

CODIFIED ORDINANCES OF MORELAND HILLS  
PART THIRTEEN - BUILDING CODE

TITLE ONE - Standards Adopted

- Chap. 1301. Regional Dwelling House Code.
- Chap. 1303. Regional Building Code.
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TITLE THREE - Local Provisions

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CODIFIED ORDINANCES OF MORELAND HILLS  
PART THIRTEEN-BUILDING CODE

TITLE ONE - Standards Adopted

- Chap. 1301. Regional Dwelling House Code  
Chap. 1303. Regional Building Code.  
Chap. 1305. National Electrical Code.  
Chap. 1307. Ohio Basic Building- Code.

CHAPTER 1301  
Regional Dwelling House Code

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| 1301.01 Code adopted; identity and purpose | 1301.03 Definitions. |
| 1301.02 File and sale copies.              | 1301.04 Amendments.  |

CROSS REFERENCES

- Adoption by reference - see Ohio R.C. 731.231  
Conflict; greater restriction to control - see BLDG. 1303.04  
(RBC 1621.03), 1311.01

1301. 01 CODE ADOPTED; IDENTITY AND PURPOSE.

Pursuant to the provisions of Ohio R.C. 731.231, the 1966 edition of the Regional Dwelling House Code, as prepared and promulgated by the Regional Planning Commission, Cleveland, Ohio, is hereby adopted by the Village of Moreland Hills and incorporated by reference as a part of the Village Building Code as if fully set out herein, except such provisions as are hereinafter amended, enacted or repealed. The purpose of the Region Dwelling House Code, as adopted herein, is to establish uniform standard provisions to govern the construction, alteration, repair, maintenance, design, materials, equipment and removal or demolition of one and two-family dwellings and appurtenant structures, as to make them safe and sanitary for their intended use and occupancy.(Ord. 1968-43. Passed 9-11-68.)

1301.02 FILE AND SALE COPIES.

A complete copy of the Regional Dwelling House Code, as adopted herein, is on file the Village Clerk and the Building Inspector for inspection by the public, and a copy is also on file in the Cuyahoga County Law Library. The Building Inspector has copies available for distribution to the public at cost. (Ord. 1968-43e Passed 9-11-68.)

1301.03 DEFINITIONS.

Wherever used in the Regional Dwelling House Code, the following terms shall have the meanings respectively ascribed to them:

- (a) "Municipality" means the Village of Moreland Hills, Ohio.
- (b) "Building Official" means the Building Inspector of Moreland Hills, Ohio.
- (c) "Board of Building Code Appeals" is deleted and the provisions of Chapter 1315 "Architectural Reviewer" shall apply. (Ord. 1968-43. Passed 9-11-68.)

## 1301.04 AMENDMENTS.

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

- (a) Section 1521.31- Federal Specifications, is hereby amended as follows: All building insulation shall:
  - 1. Be nonflammable.
  - 2. Not give off toxic gases when submitted to open flame.
  - 3. Not be used as structural material.
- (b) Section 1593.53. Water-Distributing Pipe. Tubing and Fittings, is hereby amended as follows:
  - (a) Subject to the provisions of subsections (b) and (c) of this section, material for water-distributing pipes and tubing shall be of brass. Type L or K copper, cast iron, wrought iron, open hearth iron or steel, with appropriate approved fittings, conforming to the applicable specifications listed in Table 93A. All threaded ferrous pipe and fittings shall be galvanized (zinc coated) or cement lined. When used in corrosive soil, all ferrous pipe and fittings shall be coal tar enamel coated or otherwise protected in an equivalent manner against external corrosion.
- (c) Section 1593.56. Building Drainage Piping: (Sanitary and Storm), is hereby amended as follows:
  - (a) All basement floor drains shall be connected to sanitary sewers only.
  - (b) Except as otherwise provided in Section 1593.56, underground drainpipe, waste-pipe, and vent pipe, within a building and to a point five feet outside the inner face of the building wall shall be of cast iron, brass, copper, vitrified clay, or PVC pipe. The pipe and fittings for each type of pipe shall conform to the applicable specifications listed in Table 93A. The joints and connections of all building drains and building storm drains shall conform to the applicable provisions for the respective materials as set forth in Sections 1593.08 through 1593.21, except that joints and connections for vitrified clay pipe shall conform to Section 1593.14 or 1593.15.
  - (c) Soil and waste piping for the drainage system above the ground shall be of cast iron. Type L or K copper, or PVC pipe. However, PVC pipe is not to be used for the waste stack between the basement floor to the highest permanent plumbing fixture.
- (d) Section 1593.58. Building Sewer; Building Storm Sewer, is hereby amended as follows:

All sewer pipe, from the building to the curb connection or other point of disposal, shall be not less than four-inch cast iron. Type L or heavier copper, PVC pipe, or five-inch vitrified clay. Pipe other than cast iron shall not be smaller in diameter than the curb connections. The pipe and fittings for each type of pipe shall conform to the applicable specifications listed in Table 93A. Joints and connections shall conform to the applicable provisions for the respective materials as set forth in Sections 1593.08 through 1593.21, except that joints in vitrified clay shall conform to Section 1593.14 or 1593.15. However, in the case of a privately owned septic system, ABS or PVC pipe may be used between the building and the septic system.

- (e) Section 1593.71. Materials for Vents and Venting.  
Vent piping above the ground shall be of cast iron, copper Type L or K, or PVC pipe.
- (f) As it relates to the above sections, PVC pipe shall be minimum Schedule 40 or better. ASTM D1665 (above ground drainage), ASTM D1665 (underground building drainage and vent pipe). Type DWV or SDR 35 (Building sewer pipe). Fittings and joints to be cemented only (above ground) and cemented or elastomeric (below ground). (Ord. 1994-14. Passed 3-2-94.)

CHAPTER 1303  
Regional Building Code

1303.01 Code adopted; identity and purpose.  
1303.02 File and sale copies.

1303.03 Definitions.  
1303.04 Code changes adopted.

CROSS REFERENCES

Adoption by reference - see Ohio R.C. 731.231  
Conflict; greater restriction to control - see BLDG. 1311.01

1303. 01 CODE ADOPTED; IDENTITY AND PURPOSE.

Pursuant to the provisions of Ohio R. C. 731.231, the 1959 edition of the Regional Building Code, as prepared and promulgated by the Regional Planning Commission, Cleveland, Ohio, is hereby adopted by the Village of Moreland Hills and incorporated by reference as a part of the Village Building Code as if fully set out herein, except such provisions as are hereinafter amended, enacted or repealed. The purpose of the Regional Building Code, as adopted herein, is to establish uniform standard provisions to govern the construction, alteration, repair, maintenance, design, materials, equipment and removal or demolition of all buildings and structures, so as to make them safe and sanitary for their intended use and occupancy, except that the Regional Building Code shall not apply to one and two-family dwellings, private garages, sheds, barns and similar structures appurtenant to such dwellings. (Ord. 1968-43. Passed 9-11-68.)

1303.02 FILE AND SALE COPIES.

A complete copy of the Regional Building Code, as adopted herein, is on file with the Village Clerk and the Building Inspector for inspection by the public, and a copy is also on file in the Cuyahoga County Law Library. The Building Inspector has copies available for distribution to the public at cost. (Ord. 1968-43. Passed 9-11-68.)

1303.03 DEFINITIONS.

Wherever used in the Regional Building Code, the following terms shall have the meanings respectively ascribed to them:

- (a) "Municipality" means the Village of Moreland Hills, Ohio.
- (b) "Building Official" means the Building Inspector of Moreland Hills, Ohio.
- (c) "Board of Building Code Appeals" is deleted and the provisions of Chapter 1315 "Architectural Reviewer" shall apply. (Ord. 1968-43. Passed 9-11-68.)

1303. 04 CODE CHANGES ADOPTED.

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

Section 1611.02 Sub-classification: is hereby amended to read as follows.

All buildings covered by this Regional Building Code shall conform to the following:

Type I, Fire-Resistive Construction is further sub-classified as:

Type IA, Fire-Resistive, 4 hour protected;

Type IB, Fire-Resistive, 2 1/2 hour protected.

Section 1611.03 Required Fire Resistance: is hereby amended as follows.

By adding to Table IIA the word "Residential" to the list of occupancies listed under "Type I-B, 2-1/2 Hour Protective" construction, and by eliminating from the Table the entire column headed "Type I-C, 1-1/2 Hour Protective" construction.

Section 1619.06(g) Fire Walls Create Separate Buildings: is hereby deleted.

Section 1621.03 Dwelling House Occupancy: is hereby amended to read as follows.

Dwelling house classification shall include any individual buildings intended to be occupied exclusively and continuously for residential purposes by not more than one family. Any building regulations or requirements in this Regional Building Code pertaining to dwelling houses is supplementary to those contained in the Dwelling House Code. In the event of an apparent difference in regulations or requirements, the more restrictive shall govern.

Section 1621.06 Class A Multiple Dwellings: is hereby amended to read as follows.

Class A Multiple Dwellings are multiple dwellings which are occupied more or less permanently for residence purposes by more than one family and in which the rooms are occupied in apartments, suites or groups, each comprising a dwelling unit.

Class A Multiple Dwellings shall include, among others:

Apartment Houses

Bachelor Apartments

Apartment Hotels

Duplex Apartments

Studio Apartments

Kitchenette Apartments

Tenement Houses

Garden-Type Apartments

Row Houses

Section 1621.09 Height Restrictions of Multiple Dwellings: is hereby amended to read as follows.

The height of Multiple Dwellings for all types of construction shall be restricted to thirty-five feet.

Section 1621.10 Fire Ratings of Multiple Dwellings: is substituted for the section heading of Section 1621.10 and is hereby amended to read as follows.

All Multiple Dwellings shall be of Type I-A or Type I-B Fire-Resistive Construction.

Section 1621.14 Separations Between Dwelling Units and Fire Protection of Habitable

Rooms: is hereby amended to read as follows.

Apartments, suites of rooms or dwelling units in buildings and parts of buildings of Class A Multiple Dwelling Occupancy shall be separated from each other and from adjacent rooms or spaces with walls or partitions and floor and ceiling construction having a fire-resistance rating of not less than four hours, and all openings in such walls or partitions shall be protected with self-closing Class B opening protectives or other approved self-closing doors having a fire-resistance rating of not less than one and one-half hours. (Ord. 1968-43. Passed 9-11-68.)

CHAPTER 1305  
National Electrical Code

1305.01 Code adopted; Identity and purpose.  
1305.02 File and sale copies

1305.03 Amendments.

CROSS REFERENCES

Adoption by reference - see Ohio R.C. 731.231

Conflict; greater restriction to control - see BLDG. 1311.01

1305.01 CODE ADOPTED; IDENTITY AND PURPOSE

Pursuant to the provisions of Ohio R.C. 731.231, the 1990 Edition of the National Electrical Code is hereby adopted and incorporated by reference as if fully set forth herein, except such portions as are hereinafter amended, enacted or repealed, BO that all electrical materials and installations in dwelling units of one-, two-, and three-family dwellings and mobile homes, multiple-family dwellings, commercial and industrial occupancy, shall be in accordance with the requirements of the National Electrical Code, except such portions as are hereinafter deleted, modified or amended.

1305.02 FILE AND SALE COPIES.

A complete copy of the National Electrical Code, as adopted herein, is on file with the Village Clerk for inspection by the public and a copy is also on file in the Cuyahoga County Law Library. The Clerk has copies available for distribution to the public at cost.

1305.03 AMENDMENTS.

(a) Section 210-70 (a) of Article 210, Dwelling Units. Is hereby amended as follows:

(a) Dwelling-Units ). At least one wall switch controlled lighting outlet shall be installed in every habitable room; kitchen, bathroom, toilet room, in hallways, stairways and attached garages; and at outdoor entrances.

At least one lighting outlet shall be installed in an attic, under floor space. In a utility room and basement where used for storage or containing equipment requiring servicing, at laundry trays, boilers' furnaces and other central heating or cooling devices. Three-way switches shall be provided for all stairways to control lighting outlets illuminating such stairways.

Exception No. 1: In habitable rooms, other than kitchens or bathrooms, one or more receptacles controlled by a wall switch shall be permitted in lieu of lighting outlets.

Exception No. 2: In hallways, stairways, and at outdoor entrances, remote, central or automatic control of lighting shall be permitted.

(b) Section 210-71 of Article 210. Number of Outlets Required on General Lighting and Small Appliance Branch Circuits of Dwelling Occupancies, is hereby enacted as follows:

210-71. Number of Outlets Required on General Lighting and Small Appliance Branch Circuits of Dwelling Occupancies. No more than four duplex receptacle outlets per circuit shall be installed on the required appliance branch circuits and no more than ten duplex receptacle outlets per circuit shall be installed on the required general lighting branch circuits.

- (c) Table 220- 3(b) of Section 220-3 of Article 220. General Lighting Loads by Occupancies, is hereby amended to upgrade the watts per square foot for dwelling units from 3 watts to 4 watts:  
\*Dwelling units 4 watts
- (d) Section 230-42(b) of Article 230. Ungrounded Conductors, is hereby amended as follows:
- (b) Ungrounded Conductors. Ungrounded conductors shall not be smaller than;
- (1) 100-ampere, 3-wire for every 1, 2 and 3 family dwelling unit.
  - (2) 60 amperes for other loads.
- Exception No. 1: For loads consisting of not more than two 2-wire branch circuits, No. 8 copper or No. 6 aluminum or copper-clad aluminum.
- Exception No. 2: By special permission, for loads limited by demand or by the source of supply. No. 8 copper or No. 6 aluminum or copper-clad aluminum.
- Exception No. 3: For limited loads of a single branch circuit. No. 12 copper or No. 10 aluminum or copper-clad aluminum, but in no case smaller than the branch circuit conductors.
- (e) Section 230-80 of Article 230. Combined Rating of Disconnects, is hereby amended as follows:  
230-80. Combined Rating of Disconnects. For all new 1, 2 and 3 family dwelling units, the service equipment shall have a rating of not less than 100 amperes. Where the service disconnecting means consists of more than one switch or circuit breaker, as permitted by Section 230-71, the combined ratings of all the switches or circuit breakers used shall provide a minimum of 100 amperes of connected over current protection consisting of not less than two 50-ampere, 240 volt, two-pole over current devices.

CHAPTER 1307  
Ohio Basic Building Code

1307.01 Adoption.	1307.06 Notice of violations; adjudication or stop work order.
1307.02 Purpose.	1307.07 Copies.
1307.03 Application.	1307.08 Conflict.
1307.04 Compliance.	1307.99 Penalty.

CROSS REFERENCES

See sectional histories for similar State law  
 Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261  
 Power to enact further and additional regulations - see Ohio R. C. 3781.01  
 Authorization by Board of Building Standards - see Ohio R.C. 3781.12  
 Enforcement-see Ohio R.C. 3781.03, 3781.031, 3781.10(E), 3781.102, 3781.19  
 Final jurisdiction - see Ohio R.C. 3781.04  
 Application - see Ohio R.C. 3781.06, 3781.10(A), 3781.11(A)  
 Submission of plans - see Ohio R.C. 3791.04  
 Dead bolt locks In apartment buildings - see Ohio R.C. 3781.103  
 Smoke detection system for apartments and condominiums - see Ohio R.C. 3781. 104;  
 OAC Ch. 4101:2-89  
 Use of public buildings by handicapped persons - see Ohio R.C. 3781.111  
 Energy conservation - see Ohio R.C. 3781.181; OAC Art. 4101:2-25  
 Safety glazing - see Ohio R.C. 3781.51 et seq.  
 Abandoned service stations - see Ohio R.C. 3791.11 et seq.  
 Safety standards for refuse containers - see Ohio R.C. 3791.21; OAC 4101:2-88-01 et seq.

1307.01 ADOPTION.

- (a) Pursuant to Ohio R.C. 731.231, there is hereby adopted by the Municipality, the Ohio Basic Building Code (OBBC), complete through the February, 1990, Issue, as adopted by the Ohio Board of Building Standards, Department of Industrial Relations, and as published in Division 4101:2 of the Ohio Administrative Code (OAC).
- (b) The BOCA National Building Code, 1987, tenth edition, as well as the BOCA National Mechanical Code, 1987, sixth edition, as amended by Chapters 4101:2-1 to 4101:2-51 of the Ohio Administrative Code, as published by the Building Officials and Code Administrators International, Inc., are incorporated herein as fully as if set out at length.

### 1307.02 PURPOSE.

The purpose of the Ohio Basic Building Code as adopted herein is:

- (a) To provide uniform minimum standards and requirements for the erection, construction, repair, alteration and maintenance of buildings, including construction of industrialized units. Such standards shall relate to the conservation of energy, safety and sanitation of buildings for their Intended use and occupancy.
- (b) Formulate such standards and requirements, so far as is practicable. In terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability.
- (c) Permit to the fullest extent feasible, the use of materials and technical methods, devices and improvements, including the use of industrialized units which tend to reduce the cost of construction and erection without affecting minimum requirements for the health, safety and security of the occupants or users of buildings or industrialized units and without preferential treatment of types or classes of materials or products or methods of construction.
- (d) Encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material and techniques, including methods employed to produce Industrialized units. (OAC 4101:2-1-05; Ord. 1979-45. Passed 7-11-79.)

### 1307.03 APPLICATION.

The Ohio Basic Building Code, as adopted in Section 1307.01, applies to all buildings except as follows:

- (a) Single-family, two-family and three-family dwelling houses which are not constructed of industrialized units, except where the context specifies mandatory applicability;
- (b) Buildings owned by and used for a function of the United States government;
- (c) Existing buildings where their location, parts, equipment and other items do not constitute a serious hazard;
- (d) Buildings constructed in accordance with plans which have been approved prior to the effective date of the Ohio Basic Building Code;
- (e) Buildings or structures which are incident to the use for agricultural purposes of the land on which such buildings or structures are located, provided such buildings or structures are not used in the business of retail trade (see Ohio R.C. 3781.06 and 3781.061);
- (f) Agricultural labor camps, as defined in Ohio R.C. 3733.41;
- (g) Single-family, two-family and three-family detached dwelling houses for which applications have been submitted to the Ohio Director of Human Services pursuant to Ohio R.C. 5104.03 for the purposes of operating type A family day-care homes, as defined in Ohio R.C. 5104.01; and
- (h) Buildings or structures which are designed, constructed and maintained in accordance with Federal standards and regulations and are used primarily for Federal and State military purposes where the U.S. Secretary of Defense, pursuant to 10 U.S.C. 2233(A)(1), (5) and (6) and 2237, has
  - (1) Acquired, by purchase, lease or transfer, and constructs, expands, rehabilitates or corrects and equips such buildings or structures as he or she determines to be necessary to carry out the purposes of Chapter 133 of the U.S.C.;
  - (2) Contributed to the State amounts for the acquisition, construction, expansion, rehabilitation and conversion by the State of such additional buildings or structures as he or she determines to be required because of the failure of existing facilities to meet the purposes of Chapter 133 of the U.S.C.; or

- (3) Contributed to the State such amounts for the construction, alteration or rehabilitation of arms storage rooms as he or she determines to be required to meet a change in U.S. Department of Defense standards related to the safekeeping of arms. (OAC 4101:2-1-09)

#### 1307.04 COMPLIANCE.

- (a) No owner or any other person shall construct, erect, build or equip any building or structure to which the Ohio Basic Building Code is applicable, or make any addition thereto or alteration thereof, except in case of repairs for maintenance without affecting the construction, sanitation, safety or other vital feature of such building or structure, without complying with this chapter, Ohio B.C. Chapters 3781 and 3791 or the Ohio Basic Building Code, or fail to comply with any lawful Order issued pursuant thereto. (ORC 3791.01, 3791.02)
- (b) No architect, builder, engineer, plumber, carpenter, mason, contractor, subcontractor, foreman or employee shall violate or assist in violating this chapter, Ohio R.C. Chapters 3781 and 3791 or the Ohio Basic Building Code, or fail to comply with any lawful order issued pursuant thereto. (ORC 3791.01, 3791.03)
- (c) No owner or any other person shall proceed with the construction, erection, alteration or equipment of any building or structure to which the Ohio Basic Building Code is applicable without complying with this chapter and the plan and specification submission and processing requirements of the Municipality, and until plans or drawings, specification and data have been approved, or the industrialized unit has been inspected at the point of origin. (ORC 3791.04; Ord. 1979-45. Passed 7- 11-79.)

