ord. 739. Passed 6-21-37.)

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**1313.10. CONTINUOUS PERMIT.**

Upon application therefor, a continuous permit shall be issued to any person regularly employing one or more electricians, for the installation and maintenance of electric wiring, devices and equipment on premises owned or occupied by the applicant for the permit. The application shall be made in writing to the Electrical Inspector and shall contain a description of the premises within which work is to be done under the permit. Each continuous permit shall expire on December 31 of the year in which it is issued. (Ord. 739. Passed 6-21-37.)

**1313.11. PERMIT REGULATIONS.**

No permit for the installation or alterations of any electric wiring, devices, appliances or equipment shall be issued to any person unless such person is the holder of a license entitling such person to secure permits for and to execute the work described in the application for the permit, except that upon the application and the payment of the fees therefor, permits shall be issued to unlicensed persons for work which the ordinances of the City specifically permit them to execute without a license. (Ord. 739. Passed 6-21-37.)

**1313.12. PAYMENT OF FEES.**

Before any permit is granted for the installation or alteration of electric wiring, de-vices, appliances or equipment, the person making application for such permit shall pay to the Building Inspector a fee in such amount as specified in Section 1313.13 and the Building Inspector shall account to the Director of Finance fees collected pursuant to Section 1313.13 at the end of each month's business. (Ord. 1969-88. Passed 7-9-69.)

**1313.13. ELECTRICAL WIRING PERMIT FEES.**

EDITOR'S NOTE: The electrical wiring permit fees formerly codified under this section have been revised and consolidated with other building and zoning fees under Chapter 1312 of the Codified Ordinances.)

**1313.14. CONTINUOUS PERMIT FEE; NEW WORK.**

The fee of five dollars (\$5.00) shall be paid for each continuous permit at the time such permit is issued. In addition, fees for all new work installed under such permit since the date of the last previous inspection shall be paid according to the schedule in force at the time when such work is inspected. (Ord. 739. Passed 6-21-37.)

**1313.15. INSPECTION AND CERTIFICATES OF APPROVAL.**

Upon the completion of the work which has been authorized by the issuance of any permit except a continuous permit, it shall be the duty of the person installing the same to notify the Electrical Inspector who shall inspect the installation within twenty-four hours, exclusive of Saturdays, Sundays and holidays, of the time such notice is given or as soon thereafter as practicable; and if it is found to be fully in compliance with this chapter, he shall issue to such person a final certificate of approval, with duplicate copy for delivery to the owner, authorizing connection to the source of supply, the turning on of the current and the use of the installation, and shall send written notice of such authorization to the public service corporation furnishing the electrical service. When a certificate of approval is issued authorizing the connection and use of temporary work, such certificate

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shall be issued to expire at a time to be stated therein and shall be revocable by the Electrical Inspector for cause. A preliminary certificate of approval may be issued authorizing the connection and use of certain specified portions of an incomplete installation. Such certificate shall be revocable at the discretion of the Electrical Inspector.

If upon inspection the installation is not found to be fully in compliance with this chapter, the Electrical Inspector shall at once forward to the person installing the wiring, a written notice stating the defects which have been found to exist. (Ord. 739. Passed 6-21-37. )

#### **1313.16. INSPECTION OF WORK UNDER CONTINUOUS PERMIT.**

Every six months, and at any other time when requested by the permit holder, the Electrical Inspector shall visit all premises where work may be done under continuous permits and shall inspect all electric wiring, devices, appliances and equipment installed under such a permit since the date of his last previous inspection and shall issue a certificate of approval for such work as is found to be in conformity with this chapter. (Ord. 739. Passed 6-21-37.)

#### **1313.17. INSPECTION OF CONCEALED WIRING.**

When any part of a wiring installation is to be hidden from view by the permanent placement of parts of the building, the person installing the wiring shall notify the Electrical Inspector and such parts of the wiring installation shall not be concealed until they have been inspected and approved by the Electrical Inspector or until twenty-four hours, exclusive of Saturdays, Sundays and legal holidays, shall have elapsed from the time of such notification, provided that on large installations, where the concealment of parts of the wiring proceeds continuously, the person installing the wiring shall give the Electrical Inspector due notice and inspections shall be made periodically during the progress of the work. (Ord. 739. Passed 6-21-37.)

#### **1313.18. REINSPECTION.**

The Electrical Inspector shall periodically make a thorough reinspection of the installation of all electric wiring, devices, appliances and equipment now installed or that may hereafter be installed within the City and within the scope of this Building Code and when the installation of any such wiring, devices, appliances or equipment is found to be in a dangerous or unsafe condition, the person owning, using or operating the same shall be notified in writing and shall make the necessary repairs or changes required to place such wiring, devices, appliances and equipment in safe condition and have such work completed within fifteen days or any longer period specified by the Electrical Inspector in such notice. Reinspections shall be made at least once in every two years of all electric wiring, devices, appliances and equipment in all automobile service stations, garages, hotels, rooming houses, apartment buildings, hospitals, schools, churches, theaters, auditoriums and all other places used for public gatherings and seating more than sixty persons, and when the electrical installation in any such building is found to conform with this Building Code, the Electrical Inspector shall issue to the owner or occupant thereof a certificate of approval of the installation and no fee shall be charged for such reinspection or certificate. Such certificate shall be kept posted in a conspicuous place in or upon such premises. (Ord. 739. Passed 6-21-37.)

**1313.19. CONNECTION TO INSTALLATIONS.**

Except where work is done under a continuous permit, no person shall make connection from a source of electrical energy to any electric wiring, devices, appliances or equipment for the installation of which a permit is required until a certificate of approval has been issued by the Electrical Inspector authorizing such connection and the use of such wiring, devices, appliances or equipment.

No person shall make connections from a source of electrical energy to any electric wiring, devices, appliances or equipment which has been disconnected or ordered to be disconnected by the Electrical Inspector or the use of which has been ordered by the Electrical Inspector to be discontinued until a certificate of approval has been issued by him authorizing the reconnection and use of such wiring, devices, appliances or equipment. (Ord. 739. Passed 6-21-37.)

**1313.20. REVIEW OF DECISIONS.**

When the Electrical Inspector condemns all or part of any electrical installation, the owner may, within five days after receiving written notice from the Electrical Inspector, file a petition in writing for review of such action of the Electrical Inspector with the Construction Commission, upon receipt of which the Construction Commission shall at once proceed to determine whether such electrical installation complies with this chapter and within five days shall make a decision in accordance with its findings. (Ord. 1969-88. Passed 7-9-69.)

**1313.21. INSTALLATION STANDARDS.**

All installations shall be in strict conformity with the provisions of this Building Code, the statutes of the State and the National Electrical Code. (Ord. 739. Passed 6-21-37.)

**1313.22. APPROVED MATERIALS.**

No electrical materials, devices, appliances or equipment shall be used or installed in the City unless they are in conformity with the provisions of this Building Code, the statutes of the State and the National Electrical Code. The maker's name, trademark or other identification symbol shall be placed on all electrical material, devices, appliances and equipment used or installed under this chapter. (Ord. 739. Passed 6-21-37. )

(a) Except in one or two-family dwellings and row houses and apartment buildings separated from other dwelling units by a four hour fire wall or separated by ten feet of yard space, from adjacent buildings or lot lines, the electrical wiring shall be in conduit or electrical metallic tubing (E.M.T.) except where it is impractical due to sharp turns and similar physical conditions, where flexible metal conduit may be used. Armored cable shall not be permitted for any type of electrical wiring.

(b) Electrical wiring in the kitchen and bath area require metal boxes for fixtures to be used in these locations. (Ord. 1972-23. Passed 2-7-72).

**1313.23. PLUMBING PERMIT REQUIRED; FEES.**

(a) No plumbing shall be done in any dwelling except in cases of leaks or repairs in existing plumbing until a permit has been obtained from the Building Inspector.

(b) An application for a permit to do plumbing work must be submitted on forms provided by the Building Inspector and must be made at least twenty-four hours prior to the expected time of commencing the plumbing work.

(c) (EDITOR'S NOTE: The plumbing permit fees formerly codified under this section have been revised and consolidated with other building and zoning fees under Chapter 1312 of the Codified Ordinances.)

(d) The permit to do any plumbing work shall be posted in a conspicuous place on the premises where the plumbing work is being done.

(e) No permit shall be issued to any person to do plumbing who is not licensed as provided for in this chapter, except to the owner of a single-family dwelling to personally perform the work in the home in which he lives or in which he intends to live. (Ord. 1972-150. Passed 12-20-72.)

**1313.24. LIABILITY FOR DAMAGES.**

This chapter shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any electric wiring, devices, appliances or equipment or any plumbing work whatsoever for damages to person or property caused by any defect therein, nor shall the City be held as assuming such liability by reason of the inspection authorized herein or certificate of approval issued as herein provided. (Ord. 739. Passed 6-21-37; Ord. 785. Passed 5-2-38.)

**1313.99. PENALTY.**

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree as defined in Section 501.99. Each day's violation shall constitute a separate offense.

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CHAPTER 1315  
Revocation of Permits; Penalties

1315.01	Violations; additional fees for work started without permit.	1315.04	Display of permit card.
1315.02	Time limit on commencement of work; revocation for work stoppage. <b>(REPEALED)</b>	1315.05	Reinspection fee.
1315.03	Stop work order. <b>(REPEALED)</b>	1315.06	ertificate of final inspection.
		1315.99	Penalty.

CROSS REFERENCES

Crediting and reporting fees collected - see ADM. 145.03

Fee for building permits - see BLDG. 1311.01, 1311.09

Electrical permits - see BLDG. 1313.08 et seq.

Plumbing permits - see BLDG. 1313.23

Aluminum or other metal siding permit - see BLDG. 1325.03

Sign permit - see BLDG. 1327.02

Heating and air conditioning permit - see BLDG. 1329.06

**1315.01 VIOLATIONS; ADDITIONAL FEE FOR WORK STARTED WITHOUT PERMIT.**

(a) No person shall fail to obtain a building permit, plumbing permit, electrical permit, heating permit, sign or signboard permit, moving permit, wrecking permit, sewer permit, water tap permit, curb cut permit, street opening permit, tree removal permit or any other permit as required by City regulations.

(b) A 100 percent additional fee shall be charged for all permits which are not obtained before any work is started, which additional fee shall apply to all permits required by the City. (Ord. 1965-97. Passed 7-21-65.)

**1315.02. TIME LIMIT ON COMMENCEMENT OF WORK; REVOCATION FOR WORK STOPPAGE.**

(Repealed by Ordinance 1999-87, passed August 11, 1999)

**1315.03. STOP WORK ORDER.**

(Repealed by Ordinance 1999-87, passed August 11, 1999)

**1315.04. DISPLAY OF PERMIT CARD.**

The building permit card must be displayed and be accessible to the Building Inspector on the outside of the building, structure or premises on the street side of construction. (Ord. 1965-66. Passed 6-7-65.)

**1315.05. REINSPECTION FEE.**

For each reinspection by the Building Inspector because of incomplete or negligent work, a fee as provided in Chapter 1312 shall be charged. Such fee must be deposited with the Building Inspector before reinspection is made. (Ord. 1965-66. Passed 6-7-65.)

**1315.06. CERTIFICATE OF FINAL INSPECTION.**

The Building Inspector shall issue a certificate of final inspection for each building, structure or premises before it is approved for occupancy. (Ord. 1965-66. Passed 6-7-65.)

**1315.99. PENALTY.**

Whoever violates any of the provisions of this chapter, except in the case of penalties elsewhere provided in the Codified Ordinances for violations of Section 1315.01 is guilty of a minor misdemeanor as defined in Section 501.99. Each day's violation shall constitute a separate offense.

CHAPTER 1317  
Registration of Electricians

1317.01	Type of registration.	1317.06	Liability for damages.
1317.02	Applications for registration	1317.07	Requirements ( <b>Repealed</b> )
1317.03	Holder of registration and supervisor.	1317.08	Reciprocity With Other Jurisdictions ( <b>Repealed</b> )
1317.04	Registration fees.	1317.99	Penalty.
1317.05	Transferability, suspension and revocation of registration.		

CROSS REFERENCES

Construction Commission – see CHTR. 58 et seq  
 Construction Industry Examining Board – Ohio R. C. 4740  
 Construction Industry Examining Board – OAC Art. 4101:16  
 Ohio Building Code – Oac Art. 4101:1 Through 3  
 One, Two, & Three Family Dwellings – See Bldg Ch 1303  
 Inspections, electrical permits – see BLDG. Ch 1315  
 Revocation of permits – see BLDG. Ch 1315

**1317.01 TYPE OF REGISTRATION**

An electrical registration and certificate therefor shall be issued by the Construction Commission. The registration shall entitle the holder thereof to engage in the business of, and to secure permits for the installation, alteration and repair of any electric wiring, devices, appliances or equipment. (Ord. 2004-66. Passed 05-05-04.)

**1317.02. APPLICATIONS FOR REGISTRATIONS.**

Registrations for licenses shall be made in writing to the Construction Commission, stating the type of registration applied for, the name and place of business of the applicant and the name of the registration applicant who shall act as the supervisor of the work to be done under the registration. (Ord. 2004-66. Passed 05-05-04.)

