

PART THIRTEEN - BUILDING CODE

TITLE ONE - Standards Adopted

- Chap. 1301. Ohio Building Code.
- Chap. 1303. Residential Code of Ohio.
- Chap. 1305. ICC International Property Maintenance Code.

TITLE THREE - Local Provisions

- Chap. 1311. Building Inspector.
- Chap. 1313. Local Construction Requirements.
- Chap. 1314. Land Use Restrictions.
- Chap. 1315. Protection of Public.
- Chap. 1317. Electrical Installations.
- Chap. 1319. Plumbing Requirements.
- Chap. 1321. Flood Damage Reduction.
- Chap. 1327. Condominium Conversions.

CODIFIED ORDINANCES OF SHARONVILLE

PART THIRTEEN - BUILDING CODE

TITLE ONE - Standards Adopted

- Chap. 1301. Ohio Building Code.
- Chap. 1303. Residential Code of Ohio.
- Chap. 1305. ICC International Property Maintenance Code.

CHAPTER 1301 Ohio Building Code

- 1301.01 Adoption by reference; application and purpose.**
- 1301.02 File and sale copies.**

CROSS REFERENCES

- Adoption by reference - see Ohio R.C. 731.231
- Ohio Basic Building Code - see Ohio R.C. 3781.10
- Local construction requirements - see BLDG. Ch. 1313

1301.01 ADOPTION BY REFERENCE; APPLICATION AND PURPOSE.

(a) Pursuant to Ohio R.C. 731.231, there is hereby adopted by the Municipality, the Ohio Building Code (OBC) as the current edition adopted by the Ohio Board of Building Standards, Department of Industrial Relations, and as published in the Ohio Administrative Code (OAC), for application to all buildings and for purposes specified therein.

(b) The Building Code, as well as the Mechanical Code, as published by the International Code Council (ICC) and as amended by the Ohio Board of Building Standards, are hereby incorporated fully herein as if set out at length.

(Ord. 2005-18. Passed 2-22-05.)

1301.02 FILE AND SALE COPIES.

Copies of the Code as adopted herein are on file with the Council Clerk and the County Law Library for public examination. Copies are also available for sale at cost by the Clerk.

(Ord. 85-16. Passed 3-26-85.)

CHAPTER 1303
Residential Code of Ohio

- 1303.01 Adoption by reference; application and purpose.**
- 1303.02 File and sale copies.**
- 1303.03 Fee application. (Repealed)**
- 1303.04 Fee schedule adopted.**
- 1303.05 State building permit surcharge.**

CROSS REFERENCES

Adoption by reference - see Ohio R.C. 731.231

Local construction requirements - see BLDG. Ch. 1313

1303.01 ADOPTION BY REFERENCE; APPLICATION AND PURPOSE.

Pursuant to the authority of Ohio R.C. 731, the Council hereby adopts by reference and incorporates the Residential Code of Ohio for One, Two and Three-Family Dwellings adopted by the Ohio Board of Building Standards pursuant to its authority under Ohio R.C. 3781.10. This Code shall regulate the erection, construction, repair, alteration and maintenance of residential dwellings, specifically all one, two and three-family dwellings in the City of Sharonville. The Residential Code of Ohio shall be enforced by the City of Sharonville from and after the effective date of the passage of this section.

(Ord. 2006-36. Passed 6-13-06.)

1303.02 FILE AND SALE COPIES.

Copies of the Code as adopted herein are on file with the Council Clerk and the County Law Library for public examination. Copies are also available for sale at cost by the Clerk. (Ord. 86-51. Passed 9-9-86.)

1303.03 FEE APPLICATION.

(EDITOR'S NOTE: This section was repealed by Ordinance 86-51, passed September 9, 1986.)

1303.04 FEE SCHEDULE ADOPTED.

(a) The fee schedule of the City adopted in 1993, as it may be amended in the future, is hereby adopted.

(Ord. 93-34. Passed 5-11-93.)

- (1) All permit, inspection and certificate fees shall be paid to the Building Department as set forth herein. The Building Commissioner shall keep an accurate account of all fees collected and such fees shall be deposited by him as required by law.

(Ord. 93-27. Passed 4-27-93.)

- (2) All plan reviews are subject to a plan review charge as follows:

one-half hour = \$30.00

one hour = 50.00

Each additional one-half hour shall be billed at \$25.00 per one-half hour review time.

(Ord. 97-44. Passed 7-8-97.)

- (3) In addition, all permit charges may include any fees that are required by State law, in addition to the following:
 - A. Dwellings (1-2-3 family) and additions thereto:
Base fee: \$30.00 plus \$3.00 for each 1,000 cubic feet
Revisions: \$20.00 plus \$3.00 for each 1,000 cubic feet added
Certificate of Occupancy: \$15.00.
 - B. Multiple dwelling buildings (over 3 dwelling units) and additions thereto:
Base fee: \$36.50 plus \$3.00 for each 1,000 cubic feet
Revisions: \$27.50 plus \$3.00 for each 1,000 cubic feet added
Certificate of Occupancy: \$20.00 for the first certificate and \$10.00 for each additional.
 - C. All other buildings regulated by OBBC and additions thereto:
Base fee: \$45.00 plus \$2.75 for each 1,000 cubic feet
Revisions: \$40.00 plus \$2.75 for each 1,000 cubic feet added
Certificate of Occupancy: \$40.00 for the first Certificate and \$25.00 for each additional.
 - D. Detached residential garages, carports, sheds and other accessory,

miscellaneous or temporary structures and additions thereto:
 1-130 square feet - \$10.00 (Certificate of Occupancy included)
 131-199 square feet - \$15.00 (Certificate of Occupancy included)
 200 square feet and over - \$20.00 plus \$2.50 for each 1,000 cubic feet
 Revisions: \$10.00 plus \$2.50 for each 1,000 cubic feet added
 Certificate of Occupancy - \$10.00

E. Work with fee based on cost, and work not listed specifically, including alterations, repairs, shoring of buildings, retaining walls, and units for heating, ventilating, air conditioning, suppression, antenna towers, etc. Fees based on estimated costs as indicated:

Cost \$500.00 and under: no fee (residential only)
 Cost \$501 - \$1,000: \$ 30.00
 Cost over \$1,000: 30.00 plus \$15.00 for each 1,000. or fraction thereof over the first \$1,000

F. Fences/walls four feet or greater:
 \$15.00 for the first 100 lineal feet or portion thereof plus \$1.00 for each additional twenty-five lineal feet or portion thereof.
 Fences/walls of a value less than \$500.00 would be no fee.

G. Swimming pools, above ground, as follows:

Depth (inches)	<u>Diameter (feet)</u>						
	<u>8</u>	<u>10</u>	<u>12</u>	<u>14</u>	<u>16</u>	<u>18</u>	<u>20</u>
24	\$15.00	\$16.00	\$17.00	\$18.00	\$19.00	\$20.00	\$21.00
30	16.00	17.00	18.00	19.00	20.00	21.00	22.00
36	17.00	18.00	19.00	20.00	21.00	22.00	23.00
42	18.00	19.00	20.00	21.00	22.00	23.00	24.00
48	19.00	20.00	21.00	22.00	23.00	24.00	25.00

For manufactured pools larger than listed in the chart, and for all constructed in-ground pools: fee based on cost of job. (See subsection (a)(3)E. hereof.)

H. Tents. The permit fee for the erection of a tent approved as to construction, use and location shall be \$25.00 and shall be valid for thirty days.

I. Signs:
 1. Wall: \$.20 per square foot; minimum fee of \$20.00.
 2. Projecting: \$.80 per square foot; minimum fee of \$20.00.