#### 1307.05 USE AND MAINTENANCE.

- (a) New Work. No buildings or its equipment or appurtenances, to which the Ohio Basic Building Code is applicable under Section 1307.03 shall be erected, constructed or installed, except in conformity with OBBC. (OAC 4101:2-1-10)
- (b) Change of Use. The use of a building shall not be changed, as defined in the Ohio Basic Building Code, unless or until the building and the building service equipment therein conform to the requirements of OBBC for buildings of the proposed new use group classification and Municipal zoning requirements. (OAC 4101:2-1-11)
- (c) Maintenance. Buildings and building service equipment shall be maintained so as to comply with OBBC, except that when a serious hazard does not exist, no change in construction and no additional facilities are required except as may be made necessary by a change of use under subsection (b) hereof. (OAC 4101:2-1-13)

**1307.06 NOTICE OF VIOLATIONS; ADJUDICATION OR STOP WORK ORDER.**

- (a) When the Municipality finds that work or equipment is contrary to this chapter, approved plans therefor or the Ohio Basic Building Code, notice in writing shall be sent to the owner of the building involved or his or her agent. The notice shall state where and in what respect the work or equipment does not conform to such lawful requirements and shall specify a reasonable period of time in which to conform. (OAC 4101:2-1-34)
- (b) Prior to enforcement of Ohio R.C. Chapters 3781 and 3791. Or any rules adopted pursuant thereto, including the Ohio Basic Building Code, as adopted in Section 1307.01, by any remedy, civil or criminal, the Municipality shall issue an adjudication order within the meaning of Ohio R.C. 119.06 to 119.13 or a stop work order as provided in Section 4101:2-1-36 of the Ohio Administrative Code.
- (c) Every adjudication order shall cite the law or rules directly involved and shall specify what appliances, site preparations, additions or alterations to structures, plans, materials, assemblages or procedures are necessary for the same to comply with Ohio R.C. Chapters 3781 and 3791 and/or any rules adopted pursuant thereto, including the provisions of the Ohio Basic Building Code adopted in Section 1307.01.
- (d) The order shall include notice to the party of the procedure for appeal and right to a hearing if requested within thirty days of the mailing of the notice. The notice shall also inform the party that at the hearing he or she may be represented by counsel, present his or her arguments or contentions orally or in writing, and present evidence and examine witnesses appearing for or against him or her.
- (e) Upon the issuance of any order provided for herein or in Section 4101:2-1-36 of the Ohio Administrative Code, the person receiving such order shall cease work upon me site preparations or structure to be constructed, or, in the case of an industrialized unit, the installation of the unit, or shall cease using the appliance, materials, assemblages or manufactured product identified in the order until such time as the appeal provided for in accordance with the provisions of Ohio R.C. 3781.19, and all appeals from such hearing, have been completed, or the order herein has been released. (OAC 4101:2-1-35)
- (f) Failure to cease work after receipt of a stop work order as provided in Section 4101:2-1-36 of the Ohio Administrative Code is hereby declared to be a public nuisance. (OAC 4101:2-1-36)

**1307.07 COPIES.**

Copies of Codes as adopted in this chapter are on file with the Council Clerk for inspection by the public, and also on file in the County Law Library, and the Clerk has copies available for distribution to the public at cost. (Ord. 1979-45. Passed 7-11-79.)

**1307.08 CONFLICT.**

- (a) Whenever a provision of the Ohio Basic Building Code, as adopted in Section 1307.01, conflicts with a provision of the Ohio Fire Code or any other order, standard or rule of the Ohio Department of Commerce, Division of State Fire Marshal, the provision of the Ohio Basic Building Code shall control, except that rules adopted and orders issued by the Fire Marshal pursuant to Ohio R.C. Chapter 3743 prevail in the event of a conflict. (OAC 4101:2-1-04(B); ORC 3781.11(D))

- (b) Whenever a provision of the Ohio Basic Building Code, as adopted in Section 1307.01, conflicts with a provision of any other standard technical code adopted by the Municipality, other than as provided in subsection (a) hereof, or any ordinance, resolution, rule or regulation of Council, the stricter standard shall control.
- (c) When a special provision is made in a use group classification of the Ohio Basic Building Code and is inconsistent with a general provision of the Ohio Basic Building Code relating to buildings generally, the special provision governs, unless it appears that the provisions are cumulative. (OAC 4101:2-1-07)

1307.99 PENALTY.

Whoever violates any provision of this chapter or any Code adopted herein or fails to comply with any lawful order Issued pursuant thereto Is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both. Each day during which noncompliance or a violation continues shall constitute a separate offense. The Municipality may institute Injunction proceedings In Common Pleas Court to abate the nuisance of failure to cease work after receipt of a stop work order as referred to In Section 1307.06(b). (Ord. 1979-45. Passed 7-11-79.)

## TITLE THREE - Local Provisions

- Chap. 1311. Administration and Penalty.
- Chap. 1313. Plans .Permits and Fees.
- Chap. 1315. Architectural Reviewer.
- Chap. 1317. Driveway Drainage.
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CHAPTER 1311  
Administration and Penalty

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| 1311.01 Conflict; greater restrictions to control.              | 1311.10 Inspections and enforcement; violation report to Council. |
| 1311.02 Building Inspector; appointment, compensation and bond. | 1311.11 Fire hazards; remedial notice                             |
| 1311.03 Conflict of interest.                                   | 1311.12 Electrical Inspector.                                     |
| 1311.04 Duties of Building Inspector.                           | 1311.13 Unsafe structures; repair.                                |
| 1311.05 Notice of violation.                                    | 1311.14 Dispensing gasoline.                                      |
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| 1311.07 Reports to Mayor and Council.                           | 1311.99 Penalty   |
| 1311.08 Annual budget; expenditures.                            |   |
| 1311.09 Authority to enter upon premises.                       |   |

## CROSS REFERENCES

- Zoning Ordinance administration and enforcement -see P. & Z. Ch. 1123
- Building permit fees - see BLDG. 1313.21 et seq.
- Conflict of interest of Architectural Reviewer - see BLDG. 1315.05
- Unsafe signs; report to Council - see BLDG. 1325.01

#### 1311.01 CONFLICT; GREATER RESTRICTIONS TO CONTROL.

The provisions contained in this Title Three of this Part Thirteen - Building Code shall supplement the provisions contained in the Regional Dwelling House Code (Chapter 1301) and the Regional Building Code (Chapter 1303). In the event of any conflict between the provisions of this Title Three and the Regional Dwelling House Code or Regional Building Code, the more restrictive provision shall govern. Where there is an apparent difference in procedural regulations or requirements, the provisions of this Title Three shall govern. (Ord. 1968-43. Passed 9-11-68.)

#### 1311.02 BUILDING INSPECTOR; APPOINTMENT, COMPENSATION AND BOND.

There is hereby created the office of Building Inspector who shall be appointed by the Mayor, subject to the confirmation of Council, and who shall serve at the pleasure of the Mayor and until his successor is duly appointed and qualified. The Building Inspector shall also be known as the Building Commissioner and wherever in this Code the designation Building Inspector appears, it shall also include the designation Building Commissioner. The Building Inspector shall receive such compensation as shall be fixed from time to time by Council, and shall perform the duties prescribed in this Part Thirteen- Building Code and such other duties as are or may be prescribed by ordinance or the laws of Ohio. The Building Inspector shall furnish bond in such amount as may be fixed by Council, and in such form and with such surety as approved by the Mayor. (Ord. 1978-70. Passed 12-19-78.)

#### 1311.03 CONFLICT OF INTEREST.

The Building Inspector shall give such of his time to the performance of the duties of his office as may be required, and during his term of office he shall not personally inspect or be responsible for the inspection of any building built by him as contractor or being built by him for himself or upon which he furnishes material, labor and/or his employ or in which he has any interest. (Ord. 1968-43. Passed 9-11-68.)

#### 1311.04 DUTIES OF BUILDING INSPECTOR.

The Building Inspector shall be charged with the survey and inspection of buildings, except those herein specifically excluded, and with the enforcement of this Building Code and all other laws and ordinances relating to the erection, construction, alteration, repair, removal and safety of buildings, structures, heating apparatus, gas-fitting, house drainage and plumbing, steam boilers, electric wiring, smoke prevention, fire escapes and other fire protective devices. He shall pass upon all questions relating to the strength and durability of buildings and structures and the quality of materials and workmanship so far as they affect safety, examine and approve all plans and specifications submitted therefor before a permit shall be issued and shall sign all permits, certificates and notices required to be issued. He shall promptly acknowledge receipt of all official communications, notices and reports pertaining to his Department. (Ord. 1968-43. Passed 9-11-68.)

#### 1311.05 NOTICE OF VIOLATION.

Upon a report of a condition or perpetration of an act in violation of this Building Code, the Building Inspector shall immediately examine or cause to be examined such reported violation and if such violation exists, he shall immediately order in writing the owner, lessee, tenant or person responsible for such violation to make such remedial changes, alterations or repairs as shall be necessary. The Inspector shall cause the prosecution of persons responsible for violations of this Building Code. (Ord. 1968-43. Passed 9-11-68.)

#### 1311.06 RECORDS OF BUILDING INSPECTOR.

The Building Inspector shall keep a suitable record on file in the Village Hall, and in which record shall be recorded the location and character of every building, structure or other work for which a certificate or permit is issued and a copy of every report of inspection, with the date upon which such inspection was made, of such building, structure or work so arranged that the full history of the various inspections of each building, structure or work shall appear therein in consecutive order. All original notes or records made by the Inspector when filed or at the termination of office shall be signed and properly filed for permanent record. (Ord. 1968-43. Passed 9-11-68.)

#### 1311.07 REPORTS TO MAYOR AND COUNCIL.

The Building Inspector shall keep or cause to be kept a record of the number, description, size and cost of every building or structure erected in the Village during his term of office for which certificates or permits were issued, and shall report the same to the Mayor annually, at the end of December, and shall make such further reports as may be required of him from time to time by Council. (Ord. 1968-43. Passed 9-11-68.)

#### 1311.08 ANNUAL BUDGET; EXPENDITURES.

The Building Inspector shall, in December of each year, make and file with the Mayor a carefully prepared and itemized statement and estimate of any amount of money required for the Building Department for all purposes for the next succeeding year beginning on January 1. Such estimate, if required by the Mayor, shall be given for each month separately, and the Inspector shall further furnish to Council such itemized statements of money required to be spent from time to time as Council may require. (Ord. 1968-43. Passed 9-11-68.)

#### 1311.09 AUTHORITY TO ENTER UPON PREMISES.

The Building Inspector or any of his designated agents may at any reasonable hour, enter any dwelling, multifamily dwelling, building, structure or premises within the Village to perform any duty imposed on him by this Building Code, provided that permission to enter is obtained from the occupant or, in the case of unoccupied property, from the owner or his agent. If such permission is refused or is otherwise unobtainable, a search warrant must be obtained before such entry or inspection is made, except in the case of an existing emergency in which case entry may be made at any time and no search warrant is necessary. No person shall refuse to permit such emergency entry or inspection, nor shall any person hinder, obstruct, resist or abuse any person making or attempting to make such entry or inspection.

#### 1311.10 INSPECTIONS AND ENFORCEMENT; VIOLATION REPORT TO COUNCIL.

The Building Inspector shall examine all buildings in the course of erection, alteration, repair or removal throughout the Municipality, excepting cases not to be inspected as provided in this Building Code, as often as required to insure efficient supervision. No occupancy of any premises shall take place unless and until an occupancy permit has first been secured from the Inspector of Buildings as the final inspection permit following or in connection with the issuance of a building permit for the construction, addition to, alteration of any building or in all instances when building permits are required by applicable law, and when a building has been completed and complies with the application for building permit, the Building Code, the Zoning Code, the Fire Code and all applicable State or Municipal regulations. The Inspector shall have full authority to enforce compliance with all the rules and regulations of the Building Code in the erection, alteration, repair or removal of any building, and shall make written reports to Council of all violations of any law or ordinance which the Inspector is required to enforce, together with the street and numbers where such violations are found, the name of the owner, agent, lessee, occupant, architect and contractor, and all other pertinent matters relative thereto. (Ord. 1976-27. Passed 6-9-76.)

#### 1311.11 FIRE HAZARDS; REMEDIAL NOTICE.

When in the opinion of the Building Inspector, heating apparatus, illumination, chimneys flues, pipes or the accumulation of shavings, rubbish or other materials in any building or premises in the Village is dangerous or likely to cause or promote fires or explosions, it shall be his duty to enter upon such building or premises and examine the same. Upon finding any of the things herein before enumerated to be defective or In a dangerous condition or being constructed in violation of this Building Code, he shall thereupon cause to be delivered to the owner, lessee or occupant written instructions to remove or remedy the same in such manner and within such reasonable time as may be necessary. (Ord. 1968-43. Passed 9-11-68.)

#### 1311.12 ELECTRICAL INSPECTOR.

The position of Electrical Inspector is hereby created. He shall be under the supervision and direction of the Building Inspector. The Electrical Inspector shall be appointed by the Mayor, confirmed by Council and shall serve at the pleasure of the Mayor. (Ord. 1973-21. Passed 4-11-73.)

#### 1311.13 UNSAFE STRUCTURES; REPAIR.

When, after inspection, the Building Inspector shall determine that any structure within the Municipality is insecure, unsafe or structurally defective, he shall send written notice thereof, by certified mail, to the record owner of the premises at such owner's last known address, and to the occupant at the premises, in the event that the occupant is other than the owner. Such notice shall order the owner or other responsible person to remove or repair the structure determined to be insecure, unsafe or structurally defective, correcting such condition within a period of thirty days after receiving the notice. After the work is completed in compliance with the order, the Building Inspector shall be notified so that he may inspect it to determine that it has been brought into compliance with the Building Code pursuant to his notice and order. (Ord. 1977-44. Passed 7-13-77.)

## 1311.14 DISPENSING GASOLINE.

- (a) Each filling station offering self-service shall be operated in accordance with National Fire Protection Association Standard Number 30 (1974), and the provisions of the "Occupational Safety and Health Act of 1970," 84 Stat. 1590, 5 U.S.C.A. 5108, and any amendments thereto and standards adopted thereunder.
- (b) The Fire Marshal, pursuant to Ohio R.C. 3741.14, shall fix reasonable standards and shall prescribe, modify and enforce reasonable orders governing the equipment, operation and maintenance of filling stations. The standards and orders shall be such as are necessary for the protection of the persons and property of the public, but shall require as a minimum that:
  - (1) Each filling station offering self-service shall be under the direct control of a supervisor, employee or attendant at all times when gasoline or other flammable liquids are being dispensed or sold;
  - (2) Gasoline and other flammable liquids shall be dispensed only by a person who is not smoking and who in the judgment of such supervisor, employee or attendant appears to be able and competent;
  - (3) A sign, in block letters at least four inches in height, shall be conspicuously displayed on each gasoline pump island where self-service is offered, stating that it is a self-service island;
  - (4) Signs giving instructions for the operation of gasoline dispensing equipment in block letters at least one-half inch in height, shall be conspicuously posted at each self-service filling station offering self-service;
  - (5) A sign bearing the following words in block letters at least two inches in height shall be conspicuously posted on each gasoline pump island where self-service is offered;
    - A. "STOP ENGINE";
    - B. "NO SMOKING";
    - C. "WARNING - IT IS UNLAWFUL AND DANGEROUS TO DISPENSE GASOLINE INTO UNAPPROVED CONTAINERS".
  - (6) All signs required by this section shall be constructed of rigid, weather resistant material; and
  - (7) Gasoline dispensing nozzles used by any person other than a supervisor, employee or attendant shall be approved automatic closing type without a hold-open latch.
- (c) Dealers shall be allowed the option as to whether they wish to offer full-service or self-service on one island, or not more than half of the islands, for the dispensing of petroleum products. No island shall be used for self-service and for full-service. The two types of services shall be distinctly segregated at separate islands. (Ord. 1977-42. Passed 8-10-77.)

**1311.15 RESIDENTIAL SMOKE DETECTION REQUIREMENTS.**

- (a) Smoke detectors shall be installed in each dwelling unit herein after constructed. There shall be a minimum of one smoke detector for each floor level in each dwelling unit. The Chagrin Falls Fire Department shall advise the locations where the smoke detectors re to be placed and they shall approve the type of smoke detector to be used.
- (b) All smoke detectors shall bear the label of a nationally recognized testing laboratory.
- (c) All smoke detectors shall be installed to comply with the manufacturer's recommendations and the recommendations of the approving or listing agency.
- (d) The detector shall be sensitive to visible and invisible products of combustion, except that detectors sensitive to heat only, are not acceptable.
- (e) All alarm sounding devices shall be rated not less than eighty-five decibels at ten feet and shall be able to sound this level of warning for a minimum of four continuous minutes.
- (f) Smoke detectors shall be installed in all residential buildings hereinafter constructed before an occupancy permit shall be issued. (Ord. 1979-15. Passed 2-14-79.)

**1311.99 PENALTY.**

The owner of any building, structure, wall, platform staging or flooring or part thereof, where anything in violation of this Building Code shall be placed or shall exist, and any architect, builder, plumber, carpenter, mason or electrician who may be employed to assist in the commission of any violation, and all persons or corporations ho violate any of the provisions of this Building Code, or fail to comply therewith or with any requirements thereof, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, shall for each and every violation or noncompliance for which no other penalty is provided, be guilty of a misdemeanor of the third degree. Each day during which such violation continues shall constitute a separate offense.

CHAPTER 1313  
Plans, Permits and Fees

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| 1313.01 Applications considered In order.              | 1313.14 Permit to erect part of building, risk of work. |
| 1313.02 Scale of situation plans.                      | 1313.15 Permits for superstructures.                    |
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CROSS REFERENCES

- Zoning Certificate of Compliance -see P. & Z. 1123.02  
National Electrical Code adopted - see BLDG. 1305.01  
Fees for architectural review - see BLDG. 1315.07  
Fee for moving buildings - see BLDG. 1319.04  
Swimming pool plans and permit fee - see BLDG. 1323.09 et seq.  
Sign permit fee- see BLDG. 1325.04  
Waste water treatment plants - see BLDG. Ch. 1327

1313.01 APPLICATIONS CONSIDERED IN ORDER.

All applications, plans and specifications shall be dated by the Building Inspector and taken up In their regular order as received, and no plans or specifications shall be passed out of their order unless buildings or structures are of a complex character which requires a prolonged examination and inspection. The original plans and specifications shall be returned to the applicant within three working days from the time of filing the same. (Ord. 19G8-43. Passed 9-11-68.)

#### 1313.02 SCALE OF SITUATION PLANS.

When the lot to be shown thereon shall be less than 100 feet In Its narrowest dimension and not more than 200 feet In length, such plan shall be to a uniform scale of one-sixteenth of an inch to a foot. When such lot exceeds either of the aforesaid dimensions, the plat shall be drawn to a scale of one thirty-second of an Inch to the foot. Such plans If drawn to an engineer's scale, one inch equals twenty feet and one Inch equals forty feet, shall be accepted as equivalent to one-sixteenth and one thirty-second respectively as aforesaid.

#### 1313.03 REQUIREMENTS OF PLANS.

All plans and drawings required by this Building Code to be filed with the Building Inspector, shall be drawn on paper or cloth In Ink or by some process that will not fade or obliterate, to a scale of not less than one-eighth Inch to the foot. All distances, heights, dimensions, thickness and sizes of walls, supporting members, structural parts and openings shall be accurate and complete showing the entire sewerage, drains, soil and waste pipes In plan, also heating and lighting systems.

Any details that may be required In explanation of the drawings or parts thereof shall be drawn to such larger scale as may be necessary to provide for a correct and Intelligent Interpretation of the drawings, and In no case shall they be less than one-fourth Inch to one foot. (Ord. 1968-43. Passed 9-11-68.)

#### 1313.04 SPECIFICATIONS.

Each set of plans submitted shall be accompanied by a set of specifications describing the materials to be used and the work contemplated to be done, which specifications shall he written In Ink. typewritten or printed. The various subjects therein shall be grouped In the order of their construction, and shall be In clear and specific language sufficient to enable the Building Inspector to obtain full and complete Information as to the extent and character of the work to be done. (Ord. 1968-43. Passed 9-11-68.)

#### 1313.05 IMPERFECT PLANS AND SPECIFICATIONS.

If the matter mentioned In any application for a permit or In the plans and specifications accompanying and Illustrating the same Indicate to the Building Inspector that the work to be done Is not clearly or specifically defined or Is Imperfect or Is not In all respects In accordance with the provisions of this Building Code, he shall refuse to Issue a permit until such application and plans and specifications shall have been made to conform In every respect with the requirements thereof. All unfigured plans shall be deemed Incomplete. (Ord. 1968-43. Passed 9-11-68.)

#### 1313.06 APPROVAL OF PLANS; SITE AND FILE COPY.

When application plans and specifications conform to the requirements of this Building Code, the Building Inspector Is authorized to stamp such plans and specifications stating that the drawings and specifications have been examined by him and comply with these regulations, and the plans and specifications so stamped shall be kept on the building or work site until the same has been completed. A copy of such plans shall be left with the Inspector, who will retain such plans and specifications until after the completion of the work and the approval of the same by the Inspector as having been constructed according to such plans and specifications. (Ord. 1968-43. Passed 9-11-68.)

### 1313.07 PLAN CUSTODY, REMOVAL AND DISPOSITION.

All plans, drawings and specifications, while in the custody of the Building Department shall not be removed from their files except for the purpose of official inspection and reference, and whoever shall remove the same except for the purposes aforesaid, shall be punished as provided in Section 1311.99.

Plans and specifications may be returned to the owner, architect or builder at the option of the Building Inspector upon written application therefor filed with the Building Department within ninety days of the completion of the work to which the same refer. If no request is made within such ninety days, then the plans may, at the option of the Building Inspector, be destroyed. (Ord. 1968-43. Passed 9-11-68.)

### 1313.08 PLANS AND PERMIT FOR ELECTRICAL INSTALLATIONS.

A permit must be obtained from the Building Inspector before any wiring or electrical installation of any kind is installed in any building or structure. Before any such permit is issued, plans and specifications covering the wiring and all details connected therewith must be filed with the Building Inspector. (Ord. 1968-43. Passed 9-11-68.)

### 1313.09 ELECTRICAL PERMIT ISSUANCE; COMPLIANCE WITH NATIONAL ELECTRIC CODE.

Whoever proposes to install electric wiring and/or fixtures for lighting, power or for any other purpose, or any electric display sign, shall first obtain therefor a permit in writing from the Building Inspector. At the time of application for such permit, the applicant shall leave with the Building Inspector a full written statement as to the nature and extent of the electrical equipment to be installed. The Building Inspector shall, upon receipt of the required fee, issue a permit for such electrical installation conditioned that such electrical equipment shall be installed in accordance with and shall in all respects conform to the rules of the National Electrical Code and that only the approved fittings of such National Electrical Code shall be used in connection with such installation and equipment. (Ord. 1968-43. Passed 9-11-68.)

### 1313.10 CERTIFICATE OF APPROVAL FOR ELECTRICAL INSTALLATIONS; NONCOMPLIANCE.

- (a) If upon inspection, the electrical equipment shall be found to be in accordance with the rules of the National Electrical Code and this Building Code, then the Inspector shall issue a certificate of approval.
- (b) No person, private or public company or corporation shall permit electric current to be delivered to any building or structure within the Village until the applicant for the same has produced and exhibited the certificate of approval required by subsection (a) hereof.
- (c) No person shall allow or permit electrical current to enter any building or structure under his ownership or control within the Village by means of electrical equipment hereafter installed without first complying with the provisions of this Building Code.
- (d) No person, private or public lighting company or corporation furnishing electric current shall permit electric current to be supplied to or used within any building or structure within the Village by means of electrical equipment hereafter Installed, without first complying with the provisions of this Building Code. (Ord. 1968-43. Passed 9-11-68.)

