

**CODIFIED ORDINANCES OF BUCYRUS**

**PART THIRTEEN - BUILDING CODE**

**TITLE ONE - Building Standards**

- Chap. 1301. Building Permits.
- Chap. 1305. Construction in Fire Limits.
- Chap. 1309. Moving Buildings.
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**CHAPTER 1301**  
**Building Permits**

<b>1301.01</b>	<b>Construction, repair, remodeling or demolition permit.</b>	<b>1301.08</b>	<b>Building setback requirements.</b>
<b>1301.02</b>	<b>Review of permit application.</b>	<b>1301.09</b>	<b>Variance; cash deposit.</b>
<b>1301.03</b>	<b>Fee.</b>	<b>1301.10</b>	<b>Commercial or industrial occupying sidewalk</b>
<b>1301.04</b>	<b>Ohio Building Code; plan approval; fees.</b>	<b>1301.99</b>	<b>Penalty.</b>
<b>1301.05</b>	<b>Plans.</b>		
<b>1301.06</b>	<b>Enforcement.</b>		
<b>1301.07</b>	<b>Records.</b>		

**CROSS REFERENCES**

- Power to regulate building erection - see Ohio R.C. 715.26, 715.29, 737.28, 737.37  
 Ohio Building Code - see Ohio R.C. 3781.10  
 Ohio State building standards - see Ohio R.C. Ch. 3781  
 Fees for plan approval - see Ohio R.C. 3791.07  
 Construction within fire limits - see BLDG. Ch. 1305  
 Floodplain regulations - see BLDG. Ch. 1325

**1301.01 CONSTRUCTION, REPAIR, REMODELING OR DEMOLITION PERMIT.**

(a) No person, firm or corporation shall erect or construct a house or any building or structure of any kind, or enlarge, alter, repair, remodel, improve, rehabilitate, move, raze or demolish any house or other building or structure, without first making application for a permit therefor from the Service-Safety Director, and being issued a permit. The application shall be in writing and shall state the number of the lot, or an exact description of the property if not a numbered lot, the ward and if the particular parcel upon which the house, structure or other building is to be erected, repaired, remodeled or rehabilitated, constructed, enlarged, altered, improved, moved, razed or demolished is situated in the Flood Plain, the Flood Plain fringe area or the fire limits. The application shall also state the dimensions of the building and the estimated value thereof, together with the Ohio Building Code permit number, and such other permit number as may be required by the City Engineer or any other agency.  
(Ord. 15-2009. Passed 9-15-09.)

(b) City building permits for the construction of single family residences, garages, accessory buildings, attached buildings and remodeling of any of the foregoing shall expire and thereby become invalid six months following the date of their issuance; and for multi-family residence buildings, one year following their issuance. So far as the building permits for commercial buildings are concerned, the period of a building permit's validity will be determined by the City Public Service-Safety Director, on an individual basis, following consultation with each such building project main contractor.  
(Ord. 59-94. Passed 8-2-94.)

(c) Building permits shall be required for new construction of:

- Porches and ramps
- Decks
- Patios
- Fences
- Sheds
- Driveways including expansion of existing driveways
- Siding
- Roofing
- Exterior HVAC units
- Permanent swimming pools 24" deep or deeper
- Garages
- Exterior basement repairs.

(d) Building permits are not required for:

- Door replacement
- Window replacement
- Spouting and gutters
- Interior and exterior painting
- Insulation
- Sealing of bricks
- Flooring
- Garage doors
- Repair of decks, porches or steps
- Driveway resurfacing.

(Ord. 15-2009. Passed 9-15-09.)

**1301.02 REVIEW OF PERMIT APPLICATIONS.**

(a) The office of the Director of Public Service shall examine and review all building permit applications for new construction or substantial improvements or razing and demolition to determine whether proposed building sites are reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement, including prefabricated and mobile homes, must:

- (1) Be designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) Use construction materials and utility equipment that are resistant to flood damage, and
- (3) Use construction methods and practices that will minimize flood damage; and

(b) The office of the Service-Safety Director shall examine and review subdivision proposals and other proposed new developments to assure that:

- (1) All such proposals are consistent with the need to minimize flood damage;
- (2) All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage, and
- (3) Adequate drainage is provided so as to reduce exposure to flood hazards; and

(c) The office of the Service-Safety Director shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding. (Res. 1-75. Passed 1-7-75.)

**1301.03 FEE.**

(EDITOR'S NOTE: The fees for building permits are now published separately pursuant to Section 1143.09 of the Planning and Zoning Code.)

**1301.04 OHIO BUILDING CODE; PLAN APPROVAL; FEES.**

(EDITOR'S NOTE: The fees for building permits are now published separately pursuant to Section 1143.09 of the Planning and Zoning Code.)

**1301.05 PLANS.**

All plans shall be submitted in duplicate at a scale approved by the City Engineering Department. (Ord. 4-75. Passed 1-7-75.)

**1301.06 ENFORCEMENT.**

The Service-Safety Director shall ascertain at least once monthly that persons having buildings in the process of erection, repair, remodeling or rehabilitation have obtained the permit required by this chapter and shall cite all violations of this section into the appropriate court. (Ord. 4-75. Passed 1-7-75.)

**1301.07 RECORDS.**

The Service-Safety Director shall keep a complete record of all issued building permits, which record shall be certified to the Crawford County Auditor on the second Monday in April of each year. A record of all permits issued for building construction in the Flood Plain, Flood Plain fringe area and fire limits shall also be maintained. (Ord. 4-75. Passed 1-7-75.)

**1301.08 BUILDING SETBACK REQUIREMENTS.**

(a) Residential Buildings. All new or newly remodeled residential buildings or structures shall either be constructed with a minimum front setback of thirty feet from the street property line or be placed in a position upon the building lot which will conform to the existing building front line profile within the immediate area, together with minimum rear and side setbacks respectively of five feet excluding eaves and spouting. (Ord. 42-77. Passed 9-6-77.)

(b) Attached or Accessory Buildings to Residences. Except as provided hereafter, all new or newly remodeled accessory buildings, garages, storage structures, etc., either attached to residential buildings or erected in proximity thereto shall either be constructed with a minimum front setback of thirty feet from the street property line or be placed in a position which will conform to the existing building front line profile within the immediate area, together with minimum rear and side setbacks respectively of five feet, excluding eaves and spouting, except in those instances in which an extension is added to the end of an existing building not having originally been built at least five feet distant from the nearest side or rear property line, and except in those instances when a new structure is exactly constructed upon or over an existing foundation formerly supporting an earlier building, which foundation is within five feet of the nearest side or rear property line, in which instances conformity with the aforesaid side and rear setback stipulations of at least five feet shall not be required. (Ord. 20-90. Passed 4-17-90.)

(c) Commercial or Industrial Buildings in Fire Zone and/or in Central Business District. Front, rear and side setback of all new or newly remodeled commercial or industrial buildings located in the Fire Zone and/or in the Central Business District shall conform to existing common or "party" wall of a fire resistant material conforming to the standards established by The Ohio Basic Building Code, the Fire Prevention Bureau and the Engineering Department respectively.

(d) Commercial or Industrial Buildings in Residential Areas. All new or newly remodeled commercial or industrial buildings shall be constructed with front setback in conformity with the existing front setback of neighboring residential buildings, with rear and side setback of ten feet from the various property lines. (Ord. 23-83. Passed 6-21-83.)

**1301.09 VARIANCE; CASH DEPOSIT.**

(a) It shall be within the exclusive discretion of Council to grant variances in connection with the building setback requirements prescribed in Section 1301.08 following receipt of written application from a property owner requesting same, conditioned upon applicant's securing from the abutting lot owner and recording in the office of the Crawford County Ohio Recorder, an easement of light and air which will insure the maintenance of the minimum building interval prescribed by Section 1301.08. (Ord. 54-80. Passed 11-18-80.)

(b) Each application requesting a variance hereunder shall be accompanied by a cash deposit of one hundred dollars (\$100.00) which shall be nonrefundable whatever shall be the outcome thereof except in those instances when the applicant elects to abandon his request before any legislative action thereon has been commenced.  
(Ord. 38-89. Passed 6-6-89.)

#### **1301.10 COMMERCIAL OR INDUSTRIAL BUILDING FRONT PROJECTIONS**

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(a) No person, firm or corporation shall erect or construct any projection to the front of any commercial or industrial building situated in the Fire Zone and/or in the Central Business District in the form of pillars, posts, awning supports or the like which occupy any portion of any adjoining public sidewalk area without a special building permit and consent issued by Council and the City administration jointly, such permit and consent being conditioned upon the purchase and continuation in force of public liability insurance coverage in an amount acceptable from time to time as conditions warrant to Council and to the City administration jointly and the placement of the supports with diameter of six inches minimum and twelve inches maximum resting on the sidewalk a distance of four feet inside the curb line.