3. Ground and pole signs: \$.50 per square foot; minimum fee of \$50.00.
 4. Temporary banner: \$25.00; valid for thirty days and not renewable for ninety days. Any permit renewal granted by the Zoning Board of Appeals shall be \$.80 per square foot for each thirty day renewal period.
 5. Alteration, repair or moving of signs: fee based on estimated cost. (See subsection (a)(3)E. hereof.)
 6. Separate electrical permits and fees are required for all illuminated signs.
- J. Awnings and marquees. Permit fees for awnings, marquees or canopies permanently installed, suspended over sidewalks, drives or parking areas where such are of heavy structural type having the roof construction in general, enclosed, shall be \$50.00 plus \$.20 for each square foot or fraction thereof of horizontal projection.
- K. Wrecking. Permit fees for the wrecking of buildings shall be \$10.00 for each 1,000 square feet of total floor area or fraction thereof. In computing total floor area, the floor areas of each story (except basement) shall be added together, using outside dimensions.
- L. Moving. A permit shall be required for moving any building. The fee shall be based on cost. (See subsection (a)(3)E. hereof.)
- M. New and Replacement* Mechanical Equipment.
 (* replacement equipment fees - 75% of those listed below)

		250,000 BTU/hr. input heating; or 5-ton 60,000 BTU/hr. cooling	Over 25,0000 BTU/hr. input heating; or 5-ton 60,000 BTU/hr. <u>cooling or less</u>
1.	Heating only; all fuels, electric and solar	\$30.00 22.50 replacement	E.
2.	Cooling only (includes separate heat pumps)	30.00 22.50 replacement	E.
3.	Heating and cooling combined; all fuels, electric and solar	45.00 33.75 replacement	E.
4.	Air ducts, including HVAC systems, exhaust systems, conveying systems, etc.	E.	E.
5.	Electronic air cleaners, humidifiers, vent dampers (installed separately)	E.	E.

6.	Miscellaneous heating equipment; space heaters, unit heaters, woodburning appliances, fireplaces, infra-red heaters, stokers, conversion burners, etc.	30.00	E.
7.	Steam or hot water boiler including piping, etc.	30.00	E.
8.	Steam or hot water piping only (connect to exist source)	E.	E.
9.	Fuel gas burners, oil burners, combination gas/oil burners	30.00	E.
10.	Tank, fuel oil, waste oil, gasoline, propane, etc.; (installed separately)	E.	E.
11.	Tanks (all over 550 gallon installed with heating system	E.	E.
12.	Incinerators, combustion waste destructors	30.00	E.
13.	Power and process boilers	30.00	E.
14.	Solar equipment (installed separately)	E.	E.

- N. Fire Suppression Systems. Sprinklers for wet and dry type, fire extinguishing sprinkler systems:
1. For outside fire line work, \$41.50 plus fee for interior work.
 2. For inside work: Limited area suppression system (twenty heads maximum) \$25.00 plus \$1.00 per head.
Areas up to 10,000 square feet - \$20.00 per 1,000 square feet.
For the next area up to 50,000 square feet - \$10.00 per 1,000 square feet
(Areas that are fractional parts shall be charged the full 1,000 square feet rate)
 3. Gravity or pressure tanks: \$10.00 each.
 4. Fire pumps: \$7.00 per 100 gallons per minute capacity.
 5. Standpipes, house or FD hose system: \$12.00 per story per standpipe.
 6. Alteration and repairs not listed shall be based on cost.

(See subsection (a)(3)E. hereof)

- O. Refund of Permit Fees. Refund of permit fees may be authorized if applied for within thirty days from the date of issuance of the permit.
Refund shall be at the discretion of the Building Official and, if granted, shall be in the amount of one-half of the permit fee, less \$15.00. No refunds shall be granted where the permit fee is \$30.00 or less.
(Ord. 93-27. Passed 4-27-93.)

(b) Building permits shall be obtained for all included building or remodeling work as set forth in the Hamilton County Building Code when the cost is in excess of twenty-five dollars (\$25.00), provided, however, there will be no charge for each permit up to a building cost of five hundred dollars (\$500.00) for residential work only.
(Ord. 97-44. Passed 7-8-97.)

1303.05 STATE BUILDING PERMIT SURCHARGE.

The City Auditor is hereby authorized and directed to establish a separate fund to be known as the Board of Building Standards Agency Fund for the purpose of accounting for a three percent (3%) fee collected on building permits. This fund is being established at the direction of the State Auditor.
(Ord. 93-57E. Passed 8-10-93.)

CHAPTER 1305 ICC International Property Maintenance Code

- 1305.01 Adoption by reference; application and purpose.**
1305.02 File and sale copies.
1305.99 Penalty.

CROSS REFERENCES

Adoption by reference - see Ohio R.C. 731.231
Local construction requirements - see BLDG. Ch. 1313

1305.01 ADOPTION BY REFERENCE; APPLICATION AND PURPOSE.

Pursuant to Ohio R.C. 731.231, there is hereby adopted by the Municipality, the ICC International Property Maintenance Code, current edition, as published by the International Code Council, Inc. (ICC) and which is incorporated fully herein as if set out at length, for the purpose of establishing minimum standards for all existing structures and premises to protect the public health, safety and welfare.

(Ord. 2000-30. Passed 4-25-00.)

1305.02 FILE AND SALE COPIES.

Copies of the Code as adopted herein are on file with the Council Clerk and the County Law Library for public examination. Copies are also available for sale at cost by the Clerk.
(Ord. 2000-30. Passed 4-25-00.)

1305.99 PENALTY.

Whoever violates any provision of the Code as adopted herein is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). Each day that a violation continues after due notice has been served in accordance with the terms and provisions hereof, shall be deemed a separate offense.
(Ord. 2000-30. Passed 4-25-00.)

TITLE THREE - Local Provisions

- Chap. 1311. Building Inspector.
- Chap. 1313. Local Construction Requirements.
- Chap. 1314. Land Use Restrictions.
- Chap. 1315. Protection of Public.
- Chap. 1317. Electrical Installations.
- Chap. 1319. Plumbing Requirements.
- Chap. 1321. Flood Damage Prevention.
- Chap. 1327. Condominium Conversions.

**CHAPTER 1311
Building Inspector**

- 1311.01 Appointment.**
- 1311.02 Duties.**
- 1311.03 Personal liability.**
- 1311.04 Decisions of the Building Inspector; appeal to Board of Zoning Appeals.**

CROSS REFERENCES

Board of Zoning Appeals - see P. & Z. Ch. 1165
Inspection fee - see BLDG. 1303.03, 1303.04

1311.01 APPOINTMENT.

(a) The office of Commissioner of Buildings is hereby created which office may be cited as the Building Inspector and is hereinafter referred to as the Building Inspector in this Building Code. (Ord. 61-20. Passed 5-16-61.)

(b) The Mayor shall appoint subject to confirmation of Council, a Commissioner of Buildings who shall be a resident of any incorporated or unincorporated area within the State, who shall have had at least five years experience in at least two of the building trades and is capable of interpreting plans and specifications, and who shall hold his office until the expiration of the term of the Mayor appointing him, and until his successor is duly appointed and qualified. He shall be removable from office at any time by the Mayor for just cause. Before entering upon his office, the Building Inspector shall take an oath to faithfully and impartially perform the duties of his office. (Ord. 66-9. Passed 3-8-66.)

1311.02 DUTIES.

The Building Inspector shall receive applications and issue permits and certificates required by this Code. He shall examine buildings and premises for which permits or certificates have been issued and shall make the necessary inspections to ascertain that the provisions of law are complied with and that construction is carried on safely. He shall enforce all regulations pertaining to the erection, construction, shoring, repair, alteration, maintenance, removal, demolition, use and occupancy, and location of residential buildings, offices, mercantile buildings, workshops or factories, public or private garages, and billboard or advertising signs. He shall make a report to Council once each month, or when requested by it. For the purpose of enforcing compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction or to require adequate exit facilities in existing buildings, he shall issue such notices or orders as may be necessary.

(Ord. 61-20. Passed 5-16-61.)

1311.03 PERSONAL LIABILITY.

Any officer or employee charged with the enforcement of this Code, acting for the Municipality in the discharge of his duties, shall not thereby render himself liable personally, and he is relieved from all personal liability for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provision of this Code shall be defended by the Solicitor until the final termination of the proceedings therein. (Ord. 61-20. Passed 5-16-61.)