### 1313.11 PLANS AND PERMIT FOR PLUMBING INSTALLATIONS.

A permit must be obtained from the Building Inspector before any house drainage and plumbing of any kind is installed in any building or structure. Before such permit is issued, plans and specifications, covering the drainage and plumbing and all details connected therewith, must be filed with and approved by the Building Inspector. (Ord. 1968-43. Passed 9-11-68.)

### 1313.12 PLAN ALTERATION; APPROVAL OF DEVIATIONS.

No person shall erase, alter or modify any lines, figures or coloring contained upon any drawings or specifications filed with the Building Inspector. If during the progress of the execution of such work It Is desired to deviate in any manner affecting the construction or other essentials of the building from the terms of the applications, plans or specifications, notice of such intention to alter or deviate shall be given In writing to the Building Inspector and his written assent shall be obtained before such alteration or deviation may be made. If such change or deviation affects the bearing or structural parts of such building or Its classification or grade of occupancy, new plans thereof shall be submitted to the Building Inspector for approval. (Ord. 1968-43. Passed 9-11-68.)

### 1313. 13 BUILDING PERMIT APPLICATION; ISSUANCE RESTRICTIONS; CONFLICT WITH ZONING.

Before proceeding with the construction, enlargement, alteration, repair or removal of any building or other structure, a permit shall first be obtained by the owner or his agent from the Building Inspector. The application shall be made In writing and upon printed forms furnished by the Inspector. It shall except for removals, be accompanied by a complete set of specifications, plans and working drawings as provided In Sections 1313. 03 and 1313. 04. After review of all plans, drawings, specifications and other data by the Architectural Reviewer under 1315. 03, In addition to all plans, drawings, specifications and other data submitted to the Building Inspector for the con3truction enlargement or remodeling of all buildings, such plans, drawings, specifications and other data shall be submitted to the Planning Commission for Its approval, not Including those for tennis courts or swimming pools. The Building Inspector shall Issue a permit and stamp the plans, drawings and specifications, as approved, but no work shall be done between 7:00 p. m. and 7:00 a. m., Monday through Saturday, and from 5:00 p. m. Saturday until 7:00 a. m. Monday without special written permission from the Mayor.

All buildings erected, constructed or placed shall be placed In accordance with the requirements of the Village Zoning Ordinance. In the event that the provisions of this Building Code should conflict In any particular In a given case with the provisions of the Zoning Ordinance, the matter Is to be Immediately referred by the Inspector to Council for Its action relating thereto. (Ord. 1984-21. Passed 4-11-84. )

### 1313.14 PERMIT TO ERECT PART OF BUILDING; RISK OF WORK.

Nothing in this Building Code shall be construed to prevent the Building Inspector from issuing a permit for the erection of any part of the building or structure, where plans and detailed statements have been presented for the same before the entire plans and detailed statements of such building or structure have been submitted, provided that a complete set of all such plans and specifications as hereinbefore prescribed shall be placed on file before the foundation wall is brought to grade or to a height to receive the first tier of beams, girders or joists. In event any owner permits his agent to put in foundations or work provided in this section which may not be in keeping with the final plans and which may be contrary to the requirements of this Building Code, the Inspector shall not be bound by the work already done from the incomplete drawings, and the owner proceeds with such work as is authorized by this section entirely at his own risk. (Ord. 1968-43. Passed 9-11-68)

#### 1313.15 PERMITS FOR SUPERSTRUCTURES.

No permit shall be issued for the erection of the superstructure of any building above the foundation or basement wall until all approved plans and specifications and details required by the provisions of this Building Code are placed on file with the Building Inspector. (Ord. 1968-43. Passed 9-11-68.)

#### 1313.16 PERMITS FOR STABLES.

No permit shall be issued for the construction of stables before arrangements are made for the proper drainage, sewerage and water supply, unless with the express consent of Council. (Ord. 1968-43. Passed 9-11-68.)

#### 1313.17 PERMIT TIME LIMITATION TO BEGIN WORK.

If the operation called for by the provisions of any permit granted under this Building Code shall not be begun or some substantial part thereof be performed within sixty days of the date thereof, then such permit shall become void and of no effect whatsoever. (Ord. 1968-43. Passed 9-11-68.)

#### 1313.18 REVOCATION OF PERMITS.

When the work for any building permit issued is not being performed in conformity to the detailed statement, plans or specifications upon which such permit was issued, it shall be the duty of the Building Inspector to notify the owner or his agent, in writing, that the work is being constructed in violation of the permit and that such work must be suspended until a permit for such deviation from the detailed statement, plans or specifications be obtained or that such work shall be made to conform to the detailed statement, plans or specifications upon which a permit therefor was issued. If the owner or his agent fails to comply with the notice on the service thereof, the Inspector shall revoke the permit. Written notice of such revocation, signed by the Inspector, shall be immediately served upon the owner, agent, superintendent or contractor in charge of the work, and shall be posted on such premises. No person shall perform any work in or about such structure, building or premises after the revocation of the permit and the posting of notice thereof. (Ord. 1968-43. Passed 9-11-68.)

#### 1313.19 SEWAGE DISPOSAL APPROVAL REQUIRED FOR DWELLINGS.

The Building Inspector shall require all applicants for permits to construct or alter a dwelling to secure the approval of the Cuyahoga County District Board of Health of all plans and specifications for the sewage treatment plant to be constructed for use in connection with the occupancy of such dwelling. Until such approval of the Cuyahoga County District Board of Health is secured by an applicant, the Building Inspector shall refuse to Issue a permit to construct or alter a dwelling. However, should an application be for a permit to alter a dwelling upon a parcel of land where a sewage treatment plant has already been constructed and such plant has adequately disposed of the sewage from such dwelling, approval shall not be required. (Ord. 1968-43. Passed 9-11-68.)

### 1313.20 DAMAGE DEPOSIT.

Before any person is granted a permit for the construction, enlargement, alteration, repair or removal of any dwelling, building or other structure which may result in damage to a Municipal street, highway, sidewalk, tree lawn, gutter or utility, he shall be required to deposit with the Clerk the sum of one thousand dollars (\$1,000) for each such permit as security that any such damage which may be caused shall be repaired in a manner satisfactory to the Municipality. The deposit shall be retained by the Clerk in a special fund for the purposes outlined herein until such time as the Building Inspector certifies that all damages to the property aforesaid have been satisfactorily repaired or replaced. Upon such certification by the Building Inspector, the deposit shall be returned to the person making the deposit less a fee of fifteen dollars (\$15.00) to cover inspection of the work.

In the event that the person making the deposit fails to repair any of the damages, the Municipality shall make arrangements for such necessary repairs or replacements and deduct the cost thereof from the deposit. If the deposit is insufficient to reimburse the Municipality, the Clerk shall take the necessary steps to effect the collection of the remainder of the cost from the person making the deposit. If the deposit exceeds the cost of such repairs or replacements, the Clerk shall issue a check to return the excess to the person who made such deposit. (Ord. 1982-50. Passed 9-8-82.)

### 1313.21 CALCULATION OF PERMIT FEE; REFUND

The Building Inspector shall make out the permits required by Section 1313. 13 and collect the fees therefor. The fees prescribed in Sections 1313.22 and 1313.23 shall be additive and unless otherwise specifically provided, separate fees shall be paid for each of the Items listed.

- (a) Calculating Aggregate Floor Area. The aggregate floor area shall be the sum of the gross horizontal areas of the several floors, including basements, cellars and attics that are at least fifty percent habitable. All horizontal dimensions shall be taken from the exterior faces of walls. Including breezeways and covered porches.
- (b) Establishing Cost. Where the permit fee is based upon cost of the work done under the permit, such costs shall be the actual cost as certified by the owner or authorized representative of the owner, and as approved by the Building Inspector. The Inspector may, at any time up to three months after the completion of the building, require the submission of authoritative estimates or actual cost data to substantiate the estimated cost stated in the application for a permit, and require the payment of additional fees when it is demonstrated that the actual cost of the work is In excess of the estimated cost upon which permit fees were based.
- (c) Refund of Permit Fees. Whenever the work for which a permit has been issued has been abandoned and is not to be done, and in the opinion of the Building Inspector such abandonment has not created a hazard to public health or safety, such permit may be returned to the Inspector for cancellation and after a deduction of five dollars (\$5.00) from the permit fee has been made, one-half of the balance of the permit fee, if any, shall be refunded. (Ord. 1968-43. Passed 9-11-68.)

## 1313.22 LISTING OF PERMIT FEES.

Applicants for the permits hereinafter indicated shall be required to pay the following fees:

- (a) New Family Dwellings
- (1) Building permit: \$400.00 plus \$10.00 per 100 sq. ft.
  - (2) Plumbing permit: \$100.00 plus \$8.00 per 100 sq. ft.
  - (3) Electrical permit: \$100.00 plus \$8.00 per 100 sq. ft.
  - (4) Heating permit: \$100.00 plus \$8.00 per 100 sq. ft.
- (b) Additions to Single Family Dwellings
- (1) Building permit:
    - A. \$100.00 plus \$8.00 per 100 sq. ft.
    - B. Detached garages: \$75.00 plus \$6.00 per 100 sq. ft.
    - C. For out buildings: \$50.00 plus \$5.00 per 100 sq. ft.
  - (2) Plumbing permit: \$35.00/fixture.
  - (3) Electrical permit: \$50.00 plus \$8.00 per 100 sq. ft.
  - (4) Heating permit: \$50.00 plus \$8.00 per 100 sq. ft.
- (c) Swimming Pool: Permit fee: \$400.00
- (d) Tennis Courts: Permit fee: \$400.00
- (e) Fireplace and Chimney: Permit fee: \$100.00
- (f) Fences: Permit fee: \$50.00
- (g) Decks: Permit fee: \$75.00
- (h) Signs: Permit fee: \$50.00
- (i) Retail, Industrial and Commercial Buildings and Additions.
- (1) Building permit: \$400.00 plus \$10.00 per 100 sq. ft.
  - (2) Plumbing permit: \$300.00 plus \$20.00 per 100 sq. ft.
  - (3) Electrical permit: \$300.00 plus \$20.00 per 100 sq. ft.
  - (4) Heating permit: \$300.00 plus \$20.00 per 100 sq. ft.
- (j) All Other Buildings or Structures - Apartments and Multiple Dwellings and Additions.
- (1) Building permit: \$400.00 per dwelling unit plus \$10.00 per 100 sq. ft.
  - (2) Plumbing permit: \$200.00 plus \$10.00 per 100 sq. ft.
  - (3) Electrical permit: \$200.00 plus \$10.00 per 100 sq. ft.
  - (4) Heating permit: \$200.00 plus \$10.00 per 100 sq. ft.
- (k) Moving of Buildings. (See Section 1319.04)
- (l) Demolition of Building or Structures: Permit fee: \$100.00
- (m) Tanks.
- (1) Water tanks on roof of buildings or towers: Permit fee: \$100.00
  - (2) Tanks for fuel, oil, gasoline or other flammable liquids as follows:
 

Gallons	Fee
Up to 12,000	\$150.00
Over 12,000	\$300.00
- (n) Contractors registration fee: \$25.00
- (o) Driveway resurface: \$8.00 per \$1,000 of cost
- (p) Driveway, new: \$2.00 per 100 sq. ft.
- (Ord. 1992-17. Passed 2-12-92.)

#### 1313.23 INSPECTION FEES.

There shall be no additional fee for inspection except as hereinafter provided:

- (a) Whenever an inspection has been requested and the work is found to be incomplete or not ready for inspection or in need of correction, and a re-inspection is necessary, there shall be a re-inspection fee of twenty dollars (\$20.00).
- (b) Whenever a special inspection, not a routine inspection of work being done under a permit, is requested, there shall be an inspection fee of twenty dollars (\$20.00). (Ord. 1974-39. Passed 9-11-74.)

#### 1313.24 WASTE WATER TREATMENT PLANT; INSPECTION FEE.

For each waste water treatment plant facility, there shall be an annual inspection fee of two hundred fifty dollars (\$250.00), payable in advance on or before the first day of January. (Ord. 1969-46. Passed 12-10-69.)

#### 1313.25 ADDITIONAL CHARGES FOR SEWER AND WATER CONNECTIONS.

When the owner of a parcel of land desires to connect to any sewerage system or water line operated or owned by the Municipality and it is determined that such parcel of land or any part thereof was not assessed for any reason at the time of levying the assessments for the payment of this sewerage system, sewage treatment plant or water line into which the connection is desired, such owner shall be required to pay to the Municipality, in addition to any other connection charges, a sum equal to the amount which such parcel of land would have been assessed under the method of assessment used when the original assessments were levied.

Also, when the owner of a parcel of land desires to connect to any sewerage system or water line operated or owned by the Municipality, and it is determined that such parcel of land or any part thereof was not assessed its full proportionate share at the time of levying the assessments for the payment of the sewerage system, sewage treatment plant or water line, based on the method of assessment used when the original assessments were levied, because of the location or topography of the parcel of land, such owner shall be required to pay in addition to any other connection charges or fees, a sum which together with that already assessed equals the amount which such parcel would have been assessed under the method of assessment used when the original assessment was levied, without adjustment for the location or topography of such parcel of land. (Ord. 1968-47. Passed 9-25-68.)

#### 1313.26 PRIVATE SEWAGE DISPOSAL SYSTEMS; CLEANING, OPERATION AND REPAIR.

Each residential operating septic tank and mechanical device and appurtenance for treating sewage in the Municipality shall be cleaned at intervals not greater than three years. Any septic tank that is not operating properly shall be cleaned immediately upon such condition arising. Upon notice by the Inspector of Buildings of the existence of such condition, the owner or occupant of the premises shall cause the tank to be cleaned within thirty days thereafter. Any mechanical device and appurtenance not operating properly shall, upon notice by the Inspector of Buildings of the existence of such condition to the owner or occupant of the premises, be repaired and in proper operating condition within thirty days of the notice. (Ord. 1971-26. Passed 8-11-71.)

## 1313.27 LOOK-ALKE HOMES.

- (a) The Building Inspector shall not approve any application for a permit to erect, construct, alter or enlarge any building or structure in a residence district which shall be like or substantially like any neighboring structure, as hereinafter defined, then in existence or for which a building permit has been issued, or which is included in the same building permit application, in more than three of the following seven respects:
- (1) Height of the main roof ridge or, in the case of a building or structure with a flat roof, the highest point of the roof beams above the elevation of the first floor;
  - (2) Height of the main roof ridge above the tip of the plate (all flat roofs shall be deemed identical in this dimension)
  - (3) Length of the main roof ridge or, in the case of a building or structure with a flat roof, length of the main roof
  - (4) Width between outside walls at the ends of the building or structure measured under the main roof at right angles to the length thereof
  - (5) Relative location of windows in the front elevation and in each of both side elevations with respect to each other and with respect to any door, chimney, porch or attached garage in the same elevation
  - (6) Relative location of any attached garage, porch or gable, if any, in the front elevation with respect to each other and the remainder of the building or structure; or
  - (7) Building materials to be used in the exterior surface of the house.
- (b) Buildings or structures shall be deemed to be like each other in any dimension with respect to which the difference between them is not more than two feet; buildings or structures between which the only difference in relative location of elements is end to end or side to side reversal of such elements shall be deemed to be like each other in relative location of such elements.
- (c) In relation to the premises with respect to which a building or structure is sought to be erected, constructed, placed, altered or enlarged, a building or structure shall be deemed to be a neighboring building or structure if the lot upon which it or any part of it has been or shall be located is any one of the following lots;
- (1) Any lot on the street upon which the building or structure to be located on the premises would front which is within seven lots along the street in either direction from the premises, without regard to intervening street lines;
  - (2) Any lot any part of the street line frontage of which is across the street from the premises or from the lot referred to in subsection (c)(1) hereof;
  - (3) Any lot any part of the street line frontage of which faces the end of, and is within the width of the street. If there are less than two lots between the premises and the end of the street;
  - (4) Any lot on another street which adjoins the premises on such other street; or
  - (5) Any lot any part of the street line frontage of which is across such other street from the premises or from a lot referred to in subsection (c)(4) hereof. (Ord. 1976-63. Passed 12-8-76.)

**1313.28 OIL AND GAS DRILLING.**

The Building Inspector shall not approve any application or issue a permit to drill for oil or gas in the Municipality because:

- (a) Oil drilling and gas drilling are not permitted uses or accessory uses under Chapter 1127 of the Moreland Hills Zoning Code;
- (b) Oil drilling and gas drilling in a residential municipality causes unacceptable and discordant noises, dust, dirt, brine, drainage run-off and other problems incidental to the operation of such a business which constitute a nuisance in residential zones.(Ord. 1987-30. Passed 10-14-87.)

**1313.29 ROOF LINES.**

The Building Inspector shall not approve any application for a permit to erect, construct, alter or enlarge any building or structure in a residence district which shall give such structure more than two roof pitches. (Ord. 1988-4. Passed 2-13-88.)

CHAPTER 1315  
Architectural Reviewer

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|---|---|
| <p>1315.01 Establishment; appointment, term and procedure.</p> <p>1315.02 Qualifications.</p> <p>1315.03 Powers and duties.</p> <p>1315.05 Conflict of interest.</p> <p>1315.06 Compensation.</p> | <p>1315.04 Building permit review; appeal vacancy,</p> <p>1315.04 Building permit review; appeal procedure.</p> <p>1315.07 Calculation of fees; collection.</p> |
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CROSS REFERENCES

- Planning Commission as Zoning Board of Appeals - see  
P. & Z. 1123.04 et seq.  
Review of proposed location for moving buildings - see  
BLDG. 1319.02

1315.01 ESTABLISHMENT; APPOINTMENT, TERM AND VACANCY.

There is hereby created an office to be known as the Architectural Reviewer which shall be filled by appointment of the Mayor subject to the confirmation of Council. Such appointee shall hold office at the pleasure of Council.

Upon the resignation, death or removal of such officer, the vacancy thus caused shall be filled in the manner herein provided for an original appointment. In case of the temporary absence or disability of such officer, a temporary appointment to such office maybe made by the Mayor subject to the confirmation of Council, to serve during the temporary absence or disability of the regular Architectural Reviewer. Such temporary appointee shall possess all the qualifications, shall have the same powers and duties and shall receive the same compensation as the regular appointee to such office. (Ord. 1968-43. Passed 9-11-68.)

1315.02 QUALIFICATIONS.

The Architectural Reviewer shall be architect duly registered and authorized to practice architecture under the laws of the State of Ohio, and shall have been actively engaged In the general practice of architecture as a registered architect in the State of Ohio for a period of at least five years prior to his appointment under the authority of this chapter. (Ord. 1908-43. Passed 9-11-68.)

1315.03 POWERS AND DUTIES. The Architectural Reviewer shall review all plans, drawings, specifications and other data submitted to the Building Inspector with an application for a permit for the construction of all new dwellings. When requested by the Planning Commission he shall also review the plans, drawings, specifications and other data submitted to the Building Inspector for a permit for the construction of any other type of building or structure, or for the improvement, alteration or repair of any existing dwelling, building or structure. In order to protect and maintain the high character of community development and to protect real estate within the Village from impairment or destruction of value, the Architectural Reviewer shall recommend, according to proper architectural principles, the design, use of materials, finished grade lines and orientation for all new dwellings hereafter erected and, when requested by the Planning Commission, for any other building construction, including Improvement, alteration or repair of any existing dwelling, building or structure. The Architectural Reviewer shall exercise the powers and perform the duties in this chapter provided for the accomplishment of such purposes only. (Ord. 1968-43. Passed 9-11-68.)

#### 1315.04 BUILDING PERMIT REVIEW; APPEAL PROCEDURE.

The Architectural Reviewer shall promptly review and pass upon all plans, drawings, specifications and other data to be reviewed by him under this chapter and shall also promptly perform all other duties imposed upon him by this chapter and shall with as little delay as possible notify in writing the Building Inspector and property owner of the action taken by him in the case. No building permit shall be issued unless and until the plans, drawings and specifications for the dwelling, building or other work covered by the proposed permit have been referred to the Architectural Reviewer when required by this chapter and he has approved the same under and in accordance with the provisions of this chapter. However, should any applicant for a permit be denied a permit or otherwise be aggrieved by any decision of the Architectural Reviewer, he may appeal therefrom to the Zoning Board of Appeals by filing a written notice of appeal with the Clerk within ten days from the notification of the decision of the Architectural Reviewer. The Zoning Board of Appeals shall promptly hear such appeal and shall give to the applicant and to all interested parties, including the Architectural Reviewer, a full hearing with the right to appear at such hearing with counsel and to introduce such evidence as shall be material to the issues presented. Upon the termination of such hearing, the Zoning Board of Appeals shall affirm, reverse or modify the decision of the Architectural Reviewer as it shall deem just and equitable in view of all the facts and circumstances. (Ord. 1968-43. Passed 9-11-68.)

#### 1315.05 CONFLICT OF INTEREST.

The Architectural Reviewer shall not participate in reviewing or passing upon any work in which he or his partner or associate has a direct or indirect connection or financial interest. In such event, the Architectural Reviewer shall be considered disqualified and a temporary appointment to such office shall be made by the Mayor subject to the confirmation of Council for the purpose of reviewing such case. (Ord. 1968-43. Passed 9-11-68.)

#### 1315.06 COMPENSATION.

For the work of the Architectural Reviewer performed under the authority of this chapter, he shall receive such fees as shall be fixed from time to time by resolution of Council, and such fees shall be collected from the applicant for a permit at the time an application is filed with the Building Inspector. (Ord. 1968-43. Passed 9-11-68.)