**1317.03. HOLDER OF REGISTRATION AND SUPERVISOR.**

Each certificate for a registration issued in accordance with this chapter shall specify the name of the person registered, that person having an Ohio Construction Industry Examining Board License and such person shall be designated in the certificate as the supervisor of all work to be done under the registration. (Ord. 2004-66. Passed 05-05-04.)

**1317.04. REGISTRATION FEES.**

Before a registration is granted to any applicant and before any registration expiring under this chapter is renewed, the applicant shall pay to the City a fee in such amount as is herein specified for the class of registration to be granted or renewed, as follows:

- |     |   |         |
|-----|---|---------|
| (a) | For Electrical contractors registration | \$50.00 |
| (b) | For a renewal for one year              | 25.00   |

Effective January 1, 1983 and thereafter, each registration expires December 31 following the date of its issue and shall be renewed by the Construction Commission, pursuant to City Charter, upon the application of the holder of the registration and upon payment of the required fee and upon presentation of a current Ohio Construction Industry Examining Board license at any time previous to the date of expiration. If a registration is not renewed by February 1 of each year, a fifty percent (50%) penalty shall be added to the required fee. If a registration is not renewed by March 1 of each year, the applicant shall submit an application and fee for initial registration (Ord. 2004-66. Passed 05-05-04.)

**1317.05 TRANSFERABILITY, SUSPENSION AND REVOCATION OF REGISTRATIONS**

No registration and certificate issued in accordance with the provisions of this chapter shall be assignable or transferable. Any such registration may, after hearing, be suspended or revoked by the Construction Commission if the person holding such registration willfully or by reason of incompetence repeatedly violates any statute or rule of the State or any ordinance or rule or regulation of the City relating to the installation, maintenance, alteration or repair of electrical wiring, devices, appliances and equipment. (Ord. 2004-66. Passed 05-05-04.)

**1317.06. LIABILITY FOR DAMAGES.****1317.07. REQUIREMENTS. (REPEALED)**

(This section was repealed by Ordinance No. 2004-66, passed May 5, 2004)

**1317.08 RECIPROCITY WITH OTHER JURISDICTIONS (REPEALED)**

(This section was repealed by Ordinance No. 2004-66, passed May 5, 2004)

**1317.99. PENALTY.**

Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor as defined in Section 501.99.

CHAPTER 1319  
Registration of Plumbers

1319.01	Registration	1319.99	Penalty
1319.02	Fees for Registration		

CROSS REFERENCES

Construction Commission – see CHTR. 58 et seq  
 Construction Industry Examining Board – Ohio R. C. 4740  
 Construction Industry Examining Board – OAC Art. 4101:16  
 Ohio Building Code – OAC Art. 4101:1 Through 3  
 One, Two, & Three Family Dwellings – See Bldg Ch 1303  
 Inspections, plumbing permits – see BLDG. Ch 1315  
 Revocation of permits – see BLDG. Ch 1315

**1319.01 REGISTRATION**

No person shall engage in the business of doing plumbing work within the City unless such person has received a plumber registration and a certificate thereof. (Ord. 2004-66. Passed 05-05-04)

**1319.02 FEES FOR REGISTRATION**

(a) For Initial Issue	\$50.00
(b) For a renewal	\$25.00

Each registration expires December 31 following the date of its issue and shall be renewed by the Construction Commission, pursuant to City Charter, upon the application of the holder of the registration and upon payment of the required fee and upon presentation of a current Ohio Construction Industry Examining Board License at any time previous to the date of expiration. If a registration is not renewed by February 1 of each year, a fifty percent penalty shall be added to the required fee. If a registration is not renewed by March 1 of each year, the applicant shall submit an application and fee for initial registration. (Ord. 2004-66. Passed 05-05-04.)

**1319.99. PENALTY.**

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree as defined in Section 501.99. Each day's violation shall constitute a separate offense.

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TITLE FIVE - Local Building Provisions  
Chap. 1321. Fire Limits.  
Chap. 1323. Row or Town House.  
Chap. 1325. Aluminum and Metal Siding.  
Chap. 1327. Signs and Billboards.  
Chap. 1329. Heating and Air Conditioning.  
Chap. 1331. Swimming Pools.  
Chap. 1333. Numbering Structures.  
Chap. 1335. Abandoned Service Stations.  
Chap. 1337. Flood Damage Control.  
Chap. 1339. Technical Plan Review and Conformance.

CHAPTER 1321  
Fire Limits

**EDITOR'S NOTE: Former Sections 1321.01 and 1321.02 have been deleted from the Codified Ordinances since the Ohio Basic Building Code adopted under Chapter 1301 no longer establishes special construction standards for areas of the City determined to be within the "fire limits".**

CHAPTER 1323  
Row or Town Houses

1323.01	Regulations. <b><i>(Repealed)</i></b>	1323.99 Penalty. <b><i>(Repealed)</i></b>
1323.02	Conflicts. <b><i>(Repealed)</i></b>	

This Chapter was repealed by Ordinance No. 2004-66, passed May 5, 2004

2004 Replacement

CHAPTER 1325  
Aluminum and Metal Siding

1325.01	Application standards. <b><i>(Repealed)</i></b>	1325.04	Electrical grounding permit
1325.02	Grounding; electrical permit. <b><i>(Repealed)</i></b>		required. <b><i>(Repealed)</i></b>
1325.03	License fee. <b><i>(Repealed)</i></b>	1325.99	Penalty. <b><i>(Repealed)</i></b>

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This Chapter was repealed by Ordinance No. 2004-66, passed May 5, 2004

2004 Replacement

CHAPTER 1327  
Signs and Billboards

1327.01	Definitions. <b><i>(Repealed)</i></b>	1327.10	Electric signs. <b><i>(Repealed)</i></b>
1327.02	Sign permit fee. <b><i>(Repealed)</i></b>	1327.11	Height of projecting signs. <b><i>(Repealed)</i></b>
1327.03	Signboard height. <b><i>(Repealed)</i></b>	1327.12	Obstructing ingress or egress. <b><i>(Repealed)</i></b>
1327.04	Sign location. <b><i>(Repealed)</i></b>	1327.13	Swinging signs. <b><i>(Repealed)</i></b>
1327.05	Signboard posts. <b><i>(Repealed)</i></b>	1327.14	Sign maintenance. <b><i>(Repealed)</i></b>
1327.06	Wind pressure resistance. <b><i>(Repealed)</i></b>	1327.15	Time limit for removal or repair. <b><i>(Repealed)</i></b>
1327.07	Banner signs. <b><i>(Repealed)</i></b>	1327.16	Compliance with chapter. <b><i>(Repealed)</i></b>
1327.08	Wood signs. <b><i>(Repealed)</i></b>	1327.17	Conflict of laws. <b><i>(Repealed)</i></b>
1327.09	Metal or metal-clad wood signs. <b><i>(Repealed)</i></b>	1327.99	Penalty. <b><i>(Repealed)</i></b>

This Chapter was repealed by Ordinance No. 2004-66, passed May 5, 2004

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CHAPTER 1329  
Registration of Heating and Air Conditioning Contractors

1329.01	Definitions.	1329.06	Permit required; fee.
1329.02	Registration required.	1329.07	Dwelling insulation. <b>(REPEALED)</b>
1329.03	Home owner's exception.	1329.08	Reciprocity with other jurisdictions. <b>(REPEALED)</b>
1329.04	Method and fee for application.	1329.99	Penalty.
1329.05	Registration issuance, renewal and fee.		

CROSS REFERENCES

Construction Commission - see CHTR. §58 et seq.  
Revocation of permits - see BLDG. Ch. 1315  
Construction Industry Examining Board – Ohio R. C. 4740  
Construction Industry Examining Board – OAC Art. 4101:16  
Ohio Building Code – OAC Art. 4101:1 Through 3  
One, Two, & Three Family Dwellings – See Bldg Ch 1303

**1329.01 DEFINITIONS.**

As used in this chapter:

- (a) "Residential" means one and two-family and multi-family dwellings containing up to six dwelling units, and their accessory buildings.
- (b) "Business and industrial" means all construction, installation, alteration and re-placement not provided for under "residential", including heating apparatus for processing and manufacturing. (Ord. 1967-43. Passed 3-6-67.)

**1329.02. REGISTRATION REQUIRED.**

- (a) No person, firm or corporation shall engage in advertising or engage in the business of installing, repairing or replacing heating or air conditioning equipment used in any building within the City without first being registered to do so by the City.
- (b) No firm or corporation shall engage in, advertise or represent itself for engaging in the business of installing, repairing or replacing heating or air conditioning equipment unless such firm or corporation employs at least one full-time employee to serve in a supervisory capacity and unless such employee is registered according to ordinances of the City. All installation, repairing or replacement of air conditioning and heating equipment on behalf of any firm or corporation shall be supervised by a holder of a registration. (Ord. 2004-66. Passed 5-5-04.)

**1329.03. HOME OWNER'S EXCEPTION.**

No provision of this chapter shall be interpreted to apply to any heating or air conditioning equipment or work installed or performed by the home owner. This provision does not exclude such home owner from the requirements of obtaining a permit and payment of fees for inspection of permanent installations. (Ord. 1967-43. Passed 3-6-67.)

**1329.04. METHOD AND FEE FOR APPLICATION.**

Any person desiring a registration required by Section 1329.02 shall make application with the Building Services Supervisor. (Ord. 2004-66. Passed 5- 5-04.)

**1329.05. REGISTRATION ISSUANCE, RENEWAL AND FEE.**

Applications for registrations shall be made in writing to the Construction Commission, stating the type of registration applied for, the name and place of business of the applicant and the name of the registration applicant. A registration shall be issued to each successful applicant upon the payment of a fee of fifty dollars (\$50.00). Once such registration is issued, it shall be renewed annually upon payment of a renewal fee of twenty-five dollars (\$25.00). Each registration expires December 31 following the date of its issue and shall be renewed by the Construction Commission, pursuant to City Charter, upon the application of the holder of the registration and upon payment of the required fee and upon presentation of a current Ohio Construction Industry Examining Board license at any time previous to the date of expiration. If a registration is not renewed by February 1 of each year, a fifty percent (50%) penalty shall be added to the required fee. If a registration is not renewed by March 1 of each year, the applicant shall submit an application and fee for initial registration. (Ord. 2004-66. Passed 05-05-04)

**1329.06. PERMIT REQUIRED; FEE.**

No person shall perform or install any heating or air conditioning work or equipment without first obtaining a permit therefor and paying a fee for such permit as provided in Chapter 1312. (Ord. 1983-150. Passed 12-21-83.)

**1329.07. DWELLING INSULATION.**

(Repealed by Ordinance No. 1999-87, passed August 11, 1999).

**1329.08. RECIPROCITY WITH OTHER JURISDICTIONS.**

(Repealed by Ordinance No. 2004-66. Passed May 5, 2004)

**1329.99. PENALTY.**

Whoever willfully fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor as defined in Section 501.99. Each day's continuance or failure to comply shall be deemed a separate offense.

CHAPTER 1331  
Swimming Pools

1331.01	General provisions. <b>(REPEALED)</b>	1331.03	Fence. <b>(REPEALED)</b>
1331.02	Definition. <b>(REPEALED)</b>	1331.99	Penalty. <b>(REPEALED)</b>

This Chapter was repealed by Ordinance No. 2004-66, passed May 5, 2004

2004 REPLACEMENT

2004 REPLACEMENT

CHAPTER 1333  
Numbering Structures

1333.01	Numbers required; purpose.	1333.05	Restriction on use of script numbers.
1333.02	Number location, size and contrasts.	1333.06	New buildings to display numbers prior to occupancy permit.
1333.03	Additional numbers for deep setbacks.	1333.07	Records.
1333.04	Fire Chief to determine special number locations.	1333.99	Penalty.

CROSS REFERENCES

Power to regulate building numbering - see Ohio R. C. 715. 26

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**1333.01 NUMBERS REQUIRED; PURPOSE.**

All buildings and structures, whether residential, commercial and/or industrial, shall be adequately and properly identified for the purpose of facilitating the rendering of public services by the Fire, Police and Service Departments. (Ord. 1976-19. Passed 2-18-76.)

**1333.02. NUMBER LOCATION, SIZE AND CONTRASTS.**

All buildings and structures shall display a street address number, posted near or on the entrance door facing the street with numerals at least three inches in height on a contrasting background so as to be clearly visible from the street. (Ord. 1976-19. Passed 2-18-76.)

**1333.03. ADDITIONAL NUMBERS FOR DEEP SETBACKS.**

In addition to the street address numbers near or on the front entrance door, every building unit located more than seventy-five feet from the street shall also display a set of clearly visible street address numbers near the driveway entrance to the building unit. (Ord. 1976-19. Passed 2-18-76.)

**1333.04. FIRE CHIEF TO DETERMINE SPECIAL NUMBER LOCATIONS.**

In the event of special circumstances due to the location of the building unit, entrance or driveway, the Fire Chief shall determine where such street address numbers shall be displayed to facilitate ready location of the building unit. (Ord. 1976-19. Passed 2-18-76.)

**1333.05. RESTRICTION ON USE OF SCRIPT NUMBERS.**

In the event script numbers are used, an additional set of block type Arabic numerals must appear in a conspicuous place. (Ord. 1976-19. Passed 2-18-76.)

**1333.06. NEW BUILDINGS TO DISPLAY NUMBERS PRIOR TO OCCUPANCY PERMIT.**

It shall be mandatory on a newly-constructed building that the numbers be on display as required in this chapter on completion of the building and prior to the issuance of an occupancy permit by the Building Inspector. (Ord. 1976-19. Passed 2-18-76.)