1311.04 DECISIONS OF THE BUILDING INSPECTOR; APPEAL TO BOARD OF ZONING APPEALS.

The Building Inspector shall determine all questions arising under this Code and the laws and regulations in force in the Municipality relating to the same subject matter. In case of dissatisfaction with any decision, except in respect to insecure and unsafe buildings and premises requiring immediate action, the question in dispute may be referred to the Board of Zoning

Appeals. (Ord. 61-20. Passed 5-16-61.)

CHAPTER 1313
Local Construction Requirements

- 1313.01 Plans to indicate utility lines.**
- 1313.02 Plumbing permits.**
- 1313.03 Gutters and downspouts.**
- 1313.04 Garage or carport required for residential construction.**
- 1313.05 Walks and driveways.**
- 1313.06 Manual pull stations.**

CROSS REFERENCES

- Right to examine buildings - see Ohio R.C. 737.34 et seq., 3737.14
- Ohio Basic Building Code - see BLDG. Ch. 1301
- Hamilton County Building Code - see BLDG. Ch. 1303
- BOCA Existing Structures Code - see BLDG. Ch. 1305
- Land use restrictions - see BLDG. Ch. 1314
- Plumbing requirements - see BLDG. Ch. 1319

1313.01 PLANS TO INDICATE UTILITY LINES.

All construction plans and development plans submitted hereafter to the City for approval shall contain in the various development stages a detailed diagram indicating the locations and depth of all water, sewer, gas and underground utility lines relating to such development or construction plans. No construction or development plan shall be approved or construction commenced until this requirement is met. (Ord. 69-56. Passed 12-9-69.)

1313.02 PLUMBING PERMITS.

Plumbing and private sewage disposal permits must be applied for and secured from the Plumbing Inspector of the City. (Ord. 65-2. Passed 1-26-65.)

1313.03 GUTTERS AND DOWNSPOUTS.

All new buildings, residential or business, constructed after the effective date of this chapter, except accessory buildings of less than 600 square feet in area shall be equipped with gutters and downspouts. All drains, gutters and downspouts shall be connected to storm sewers, if the same are available, or if not available, to street gutters. If neither are available, then they shall be connected to the natural drainage of the lot. The storm sewer shall not be considered available if the public right-of-way paving would have to be broken to get to the sewer or if tunneling would have to be resorted to under the street. (Ord. 65-32. Passed 5-11-65.)

1313.04 GARAGE OR CARPORT REQUIRED FOR RESIDENTIAL CONSTRUCTION.

A garage or carport of not less than 200 square feet of floor space is hereby required in all new one-family and two-family constructions.

The side yard requirements presently required for each residential zone construction shall be maintained for either garage or carport construction.

No existing garage or carport area in or on any residential property shall be eliminated unless replaced with a garage or carport located on the same property.

(Ord. 72-28. Passed 7-11-72.)

1313.05 WALKS AND DRIVEWAYS.

(a) Construction. Walks and driveways from the paved roadway to the street property line shall be installed in such a manner so as not to obstruct the flow of storm water in the gutters or ditches, and a pipe of sufficient size shall be installed where required by the Municipal Engineer, under his supervision. All driveway aprons shall be constructed of materials equivalent to or better than class (c) concrete seven inches thick.

(Ord. 62-17. Passed 5-29-62.)

(b) Grade. Walks and driveways shall be installed so that the grade of the walk or driveway at the street property line shall be not more than six inches higher than the established grade of the paved roadway.

(c) Projection of Footings of Buildings. No part of such footing shall project within three feet of the vertical plane of the curb line.

No part of such projection shall be less than fifteen feet below established grade.

No part of such footing shall project beyond the vertical plane of the curb line or if there is no curb, no part of such footing shall project three feet beyond the abutting lot line.

No such projection shall be less than five feet below the established grade.

(d) Use of Space under Sidewalks. Any person may utilize the space under the sidewalk abutting his property to within three feet of the vertical plane of the curb line.

There shall be no use of other space under a sidewalk nor space under the traveled roadway of any street or alley.

(e) Sidewalk Doors and Coal Chutes. Openings in sidewalks shall not extend more than four feet six inches from the property line, except that openings not exceeding four feet in any dimension may be located not less than three feet nor more than seven feet from the curb. No opening shall be placed within fifteen feet of any other opening nor within five feet of any side lot line extended. Such openings shall have an incombustible structural cover of pattern approved by the Municipal Engineer and designed to carry not less than 250 psf. Such covers shall be flush with the paving surface and whenever they are open it shall be the duty of the person for whose use they have been opened to protect the public by guards or barricades. Such

covers shall be kept open no longer than necessary for delivery and receiving purposes, and at all other times shall be closed. Sidewalk openings shall be located to allow not less than three and one-half feet of clear sidewalk space for pedestrian traffic when covers are open.

(f) Limitation of Rights. No right to occupy any part of any sidewalk, street, alley or public place of the Municipality as provided for in this Code, shall become permanent, but all such rights may be withdrawn at any time, whereupon any such projection or occupancy shall be removed by the property owners. (Ord. 61-20. Passed 5-16-61.)

1313.06 MANUAL PULL STATIONS.

Each new construction within the City wherein manual pull stations are required shall comply with the following requirements:

- (a) All manual pull stations shall be enclosed in glass or other substance that must be broken in order to trigger the alarm;
 - (b) The manual pull station shall be visible through the enclosure;
 - (c) The pull station shall not obstruct passageways; and
 - (d) The pull station shall not be located in a recessed area.
- (Ord. 86-68E. Passed 10-28-86; Ord. 93-34. Passed 5-11-93.)

CHAPTER 1314 Land Use Restrictions

1314.01	Definitions.
1314.02	Purpose, liability and severability.
1314.03	Compliance and exceptions.
1314.04	Plan approval procedure.
1314.05	Appeal.
1314.06	Duties of approving agent.
1314.07	Fee for reinspection of retention/detention basins.
1314.99	Penalty.

CROSS REFERENCES

Soil and water conservation - see Ohio R.C. Ch. 1515
Construction permits for dams, dikes or levees - see Ohio R.C. 1521.06
Acts of pollution prohibited; exceptions and standards - see Ohio R.C. 6111.04
Urban sediment pollution abatement rules - see OAC Ch. 1501:15-1

1314.01 DEFINITIONS.

- (a) As used in this chapter, certain terms are defined as follows:
 - (1) "Approving agent" means the Building and Planning Department of the

City of Sharonville, or its representative.

- (2) "Bedrock" means in place solid rock.
- (3) "Bench" means a relatively level step excavated into earth material on which fill is to be placed.
- (4) "Compaction" means the densification of a fill by mechanical means.
- (5) "Cut" means an excavation and the material removed in an excavation.
- (6) "Development area" means any contiguous area included within the scope of this chapter and owned, planned or developed by one owner or as one unit, upon which earth disturbing activities are planned or under way.
- (7) "Ditch" means an open channel either dug or natural for the purpose of drainage or irrigation with intermittent flow.
- (8) "Drainageway" means an area of concentrated water flow other than a river, stream, ditch or grassed waterway.
- (9) "Earth disturbing activity" means any grading, excavating, filling or other alteration of the earth's surface where natural or manmade ground cover is destroyed.
- (10) "Erosion" means the wearing away of land surface by running water, wind, ice or other geological agents, including such processes as gravitational creep, detachment and movement of soil or rock fragments by water, wind, ice or gravity.
 - A. "Accelerated erosion" means erosion much more rapid than normal, natural or geologic erosion, primarily as a result of the influence of the activities of man.
 - B. "Gully erosion" means the erosion process whereby water accumulates in narrow channels and over short periods during and immediately after rainfall or snow or ice melt and actively removes the soil from this narrow area to considerable depths such that the channel would not be obliterated by normal smoothing or tillage operation.
 - C. "Natural erosion (geological erosion)" means wearing away of the earth's surface by water, ice or other natural agents under natural environmental conditions of climate, vegetation, etc., undisturbed by man.
 - D. "Normal erosion" means the gradual erosion of land used by man which does not greatly exceed natural erosion.
 - E. "Rill erosion" means an erosion process in which numerous small channels only several inches deep are formed and which occurs mainly on recently disturbed soils.
 - F. "Sheet erosion" means the removal of a fairly uniform layer of soil from the land surface by wind or runoff water.
- (11) "Excavation" means the mechanical removal of earth material.
- (12) "Fill" means the deposition of earth material by artificial means and the

material used to make a fill.