#### 1315.07 CALCULATION OF FEES; COLLECTION.

The fees of the Architectural Reviewer for the services rendered by such official, under and by authority of this chapter shall be as set forth from time to time by ordinance. Such fees shall be collected from applicants for a permit at the time such application for a permit is filed with the Building Inspector. (Ord. 1968-43. Passed 9-11-68.)

CHAPTER 1317  
Driveway Drainage

1317.01 Drainage regulations.

1317.02 Plans and permit for driveway installation.

CROSS REFERENCES

Stable sanitary drainage - see BLDG. 1321.04

Swimming pool drainage - see BLDG. 1323.06

1317.01 DRAINAGE REGULATIONS.

No person shall construct any driveway, private road or other form of access to existing roads or streets within the Village, except in compliance with the following regulations:

- (a) Whenever any such driveway, private road or other form of access shall be constructed to connect to any existing road or street within the Village, there shall be provided as part of such construction suitable drainage facilities by means of corrugated iron pipe or equal facility to the satisfaction of the Village Engineer or Building Inspector. When such connection is in a new subdivision, such facility shall be a twelve-inch reinforced concrete culvert or equal.
- (b) Such drainage pipe shall be of a minimum size of ten inches in diameter, shall be installed in existing road ditch at approximately the center line thereof and along such center line under and across the entire width of such driveway, private road or other form of access and shall extend a distance of at least two feet beyond each side of such access facility.
- (c) The flow line of such drainage facility shall correspond to the existing flow line of the ditch, and the grade thereof shall be such as is determined by the Village Engineer or Building Inspector.
- (d) The Village Engineer or Building Inspector is further authorized to require the installation of drainage facility pipe in excess of ten inches in diameter in any case where in his judgment such additional capacity is necessary in order to provide adequate and suitable drainage.  
(Old. 1979-44. Passed 8-8-79.)

1317.02 PLANS AND PERMIT FOR DRIVEWAY INSTALLATION.

Before proceeding with the construction, enlargement or alteration of any driveway, private road or other form of access to existing roads or streets within the Municipality, a permit shall first be obtained by the owner or his agent, from the Building Inspector. Before any such permit is issued, plans and specifications shall be filed by the owner or his agent covering the location, grade and composition of any such driveway, private road or other form of access to existing roads or streets in the Municipality. Before issuing any such permit, the Building Inspector shall assure compliance with the subdivision, zoning, drainage and Regional Dwelling House provisions of this Code. Where it appears to the Building Inspector that the proposed improvement may affect the public drainage or safety, he shall refer the plan to the Municipal Engineer for his review and approval.  
(Ord. 1978-58. Passed 10-11-78.)

CHAPTER 1319  
Moving Buildings

1319.01 Permit required.	1319.03 Cash deposit; bond and liability insurance.
1319.02 Compliance to building and zoning; proposed location; route.	1319.04 Permit fee.

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**1319.01 PERMIT REQUIRED.**

No person shall move any building or structure in or into the Village without first filing an application for a permit with the Building Inspector. (Ord. 1968-43. Passed 9-11-68)

**1319.02 COMPLIANCE TO BUILDING AND ZONING; PROPOSED LOCATION; ROUTE**

Such applicant shall furnish all pertinent information on the building or structure proposed to be moved, which building or structure shall conform in all respects to the Building Code and Zoning Ordinance requirements of the Village. Plans for the proposed location shall be submitted and approved by the Building Inspector and Architectural Reviewer. The proposed route of such building or structure shall be submitted and approved by the Chief of Police. No building or structure shall be moved on any vehicle which exceeds 20,000 pounds on any axle. (Ord. 1968-43. Passed 9-11-68.)

**1319.03 CASH DEPOSIT; BOND AND LIABILITY INSURANCE.**

Prior to the issuance of any moving permit, a cash deposit of one thousand dollars (\$1,000) shall be made, as well as a five thousand dollar (\$5,000) surety bond to the Village, to guarantee the payment of any damage which may occur and holding the Village harmless as a result of such moving of any building or structure. Each applicant shall also furnish a liability insurance policy naming the Village an additional insured in an amount of not less than \$100,000/\$300,000 and \$50,000. (Ord. 1968-43. Passed 9-11-68.)

**1319.04 PERMIT FEE.**

The permit fee for moving a building shall be one hundred dollars (\$100.00) which shall not include charges incurred by the applicant for off-duty patrolmen required to direct traffic and which shall be payable to the Village for disbursement. (Ord. 1968-43. Passed 9-11-68.)

CHAPTER 1321  
Stables and Sheds

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| <p>1321.01 Definition.</p> <p>1321.02 Location approval; width; proximity to dwellings.</p> <p>1321.03 Location and construction restrictions.</p> | <p>1321.04 Ventilation and drainage.</p> <p>1321.05 Corral fence.</p> <p>1321.06 Temporary sheds during building operations.</p> |
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CROSS REFERENCES

- Stable proximity to dwellings - see P. & Z. 1127.02 (a)  
Permits for stables - see BLDG. 1313.16

1321.01 DEFINITION.

"Stables" means all buildings designed or used for public livery, boarding or transfer stables, all private barns, carriage houses, sheds, pens, coops or any building for the feeding or sheltering of animals or fowl. (Ord. 1968-43. Passed 9-11-68.)

1321.02 LOCATION APPROVAL; WIDTH; PROXIMITY TO DWELLINGS.

The location of any barn, stable or shed upon any lot shall be approved by the Building Inspector and shall not occupy more than eighty percent of the width of an interior lot. The location of stables near dwellings shall be governed by the provisions of the Zoning Ordinance. (Ord. 1968-43. Passed 9-11-68.)

1321.03 LOCATION AND CONSTRUCTION RESTRICTIONS.

No permit shall be issued for the erection of any stable located at a place where it would be unlawful under the terms of the Zoning Ordinance or this Building Code. Subject to the requirements provided in Section 1127.02 of the Planning and Zoning Code, no person shall locate any stable nearer than fifty feet to the side and end lot lines, and no stable shall be located so far from the rear lot line as to bring it closer to the possible position of a dwelling to be built on an adjoining lot than the distance prescribed in the Zoning Ordinance or this Building Code.

One enclosed shed for fuel or one open front shed for wagon purposes or vehicle storage may be erected on the rear of any lot or premises. Such shed shall not exceed eleven feet in height at the highest point thereof, and shall not exceed, including all sheds or rough frame buildings on the premises, 250 square feet of ground area for any twenty-five feet of lot frontage. Such shed shall not be erected at a distance less than thirty feet from the nearest dwelling or brick building and in no case nearer than thirty feet to any building of similar type to the rear of the lots. The shed shall be roofed with incombustible material. No chimney shall be erected therein, and no portable forge or heating appliance of any kind will be permitted therein. (Ord. 1975-22. Passed 12-10-75.)

#### 1321.04 VENTILATION AND DRAINAGE.

Every barn or stable arranged for the keeping of horses, mules or cattle shall be provided with adequate ridge ventilation and suitable drainage so as to keep such buildings in a sanitary condition as required by the County Board of Health. Wherever it is impossible to properly ventilate or drain such stable so as to keep it in a sanitary condition, the use of such stable for stabling purposes shall be prohibited. (Ord. 1975-48. Passed 12-10-75.)

#### 1321.05 CORRAL FENCE AND OTHER FENCES.

(a) A corral fence not exceeding five feet in height adequate to contain horses tabled on a lot shall be erected at least five feet from the side and end lot lines. Plans for the construction of any stable shall include plans for such fence and be approved and subject to permit by the Building Department. Such fence shall be if a design and of materials approved by the Building Department that shall be effective as a corral. (Ord. 1987-46. Passed 11-18-87.)

(b) (Former subsection (b) was repealed by Ordinance 1993-62, which is codified is Chapter 1345 of this Code.)

#### 1321.06 TEMPORARY SHEDS DURING BUILDING OPERATIONS.

Temporary sheds for office purposes or storage of tools for the keeping of materials during building operations may be erected upon the premises upon obtaining a free permit from and with the approval of the Building Inspector. Such permit shall be issued with a limitation as to time that the temporary shed may be retained upon the building lot. The building Inspector shall require that all temporary sheds be located so as to be free from any fire hazard and that the same may not be considered of a permanent nature or as a building for storehouse purposes. No owner, architect, builder, plumber, carpenter, mason or electrician engaged in the erection of, or working on, the buildings shall occupy any adjoining premises with sheds, building material, refuse or debris without first having obtained written permission from the owner of such adjoining premises, and upon completion of the work to be performed by him shall remove all such sheds, refuse and debris from the premises and adjoining premises. (Ord. 1968-43. Passed 9-11-68.)

CHAPTER 1323  
Swimming Pools

1323.01 Definition.	1323.05 Conformance to natural grade.
1323.02 Permit application; approval of plans.	1323.06 Drainage.
1323.03 Distance between pool and property lines.	1323.07 Illumination.
1323.04 Fence required.	1323.08 Plan submission and contents.
	1323.09 Permit required.
	1323.10 Appeal on refusal to issue permit.
	1323.11 Accessory swimming pool building

CROSS REFERENCES

Planning Commission as Zoning Board of Appeals - see  
P. & Z. 1123.04 et seq.  
Dwelling House District Uses -see P. & Z. 1127.02  
National Electrical Code adopted - see BLDG. 1305.01  
Fee - see BLDG. 1313.22

1323.01 DEFINITION.

As used in this chapter, "outdoor swimming pool" means any artificial water pool of steel, masonry, concrete, aluminum or plastic construction located out-of-doors which has a square foot water surface area of 200 square feet. or more or a depth at any point of more than two feet, or both. (Ord. 1968-43. Passed 9-11-68.)

1323.02 PERMIT APPLICATION; APPROVAL OF PLANS.

Before work is commenced on the construction of a swimming pool or on any alteration, addition, remodeling or other improvement thereto, an application for a permit to construct and the plans and specifications and pertinent explanatory data hereinafter required shall be submitted to the Building Inspector for approval. No part of the work shall be commenced until the Building Inspector has evidenced his approval upon such plans and specifications and has granted a permit therefor. (Ord. 1968-43. Passed 9-11-68. )

1323.03 DISTANCE BETWEEN POOL AND PROPERTY LINES.

Every pool hereafter built must be so located upon the lot or parcel as to allow a safe distance between the pool and the property lines so that children can be readily observed while approaching or in the vicinity of the pool. A distance of thirty feet from each property side line and rear line of a lot to which the pool is accessory shall be presumed a minimum safe distance for such purpose. (Ord. 1968-43. Passed 9-11-68. )

1323.04 FENCE REQUIRED.

Every pool heretofore or hereafter constructed shall have erected around it a barrier or fence which shall be of rigid construction and which shall be not less than four feet high, the bottom line of which shall extend not more than four inches above the ground. Access to the pool shall be only through a gate or gates which shall be securely locked when such pool is not in use by the owner thereof or anyone using the same with his permission. (Ord. 1968-43. Passed 9-11-68.)

#### 1323.05 CONFORMANCE TO NATURAL GRADE.

Every outside permanent swimming pool shall be constructed within an excavation in the ground hereafter constructed or created and shall substantially conform to the natural grade of the surrounding land and no part thereof, other than a diving board or similar equipment and the fence referred to in Section 1323.04, shall be higher than such grade. (Ord. 1976-26. Passed 6-9-76.)

#### 1323.06 DRAINAGE.

Every pool shall be so constructed that it can be drained on the individual's own property or shall have a sump located in its deepest part for the purpose of pumping out all of the water into a natural drain approved by the Building Inspector. All drain water must be conducted to its proper discharge point by means of tightly sealed tile pipe or hose. Under no circumstances shall any water from the pool or from its use be permitted to drain towards or on to any adjoining properties. (Ord. 1968-43. Passed 9-11-68.)

#### 1323.07 ILLUMINATION.

If the pool is located within 200 feet of any building used for dwelling purposes, the lights shall be shielded to direct light only on the pool and all electrical equipment shall be installed in accordance with the National Electrical Code and must be approved by a national testing laboratory recognized by the Building Inspector. (Ord. 1968-43. Passed 9-11-68.)

#### 1323.08 PLAN SUBMISSION AND CONTENTS.

Plans, specifications and pertinent explanatory data required to be submitted in connection with the application for a permit to construct a swimming pool, or any alteration, addition, remodeling or other improvement thereto, shall comply with the requirements of this chapter and shall include the information required by this chapter as well as such other data as may reasonably be requested by the Building Inspector. (Ord. 1968-43. Passed 9-11-68.)

#### 1323.09 PERMIT REQUIRED.

No swimming pool shall be hereafter constructed or established unless a permit to do so is first obtained from the Building Inspector. (Ord. 1968-43. Passed 9-11-68.)

#### 1323.10 APPEAL ON REFUSAL TO ISSUE PERMIT.

A refusal by the Building Inspector to issue a permit may be appealed in writing within ten days after such refusal to the Zoning Board of Appeals. The Board shall then, in accordance with its rules of procedure, investigate such application and refusal, and render final judgment based upon whether the provisions of this chapter have been and will be complied with. (Ord. 1968-43. Passed 9-11-68.)

### 1323.11 ACCESSORY SWIMMING POOL BUILDING.

An accessory swimming pool building may be located in a residential district upon the following terms and conditions:

- (a) The floor area shall be no greater than 500 square feet.
- (b) The building shall be no greater than one story with a height at the gutter line not greater than 9 feet above grade.
- (c) The building must comply with all setback requirements for the main dwelling on the lot.
- (d) The lot must be two acres or greater.
- (e) The building may be used only for uses accessory to the swimming pool and shall not be used as a dwelling.
- (f) The building shall be considered as an accessory general storage building in determining the number of accessory buildings to be permitted upon a lot under Section 1127.02 of the Planning and Zoning Code.
- (g) Heating and air conditioning shall be permitted in the building.
- (h) The building must conform to the architecture and materials of the main dwelling on the lot.

No accessory swimming pool building shall be constructed unless a permit has been issued by the Planning Commission based on plans and specifications which must comply with all applicable Building Code provisions. (Ord. 1995-32. Passed 8-9-95.)

CHAPTER 1325  
Signs and Billboard

1325.01 Unsafe condition; correction or removal required.	1325.07 Measurement standards.
1325.02 Nonconforming signs; removal or repair.	1325.08 Subdivision development signs.
1325.03 Advertising or display signs.	1325.09 Business district signs.
1325.04 Construction permit fee; exceptions.	1325.10 Area of signs.
1325.05 Definitions.	1325.11 Prohibited types of signs
1325.06 Permit application.	1325.12 Illumination of signs.
	1325.13 Political signs.

CROSS REFERENCES

For sale or rent sign in Dwelling House District - see  
P. & Z. 1127.02 (a)

Signs as accessory uses in Retail Business District - see  
P. & Z. 1127.03 (c)(3)C.

Sign construction - see BLDG. 1303.01 (RBC Chapter 43)

**1325.01 UNSAFE CONDITION; CORRECTION OR REMOVAL REQUIRED.**

Whenever the Building Inspector shall find any sign or billboard in an unsafe condition from any cause, he shall immediately notify the owner thereof, or the owner of the premises upon which the same is located, of such condition and shall take such steps as he may deem necessary for the immediate protection of the public against probable injury therefrom. The Building Inspector shall also report the matter to Council. Upon receipt of such report, Council shall cause the owner of such sign or billboard, or the owner of the premises upon which the same is located, to repair the same so as to make it safe and secure or to raze the same. Failure to comply with such request within ten days of notice shall be cause for removal of such sign or billboard under orders of Council.  
(Ord. 1968-43. Passed 9-11-68.)

**1325.02 NONCONFORMING SIGNS; REMOVAL OR REPAIR.** Any billboard or sign now existing within the Village and which could not now or in the future be erected or constructed under the provisions of the Zoning Ordinance or this Building Code shall not be extended or enlarged and in the event of removal shall not be replaced by any sign except, in conformity with the provisions of the Zoning Ordinance or this Building Code. All alterations or changes to any such sign now existing shall be confined to the repair thereof and maintenance in a safe condition.  
(Ord. 1968-43. Passed 9-11-68.)

**1325.03 ADVERTISING OR DISPLAY SIGNS.**

Electrical display or any other signs used for advertising or display purposes shall not extend more than six feet from the face of the building for any part of such sign, nor shall the same extend more than six feet out over any sidewalk or public street. Any sign so erected shall be properly fastened and anchored to such building.  
(Ord. 1968-43. Passed 9-11-68.)

#### 1325.04 CONSTRUCTION PERMIT FEE; EXCEPTIONS.

- (a) A fee as provided in Section 1313.22 shall be charged for a permit covering the construction of any sign or billboard where permitted, except for political signs which are covered by Section 1325.13 and for sale or for lease signs of residential property for which no permit or fee shall be required.
- (b) No permit shall be issued for such sign or billboard by the Building Inspector until application for the same shall have first been submitted to and approved by the Planning Commission.(Ord. 1980-27. Passed 5-14-80.)

#### 1325.05 DEFINITIONS.

- (a) "Sign" means a structure or part thereof, or any device attached to a structure or painted or represented directly or indirectly on a structure, which shall display or include any letter, work, model, banner, pennant, insignia, device or representation used as, or which is in the nature of, an announcement, direction or advertisement.
- (b) "Temporary sign" means a sign which is intended to be constructed or erected for a period of not longer than one year, in conjunction with any new construction in any nonresidential area authorized by a validly issued building permit and which sign shall be removed prior to the issuance of an occupancy permit by the Building Inspector.
- (c) "Permanent sign" means a sign in any nonresidential area that is to be erected or constructed for a period of longer than one year. (Ord. 1980-28. Passed 5-14-80.)

#### 1325.06 PERMIT APPLICATION.

- (a) A permit shall be required for all signs.
- (b) Application for permits to erect, hang, place, paint, or alter a sign shall be made by the owner or lessee of the property upon which a sign is proposed and submitted on forms furnished by the Building Inspector. The application shall be made either separately or included with a permit for a building. Each application shall be accompanied by drawings to scale, showing:
  - (1) The design and layout proposed, including the total area of the sign, the size, character and color of letters, lines and symbols;
  - (2) The method of illumination, if any;
  - (3) The exact location of the sign in relation to all buildings on the lot; and
  - (4) Details and specifications for construction, erection and attachment as may be required by the Building Code. (Ord. 1976-65. Passed 11-10-76.)

#### 1325.07 MEASUREMENT STANDARDS.

Measurement standards to compute the amount of sign area permitted in the retail district are herein established as follows:

The total area of signs on a lot as permitted by regulations set forth in the following sections shall include;

- (a) All visible faces of all permanent exterior signs;
- (b) The area of permanent signs placed upon the surface of windows or doors; and
- (c) The above areas should be the total area of a flat, wall, projecting, ground and pole sign, and the area within an outline enclosing the border, lettering or design of signs integral with a wall, window or door. (Ord. 1976-65. Passed 11-10-76.)

#### 1325.08 SUBDIVISION DEVELOPMENT SIGNS.

Each subdivision may have only one sign erected at the main entrance to such subdivision. It shall be located at least 100 feet from the nearest residential dwelling, may not exceed forty-eight square feet in total area, and shall not be illuminated. It may be lettered only on one side. A permit shall be obtained from the Building Inspector for a period of one year, however, such permit may be renewed while construction in the subdivision is being pursued diligently. Placement of such sign shall be subject to approval of the Planning Commission. (Ord. 1982-24. Passed 4-20-83.)

#### 1325.09 BUSINESS DISTRICT SIGNS.

The following signs shall be permitted in Retail Business Districts:

- (a) Business signs, provided they are located on the same lot as the business or service to which they are directed;
- (b) Professional name plates, a sign directing attention to a professional service rendered on the same lot; and
- (c) Real estate and development signs, provided they are located on the same lot on which the business is conducted or the lot to which attention is directed. (Ord. 1976-65. Passed 11-10-76.)

#### 1325.10 AREA OF SIGNS.

The total area of all types of signs in Retail Business Districts for a building, establishment or lot shall not exceed one square foot for each lineal foot of lot frontage up to 100 square feet and including both frontages of a corner lot. No one sign of two faces shall exceed sixty square feet for both faces and no single-face sign shall exceed thirty square feet. (Ord. 1976-65. Passed 11-10-76.)

#### 1725. 11 PROHIBITED TYPES OF SIGNS.

Signs shall not project over or obstruct the required windows or doors of any building, or attach to or obstruct a fire escape. Signs shall not be erected so as to obstruct traffic sight lines or traffic control lights at street Intersections, or traffic sight lines or signals at a railroad grade crossing. Signs visible from a street shall not contain an arrow or words such as "stop", "go", "slow", and so forth, or otherwise resemble highway traffic or directional signals. If It appears that a sign may become a traffic hazard or mislead or confuse motorists or pedestrians. Its location shall first be approved by the Safety Committee. (Ord. 1976-65. Passed 11-10-76.)

#### 1325.12 ILLUMINATION OF SIGNS.

If signs are illuminated, their light sources shall be shielded and not be of excessive brightness or cause a glare hazardous to pedestrians or auto drivers, or objectionable In any adjacent residential district. The colors red or green, either In direct illumination or reflection shall not be used where It may Interfere with the sight lines of a traffic signal. Flashing, moving or Intermittent illumination shall be prohibited except by conditional use permit and If permitted, the maximum area of signs permitted shall be reduced by one-half, except that this limitation shall not apply to Christmas display lighting.

Illumination of parking lots shall not be of excessive brightness or cause a glare objectionable to any adjacent residential district, and except for safety purposes, shall be permitted only during the hours the establishment Is In operation. (Ord. 1976-65. Passed 11-10-76.)

