CODIFIED ORDINANCES OF THE VILLAGE OF ROAMING SHORES OHIO

Complete to April 21, 2009

CERTIFICATION

We, Carl Biats, Mayor, and Leeann Moses, Clerk-Treasurer of the Village of Roaming Shores, Ohio, pursuant to Ohio Revised Code 731.23 and 731.42, hereby certify that the general and permanent ordinances of the Village of Roaming Shores, Ohio, as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes are correctly set forth and constitute the Codified Ordinances of the Village of Roaming Shores, Ohio, 2007, as amended to April 21, 2009.

/s/ Carl Biats
Mayor

/s/ Leeann Moses
Clerk-Treasurer

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publication by
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Cleveland, Ohio

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VILLAGE OF ROAMING SHORES

ROSTER OF OFFICIALS

(2009)

COUNCIL

John Ball, President
Jim Bentley
Bob Cook
Cheryl Copeland
Joseph Palombi
Richard Wills

OFFICIALS

Carl Biats	Mayor
Leeann Moses	Clerk-Treasurer
Richard "Chip" Laugen	Zoning Inspector
Randy Rasmussen	Police Chief
William Bobulsky	Solicitor

The publisher expresses its appreciation
to

RICHARD WILLS
Councilman

JIM BENTLEY
Councilman

LEEANN MOSES
Clerk-Treasurer

and to all other Village personnel who
gave time to the 2007 codification of
the Village ordinances.

ORDINANCE NO. 448-08-07

AN EMERGENCY ORDINANCE APPROVING CODIFIED ORDINANCES FOR THE VILLAGE OF ROAMING SHORES.

WHEREAS, this Ordinance is deemed to be an emergency ordinance, necessary for the preservation of the public health, safety and welfare, in that consideration of public peace, health and safety require the adoption and implementation of a codified system of all Village Ordinances; and

WHEREAS, the Village Council has by and through Ordinance No. 445-02-07 determined that it is in the best interests of the operations of the Village Government to codify into loose-leaf book format all Village Ordinances of a general and permanent nature; and

WHEREAS, the Village Council has now received the completed codification of Village Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ROAMING SHORES, OHIO:

Section 1: That the Village Ordinance codification is hereby adopted.

Section 2: That this Ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage and approval by the Village Mayor.

Carl Biats
VILLAGE MAYOR

Adopted on the 21st day of August, 2007.

Attest:

Leeann Moses
VILLAGE CLERK

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EDITOR'S NOTE

The arrangement and numbering of the Codified Ordinances into component codes, titles, chapters and sections are based on an adaptation of the decimal numbering system which is similar to that used in the Ohio Revised Code, and in accord with the best accepted practice in instituting a codification. Each section is self-identifying as to code, chapter and section number. For example, 305.06 indicates that the code number is 3, the chapter number is 305 (or the 5th chapter within code 3), and the section number is .06. The code and chapter numbers appear left of the decimal, with the code number preceding the first two digits left of the decimal, and the chapter number being all digits left of the decimal. The section number appears right of the decimal. As another example, 113.10 indicates the code number is 1, the chapter number is 113 (or the 13th chapter within code 1), and the section number is .10.

This numbering system has the advantage of inherent flexibility in allowing for an almost endless amount of expansion. Codes, titles and chapters initially are odd-numbered, thus reserving the use of even numbers for future legislation. Sections within chapters are consecutively numbered, except that penalty provisions are usually assigned the number .99 as used in the Revised Code. Newly created sections subsequent to the original codification may be indicated by three digits right of the decimal in the event the law properly belongs between two consecutively numbered sections. For example, newly created 575.061, 575.062 and 575.063 follow 575.06 and precede 575.07 to be placed in their logical position.

Section histories enable a user to trace the origin of the law contained in the section. The history indicates the derivation by reference to either its passage date and the ordinance number originally assigned to it at that time, or to its inclusion in any prior code. Sections without histories indicate that the section contains new matter which was ordained by the Adopting Ordinance which enacts the Codified Ordinances.