- (13) "Grade" means vertical location of the ground surface.
- (14) "Grading" means any excavating or filling or combinations thereof.
- (15) "Land use plan" means a written description, acceptable to the approving agent, of methods for controlling sediment pollution from accelerated erosion on a development area and for erosion caused by accelerated runoff from a development area.
- (16) "Landslide" means the rapid downward and outward movement of large rock material or soil mass under the influence of gravity in which the movement of the soil mass occurs along an interior surface of sliding.
- (17) "Mulching" means the application of suitable materials on the soil surface to conserve moisture, hold soil in place and aid in establishing plant cover.
- (18) "Person" means any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county or State agency, the Federal government or any combination thereof.
- (19) "Pollution" means the manmade or man induced alteration of the chemical, physical, biological or radiological integrity of air or water.
- (20) "Private waters" means water within private ponds, and lakes on single properties.
- (21) "Public waters" means that water within lakes, rivers, streams, ditches and other waters leaving a single property.
- (22) "Rainfall intensity" means the severity of a storm of a given duration and frequency, expressed as inches of rainfall per hour.
- (23) "Rip-rap" means stone placed on earth surfaces such as the face of a dam or the bank of a stream for protection against the action of water, waves.
- (24) "Runoff" means the portion of rainfall, melted snow or irrigation water that flows across the ground surface and eventually is returned to streams.
 - A. "Accelerated runoff" means increased runoff due to less permeable surface area primarily caused by the activities of man.
 - B. "Peak rate of runoff" means the maximum rate of runoff for any storm.
 - C. "Volume of runoff" means the quantity of runoff for any storm.
- (25) "Sediment" means solid material, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by air, water, gravity or ice and has come to rest on the earth's surface either above or below sea level.
- (26) "Slip" means landslide as defined in subsection (a)(16) hereof.
- (27) "Slope" means an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.
- (28) "Sloughing" means a slip or downward movement of an extended layer of soil frequently resulting from the undermining action of water, waves, or the earth disturbing activity of man.

- (29) "Soil loss" means soil moved from a given site by the forces of erosion and redeposited at another site on land or in a body of water.
- (30) "Storm duration" means the average length of time that a storm of a given frequency and intensity can be expected to last. For the purpose of runoff computation, it is taken as the time of concentration.
- (31) "Storm frequency" means the average period of time within which a storm of a given duration and intensity will be equalled or exceeded; also expressed as a percentage of likelihood that a storm of a given intensity and duration will reoccur within one year.
- (32) "Stream" means a body of water running or flowing on the earth's surface or channel in which such flow occurs. Flow may be seasonally intermittent.
- (33) "Swale" means a low lying stretch of land which gathers or carries surface water runoff.
- (34) "Terrace" means a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.
- (35) "Watercourse" means a permanent stream, intermittent stream, river, brook, creek, channel or ditch for water whether natural or man-made. (Ord. 91-66. Passed 7-6-91.)

1314.02 PURPOSE, LIABILITY AND SEVERABILITY.

(a) The purpose of this chapter is to provide for control and management of storm water drainage, storm water detention/retention, soil erosion and landslides and flood hazard areas in order to protect life, property and environment from earth disturbing activities within the jurisdiction of the City unless otherwise excluded by this chapter or unless expressly excluded by Ohio Law.

(b) Compliance with the provisions of this chapter shall not relieve any person from any civil liability arising out of the ownership and control of his property nor shall such compliance or errors committed by those attempting to comply with this chapter impose any liability upon the City for damage caused to any person or property.

(c) If any clause, section or provision of this chapter is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder of this chapter shall not be affected thereby. (Ord. 91-66. Passed 7-6-91.)

1314.03 COMPLIANCE AND EXCEPTIONS.

(a) There shall be required an informal preliminary approval of all land use plans by the approving agent before detailed water management and sediment control and site plans are submitted to the approving agent for final approval by the Planning Commission. No person shall cause or allow earth disturbing activities on a development area, except in compliance with the standards and criteria as set forth in this chapter pertaining to storm water drainage and detention/retention, soil erosion and sediment control, hillside and cut/fill requirements and flood

plain management, as specified in Attachments A, B, C and D which are incorporated by reference into this chapter, unless otherwise excluded by this chapter.

- (b) The following shall be exempted from the requirements of this chapter:
 - (1) Cemetery operations;
 - (2) A small lot excavation or fill which is:
 - A. Less than four feet deep;
 - B. Less than one hundred cubic yards;
 - C. Does not impair existing surface drainage, constitute a potential erosion hazard or cause sedimentation to adjacent land or watercourse; and
 - D. Has no final slopes greater than 3:1 or is a fill on the surface with slope less than 5:1;
 - (3) Accepted agricultural practices;
 - (4) Grading as a maintenance or landscaping measure on existing developed residential lots;
 - (5) Temporary excavation, such as trenches, constructed for utility purposes;
 - (6) Test boring and other exploratory excavation;
 - (7) Single lot development in an approved residential subdivision; and
 - (8) Any other land use that is exempted, but only to the extent that it is exempted by the approving agent. (Ord. 91-66. Passed 7-6-91.)

1314.04 PLAN APPROVAL PROCEDURE.

(a) Before initiating any design, the owner or his representative shall confer informally with the approving agent in order to insure proper design in compliance with good engineering practice and the requirements of this chapter.

- (b) Plans shall contain at least the following information:
 - (1) Vicinity sketch;
 - (2) Property lines and easements;
 - (3) Existing and proposed topographical slope equal to one foot intervals for zero percent (0%) to five percent (5%) slope, two foot intervals for five percent (5%) to ten percent (10%) slope and five foot intervals for greater than ten percent (10%) slope.
 - (4) Existing and proposed significant manmade and natural features on the site;
 - (5) Existing significant manmade and natural features on all adjacent property within one hundred feet of the development site;
 - (6) Existing and proposed ground cover;
 - (7) The storm water drainage and water detention/retention computations, as specified in Attachment A of original Ordinance 91-66, either attached to the plan or on a separate sheet;

- (8) The project name, the owner's name, the scale, the direction arrow, the date, legend and an engineer's stamp;
- (9) A time schedule for completion of work; and
- (10) Other details as directed by Attachments A, B and C to original Ordinance 91-66.

(c) The approving agent may waive any or all of the above specific requirements for plan detail based on any information known by the approving agent.

(d) In order to obtain the formal approval of the approving agent, there shall be submitted three sets of land use plans to the approving agent, and the approving agent shall make the proper determinations within thirty days of the submission of the plans. Plans requiring approval by the Planning Commission shall be submitted to the approving agent no later than three weeks prior to the meeting date. Any alterations or resubmittals of land use plans shall follow the same procedures as the original submittal of the plans. Reasonable review fees shall be established by the approving agent and shall be paid in advance by the developer where possible.

(e) In order to guarantee the proper completion of the work, the approving agent may require a performance bond for the development, subject to the mandatory requirements of performance bonds as specified elsewhere in the Sharonville Planning and Zoning Ordinances. The amount of the bond shall be equal to the approximate cost to construct the required storm water facilities and the erosion control measures. (Ord. 91-66. Passed 7-6-91.)

1314.05 APPEAL.

The right of the developer to appeal any adverse decision by the approving agent shall be provided for as follows:

- (a) Any appeal from a decision of the approving agent shall be commenced by filing a written notice of appeal, on forms to be provided by the Planning Commission, with the Secretary of the Commission. The notice of appeal shall be filed within thirty days after the written decision of the approving agent has been mailed to the last known address of the proposed owner or developer.
- (b) Reasonable fees for appeals shall be established by the Planning Commission which shall be the body hearing all appeals. The Planning Commission may require the approving agent to document the reasons for its refusal to approve the plans. The appeal hearing shall be scheduled within sixty days of the date that it is filed.
- (c) At the hearing, any party may appear in person and may be represented by an attorney. The Planning Commission, after hearing the appeal, may affirm, reject or modify the decision of the approving agent. However, the only criteria for the appeal and the only justifications for rejecting or modifying the decision of the approving agent are either:
 - (1) Proof of error made by the approving agent plus proof of compliance with

- this chapter by the owner or developer; or
- (2) Proof that total compliance with this chapter will create an undue financial burden upon the owner or developer, plus proof that the plan as submitted by the owner or developer provides feasible near compliance with this chapter, plus proof that the public health, safety and welfare will not be impaired by the plan as submitted.
(Ord. 91-66. Passed 7-6-91.)