### 1325.13 POLITICAL SIGNS.

Political signs may be erected and posted within the Municipality subject to the following regulations:

- (a) Political signs shall include not only signs respecting the candidacy of persons for offices but also regarding issues.
- (b) No duplicate signs shall be erected or posted on any lot. However, this shall not prevent any sign from being two-faced so that it may be seen by passersby in each direction.
- (c) No political sign shall exceed two square feet in area and all such signs on any lot shall not exceed four square feet. The second side of a two-faced sign as permitted in subsection (b) hereof shall not be included or counted in the permitted area in this restriction.
- (d) Before proceeding with the erection and posting of any political sign, a permit shall first be obtained from the Building Inspector. The application shall be made in writing and upon printed forms furnished by the Inspector. Such application shall disclose the size, type, location on the property, lot address and the message upon any such sign, and any other information concerning the owner and/or applicant reasonably required by the Building Inspector. If the applicant is other than the owner of the property where the sign or signs are to be erected and posted, all such locations on the property of others shall be accompanied by a written grant of permission from the property owner to the applicant for such signs at such locations. Each permit application shall be accompanied by a deposit of ten dollars (\$10.00) for each sign covered by the application which shall be refundable in full to the applicant if the signs covered by the application are removed within four full days following the election. Any sign not so removed may be thereafter removed by the Service Department and upon such removal by the Service Department, the ten dollar (\$10.00) deposit for each such sign shall be forfeited to the Municipality.
- (e) No political signs shall be erected and posted more than two full weeks prior to any election. Each such sign shall bear the name and address of the Campaign Chairman or Treasurer, who, together with the candidate, shall be responsible for compliance with these regulations.
- (f) No political sign shall be placed on any public property, utility poles or bridges or bridge abutments. (Ord. 1992-60. Passed 8-12-92.)

CHAPTER 1327  
Waste Water Treatment Plants

- |  |                                       |
|--|---------------------------------------|
| 1327.01 Control purpose.                                     | 1327.07 Bond required.                |
| 1327.02 State approval for new buildings.                    | 1327.08 Faulty operation prohibited.  |
| 1327.03 State approval for existing buildings.               | 1327.09 Improper discharge prohibited |
| 1327.04 Compliance required, connections.                    | 1327.10 Sewer availability and        |
| 1327.05 Continuous inspection; standards;<br>right of entry. | 1327.11 Operator's licenses required. |
| 1327.06 Maintenance, repair required; notice to comply.      |                                       |

CROSS REFERENCES

- Annual plant inspection fee - see BLDG. 1313.24  
Additional charges for sewer, water connections - see BLDG.  
1313.25  
Private sewage disposal systems, cleaning, operation and  
repair- see BLDG. 1313.26

1327.01 CONTROL PURPOSE.

It is the intent of this Council, to provide adequate controls for the proper operation of mechanical waste water treatment plants within the Municipality for the health, safety and welfare of all the residents. (Ord. 1969-44. Passed 12-10-69.)

1327.02 STATE APPROVAL FOR NEW BUILDINGS.

Any person, firm or corporation seeking a building permit to construct any building, other than single-family dwelling units within the Municipality, when a mechanical waste water treatment plant is to be constructed to service the waste from such building, shall:

- (a) Obtain written approval of the plans, specifications and discharge point from the State Department of Health; and
- (b) Place on file with the Municipal Engineer, a copy of the plans, specifications and written approval by the State Department of Health. (Ord. 1981-29. Passed 10-14-81.)

1327.03 STATE APPROVAL FOR EXISTING BUILDINGS.

On or after August 1, 1981, any person, firm or corporation owning or operating any building or structure, other than single-family dwelling units wherein or whereon or in connection with which a mechanical waste water treatment plant is used to service such building or structure shall:

- (a) Obtain written approval of the plans, specifications and discharge point from the State Department of Health; and
- (b) Place on file with the Municipal Engineer a copy of the plans, specifications and written approval by the State Department of Health. (Ord. 1981-30. Passed 10-14-81.)

1327.04 COMPLIANCE REQUIRED.

No building permit shall be issued to construct any building referred to in Section 1313.24 until the applicant therefor has complied with Section 1327.02. (Ord. 1969-44. Passed 12-10-69.)

### 1327.05 CONTINUOUS INSPECTION; STANDARDS; RIGHT OF ENTRY.

The waste water treatment plant application required by this chapter shall be deemed a perpetual license to the Municipality, its agents or employees, to enter upon the premises wherein the waste water treatment plant and its appurtenances are located, for the purpose of inspecting the condition and operation of the plant and to perform whatever tests are necessary to ascertain that the plant is operating in accordance with the standards established by the Department of Health of the State, which standards are attached to original Ordinance 1969-44; passed on December 10, 1969, and are made a part hereof as though fully rewritten herein. (Ord. 1969-44. Passed 12-10-69. )

### 1327.06 MAINTENANCE, REPAIR REQUIRED; NOTICE TO COMPLY.

If, upon inspection, the inspector finds that the waste water treatment plant is not being properly maintained, or is in need of repair or is not operating in accordance to the standards set forth in Section 1327.05, he shall forthwith serve a notice upon the owner by certified mail, setting forth therein the maintenance to be performed, or the repairs to be made. A copy of such notice shall be sent to the Department of Health of the State and the person, firm or corporation with whom the owner contracted for maintenance and repair of such plant. Within ten days of the date of the notice, the owner shall cause the specified maintenance or repairs therein prescribed to be performed. (Ord. 1969-44. Passed 12-10-69.)

### 1327.07 BOND REQUIRED.

No permit to construct any building referred to in Section 1327.02 shall be issued until the applicant therefor has posted with the Village Clerk a cash bond as follows:

<u>Treatment Plant Capacity (gallons per day)</u>	<u>Bond</u>
1,000 to 20, 000	\$1,500
20,000 or more	\$2,500

This bond shall remain on deposit with the Municipality until the waste water treatment plant has been discontinued, and the sewer system serviced by such plant has been attached to the sanitary sewer system of the Municipality.

In posting this bond, the applicant authorizes the inspector, in the event that proper maintenance or repairs are not performed within ten days after notice as specified in Section 1327.06, to notify the maintenance firm that such maintenance or repair has not been performed, to authorize such maintenance or repair, and to pay the cost of maintenance or repairs out of the cash bond on deposit.

When the waste water treatment plant is discontinued and connection made to the sanitary sewer system of the Municipality, any undistributed cash from the cash bond shall be return to the owner. (Ord. 1969-44. Passed 12-10-69.)

### 1327.08 FAULTY OPERATION PROHIBITED.

No person, being the owner of land upon which a waste water treatment plant has been constructed under the provisions of this chapter, shall maintain or continue the operation of a plant which is not operating in accordance with standards established by the Department of Health of the State and adopted by this chapter. (Ord. 1969-44. Passed 12-10-69.)

#### 1327.09 IMPROPER DISCHARGE PROHIBITED.

No person shall discharge, or permit or cause to be discharged, sewage, the overflow, drainage or contents of a waste water treatment plant onto the surface of the ground, or into any street, road, alley, storm sewer, drainage ditch, or watercourse creek, except in the manner provided by the Department of Health of the State. (Ord. 1969-44. Passed 12-10-69.)

#### 1327.10 SEWER AVAILABILITY AND CONNECTIONS.

No waste water treatment plant shall be installed and maintained on property accessible to a sanitary sewer. Whenever a sanitary sewer is made available, the treatment plant shall be abandoned, and sewage shall be discharged directly from the building to the sanitary sewer without passage through the treatment plant. The plant shall thereafter be dismantled in accordance with the regulations prescribed by the Village Engineer. (Ord. 1969-44. Passed 12-10-69.)

#### 1327.11 OPERATOR'S LICENSES REQUIRED.

No person shall operate a waste water treatment plant within the Municipality without first having obtained the following:

- (a) A waste water treatment plant operator's license from the State; and
- (b) An operator's license from the Municipality. Such license shall be issued by the Village Engineer after an application has been completed on such forms as are furnished by him and approved by the Mayor.

Operators, licensed by the State, shall place on file with the Engineer a certified or Photostat copy of such license.

Any operator who fails to maintain or repair a waste water treatment plant within ten days after notice to maintain or repair as required by this chapter, shall forfeit his municipal operator's license. (Ord. 1969-44. Passed 12-10-69.)

CHAPTER 1321  
Topsoil Removal

<p>1329.01 Changing land contours; application data; bond</p> <p>1329.01 Application procedures.</p> <p>1329.03 Basement or foundation excavations</p> <p>1329.04 Investigation expenses to be paid by applicant.</p>	<p>1329.05 Permit for minor work; fee</p> <p>1329.06 Ponds.</p> <p>1329.07 Erosion and sediment control plan</p> <p>1329.99 Penalty</p>
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1329.01 CHANGING LAND CONTOUR; APPLICATION DATA; BOND,

Inasmuch as the removal of topsoil, trees and other vegetation, loam, sand, gravel, rock, stone, clay and other similar substances from land results in noise and the creation of large quantities of dust, which prove obnoxious to inhabitants in the vicinity thereof; creates erosion and drainage problems, swamps and lakes and frequently results in damage to adjoining properties by disturbing the substructure thereof and tends to have a disrupting effect on ground water supplies, and other similar dangers to public health and safety; results in unsightly and blighted areas unfit for other and useful purposes, thus retarding or preventing the development of desirable residential, commercial and industrial areas, depressing property and other values in the neighborhood and permanently destroying the land, leaving it almost valueless for any purpose, creates highway hazards of heavy trucks and other equipment on the roads, and of scattering earth and debris thereon; and unless properly planned, regulated and supervised, such removal has an adverse effect upon the public peace, health, safety and general welfare; therefore, any person firm, corporation or other entity wishing to change the contours of land by grading, excavating or filling, or desiring to remove topsoil, trees and other vegetation, loam, sand, gravel, rock, stone, clay and other similar substances from land located in any area or place within the Village shall first, prior to commencing or continuing any such operation, file with the Village Engineer a written application for permission to carry on such operations, which application shall contain the following information:

- (a) The name and address of the applicant and the name and address of the owner of the land if it is different from that of the applicant.
- (b) A description of the land, with boundaries, upon which such operations are proposed to take place. A map of the land, showing its location and dimensions and indicating what part or parts thereof on which it is desired to conduct grading, excavating, filling or removal operations, shall accompany the application.
- (c) The method of operation to be employed; the time within which such work is to be commenced and completed; the existing and proposed topography of the land and its ultimate proposed use; the type and nature of refilling, reseeding or replanting proposed. Such application shall also contain a statement that the applicant and the owner of the land will furnish a performance bond of not more than five hundred dollars (\$500.00) per acre or fraction thereof, included in the permit, if granted, for changing the contours of the land by grading, excavating, or filling, or for the removal of topsoil or loam; and not to exceed one thousand dollars (\$1,000) per acre, or fraction thereof, included in the permit, if granted, for other removals in accordance with the provisions of this chapter.

- (d) The name and address of any person, firm, corporation or other entity who or which, it is contemplated, will do the actual work of grading, excavating, filling or removal. If any such agreement, contract, lease or other arrangement is in writing, a copy thereof must be attached to the application; if such is not in writing, that statement must be made in the application.
- (e) Where deemed appropriate by the Village Engineer, any or all of the following additional information may be required:
  - (1) The areas of the described premises that will be exposed at any one time;
  - (2) The type of temporary vegetation and/or mulching that will be used to protect exposed areas of the described premises during the construction of any type of improvements thereon; or changes being made in the contours thereon; or in removal or destruction of topsoil, trees and other vegetation located thereon;
  - (3) The locations, construction and maintenance of sediment basins (debris basins, de-silting basins or slit traps) or other controlled measures on the described premises;
  - (4) The type of permanent and final vegetation and structures that will be planted and installed on the described premises and the time within which such vegetation and structures are to be planted and installed;
  - (5) A description of the type of the soil comprising the described premises. (Ord. 1973-25. Passed 7-11-73.)

#### 1329.02 APPLICATION PROCEDURES.

- (a) The application shall be forwarded to the Planning Commission by the Village engineer, together with a written report by him with respect to the statements contained herein and his recommendations thereon.
- (b) The Planning Commission may request a report from the Cuyahoga Soil and Water Conservation District, stating their recommendations for adequate erosion and sediment control measures for the proposed grading, excavating, filling or removal operation. After securing all such information as it deems necessary, the Planning Commission shall set the matter down for a public hearing and mail a notice thereof to the applicant and owner of the land at the addresses given in the application not less than three days prior to the public hearing, excluding the day of the mailing and including the day of the public hearing. If, after such hearing, the Planning Commission determines that the granting of the application will not adversely affect the public welfare, peace, health, safety and convenience, it shall grant the application with such conditions relating to the method of grading, excavating, filling or removal of the land or area on which the operations are to be conducted, the terms of the permit, the amount of topsoil or loam to be re-spread on the land, the amount if the removal which may be permitted on the land, the refilling, reseeding or replanting of the land, the drainage after removal and such other conditions which the Planning Commission may deem necessary for the protection of the public health, safety, peace, convenience and welfare, which conditions shall be made a part of the permit and constitute limitations thereof.
- (c) No application shall be granted under this section except upon the concurrence of not less than three members of the Planning Commission, at least one of whom shall be either the member of Council serving on the Planning Commission or the Mayor so serving on the Planning Commission. An application granted by the Planning Commission not in compliance with the requirements of this subsection shall be void.

- (d) In the event the application is denied, or is not granted in conformity with subsection (c) hereof, notice thereof shall be mailed forthwith to the applicant and the owner of the land at the addresses given in the application.
- (e) If the Planning Commission denies the application, or if the same is not granted in conformity with the provisions of Section 1329.01, the applicant or owner may appeal to Council by filing a written notice of such appeal with the Village Clerk within thirty days from the date of the mailing of the communication sent by the Planning Commission to the applicant and the owner, as provided in subsection (d) hereof. The Village Clerk shall then obtain from the Planning Commission the application, reports, recommendations, documents and minutes, or copies thereof, relating to the application and the action taken thereon by the Planning Commission and submit the same to Council. Council, by majority vote, may act to move upon the application, subject to the limitations and provisions applicable to the Planning Commission.
- (f) If the application is granted, either by the Planning Commission or by Council, the Village Engineer shall issue a permit containing the restrictions imposed, if any, upon the posting of a bond, running in favor of the Village and conditioned upon the performance of the permit in accordance with its terms, in the amount fixed by the approving body, such bond to be signed by the applicant, the owner and a surety company, or two good and sufficient sureties satisfactory to the Mayor. (Ord. 1973-25. Passed 7-11-73.)

#### 1329.03 BASEMENT OR FOUNDATION EXCAVATIONS.

The provisions of this chapter shall not be deemed or construed to apply to any excavation or removal for a basement or foundation for any proposed building for which a building permit has been issued and is in force and effect. However, if such building is not commenced and carried forward, any excavation or removal made preparatory thereto for a basement or foundation shall be filled up and replanted. (Ord. 1973-25. Passed 7-11-73.)

#### 1329.04 INVESTIGATION EXPENSES TO BE PAID BY APPLICANT.

At the time of submission of the written application, the applicant shall deposit with the Village Treasurer an amount of money as determined by the Village Engineer, not less than three hundred dollars (\$300.00) to cover the cost and expense of such investigation as may be necessary to fully review such application and any accompanying maps, and report upon the same to the Planning Commission. The cost and expense of such investigation shall be deducted from such deposit. In case such expenditure exceeds the deposit, such excess shall be paid into the Village treasury by the applicant upon request of the Village Clerk. In case such deposit exceeds such expenditure, the balance shall be refunded to the applicant.

If the application is granted, the applicant shall reimburse the Village Treasurer for any expenses incurred in connection with Village supervision or inspection of the operations as outlined in the permit. Statements for such expenses shall be submitted to the permit holder by the Village Clerk and shall be subject to payment within thirty days of receipt. Failure to pay such statements shall constitute grounds for revocation of the permit. (Ord. 1973-25. Passed 7-11-73.)

#### 1329.05 PERMIT FOR MINOR WORK; FEE.

All applications for grading and filling under this chapter, when determined by the Engineer to be so minor, desirable and without potential harm to adjacent landowners and the public health, safety and general welfare, shall be permitted by him, in writing, subject to such conditions as he may require in the public interest. The permittee shall notify the Engineer of the completion of the work, which shall then be inspected by the Engineer. The fee for the permit and the inspection shall be ten dollars (\$10.00). Such applications need only contain so much information as the Engineer may require, need not be referred to the Planning Commission and no bond shall be required. However, the penalty provision of Section 1329.99 shall apply to any violation of such permit as the Engineer shall issue. (Ord. 1973-25. Passed 7-11-73.)

#### 1329.06 PONDS.

Applications shall be filed with the Building Inspector and permits issued before the creation of any pond. In the event the proposed pond shall involve a change of land contour, then the provisions of this chapter shall be followed, or if it is a minor project in the opinion of the Municipal Engineer, it shall be treated as under Section 1329.05. In no event shall any portion of a pond proposed be permitted within seventy-five feet of an abutting owner's property line. Permission for the creation of a pond within seventy-five feet of an abutting owner's property line may only be upon a special permit approved by Council upon such terms and conditions as it may impose after obtaining the written recommendations and report of the Engineer regarding such request. (Ord. 1976-55. Passed 10-13-76.)

1329.07 EROSION AND SEDIMENT CONTROL PLAN. In addition to the other requirements of Chapter 1329, an applicant shall submit a plan for erosion and sedimentation controls, to be reviewed by the Engineer, in accordance with the standards set forth in the Urban Sediment Pollution Abatement Rules of the Ohio Department of Natural Resources, Division of Soil and Water Districts, subject to the following deletions:

- (a) Section 1501:15-1-02 deleted in its entirety.
- (b) Section 1501:15-1-06 deleted in its entirety.

The foregoing rules, as amended, are hereby adopted by the Village pursuant to Ohio R.C. 731.231.

Such plan shall contain adequate measures for control of erosion and siltation where necessary, including plans for immediate reseeding or other controls to provide erosion control and prevent siltation. (Ord. 1992-41. Passed 7-8-92; Ord. 1997-83. Passed 12-10-97.)

#### 1329.99 PENALTY.

Whoever changes the contours of land by grading, excavating or filling, or removing topsoil, trees and other vegetation, loam, sand, gravel, rock, stone, clay or other similar substances from land without first obtaining a permit as required by this chapter or in violation of the terms of any permit granted as provided herein, and any person, firm, corporation or other entity who assists in the commission of any such violation shall for each and every violation or noncompliance be guilty of a misdemeanor of the third degree. Each day of such violation or failure to comply, after notification thereof, shall constitute a separate offense.

CHAPTER 1331  
Licensing Contractors

1331.01 Definitions.	1331.05 Surety bond.
1331.02 License required.	1331.06 Insurance.
1331.03 License application.	1331.99 Penalty.
1331.04 License fee.	

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1331.01 DEFINITIONS.

"Contractor" means any firm, individual, co-partnership, corporation, association or any other organization, or any combination thereof, who by himself or itself or by or through others constructs, alters, repairs, adds to, subtracts from, reconstructs or remodels any building, structure or appurtenance thereto, or who or which undertakes, offers to undertake, purports to have the capacity to undertake or submits a bid to do so.

"Contractor" includes subcontractors and also specialty contractors whose operations as such are the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts, and until this section is amended includes the general contractor and those engaged in carpentry, electrical, heating and/or air conditioning, cement and/or asphalt, dry wall, excavating and/or earth moving, lathing and/or plastering, masonry, painting and/or decorating, plumbing and/or sewer, sign building and/or erecting, glazing, ornamental iron work and/or awnings, paving, grading, roofing and/or siding, tile setting, house moving and sheet metal work. Any property owner in the Municipality requesting more than one building permit within a three-year period for the construction of a new dwelling shall be considered a general contractor. (Ord. 1977-7. Passed 2-9-77.)

1331.02 LICENSE REQUIRED.

No person, firm, co-partnership, corporation, association or any other organization or any combination thereof shall engage in the business, perform any work or act in the capacity of a contractor within the Municipality without first being duly licensed by the Municipality to perform such work. (Ord. 1977-7. Passed 2-9-77.)

1331.03 LICENSE APPLICATION.

- (a) Applicants for a license to engage in or work at the trade, business, craft or professions herein enumerated shall make application at the office of the Inspector of Buildings, on forms prescribed by the Inspector of Buildings. Each application for a license shall contain the name of the person applying, the location of his place of business, whether such applicant is duly authorized to act for such firm, co-partnership, corporation, association or any combination thereof, as well as such further information as the Inspector of Buildings prescribes.
- (b) Such application shall be granted if the Inspector finds that the applicant is qualified to perform the work for which the application for license is submitted. Evidence that the applicant is currently licensed by the City of Cleveland, or other city or county with a qualified examination, shall be sufficient evidence of qualification to authorize the issuance of a license.
- (c) Evidence of repeated violations of the Building Code or other ordinances of the municipality shall be sufficient evidence to deny the issuance of a license. Any applicant to whom a license has been denied by the Inspector may appeal such decision to the Planning Commission, whose decision shall be final. (Ord. 1977-T. Passed 2-9-77.)

#### 1331.04 LICENSE FEE.

A fee in such amount as provided in Section 1313.22 shall be submitted with the original application and each renewal thereafter, which fee shall be retained by the municipality and credited to the General Fund regardless of whether or not such license is issued. Such license shall be valid for the calendar year in which issued. (Ord. 1977-7. Passed 2-9-77.)

#### 1331.05 SURETY BOND.

Every applicant shall, upon approval of the license application, furnish and file with the Inspector of Buildings a bond, to be approved as to form by the Law Director and as to sufficiency by the Treasurer, guaranteeing full and faithful compliance by the applicant with all the provisions of this Building Code and with pertinent rules and regulations promulgated by authority of this Building Code, and binding the surety thereon to correct or abate any violations of this Building Code or of pertinent rules or regulations promulgated by authority of this Building Code whenever the applicant named as the principal on such bond refuses, neglects or fails to correct or abate such violations within a reasonable time limit set by the Inspector of Buildings. (Ord. 1977-7. Passed 2-9-77.)