**1333.07. RECORDS.**

The Building Inspector shall keep a chart showing the proper street number of every lot in the City which shall be open to inspection by anyone interested. (Ord. 1976-19. Passed 2-18-76.)

**1333.99. PENALTY.**

Any person, firm or corporation failing to so identify, within sixty days after the passage of this chapter (Ordinance 1976-19, passed February 18, 1976), any house, building or other structure occupied by him, shall be fined twenty-five dollars (\$25.00). Each day's continued violation shall constitute a separate offense. (Ord. 1976-19. Passed 2-18-76.)

Chapter 1335  
Abandoned Service Stations

1335.01 Nuisance declared; abatement notice; proceedings. **(REPEALED)**

This Chapter was repealed by Ordinance No. 2004-66, passed May 5, 2004

2004 Replacement

2004 REPLACEMENT

1337.01	General Provision	1337.04	Use and Development Standards for
1337.02	Definitions.		Flood Hazard Reduction
1337.03	Administration	1337.05	Appeals and Variances
		1337.06	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

Basis of zoning districts - see Ohio R.C. 713.10

Levees - see Ohio R.C. 717.01

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

Marking flood areas - see Ohio R.C. 1521.14

Ohio Water Commission - see Ohio R.C. 1525.01 et seq.

Conservancy districts, purpose - see Ohio R.C. 6101.04

Riparian and Wetland Buffers – see KCO Chapter 1201

**1337.01 GENERAL PROVISIONS**

(a) 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 residents. Therefore, City Council of Kent, State of Ohio, does ordain as follows:

(b) Findings of Fact. The City of Kent 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 that threat of such damages and to achieve the purposed hereinafter set forth, these regulation are adopted.

(c) Statement of Purpose. It is the purpose 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 action.
- (8) Minimize the impact of development on adjacent properties within the 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 Losses. In order to accomplish its purposes, these regulations includes 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 flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging and other development which may increase flood damage; and
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood water, or which may increase flood hazards in other areas.

(e) Lands to Which These Regulations Apply. These regulations shall apply to all areas of the special flood hazard within the jurisdiction of the City of Kent as identified in section 1337.01(f), including any additional areas of special flood hazard annexed by City of Kent.

(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 Portage County, Ohio and Incorporated Areas and Flood Insurance Rate Map Portage County, Ohio and Incorporated Areas* both effective August 18, 2009.
- (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 Kent as required by Section 1337.04(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 Service Administration Complex at 930 Overholt Road Kent, Ohio.

(g) Abrogation and Greater Restrictions. These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, 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 regulations 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 Kent, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage 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. 2009-60. Passed 06/17/09)

**1337.02 DEFINITIONS**

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

- (a) "Accessory structure" means a structure on the same lot with and of a nature customarily incidental and subordinate to, the principal structure.
- (b) "Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.
- (c) "Base flood" means the flood having a one percent (1%) 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)" means the water surface elevation of the base flood in relation to a specific 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" means any area of the building having its floor subgrade (below ground level) on all sides.
- (f) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (g) "Enclosure Below the Lowest Floor" see "Lowest Floor".
- (h) "Executive Order 11988 (Floodplain Management)" means 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) means the agency with the overall responsibility for administering the National Flood Insurance Program.
- (j) "Fill" means a deposit of earth material (natural earth materials such as rock, soil, sand, gravel, etc.) placed by artificial means.
- (k) "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.
- (l) "Flood Hazard Boundary Map (FHBM)" means the initial map, usually 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) means 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" means the 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:
  - (1) Zone A: Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.
  - (2) Zones A1-30 and Zone AE: Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.
  - (3) 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.
  - (4) 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.
  - (5) 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.
  - (6) 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.

- (7) Zone C and Zone X (unshaded): Areas determined to be outside the 500-year floodplain.
- (o) "Flood Insurance Study" means 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 (PFE)" means the base flood elevation. 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" means 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" means 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" 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 of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office; or
  - (4) Individually listed on a local inventory of historic places maintained by City of Kent's historic preservation program, which program is certified by the Ohio Historic Preservation Office.
- (t) "Hydrologic and hydraulic engineering analysis" means 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)" means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:
- (1) 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.
  - (2) 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.

- (3) 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" means the lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" 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" 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." 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 or subdivision" As specified in the Ohio Administrative Code 3701-27-01, 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)" means 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" means structures for which the "start of construction" commenced on or after the effective date of the City of Kent's Flood Insurance Rate Map, March 15, 1978, and includes any subsequent improvements to such structure.
- (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" means a vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
- (cc) "Registered Professional Architect" means 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" means a person registered as a professional engineer under Chapter 4733 of the Revised Code.
- (ee) "Registered Professional Surveyor" means 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", means 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" 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 which differs from the start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns or any work beyond the state 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 the 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" means a walled and roofed building, manufactured home or gas or liquid storage tank that is principally above ground.

(ii) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent (50%) of the market value of the structure before the damage occurred.

(jj) "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 market value of the structure either 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 that 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"; or,

(kk) "Variance" means a grant of relief from the standards of these regulations consistent with the variance conditions herein.

(ll) "Violation" means the failure of a structure or other development to be fully compliant with these regulations.

(Ord. 2009-60. Passed 06-17-09)

### **1337.03. ADMINISTRATION.**

(a) Designation of the Floodplain Administrator. The Chief Building Official 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 1337.01(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 1337.04(e).
  - B) Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1137.04(d)(5) are designed to automatically equalize hydrostatic flood forces.
  - C) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1137.04(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 1337.04(i)(2).
  - E) A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1337.04.(i)(1).
  - F) Generation of base flood elevation(s) for subdivision and large-scale developments as required by Section 1337.04(c).
- (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 Section 1337.03(d) has been received by the Floodplain Administrator.
    - (B) The Floodplain Administrator shall review all floodplain development permits 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 Department of the Army 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 standards of Section 1337.03(j)(1), 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 in accordance with Section 1337.05 of these regulations.
- (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 Siting 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 that City of Kent flood maps, studies and other data identified in Section 1337.01(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 1337.4(c).
  - B) It is the responsibility of the applicant to have technical data, required in accordance with Section 1337.03(j)(1), 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 Section 1337.03(j)(1)A).
- (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 Kent, 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 Kent 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 Kent Flood Insurance Rate Map accurately represent the City of Kent boundaries, include within such notification a copy of a map of the City of Kent suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Kent 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 1337.05, 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.
- (l) 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. 2009-60. Passed 06/17/09)

#### **1337.04. 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 1337.01(f) or 1337.03(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 City of Kent 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 floodwaters 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 (50 lots or 5 acres, whichever is less).
  - (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 requirement to submit technical data to FEMA in Section 1337.03(j)(1)A)4 when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1337.04(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 (1337.04(d)(1) and construction materials resistant to flood damage (1337.04(d)(2) 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. Where flood protection elevation data are not available, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.
  - (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 Section 1337.04.(d).
  - (8) In AO Zones, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.
- (e) Nonresidential Structures
- (1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1337.04(d)(1) – (3) and (5) –(8).
  - (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 Agency Floodproofing Certificate*, that the design and methods of construction are in accordance with Section 1337.04(e)(2)A) and B).
  - (3) Where flood protection elevation data are not available, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

- (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 floodwaters;
  - (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 Section 1337.04(d)(5)C);
- (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 Section 1337.04(d).
- (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 1337.03.(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 that 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 City Manager of the City of Kent 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. Section 1337.04.(i)(1)B), items (1) and (3)-(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 bankfull 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 bankfull 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 Kent 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 1337.03(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. 2009-60. Passed 06/17/09)

### 1337.05 APPEALS AND VARIANCES

- (a) Appeals Board Established
- (1) The Kent Board of Building Appeals is hereby appointed to serve as the Appeals Board for these regulations as established by Chapter 1309 of the Kent Codified Ordinances.
  - (2) Records of the Appeals Board shall be kept and filed in Service Administration Complex at 930 Overholt Road Kent, Ohio.
- (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 Section 1337.045(d) of these regulations.
- (c) Appeals. 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 30 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.

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.
- (2) Public Hearing. 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:
- A) The danger that materials may be swept onto other lands to the injury of others.
- B) The danger to life and property due to flooding or erosion damage.
- C) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- D) The importance of the services provided by the proposed facility to the community.
- E) The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
- F) The necessity to the facility of a waterfront location, where applicable.
- G) The compatibility of the proposed use with existing and anticipated development.
- H) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
- I) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- J) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- 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.

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 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.
- C) 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.
- D) A determination that the structure or other development is protected by methods to minimize flood damages.
- E) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

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.

- (3) 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 Section 1337.05(d)(2)A) to K) 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 proffered 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 Portage County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.

(Ord. 2009-60. Passed 06/17/09)

**1337.06. 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 1337.03(i).
- (2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 1337.06(c).
- (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 Section 1337.06(c).

- (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 therefore 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 Kent. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Kent from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Kent shall prosecute any violation of these regulations in accordance with the penalties stated herein.

(Ord. 2009-60. Passed 06/17/09)

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CHAPTER 1339  
Technical Plan Review and Conformance

1339.01	Purpose.	1339.06	Technical plan approval.
1339.02	Technical plan review required.	1339.07	Inspections.
1339.03	Application for technical review.	1339.08	Permits
1339.04	Site plan requirements.	1339.09	Fees and guarantees
1339.05	Site improvement requirements.	1339.10	Appeals and variances.
		1339.99	Penalty.

**1339.01 PURPOSE.**

The purpose of this chapter is to provide site improvement technical standards and to establish a procedure for the technical review and approval of site plans and to provide a procedure to insure that site improvements are constructed in accordance with the approved site plan. (Ord. 1991-23. Passed 5-1-91.)

**1339.02. TECHNICAL PLAN REVIEW REQUIRED.**

The Community Development Department shall conduct a technical review of the site plan, within the guidelines set forth in this chapter, for all projects, which may be classified as follows:

- (a) A project involving new construction of a single family, multi-family, commercial, governmental, utility or industrial use.
- (b) A project involving the conversion of a structure from residential to commercial or industrial, from commercial to industrial or residential or from industrial to residential or commercial regardless of whether or not new exterior construction or site development is planned.
- (c) A project involving modification, addition or expansion of an existing structure which would have one or more of the following effects:
  - (1) Alteration of traffic flows by way of ingress, egress or within the site itself.
  - (2) Alteration or rearrangement of on-site parking resulting in an increase or reduction in the number of parking spaces or relocation of all or a portion of the parking upon the site.
  - (3) Addition and/or modification to a structure which would increase the floor area by fifty percent (50%) or more or increase the property value by fifty percent (50%) or more.
- (d) The construction of private streets and/or off-street parking areas. (Ord. 1991-23. Passed 5-1-91.)

**1339.03. APPLICATION FOR TECHNICAL REVIEW.**

Site plans shall be submitted to the Community Development Department for technical review. Site plans may be submitted individually or with building construction plans. (Ord. 1991-23. Passed 5-1-91.)

**1339.04. SITE PLAN REQUIREMENTS.**

The site plan shall be a complete set of site improvement plans prepared by a qualified professional and shall include a boundary survey, shall be neatly drawn to a legible scale and shall show topographical features of the lot, building placement and activity areas, and shall include a plan of the utility services, a circulation and parking plan, a planting and landscape plan and complete engineering and constructional details and notes and shall include the following minimum data and information:

1. The use and ownership of adjacent properties, the location of structures, drives and other physical features, including ground elevations within fifty feet of the site boundary and the distance to the nearest street intersection.
2. Existing and proposed elevations on the site including elevations at building corners, property corners, sidewalks, streets, storm and sanitary sewers, building floors, etc. Adequate elevations shall be provided to show that the site will adequately drain and that the grades of the ground and structures will be within acceptable design limits. A minimum of two vertical benchmarks shall be shown on the plan.
3. Sanitary sewer plan complete with pipe type, size, location, grade and elevations at the building wall and at the point of connection to the public sewer together with data indicating the proposed quantity and composition of the sanitary waste.
4. Storm sewer plan complete with pipe type, size, location, grade and elevations for all site drainage including roof drain connections to the storm sewer together with stormwater run-off calculations, pipe size calculations, drainage area map and retention or detention calculations (where required).
  - (a) Water service plan showing pipe size, location and grade, location of connection to City water main, location of curb box, size, type and location of water meter and calculations of pipe size based upon the estimated peak water usage.
  - (b) Geometric layout of the site showing complete dimensions of building, roads, drives, parking areas, utilities, landscaping and other site elements with adequate detail and dimensions to allow construction without the need to scale from the plan to determine the designer's intended location. Dimensions shall be shown to property lines and property corners. Property pins or other approved markers shall be set and shown at all property corners and property line stakes shall be set where, due to topography, length of line or obstructions, the location of the property line cannot be determined by sighting from property corner to property corner.
  - (c) A description of site soils and a statement concerning their effect upon the design and construction of the improvements.
  - (d) Construction detail drawings of manholes, catch basins, trenches, pavements, walks, curb cuts, sewer lines, water lines and all appurtenances.
  - (e) A detailed, itemized engineer's estimate of quantities and costs for construction of the site improvements. (Ord. 1991-23. Passed 5-1-91.)

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### 1339.05. SITE IMPROVEMENT REQUIREMENTS.