1314.06 DUTIES OF APPROVING AGENT.

The approving agent shall be under a continuing duty to review and evaluate the methods used and the overall effectiveness of this chapter, and to make reasonable attempts to verify the continuing compliance with this chapter by individuals whose land usage is governed by the terms of this chapter. The approving agent may require appropriate legal documents to be prepared and executed by the owner and the developer in order to assure that future owners of the land being developed shall continue to comply with the provisions of this chapter. If the approving agent determines that reasonable grounds exist to conclude that the terms of this chapter are being violated, or that hazardous conditions exist, then the approving agent may either order the developer to cease operations pending further investigation, or to bring the land use development into compliance with this chapter, or both, or to initiate an appropriate legal action. These rights of the approving agent are not exclusive.
(Ord. 91-66. Passed 7-6-91.)

1314.07 FEE FOR REINSPECTION OF RETENTION/DETENTION BASINS.

After the initial annual inspection required hereunder, in the event that any individual or business shall fail to remedy the conditions ordered, and in the event that a reinspection is required, and further in the event that the reinspection determines that the condition has not been remedied, such individual or business shall be liable for every inspection fee of one hundred dollars (\$100.00) per reinspection to apply for the first and any subsequent required reinspections. (Ord. 91-115. Passed 2-25-92.)

1314.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be separately punishable under this chapter.
(Ord. 91-66. Passed 7-6-91.)

CHAPTER 1315
Protection of Public

1315.01	General.
1315.02	Safety.
1315.03	Temporary barricade.
1315.04	Temporary walks.
1315.05	Temporary covered walks.
1315.06	Outrigger scaffolds.
1315.07	Temporary drive over sidewalk.
1315.08	Use of guy ropes and material hoists.
1315.09	Watchman.
1315.10	Red lights.
1315.11	Removal or alteration of temporary structures.
1315.12	Noises at night.
1315.13	Debris to be dampened.
1315.14	Sand and dust receptacles.
1315.15	Falling materials or fluids.
1315.16	Protection of adjoining skylights and roofs.
1315.99	Penalty.

CROSS REFERENCES

Barricades and warning lights - see GEN. OFF. 521.03

Sidewalk obstructions - see GEN. OFF 521.04

1315.01 GENERAL.

All buildings and their premises shall be kept in good general repair, so that all of the various parts of the same shall function properly and maintain the conditions of safety and habitability prescribed by the Building Code and other Municipal ordinances.

(Ord. 61-20. Passed 5-16-61)

1315.02 SAFETY.

Dangerous Operations or Conditions. Whenever in the opinion of the Building Inspector, any building is being constructed, altered, repaired or demolished in a careless or unworkmanlike manner so as to endanger life or property, or so as to violate any provision of this Code, or where at any time adequate safeguards are not provided in or about any premises, to protect life and property, the Building Inspector may order such operations discontinued until he is satisfied that adequate measures will be taken to comply with the provisions of this Building Code, and that the work will proceed in a manner which will not endanger life or property, or he may order such changes and safety measures to be taken as he may deem necessary to protect life and property. (Ord. 61-20. Passed 5-16-61.)

1315.03 TEMPORARY BARRICADE.

(a) Where any alteration, addition, repair or excavation is to be made or when any hazard exists and the public is endangered, a suitable barricade shall be provided along the

public thoroughfare. If such barricade shall prevent sufficient passageway on the sidewalk, a temporary walk or bridge if necessary shall be constructed and maintained as specified in Sections 1315.04 and 1315.05.

(b) All fences, barriers or temporary structures of any kind located on public highways, shall be so constructed as not to obstruct vision at the intersection of the street property lines. (Ord. 61-20. Passed 5-16-61.)

1315.04 TEMPORARY WALKS.

Temporary walks shall be not less than four feet wide in the clear and shall be built in a safe, substantial and workmanlike manner, and shall be maintained in that condition at all times. A smooth substantial handrail shall be provided on the traffic side, and also, on the inside when necessary. The Building Inspector may require a walk in congested districts as wide as, in his opinion, seems necessary. (Ord. 61-20. Passed 5-16-61.)

1315.05 TEMPORARY COVERED WALKS.

(a) During the wrecking or erection of any building exceeding one story in height and within ten feet of any street or alley property line, or when required by the Building Inspector, a roof for the entire length of the project shall be provided over the temporary or permanent sidewalk from the time the construction or wrecking extends above the second-floor level until materials are no longer being used or handled on the street or alley front above such walk. Buildings having their exteriors altered or repaired in an extensive manner shall be provided with a covered walk as required for new structures. The roof of such covered walk, for a two-story building shall be constructed of not less than one layer of two-inch plank which is supported by well braced framework and all parts of the roof structure shall be designed to support a live load of not less than 125 psf. For buildings exceeding two stories in height, the roof of such walk shall be constructed of not less than two layers, staggered, of two-inch plank minimum thickness, supported by a well braced framework and all parts of the roof structure shall be designed to support a live load of not less than 250 psf. Suitable material shall be placed between the layers of such roof to make it waterproof. Such roof construction shall be not less than nine feet clear above the walk, and shall be of sufficient width to cover the entire temporary or permanent sidewalk.

Exception:

Outside of congested districts where, in the opinion of the Building Inspector, a covered walk is not necessary, a permit may be issued to block off part of the sidewalk and have a temporary walk constructed as provided in Section 1315.04.

(b) All covered walks or sidewalks shall be not less than six feet wide in the clear and all parts exposed to the public shall be given at least two coats of paint. The Building Inspector may require a walk in congested districts as wide as, in his opinion, seems necessary.

(c) A solid railing or foot board at least thirty inches high shall be constructed around the entire outer edge of the temporary roof and the side adjacent to the property line, between the

sidewalk and roof, shall be boarded up solidly.

(d) The covered walk shall be continuously well lighted between sunset and sunrise.

(e) Means of access shall be provided for the public from such temporary structure or covered walk to any bus stop. All necessary surface drainage shall be provided for when placing the sills or other parts of the structure. (Ord. 61-20. Passed 5-16-61.)

1315.06 OUTRIGGER SCAFFOLDS.

During the wrecking of any building, and where required by the Building Inspector, outrigger scaffolds shall be constructed on all sides of the building which are within ten feet of a traveled thoroughfare and on all sides that are adjacent to and extend above any occupied building lot. These outrigger scaffolds shall be located not more than two stories below the point where any wrecking or handling of outside wall material is being done. The floor or platform of all such outrigger scaffolds shall be tightly laid from the edge of the building and shall be at least eight feet wide with a thirty-inch solid railing or foot board at the outside edge. The flooring and its supports or outriggers shall be capable of sustaining a live load of not less than 125 psf, and in no case shall any material less than the nominal two inch in thickness be used in their construction. (Ord. 61-20. Passed 5-16-61.)

1315.07 TEMPORARY DRIVE OVER SIDEWALK.

Whenever a sidewalk is used for temporary drive-over purposes, a suitable wood mat or pad shall be placed over the same to prevent damage to the sidewalk and to protect pedestrians from broken pieces of the walk or ruts worn into it. Such mat or pad shall have a solid and smooth surface for the entire width of the paved and used walk and shall have chamfered edges, not to exceed an angle of thirty degrees with the horizontal, fitting tightly to the walk where the mat comes in contact with it. All mats shall be kept in good repair and free from any and all holes, loose parts, obstructions and waste material except that sand shall be sprinkled on the mats or pads when they become slippery. (Ord. 61-20. Passed 5-16-61.)