#### 1331.06 INSURANCE.

Each general contractor applying for a license shall furnish evidence of insurance for bodily injury in the amount of one hundred thousand dollars/three hundred thousand dollars (\$100,000/\$300,000), and for property damages in the amount of at least fifty thousand dollars (\$50,000). (Ord. 1977-7. Passed 2-9-77.)

#### 1331.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree. Any such violation shall constitute a separate offense on each successive day continued. The Building Inspector prior to citing or denying the issuance of a license to any contractor for violations under the provisions of this chapter, shall inform the Mayor, in writing, with copies to all members of Council. Upon approval of the Mayor proceed, the Building Inspector shall carry out the provisions of this chapter.

CHAPTER 1333  
Tennis Courts

1333.01 Approval, permit and conformity required.  
1333.02 Permit fee.  
1333.03 Illumination.

1333.04 Fencing.  
1333.05 Proximity to lot lines and structures.  
1333.99 Penalty.

CROSS REFERENCES

Permit fee-see BLDG. 1313.22(d)

1333.01 APPROVAL, PERMIT AND CONFORMITY BEQUIRED.

No tennis court or any other hard-surfaced playing area for games or sports shall be constructed within the Municipality unless the location, design and construction thereof have been approved by the Planning Commission; until the tennis courts or other hard-surfaced playing areas conform in all respects to the provisions of this chapter; and until a building permit therefor has been issued by the Inspector of Buildings. Tennis courts and other similar hard-surfaced playing areas for games or sports shall be so located on lots to minimize any disturbing sound and sight effects of play to neighboring properties. (Ord. 1979-34. Passed 5-9-79.)

1333.02 PERMIT FEE.

The fee for a permit to construct a hard-surfaced playing area permitted under this chapter shall be as set forth in Section 1313o22(d). (Ord. 1979-34. Passed 5-9-79.)

1333.03 ILLUMINATION.

No lights shall illuminate any tennis court or any other hard-surfaced playing areas for games or sports. (Ord. 1979-34. Passed 5-9-79.)

1333.04 FENCING.

The materials and construction of any fence that surrounds any tennis court or other hard-surfaced playing area for games or sports shall conform with the Codified Ordinances except that the height of the fence shall not exceed ten feet. This shall include a fence or fences which surround the playing area either in whole or in part. (Ord. 1979-34. Passed 5-9-79.)

1333.05 PROXIMITY TO LOT LINES AND STRUCTURES.

No tennis court or other hard-surfaced playing area for games or sports on a lot in a Dwelling House District shall be less than thirty feet from any lot line of the lot on which it is located and shall be at least 100 feet from any residence building on an adjacent lot. A tennis court or other hard-surfaced area shall include any fences surrounding it in whole or in part. (Ord. 1979-34. Passed 5-9-79.)

1333.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree. Every day a violation continues shall be considered a separate offense.

CHAPTER 1335  
Satellite Dishes

1335.01 Permit required.	1335.03 Location of satellite dishes.
1335.02 Application for permit; plans.	1335.99 Penalty.

CROSS REFERENCES

Licensing of contractors - see BLDG. Ch. 1331

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1335.01 PERMIT REQUIRED.

No person, firm or corporation shall erect a satellite dish in the Municipality without first securing a permit, (Ord. 1982-25. Passed 6-10-82.)

1335.02 APPLICATION FOR PERMIT; PLANS.

- (a) The owner, part owner or occupant of any lot, premises or parcel of land within the Municipality who desires to construct or erect a satellite dish at any location within the Municipality may apply to the Inspector of Buildings for the permit referred to in Section 1335.01.
- (b) The Inspector shall issue such permit provided the applicant:
  - (1) Submits a written application upon forms furnished by the Inspector or approved by him, with a plot plan of the lot, premises or parcel attached showing the exact location of the proposed satellite dish and the location of all buildings on the subject lot; a description of the kind of satellite dish, and the plans and specifications showing the elevations, where it is to be erected and of the dish itself, and sufficient details to show the method of assembly and construction. Each set of plans and specifications shall give the address of the work, name and address of the owner and name and address of the person who prepared the plans and specifications. Each application shall indicate the owner of the premises, the occupant of the premises and the contractor or other person to be permitted to construct or erect the proposed satellite dish, who shall be a licensed contractor pursuant to the regulations of the Municipality.
  - (2) Upon approval of the application by the Municipal Architect and Planning Commission and upon compliance with all of the requirements of this chapter; and
  - (3) Each application shall be accompanied by a check in the amount of one hundred dollars (\$100.00) which represents a permit fee of fifty dollars (\$50.00) and a deposit fee of fifty dollars (\$50.00). The permit fee shall cover the cost of a review of plans by the Municipal Architect and the handling of the application and inspection of the construction by the Inspector of Buildings. The fifty dollar (\$50.00) deposit shall be returnable in the event the Building Inspector upon one inspection, finds that the erection or construction is acceptable. If additional inspections are required, the fee shall not be returnable, and shall be used to cover the cost of such further inspections. (Ord. 1982-25. Passed 6-10-82.)

#### 1335.03 LOCATION OF SATELLITE DISHES.

No satellite dish shall be constructed in any front or side yard within twenty feet of a lot line and may only be constructed in rear yards where not visible from the street or from a neighbor's lot upon appropriate evergreen landscaping shown on the plan and planted before approval of the Building Inspector. Landscaping shall be twenty percent (20%) higher than the top of the dish from the ground and the dish shall not be visible from adjacent dwellings. (Ord. 1982-25. Passed 6-10-82.)

#### 1335.99 PENALTY.

The owner of any lot or parcel where anything in violation of this chapter is placed or exists and any architect, builder or contractor who assists in the commission of any violation, and any person who violates any of the provisions of this chapter or falls to comply therewith, shall, for each violation or noncompliance, be guilty of a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

CHAPTER 1337  
Outdoor Lights and Belated Structure

1337.01 Driveway lights.	1337.04 Permit;
1337.02 Lamps on raised posts.	1337.99 Penalty
1337.03 Spotlights and floodlights.	

CROSS REFERENCE

Fee - see BLDG. 1313. 22(a)(3)

1337.01 DRIVEWAY LIGHTS.

- (a) Electrical Grounding. Each fixture must be grounded through the use of a grounding conductor.
- (b) Wattage.
  - (1) Fixtures emitting rays above the horizontal shall be limited to twenty-five watts.
  - (2) Fixtures emitting rays horizontally or below shall be limited to forty watts.
- (c) Right of Way. No fixtures shall be permitted In the street right of way.
- (d) Lamp Placement. The center of the electric lamp bulb shall not be placed more than twenty-four inches above grade. (Ord. 1982-57. Passed 6-8-83. )

1337. 02 LAMPS ON RAISED POSTS.

- (a) Height The center of the electric or gas lamp bulb shall not be more than seven feet above grade.
- (b) Wattage. The lamp wattage shall not exceed seventy-five.
- (c) Shielding. Any raised lamp shall be so shielded that no direct rays shall strike neighboring houses.
- (d) Electrical Grounding. The fixture and post, if metal, must be grounded.
- (e) Location and Number. There shall not be more than two lamp posts at the street right of way, one each on either side of the driveway between the right-of-way line and ten feet behind the right-of-way line and not more than one other such post per 100 lineal feet of driveway except at the right-of-way line and/or within twenty feet of the dwelling line, post lights shall be spaced at least seventy-five feet apart.
- (f) Size of Posts and Related Structures. The lamp post on which any light is installed shall not exceed six feet In height and shall not be more than two feet square In area, and any circular post shall not exceed six Inches in diameter. Such post may be part of a transition wall not to exceed the height at the other end, and the entire wall, exclusive of the post, may not exceed ten feet In length. (Ord. 1982-57. Passed 6-8-83.)

1337. 03 SPOTLIGHTS AND FLOODLIGHTS.

No direct rays may illuminate neighboring property. (Ord. 1982-57. Passed 6-8-83. )

**1337.04 PERMITS.**

A building permit shall be obtained from the Inspector of Buildings upon providing him with such plans and specifications as may be reasonably required to show the location of the proposed lighting and materials, after payment of the fee required for an electrical permit for a new family dwelling under Section 1313. 22(a)(3), without additional payment based on area.  
(Ord. 1982-57. Passed 6-8-83. )

**1337.99 PENALTY.**

The owner of any lot or parcel where anything in violation of this chapter is placed or exists and any architect, builder or contractor who assists in the commission of any violation and any person who violates any provision of this chapter or falls to comply therewith shall for each violation or noncompliance be guilty of a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

CHAPTER 1339  
Flood Damage Prevention

1339.01 Findings of fact.	1339.10 Warning and disclaimer of Liability.
1339.02 Purposes.	1339.11 Development permit required Application; exceptions.
1339.03 Methods of reducing flood losses	1339.12 Enforcement.
1339.04 Definitions.	1339.13 Duties and responsibilities of Village Engineer.
1339.05 Application of chapter.	1339.14 Appeals; variances.
1339.06 Basis for establishing areas of special flood hazard.	1339.15 Standards for flood hazard reduction.
1339.07 Compliance required.	1339.16 Flood proofing standards.
1339.08 Conflicts with easement, covenant or deed restrictions And ordinances.	1339.17 Floodways.
1339.09 Interpretation of chapter; Conflicts with state law.	1339 99 Violations and penalties

CROSS REFERENCES

County flood control aid to governmental units - see Ohio R.C. SO??.??  
 Basis of zoning districts - see Ohio R.C. 713.10  
 Construction permits and prohibitions for dams, dikes or levees - see Ohio R.C. 1521.06  
 Flood hazards; marking flood areas - see Ohio R.C. 1521.14  
 Review of flood plain ordinances - see Ohio R.C. 1521.18

1339.01 FINDINGS OF FACT.

- (a) The flood hazard areas of the Village of Moreland Hills 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, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.  
(Ord. 1996-104. Passed 12-11-96.)

### 1339.02 PURPOSES.

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

- (a) Protect human life and health;
- (b) Minimize expenditure of public money for costly flood control projects;
- (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) Minimize prolonged business interruptions;
- (e) Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines and streets and bridges located in areas of special flood hazard;
- (f) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (g) Ensure that potential buyers are aware that property is in an area of special flood hazard; and
- (h) Ensure that persons who occupy an area of special flood hazard assume responsibility for their actions. (Ord. 1996-104. Passed 12-11-96.)

### 1339.03 METHODS OF REDUCING FLOOD LOSSES.

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

- (a) Restricting or prohibiting uses which are dangerous to health, safety and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Controlling the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
- (d) Controlling filling, grading, dredging and other development which may increase flood damage; and
- (e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.  
(Ord. 1996-104. Passed 12-11-96.)

### 1339.04 DEFINITIONS.

- (a) Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. As used in this chapter:
  - (1) "Accessory structure" means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.
  - (2) "Appeal" means a request for a review of the Village Engineer's interpretation of any provision of this chapter or a request for a variance.
  - (3) "Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Areas of special flood hazard are designated by the Federal Emergency Management Agency as Zone A, AE, AH, AO, A 1-30, and A99.
  - (4) "Base flood" means 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 one hundred (100) year flood.

- (5) "Basement" means any area of the building having its floor sub-grade (below ground level) on all sides.
- (6) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations or storage of equipment or materials located in the area of special flood hazard.
- (7) "Federal Emergency Management Agency" (FEMA) means the agency with the overall responsibility for administering the National Flood Insurance Program.
- (8) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
  - A. The overflow of inland or tidal waters; and/or
  - B. The unusual and rapid accumulation or run-off of surface waters from any source.
- (9) "Flood Insurance Rate Map" (FIRM) means an official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazard.
- (10) "Flood Insurance Study" means the official report in which the Federal Emergency Management Agency has provided flood profiles, floodway boundaries and the water surface elevations of the base flood.
- (11) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- (12) "Historic structure" means any structure that is:
  - A. 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;
  - B. 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;
  - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    1. By an approved state program as determined by the Secretary of the Interior; or
    2. Directly by the Secretary of the Interior in states without approved programs.
- (13) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is built in accordance with the applicable design requirements for enclosures below the lowest floor specified in this chapter.

- (14) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and 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".
- (15) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Ohio Revised Code, over which the Public Health Council has exclusive rule making power.
- (16) "New construction" means structures for which the "start of construction" commenced on or after the initial effective date of the Village of Moreland Hills' Flood Insurance Rate Map, and includes any subsequent improvements to such structures.
- (17) "Recreational vehicle" means a vehicle which is:
  - A. Built on a single chassis,
  - B. 400 square feet or less when measured at the largest horizontal projection,
  - C. Designed to be self-propelled or permanently towable by a light duty truck, and
  - D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (18) "Start of construction" means the date the building permit was issued, provided that 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 slabs 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.
- (19) "Structure" means a walled and roofed building, manufactured home or gas or liquid storage tank that is principally above ground.
- (20) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
- (21) "Substantial improvement" means any repair, 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:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
  - B. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure"; or
  - C. Any improvement to a structure which is considered new construction.
- (22) "Variance" means a grant of relief from the standards of this chapter consistent with the variance conditions herein. (Ord. 1996-104. Passed 12-11-96.)

#### 1339.05 APPLICATION OF CHAPTER.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Village of Moreland Hills as identified by the Federal Emergency Management Agency, including any additional flood hazard areas annexed by the Village of Moreland Hills that are not identified on the effective Flood Insurance Rate Map. (Ord. 1996-104. Passed 12-11-96.)

#### 1339.06 BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard have been identified by the Federal Emergency Management Agency in its Flood Insurance Rate Map (or Flood Hazard Boundary Map) No. 390118-000IB, dated June 1, 1979. This map and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter. The map is on file at Village Hall, 4350 S.O.M. Center Road, Moreland Hills, Ohio 44022. (Ord. 1996-104. Passed 12-11-96.)

#### 1339.07 COMPLIANCE REQUIRED.

Unless specifically exempted from filing for a development permit as stated in Section 1339.11(b), no structure or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this chapter and all other applicable regulations which apply to uses within the jurisdiction of this chapter. (Ord. 1996-104. Passed 12-11-96.)

#### 1339.08 CONFLICTS WITH EASEMENT, COVENANT OR DEED RESTRICTIONS AND ORDINANCES.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and an ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 1996-104. Passed 12-11-96.)

#### 1339.09 INTERPRETATION OF CHAPTER; CONFLICTS WITH STATE LAW.

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

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other power granted under state statutes. Where a provision of this chapter is in conflict with a state law, such state law shall take precedence over the chapter. (Ord. 1996-104. Passed 12-11-96.)

### 1339.10 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter 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. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Village of Moreland Hills, any officer or employee thereof or the Federal Emergency Management Agency, for any flood damage that results from reliance on this chapter or any administrative decision lawfully made under this chapter. (Ord. 1996-104. Passed 12-11-96.)

### 1339.11 DEVELOPMENT PERMIT REQUIRED; APPLICATION; EXCEPTIONS.

- (a) A development permit shall be obtained from the Village Engineer before construction or development begins within any area of special flood hazard established in Section 1339.06. Application for a development permit shall be made on forms furnished by the Village Engineer and may include, but not be limited to, site specific topographic plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:
- (1) Elevation, in relation to mean sea level, of the lowest floor, including the basement, of all proposed structures located in special flood hazard areas where base flood elevation data are utilized;
  - (2) Elevation, in relation to mean sea level, to which any proposed structure will be flood proofed in accordance with Section 1339.16(b) where base flood elevation data are utilized;
  - (3) Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 1339.16(b) where the base flood elevation data are utilized; and
  - (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished.
- (b) An application for a development permit shall not be required for maintenance work such as roofing, painting and basement sealing, or for small development activities (except for filling and grading) valued at less than one thousand dollars (\$1,000). Any proposed action exempt from filing for a development permit is also exempt from the standards of this chapter. (Ord. 1996-104. Passed 12-11-96.)

### 1339.12 ENFORCEMENT.

The Village Engineer is hereby appointed to administer and implement this chapter by granting or denying a development permit application in accordance with the its provisions. (Ord. 1996-104. Passed 12-11-96.)

**1339.13 DUTIES AND RESPONSIBILITIES OF VILLAGE ENGINEER.**

The duties and responsibilities of the Village Engineer shall include but are not limited to:

- (a) Permit Review.
  - (1) Review all development permits to determine that the permit requirements of this chapter have been satisfied.
  - (2) Review all development permits to assure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the Department of the Army under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.
  - (3) Review all development permits to determine if the proposed development is located within a designated floodway. Floodways are delineated in the Flood Boundary and Floodway Map or the Flood Insurance Rate Map of the Flood Insurance Study. Floodways may also be delineated in other sources of flood information. If the proposed development is located within a designated floodway, assure that the encroachment provisions of Section 1339.17(a) are met.
- (b) Use of Other Base Flood Elevation and Floodway Data Areas of Special flood hazard where base flood elevation data have not been provided by the Federal Emergency Management Agency in accordance with Section 1339.06, Areas of Special Flood Hazard, are designated as Zone A on the community's Flood Insurance Rate Map. Within these areas, the Village Engineer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer Sections 1339.16(a) and (b) and 1339.17.
- (c) Information to be Obtained and Maintained Where base flood elevation data are utilized within areas of special flood hazard on a community's Flood Hazard Boundary Map or Flood Insurance Rate Map, regardless of the source of such data, the following provisions apply:
  - (1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and whether or not such structures contain an enclosure below the lowest floor.
  - (2) For all new or substantially-improved flood proofed nonresidential structures:
    - A. Verify and record the actual elevation (in relation to mean sea level) to which the structure was flood proofed; and
    - B. Maintain the flood proofing certifications required in Section 1339.11(a)(3).
  - (3) Maintain for public inspection all records pertaining to the provisions of this chapter.
- (d) Alteration of Watercourses.
  - (1) Notify adjacent communities and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. A watercourse is considered to be altered if any change occurs within its banks.
  - (2) Require that necessary maintenance will be provided for by the applicant for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished.
  - (3) Maintain engineering documentation required in Section 1339.11(a)(4) that the flood carrying capacity of the altered or relocated portion of said watercourse will not be diminished.

- (e) Interpretation of Flood Boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Where a map boundary and elevations disagree, the elevations delineated in the flood elevation profile shall prevail. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1339.14. (Ord. 1996-104. Passed 12-11-96.)

#### 1339.14 APPEALS; VARIANCES.

(a) Procedures.

- (1) The Planning Commission as established by the Village of Moreland Hills shall hear and decide appeals and requests for variances from the requirements of this chapter.
- (2) The Planning Commission shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Village Engineer in the enforcement or administration of this chapter.
- (3) Those aggrieved by a decision of the Planning Commission or any taxpayer, may appeal such decision to the Cuyahoga County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.
- (4) In passing upon applications, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
  - A. The danger that materials may be swept onto other lands to the injury of others;
  - B. The danger to life and property due to flooding or erosion damage;
  - C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - D. The importance of the services provided by the proposed facility to the community;
  - E. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - F. The necessity to the facility of a waterfront location, where applicable;
  - G. The compatibility of the proposed use with existing and anticipated development;
  - H. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
  - L. The safety of access to the property, in times of flood, for ordinary and emergency vehicles;
  - J. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  - K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

- (5) Upon consideration of the factors of subsection (a)(4) hereof and the purposes of this chapter, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
  - (6) The Village Engineer shall maintain the records of all appeal actions and report any variance to the Federal Emergency Management Agency upon request.
- (b) Conditions for Variances
- (1) 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 (a)(4) hereof have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
  - (2) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of me, structure.
  - (3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
  - (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (5) Variances shall only be issued upon:
    - A. A showing of good and sufficient cause;
    - B. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
    - C. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this chapter, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, as identified in subsection (a)(4) hereof, or conflict with existing local laws or ordinances.
  - (6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.  
(Ord. 1996-104. Passed 12-11-96.)

#### 1339.15 STANDARDS FOR FLOOD HAZARD REDUCTION.

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

- (a) Anchoring.
  - (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

- (2) All manufactured homes not otherwise regulated by the Ohio Revised Code pertaining to manufactured home parks shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors.
- (b) Construction Materials and Methods.
- (1) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
  - (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
  - (3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (c) Utilities. The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code.
- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
  - (2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
  - (3) Individual wastewater treatment systems shall be located to avoid impairment to them or contamination from them during flooding.
- (d) Subdivision Proposals.
- (1) All subdivision proposals, including manufactured home subdivisions, shall be consistent with the need to minimize flood damage.
  - (2) All subdivision proposals, including manufactured home subdivisions, shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage.
  - (3) All subdivision proposals, including manufactured home subdivisions, shall have adequate drainage provided to reduce exposure to flood damage.
  - (4) All subdivision proposals, including manufactured home subdivision, shall meet the specific standards of Section 1339.16(f). (Ord. 1996-104. Passed 12-11-96.)

### 1339.16 FLOOD PROOFING STANDARDS.

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Sections 1339.06 and 1339.13(b) the following provisions are required.

- (a) Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.
- (b) Nonresidential Construction. New construction, and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:
  - (1) Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water to the level of the base flood elevation. In order to be eligible for lower flood insurance rates, the structure should be flood proofed at least one foot above the base flood elevation;
  - (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - (3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this subsection. Such certification shall be provided to the official as set forth in Section 1339.11(a)(3).
- (c) Accessory Structures. An exemption to the elevation or dry flood proofing standards may be granted for accessory structures (e.g. sheds and detached garages) containing 100 square feet or less in gross floor area. Such structures must meet the encroachment provisions of Section 1339.17(a) and the following additional standards:
  - (1) They shall not be used for human habitation;
  - (2) They shall be designed to have low flood damage potential;
  - (3) They shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;
  - (4) They shall be firmly anchored to prevent flotation; and
  - (5) Service facilities such as electrical and heating equipment shall be elevated or flood proofed.
- (d) Manufacturer Homes and Recreational Vehicles.
  - (1) The following standards shall apply to all new and substantially-improved manufactured homes not subject to the manufactured home requirements of Section 3733.01, Ohio Revised Code:
    - A. Manufactured homes shall be anchored in accordance with Section 1339.15(a)(2).
    - B. Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation.
  - (2) These standards also apply to recreational vehicles that are either:
    - A. Located on sites for 180 days or more, or
    - B. Are not fully licensed and ready for highway use.