Site improvements shall be in accordance with the City Zoning Code or variances granted and with the intent of the site plan as approved by the Planning Commission as well as all other applicable ordinances, codes, rules and regulations and the following:

(a) Vehicular and Pedestrian Traffic and Parking.

- (1) The site plan shall show that the proper relationship exists between, roadways, service roads, driveways and parking areas to promote pedestrian and vehicular traffic safety on both public and private lands.
- (e) Channelization, signing, striping, pavement marking and traffic control devices shall be provided in accordance with accepted engineering design and construction practices or acceptable and verifiable alternate engineering and construction standards.
- (6) The design may provide for pedestrian and vehicular access to adjacent properties, where topographic features allow, to reduce unnecessary short entry/exit movements in the public right of way.
- (7) Roadways, service roads and driveways shall be so located and related as to minimize the possibility of adverse effects upon adjacent development and in no case shall a drive be located closer than fifty feet from the center line of two intersecting streets.
- (5) Roadways, service roads and driveways shall be shown to have adequate and safe sight distance along the streets they intersect. Obstructions, including parked vehicles, which interfere with the required sight distance at street or drive intersections, are prohibited.
- (6) On-site traffic circulation shall be designed to accommodate emergency and safety vehicle access for adequate police and fire protection. (Ord. 2001-71. Passed 7/18 01)
- (7) Screening of parking areas and service areas shall be provided through landscaping and/or ornamental walls or fences to promote harmony with adjacent development. Large parking areas (greater than fifty parking spaces) shall be provided visual relief through the use of tree planted and landscaped dividers, islands and walkways.
- (8) Hard surface parking areas shall be designed with a minimum service life of twenty years. Drive aprons on curbed streets shall be constructed of a minimum of eight inches of plain concrete within the street right of way. Porous parking systems may also be incorporated into a parking lot design with a verified and acceptable engineering and construction design. (Ord. 2001-71. Passed 7/18/01)
- (9) In areas where evidence of pedestrian traffic is present or where the proposed development can be expected to generate pedestrian traffic or where walks exist within the general vicinity of the proposed development, sidewalks shall be constructed along the street frontage and throughout the development to accommodate pedestrian traffic. Where existing sidewalks are broken or misaligned, they shall be repaired.
- (10) An accessible location shall be provided and shown for trash receptacles of adequate capacity for the proposed use of the site. Trash receptacles shall not utilize required parking, loading or vehicular movement areas.
- (11) Lighting of streets, drives, parking areas and walkways shall be provided in a manner appropriate with the proposed development and approved by the Community Development Department. Street lamps shall be of a decorative nature in residential areas and where appropriate in commercial areas. (Ord. 2001-71. Passed 7/18/01)
- (12) With reference to newly constructed commercial and business structures, there shall be at least one public entrance into such buildings, which shall be accessible to handicapped persons from a street or from at least one parking area, which is set aside for the use of the building.

- (b) Stormwater.
- (1) Stormwater systems shall be designed in accordance with accepted engineering practice or acceptable and verifiable engineering and construction design. (Ord. 2001-71. Passed 7/18/01)
  - (2) Roof drains shall be connected to the storm sewer system or drainage course. Upon receiving a written request, the Community Development Director may approve a variance to this requirement where one or more of the following conditions exist:
    - A) The nearest street storm sewer is located 200 feet or more from the nearest corner of the building;
    - B) The ground level at the building foundation is lower than the street or the storm sewer in the street;
    - C) A natural waterway in the form of a wetland, stream, ditch or drainage pipe crosses the property and a piped connection to the natural waterway is proposed. Discharge to a natural waterway on an adjacent property may also be considered where an easement is obtained for the discharge;
    - D) The existing structure was constructed prior to the existence of storm sewers and the existing point of discharge is creating no obvious negative impact that any existing drains and/or drywell systems shall be maintained in good working condition and no foundation drains or other pumped water shall be permitted to discharge onto the street;
    - E) Roadside swales, in neighborhoods so constructed, may be used for roof and foundation drain discharge where storm sewers are not available;
    - F) In the event that a proper outlet is not available (as noted above) and outletting the roof drains would result in potential damage or excessive inconvenience to the downstream owner, then the outlet shall be connected into a "dry well" of sufficient size to contain a five (5) year design storm. (Ord. 2001-71. Passed 7/18/01)
  - (3) Wherever possible and in all projects which encumber 40,000 square feet of ground surface area with building and/or hard surfaces (pavements, walks, etc.), the stormwater design shall incorporate storm-water detention and/or retention designed and constructed in accordance with approved engineering practices or acceptable and verifiable engineering and construction design. (Ord. 2001-71. Passed 7/18/01)

- (c) City Utilities (Water and Sanitary Sewer).
- (1) The developer shall be responsible for providing adequate investigation of the existing utility systems to verify that their condition and capacity is adequate for the use intended. When available, existing City of Kent records will be made available to the developer. (Ord. 2001-71. Passed 7/18/01)
  - (2) City utilities shall be extended to the boundaries of the site to provide for future development and to promote the integrity of the utility.
  - (3) The City reserves the sole right to determine those on-site utilities which shall become a part of the public system and the size, grade and type of construction of such utilities. The developer shall provide easements as may be required by the City for such utilities, which are to become a part of the public system.
  - (4) Where private utility lines result in long lines and/or multiple service points, at the discretion of the Community Development Department, the developer may be required to install metering vaults and/or inspection wells near the point of connection to the public system. (Ord. 2001-71. Passed 7/18/01)
  - (5) Private utilities connected to the public system shall be maintained free of leaks and defects at the sole expense of the owner and/or user of the utility.
  - (6) In the case of commercial and industrial uses, adequate provision shall be made for the collection, treatment and/or disposal of all wastes, including oils and grease, which may be harmful to the public collection and/or treatment system. Adequate information shall be submitted to allow a determination of the components of the waste to be discharged and complete compliance with the City's sewer use regulations and wastewater pretreatment ordinance is required. All installations required to satisfy these provisions shall be designed and be included as a part of the site plan submission.
  - (7) Existing utilities shall not be used for new or expanded facilities unless prior approval is received from the Community Development Department. The developer shall submit evidence that the existing facilities have been first inspected, tested and found to be free of defects and leaks and equal to or better than current Code requirements for the type and volume of flows anticipated prior to requesting approval from the Community Development Department. Upon review of such evidence, the Community Development Department may approve the proposed use or require upgrades as approved engineering practices dictate. (Ord. 2001-71. Passed 7/18/01)
  - (8) Each building and/or use therein shall be serviced by its own individual utility lines unless otherwise approved by the Community Development Director. When available, existing City of Kent records will be made available to the developer. (Ord. 2001-71. Passed 7/18/01)

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**1339.06. TECHNICAL PLAN APPROVAL.**

Technical approval of the site plan shall be obtained and all fees and construction guarantees shall be paid and deposited prior to the issuance of building permits, sewer tap-in permits and/or water connection permits. The prohibition against issuance of building permits shall not apply to certificates of partial plan approval as that term is defined in the Ohio Basic Building Code. Prior to approval, all aspects of the site plan, including provisions for grading and surface drainage shall be reviewed and approved by the Community Development Department for conformance with accepted engineering design and construction practices and the requirements of this chapter. Technical approval shall be valid for one year from the date of the letter of approval. Failure to begin construction within one year of the date of the letter of approval shall require resubmittal as a new project. Failure to respond to comments within six months of the date of a comment letter shall constitute abandonment of the project and shall require resubmittal as a new project. Failure to achieve compliance and approval following the completion of two reviews shall require the payment of an additional review fee for each subsequent review. (Ord. 2001-71. Passed 7/18/01)

**1339.07. INSPECTIONS.**

The Community Development Department shall conduct periodic and final inspections of the construction of project improvements and the owner/developer shall correct any deficiencies noted. Construction shall be complete and in accordance with the approved technical plans prior to occupancy of the site. Conditional occupancy may be obtained with minor elements which will not constitute a hazard to the occupants or the general public, being incomplete, providing that cash is deposited with the City in the amount of one hundred fifteen percent (115%) of the City's estimated cost of completing the improvements to be used by the City to complete the project in the event that the owner/developer fails to complete the improvements within the specified time and in accordance with the provisions of 1339.08. The owner/developer shall keep the Community Development Department informed of the status of the construction work and shall call for inspections as directed. No work shall be covered until inspected and/or tested and approved by the City. City inspections and/or approvals shall not relieve the owner/developer of his responsibility to insure proper and safe construction and installation of the improvements in accordance with applicable codes and regulations. (Ord. 2001-71. Passed 7/18/01)

**1339.08 PERMITS**

- (a) No site permits (electric, water, sewer, plumbing, building) shall be issued until the street and subdivision utilities are approved for use by the Development Engineer. With the exception of zoning permits, any permit issued prior to approval for use of the street and subdivision utilities by the Development Engineer shall be invalid until such time as the Development Engineer approves the street and subdivision utilities for use or upon a showing of compliance with Subsection (B) of this subsection.
- (b) If permits (electric, water, sewer, plumbing, building) are requested prior to street and utility approval by the Development Engineer, the requested permits shall be issued only upon the signing of a notice, acknowledgment and release from the City of Kent, of any and all liabilities which may result from the incompleteness of the utilities. The notice, acknowledgment and release shall be in a form approved by the Law Director and shall be executed by the developer, building contractor and lot owner. (Ord. 2001-71. Passed 7/18/01)

**1339.09. FEES AND GUARANTEES.**

- (a) Plan Review Fee. Payment of a plan review fee in the amount of one percent (1%) of the estimated cost of the site improvements shall be paid at the time of application for technical review.
- (b) Additional Review Fee. Payment of an additional review fee in the amount of twenty-five percent (25%) of the plan review fee shall be paid at the time of submission for review of each revised site plan after the submission of the plan resulting from the second review.
- (c) Site Plan Construction Compliance Inspection Fee. Payment of a site plan construction compliance inspection fee in the amount of one percent (1%) of the final approved estimate of cost for all site improvements upon private property to remain under private ownership shall be paid prior to commencement of construction.
- (d) Improvement Inspection Fee. Payment of an improvement inspection fee in the amount of six percent (6%) of the final approved estimate of cost for all site improvements within the public right of way and for all improvements upon private property which are proposed to be dedicated to the City for City ownership and/or maintenance shall be paid prior to commencement of construction.
- (e) Construction Guarantee. A performance bond, bank or savings institution escrow agreement requiring City authorization for disbursement of funds or other approved guarantee, in the amount of one hundred ten percent (110%) of the final approved estimated cost of all site improvements, as estimated by the City, shall be placed on deposit with the City to insure that the landscaping, walks, hard-surfacing of private drives, parking areas and streets, surface water drainage and other site improvements are installed all in conformance with the approved plans. Such guarantee shall be in effect for a period of two years or approved extension thereof or until the construction is completed and approved, whichever first occurs. In the event that construction is not complete at the end of the guarantee period, the City may at its sole option, use the guarantee to either complete the improvements or restore the site to a safe and maintainable condition. The City may, at its option make partial releases of the guarantee based upon an estimate of the progress of the site construction.

EXCEPTION: In lieu of a performance bond, bank or savings institution escrow agreement, the property owner may deposit a cash bond in the amount of ten percent (10%) of the estimated cost of all site improvements; minimum cash deposit shall be one thousand dollars (\$1,000) with a maximum of ten thousand dollars (\$10,000). The property owner shall also sign an agreement whereby any costs incurred by the City, in excess of the cash bond, to complete the construction and/or restore the site to a safe and maintainable condition will be billed to the property owner and collected pursuant to Ohio R. C. Chapter 729. (Ord. 2001-71. Passed 7/18/01)

- (f) Conditional Occupancy Guarantee. Where conditional occupancy is approved prior to completion of the work, the owner/developer shall post (deposit) with the City a cash guarantee in the amount of one hundred fifteen percent (115%) of the City's estimate of the cost of completing the improvements, such cash guarantee shall be used by the City to complete the improvements in the event that the owner/developer fails to complete the work within the specified time as stated upon the conditional occupancy permit. Nothing contained herein shall be interpreted to waive the responsibility of the owner/developer to complete the project in accordance with the approved plans.
- (g) Construction Agreement. The developer shall enter into an agreement with the City to insure compliance with this chapter and construction in accordance with the approved plans and specifications. (Ord. 1991-23. Passed 5-1-91.)

**1339.10. APPEALS AND VARIANCES.**

The Community Development Director shall exercise enforcement of this chapter. Appeals and/or requests for variances may be presented in writing to the Community Development Director, who shall determine if the request merits consideration, wherein the City Manager may hold a hearing to receive the testimony of the owner and the Community Development Department's development engineer on whether or not to grant such appeal. The City Manager shall notify Council of all variances granted. A denial of such appeal may be reviewed by Council at the request of the applicant. Council may grant such requests, giving consideration to the testimony, by a majority vote of the members present. (Ord. 2001-71. Passed 7/18/01)

**1339.99. PENALTY.**

Whoever violates any provision of this chapter or any code adopted herein or fails to comply with any lawful order issued pursuant thereto shall be fined not more than one hundred dollars (\$100.00). 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 comply with any lawful order issued pursuant to this chapter. (Ord. 1991-23. Passed 5-1-91.)