(b) Failure upon the part of this special permit holder at any time following issuance of such permit and consent to keep and maintain aforesaid public liability insurance coverage in an amount acceptable to Council and the City administration in full force and effect shall automatically revoke the subject special building permit and consent previously granted hereunder and shall entitle the City without giving of any notice whatsoever to regard henceforth subject building front projection as a public nuisance and to abate same immediately as provided by local or State law.  
(Ord. 23-83. Passed 6-21-83.)

#### **1301.99 PENALTY.**

(a) Whoever violates any provision of this chapter, except Section 1301.10, shall be fined not more than one hundred dollars (\$100.00) for each offense. Each day's continued violation shall constitute a separate offense. Assessment of a fine shall preclude the removing, razing or demolition of any building in violation of any provision of this Building Code except as provided above.

(b) Any commercial or industrial building front projection constituting a violation of Section 1301.10 shall be treated by the City as a nuisance and as such shall be abated as a public nuisance as provided under either local or State law. (Ord. 23-83. Passed 6-21-83.)



**CHAPTER 1305  
Construction in Fire Limits**

<b>1305.01</b>	<b>Boundaries of fire limits.</b>	<b>1305.04</b>	<b>Enforcement.</b>
<b>1305.02</b>	<b>Construction within fire limits.</b>	<b>1305.05</b>	<b>Obstructing Fire Chief.</b>
<b>1305.03</b>	<b>Moving or repair of buildings.</b>	<b>1305.99</b>	<b>Penalty.</b>

CROSS REFERENCES

Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261  
 Electrical safety inspector - see Ohio R.C. Ch. 3783  
 Required submission of plans of public buildings - see Ohio R.C. 3791.04

**1305.01 BOUNDARIES OF FIRE LIMITS.**

Fire limits of the City are:

Beginning at the intersection of North Sandusky Avenue and Mary Street; thence running west on Mary Street to its intersection with North Poplar Street; thence south on Poplar Street to its intersection with West Charles Street; thence east on Charles Street to its intersection with South Walnut Street; thence north on Walnut Street to its intersection with East Mary Street; thence west on East Mary Street to its intersection with North Sandusky Avenue, the place of beginning.

(Ord. 11-75. Passed 2-18-75.)

**1305.02 CONSTRUCTION WITHIN FIRE LIMITS.**

All building construction and remodeling, as well as all buildings which may be moved onto any lot or parcel of land situated within the fire limits shall conform to applicable Ohio Building Code Standards (Ord. 11-75. Passed 2-18-75.)

**1305.03 MOVING OR REPAIR OF BUILDINGS.**

No building shall be moved into the fire limits, or be moved from one point or location within the fire limits to another point or location within the fire limits, unless the same is so constructed as to meet with the requirements set forth in Section 1305.02. No buildings now or hereafter constructed within the fire limits shall be remodeled or enlarged unless they are made to conform in every way to Section 1305.02. However, nothing in this chapter shall prohibit the repairing of any present structure within the fire limits with the same kind of material as may now be in such building at the point and place where the same is repaired. Any change in the style, construction or architecture of any building shall be deemed a remodeling or enlarging of the same, and the provisions of this chapter shall be so construed.

(Ord. 720. Passed 10-6-14.)

**1305.04 ENFORCEMENT.**

The Fire Chief is authorized, empowered and directed to enforce the provisions of this chapter. (Ord. 622. Passed 7-1-13.)

**1305.05 OBSTRUCTING FIRE CHIEF.**

No person shall hinder, obstruct, resist or in any manner whatsoever interfere with the Fire Chief or persons assisting him in the enforcement of the provisions of this chapter. (Ord. 622. Passed 7-1-13.)

**1305.99 PENALTY.**

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00) for each offense. Each day's continued violation shall constitute a separate offense.

**CHAPTER 1309  
Moving Buildings**

<b>1309.01</b>	<b>Permit and fee.</b>	<b>1309.04</b>	<b>Permit issuance.</b>
<b>1309.02</b>	<b>Liability insurance.</b>	<b>1309.99</b>	<b>Penalty.</b>
<b>1309.03</b>	<b>Utilities clearance certificate required.</b>		

**CROSS REFERENCES**

Power to license; house movers, electricians, plumbers, sewer tappers,  
vault cleaners - see Ohio R. C. 715.27  
Building permit required - see BLDG. 1301.01  
Moving building within flood plain - see BLDG. 1321.03

**1309.01 PERMIT AND FEE.**

No person shall move any dwelling, structure or other building on the public streets or thoroughfares within the corporate limits of the City without obtaining a permit from the Service-Safety Director and paying a fee therefor as provided in Section 1143.09. (Ord. 2778. Passed 6-16-64.)

**1309.02 LIABILITY INSURANCE.**

Before a permit may be issued to any person for the moving of any dwelling, structure or other building, the applicant shall furnish evidence of a policy of liability insurance in an amount of ten thousand dollars (\$10,000) which shall be acceptable to and approved by the Service-Safety Director and written by an insurance company authorized to carry on business and write such policies in the State. (Ord. 2778. Passed 6-16-64.)

**1309.03 UTILITIES CLEARANCE CERTIFICATE REQUIRED.**

The applicant for a permit to move a building shall furnish the Service-Safety Director with a clearance document from the various public utilities which might be affected by the moving of such building. (Ord. 2778. Passed 6-16-64.)

**1309.04 PERMIT ISSUANCE.**

After the Service-Safety Director is satisfied that the foregoing prerequisites have been complied with and that the moving of the structure will not unduly hamper the flow of traffic, or block the streets of the City for an unreasonable length of time, or cause undue damage to the streets of the City, he shall issue the permit required by Section 1309.01. (Ord. 2778. Passed 6-16-64.)

**1309.99 PENALTY.**

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00). Any such violation shall constitute a separate offense on each successive day continued.



**CHAPTER 1315**  
**Ohio Building Code**

**1315.01 Application of relevant codes.**                      **1315.02 Agreement with County Building Department.**

**CROSS REFERENCES**

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

**1315.01 APPLICATION OF RELEVANT CODES.**

Ohio Administrative Code 4101.1 - the Ohio Building Code and 4101.2 - the Ohio Mechanical Code as promulgated by the Ohio Board of Building Standards, shall apply and be enforced within the City of Bucyrus, Ohio, except the Ohio Plumbing Code provisions. (Ord. 38-2003. Passed 10-21-03.)

**1315.02 AGREEMENT WITH COUNTY BUILDING DEPARTMENT.**

(a) The City of Bucyrus, Ohio, through its Mayor and Service-Safety Director is hereby authorized and directed to enter into an agreement with Crawford County Building Department for the enforcement of the Ohio State Building Codes within the limits of said City of Bucyrus, Ohio, whereby the Crawford County Building Department will exercise all enforcement authority and accept and approve plans and specifications and make inspections necessary within said City of Bucyrus, Ohio in accordance with the provisions of the Ohio State Building Codes.

(b) The terms of said agreement shall grant to the Crawford County Building Department full authority to do all things necessary to administer and enforce the Ohio State Building Codes within the limits of the City of Bucyrus and in consideration therefor to allow the Crawford County Building Department to retain all permit and inspection fees authorized by the State of Ohio for such purposes. (Ord. 38-2003. Passed 10-21-03.)

(EDITOR'S NOTE: The next printed page is page 20A.)

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**CHAPTER 1319  
Unsafe Structures**

<b>1319.01</b>	<b>Definition.</b>	<b>1319.08</b>	<b>Time for compliance.</b>
<b>1319.02</b>	<b>Nuisance declared.</b>	<b>1319.09</b>	<b>Action by City.</b>
<b>1319.03</b>	<b>Inspection.</b>	<b>1319.10</b>	<b>Board of Appeals.</b>
<b>1319.04</b>	<b>Standards for repair, vacation or demolition.</b>	<b>1319.11</b>	<b>Record of Board proceedings.</b>
<b>1319.05</b>	<b>Notice to vacate, repair or demolish.</b>	<b>1319.12</b>	<b>Disqualification of members.</b>
<b>1319.06</b>	<b>Inspection reports and photographs to be filed and available for public inspection.</b>	<b>1319.13</b>	<b>Powers of the Board.</b>
<b>1319.07</b>	<b>Appeals.</b>	<b>1319.14</b>	<b>Time for appeal.</b>
		<b>1319.15</b>	<b>Notice of hearing.</b>
		<b>1319.16</b>	<b>Hearing.</b>
		<b>1319.17</b>	<b>Decisions of the Board.</b>
		<b>1319.99</b>	<b>Penalty.</b>

**CROSS REFERENCES**

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

**1319.01 DEFINITION.**

The following buildings shall be deemed dangerous buildings:

- (a) Those buildings whose walls, floors, foundations or other structural parts are so out of plumb, level or original position as to be unable to satisfactorily perform their intended structural function;
  - (b) Those buildings which are so dilapidated, decayed or overloaded as to be unable to provide the basic elements of shelter or safety required for human habitation, or which present a hazard to neighboring buildings by virtue of their imminent collapse;
  - (c) Those buildings which constitute a fire hazard because of their construction, exposure or lack of maintenance;
  - (d) Those buildings which are so unsanitary as to constitute a health hazard either to their occupants or to the public;
  - (e) Those buildings which have been damaged to an extent of fifty percent or more of their replacement value.
- (Ord. 23-2006. Passed 7-18-06.)