- (e) Enclosures Below the Lowest Floor. The following provisions apply to all new and substantially-improved residential and nonresidential structures which are elevated to or above the base flood elevation using pilings, columns or posts. Fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must:
- (1) Be certified by a registered professional engineer or architect; or
  - (2) Must meet or exceed the following criteria:
    - A. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area shall be provided;
    - B. The bottom of all openings shall be no higher than one foot above grade; and
    - C. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
- (f) Subdivisions and Large Developments. In all areas of special flood hazard where base flood elevation data have not been provided in accordance with Section 1339.06 or Section 1339.13(b), the following standards apply to all subdivision proposals, including manufacturing home subdivisions, and other proposed developments containing at least fifty lots or five acres (whichever is less):
- (1) The applicant shall provide base flood elevation data performed in accordance with standard engineering practices;
  - (2) If subsection (f)(1) hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 1339.15, and this section. (Ord. 1996-104. Passed 12-11-96.)

#### 1339.17 FLOODWAYS.

A floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential. The Flood Insurance Rate Map (or Flood Hazard Boundary Map) does not designate a floodway. However, floodways may be delineated in other sources of flood information as specified in Section 1339.06. The following provisions apply within all delineated floodway areas

- (a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a hydrologic and hydraulic analysis performed in accordance with standard engineering practices demonstrates that the proposed encroachments would not result in any increase in flood levels during the occurrence of the base flood discharge.
- (b) If subsection (a) hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 1339.15 and 1339.16.

- (c) Any encroachment within the floodway that would result in an increase in base flood elevations can only be granted upon the prior approval by the Federal Emergency Management Agency. Such requests must be submitted by the Village Engineer to the Federal Emergency Management Agency and must meet the requirements of the National Flood Insurance Program. (Ord. 1996-104. Passed 12-11-96.)

#### 1339.99 VIOLATIONS AND PENALTIES.

Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor of the third degree. Any person who violates this chapter or fails to comply with any of its requirements (including violations of conditions of and safeguards established in connection with conditions) shall upon conviction thereof be fined or imprisoned as provided by the laws of the Village of Moreland Hills. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village of Moreland Hills from taking such other lawful action as is necessary to prevent or remedy any violations. The Village of Moreland Hills shall prosecute any violation of this chapter in accordance with the penalties stated herein. (Ord. 1996-104. Passed 12-11-96.)

- (h) To complement the other actions of this Council including the enactment of an erosion control ordinance, the enactment of a vegetation preservation ordinance and the designation, along with other communities, of the Chagrin River Corridor as a "Scenic Corridor" which should be protected and preserved. (Ord. 1992-42. Passed 7-8-92.)

#### 1341.02 DEFINITIONS.

- (a) "Cut" means a portion of land surface or area from which the earth has been removed or will be removed by excavation.
- (b) "Earth material" means soil, sediment, rock, sand, gravel and organic material or residue associated with or attached to the soil.
- (c) "Earth moving" means any excavating, cutting or filling, or any stockpiling thereof.
- (d) "Earth disturbing activity" means any grading, excavating, filling, drilling or other alteration of the earth's surface where natural or man-made ground cover is destroyed and which may result in or contribute to erosion and sediment pollution.
- (e) "Erosion" means the process by which the land surface is worn away by the action of water, wind, ice or gravity.
- (f) "Fill" means depositing of soil, rock or other materials by other than natural means.
- (g) "Finish grade" means the final grade or elevation of the ground surface after grading is completed.
- (h) "Grade" means the rise or descent of a sloping surface.
- (i) "Grading" means earth disturbing activity such as excavation, stripping, cutting, filling, stockpiling or any combination thereof.
- (j) "Hillside control measures" means all of the planning work and control that is required and specified by this chapter.

- (k) "Protected Hillside Zone" means those areas within the Village meeting the criteria set forth in Section 1341.04.
- (l) "Impervious surface" means water shedding surface which may include roads, buildings, tennis courts, roofs, driveways, patios, pool decks, parking lots and other similar water shedding surfaces.
- (m) "Landslide" means the rapid mass movement of soil and rock material downhill under the influence of gravity in which the movement of the soil mass occurs along an interior surface of sliding.
- (n) "Natural gradient" means the rate of ascent or descent of natural ground surfaces or natural terrain's.
- (o) "Natural ground surface" or "natural terrain" means the ground surface in its original state before any grading, excavation or filling.
- (p) "Natural vegetation" means plant materials and trees which are indigenous to the area and exist on a site prior to any vegetation destruction, construction, earth moving or earth disturbing activity.
- (q) "Owner/developer/builder/occupant" means an individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest to seek development of land.
- (r) "Run-off" means the part of precipitation which flows over land without filtering into the soil.
- (s) "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 wind, water, gravity, or ice, and has come to rest on the earth's surface.
- (t) "Slip" means landslide as defined herein.
- (u) "Sloughing" means a slip or downward movement of an extended layer of soil resulting from the undermining action of water or the earth-disturbing activity of man.
- (v) "Slope" means an inclined ground surface; the inclination is expressed as a ratio of the horizontal distance to the vertical distance. (w) "Soil" means unconsolidated erodible earth material consisting of minerals and/or organics.
- (x) "Unstable soil" means a portion of land surface or area which is prone to slipping, sloughing or landslides. (Ord. 1992-42. Passed 7-8-92.)

### 1341.03 PROTECTED HILLSIDE ZONE MAP.

The Village Building Inspector, in consultation with the Village Engineer, and such other professionals including one or more civil engineers, hydrological and geo-technical engineers, botanists, biologists and landscape architects as he may deem necessary, shall create a map suggesting and attempting to identify the Protected Hillside Zone(s) of the Village. Said map shall be published as a convenient reference document and the information contained therein shall be believed to be accurate; however, the Village shall not certify the accuracy of the map and shall assume no liability or responsibility for discrepancies between the map and the criteria for the Protected Hillside Zone as set forth in Section 1341.04. Said map shall become a guide only after it has been reviewed by the Planning Commission and approved by resolution of Council, after public notice and hearing. (Ord. 1992-42. Passed 7-8-92.)

1341.04 CRITERIA TO DETERMINE PROTECTED HILLSIDE ZONE. The Protected Hillside Zone contains one or more of the following criteria:

- (a) Areas that exhibit evidence of past or present unstable soil.
- (b) Areas having slopes with a natural gradient within the limits set forth in Exhibit "A" attached to original Ordinance 1992-42 and incorporated herein fully as if by reference and adopted as if by reference. (Ord. 1992-42. Passed 7-8-92.)

1341.05 APPLICABILITY.

- (a) No owner, developer, builder or occupant shall make changes of any land proposed to be subdivided, developed or changed in use by grading, excavating or by the removal or destruction of any natural vegetation or the removal of any topsoil, trees or other vegetation covering thereon within the Protected Hillside Zone as defined in Section 1341.04 without first having obtained a permit from the Building Inspector authorizing such activity in the Protected Hillside Zone. No permit shall be issued by the Building Inspector unless it has been reviewed and approved by the Planning Commission.
- (b) This chapter shall not be interpreted to prohibit normal landscaping, gardening, maintenance or routine arboreal activities or to prohibit small scale planting of ornamental flowers or shrubs or the removal of diseased, dead or damaged trees or trees which are a threat to the health and safety of the owner of the property. However, such activity shall be carried out in the conformance with the standards of vegetation or re-vegetation of this chapter. (Ord. 1992-42. Passed 7-8-92.)

1341.06 ADMINISTRATION AND ENFORCEMENT.

All applications for Protected Hillside Zone permits shall be submitted to the Building Inspector. The Building Inspector shall prepare forms necessary for such application. The Building Inspector shall review the application to insure the application has information required by Section 1341.07. In connection with such review, the Building Inspector is authorized to consult and obtain opinions from such other professionals as the Village Engineer, hydrological and geo-technical engineers, botanists, biologists and landscape architects as he may deem necessary. No Protected Hillside Zone permit shall be issued until the application, together with the report of the Building Inspector, has been reviewed and approved by the Planning Commission. (Ord. 1992-42. Passed 7-8-92.)

1341.07 REQUIRED HILLSIDE CONTROL MEASURES.

The following standards and procedures shall be applied by the Building Inspector and Planning and Zoning Commission in reviewing an application for issuance of a permit in the Protected Hillside Zone.

- (a) Maps and Data. Maps and data, either separate or combined, should be provided as follows:
  - (1) Vicinity map. A print, showing thereon the location of the proposed subdivision and its relationship to adjacent developments, streets and all community facilities which serve or influence it.
  - (2) Property line map. A drawing, showing bearings and distances of the parcel to be subdivided, location, width and purpose of easements, the name, width and location of abutting streets including location of pavements and sidewalks, structures on the parcel and within 100 feet on adjoining property.

- (3) Typographic map. A drawing, showing contours at two foot intervals based on the County datum plane. It shall show approximate direction and gradient of ground slope on immediately adjacent land; indicate subsurface condition of tract; and show watercourses, marshes, wooded areas, isolated preservable trees and other significant features. The topography shall be at the same scale as the preliminary plan. In addition to those requirements this drawing will clearly indicate the limits of the Protected Hillside Zone.
- (b) Site Plan. A site plan, superimposed on the topographic and property line map, should show the following:
  - (1) Improvements plan. Must depict the location of all improvements and impervious surfaces with a clear indication of their relationship to the Protected Hillside Zone, including, but not limited to, all structures, utilities, septic systems, driveways, terraces, tennis courts, pools, etc.
  - (2) Grading plan. Must show proposed contours and shall list the total amount of cut and fill and shall show the extent of all cut and fill operations.
  - (3) Profiles. The Village reserves the right to request profiles and/or cross sections that will indicate proposed and existing grades.
- (c) Geo-technical Report. A geo-technical report by a qualified geo-technical engineer, that addresses all factors pertinent to site stability, both present and future, will be required by the Village, and shall include the following:
  - (1) Present stability evaluation. An evaluation of the present stability of the site, based on field exploration that includes test borings, followed by lab testing and stability analysis.
  - (2) Future stability evaluation. An evaluation of the effect of the planned construction on stability based on the findings in (1) above.
  - (3) Recommended strategies. Detailed strategies to insure that existing or potential instabilities will be mitigated.
- (d) Control of Erosion and Sedimentation. Plans shall meet the standards of Chapter 1329 of the Building Code.
- (e) Vegetation Management Report. A vegetation removal and revegetation report shall be submitted by a registered landscape architect, and it will address the following:
  - (1) Vegetation inventory. A site plan showing the general limits of the various kinds of vegetation (wood lot, meadow, etc.), the locations of all trees 9 inch or greater caliper fourteen inches above ground level (including their genus, species and condition) that are within fifty feet of the limits of the area proposed to be disturbed; location and type of vegetation to be destroyed; location and type of vegetation to be removed due to health, safety and welfare requirements.
  - (2) Landscape plan. A landscape plan, prepared or approved in writing by a professional registered landscape architect trained and experienced in both the characteristics of plant material and proper procedures for installation, shall be submitted with each application for a Hillside Protection Zone permit.

- (f) Gradients. The following standards will be applied to the Protected Hillside Zone:
- (1) Driveways. No driveways will exceed a maximum gradient of ten percent (10%).
  - (2) Embankments. Fill areas may not exceed three feet horizontal to one foot vertical slope.
  - (3) Excavations. Cut areas may not exceed a two and one half horizontal to one foot vertical slope.
- (g) Miscellaneous. Septic systems. Leach beds may not be located on slopes in excess of four feet horizontal to one foot vertical slope. (Ord. 1992-42. Passed 7-8-92.)

#### 1341.08 SCHEDULE OF FEES AND DEPOSITS.

At the time of filing the application for a Protected Hillside Zone permit, there shall be paid to the Treasurer a filing fee in the amount of fifty dollars (\$50.00). There shall also, at such time, be deposited with the Treasurer and thereafter maintained on deposit the amount of one thousand dollars (\$1,000) or such larger or lesser amount as may be determined by the Building Inspector based on his estimate of the costs to be incurred by the village in reviewing the application for permit and to insure payment by the applicant of expenses incurred by the Village in the processing of the application and all pertinent papers connected therewith.

The cost and expense of any investigation which may be necessary by the Building Inspector, Village Engineer, hydrological and geo-technical engineers, botanists, biologists, landscape architects and the Director of Law and such other Village officials to determine whether the proposed application is in accordance with law, the cost of any and all notices required, and all other necessary expenses shall be paid by the owner, developer or builder.

The actual expenditures shall be paid by the applicant upon demand of the Treasurer. The unexpended balance of the deposit shall be refunded to the applicant upon completion of all administrative proceedings involved in connection therewith. No filing fee shall be refunded or returned. No permits shall be issued until any amounts required to be paid by the applicant have been paid. (Ord. 1992-42. Passed 7-8-92.)

#### 1341.09 APPEALS.

If any person is aggrieved by any provisions of this chapter, final determination of the Building Inspector or Planning and Zoning Commission, said person may appeal to Council. Such appeal shall be taken within twenty days after the decision appealed from by filing with the Building Inspector and with the Clerk of Council a notice of appeal specifying the grounds therefor. The Building Inspector shall forthwith transmit to Council all papers constituting the record upon which the action appealed was taken. (Ord. 1992-42. Passed 7-8-92.)

#### 1341.10 CRIMINAL PENALTY.

The owner, developer, builder or occupant or any person who is found guilty of violating any provision of this chapter shall, where no other penalty is provided, be guilty of a misdemeanor of the first degree. Each day's continued violation shall constitute a separate offense. (Ord. 1992-42. Passed 7-8-92.)

## 1341.11 CIVIL PENALTY.

- (a) In the event that work performed does not conform with the provisions of the Protected Hillside Zone permit, a written notice to comply shall be served upon the owner, developer, builder or occupant. Such notice shall set forth the nature of the correction required and the time within which correction shall be made. Failure to comply with such notice shall result in the issuance of a stop work order applicable to all activity except that necessary for correction of the violation. Upon correction of the violation, the stop work order shall be voided and all permitted activity may resume.
- (b) In the event of a continued violation of the approved Protected Hillside Zone permit, a public hearing on the matter shall be conducted by the Planning and Zoning Commission. Written notice of such hearing shall be served upon the owner, developer, builder or occupant by registered mail and shall state:
  - (1) The grounds of the complaint;
  - (2) The time and place such hearing is to be held. Such notice shall be served at least fifteen days prior to the date set for the hearing. At any such hearing, the owner, developer, builder or occupant shall be given an opportunity to be heard and he may call witnesses and present evidence on his behalf.

If, after such hearing, the Planning and Zoning Commission concludes that the issuance of additional corrective notices would be futile, any bonds or cash deposits posted with the Village shall be forfeited, whereupon such security shall be used for completion of the Protected Hillside Zone permit as approved. Any additional costs incurred by the Village shall be certified to Council for certification to the County Auditor for placement as a lien upon the property under authority of Ohio R.C. 715.47.

- (c) In the case of a real and present emergency, the Building Inspector shall refer the matter to the Director of Law who shall institute an appropriate action at law  
(Ord. 1992-42. Passed 7-8-92.)

CHAPTER 1343  
Point of Sale Inspection of Septic Systems

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| <p>1343.01 Certificate of inspection required upon transfer of premises,</p> <p>1343.02 Presentment of certificate upon transfer of real estate (escrow).</p> | <p>1343.03 Escrow agent: disbursement of funds without statement prohibited.</p> <p>1343.99 Penalty.</p> |
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CROSS REFERENCES

Sewage disposal approval - see BLDG. 1313.19  
Private sewage disposal systems - see BLDG. 1313.26

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1343.01 CERTIFICATE OF INSPECTION REQUIRED UPON TRANSFER OF PREMISES.

No owner of any premises with a septic system located thereon shall enter into an agreement to sell, convey or transfer said premises, without first obtaining from the Cuyahoga County Board of Health a Certificate of Septic System Evaluation. (Ord. 1992-64. Passed 12-9-92.)

1343.02 PRESENTMENT OF CERTIFICATE UPON TRANSFER OF REAL ESTATE (ESCROW).

No person, agent, firm or corporation shall sell, convey or transfer any premises with a septic system located thereon, or any interest therein, without presenting to the prospective purchaser, grantee or transferee a current Certificate of Septic System Evaluation, and, when an escrow has been established, without depositing in escrow prior to delivery of possession or transfer of title, a statement from the transferee acknowledging the receipt of such certificate. (Ord. 1992-64. Passed 12-9-92.)

1343.03 ESCROW AGENT: DISBURSAL OF FUNDS WITHOUT STATEMENT PROHIBITED.

No person, firm or corporation acting in the capacity of an escrow agent in any real estate transaction involving the sale of any premises with a septic system located thereon within Moreland Hills shall disburse any funds until the provisions of this Chapter have been complied with. (Ord. 1992-64. Passed 12-9-92.)

1343.99 PENALTY.

A violation of any provision of Chapter 1343 is a misdemeanor of the first degree. (Ord. 1992-64. Passed 12-9-92.)

CHAPTER 1345  
Fences and Walls

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| 1345.01 Permit required.                             | 1345.06 Fences and walls in public<br>right-of-way prohibited. |
| 1345.02 Fences and walls in rear yards,              | 1345.07 Variances.   |
| 1345.03 Fences and walls in front and<br>side yards. | 1345.08 Nonconforming fences.                                  |
| 1345.04 Types of fences prohibited.                  | 1345.09 Prohibitions.  |
| 1345.05 Other fences.                                |  |

**1345.01 PERMIT REQUIRED.**

No fence or wall shall be constructed or erected unless a permit therefor has been issued by the Building Inspector. Applications for a permit must contain a plot plan of the lot, premises or parcel showing the exact location of the proposed fence or wall, a description of the kind of fence or wall, and plans and specifications showing the elevations of the fence or wall in sufficient detail to show the method of assembly and construction. Each application shall state the owner of the premises, the occupant of the premises and the person who is to construct or erect the proposed wall or fence. Each application must be accompanied by a fee in the amount of forty dollars (\$40.00) for the handling of the application and inspection of the construction by the Building Inspector. (Ord. 1993-62. Passed 12-8-93.)

**1345.02 FENCES AND WALLS IN REAR YARDS.**

Fences which do not exceed five feet in height and decorative walls which do not exceed eighteen inches in height shall be permitted in the rear yard as defined in Chapter 1121 of the Planning and Zoning Code. (Ord. 1993-62. Passed 12-8-93.)

**1345.03 FENCES AND WALLS IN FRONT AND SIDE YARDS.**

Fences and walls are prohibited in the front and side yards in front of the rear building line except the following may be permitted by approval of the Planning Commission:

- (a) Fences four feet or less in height and at least fifty percent (50%) open.
- (b) Decorative walls and fences eighteen inches or less in height.
- (c) driveway entrance fences and walls five feet or less in height and eight /feet or less in length. No portion of the driveway entrance wall or fence shall be located more than eight feet from the pavement of the driveway and shall contain no more than two, two-foot square columns. No gates shall be permitted.
- (d) Retaining walls and fences necessary to control erosion as determined by the Planning Commission.
- (e) Fences or walls which are structurally an integral part of the architecture of the dwelling or accessory buildings as determined by the Planning Commission. (Ord. 1993-62. Passed 12-8-93.)

#### 1345.04 TYPES OF FENCES PROHIBITED.

The following types of fences are strictly prohibited in all zoning districts:

- (a) Chain link fences, except for the sole purposes of enclosing a tennis court pursuant to Chapter 1333, enclosing a swimming pool pursuant to Chapter 1323, or confining a dangerous or vicious dog under Chapter 505. Under no circumstances may an entire front or side yard be enclosed by a chain link fence for the aforesaid purposes. "Corral fences", as defined by Chapter 1321, shall not be constructed of chain link;
- (b) Barbed wire fences, razor wire fences, or any other fence made of sharpened metal to prevent ingress or egress to or from a premises; and
- (c) Above-ground, electrically-charged fences regardless of the source of electricity.  
(Ord. 1993-62. Passed 12-8-93.)

#### 1345.05 OTHER FENCES.

Notwithstanding any provisions contained in this chapter, tennis court fences must comply with Chapter 1333, swimming pool fences must comply with Chapter 1323 and corral fences must comply with Chapter 1321. (Ord. 1993-62. Passed 12-8-93.)

#### 1345.06 FENCES AND WALLS IN PUBLIC RIGHT-OF-WAY PROHIBITED.

No fence or wall shall be constructed, erected or permitted to remain in a public right-of-way.  
(Ord. 1993-62. Passed 12-8-93.)

#### 1345.07 VARIANCES.

Council may grant a variance from any provision of this chapter upon the recommendation of the Planning Commission upon determination that the strict compliance of the provisions would create a practical difficulty in the reasonable use of the property.(Ord. 1993-62. Passed 12-8-93.)

#### 1345.08 NONCONFORMING FENCES.

Any fence lawfully existing at the time of the enactment of Chapter 1345 may be continued and maintained. (Ord. 1993-62. Passed 12-8-93.)

#### 1345.09 PROHIBITIONS.

- (a) No person shall construct or erect a fence or wall in the municipality which is in violation of any provision of this chapter.
- (b) No owner shall permit a fence or wall to be constructed, erected or remain on the owner's property which is in violation of any provision of this chapter. (Ord. 1993-62. Passed 12-8-93.)