CHAPTER 1361  
General Provisions

TITLE SEVEN - Environmental Health and Housing Maintenance Code

- Chap. 1361. General Provisions.
- Chap. 1363. Definitions.
- Chap. 1365. Minimum Standards and Requirements.
- Chap. 1367. Licensing Requirements.
- Chap. 1369. Owner and Occupant Responsibilities.
- Chap. 1371. Enforcement and Penalty.
- Chap. 1373. Repairs and Demolition.
- Chap. 1375. Appeals.

CHAPTER 1361  
General Provisions

1361.01 Legislative findings; purpose.      1361.02 Conflict and invalidity.

CROSS REFERENCE

Rules of construction - see ADM. 101. 03 et seq.

**1361.01 LEGISLATIVE FINDINGS; PURPOSE.**

(a) There hereby exists and may in the future exist, within the City, multiple use structures, premises, dwellings, dwelling units, rooming units or parts thereof, which, by reason of their structure, equipment, sanitation, maintenance, use or occupancy, affect or are likely to affect adversely the public health, including the physical, mental and social well-being of persons and families, safety and general welfare. To correct and prevent the existence of such adverse conditions and to achieve and maintain such levels of residential environmental quality as will protect and promote public health, safety and general welfare, the establishment and enforcement of minimum housing standards are required.

(b) It is hereby declared that the purpose of this Housing Code is to protect the health and safety of the public, to prevent and control the incidence of communicable disease and to regulate all publicly and privately owned multiple-use structures for the purpose of maintaining adequate sanitation and public health. The provisions of this Housing Code are applicable to multiple-use structures only and not to single family dwellings. (Ord. 1979-219. Passed 12-5-79.)

**1361.02. CONFLICT AND INVALIDITY.**

In any case where a provision of this Housing Code is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the City existing on the effective date of this section, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this Housing Code is found to be in conflict with a provision of any other ordinance or code of the City existing on the effective date of this section which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Housing Code shall be deemed to prevail and such other ordinances or codes are declared to be repealed to the extent that they may be found in conflict with this Housing Code. (Ord. 1979-219. Passed 12-5-79.)

CHAPTER 1363  
Definitions

1363.01 Definitions.

CROSS REFERENCE  
General definitions - see ADM. 101.02

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**1363.01 DEFINITIONS.**

(1) "Approved manner" means a manner which is in accordance with the existing minimum standards of the City Building Code.

(2) "Basement" means a portion of the building located underground, but having less than half its clear floor to ceiling height below the average grade of the adjoining ground.

(3) "Cellar" means a portion of a building located partly or wholly underground and having half or more than half of its clear floor to ceiling height below the average grade of the adjoining ground.

(4) "Dwelling" shall include any dwelling unit, building, structure, rooming house, rooming unit or other living quarters used or intended to be used in whole or in part for living or sleeping by human occupants.

(5) "Dwelling unit" means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking and eating.

(6) "Extermination" means the control and elimination of insects, rodents or other pests by eliminating their harborage places by removing or making inaccessible materials that may serve as their food; by poisoning, fumigating, spraying, trapping; or by any other recognized legal pest elimination methods approved by the Department of Health.

(7) "Family" means one or more persons related by blood, adoption or marriage, living together as a single housekeeping unit, exclusive of household servants; a number of persons but not exceeding two, living together as a single housekeeping unit though not related by blood, adoption or marriage.

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- (8) "Fair market value" means a price at which both a buyer and a seller would be willing to enter into a purchase agreement. (Ord. 1979-219. Passed 12-5-79.)
- (9) "Garbage" means all discarded putrescible materials including, but not limited to, animal, vegetable or fruit wastes resulting from the handling, storage, preparation or eating of food and handling and disposal of small dead animals. (Ord. 1991-10. Passed 3-6-91.)
- (10) "Habitable room" means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes excluding bathrooms, water closet compartments, laundries, pantries, foyers or communication corridors, closets and storage spaces.
- (11) "Health Commissioner" means that individual as defined by Ohio R.C. 3709.14 or his authorized representative.
- (12) "Housing Code" or "this Code" means the Environmental Health and Housing Maintenance Code adopted by Ordinance 1979-219, passed December 5, 1979, as amended, which is codified as Title Seven of this Building Code.
- (13) "Infestation" means the presence within or around a dwelling of any insects, rodents or other pests. (Ord. 1979-219. Passed 12-5-79.)
- (14) "Multiple use structure" means any dwelling containing three or more dwelling units or rooming units or any combination of three or more dwelling or rooming units, except individually owned condominium units; or, any dwelling, dwelling unit or rooming unit, including individually owned condominium units, with four or more unrelated occupants. (Ord. 1981-100. Passed 8-12-81.)
- (15) "Occupant" means any person over one year of age living, sleeping, cooking or eating in or having actual possession of a dwelling unit or rooming unit.
- (16) "Operator" means any person who has or has been designated by the owner to have charge, care or control of a building or part thereof in which the dwelling units or rooming units are let.
- (17) "Owner" means any person who alone or jointly or severally with others has legal title to any dwelling or dwelling unit with or without accompanying actual possession thereof or has charge, care or control of any dwelling or dwelling unit as owner or agent of the owner or as buyer under land contract, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Housing Code and of rules and regulations adopted pursuant thereto. to the same extent as if he were the owner.
- (18) "Permissible occupancy" means the maximum number of persons permitted to reside in a multiple use structure.
- (19) "Person" means an individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, bureau, agency or any entity recognized by law.

(20) "Plumbing" includes all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower-baths, installed clothes washing machines, catch basins, drains, vents and any other connections installed or connected to water, sewer or gas lines.

(21) "Premises" whenever used in this Housing Code means not only the dwelling and other buildings of whatever nature located on the lot, but also the entire parcel of land surrounding such buildings including but not limited to fences, walkways, walls and appurtenances.

(22) "Rooming unit" means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes. (Ord. 1979-219. Passed 12-5-79.)

(23) "Solid waste" means such unwanted residual solid or semi-solid materials as results from industrial, commercial, agricultural and community operations, excluding earth or material from construction, mining or demolition operations, or other waste materials of the type that would normally be included in demolition debris, nontoxic fly ash, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, tires, combustible and noncombustible material, street dirt and debris. Solid waste does not include any material that is an infectious waste, a hazardous waste, an asbestos waste or material defined in Section 935.02(h). (Ord. 1991-10. Passed 3-6-91.)

(24) "Supplied" means paid for, furnished or provided by or under the control of the owner or operator.

(25) "Unrelated" means persons not related by blood, adoption or marriage.

(26) Whenever the words "dwelling", "dwelling unit", "rooming unit", "premise" or "multiple use structures" are used in this Housing Code, they shall be construed as though they were followed by the words "or any part thereof".

(27) "New floor area" means the actual occupied area, not including accessory unoccupied areas or thickness of walls. (Ord. 1979-219. Passed 12-5-79.)

CHAPTER 1365  
Minimum Standards and Requirements

1365.01	Equipment and facility requirements.	1365.03	Space use and location requirements.
1365.02	Light, ventilation, electric and heating requirements.	1365.04	Sanitary maintenance standards.

CROSS REFERENCES

Venting of heaters and burners - see GEN. OFF. 521.02

Noxious odors - see GEN. OFF. 521.09

Snow and ice removal - see GEN. OFF. 521.15

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**1365.01 EQUIPMENT AND FACILITY REQUIREMENTS.**

(a) Kitchen Sink. Each dwelling unit shall contain a kitchen sink in working condition and connected to a potable water supply and sewer system in an approved manner.

(b) Bathrooms. All dwellings shall be provided with a room affording privacy and equipped with a flush water closet, a lavatory basin, and a bathtub or shower in good working condition and connected to a potable water supply and sewer system in an approved manner. A minimum of one bathroom for six individuals shall be required.

(c) Water Lines. Each kitchen sink, lavatory basin, bathtub or shower required by the provisions of subsection (b) hereof shall be connected with both hot and cold water lines in an approved manner. (Ord. 1979-219. Passed 12-5-79.)

(d) Solid Waste Storage. The owner of each multiple use structure shall provide adequate solid waste storage receptacles on the premises in accordance with Sections 521.08 and 935.15 and the standards approved by the Health Commissioner.

(e) Solid Waste Collection. The owner of each multiple use structure shall provide solid waste collection for the licensed dwelling by hiring a solid waste collector who is licensed by the City. The frequency of such solid waste collection shall be not less than once per week during those instances when solid waste is being generated on the premises. The owner shall provide written proof of such collection service to the Health Commissioner at the time of annual licensing. (Ord. 1991-10. Passed 3-6-91.)

(f) Water Heating. Each dwelling shall be supplied with water heating facilities installed in an approved manner connected with the hot water lines required under the provisions of subsection (c) hereof and capable of heating water to a temperature of not less than 120°F.

(g) Means of Egress. All dwellings shall have a safe, unobstructed means of egress with a minimum headroom of six feet, six inches leading to safe and open space at ground level.

(h) Fire Extinguishers. All multiple use structures shall be equipped with fire extinguishers of a minimum classification as designated in National Fire Protection Association pamphlet number 10, Volume 1.

(i) Fire Stairs. All multiple use structures having habitable rooms located on floors greater than fourteen feet from the ground and licensed for the first time after the effective date of this Code shall be supplied with fire stairs as a means of egress, when required, and shall be in compliance with National Fire Protection Association pamphlet number 101, Volume 9.

Previously licensed multiple-use structures with existing fire ladders shall comply with the fire stairs requirements if such ladder is altered and/or removed.

All newly installed fire stairs shall comply with the above requirements.

(j) Smoke Detectors. All multiple use structures shall be equipped with audible smoke detector devices that are U. L. approved and are installed in compliance with National Fire Protection Association pamphlet number 101, Volume 9.

(k) Exterior Locks. All exterior doors within a multiple use structure shall be equipped with safe and functioning locking devices.

(l) Hand Rails. All multiple use structures containing steps which consist of five risers or more shall be supplied with structurally sound hand rails. If steps are not enclosed, hand rails and balusters, spaced no more than six inches apart shall be provided. Porches and/or balconies located more than three feet higher than the adjacent area shall have structurally sound hand rails thirty inches to thirty-six inches high and if not enclosed, balusters no more than six inches apart shall be provided. Such devices shall be constructed in an approved manner. (Ord. 1979-219. Passed 12-5-79.)

(m) Handicapped Accessibility. All newly licensed buildings and facilities are required to be accessible at least to the first floor and shall comply with American National Standards Institute A 117.1. (Ord. 1992-41. Passed 6-17-92.)

### **1365.02. LIGHT, VENTILATION, ELECTRIC AND HEATING REQUIREMENTS.**

(a) Window Areas. Every habitable room shall have at least one window or ventilating sky light facing directly to the outdoors. The minimum total window area measured between stops, for every habitable room shall be ten percent of the floor space of such room.

(b) Ventilation. Every habitable room shall have at least one window or sky light which can be easily opened or such other device as will adequately ventilate the room. The total of openable window area in each habitable room shall be equal to at least fifty percent of the minimum window area size as required in subsection (a) herein, except when supplied with such other device affording adequate ventilation and installed in an approved manner.

(c) Bathroom Ventilation. Every bathroom and water closet compartment shall comply with ventilation requirements as described in subsection (b) herein.

(d) Electric Requirements. Where there is electric service available from power lines, every habitable room shall contain at least two separate wall-type electric convenience outlets, and such additional outlets as may be necessary to supply appliances used therein. Multiple converter plugs permitting two or more appliances to be plugged into the same outlet shall not be used. At least one receptacle of the grounding type shall be installed for connection of laundry appliances. All receptacles exposed to outdoors shall be of the grounding type. Every water closet compartment, bathroom, laundry room, furnace room, public hall and stairway shall contain at least one supplied ceiling or wall type electric light fixture in order to supply adequate light at all times. Such outlets and fixtures shall be properly installed, maintained in a good and safe working condition and connected to a source of electric power in a safe, approved manner.

(e) Heating Facilities. The owner or operator in charge of a dwelling shall provide a heating facility installed in an approved manner and capable of maintaining a temperature of at least 68°F. for any twenty-four period of each day in all habitable rooms, bathrooms, water closet compartments and kitchens. The temperature inside a dwelling shall be measured in the approximate center of each room and approximately three feet above the floor.

(f) Screening. During that portion of each year when it is necessary for protection against mosquitos, flies or other insects, all doorways opening directly from a dwelling to outdoor space shall be supplied with sixteen inch mesh screens and self-closing devices. All windows or other devices used or intended to be used for ventilation shall likewise be supplied with screens.

(g) Rodent Protection. Every basement or cellar window, used or intended to be used for ventilation and every other opening which might provide an entry for rodents shall be supplied with a screen or other device as will effectively prevent entry by such rodents into the building. (Ord. 1979-219. Passed 12-5-79.)

### **1365.03. SPACE USE AND LOCATION REQUIREMENTS.**

(a) Floor Space Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof, and at least 100 additional square feet of floor space for every additional occupant thereof. The floor space to be calculated on the basis of net floor area.

(b) Sleeping Areas. In all dwellings, every room occupied for sleeping purposes by one occupant shall contain at least seventy square feet of floor space. Every room occupied for sleeping purposes by more than one occupant shall contain at least fifty square feet of floor space for each occupant thereof.

(c) Bathroom Access. No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment, intended for use by occupants of more than one sleeping room, can be had only by going through another sleeping room, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room, bathroom or water closet compartment.