1315.08 USE OF GUY ROPES AND MATERIAL HOISTS.

Guy ropes for derricks and hoists or other equipment shall not be stretched across a street, alley or public space. Building material shall not be hoisted or lowered over sidewalks, unless authorized by special permit of the Building Inspector. (Ord. 61-20. Passed 5-16-61.)

1315.09 WATCHMAN.

When anything is being hoisted, loaded or unloaded over a sidewalk, or when any trucks cross over same, in a congested district or on an arterial highway, at least one watchman shall be stationed there to warn and protect all persons from injury or damage. (Ord. 61-20. Passed 5-16-61.)

1315.10 RED LIGHTS.

All pits, excavations, buildings, building materials, rubbish, obstructions, temporary

fences, walks, drive-over pads and barricades of any kind, in or upon a street, alley or sidewalk, shall have red lights placed at each end or corner, and when such obstruction exceeds fifty feet in length, there shall be an additional red light for each additional fifty feet or fraction thereof. All lights shall be placed and maintained so as to give ample warning of danger to pedestrians and drivers of vehicles. (Ord. 61-20. Passed 5-16-61.)

1315.11 REMOVAL OR ALTERATION OF TEMPORARY STRUCTURES.

All fences, barricades, buildings, building materials, walks, drive-over pads, rubbish or obstructions of any kind, in any street, sidewalk or alley shall be removed or changed, when so ordered by the Building Inspector for the protection of the public. (Ord. 61-20. Passed 5-16-61.)

1315.12 NOISES AT NIGHT.

Between the hours of 10:00 p.m. and 7:00 a.m., no person shall, within 400 feet of any residentially zoned property, operate or use any power-driven construction equipment or other apparatus or tools, which make loud or unusual noise, except by special written permission from the Building Inspector. (Ord. 89-78. Passed 1-9-90.)

1315.13 DEBRIS TO BE DAMPENED.

Every contractor or other person, while erecting, altering, repairing or wrecking any building from which debris is to be moved, or in removing, handling or hauling debris, from any building, shall keep all such debris thoroughly dampened with water so as to prevent excessive dust arising therefrom. (Ord. 61-20. Passed 5-16-61.)

1315.14 SAND AND DUST RECEPTACLES.

All equipment used in cleaning, repairing or surfacing buildings or parts of buildings, in or by which sand, cement or similar materials are used under pressure, shall be provided with suitable dust catchers or receptacles to receive all parts of sand, cement or similar materials and wastes and prevent the same from falling, being blown about or becoming a nuisance to pedestrians or occupants of adjoining property. (Ord. 61-20. Passed 5-16-61.)

1315.15 FALLING MATERIALS OR FLUIDS.

No person engaged in the construction, alteration, repair, clearing, removal or demolition of any building in the Municipality shall throw, cast or drop or cause or permit to be thrown, cast or dropped from any elevation of such building, into or upon any of the streets, alleys or other public ways or places in the Municipality, any timber, iron, stone, brick, plaster, shingles, roofing, shavings, chips or other building materials, fluid, rubbish or debris of such buildings. No person engaged as aforesaid shall lower and remove from such building, any timber, material, rubbish, debris or other substances aforesaid, except by the careful use of machinery, buckets, baskets, slides, troughs or such other appliances as may be deemed by the Building Inspector to be proper to insure against injury and annoyances to the public in the use and enjoyment of such street, alley or other public way or place. (Ord. 61-20. Passed 5-16-61.)

1315.16 PROTECTION OF ADJOINING SKYLIGHTS AND ROOFS.

If the walls of any building are carried up one story or more above the roofs of the adjoining buildings, approved means shall be provided and used for the temporary protection of skylights and roofs of such adjoining buildings. Should any adjoining owner, tenant or lessee refuse to grant permission to have such roofs and skylights so protected, such owner, tenant or lessee shall be required to protect such skylight and roof.
(Ord. 61-20. Passed 5-16-61.)

1315.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor.

**CHAPTER 1317
Electrical Installations**

- 1317.01 Compliance required.**
- 1317.02 Electrical inspection fees.**

CROSS REFERENCES

Power to license electricians - see Ohio R.C. 715.27
Electrical safety inspection - see Ohio R.C. Ch. 3783

1317.01 COMPLIANCE REQUIRED

All electric wiring, appliances, apparatus and devices used for the furnishing of light, heat or power, or for any other purpose, shall be in accordance with the Ohio Basic Building Code, Hamilton County Building Code and National Electrical Code.

1317.02 ELECTRICAL INSPECTION FEES.

The fees provided and required for electrical inspections shall be payable to and retained by the authorized inspection agency.

**CHAPTER 1319
Plumbing Requirements**

- 1319.01 Adoption; file and distribution copies.**
- 1319.02 Registration, fees.**
- 1319.03 Permit fees. (Repealed)**

CROSS REFERENCES

Power to license plumbers - see Ohio R.C. 715.27

Plumbing permits - see BLDG. 1313.02

1319.01 ADOPTION; FILE AND DISTRIBUTION COPIES.

The Plumbing Code, as set forth in the Ohio Building Code, is hereby adopted by reference as fully as if rewritten herein. A complete copy of such Plumbing Code is on file with the Clerk of Council for inspection by the public and also on file in the Law Library of Hamilton County, Ohio. Copies are available at cost. The adopted Plumbing Code shall apply to all buildings, including one-family, two-family and three-family dwellings.

1319.02 REGISTRATION, FEES.

(a) All persons engaged in or intending to engage in the business of plumbing and sewage disposal installation work within the limits of the City, shall register with the City.

Any person may make application for registration to do plumbing and sewage disposal installation work within the City. A fee of twenty-five dollars (\$25.00) shall accompany the application for registration of any person who intends to engage in the business of plumbing and sewage disposal.

"Person" includes a corporation or partnership as well as an individual but does not include employees. A person registered with such City shall also register all employees working under or assisting such person in all plumbing or sewage disposal work within such City.

(b) All registration shall expire on December 31 of each year, and the renewal fee shall be twenty-five dollars (\$25.00).

(Ord. 66-46. Passed 8-9-66; Ord. 80-58. Passed 11-11-80.)

(c) All plumbing permits shall be obtained through the Hamilton County or the Butler County Plumbing Departments. (Ord. 93-34. Passed 5-11-93.)

1319.03 PERMIT FEES.

(EDITOR'S NOTE: This section was repealed by Ordinance 89-62, passed October 10, 1989.)

CHAPTER 1321 Flood Damage Reduction

- 1321.01** **General provisions.**
- 1321.02** **Definitions.**
- 1321.03** **Administration.**

- 1321.04 Use and development standards for flood hazard reduction.**
- 1321.05 Appeals and variances.**
- 1321.06 Enforcement.**

CROSS REFERENCES

- Marking flood areas - see Ohio R.C. 1521.14
- Water pollution control - see Ohio R.C. Ch. 6111
- Subdivision improvements - see P.& Z. Ch. 1115

1321.01 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 citizens. Therefore, the City Council of the City of Sharonville, State of Ohio, does ordain as follows:

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

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

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- (8) Minimize the impact of development on adjacent properties within and near flood prone areas;
- (9) Ensure that the flood storage and conveyance functions of the floodplain are maintained;

- (10) Minimize the impact of development on the natural, beneficial values of the floodplain;
- (11) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- (11) Meet community participation requirements of the National Flood Insurance Program.

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

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

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

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

- (1) Flood Insurance Study for Hamilton County, Ohio and Incorporated Areas, effective date of May 17, 2004.
Flood Insurance Rate Maps for Hamilton County, Ohio and Incorporated Areas; Map Numbers 39061C0087 D, 39061C0089 D, 39061C0091 D, 39061C0092 D, 39061C0093 D, 39061C0094 D, 39061C0113 D, and 39061C0115 D; effective date of May 17, 2004. Flood Insurance Study for Butler County, Ohio, effective date of January 21, 1998. Flood Insurance Rate Map for Butler County, Ohio; Map Number 390037-0025 (Panel is not printed, area of minimal flood hazards)
- (2) 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 Sharonville as required by Section 1321.04.

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 City of Sharonville City Hall, 10900 Reading Road, Sharonville, 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 Sharonville, 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. 2004-17E. Passed 3-30-04.)