CHAPTER 1346  
Demolition and Removal of Structures

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| 1346.01 Permit and deposits required.                            | 1346.09 Cistern and vault spaces.                |
| 1346.02 Utilities.   | 1346.10 Underground storage tanks and cesspools. |
| 1346.03 Common utility lines,                                    | 1346.11 Disposal of waste material.              |
| 1346.04 Removal of premises as a whole.                          | 1346.12 Time of demolition and removal           |
| 1346.05 Method of removal.                                       | 1346.13 Protection of public facilities.         |
| 1346.06 Access to fire hydrants or water supply.                 | 1346.99 Penalty.                                 |
| 1346.07 Removal of overhead lines.                               |  |
| 1346.08 Removal specifications; basements; top dressing of site. |  |

CROSS REFERENCES

Removal of unsafe structures - see Ohio R.C. 715.261

1346.01 PERMIT AND DEPOSITS REQUIRED.

Prior to commencing the demolition or removal of any structure, the owner or his or her authorized agent shall apply for and receive a permit pursuant to Chapter 1313 of this Building Code and pay the fees required therein. The owner or his or her authorized agent shall also post a damage deposit pursuant to Section 1313.20 of this Building Code. (Ord. 1997-20. Passed 3-7-97.)

1346.02 UTILITIES.

Prior to commencing work, the permittee will be responsible for having all utilities, including electric, telephone, water, and gas, for each structure shut off and utility lines removed from the building in accordance with the requirements of this chapter and the utility companies involved. All sewer connections from the demolished building shall be bulk headed at a point specified by the Village Engineer. It is the responsibility of the permittee to see that an inspector from the Village Engineer is present at the time of bulk heading the sewer connections. Any damage done to any curb, pavement, water connections, gas mains, telephone ducts, power ducts or any public utility not mentioned, in the street's right of way during the sewer connection bulk heading operation, is the responsibility of the permittee and must be replaced or repaired at no cost to the Village. Any repair or replacement of the above mentioned items must be done to the satisfaction of the utility and the Village. (Ord. 1997-20. Passed 3-7-97.)

1346.03 COMMON UTILITY LINES.

In the case of common utility lines and/or sewer lines which exist between two or more structures, whether they be side by side, or front and rear, it is the responsibility of the permittee to make the necessary arrangements for having bypasses installed, so that service to the remaining structure or structures may continue. (Ord. 1997-20. Passed 3-7-97.)

#### 1346.04 REMOVAL OF PREMISES AS A WHOLE.

No structure shall be removed from the premises as a whole or in a substantially whole condition without first obtaining a moving permit pursuant to Chapter 1319 of this Building Code.(Ord. 1997-20. Passed 3-7-97.)

#### 1346.05 METHOD OF REMOVAL

Hydraulic backhoes and bulldozers shall be the method to raze structures. No other method may be used without the prior approval of the Building Inspector. In no event shall explosives or explosive devices be used. (Ord. 1997-20. Passed 3-7-97.)

#### 1346.06 ACCESS TO FIRE HYDRANTS OR WATER SUPPLY.

Fire hydrants or an approved water supply must be accessible at all times in accordance with the requirements of the Fire Department. (Ord. 1997-20. Passed 3-7-97.)

#### 1346.07 REMOVAL OF OVERHEAD LINES.

The permittee shall arrange for the safe removal of utility poles, pipe vents and overhead lines. (Ord. 1997-20. Passed 3-7-97.)

#### 1346.08 REMOVAL SPECIFICATIONS; BASEMENTS; TOP DRESSING OF SITE.

The permittee shall remove the entire building, including all walls, roofs and floors, to the ground level, and all basement floors shall be broken up. Basements shall be filled with material containing no garbage or wood or other volatile material deemed unsuitable by the Village Building Inspector. A top dressing of sand, clay or loam shall be filled over each structure site to a depth of approximately twelve inches. (Ord. 1997-20. Passed 3-7-97.)

#### 1346.09 CISTERN AND VAULT SPACES.

All cisterns and/or vault spaces shall be filled with materials of which not more than fifty percent shall be material the size of common brick, the balance being fill sand containing not more than ten percent loam or clay. This fill shall be deposited so as to prevent undue settling. The permittee shall not remove, damage or destroy the vaults of private or public utilities. (Ord. 1997-20. Passed 3-7-97.)

#### 1346.10 UNDERGROUND STORAGE TANKS AND CESSPOOLS.

All underground storage tanks shall be removed and disposed of. Where cisterns or cesspools exist, the permittee shall notify the Village Building Inspector in writing of the existence of the same at least three days prior to the filling or destruction thereof. Cisterns and/or cesspools shall be emptied with the contents disposed of as prescribed by law, with the cavities or voids filled with approved material of the type set forth in Section 1346.09. (Ord. 1997-20. Passed 3-7-97.)

#### 1346.11 DISPOSAL OF WASTE MATERIAL.

The permittee shall dispose of any and all waste material removed from the site in an approved manner. The permittee shall maintain records showing the disposition of all waste material and specifically shall have on site, dump receipts and/or receipts from an approved commercial waste removal company, signed and dated by the operator of such company. If requested by the Village Building Inspector, the permittee shall make available for inspection and duplicating, copies of all waste removal receipts and pertinent disposal permit numbers. (Ord. 1997-20. Passed 3-7-97.)

#### 1346.12 TIME OF DEMOLITION AND REMOVAL.

Unless otherwise specified in the permit, the demolition and removal of structures pursuant to this chapter shall be completed within fourteen days of commencement and no later than thirty days after the permit is issued. (Ord. 1997-20. Passed 3-7-97.)

#### 1346.13 PROTECTION OF PUBLIC FACILITIES.

The permittee shall protect all sidewalks, curbs, pavements and other public or private facilities on site or on adjacent properties. If any damaged items are not repaired or replaced within thirty days after written notice is issued to the permittee, the Village may repair the same and the costs thereof shall be charged to the permittee and deducted from the damage deposit. (Ord. 1997-20. Passed 3-7-97.)

#### 1346.99 PENALTY.

See Section 1311.99 for Building Code Penalty (Ord. 1997-20. Passed 3-7-97.)

CHAPTER 1347  
Wireless Telecommunication Facilities

1347.01 Purpose and effect	1347.05 Insurance requirements
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1347.01 PURPOSE AND EFFECT.

This chapter governing wireless telecommunication facilities is established to provide for the construction, erection, maintenance and removal of such facilities only when such facilities are either specifically permitted on the property upon which they are to be located or by permission of the Council through the granting of a variance from the requirements of these Codified Ordinances. The purpose of this chapter is to balance the competing interests created by the Federal Telecommunications Act of 1996 (Public Law 104-104) and the interests of the Village in regulating wireless telecommunication towers and related facilities for the following reasons:

- (a) To provide for orderly development within the Village;
- (b) To protect property values;
- (c) To maintain the aesthetic appearance of the Village, including its residential character and unobstructed open spaces;
- (d) To provide for and protect the health, safety and general welfare of the residents of the Village;
- (e) To protect the residential properties which are characteristic of the Village from the adverse effects of towers and related facilities;
- (f) To promote collocation of wireless telecommunications facilities in order to minimize the number of towers and related facilities in the Village. (Ord. 1997-67. Passed 12-10-97.)

1347.02 DEFINITIONS.

As used in this chapter:

- (a) "Collocation" means the use of a wireless telecommunication facility by more than one wireless telecommunication provider.
- (b) "Lattice-tower" means a support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation.
- (c) "Monopole" means a support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
- (d) "Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by federal law at 47 U.S.C. 332(c)(7).

- (e) "Technically suitable" means the location of a wireless telecommunication antenna(s) which reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the antenna(s) has been licensed by the FCC to operate without a significant loss of communication capability within developed areas of the Village.
- (f) "Telecommunication(s)" means the technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or magnetic systems and includes the term "personal wireless services".
- (g) "Wireless telecommunication antenna" means the physical device through which electromagnetic, wireless telecommunication signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.
- (h) "Wireless telecommunication equipment shelter" means the structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.
- (i) "Wireless telecommunication facility" means a facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines for the provision of personal wireless services.
- (j) "Wireless telecommunication tower" means any structure which elevates the wireless telecommunication antenna and may include accessory transmission and receiving equipment. (Ord. 1997-67. Passed 12-10-97.)

#### 1347.03 CONSTRUCTION. ERECTION OR REMOVAL; PERMIT REQUIRED.

No person shall construct, erect, or remove a wireless telecommunication facility in the Village without first obtaining a permit therefor from the Building Inspector pursuant to the requirements of this chapter and the other provisions of the Building Code that do not conflict with the provisions of this chapter. (Ord. 1997-67. Passed 12-10-97.)

#### 1347.04 MINIMUM STANDARDS FOR CONSTRUCTION, ERECTION, MAINTENANCE AND REMOVAL.

All wireless telecommunication facilities shall comply with the following minimum standards:

- (a) No wireless telecommunication facility shall be permitted on a parcel of land with an existing residential use or on a parcel of land zoned for residential purposes, unless such parcel is being used for nonresidential, public facility purposes, such as a publicly-owned park, government building or structure.

- (b) The applicant requesting permission to install a new tower shall provide evidence that there is no technically suitable space for the applicant's antenna(s) and related facilities reasonably available on an existing tower, building or structure within the geographic area to be served. With the building permit application, the applicant shall list the location of every tower, building or structure that could support the proposed antenna(s) or area where it would be technically suitable to locate so as to allow it to serve its intended function. As part of its application, the applicant shall provide a scaled map of all of its antenna locations, existing and proposed/planned, within a five mile radius of the site which is the subject of the application. The applicant must demonstrate that a technically suitable location is not reasonably available on an existing tower, building or structure. If an existing tower, building or structure is technically suitable, the applicant must demonstrate that it has made written request to collocate on the existing tower, building or structure and said request was rejected by the owner of the tower, building or structure. In all circumstances, owners of existing towers shall promptly respond in writing to requests for collocation, but in no event shall they respond more than thirty days from the date of receipt of a written request for collocation. If another telecommunication tower is technically suitable, the applicant must further show that it has offered to allow the owner of that other tower to collocate an antenna(s) on another tower within the Village which is owned or controlled by the applicant, if available, on commercially reasonable terms and the offer was not accepted.
- (c) An applicant for construction of a wireless telecommunication tower shall be required to construct a base tower structure and structure foundation that is designed to be buildable up to, but not including, 200 feet above the grade approved by the Village. Such structure shall be designed to have sufficient structural loading capacity to accommodate at least three antenna platforms or antenna arrays of equal loading capacity for three separate providers of service to be located on the structure when constructed to the maximum allowable height. The wireless telecommunication facility shall also be designed to show that the applicant has enough space on its site plan for an equipment shelter large enough to accommodate at least three separate users of the facility. If an equipment shelter is initially constructed to accommodate only one user, space shall be reserved on site for equipment shelter expansions to accommodate up to at least three separate users. Agreement to the provisions of this subsection must be included in the applicant's lease with the landowner, if different from the owner/operator of the tower. Written documentation must be presented to the Mayor evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of this subsection. As an additional condition of issuing a building permit, the owner/operator/applicant shall respond in writing to any inquiries regarding collocation of another user of the facility within thirty days after receipt of a written inquiry. Copies of all written requests to collocate and all written responses shall be sent to the Mayor.
- (d) A report shall be prepared and submitted by a qualified and licensed professional engineer and shall provide proof of compliance with all applicable federal, state, county, and Village regulations. The report shall include a detailed site plan, a detailed description of the wireless telecommunication tower, antenna(s), equipment shelter, and appurtenances, and shall verify that radio frequency (electromagnetic) emissions are in compliance with the regulations of the Federal Communications Commission (FCC).
- (e) A wireless telecommunication tower shall be set back from property lines a distance of at least one hundred ten percent (110%) of the height of the tower from the natural grade at the site or the required setback in the zoning district in which it is located, whichever is greater. A wireless telecommunication facility shall be set back a minimum distance of 500

- feet from any school building used for sheltering students. In no event shall a wireless telecommunication tower or facility be located in front of the principal building on the parcel of land, if any.
- (f) All wireless telecommunication towers shall be of a mono-pole design, as opposed to a lattice design. No guy wired towers shall be permitted.
  - (g) Only one wireless telecommunication tower shall be located on a lot of record duly recorded with the County Recorder's office.
  - (h) There shall be a separation of at least one half mile between wireless telecommunication towers, including a separation of at least one-half mile from any such tower located outside the corporate limits of the Village.
  - (i) The height of a free-standing wireless telecommunication tower, antenna, and appurtenances shall be less than 200 feet.
  - (j) The applicant shall submit a plan documenting how the wireless telecommunication facility will be maintained on the site in an ongoing manner that meets industry standards.
  - (k) On each biennial anniversary of the issuance of the building permit for a wireless telecommunication facility, or not more than ninety days prior thereto, the owner/operator shall submit to the Village a report prepared by a licensed professional engineer(s) which shall verify continued compliance of the facility with all governmental requirements including, but not limited to, the structural integrity and stability of any towers or antennas, electrical safety standards, and auxiliary power source safety standards.
    - (1) Except as required by law, an antenna or a tower shall not be illuminated and lighting fixtures or signs shall not be attached to the antenna or tower. If lighting is required by Federal Aviation Administration (FAA) regulations, the most visually non-obtrusive "state-of-the-art" lighting available shall be used, unless otherwise required by the FAA.
  - (m) A security fence not less than eight feet in height including barbed wire on the top of the fence, shall fully enclose those portions of the wireless telecommunication facility which come in contact with the ground. Gates shall be locked at all times.
  - (n) A landscaped buffer area of not less than fifteen feet in depth shall be placed between the wireless communication facilities and the public rights-of-way and any adjacent properties from which a direct view can be had of the facilities, other than the tower itself. The fifteen-foot landscaped buffer shall have a tight screen fence of hardy evergreen shrubbery not less than six feet in height. The landscaping shall be continuously maintained and promptly restored, if necessary.
  - (o) No advertising sign(s) shall be permitted anywhere on a telecommunication tower, equipment shelter, and appurtenances or on the site.
  - (p) A permanent warning sign with a minimum size of two square feet and a maximum size of six square feet shall be posted on the site as well as an emergency telephone number of the owner/operator of each set of antennas on the site. The owner/operator shall also provide the Building Inspector, the Fire Department servicing the Municipality, and the Village Police Department with information on whom to contact, an address, and a telephone number in the event of an emergency.
  - (q) There shall be no outdoor storage of equipment or other items on the site except during the facility construction period and to supply emergency power to the facility only during a power outage.

- (r) The access drive to the wireless telecommunication facility shall, whenever feasible, be provided along with circulation drives of the existing use on the parcel of land, if any. Where use of an existing access drive is not feasible, the access drive to the facility shall be a minimum of eighteen feet in width with a minimum overhead clearance of eleven feet and shall be set back a minimum of twenty feet from the nearest side or rear property line. This driveway shall meet the load limitations for fire equipment. If the access drive to the facility is more than 500 feet from the public right-of-way, a turnaround shall be provided for emergency vehicles at the site and a by-pass, adequate for emergency vehicles, with an approachable access shall be provided for each additional 500 feet of the access drive. There shall be only one off-street parking space on the site.
- (s) The wireless telecommunication antennas shall be of a panel design and mounted flush to the tower, building or structure which elevates the antennas, unless the applicant can demonstrate that it is not feasible from an engineering standpoint to use such antennas or to mount them in such a fashion.
- (t) All wireless telecommunication facilities shall be subject to approval by the Planning Commission and subject to its requirements. The color of a wireless telecommunication tower and/or antennas shall be as determined by the Planning Commission in order to minimize its visibility unless otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
- (u) After issuance of a building permit to construct a wireless telecommunication facility, the applicant shall commence construction within 160 days and shall complete construction within one year or the building permit shall expire.
- (v) The maximum cumulative total size of all equipment shelters accessory to a telecommunication tower or antenna on a parcel of land shall be 600 square feet and their maximum height shall be fifteen feet from the approved grade at the site for a shelter with a pitched roof and a maximum height of ten feet from the approved grade at the site for a shelter with a flat roof. Only one equipment shelter, or the configuration of more than one shelter to appear that there is one shelter, shall be permitted on a parcel of land. The roof and facade of the equipment shelter shall be compatible as to architectural design and materials with the principal building on the parcel of land, if any.
- (w) All utility lines from the utility source to the wireless telecommunication facility shall be underground.
- (x) If at any time the use of the telecommunication facility is discontinued for ninety consecutive days, said facility shall be deemed abandoned. The Building Inspector shall notify the applicant in writing and advise that the facility must be reactivated within ninety days or the entire facility must be dismantled and removed from the site and the site restored to a landscaped condition within that same ninety-day period and at the cost of the owner/operator. The owner/operator of the telecommunication facility shall, on no less than an annual basis from the date of issuance of the building permit, file a declaration with the Building Inspector as to the continuing operation of every facility which is subject to this chapter.

- (y) The owner/operator of the wireless telecommunication facility shall be required as a condition of issuance of a building permit to post a cash or surety bond acceptable to the Director of Law of not less than one hundred dollars (\$100.00) per vertical foot from natural grade of the wireless telecommunication facility. If an access drive which is separate from an existing access drive on the property is required to be constructed for a wireless telecommunication facility, the owner/operator of the facility shall also be required as a condition of issuance of a building permit to post a cash or surety bond acceptable to the Director of Law of not less than thirty dollars (\$30.00) per linear foot of access drive. Said bond(s) shall insure that an unused, abandoned, obsolete or destroyed wireless telecommunication facility and/or access drive shall be removed within ninety days of cessation of use or abandonment. Any successor-in-interest or assignee of the owner/operator shall be required to additionally execute such bond(s), as principal, to insure that the bond(s) will be in place during the period of time that the successor-in-interest or assignee occupies the facility. (Ord. 1997-67. Passed 12-10-97.)

#### 1347.05 INSURANCE REQUIREMENTS.

As a condition of issuance of a building permit for a wireless telecommunication facility, an applicant for a permit for such a facility must obtain insurance of the types, in the amounts, and under the conditions described below.

- (a) Commercial General and Umbrella I liability Insurance The applicant, owner or operator of a wireless telecommunication facility shall maintain commercial general liability (CGL) and, if necessary, commercial umbrella insurance with a limit of not less than five million dollars (\$5,000,000) each occurrence. If such CGL insurance contains a general aggregate limit, it shall apply separately to this location.
- (1) CGL insurance shall be written on ISO occurrence form CG 00 01 1093 (or a substitute form providing equivalent coverage) and shall cover liability arising from premises, operations, independent contractors, products-completed operations, personal injury and advertising injury, and liability assumed under an insured contract (including the tort liability of another assumed in a business contract).
  - (2) The Village shall be included as an insured under the CGL, using ISO additional insured endorsement CG 20 10 or a substitute providing equivalent coverage, and under the commercial umbrella, if any. This insurance shall apply as primary insurance with respect to any other insurance or self-insurance programs afforded to the Village.
  - (3) There shall be no endorsement or modification of the CGL limiting the scope of coverage for liability arising from pollution, explosion, collapse, underground property damage, or employment-related practices.
- (b) Continuing Completed Operations Liability Insurance. All owners or Operators of the facility shall maintain commercial general liability (CGL) and, if necessary, commercial umbrella liability insurance with a limit of not less than \$5,000,000 each occurrence for as long as the facility remains in the Village.
- (1) Continuing CGL insurance shall be written on ISO occurrence form CG 0001 10 93 (or a substitute form providing equivalent coverage) and shall, at minimum, cover liability arising from products-completed operations and liability assumed under an insured contract.
  - (2) Continuing CGL insurance shall have a products-completed operations aggregate of at least two times its each occurrence limit.

- (c) Business Auto and Umbrella Liability Insurance Contractor shall maintain business auto liability and, if necessary, commercial umbrella liability insurance with a limit of not less than five million dollars (\$5,000,000) each accident.
  - (1) Such insurance shall cover liability arising out of any auto (including owned, hired and non-owned autos).
  - (2) Business auto coverage shall be written on ISO form CA 00 01, CA 00 05, CA 00 12, CA 00 20. or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage equivalent to that provided in the 1990 and later editions of CA 00 01.
- (d) Workers' Compensation Insurance All owners and/or operators of a facility shall maintain Workers' Compensation and employer's liability insurance.
- (e) Certificate of Insurance A certificate of insurance evidencing the insurance required by this section must be filed with the Village prior to issuance of a building permit and annually thereafter for so long as the facility remains at the site. The certificate must require that the Village be notified by the insurer at least thirty days in advance of any expiration or cancellation of the insurance coverage's required by this section. (Ord. 1997-67. Passed 12-10-97.)

#### 1347.06 PERMIT FEES OR DEPOSIT.

- (a) The Building Inspector shall authorize the issuance of permits required by this chapter and the Building Code and shall collect both a nonrefundable permit fee and a deposit to cover all expenses of processing the applications) therefor in accordance with the following schedule:
  - (1) New wireless communication tower facility - nonrefundable permit fee of five hundred dollars (\$500.00) and a deposit of three thousand dollars (\$3,000);
  - (2) New wireless communication antenna, on an existing tower, building or structure - nonrefundable permit fee of three hundred dollars ( \$300.00) and a deposit of five hundred dollars (\$500.00). The balance of any deposit remaining after final inspection of the facility is complete will be refunded to the applicant.
- (b) The applicant for a wireless communication tower and/or antenna facility shall be responsible for all expenses incurred by the Village for any technical, legal and/or engineering services deemed necessary by the Building Inspector, the Planning Commission, or the Council to perform the reviews and/or inspections set forth in this chapter which are not covered by the application fees or deposits set forth in subsection (a). (Ord. 1997-67. Passed 12-10-97.)

#### 1347.07 EXEMPTION.

Inasmuch as property owned or controlled by the Village and used for public facility purposes of a nonresidential nature are located throughout the Village, and inasmuch as some of these public uses currently use radio antennas for communication purposes, such properties shall be deemed acceptable for the construction of wireless telecommunication facilities. The construction or erection of wireless telecommunication facilities on such property shall be permitted and exempt from the regulations set forth in these Codified Ordinances, but shall be subject to such conditions, standards and regulations as deemed appropriate by separate ordinance of the Council. (Ord. 1997-67. Passed 12-10-97.)

#### 1347.99 PENALTY.

The penalty for a violation of this chapter shall be as set forth in Section 1311.99 of this Code. (Ord. 1997-67. Passed 12-10-97.)