(d) Ceiling Height. All habitable rooms located within a dwelling shall have an average ceiling height of not less than seven feet, six inches in at least fifty percent of the net floor area with no portion less than five feet in height.

(e) Basement and Cellars. No basement or cellar space shall be used as a habitable room or dwelling unit unless:

- (1) The floor and walls are impervious to leakage of underground and surface run-off water and are insulated against dampness;
- (2) The total window area in each room is equal to at least the minimum window area sizes as required by Section 1365.02 (a);
- (3) The required minimum area is located entirely above grade of the ground adjoining such window area;
- (4) The total of openable window area in each room is equal to at least the minimum as required under Section 1365.02 (b);
- (5) A basement or cellar space, when occupied for living, shall meet all minimum standards and requirements of this Code;
- (6) Furnace and hot water tank areas are to be completely separated from habitable areas by the installation of fire rated materials in an approved manner;
- (7) Adequate makeup air is to be provided in an approved manner;
- (8) Two means of egress shall be provided. One means of egress shall be in compliance with the provisions of Section 1365.01 (g). The second means of egress can be either the same or a window whose area shall equal a minimum of 5.8 square feet and the window sill located no more than forty-four inches from floor level. (Ord. 1979-219. Passed 12-5-79.)

**1365.04. SANITARY MAINTENANCE STANDARDS.**

(a) Structural Design and Repair. All dwellings, structures and all parts thereof including but not limited to foundations, roofs, gutters, downspouts, chimneys, walls, ceilings, etc., both exterior and interior, shall be maintained and in good repair and capable of performing the function for which such structure or part of any feature thereof was designed or intended to be used.

- (1) If any dwelling is so designed to include the use of gutters and downspouts, such gutters and their appurtenant downspouting and drains shall be maintained in a weather tight and functioning order.

(b) Exterior Maintenance. All exterior parts of every dwelling including exterior walls, additions, chimneys, porches, steps, ramps and other such structures either above or below the roof line shall be maintained in a safe condition and in good repair and capable of performing the function for which such structure or part of any feature thereof was designed or intended to be used.

(c) Premises Maintenance. All premises shall be maintained in a safe and sanitary manner so as to preclude any situation that may be inimical to the public health and safety or which may provide harborage for rodents or infestation of insects. Such premises shall be free from the accumulation and/or location of the following:

- (1) Broken or dilapidated fences, walls or other structures;
- (2) Improperly installed or maintained walks, driveways and driveway aprons which are in a defective condition; and
- (3) Rugs, rags or other materials located on such premises which materials are not being used for general household or housekeeping purposes; broken furniture or upholstered furniture not designed or sold for outdoor use; mattresses or other household furnishing; nonusable appliances, automobile parts, plastic materials, paints, miscellaneous coverings and/or any other materials including those described in this section. (Ord. 1985-18. Passed 5-1-85.)

CHAPTER 1367  
Licensing Requirements

1367.01	Licensing procedure.	1367.03	Revolving Housing Fund.
1367.02	Notice to tenants.		

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**1367.01 LICENSING PROCEDURE.**

(a) Licensing. No person shall own, operate or be an agent for a multiple use structure without having in his possession a current, unrevoked housing license. Such license shall be issued for a period of one year from the date of issuance and may be renewed for successive periods not to exceed one year. Upon the sale or disposition of such property, the housing license shall be permitted to be transferred to a new owner, operator or agent provided that the current holder of such license notifies the Health Commissioner.

(b) Application. Prior to obtaining a housing license for a multiple use structure, the owner, operator or agent of the dwelling must make application on the prescribed forms, to the Health Commissioner. Such application shall be submitted with all requested information completed, signed and accompanied by the appropriate fee. (Ord. 1979-219. Passed 12-5-79.)

(c) Fee. No operating license shall be issued or renewed unless the completed application form is accompanied by payment of the license fee of sixty-five dollars (\$65.00) for each multiple use structure with a use or intended use of three occupants. The fee for each use or intended use shall be increased by five dollars (\$5.00) for each additional occupant. (BOH Res. 2005-1. Passed 07/19/2005)

(d) Inspection. Prior to obtaining a housing license for a multiple use structure, the responsible owner, operator or agent shall contact the Health Department for the purpose of scheduling an inspection of such multiple use structure. No operating license shall be issued or renewed until a multiple use structure is inspected and determined to be in compliance with the requirements of this Housing Code. (BOH Res. 1990-101. Passed 1-16-90.)

**1367.02. NOTICE TO TENANTS.**

It shall be the responsibility of the owner, operator or agent of a multiple use structure to give notice of his housing license with the City to tenants by one of the following authorized methods prior to the commencement of a rental term with such tenant:

- (a) Display the license in a conspicuous place within the common ways of the multiple use structure.
- (b) Place upon all written rental agreements the following notice: "This multiple use structure is licensed by the City of Kent for the period of 19\_\_ to \_\_\_\_\_, 19\_\_ for not more than \_ \_\_ occupants. Be advised that both landlords and tenants have certain responsibilities to each other as are set forth in the Environmental Health and Housing Maintenance Code of the City of Kent, Ordinance 1979-219. Copies of this Code can be obtained at the Kent Health Department, Kent City Hall, Kent, Ohio."
- (c) Give the following written notice separate from the written rental agreement: "This multiple use structure is licensed by the City of Kent for the period \_\_\_\_, 19\_\_ to \_\_, 19\_\_ for not more than occupants. Be advised that both landlords and tenants have certain responsibilities to each other as are set forth in the Environmental Health and Housing Maintenance Code of the City of Kent, Ordinance 1979-219. Copies of this Code can be obtained at the Kent Health Department, Kent City Hall, Kent, Ohio."

The length of the licensing period and the number of occupants shall be filled in by the owner, operator or agent from information appearing on the housing license for a multiple use structure prior to the execution of the rental agreement by the tenant.

If the rental agreement is oral, the owner, operator or agent shall deliver to the tenant a written statement and notice as is described in Section 1367.02 (c) on or before the receipt of any moneys from the tenant under the oral agreement. (Ord. 1979-219. Passed 12-5-79.)

**1367.03. REVOLVING HOUSING FUND.**

There is hereby created a Revolving Housing Fund for the purpose of supporting the cost of repairs, corrective action or demolition made by the Health Commissioner pursuant to Section 1373.01 and other supportive costs associated with the enforcement of this Housing Code. Into this Fund, the following shall be paid:

- (a) All civil penalties collected for violations of this Housing Code pursuant to Section 1371.02.
- (b) All judgements collected in actions to recover the cost of repairs and other corrective action or demolition pursuant to Section 1373.01 (b).
- (c) Such other revenues the City may, from time to time authorize be paid into this Fund. (Ord. 1979-219. Passed 12-5-79.)

## CHAPTER 1369

1369.01	Owner to comply with standards and requirements.	1369.04	Screens.
		1369.05	Extermination; infestation.
		1369.06	Plumbing fixtures.
1369.02	Occupant to maintain sanitary conditions.		
1369.03	Solid waste storage and collection.		

### **1369.01 OWNER TO COMPLY WITH STANDARDS AND REQUIREMENTS.**

Every owner, operator or agent of a multiple use structure shall be responsible for providing, supplying and maintaining all equipment, facilities, requirements and sanitary standards as prescribed in Chapter 1365 of this Housing Code. In addition, it shall be the responsibility of such individuals to comply with all provisions of this Housing Code unless specifically otherwise stated. (Ord. 1979-219. Passed 12-5-79.)

### **1369.02. OCCUPANT TO MAINTAIN SANITARY CONDITIONS.**

Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling or dwelling unit which he occupies or controls. (Ord. 1979-219. Passed 12-5-79.)

### **1369.03. SOLID WASTE STORAGE AND COLLECTION.**

Every occupant of a dwelling or dwelling unit shall store and dispose of all solid waste in a clean and sanitary manner by placing it in receptacles as required by Section 1365.01((d) and (e)). (Ord. 1991-10. Passed 3-6-91.)

### **1369.04. SCREENS.**

Every owner, operator, or agent of a multiple use structure shall be responsible for installing permanent screens for all doors and windows when such are required. (Ord. 1979-219. Passed 12-5-79.)

### **1369.05. EXTERMINATION; INFESTATION.**

Every occupant of a dwelling unit shall be responsible for the extermination of insects, rodents and other pests therein, whenever his dwelling unit is the only dwelling unit within a dwelling that is infested. Notwithstanding the foregoing provisions of this Code, whenever infestation is caused by

failure of the owner to maintain a dwelling in a rat proof or reasonably insect proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more dwelling units in any dwelling or in the common or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner. (Ord. 1979-219. Passed 12-5-79.)

**1369.06. PLUMBING FIXTURES.**

Every occupant of a dwelling unit shall keep all plumbing fixtures therein, in a clean and sanitary condition and shall be responsible for the exercise of reasonable care and the proper use and operation thereof. (Ord. 1979-219. Passed 12-5-79.)

CHAPTER 1371  
Enforcement and Penalty

1371.01	Right of entry and inspection.	1371.99	Penalty.
1371.02	Notice of violation.		

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**1371.01 RIGHT OF ENTRY AND INSPECTION.**

(a) Inspection. The Health Commissioner is hereby authorized and directed to make or cause to be made inspections of all multi-use structures or premises of multi-use structures to determine if such structures or premises conform to the provisions of this Housing Code.

(b) Right of Inspection.

- (1) Upon presentation of proper identification, the Health Commissioner or his agent is hereby authorized to enter and inspect, between the hours of 8:00 a.m. and 5:00 p. m., any multiple use structure or premise in the City to perform duties imposed upon him by subsection (a) hereof and Section 1373.02 (a) and (b).
- (2) Every occupant of a dwelling, rooming house or multiple use structure shall give the owner thereof or his agent access to any part of such building or its premises at reasonable times for the purpose of making repairs or alterations as are necessary to effect compliance with the provisions of this Housing Code. (Ord. 1979-219. Passed 12-5-79.)

**1371.02. NOTICE OF VIOLATION.**

Whenever the Health Commissioner or his agent determines there has been a violation of any provision of this Housing Code, he shall give notice of such violation to the owner, occupant, operator or responsible person that such violations must be corrected. The notice and order shall:

- (a) Be put in writing on the appropriate form;
- (b) Include a list of violations, refer to the chapter or section violated, and order remedial action which will effect compliance with the provisions of this Code;
- (c) Specify a reasonable period of time within which to comply;
- (d) Be served upon the owner, occupant, agent or person in charge, or sent by certified mail to the last known address, or in the event of a failure to establish notice by any means of mail, a copy posted in a conspicuous place in or on the building affected.

(e) If service is refused or unclaimed, and the certified mail receipt shows that service has been refused or unclaimed, the Health Department shall send by ordinary mail a copy of the order or other document to be served to the individual at the address set forth on the original certified mail envelope. Service shall be deemed complete when the fact of mailing is entered on record by the Health Department. (Ord. 1979-219. Passed 12-5-79.)

**1371.99. PENALTY.**

Whoever violates any order of the Health Commissioner or notice of violation of any rule or regulation adopted by the Board of Health after having been given such order or notice of violation in accordance with Section 1371.02 is guilty of a misdemeanor of the third degree as defined in Section 501.99.

CHAPTER 1373  
Repairs and Demolitions

1373.01	Repairs.	1373.03	Demolition.
1373.02	Condemnation; placard.		

CROSS REFERENCE

Removal of unsafe structures - see Ohio R.C. 715.26

**1373.01 REPAIRS**

(a) Whenever an owner, operator or agent of a multiple use structure or dwelling fails, neglects or refuses to make repairs or other corrective action as called for by an order or notice of violation issued pursuant to Section 1371.02, the Health Commissioner may undertake such repairs or action when, in his judgment, or by a court order, a failure to make them will endanger the public health, safety or welfare. The cost of such repairs and action will not exceed fifty percent of the fair market value of the structure to be repaired.

(b) When repairs are made or other corrective action taken at the direction to the Health Commissioner, the cost of such repairs and corrective action shall constitute a debt in favor of the City against the owner of the repaired structure. In the event such owner fails, neglects or refuses to pay the City the amount of this debt, it shall be recoverable in a civil action against the owner or his successor, brought in a court of competent jurisdiction by the City which shall possess all rights of a private creditor. (Ord. 1979-219. Passed 12-5-79).

**1373.02. CONDEMNATION; PLACARD.**

- (a) Any multiple use structure or premise shall be designated as unfit for human habitation if any of the following deficiencies or conditions are found and when, in the judgment of the Health Commissioner, these defects create a hazard to the health or safety of the occupants or the public:
- (1) Is damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested.
  - (2) Lacks illumination, ventilation, required sanitation facilities or any other minimum requirements as established in Chapter 1365 of this Code.
  - (3) The general condition of the occupied multiple use structure, outbuildings and surrounding property is unsanitary, unsafe or unhealthful.