**1319.02 NUISANCE DECLARED.**

All dangerous buildings are hereby declared to be public nuisances and shall be vacated, repaired or demolished as provided in this chapter. It shall not be a defense that the building in question is boarded up or otherwise enclosed.  
(Ord. 23-2006. Passed 7-18-06.)

**1319.03 INSPECTION.**

The City Engineer, the Chief or the Inspector of the Fire Department and the Environmental Consultant, or the Code Official, as such term is used in the International Property Maintenance Code ("IPMC") as adopted by the City and amended from time to time (hereinafter collectively referred to as "City Inspectors") or their assistants or representatives, are authorized and directed to inspect any building within the City to determine whether it is a dangerous building as defined in Section 1319.01. For the purpose of making such inspection and upon showing appropriate identification, the aforementioned City officials or their assistants or representatives, are hereby authorized to enter upon or into, examine and survey, either with the express written permission of the owner, operator or occupant or with a search warrant, at any reasonable hour, all buildings existing in the City. The owner, occupant or person in charge of any building, upon being shown proper identification and either express written permission or a search warrant shall give the aforementioned City Inspectors or their assistants or representatives free access to such building at any reasonable hour for the purpose of such inspection.  
(Ord. 23-2006. Passed 7-18-06.)

**1319.04 STANDARDS FOR REPAIR, VACATION OR DEMOLITION.**

The following standards shall be followed in substance by the City Inspectors in ordering repair, vacation or demolition of a dangerous building:

- (a) If it is in such condition as to make it dangerous to the health or safety of its occupants, it shall be ordered to be immediately vacated;
- (b) If it can reasonably be repaired so that it will no longer violate the terms of this chapter, it shall be ordered repaired;
- (c) It shall be ordered demolished if:
  - (1) It is fifty percent or more damaged, decayed or deteriorated from its original structure;
  - (2) It cannot be repaired so that it no longer violates the terms of this chapter;  
or
  - (3) It is a fire hazard existing or erected in violation of the terms of this chapter or any other chapter of the Codified Ordinances, or it constitutes what is deemed to be a hazard to neighboring buildings and/or their occupants by virtue of its threatened collapse.  
(Ord. 23-2006. Passed 7-18-06.)

**1319.05 NOTICE TO VACATE, REPAIR OR DEMOLISH.**

When a building is found by any one or more of the City Inspectors to be a dangerous building, the City Inspectors shall notify in writing the owner, occupant, lessee, mortgagee, agent and other persons having an interest in the property as shown by the records of Crawford County, as to what action is required to be taken under the provisions of Section 1319.04. Such written notice shall be served on such person, persons, firm or corporation, either personally or by leaving a copy at the usual place of residence or business of the owner or the address of such owner on the tax books in the office of the Crawford County Treasurer, or by a copy mailed to such owner at such place or address by United States certified mail return receipt requested. If service of the written notice is unable to be performed by any of the hereinbefore described methods, then the City Inspectors shall cause a copy of the aforementioned notice to be left with the person, if any, in possession of the premises on which it is alleged such public nuisance exists, or if there is no person in possession thereof, he shall cause a copy of the notice to be posted on such premises and, in addition thereto, he shall cause such notice to be published in a newspaper of general circulation in the City, once each week for two consecutive weeks. The notice shall set forth a description of the building, a statement of the particulars which make it a dangerous building and, if to be repaired, what repairs are required to render it fit for occupancy or to permit its continued existence, as well as a deadline date for completion of the remedying of the complained of conditions or demolition of the alleged dangerous building.  
(Ord. 23-2006. Passed 7-18-06.)

**1319.06 INSPECTION REPORTS AND PHOTOGRAPHS TO BE FILED AND AVAILABLE FOR PUBLIC INSPECTION.**

Written inspection reports shall be filed with the City IPMC Code Official by City inspecting officials. It shall be the duty of the Code Official in such instance when one or more of the inspecting officials determines that a dangerous building exists, to cause photographs of such alleged nuisance to be made and to file and keep in his office for public inspection both photographs and the written reports of the inspecting officials.  
(Ord. 23-2006. Passed 7-18-06.)

**1319.07 APPEALS.**

Any person, firm or corporation upon whom notice has been served as provided in this chapter may appeal to the Board of Buildings Standards and Appeals under Sections 1319.10 to 1319.17, inclusive.  
(Ord. 23-2006. Passed 7-18-06.)

**1319.08 TIME FOR COMPLIANCE.**

If the notice provided for in Section 1319.05 requires a building to be vacated, such vacation shall occur within thirty-one (31) days after service of the notice is completed or after the rendering of a decision by the Board of Building Standards and Appeals upholding the original notice or order in the event of an appeal, unless there is immediate danger of failure or collapse, in which case the building shall be vacated without delay. If the notice requires repairs or demolition, such repairs or demolition shall be accomplished within sixty (60) days after service of notice is completed or after the rendering of a decision by the Board of Building Standards and Appeals upholding the original notice or order in the event of an appeal. Additional time for compliance may be granted at the discretion of the City Inspector for good cause shown.  
(Ord. 23-2006. Passed 7-18-06.)

**1319.09 ACTION BY CITY.**

(a) If the owner or occupant of a dangerous building fails or refuses to vacate it after notice is served and within the time for compliance, the City Inspector shall institute proceedings in the Municipal Court under Section 1319.99(a).

(b) If the owner fails or refuses to repair a dangerous building after notice and within the time for compliance, the City Inspector shall post a notice in conspicuous places on or in the building stating that the building is a dangerous building and shall not be occupied or used for any purpose until it has been repaired and approved by the City Inspector. Such notice may not thereafter be removed by anyone other than the City Inspector or his authorized agent.

(c) If the owner of a dangerous building fails or refuses to demolish it after notice and within the time for compliance, the City Inspector is authorized to take the necessary measures to accomplish its demolition and removal. He shall advertise for bids for a contract for such demolition for a period of two weeks in a newspaper of general circulation within the City, and shall present such bids to the City Board of Control for its acceptance or rejection. Only the lowest and best bid may be accepted by the City.

The costs incurred by the City in the demolition and removal shall be paid from the City Treasury out of the proper City fund as designated by the ordinance or resolution authorizing the contract for demolition. The City may appropriate to its own use any materials obtained in demolishing the building to compensate the City for any part of the cost of demolition. The total costs of such demolition, whether such costs are incurred due to the use of employees, materials and equipment of the City by contract for labor, materials and equipment, or both, including the cost of service of publication of notice, together with a proper description of the premises, shall be certified to the Crawford County Auditor by the Clerk of Council to be placed by him on the tax duplicate as a lien upon such premises to be collected as other taxes and returned to the City, all as provided in Ohio R.C. 715.261.  
(Ord. 23-2006. Passed 7-18-06.)

**1319.10 BOARD OF APPEALS.**

For the benefit of persons aggrieved by any application of the provisions of this chapter, there is hereby established a Board of Building Standards and Appeals to consist of those individuals serving on the City of Bucyrus Board of Zoning Appeals as presently constituted, and as the composition of same may be updated from time to time as members complete their terms and are either reappointed or new members are appointed. Likewise, the individual appointed to serve as Secretary to the Board of Zoning Appeals shall serve as Secretary to the Board of Building Standards and Appeals.

(Ord. 23-2006. Passed 7-18-06.)

**1319.11 RECORD OF BOARD PROCEEDINGS.**

The Secretary of the Board of Building Standards and Appeals shall keep a detailed record of all proceedings heard by the Board on file in the office of the Clerk of Council, which records shall be open to public inspection at all reasonable times. Such records shall be retained for at least three years following final disposition of all pertinent matters, including any appeals to any court of competent jurisdiction, before being destroyed.

(Ord. 23-2006. Passed 7-18-06.)

**1319.12 DISQUALIFICATION OF MEMBERS.**

(a) No member of the Board of Building Standards and Appeals shall vote on any questions in which that member has a personal interest, nor shall be rendered a decision in any matter in which said member is engaged as a sales representative, a contractor or concerning which said member has prepared the plans and/or specifications.

(b) Where the disqualification of any member(s) of the Board would result in a lack of a quorum (i.e. less than three (3) qualified voting members) eligible to hear an appeal because of the provisions of subsection (a) hereof, the Mayor shall designate the minimum number of qualified substitute members pro-tempore as may be necessary to convene a quorum of three (3) members qualified to hear and decide any such appeal.  
(Ord. 23-2006. Passed 7-18-06.)