1321.02 DEFINITIONS.

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

(a) Accessory Structure A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

(b) **Appeal** A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.

(c) **Base Flood** The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.

(d) **Base (100-Year) Flood Elevation (BFE)** The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).

(e) **Basement** Any area of the building having its floor subgrade (below ground level) on all sides.

(f) **Development** Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

(g) **Enclosure Below the Lowest Floor** See "Lowest Floor."

(h) **Executive Order 11988 (Floodplain Management)** Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

(i) **Federal Emergency Management Agency (FEMA)** The agency with the overall responsibility for administering the National Flood Insurance Program.

(j) **Fill** A deposit of earth material placed by artificial means.

(k) **Flood or Flooding** A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters, and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

(l) **Flood Hazard Boundary Map (FHBM)** Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

(m) **Flood Insurance Rate Map (FIRM)** An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development

has delineated the areas of special flood hazard.

(n) **Flood Insurance Risk Zones** Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

Zone A:

Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.

Zones A1-30 and Zone AE:

Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.

Zone AO:

Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.

Zone AH:

Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

Zone A99:

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

Zone B and Zone X (shaded):

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

Zone C and Zone X (unshaded):

Areas determined to be outside the 500-year floodplain.

(o) **Flood Insurance Study (FIS)** The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

(p) **Flood Protection Elevation** The Flood Protection Elevation, or FPE, is the base flood elevation plus 1 foot of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator, plus 1 foot of freeboard.

(Ord. 2004-17E. Passed 3-30-04.)

(q) **Floodway** A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway

is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height as specified in the Flood Insurance Study. In no case shall the designated height be more than .5 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.

(Ord. 2004-17E. Passed 3-30-04; Ord. 2006-32. Passed 5-23-06.)

(r) **Freeboard** A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

(s) **Historic structure** Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
- (3) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.
- (4) Individually listed on the inventory of historic places maintained by the City of Sharonville whose historic preservation program has been certified by the Ohio Historic Preservation Office.

(t) **Hydrologic and hydraulic engineering analysis** An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

(u) **Letter of Map Change (LOMC)** A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's are broken down into the following categories:

Letter of Map Amendment (LOMA) A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific

property is not located in a special flood hazard area.

Letter of Map Revision (LOMR) A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

Conditional Letter of Map Revision (CLOMR) A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

(v) **Lowest floor** The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest 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** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.

(x) **Manufactured home park** As specified in the Ohio Administrative Code 3701-27-01, a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.

(y) **National Flood Insurance Program (NFIP)** The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the

Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

(z) **New construction** Structures for which the "start of construction" commenced on or after the initial effective date of the City of Sharonville Flood Insurance Rate Maps, January 2, 1987, and includes any subsequent improvements to such structures.

(aa) **Person** Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

(bb) **Recreational vehicle** A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(cc) **Registered Professional Architect** A person registered to engage in the practice of architecture under the provisions of Sections 4703.01 to 4703.19 of the Revised Code.

(dd) **Registered Professional Engineer** A person registered as a professional engineer under Chapter 4733 of the Revised Code.

(ee) **Registered Professional Surveyor** A person registered as a professional surveyor under Chapter 4733 of the Revised Code.

(ff) **Special Flood Hazard Area** Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, AI-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal, state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

(gg) **Start of construction** The date the building permit was issued, provided the

actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

(hh) **Structure** A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

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

(jj) **Substantial Improvement** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

- (1) Any improvement to a structure which is considered "new construction,"
- (2) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (3) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure".

(kk) **Variance** A grant of relief from the standards of these regulations consistent with the variance conditions herein.

(ll) **Violation** The failure of a structure or other development to be fully compliant with these regulations.

(Ord. 2004-17E. Passed 3-30-04.)

1321.03 ADMINISTRATION.

(a) **Designation of the Floodplain Administrator.** The Safety/Service Director, or

his/her designated appointee, 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 1321.01(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 1321.04(e).
 - B. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1321.04(d)(5) are designed to automatically equalize hydrostatic flood forces.
(Ord. 2004-17E. Passed 3-30-04.)
 - C. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1321.04(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 .5 foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations as required by Section 1321.04(i)(2).
(Ord. 2004-17E. Passed 3-30-04; Ord. 2006-32. Passed 5-23-06.)
 - E. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1321.04(i)(1).
 - F. Generation of base flood elevation(s) for subdivision and large scale developments as required by Section 1321.04(c).

- (6) A floodplain development permit application fee set by the schedule of fees adopted by the City of Sharonville.

(e) Review and Approval of a Floodplain Development Permit Application.

(1) Review.

A. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in subsection (d) hereof has been received by the Floodplain Administrator.

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

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

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

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

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

- (2) For all development activities subject to the standards of subsection (j)(1) hereof.

(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 1321.05.

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

- (1) Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000.
- (2) Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.
- (3) Major utility facilities permitted by the Ohio Power 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 the City of Sharonville flood maps, studies and other data identified in Section 1321.01(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 1321.04(c).
- B. It is the responsibility of the applicant to have technical data, required in accordance with subsection (j)(1) hereof, prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
- C. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
1. Proposed floodway encroachments that increase the base flood elevation; and
 2. Proposed development which increases the base flood elevation by more than 0.5 (half) foot in areas where FEMA has provided base flood elevations but no floodway.
- D. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to subsection (j)(1)A.
- (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 Sharonville, 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 Sharonville 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 Sharonville's Flood Insurance Rate Maps accurately represent the City's boundaries, include within such notification a copy of a map of the City of Sharonville suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Sharonville 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 1321.05.
 - (5) Where the map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.
- (1) Substantial Damage Determinations.
- (1) Damages to structures may result from a variety of causes including tornado, wind, heavy snow, flood, fire, etc. After such a damage event, the Floodplain Administrator shall:
 - A. Determine whether damaged structures are located in special flood hazard areas;

- B. Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
 - C. 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.
- (2) 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. 2004-17E. Passed 3-30-04.)

1321.04 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 1321.01(f) or 1321.03(k)(1):

- (a) Use Regulations.
 - (1) Permitted Uses. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the City of Sharonville are allowed provided they meet the provisions of these regulations.
 - (2) Prohibited Uses.
 - A. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Section 3701 of the Ohio Revised Code.
 - B. Infectious waste treatment facilities in all special flood hazard areas, permitted under Section 3734 of the Ohio Revised Code.
- (b) Water and Wastewater Systems. The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:
 - (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
 - (2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
 - (3) On-site waste disposal systems shall be located to avoid impairment to or

contamination from them during flooding.

(c) Subdivisions and Large Developments.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- (4) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
- (5) The applicant shall meet the requirement to submit technical data to FEMA in Section 1321.03(j)(1)A.4. when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by subsection (c)(4) hereof.

(d) Residential Structures.

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring and construction materials resistant to flood damage are satisfied.
- (2) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
- (3) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (4) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation, which is the base flood elevation plus 1 foot of freeboard.
- (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 this subsection (d).
- (e) Nonresidential Structures.
- (1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of subsection (d)(1) to (3) and (5) to (7).
 - (2) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation, which is the base flood elevation plus I foot of freeboard; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
 - A. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 - B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - C. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Floodproofing Certificate, that the design and methods of

construction are in accordance with subsections (e)(2)A. and B.

- (f) Accessory Structures. Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards:
- (1) They shall not be used for human habitation;
 - (2) They shall be constructed of flood resistant materials;
 - (3) They shall be constructed and placed on the lot to offer the minimum resistance to the flow of flood waters;
 - (4) They shall be firmly anchored to prevent flotation;
 - (5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
 - (6) They shall meet the opening requirements of subsection (d)(5)C.
- (g) Recreational Vehicles. Recreational vehicles must meet at least one of the following standards:
- (1) They shall not be located on sites in special flood hazard areas for more than 180 days, or
 - (2) They must be fully licensed and ready for highway use, or
 - (3) They must meet all standards of subsection (d) hereof.
- (h) Above Ground Gas or Liquid Storage Tanks. All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.
- (i) Assurance of Flood Carrying Capacity. Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:
- (1) Development in Floodways.
 - A. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
 - B. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 1. Meet the requirements to submit technical data in Section 1321.03(j)(1);
 2. An evaluation of alternatives which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;

3. Certification that no structures are located in areas which would be impacted by the increased base flood elevation;
4. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
5. Concurrence of the Mayor of the City of Sharonville and the Chief Executive Officer of any other communities impacted by the proposed actions.