(b) Whenever a multiple use structure or premise has been designated as unfit for human habitation, the Health Commissioner may placard the structure or premise by placing a placard thereon or in a location which is readily noticeable, which reads as follows:

**CONDEMNED**

THIS BUILDING IS UNFIT FOR HUMAN HABITATION OR USE AND HAS BEEN CONDEMNED BY ORDER OF THE HEALTH COMMISSIONER OF THE CITY OF KENT. ALL PERSONS ARE HEREWITH WARNED TO STAY AWAY FROM THIS BUILDING, EXCEPT THOSE WHO ARE EMPLOYED TO REPAIR OR RAZE THE SAME (IN ACCORDANCE WITH THE NOTICE THAT HAS BEEN GIVEN), THE OWNER OF THIS BUILDING AND ALL OTHER PERSONS HAVING AN INTEREST IN SAID PREMISES AS SHOWN BY THE LAND RECORDS OF THE PORTAGE COUNTY RECORDER'S OFFICE. IT IS UNLAWFUL FOR ANY PER-SON TO REMOVE THIS SIGN WITHOUT WRITTEN PERMISSION FROM THE HEALTH COMMISSIONER OF THE CITY OF KENT.

(c) If such multiple use structure is occupied, the Health Commissioner shall order the multiple use structure or premise to be vacated within a reasonable period of time. Such time is not to be less than three days or more than ten days. The Commissioner shall concurrently notify the secretary of the Housing Appeals Board of the action taken under this Chapter.

(d) Any multiple use structure or premise which has been condemned and/or placarded as unfit for human habitation or use, shall not again be so used until written approval is secured from and such placard removed by the Health Commissioner. The Health Commissioner shall remove such placard and give written notice whenever the defect from which the condemnation and placarding action resulted has been eliminated. (Ord. 1979-219. Passed 12-5-79.)

**1373.03. DEMOLITION.**

(a) The Health Commissioner shall issue an order commanding the owner of a multiple use structure or premise and all other persons having an interest in such premises as shown by the records of the County Recorder's Office to repair, vacate or demolish any dwelling or premise found to be unfit for human habitation or use within the terms of this Code.

(b) The owner of any multiple use structure or premise which has been ordered demolished shall be given notice of this order in the manner provided in Section 1371.02 and shall be given a reasonable time not to exceed ninety days to demolish such structure.

(c) Any owner aggrieved by the notice to demolish may within fourteen days seek a formal hearing in the manner provided in Chapter 1375.

(d) When the owner fails, neglects or refuses to demolish an unfit, unsafe or unsanitary multiple use structure or premise within the prescribed time the Health Commissioner may apply to the court of competent jurisdiction for a demolition order to undertake the demolition. The court may grant such order when no hearing on the matter is pending. The cost of such demolition shall create a debt in favor of the City against such owner and shall be recovered in civil action brought by the City who shall possess all rights of a private creditor.

(e) Whenever a multiple use structure is demolished whether carried out by the owner or by the appropriate authority such demolition shall include the filling in of the excavation remaining on the property on which the demolished dwelling was located in such manner as to eliminate all potential danger to the public health, safety or welfare arising from such excavation. (Ord. 1979-219. Passed 12-5-79.)



**1375.02. HEARINGS.**

(a) Any person affected by any notice and/or order which has been issued in connection with the enforcement of any provision of this Housing Code, may request and shall be granted a hearing upon the matter before the Housing Board of Appeals, provided that such person shall file in the office of the Health Commissioner a written petition requesting such hearing and setting forth the name, address, and phone number of the petitioner, in a brief statement of grounds for such hearing and appeal from any order from the Health Commissioner. Petitions shall be filed within fourteen days after the date of notice and order is served and shall be accompanied by a deposit of fifteen dollars (\$15.00). Upon receipt of such petition, the secretary of the Board of Housing Appeals, shall set a time and place for the hearing before the Board and shall give the petitioner written notice thereof. The hearing shall commence thirty days after the petition has been filed. At such hearing, the petitioner shall be given an opportunity to be heard and to show cause why such notice and order should be modified or with-drawn. The failure of the petitioner or his representative to appear and state his case at such hearing shall be grounds for dismissal of such petition.

(b) Upon hearing, the Housing Appeals Board may affirm, amend, modify or withdraw such notice and/or order and the petitioner and the Health Commissioner shall be notified in writing of such findings.

(c) The proceedings at such hearings, including the findings and decisions of the Housing Appeals Board and the reasons therefore, shall be summarized and reduced to writing and entered as a matter of public record in the office of the Health Commissioner. Such records shall include a copy of every notice and/or order issued in connection with the matter. Any person aggrieved by the decision of the Housing Appeals Board may seek relief therefrom in any court of competent jurisdiction as provided by the laws of this State. (Ord. 1979-219. Passed 12-5-79.)

**1375.03. BOARD OF HEALTH RULES AND REGULATIONS.**

As provided by Ohio R.C. 3709.20, the Board of Health is authorized to make and adopt such rules and regulations and fix such reasonable standards as may be necessary for the proper enforcement of the provisions of this Housing Code and to carry out the intent thereof. (Ord. 1979-219. Passed 12-5-79.)

## TITLE TEN - Exterior Property Maintenance Code

Chap. 1381. Title, scope, and conflict.

Chap. 1383. Definitions.

Chap. 1385. Administration and Enforcement.

Chap. 1387. Exterior Property Maintenance.

Chap. 1389. Notice of Violation, Corrective Action, and Appeals.

Chap. 1391. Effective Date.

CHAPTER 1381  
TITLE, SCOPE, AND CONFLICT

1381.01	Title	1381.05	Applicability
1381.02	Scope	1381.06	Conflict of Laws
1381.03	Purposes		
1381.04	Declaration of Policy		

**1381.01 TITLE**

The provisions of Title X of the Building Code shall be known as the "Exterior Property Maintenance Code" of the City of Kent, Ohio and hereinafter shall be referred to as the "Code". (Ord. 1997-88. Passed 12-17-97.)

**1381.02. SCOPE.**

This Code is strictly limited to the establishment of minimum standards for the maintenance of exterior surfaces and exterior functioning units of all structures and buildings within the City. No provisions of this Code shall, in any way, directly or indirectly, be interpreted to interfere with, or limit the right of, any owner or resident to inhabit real property owned or leased by them in such manner and form as they may determine appropriate, consonant with other applicable provisions of law. This Code is directed to obvious visual problems which may occasion safety, health, welfare, or incipient blighting conditions within the City. All matters of the interior use, occupancy of habitation of any structure of building within the City are specifically excluded from the provisions of this Code. (Ord. 1997-88. Passed 12-17-97)

**1381.03. PURPOSES.**

The purpose of this Code is to enhance public welfare by establishing minimum standards governing the maintenance, appearance, and exterior condition of all residential structures throughout the City; to fix certain responsibilities and duties upon owners, operators, and agents of the same as to both separate and correlative responsibilities and duties; to authorize and establish procedures for the exterior inspection of such structures; to fix penalties for the violations of this Code; and to provide for the repair, demolition, or vacation of structures unfit for human habitation, occupancy or use. It is also the purpose of this Code to have graffiti removed from all property, be it residential, commercial or industrial, to prevent blight and to enhance public welfare and property values. This Code is hereby declared to be remedial and pre-emptive, and it is intended that this Code be construed and interpreted to effectuate the purposes as stated herein. (Ord. 2001-25. Passed 3/21/01)

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**1381.04. DECLARATION OF POLICY.**

It is found and declared that, by reason of lack of maintenance and progressive deterioration, the exterior appearance of certain properties have the effect of creating blighting conditions and initiating depressed neighborhood groupings, and that if the same are not curtailed and corrected, the conditions are likely to grow and spread, and necessitate, in time, the expenditure of large amounts of public funds to correct and eliminate the same, and that by reason of timely regulations and restrictions as herein contained, the growth of such blight may be prevented and the immediate neighborhood and property values thereby maintained and enhanced. (Ord. 1997-88. Passed 12/17/97)

**1381.05. APPLICABILITY.**

(a) Every residential building and the land on which it is situated, used or intended to be used for dwelling shall comply with the provisions of this Code, whether or not such building shall have been constructed, altered or repaired before or after the enactment of this Code, and without regard to any permits or licenses which shall have been issued for the use or occupancy of the building or premises for the construction or repair of the building, or for the installation or repair of equipment or facilities prior to the effective date of this Code. This Code establishes minimum standards for the initial and continued occupancy and use of all such structures and does not replace or modify standards otherwise established for the construction, repair, or use of the building.

(b) All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety. (Ord. 1997-88. Passed 12/17/97)

(c) All property within the City, be it residential, commercial, or industrial, shall be free of graffiti, pursuant to Sections 1383.01(e) and (i)(6), and 1387.03 (d).

**1381.06. CONFLICT OF LAWS.**

In any case where a provision of this Chapter imposes a higher standard than that set forth in any Ordinance by the City or law of the State, then the standard set forth herein shall prevail, but if a provision of this Code imposes a lower standard than that imposed by any other Ordinance of the City or law of the State, then the higher standard contained in any such other Ordinance or law shall prevail. (Ord. 1997-88. Passed 12/17/97)

CHAPTER 1383  
DEFINITIONS

1383.01 Definitions

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**1383.01 DEFINITIONS**

The following definitions shall apply in the enforcement and interpretation of this regulation (the term "shall" indicates that which is required):

- (a) Abandoned: Vacant and in need of repair or maintenance for a period greater than 120 days.
- (b) Code Official: The official who is charged with the administration and enforcement of this Code, or any duly authorized representative.
- (c) Exterior Property: Indicates those portions of a structure which are exposed to public view as well as the open space contiguous to the structure.
- (d) Garbage: The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food, not to be inclusive of a maintained compost pile.
- (e) "Graffiti" means any unauthorized inscription, word, figure or design which is marked, scratched, etched, drawn, applied or painted on any structural component of a building, structure or other facility regardless of the nature of the material of the structural component. Such inscription, word, figure or design shall be deemed unauthorized if the property owner has not granted written permission prior to its application to the structure. (Ord. 2001-25. Passed 3-21-01)
- (f) Operator: Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.
- (g) Owner: Any person, agent, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
- (h) Person: Includes a firm, association, organization, partnership, trust, company, corporation or other legal entity, as well as an individual.
- (i) Public nuisance: Includes, but is not limited to, any of the following:
  - 1. The physical condition or occupancy of any premises regarded as a public nuisance at common law;

2. Any premise designated by the Health Department of the City of Kent as unsafe for human habitation.
  3. Any premise that contains a condition which is a fire hazard.
  4. Any premise that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds;
  5. Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises.
  6. Graffiti which remains upon any building, property or premise, in excess of fourteen days (Ord. 2001-25. Passed 3-21-01),
- j. Premises: A lot, plot or parcel of land including any structures thereon.
- k. Rubbish: Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal and other combustible materials, paper, rages, cartons, boxes, wood, rubber, leather, tin cans, metals, glass, and other similar materials.
- l. Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground.
- m. Undefined Words: Words not specifically defined in this Code shall have the common definition set forth in a standard American English dictionary.
- n. Yard: An open space on the same lot with a structure. (Ord. 1997-88. Passed 12/17/97)

CHAPTER 1385  
ADMINISTRATION AND ENFORCEMENT

1385.01	Enforcement	1385.05	Coordination of Enforcement
1385.02	Notices and Orders	1385.06	Conflict of Interest
1385.03	Right of Entry	1385.07	Relief from Personal Responsibility
1385.04	Identification	1385.08	Official Records

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**1385.01 ENFORCEMENT**

The responsibility of enforcement of all provisions of this Code shall be placed with the Director of Community Development, who will designate those responsible for administration and active enforcement of this Code. (Ord. 1997-88. Passed 12/17/97)

**1385.02. NOTICES AND ORDERS.**

The Code Official shall issue all necessary notices or orders to ensure compliance with the Code. (Ord. 1997-88. Passed 12/17/97)

**1385.03. RIGHT OF ENTRY.**

The Code Official is authorized to enter the premises at reasonable times and upon adequate notice (24 hours), subject to constitutional restrictions on unreasonable searches and seizures, for the purpose of determining whether there is compliance with the provisions of this Code. If entry is refused or not obtained, the Code Official is authorized to pursue recourse as provided by law. (Ord. 1997-88. Passed 12/17/97)

**1385.04. IDENTIFICATION.**

The Code Official shall carry proper identification when inspecting structures or premises in the performance of duties under this Code. (Ord. 1997-88. Passed 12/17/97)

**1385.05. COORDINATION OF ENFORCEMENT.**

Inspection of premises, the issuance of notices and orders and enforcement thereof shall be the responsibility of the Code Official. Whenever inspections are necessary by any other department of the City, the Code Official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders. (Ord. 1997-88. Passed 12/17/97)

**1385.06. CONFLICT OF INTEREST.**

An official or employee connected with the enforcement of this Code shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of any City Department. (Ord. 1997-88. Passed 12/17/97)

**1385.07. RELIEF FROM PERSONAL RESPONSIBILITY.**

The Code Official, officer or employee charged with enforcement of this Code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Code Official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this Code; and any officer of the City, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

The City will not be liable for the actions of any independent contractor, hired by the City to effect this Code, that lies outside the scope of official duties. (Ord. 1997-88. Passed 12/17/97)

**1385.08. OFFICIAL RECORDS.**

An official record shall be kept of all inspections and related activities of the Code Official and all such records shall be open to public inspection during business hours and according to reasonable rules to maintain the integrity and security of such records. (Ord. 1997-88. Passed 12/17/97)

CHAPTER 1387  
EXTERIOR PROPERTY MAINTENANCE

1387.01	Maintenance Responsibility	1387.06	Roofs and Drainage
1387.02	General Exterior Maintenance Requirements	1387.07	Chimneys
1387.03	Exterior Surfaces	1387.08	Overhang Extensions
1387.04	Foundations	1387.09	Appurtenant Structures
1387.05	Stairs, Porches, Decks and Balconies	1387.10	Abandoned Structures and Unoccupied Lots

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**1387.01 MAINTENANCE RESPONSIBILITY**

The owner, operator, or agent of any structure within the City shall be responsible for maintaining the exterior surfaces as well as the yard area contiguous thereto in conformance with the provisions of this Code. (Ord. 1997-88. Passed 12/17/97)

**1387.02. GENERAL EXTERIOR MAINTENANCE REQUIREMENTS.**

The exterior surfaces of all structures within the City, be the same functional or aesthetic, shall be maintained in good repair. Any exterior part or feature thereof having functional use shall be capable of performing the use for which such part or feature was designed. (Ord. 1997-88. Passed 12/17/97)

**1387.03. EXTERIOR SURFACES.**

(a) All exterior surfaces of every structure within the City shall be maintained so as to resist decay or deterioration from any naturally-occurring cause. All exterior surfaces shall be covered with paint, finish or other surface-coating so as to prevent such decay or deterioration. An exterior wall segment, facing or other distinguishable surface area determined by the Code Official to have more than twenty-five percent (25%) of its total area are, peeling, flaking, corroded, or otherwise deteriorated, shall be surface-coated in its entirety.