**1319.13 POWERS OF THE BOARD.**

The Board of Building Standards and Appeals shall have the power to hear and decide appeals from any order, requirement, decision or determination of any administrative officer or agency of the City relating to the alteration, repair, maintenance, removal or demolition of any building or other structure which may constitute the subject matter of proceedings undertaken under authority of this chapter.  
(Ord. 23-2006. Passed 7-18-06.)

**1319.14 TIME FOR APPEAL.**

(a) Any person aggrieved by a ruling as set forth in Section 1319.05 may, within twenty (20) days after the pronouncement of such ruling by the administrative officer or agency of the City, file an appeal with the Board of Building Standards and Appeals.

(b) Such appeal shall be filed in writing in such form as the Board shall prescribe. It shall set forth in particularity the ruling appealed from and the grounds on which the appellant alleges it to be invalid.  
(Ord. 23-2006. Passed 7-18-06.)

**1319.15 NOTICE OF HEARING.**

The Board of Building Standards and Appeals shall meet to hear such appeal upon written notice of the Chairman on a date not less than twenty (20) days after the date of such notice.  
(Ord. 23-2006. Passed 7-18-06.)

**1319.16 HEARING.**

All hearings shall be public, and the appellant, his representatives, the officials of the City, and any other persons whose interests may be affected by the matter on appeal, shall be given an opportunity to be heard. When a quorum (i.e. three (3) qualified voting members) of the Board of Building Standards and Appeals is not present to consider the appeal, either the appellant, the officials of the City, or their representatives may request a postponement until a quorum of all such members may be present. On any such request, the postponement shall be granted.  
(Ord. 23-2006. Passed 7-18-06.)

**1319.17 DECISIONS OF THE BOARD.**

The Board of Building Standards and Appeals shall affirm, modify or reverse the decision appealed from by a concurring vote of at least three (3) members. Every action taken shall be by resolution, and certified copies shall be furnished to all parties to the appeal.

Failure by the appellant to secure three (3) concurring votes shall be deemed a confirmation of the decision appealed from.  
(Ord. 23-2006. Passed 7-18-06.)

**1319.99 PENALTY.**

(a) Any owner or occupant who fails to comply with an order to vacate a dangerous building shall be fined not more than two hundred dollars (\$200.00) a day.

(b) Any owner of a dangerous building who fails to comply with an order to repair or demolish the building shall be fined not more than five hundred dollars (\$500.00) a day.

(c) Any person other than the City Inspectors or their authorized agent, who removes a notice posted in or on a dangerous building as provided in Section 1319.09 shall be fined not more than one hundred dollars (\$100.00).  
(Ord. 23-2006. Passed 7-18-06.)

**CHAPTER 1320**  
**Removal Or Repair of Premises Suffering Fire Damage**

**1320.01 Procedure.**

**1320.02 Special fund established.**

**CROSS REFERENCES**

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

Repair or removal fund - see Ohio R.C. 3929.86

**1320.01 PROCEDURE.**

The City is hereby authorized to utilize the procedure described in Ohio R.C. 3929.86 (C) and (D), whereby no insurance company doing business within the State shall pay a claim of a named insured for fire damage to a structure located within the City where the amount recoverable for the fire loss to the structure under all policies exceeds five thousand dollars (\$5,000) unless there is compliance with the following procedures:

- (a) When the loss agreed to between the named insured and the company equals or exceeds sixty percent (60%) of the aggregate limits of liability on all fire policies covering the building or structure, the insurance company in accordance with Ohio R.C. 715.26 (F) shall transfer from the insurance proceeds to the Fire Chief in the aggregate two thousand dollars (\$2,000) for each fifteen thousand dollars (\$15,000), and each fraction of that amount, of a claim; or, if at the time of a proof of loss agreed to between the named insured and the insurance company, the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, shall transfer from the insurance proceeds the amount specified in the estimate. Such transfer of proceeds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the City shall be disbursed in accordance with the policy terms. The named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure after the transfer, and the designated officer shall return the amount of the fund in excess of the estimate to the named insured, provided that the City has not commenced to remove, repair or secure the building or other structure.

(Ord. 14-81. Passed 4-7-81; Ord. 65-99. Passed 9-7-99.)

- (b) Upon receipt of proceeds by the City as authorized by this section, the Fire Chief shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing or securing the building or structure incurred by the City pursuant to Ohio R.C. 715.261. When transferring the funds as required in subsection (a) hereof, an insurance company shall provide the City with the name and address of the named insured whereupon the City shall contact the same, certify that the proceeds have been received by the City and notify them that the following procedures will be followed:
- The fund shall be returned to the named insured when repairs, or removal or securing of the building or other structure has been completed and the required proof received by the designated officer, if the City has not incurred any costs for such repairs, removal or securing. If the City incurs any costs for repairs, removal or securing of the building or other structure, such costs shall be paid from the fund and if excess funds remain, the City shall transfer the remaining funds to the named insured. Nothing in this section shall be construed to limit the ability of a municipal corporation to recover any deficiency under Ohio R.C. 715.261.
- Nothing in this section shall be construed to prohibit the municipal corporation and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.
- (c) The Fire Chief is hereby designated as the officer authorized to carry out the duties of this section. The Fire Chief shall file a certified copy of this section with the Superintendent of Insurance of the State. (Ord. 14-81. Passed 4-7-81.)

**1320.02 SPECIAL FUND ESTABLISHED.**

There is hereby established a new City special fund to be known as the "Derelict Building Liability Fund" as the receptacle for funds received by the City from insurance companies insuring premises within the City suffering fire losses, as provided in this chapter. (Ord. 30-81. Passed 7-21-81.)

**TITLE - THREE - Flood Plain District**  
Chap. 1321. Floodplain Regulations.

**CHAPTER 1321**  
**Floodplain Regulations**

<b>1321.01</b>	<b>General provisions.</b>	<b>1321.05</b>	<b>Appeals and variances.</b>
<b>1321.02</b>	<b>Definitions.</b>	<b>1321.06</b>	<b>Enforcement.</b>
<b>1321.03</b>	<b>Administration.</b>		
<b>1321.04</b>	<b>Use and development standards for flood hazard reduction.</b>		

**CROSS REFERENCES**

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

Levees - see Ohio R.C. 717.01

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

Reduction of assessed valuation for establishing reservoirs - see Ohio R.C. 1521.09

Powers of Planning Commission - see BLDG. 1329.01

**1321.01 GENERAL PROVISIONS.**

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

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

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

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;

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

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

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

(e) Lands to Which these Regulations Apply. These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Bucyrus as identified in Section 1321.01(f) including any additional areas of special flood hazard annexed by the City of Bucyrus.

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

- (1) The scientific and engineering report entitled "Flood Insurance Study for The City of Bucyrus", together with the accompanying Flood Boundary and Floodway Maps and/or Flood Insurance Rate Maps dated July 3, 1986 and any revisions thereto.
- (2) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Bucyrus as required by Section 1321.04(c) entitled Subdivisions and Large Scale Developments.

Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the Engineer's Office of the City of Bucyrus.  
(Ord. 55-2003. Passed 12-16-03.)

(g) Abrogation and Greater Restrictions. These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations shall not intend to impair any deed restriction covenant or easement, but the land subject to such interests shall also be governed by the regulations.  
(Ord. 6-2008. Passed 1-2-08.)

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

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

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

(j) Severability. Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.  
(Ord. 55-2003. Passed 12-16-03.)

### **1321.02 DEFINITIONS.**

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

- (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 review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.

- (3) “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 1% chance annual flood or one hundred (100) year flood.
- (4) “Base (100-Year) Flood Elevation(BFE)” means the water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).
- (5) “Basement” means any area of the building having its floor subgrade (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, excavation or drilling operations or storage of equipment or materials.
- (7) “Enclosure Below the Lowest Floor”. See "Lowest Floor".
- (8) “Executive Order 11988 (Floodplain Management) issued by President Carter in 1977, requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative. (Ord. 55-2003. Passed 12-16-03.)
- (9) “Federal Emergency Management Agency (FEMA)” means the Agency with the overall responsibility for administering the National Flood Insurance Program. (Ord. 6-2008. Passed 1-2-08.)
- (10) “Fill” means a deposit of earth material placed by artificial means.
- (11) “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 runoff of surface waters from any source.
- (12) “Flood Hazard Boundary Map (FHBM) means usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.
- (13) “Flood Insurance Rate Map (FIRM)” means an official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.
- (14) “Flood Insurance Risk Zones” means zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:
  - Zone A: Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.
  - Zones A1-30 and Zone AE: Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.
  - Zone AO: Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.
  - Zone AH: Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

Zone A99: Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.

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

Zone C and Zone X (unshaded): Areas determined to be outside the 500-year floodplain.