(Ord. 2004-17E. Passed 3-30-04.)

(2) Development in Riverine Areas with Base Flood Elevations.

A. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided, 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 .5 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 causing more than .5 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 .5 foot or less of the base flood elevation and an explanation why these alternatives are not feasible;

(Ord. 2004-17E. Passed 3-30-04; Ord. 2006-32. Passed 5-23-06.)

2. Subsection (i)(1)B.1. and 3. to 5.

(3) Alterations of a Watercourse. For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

A. The 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 the City of Sharonville 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 1321.03(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. 2004-17E. Passed 3-30-04.)

1321.05 APPEALS AND VARIANCES.

(a) Appeals Board Established.

- (1) The City Council shall appoint an Appeals Board consisting of the members of the City of Sharonville Planning Commission. The members shall serve 6 year terms after which time they shall be reappointed or replaced by the City Council. Each member shall serve until his/her successor is appointed.
- (2) A chairperson shall be elected by the members of the Appeals Board. Meetings of the Appeals Board shall be held as needed and shall be held at the call of the Chairperson, or in his absence, the Acting Chairperson. All meetings of the Appeals Board shall be open to the public except that the Board may deliberate in executive sessions as part of quasi-judicial hearings in accordance with law. The Appeals Board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of all official actions. Records of the Appeals Board shall be kept and filed in the Department of Building and Planning.

(b) Powers and Duties.

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

(c) Appeals.

- (1) Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within 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.
- (2) Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

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

(1) Application for a Variance.

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

Sharonville.

- (2) Notice for Public Hearing. The Appeals Board shall schedule and hold a public hearing within thirty (30) days after the receipt of an application for a variance from the Floodplain Administrator. Prior to the hearing, a notice of such hearing shall be given in one (1) or more newspapers of general circulation in the community at least ten (10) days before the date of the hearing.
- (3) Public Hearing.
 - A. At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:
 1. The danger that materials may be swept onto other lands to the injury of others.
 2. The danger to life and property due to flooding or erosion damage.
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 4. The importance of the services provided by the proposed facility to the community.
 5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
 6. The necessity to the facility of a waterfront location, where applicable.
 7. The compatibility of the proposed use with existing and anticipated development.
 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
 9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
 - B. Variances shall only be issued upon:
 1. A showing of good and sufficient cause.

2. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
 3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
 4. A determination that the structure or other development is protected by methods to minimize flood damages.
 5. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- C. Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

(4) Other Conditions for Variances.

- A. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- B. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in subsection (d)(3) 1. to 11. have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- C. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(e) Procedure at Hearings.

- (1) All testimony shall be given under oath.
- (2) A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.

- (3) The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
- (4) The administrator may present evidence or testimony in opposition to the appeal or variance.
- (5) All witnesses shall be subject to cross-examination by the adverse party or their counsel.
- (6) Evidence that is not admitted may be 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 Hamilton County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.

(Ord. 2004-17E. Passed 3-30-04.)

1321.06 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 1321.03(i).
- (2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with subsection (c) hereof.
- (3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with subsection (c) hereof.

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

provided. Such notice and order shall:

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

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

(Ord. 2004-17E. Passed 3-30-04.)

CHAPTER 1327 Condominium Conversions

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| 1327.01 | Required prior notice of conversion. |
| 1327.02 | Tenants' rights. |
| 1327.03 | Right of entry. |
| 1327.04 | Reasons for eviction extension. |
| 1327.05 | Unlawful representations. |

CROSS REFERENCES
Condominiums - see Ohio R.C. Ch. 5311

1327.01 REQUIRED PRIOR NOTICE OF CONVERSION.

A developer of a conversion condominium development shall deliver to each of the tenants in possession written notice of conversion and the public offering statement not less than

120 days before requiring the tenant to vacate. (Ord 81-69. Passed 11-24-81.)

1327.02 TENANTS' RIGHTS.

(a) Any tenant whose tenancy expires other than for cause before the expiration of 120 days from the date of delivery of such notice of conversion shall have the right to an additional tenancy on the same terms and conditions and for the same rental unit until the expiration of such 120 day period.

(b) Any tenant with more than thirty days remaining on a lease who receives a notice of an intent to convert shall at any time after receipt of such notice have the right to terminate such lease with thirty days written notice to the landlord. Such termination shall be without penalty or other termination charge to the tenant.

(c) All tenants of the proposed condominium conversion project shall be given 120 days advance written notice of termination of their tenancy and shall further be given the exclusive right to purchase their respective unit upon at least as favorable terms and conditions as such units are offered to the general public. Certification of compliance shall be provided to the Building Division prior to the recording of the final tract map.
(Ord. 81-69. Passed 11-24-81.)

1327.03 RIGHT OF ENTRY.

(a) The tenant in a conversion condominium shall not unreasonably withhold consent to the declarant to enter the unit in order to inspect the premises, make necessary or agreed repairs, supply necessary or agreed services or show the unit to prospective or actual workmen or purchasers in accordance with subsection (b) hereof. The landlord shall not abuse the right of access or use it to harass the tenant. Except in case of emergency or unless it is impracticable to do so, the landlord shall give the tenant at least two days notice of his intent and may enter only at reasonable times.

(b) An occupied unit which is offered for initial sale can be shown to a prospective purchaser only during the last ninety days of the notice period or tenancy, whichever terminates at a later date. However, if a tenant has provided notice of an intent to terminate the lease the declarant may show the unit subsequent to the receipt of such notice.

(c) The declarant shall not undertake remodeling for conversion of a unit while it is occupied by a tenant nor create any unreasonable disruption of the common areas, including but not limited to restricting access thereto nor interfere with the quiet use and enjoyment of the premises, nor abuse the right of access nor use it to harass the tenant.
(Ord. 81-69. Passed 11-24-81.)

1327.04 REASONS FOR EVICTION EXTENSION.

For tenant families containing at least one member of the household who is sixty-five years of age or older or who is physically or mentally disabled or for tenant families containing

two or more children as part of the household, eviction shall be delayed beyond the term of the existing lease for a period of not less than six months from the date of filing of the declaration. (Ord. 81-69. Passed 11-24-81.)

1327.05 UNLAWFUL REPRESENTATIONS.

(a) General. It shall be unlawful for any developer or agent selling or offering to sell any condominium unit in any condominium development:

- (1) To employ any device, scheme or artifice to defraud;
- (2) To obtain money or property by means of any untrue statement of a material fact or by any omission to state a material fact necessary in order to make the statements made not misleading or by any pictorial representation which is false;
- (3) To engage in any transaction, practice or course of business which operates or would operate as a fraud or deceit upon a purchaser;
- (4) To make or cause to be made in any document required by this chapter any statement or representation that is knowingly false or misleading; or
- (5) To make or cause to be made to any purchaser, any oral representation on which differs from the statements made in any document required by this chapter.

(b) Specific. It shall be unlawful for any developer or agent in selling or offering to sell any condominium unit in any condominium development:

- (1) To request a tenant or purchaser to acknowledge receipt of any notice or public offering statement which he has not received or to falsify the date of receipt;
- (2) To certify falsely to having provided notices of the public offering statement required by this chapter;
- (3) To employ undue pressure to induce a tenant to purchase a unit which intrudes on or prevents his use of his best judgment in deciding whether to purchase, including the following:
 - A. Any direct or indirect increase or decrease in the purchase price of or benefits offered to tenants during any portion of the period during which the tenants are entitled to a right of first refusal; or
 - B. Any false statements as to the number of standby or backup sales contracts or reservations or subscriptions or like agreements; or
 - C. Any false statement prior to the end of the period during which the tenant may not be evicted without cause as to a future rent increase; or
 - D. Any false statement relating to future conversions which would reduce rental units available in the City.

(Ord. 81-69. Passed 11-24-81.)



CODIFIED ORDINANCES OF SHARONVILLE