(b) All deteriorated or decayed exterior walls, doors, porches, floors, steps, railings, decks, roofs, or parts or features thereof, shall be repaired or replaced.

(c) All damaged or broken windows, and deteriorated or decayed sill, sash, molding, lintel, frame or trim thereof shall be repaired or replaced. (Ord. 1997-88. Passed 12/17/97)

(d) The exterior of all privately owned dwellings, structures and premises shall be free from graffiti when such graffiti is visible from a right of way. Owners on whose property graffiti is displayed shall completely remove the graffiti or shall completely and uniformly cover the graffiti with appropriate wall covering within fourteen days of the occurrence of the graffiti. (Ord. 2001-25. Passed 3-21-01)

**1387.04. FOUNDATIONS.**

All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained plumb and free from open cracks and breaks, so as not to be detrimental to public safety and welfare. (Ord. 1997-88. Passed 12/17/97)

#### **1387.05. STAIRS, PORCHES, DECKS AND BALCONIES.**

Every stair, porch, deck, balcony and all appurtenances attached thereto shall be safe to use and capable of supporting the loads to which it was constructed. (Ord. 1997-88. Passed 12/17/97)

#### **1387.06. ROOFS AND DRAINAGE.**

- (a) All missing shingles, or other roofing materials shall be replaced.
- (b) Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof drains shall be discharged into the public storm sewer except where no storm sewer exists, whereupon said drainage shall discharge into street gutter or street ditch or swale. (Ord. 1997-88. Passed 12/17/97)

#### **1387.07. CHIMNEYS.**

The chimney of every structure shall be maintained structurally sound and in good repair, free of loose, missing or deteriorated mortar and bricks, or other chimney building materials. Any such loose, missing or deteriorated mortar or bricks shall be refitted, replaced or repaired. (Ord. 1997-88. Passed 12/17/97)

#### **1387.08. OVERHANG EXTENSIONS.**

All canopies, marquees, signs, metal awnings, fire escapes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment. (Ord. 1997-88. Passed 12/17/97)

#### **1387.09. APPURTENANT STRUCTURES.**

- (a) All structures located in the yard area contiguous to any residential structure, such as sheds, barns, garages, bins and the like, shall be maintained in good repair in conformance with other provisions of this Code having regard to foundations, roofs, and exterior surfaces.
- (b) Any broken, deteriorated or decayed fence, yard enclosure or other device or structure located in the yard area contiguous to any residential structure within the City shall be repaired or removed. (Ord. 1997-88. Passed 12/17/97)

#### **1387.10. ABANDONED STRUCTURES AND UNOCCUPIED LOTS.**

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

Whenever the Code Official shall find any structure to be abandoned within the meaning of this Section, (s)he shall give notice in the same manner as service of summons in civil cases or by certified mail addressed to the owner of record of the premises at the last known address or to the address to which tax bills are sent, or a combination of the foregoing methods, to abate such abandoned condition within thirty (30) days either by placing the structure for another use permitted in the Zoning District, or by razing the structure, removing all debris, any signs, goods, supplies and equipment and filling depressions to the grade level of the lot.

Upon the failure, neglect or refusal of any owner to comply with the notice to abate such abandonment, the Code Official shall advise the Law Director of all the facts and the Law Director shall proceed to exercise on behalf of the City any remedy which shall then be available to it to secure an abatement of such abandonment, including any that pertains to the abatement of a public nuisance, and to recover any damages or enforce any penalties which may be recovered or imposed by the City.

Unoccupied or inoperative structures, whether or not abandoned, as well as the lot upon which any such structure is located, as with any other unoccupied lot, shall be maintained in accordance with the provisions of this Code. Any such lot shall be provided with grass or other appropriate ground cover or landscaping material so as to assure absorption of rainfall and prevent erosion and paid run-off of surface water. (Ord. 1997-88. Passed 12/17/97)

CHAPTER 1389  
NOTICE OF VIOLATION, CORRECTIVE ACTION, AND APPEALS

1389.01	Notice of Violation	1389.04	Corrective Action -
1389.02	Corrective Action - Repairs		Demolition
1389.03	Corrective Action - Condemnation	1389.05	Appeals

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**1389.01 NOTICE OF VIOLATION**

Where a violation of this Code is found to exist, a written notice from the Code Official shall be served upon the person or persons responsible for the corrections thereof. Such notice shall specify the violation or violations committed. Such notice shall be served by certified mail addressed to the owner or responsible party at his resident or at the tax mailing address as indicated by the records of the County Treasurer or personally delivered to same. If service of notice is refused or unclaimed, and the Certified Mail envelope is returned with an endorsement showing such refusal, or shows the notice unclaimed, or the return of the person serving process states that service of notice has been refused, the Code Official shall send by ordinary mail, a copy of the notice to be served to the persons responsible at the tax mailing address. The mailing shall be evidenced by a certificate of mail. Serviced shall be deemed complete when the certificate of mail is obtained. If the last known address cannot be ascertained, the notice shall be posted on the outside front entrance of the structure in alleged violation.

The owner, operator, or agent of the cited property shall have seven (7) days to respond in writing to the Department of Community Development specifying a plan of corrective action and a schedule for completion. Such plan and schedule must be approved by the Code Official. Upon receipt of approval, the correction action can begin. In the event that weather is a consideration in correcting or abating a violation, the Code Official shall extend the time set out to take the corrective action.

In the absence of an appeal, as provided below, the completion of notice, and failure to comply, shall constitute a Final Order as to these administrative proceedings. (Ord. 1999-128. Passed 11-17-99)

**1389.02. CORRECTIVE ACTION - REPAIRS.**

Whenever an owner, operator, or agent of a dwelling or premise fails, neglects, or refuses to make other repairs or other corrective action called for by the order or notice of violation issued pursuant to Section 1389.01, the Code Officer may undertake such repairs or action, when, in his judgment or by a court order, a failure to make them will endanger the public health, safety or welfare. The cost of such repairs and action will not exceed fifty (50%) percent of the fair market value of the structure to be repaired. Determination of such shall be made by a certified appraiser to be contracted for that purpose by the City.

When repairs are made or other corrective action taken at the direction of the Code Officer, cost of such repairs and corrective action shall be paid by the City and shall constitute a debt in favor of the City against the owner of the repaired structure. In the event said owner fails, neglects, or refused to pay the City the amount of this debt within sixty (60) days from receipt of bill for repairs, the City shall certify the cost and expense of repairs to the county auditor and the same shall become a lien upon real estate. (Ord. 1997-88. Passed 12/17/97)

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**1389.03. CORRECTIVE ACTION - CONDEMNATION.**

Any dwelling or structure shall be designated as unfit for human habitation when any of the following defects or conditions are found, and when, in the judgment of the Code Officer such defects create a hazard to the health, safety, or welfare of the occupants or to the public. Such designation shall be declared whenever said structure:

- A. Is damaged, decayed, dilapidated, unsanitary, unsafe, and/or vermin infested and/or contains hazardous levels of lead-based paint or other substance, or
- B. The general condition of the occupied premises is unsanitary, unsafe and/or unhealthful.

Whenever any dwelling or premise has been designated as unfit for human habitation, the Code Officer shall placard the dwelling or premise indicating that it is unfit for human habitation, and, if occupied, shall order dwelling or premise vacated within a reasonable time.

Any dwelling or premise which shall have been designated as unfit for human habitation or use, shall not again be used until written approval has been obtained from the Code Officer. The Code Officer shall remove such designation whenever the defects that resulted in condemnation have been eliminated. (Ord. 1997-88. Passed 12/17/97)

**1389.04. CORRECTIVE ACTION - DEMOLITION.**

The Code Officer shall order a dwelling or structure to be demolished if it has been designated as unfit for human habitation, has been placarded as such, has been vacated, has not been put into proper repair so as to rescind the designation as unfit for human habitation and to cause the placard to be removed, and is determined by the Code Officer not to warrant repairs under Section 1389.02.

The owner of any dwelling or structure which has been ordered demolished shall be given notice of this order in the manner provided for service of notice in Section 1389.01 and shall be given a reasonable time, not to exceed thirty (30) days, to demolish such structure.

Any owner aggrieved by the notice to demolish may, within fourteen (14) days of receiving said notice, seek a hearing in a manner provided in Section 1389.05.

When the owner fails, neglects, or refuses to demolish an unfit, unsafe or unsanitary dwelling or structure within the requisite time, the Code Officer may apply to a court of competent jurisdiction for a demolition order. The costs and expense of such action shall be paid by the City and certified to the county auditor to be assessed against the property and thereby made lien upon real estate.

A demolition permit is required as outlined in the Codified Ordinances Chapter 1311. Removal of utility service connections and foundation material, along with the filling of excavations and ditches, whether carried out by the owner or by the City, shall be performed as outlined in Section 1311.05. (Ord. 1997-88. Passed 12/17/97)

**1389.05. APPEALS.**

There is hereby created a Property Maintenance Appeals Board consisting of five (5) members. The members of the Board of Zoning Appeals shall henceforth function as the Property Maintenance Appeals Board. The term of each Board shall coincide. The Property Maintenance Appeals Board shall meet on the first Monday of each month, as needed. Whenever the first Monday of the month falls on a legal holiday, that meeting shall be scheduled for the second Monday of the month. All meetings of the Board shall be open to the public.

Members of the Board shall be citizens of the United States, residents of the City and shall serve without compensation. The Board shall adopt procedures as it deems necessary to carry out the intent of this Code and all decisions and findings shall be made part of the public record. All adopted procedures and Board decisions and findings shall be in writing.

Any person aggrieved by a notice of the Code Officer issued in connection with any alleged violation of this regulation or of any applicable rules issued pursuant thereto, or by any order requiring repair or demolition, may apply to the Property Maintenance Appeals Board for a reconsideration of such notice or order provided such application is made within fourteen (14) days after the date the notice or order was issued, upon a form and in such manner as required by the Board and accompanied by a deposit of fifteen (\$15) dollars.

No license or permit or other certification of compliance with this Code shall constitute a defense against any violation of any other local ordinance applicable to any structure or premise, nor shall any provision herein relieve any owner, operator, or agent from complying with any other provision, nor any official of the City from enforcing any such other provision. (Ord. 1998-61. Passed 7-8-98).

#### **1389.06. POWERS AND DUTIES OF BOARD.**

The Property Maintenance Appeals Board, upon the receipt of a timely filed appeal shall set a time for a hearing within thirty (30) days of the receipt of such application and shall advise the applicant in writing of such time and place, at least seven (7) days prior to the date of the hearing.

At such a hearing the applicant shall be given an opportunity to be heard and to show cause why such notice or order should be modified, withdrawn or a variance granted.

The Board, by a majority vote of the entire Board, may sustain, modify, or withdraw, in whole or in part, any action required to correct or abate the violation set forth in the notice and shall issue an order incorporating its determinations, and such order shall be a Final Order as to these administrative proceedings, provided, however, that any order of modification or dismissal shall be effective for two (2) years following the date of issuance of such order, and thereafter, the subject matter of such order or modification or dismissal may be amendable to further inspection, notice, and appeal as set forth herein.

Three (3) members of the Property Maintenance Appeals Board shall constitute a quorum and a concurring vote of three (3) members of the Board shall be necessary to effect an order or resolution.

The Board shall consider only the following in determining appropriate action to be taken, to wit:

- (a) That any modification of the original order of the Code Official shall not, in any material way alter the standards of this Code, and shall not affect detrimentally the welfare of either the occupants of the premises or owners of adjacent premises or of the immediate neighborhood; and,
- (b) That strict enforcement would constitute an undue and unnecessary hardship on the owner, operator, or agent, by reason of compelling expenditure for repair of the premises which would be substantially disproportionate to any benefit to health, safety, or welfare of the community that might be derived therefrom.

(Ord. 1997-88. Passed 12/17/97)

CHAPTER 1391  
EFFECTIVE DATE

1391.01      Effective Date

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**1391.01**

The provisions of the Exterior Maintenance Code, as elaborated herein, shall take effect on April 1, 1998.  
(Ord. 1997-88. Passed. 12/17/97)

1998 Replacement