- (15) “Flood Insurance Study (FIS)” means the official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.
- (16) “Flood Protection Elevation” means the Flood Protection Elevation, or FPE, is the base flood elevation plus two (2) feet of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.
- (17) “Floodway” means a floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community. The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.
- (18) “Freeboard” means a factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.
- (19) “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 the 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; or
  - C. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.
- (20) “Hydrologic and Hydraulic Engineering Analysis” means an analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

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

- (25) “National Flood Insurance Program (NFIP)” means the NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.
- (26) “New Construction” means structures for which the "start of construction" commenced on or after the initial effective date of the City of Bucyrus Flood Insurance Rate Map dated July 3, 1986 and includes any subsequent improvements to such structures.
- (27) “Person” includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.
- (28) “Recreational Vehicle” means a vehicle which is (i) built on a single chassis, (ii) 400 square feet or less when measured at the largest horizontal projection, (iii) designed to be self-propelled or permanently towable by a light duty truck, and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (29) “Registered Professional Architect” means a person registered to engage in the practice of architecture under the provisions of Sections 4703.01 to 4703.19 of the Ohio Revised Code.
- (30) “Registered Professional Engineer” means a person registered as a professional engineer under Chapter 4733 of the Revised Code.
- (31) “Registered Professional Surveyor” means a person registered as a professional surveyor under Chapter 4733 of the Revised Code.
- (32) “Special Flood Hazard Area” also known as "Areas of Special Flood Hazard", is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30 and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal, state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

- (33) “Start of Construction” means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.
- (34) “Structure” means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
- (35) “Substantial Damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (36) “Substantial Improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:
- A. Any improvements to a structure which is considered “new construction”.
  - B. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
  - C. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure's continued designation as a "historic structure".
- (37) “Variance” means a grant of relief from the standards of these regulations consistent with the variance conditions herein.
- (38) “Violation” means the failure of a structure or other development to be fully compliant with these regulations.  
(Ord. 55-2003. Passed 12-16-03.)

### **1321.03 ADMINISTRATION.**

(a) Designation of the Floodplain Administrator. The Zoning Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. (Ord. 6-2008. Passed 1-2-08.)

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

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

(c) Floodplain Development Permits. It shall be unlawful for any person to begin construction or other development activity including but not limited to filling, grading, construction, alteration, remodeling, or expanding any structure, or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area as established in Section 1321.01(f), until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

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

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

- (2) Elevation of the existing, natural ground where structures are proposed;
  - (3) Elevation of the lowest floor, including basement, of all proposed structures;
  - (4) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations;
  - (5) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
    - A. Floodproofing certification for non-residential floodproofed structure as required in Section 1321.04(e);
    - B. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1321.04(d)(5) are designed to automatically equalize hydrostatic flood forces;
    - C. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished and maintenance assurances as required in Section 1321.04(i)(3);
    - D. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 1321.04(i)(2);
    - E. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1321.04(i)(1);
    - F. Generation of base flood elevation(s) for subdivision and large scale developments as required by Section 1321.04(c).
  - (6) A Floodplain Development Permit Application Fee set by the Schedule of Fees Adopted by the City of Bucyrus.
- (e) Review and Approval of a Floodplain Development Permit Application.
- (1) Review.
    - A. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 1321.03(d) has been received by the Floodplain Administrator;
    - B. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

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

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

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

- (1) For new or substantially improved residential structures, or non-residential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency Elevation Certificate completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative;
- (2) For all development activities subject to the standards of Section 1321.03(j)(1), a Letter of Map Revision.  
(Ord. 55-2003. Passed 12-16-03.)

(h) Revoking a Floodplain Development Permit. A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Section 1321.05 of these regulations. (Ord. 6-2008. Passed 1-2-08.)

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

- (1) Maintenance work such as roofing, painting, and basement ceiling, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000.00;
- (2) Development activities in an existing or proposed manufactured home park. Such activities are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701;
- (3) Major utility facilities permitted by the Ohio Power Siting Board under Chapter 4906 of the Ohio Revised Code;
- (4) Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Chapter 3734 of the Ohio Revised Code;
- (5) Development activities undertaken by a federal agency and which are subject Federal Executive Order 11988 - Floodplain Management.

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

(j) Map Maintenance Activities. To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the City of Bucyrus flood maps, studies and other data identified in Section 1321.01(f) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

- (1) Requirement to submit new technical data.
  - A. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
    1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
    2. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
    3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
    4. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 1321.04(c).
  - B. It is the responsibility of the applicant to have technical data, required in accordance with Section 1321.03(j)(1), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
  - C. The Floodplain Administrator shall require Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
    1. Proposed floodway encroachments that increase the base flood elevation; and
    2. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
  - D. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 1321.03(j)(1)(A.).
- (2) Right to submit new technical data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the City of Bucyrus, and may be submitted at any time.

- (3) Annexation/detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Bucyrus have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Bucyrus Flood Insurance Rate Map accurately represent the City of Bucyrus boundaries, include within such notification a copy of a map of the City of Bucyrus suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Bucyrus has assumed or relinquished floodplain management regulatory authority.
- (k) Data Use and Flood Map Interpretation. The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard.
- (1) In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source;
  - (2) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA maps and studies, shall be reasonably used by the Floodplain Administrator;
  - (3) When Preliminary Flood Insurance Rate Maps and/or Flood Insurance Study have been provided by FEMA:
    - A. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations;
    - B. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or floodway area exceeds the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.
  - (4) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1321.05, Appeals and Variances.
  - (5) Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.

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

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

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damage structures; coordinating with other federal, state and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.  
(Ord. 55-2003. Passed 12-16-03.)

#### **1321.04 USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION.**

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1321.01(f) or 1321.03(k)(1).

(a) Use Regulations.

- (1) Permitted uses. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the City of Bucyrus are allowed provided they meet the provisions of these regulations.
- (2) Prohibited uses.
  - A. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Chapter 3701 of the Ohio Revised Code;
  - B. Infectious waste treatment facilities in all special flood hazard areas, permitted under Chapter 3734 of the Ohio Revised Code.

(b) Water and Wastewater Systems. The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
- (2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
- (3) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

- (c) Subdivisions and Large Developments.
- (1) All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
  - (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
  - (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage;
  - (4) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres whichever is less;
  - (5) The applicant shall meet the requirement to submit technical data to FEMA in Section 1321.03(j)(1)A.(4) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1321.04(c)(4).
- (d) Residential Structures.
- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (Section 1321.04(d)(1)) and construction materials resistant to flood damage (Section 1321.04(d)(2)) are satisfied;
  - (2) New construction and substantial improvements shall be constructed with methods and material resistant to flood damage;
  - (3) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding;
  - (4) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation.
  - (5) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:
    - A. Be used only for the parking of vehicles, building access or storage;
    - B. Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or

- C. Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (6) Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors;  
(Ord. 55-2003. Passed 12-16-03.)
- (7) Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 1321.04.  
(Ord. 6-2008. Passed 1-2-08.)
- (e) Nonresidential Structures.
- (1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1321.04(d)(1)-(3) and (5)-(7);
- (2) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
- A. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
- B. Have structure components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- C. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Floodproofing Certificate, that the design and methods of construction are in accordance with Section 1321.04(e)(2)A. and B.
- (f) Accessory Structures. Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards:
- (1) They shall not be used for human habitation;
- (2) They shall be constructed of flood resistant materials;
- (3) They shall be constructed and placed on the lot to offer the minimum resistance to the flow of flood waters;
- (4) They shall be firmly anchored to prevent flotation;
- (5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
- (6) They shall meet the opening requirements of Section 1321.04(d)(5)C.

- (g) Recreational Vehicles. Recreational vehicles must meet at least one of the following standards:
- (1) They shall not be located on sites in special flood hazard areas for more than 180 days; or
  - (2) They must be fully licensed and ready for highway use; or
  - (3) They must meet all standards of Section 1321.04(d).
- (h) Above Ground Gas or Liquid Storage Tanks. All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.
- (i) Assurance of Flood Carrying Capacity. Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:
- (1) Development in floodways.
    - A. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
    - B. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
      1. Meet the requirements to submit technical data in Section 1321.03(j)(1);
      2. An evaluation of alternatives which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
      3. Certification that no structures are located in areas which would be impacted by the increased base flood elevation;
      4. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
      5. Concurrence of the Mayor of the City of Bucyrus and the Chief Executive Officer of any other communities impacted by the proposed actions.
  - (2) Development in riverine areas with base flood elevations but no floodways.
    - A. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or

- B. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:  
(Ord. 55-2003. Passed 12-16-03.)
1. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;  
(Ord. 6-2008. Passed 1-2-08.)
  2. Section 1321.04(i)(1)B., items 1. and 3.-5.  
(Ord. 55-2003. Passed 12-16-03.)
- (3) Alterations of a watercourse. For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage". The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique or other applicable publication available from a Federal, State or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:  
(Ord. 6-2008. Passed 1-2-08.)
- A. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished;
  - B. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency;
  - C. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the City of Bucyrus specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit;
  - D. The applicant shall meet the requirements to submit technical data in Section 1321.03(j)(1)A.3. when an alteration of a watercourse results in the relocation or elimination of the special flood hazard areas, including the placement of culverts.  
(Ord. 55-2003. Passed 12-16-03.)

**1321.05 APPEALS AND VARIANCES.**(a) Appeals Board Established.

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

(b) Powers and Duties.

- (1) The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations;
- (2) Authorize variances in accordance with Section 1321.05(d) of these regulations.

(c) Appeals. Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within thirty (30) days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

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

(1) Application for a variance.

- A. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board;

- B. Such application at a minimum shall contain the following information:
1. Name, address and telephone number of the applicant;
  2. Legal description of the property;
  3. Parcel map;
  4. Description of the existing use;
  5. Description of the proposed use;
  6. Location of the floodplain;
  7. Description of the variance sought;
  8. Reason for the variance request.
- C. All applications for a variance shall be accompanied by a variance application fee set in the Schedule of Fees adopted by the City of Bucyrus.
- (2) Notice for public hearing. The Appeals Board shall schedule and hold a public hearing within thirty (30) days after the receipt of an application for a variance from the Floodplain Administrator. Prior to the hearing, a notice of such hearing shall be given in one (1) or more newspapers of general circulation in the community at least ten (10) days before the date of the hearing.
- (3) Public hearing. At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:
- A. The danger that materials may be swept onto other lands to the injury of others;
  - B. The danger to life and property due to flooding or erosion damage;
  - C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - D. The importance of the services provided by the proposed facility to the community;
  - E. The availability of alternative locations for the proposed use 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 floodplain management program for that area;
  - I. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - J. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
  - K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

- (4) Variances shall only be issued upon:
- A. A showing of good and sufficient cause;
  - B. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations do not constitute an exceptional hardship to the applicant;
  - C. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws;
  - D. A determination that the structure or other development is protected by methods to minimize flood damages;
  - E. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of these regulations.

(e) Other Conditions for Variances.

- (1) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result;
- (2) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 1321.05(d)(3)A. - K. have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases;
- (3) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(f) Procedure at Hearings.

- (1) All testimony shall be given under oath;
- (2) A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses;
- (3) The applicant shall proceed first to present evidence and testimony in support of the appeal or variance;
- (4) The administrator may present evidence or testimony in opposition to the appeal or variance;
- (5) All witnesses shall be subject to cross-examination by the adverse party or their counsel;

- (6) Evidence that is not admitted may be proffered and shall become part of the record for appeal;
- (7) The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance;
- (8) The Board shall prepare findings of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

(g) Appeal to the Court. Those aggrieved by the decision of the Appeals Board may appeal such decision to the Crawford County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.  
(Ord. 55-2003. Passed 12-16-03.)

### **1321.06 ENFORCEMENT.**

(a) Compliance Required.

- (1) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 1321.03(i);
- (2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 1321.06(c);
- (3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 1321.06(c).

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

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

(c) Violations and Penalties. Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a minor misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars (\$100.00). Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Bucyrus from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Bucyrus shall prosecute any violation of these regulations in accordance with the penalties stated herein. (Ord. 55-2003. Passed 12-16-03.)

**TITLE FIVE - Stormwater Management**  
 Chap. 1333. Stormwater Regulations.

**CHAPTER 1333**  
**Stormwater Regulations**

<b>1333.01 Title.</b>	<b>1333.13 Calculating stormwater runoff.</b>
<b>1333.02 Purpose.</b>	<b>1333.14 Stormwater runoff control criteria.</b>
<b>1333.03 Definitions.</b>	<b>1333.15 Preparing a stormwater management plan.</b>
<b>1333.04 Scope.</b>	<b>1333.16 Maintenance of stormwater drainage facilities and control structures.</b>
<b>1333.05 Requirements.</b>	<b>1333.17 Erosion control.</b>
<b>1333.06 Waivers.</b>	<b>1333.99 Penalty.</b>
<b>1333.07 Plan review.</b>	
<b>1333.08 Permits.</b>	
<b>1333.09 Fees.</b>	
<b>1333.10 Assurance of completion.</b>	
<b>1333.11 Disclaimer of liability.</b>	
<b>1333.12 Surveillance and compliance.</b>	

**1333.01 TITLE.**

This chapter shall be known as the Stormwater Regulations of the City of Bucyrus, Ohio.  
 (Ord. 11-90. Passed 3-6-90.)

**1333.02 PURPOSE.**

Council of the City of Bucyrus, Ohio has adopted this chapter for the purpose of establishing feasible and economically reasonable standards to achieve a level of management and conservation practices which will abate erosion of the soil and abate the degradation of the waters of the State by soil sediment in conjunction with nonfarm, earth-disturbing activities.

It is the further intent of this chapter to:

- (a) Permit development without increasing downstream flooding, erosion or sedimentation.

- (b) Reduce damage to receiving streams and impairment of their capacity which may be caused by increases in the quantity and/or rate of water discharged.
- (c) Establish a basis for the design of all storm drainage systems which will preserve the rights and options of both the dominant and servient property owners and help assure the long term adequacy of storm drainage systems.  
(Ord. 11-90. Passed 3-6-90.)

### **1333.03 DEFINITIONS.**

For the purpose of this chapter, the following rules and definitions shall apply:

- (a) Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- (b) "Shall" is always mandatory and not discretionary; "may" is permissive.
- (c) Any word or term not interpreted or defined in this chapter shall be used with a meaning of common or standard utilization, so as to give these rules and regulations their most reasonable application.
- (d) "Development area" means any contiguous (abutting) area owned by one person or operated as one development unit and used or being developed for nonfarm commercial, industrial, residential or other nonfarm purposes upon which earth-disturbing activities are planned or underway.
- (e) "Drainage area" means:
  - (1) The contributing area to a single drainage basin, expressed in acres, square miles or other unit or area. Also called catchment area, watershed and river basin; or
  - (2) The area served by a drainage system receiving storm and surface water or by a watercourse.
- (f) "Earth-disturbing activity" means any grading, excavating, filling or other alteration of the earth's surface where natural or man-made ground cover is destroyed and which may result in increased rate and/or volume or runoff and/or contribute to erosion and sediment pollution.
- (g) "Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas.
- (h) "Person" means any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, except the City of Bucyrus, Ohio, county or state agency, the Federal Government, or any combination thereof.
- (i) "Post-development" means the state of condition of the earth's surface after development has occurred. Other terms are "developed", "future" and "after development".
- (j) "Pre-development" means that state of condition of the earth's surface averaged over the last five years prior to development. Other terms are "developed", "present" and "before development".
- (k) "Storm drainage system" means the surface and subsurface system for the removal of water from the land, including both the natural elements of streams, gullies, ravines, marshes, swales, and ponds whether of an intermittent or continuous natural and man-made elements which include conduits and appurtenant features, culverts, ditches, channels, storage facilities, streets and the storm sewer system.
- (l) "Stormwater management facilities" means the drainage system and control facilities necessary to meet the runoff criteria of these regulations.  
(Ord. 11-90. Passed 3-6-90.)

**1333.04 SCOPE.**

This chapter shall apply to all earth-disturbing activities performed on land used or land being developed for commercial, industrial, residential, recreational, public service or other nonfarm purposes which are within the jurisdiction of the City unless otherwise excluded within this chapter or unless expressly excluded by State law.

(Ord. 11-90. Passed 3-6-90.)

This chapter shall not apply to the following:

- (a) Public transportation, utilities and drainage improvements or maintenance thereof undertaken by a government agency or political subdivision within a dedicated or generally recognized street, road or right of way.  
(Ord. 80-94. Passed 12-6-94.)
- (b) Earth-disturbing activities involving less than 5,000 square feet.
- (c) Earth-disturbing activities that result from the construction of a single family dwelling unit.  
(Ord. 11-90. Passed 3-6-90.)

**1333.05 REQUIREMENTS.**

Unless exempted by Section 1333.04 any person performing any nonfarm earth-disturbing activity shall be required to file a stormwater management plan and obtain a stormwater management permit if any of the following circumstances apply:

- (a) Nonfarm earth-disturbing activities which disturb more than 5,000 square feet of land.
- (b) Nonfarm earth-disturbing activities which disturb less than 5,000 square feet, but which will result upon completion of the activities with twenty percent (20%) of the parcel of land involved being covered by impervious materials such as roofs or parking areas.
- (c) Nonfarm earth-disturbing activities which disturb than 5,000 square feet but which when combined with previous earth-disturbing activities by the same person or their predecessor in title in the immediate vicinity or are part of a plan involving future anticipated earth-disturbing activities by the same person or their successor in title in the same immediate vicinity either or both of which when combined with the current earth-disturbing activities result in disturbing 5,000 or more square feet.  
(Ord. 11-90. Passed 3-6-90.)

**1333.06 WAIVERS.**

Certain earth-disturbing activities not automatically subject to exemptions by Section 1333.04 may exist for which the submission of a stormwater control plan serves no real purpose. Such activity shall be eligible for a waiver from the requirement of submitting a plan and/or other requirements of this chapter.

To obtain a waiver, a person shall submit a written request to the City Engineer and Service-Safety Director. This request shall include sufficient data to determine that granting a waiver will not result in excessive stormwater runoff or rate of runoff.  
(Ord. 11-90. Passed 3-6-90.)

**1333.07 PLAN REVIEW.**

The City Engineer and Service-Safety Director shall review the stormwater management plan or drainage plan within thirty days of receipt and indicate their approval or disapproval to the person who file the plan. Indication of disapproval shall include the plan deficiencies and the procedure for filing a revised plan. Pending preparation and approval of a revised plan, earth-disturbing activities shall not be allowed until the deficiencies have been properly addressed and an acceptable plan has been filed and approved.

During the plan review, the City Engineer and Service-Safety Director may request recommendations pertaining to the proposed plan from the Crawford County Soil and Water Conservation District, and the City Planning Commission. The City Engineer shall be responsible for review and approval of all hydrological and runoff calculations as well as design and construction inspection for all stormwater management facilities.  
(Ord. 11-90. Passed 3-6-90.)

**1333.08 PERMIT.**

Permit application forms will be made available at the City Hall. The information required will be sufficient for the City Engineer and Service-Safety Director to determine if a stormwater management or drainage plan is necessary and that the person intends to comply with this chapter. The application shall include the following:

- (a) Name, address and phone number of property owner and/or other person responsible for the activity.
- (b) Location of the activity.
- (c) Description of the activity.
  - (1) Type of activity.
  - (2) Area to be disturbed.
  - (3) Area to be rendered permanently impervious.
  - (4) Size of parcel or lot on which activity will occur.

The permit will be issued upon approval of detail design, payment of required review inspection fees and posting of required bonds.  
(Ord. 11-90. Passed 3-6-90.)

**1333.09 FEES.**

In order to obtain a stormwater management permit, the applicant shall submit design plans, quantities and itemized cost estimates for the facilities, prepared by a registered professional engineer or registered professional architect to the City Engineer and Service-Safety Director for review and approval. A certified check in the amount of one hundred fifty dollars (\$150.00) or one percent (1%) of the construction costs estimates for the stormwater management facilities, whichever is greater, shall be paid to the City Treasurer before issuance of the stormwater management permit to offset the costs of plan review and field inspection of such construction to assure its conformance with the plans.

If the stormwater management facilities to be constructed are part of a subdivision being developed under the Subdivision Regulations of the City as amended and supplemented, and the filing, plan review and inspection fees for stormwater management facilities are included in the subdivision fee, then this section of this chapter shall be waived.

No permit fee will be required for nonfarm, earth-disturbing activities which have been provided for in an already approved stormwater management plan (i.e. home construction on a lot in an approved subdivision with an approved stormwater management plan).  
(Ord. 11-90. Passed 3-6-90.)

**1333.10 ASSURANCE OF COMPLETION.**

The assurance of completion of the stormwater drainage facilities and control structures included in a stormwater management plan or drainage plan which has been developed and approved under this chapter shall be satisfied by the furnishing of a one hundred percent (100%) performance bond or other satisfactory security. The City Engineer and Service-Safety Director shall approve the sufficiency of the bond and the Law Director shall approve the bond as to form.

Storm drainage facilities and control structures that are being constructed as part of a subdivision subject to the subdivision regulations of the City shall be considered as an improvement. As such they shall be subject to the bonding requirements therein and this section of the Stormwater Management Regulations shall be waived. The value of the stormwater drainage facilities shall be included in the amount of the performance bond for the subdivision improvements.

(Ord. 11-90. Passed 3-6-90.)

After completion of the stormwater drainage facilities, the control structures and the “as-built” drawings for both, same shall be inspected and approved by the Public Service-Safety Director or his designee prior to construction of the building or buildings.

(Ord. 75-00. Passed 10-17-00.)

**1333.11 DISCLAIMER OF LIABILITY.**

Neither submission of a plan under provisions of this chapter nor compliance with provisions of this chapter shall relieve any person from responsibility for damage to any person or property otherwise imposed by law, nor impose any liability upon the City for damage to any person or property.

(Ord. 11-90. Passed 3-6-90.)

**1333.12 SURVEILLANCE AND COMPLIANCE.**

The City Engineer and Service-Safety Director shall inspect land disturbance areas during construction to determine compliance with this chapter. If it is determined that a violation of this chapter exists, the responsible person shall be notified of the deficiencies or noncompliance in writing and by certified mail. If within one week after receipt of the letter for compliance, the deficiency or noncompliance has not been corrected or substantial steps taken to correct same, such deficiency or noncompliance shall be reported to the Law Director for legal action.

(Ord. 11-90. Passed 3-6-90.)

**1333.13 CALCULATING STORMWATER RUNOFF.**

One of the four methods described in Urban Hydrology for Small Watersheds, Technical Release Number 55, by the Soil Conservation Service of the United States Department of Agriculture and its Ohio Supplement shall be used to determine stormwater runoff. Such release is specifically incorporated within this chapter by reference.

(Ord. 11-90. Passed 3-6-90.)

**1333.14 STORMWATER RUNOFF CONTROL CRITERIA.**

Stormwater runoff control addresses both peak rate and total volume of runoff.

- (a) The peak rate of runoff from an area after development shall not exceed the peak rate of runoff from the same area before development for all storms up to a 100-year frequency, 24-hour storm. In addition, if it is found a proposed development will increase the volume of runoff from an area, the peak rate of runoff from certain more frequent storms must be controlled further. There are two reasons why increases in volume of runoff require a control standard more restrictive than controlling just the predevelopment conditions. First, increases in volume mean runoff will be flowing for a longer period of time. When routed through a watershed, these longer flows may join at some point downstream; thereby creating peak flows and the problems associated with peak flow (flooding). This is known as the "routing problem". Second, longer flow periods of large runoff quantities place a highly erosive stress on natural channels. This stress can be minimized by reducing the rate of discharge. The permissible peak rate shall be determined as follows:
  - (1) Determine the total volume of runoff from a 1-year frequency, 24-hour storm occurring over the area before and after development.
  - (2) Determine the percent of increase in volume due to development and using this percentage, pick the critical storm from the following table:

If the percentage of increases in volume of runoff is		The critical storm for discharge limitation will be
Equal to or greater than	and less than	years
-	10	1
10	20	2
20	50	5
50	100	10
100	250	25
250	500	50
500	-	100

- (b) The peak rate of runoff from the critical storm occurring over the development shall not exceed the peak rate of runoff from a 1-year frequency storm occurring over the same area predevelopment conditions. Storms of less frequent occurrence (longer return period) than the critical storm shall have peak rate of runoff not greater than for the same storm under predevelopment conditions. As an example, if the total volume is shown to be increased by thirty five percent (35%) the critical storm is a 5-year storm. The peak rate of runoff for all storms up to this intensity shall be controlled so as not to exceed the peak rate of runoff from a 1-year frequency storm under predevelopment conditions in the area. The runoff from a more intense storm need only be controlled so as not to exceed the predevelopment peak rate from the same frequency of storm.
- (c) Storage volume does not have to provide for off-site upstream areas. Flow from such areas will be routed through the drainage system in the development under consideration at a rate determined in the same manner as the on-site system. (Ord. 11-90. Passed 3-6-90.)

**1333.15 PREPARING A STORMWATER MANAGEMENT PLAN.**

A stormwater management plan is required for developments involving 5,000 square feet of earth-disturbed activity or more.

The plan submission shall include but not necessarily be limited to a one-inch = 100 foot scale topographic map with two foot contour intervals, drainage pattern and major soil types information, complete predevelopment and postdevelopment drainage calculations and detail engineering drawings, specifications and estimates for the stormwater management control structures and drainage facilities to be constructed as part of the development.  
(Ord. 11-90. Passed 3-6-90.)

**1333.16 MAINTENANCE OF STORMWATER DRAINAGE FACILITIES AND CONTROL STRUCTURES.**

(a) When stormwater drainage facilities and control structures are of a permanent nature the City may assume responsibility for such structures located within the corporation limits once they have been constructed and accepted by the City. Funding for the maintenance of these major facilities may be by assessment of property owners in accordance with the Ohio Revised Code. The maintenance of minor detention areas such as swales, etc. on individual parcels or lots in new subdivisions shall be the responsibility of the individual parcel or lot owners. Special provisions shall be written into the deeds for the individual parcels, or lots in new subdivisions so the owners are aware the parcels or lots are used for temporary stormwater storage. The City will require all of these stormwater drainage facilities and control structures to be designed to minimize maintenance costs. The property owner or owners shall provided all necessary easements and rights-of-way to the City in order to permit the maintenance and repair of the required stormwater drainage facilities and control structures.  
(Ord. 11-90. Passed 3-6-90.)

(b) Connection to Existing Stormwater Management System.

- (1) When a property owner or owner's stormwater management plan includes connection to an existing stormwater management system, the owner or owners shall include in the design a clean-out point within 500 feet of the connection to the stormwater management system. In the event that a control structure is permanently constructed to hold or detain water prior to discharge into the system, a clean-out point shall be constructed either at the connection to the system or within 500 feet from the control structure discharge point. A clean-out point is defined as a standardized structure as is acceptable to the Service-Safety Director or his designee.
- (2) Prior to acceptance by the City of any stormwater management system, the property owner or owners shall at their own expense, have the outlet inspected and cleaned and shall provide proof of same to the Service-Safety Director or his designee, unless said evidence of proof is waived in writing by the Director or his designee.  
(Ord. 75-00. Passed 10-17-00.)

**1333.17 EROSION CONTROL.**

Erosion control shall be in place and maintained so as to prevent siltation of the sanitary or stormwater system throughout construction. If not maintained, a notice of needed maintenance will be issued. If the owner does not complete needed maintenance within forty-eight hours of notice, a stop work order shall be issued immediately by the Public Service-Safety Director or his designee. (Ord. 75-00. Passed 10-17-00.)

**1333.99 PENALTY.**

A violation of any provision of this chapter or failure to comply with any of its requirements shall constitute a minor misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall be fined not more than one hundred dollars (\$100.00) for each offense. Any organization, as defined under Ohio R.C. 2901.23(D), which violates this chapter or fails to comply with any of its requirements shall be fined not more than one thousand dollars (\$1,000).

Each day such violation continues shall be considered a separate offense.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.  
(Ord. 75-00. Passed 10-17-00.)

**TITLE SEVEN - Housing and Property Maintenance**

Chap. 1355. International Property Maintenance Code.

Chap. 1371. Uniform House Building Numbering System.

**CHAPTER 1355  
International Property Maintenance Code**

**1355.01 Adoption.**

**1355.02 Additions, insertions and deletions.**

**CROSS REFERENCES**

Adoption by reference - see Ohio R.C. 731.231

Unsafe structures - see BLDG. Ch. 1319

**1355.01 ADOPTION.**

A certain document, three copies of which are on file in the office of the Clerk of Council, and one copy of which is on file at the Bucyrus Public Library and one copy of which is on file at the Crawford County Law Library, and copies of which the Clerk of Council has available for distribution to the public at cost, said document being marked and designated as "The International Property Maintenance Code, 2006 edition" as published by the Building Officials and Code Administrators International, Inc., the International Conference of Building Officials and the Southern Building Code Congress International, Inc., is hereby adopted as the Property Maintenance Code of the City, in the State of Ohio, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions, and changes, if any, prescribed in Section 1355.02.

(Ord. 24-2006. Passed 7-5-06.)

**1355.02 ADDITIONS, INSERTIONS AND DELETIONS.**

The following sections are hereby revised:

Section 101.1 Insert name of jurisdiction to be that of the City of Bucyrus.

Section 103.1 General. The City of Bucyrus, Division of Fire, Fire Safety Inspection Bureau is hereby created and the Chief Inspector in charge shall be known as the Code Official.

- Section 103.2 Appointment. The Code Official shall be appointed by the Fire Chief upon approval of the City of Bucyrus Service-Safety Director and the Code Official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.
- Section 103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the consensus of the Fire Chief and approval of the Service-Safety Director, the Code Official can appoint inspectors as needed.
- Section 103.5 There shall be no fees for activities or services performed.
- Section 110.2 Notices and orders. [Demolition] All notices and orders shall comply with Section 107. In addition thereto, in any instance where demolition of any or part of a structure is contemplated, notice shall be given to all lienholders of record by United States certified mail, return receipt requested.
- Section 111.2 Membership of Board. The board of appeals shall consist of those individuals serving on the City of Bucyrus Board of Zoning Appeals, as presently constituted and as the composition of same may be updated from time to time as members complete their terms and are either reappointed or new members are appointed.
- Section 111.2.1 Alternate Members. Because the board of appeals as identified in Section 111.2 above consists of five (5) members, no alternate members shall be designated unless, due to disqualification as set forth in Section 111.2.3 below, there are not at least three (3) members of the board of appeals who are qualified to hear the appeal, in which event the appointing authority shall appoint the minimum number of alternate members protempore as may be necessary to convene a quorum of three (3) members qualified to hear and decide any such appeal.
- Section 111.4 Open Hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than three (3) qualified members of the board of appeals.
- Section 111.8 Stays of enforcement. Appeals of notice and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board. Likewise, administrative appeals from the decision of the board of appeals to the common pleas court in cases other than imminent danger notices shall stay the enforcement of the decision of the Board until the appeal can be heard by the court.
- Section 302.4 Insert height in inches of six (6) inches.
- Section 304.14 Insert dates of May 15th and October 1st.
- Section 602.3 Insert dates of October 1 and May 1.
- Section 602.4 Insert dates of October 1 and May 1.
- Chapter 8 Codes. (OBC) Ohio Building Code; (OFPC) Ohio Fire Prevention Code; (OMC) Ohio Mechanical Code.

(Ord. 24-2006. Passed 7-5-06.)

**CHAPTER 1371**  
**Uniform House Building Numbering System**

<b>1371.01</b>	<b>Definitions.</b>	<b>1371.03</b>	<b>House number system.</b>
<b>1371.02</b>	<b>House number display.</b>	<b>1371.99</b>	<b>Penalty.</b>

**1371.01 DEFINITIONS.**

As used in this chapter:

- (a) "House number" means the number assigned to consecutive intervals along a street pursuant to the Number Assignment Formula contained herein.
  - (b) "Number Assignment Formula" means beginning from the point of origin a house number shall be assigned for each interval with each interval on the east and north side of the street being even numbers as one leaves the point of origin, and each interval on the south and west side of the street being odd numbers as one leaves the point of origin.
  - (c) "Primary structure" shall include but not be limited to residential building, manufactured home park, commercial building, industrial building, office building, public building, well, field pump, utility, lighted billboard, and lighted outdoor display/storage facility.
  - (d) "Interval" means a distance of ten feet along a street, each block being divided into one hundred intervals. The Engineering Department of the City of Bucyrus may modify the intervals and blocks of such streets to allow the numbering system to match existing numbers on parallel streets or in the event of confusion based upon design of the street.
  - (e) "Point of origin" means the intersection of an east-west baseline and a north-south baseline from where all intervals begin. This point shall be at the intersection of Sandusky Avenue and Mansfield Street at Washington Square.
  - (f) "Display" means the manner in which the house number is affixed to a structure or otherwise displayed when affixing to a structure is not adequate visually so that it is readily identifiable pursuant to provisions of this chapter.
  - (g) "Diagonal streets" means streets whose course does not run in either an approximate north-south or east-west direction.
- (Ord. 13-2003. Passed 3-18-03.)

**1371.02 HOUSE NUMBER DISPLAY.**

(a) Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or English alphabet letters. Numbers shall be a minimum of four inches or alphabet letters. Numbers shall be a minimum of four inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). (Ord. 57-2006. Passed 12-5-06.)

(b) The Engineering Department of the City of Bucyrus is hereby empowered to promulgate rules for house number display. Said rules shall be effective upon approval of the Bucyrus City Council. (Ord. 13-2003. Passed 3-18-03.)

**1371.03 HOUSE NUMBER SYSTEM.**

(a) There is hereby created within the Engineering Department for the City of Bucyrus a house numbering system. The Engineer or his designate shall be the director of the house numbering system and shall draft rules and regulations for the operation of the house numbering system and the assignment and placing of house numbers for all intervals along streets emanating from the point of origin, including diagonal streets, pursuant to this chapter. Said rules and regulations shall be approved by the Bucyrus City Council before they take effect.

(b) The house numbering system director shall cause to be created and maintained, an accurate map of all streets within the City of Bucyrus and shall make house numbers available for each repository of said house number assignments.

(c) House numbers shall not be assigned along any public street until a name for said street has been approved by the City of Bucyrus, City Council, Platting Committee and Planning Commission. House numbers shall not be assigned along an unplatted private street or access easement of record where the name of said unplatted private street or access easement has not been registered with, and approved by, the City of Bucyrus.

(d) Existing house numbers which do not comply with the City of Bucyrus house numbering system may be changed either at the request of the property owner or his or her agent(s) upon approval of the Engineer or such change may be initiated by the City. When a change is initiated by the City, the property owner shall be notified, in writing, 30 days prior to the time the new number shall become the official number for the interval(s) of the property in question.

(e) The Engineer shall, upon application by a land owner, assign a house number and approve the display, provided said display is consistent with the provisions for display as contained herein. (Ord. 13-2003. Passed 3-18-03.)

**1371.99 PENALTY.**

(a) A person who violates any provision of this chapter shall be punishable by a fine of not more than fifty dollars (\$50.00) or imprisonment for not more than one (1) day, or both such fine and imprisonment, and each day that a violation occurs shall be deemed a separate offense.

(b) Procedure to enforce this chapter may be commenced not sooner than fifteen (15) days after written notification by the Engineer. (Ord. 13-2003. Passed 3-18-03.)