The Comparative Section Table is included to show the disposition of every ordinance included in the Codified Ordinances. It indicates whether a given ordinance was consolidated with another into one section or split into two or more sections. Cross references direct the user to subject matter reasonably related to material contained within a given chapter.

GENERAL INDEX

EDITOR'S NOTE: References are to individual code sections. As additional aids for locating material, users are directed to:

(a) The comparative Section Table which indicates in the Codified Ordinances the disposition of the ordinances or resolutions integrated therein.

(b) The table of contents preceding each component code, and the sectional analysis preceding each chapter.

(c) The cross references to related material following each chapter analysis.

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EDITOR'S NOTE: Source material for the Codified Ordinances of Roaming Shores was either ordinances or resolutions enacted by Council, or new matter ordained by the Adopting Ordinance. Sections of the Codified Ordinances without any history indicate that such sections contain new matter ordained by the Adopting Ordinance. In the following table, the disposition of all source material in the Roaming Shores Codified Ordinances is indicated.

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CODIFIED ORDINANCES OF ROAMING SHORES

PART ONE - ADMINISTRATIVE CODE

TITLE ONE - General Provisions
Chap. 101. Codified Ordinances.
Chap. 103. Official Standards.

TITLE THREE - Legislative
Chap. 111. Council.
Chap. 113. Ordinances and Resolutions.

TITLE FIVE - Administrative
Chap. 121. Mayor.
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Chap. 129. Village Administrator.
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TITLE SEVEN - Taxation
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CODIFIED ORDINANCES OF ROAMING SHORES

PART ONE - ADMINISTRATIVE CODE

TITLE ONE - General Provisions

Chap. 101. Codified Ordinances.
Chap. 103. Official Standards.

CHAPTER 101
Codified Ordinances

101.01 Designation; citation; headings.
101.02 General definitions.
101.03 Rules of construction.
101.04 Revivor; effect of amendment or repeal.
101.05 Construction of section references.
101.06 Conflicting provisions.
101.07 Determination of legislative intent.
101.08 Severability.
101.99 General penalty.

CROSS REFERENCES

See sectional histories for similar State law
Statute of limitations on prosecutions - see Ohio R.C. 718.06; GEN. OFF. 501.06
Codification in book form - see Ohio R.C. 731.23
Imprisonment until fine and costs are paid - see Ohio R.C. 1905.30, 2947.14
Citation issuance for minor misdemeanors - see Ohio R.C. 2935.26 et seq.
Rules of construction for offenses and penalties - see GEN. OFF. 501.04

101.01 DESIGNATION; CITATION; HEADINGS.

(a) All ordinances of a permanent and general nature of the Municipality as revised, codified, rearranged, renumbered and consolidated into component codes, titles, chapters and sections shall be known and designated as the Codified Ordinances of Roaming Shores, Ohio, 2007, for which designation "Codified Ordinances" may be substituted. Code, title, chapter and section headings do not constitute any part of the law as contained in the Codified Ordinances. (ORC 1.01)

(b) All references to codes, titles, chapters and sections are to such components of the Codified Ordinances unless otherwise specified. Any component code may be referred to and cited by its name, such as the "Traffic Code". Sections may be referred to and cited by the designation "Section" followed by the number, such as "Section 101.01".

101.02 GENERAL DEFINITIONS.

As used in the Codified Ordinances, unless another definition is provided or the context otherwise requires:

(a) "And" may be read "or", and "or" may be read "and", if the sense requires it. (ORC 1.02(F))

(b) "Another" when used to designate the owner of property which is the subject of an offense, includes not only natural persons but also every other owner of property. (ORC 1.02(B))

(c) "Bond" includes an undertaking and "undertaking" includes a bond. (ORC 1.02(D), (E))

(d) "Council" means the legislative authority of the Municipality.

(e) "County" means Ashtabula County, Ohio.

(f) "Keeper" or "proprietor" includes all persons, whether acting by themselves or as a servant, agent or employee.

(g) "Land" or "real estate" includes rights and easements of an incorporeal nature. (ORC 701.01(F))

(h) "Municipality" or “Village” means the Village of Roaming Shores, Ohio.

(i) "Oath" includes affirmation and "swear" includes affirm. (ORC 1.59(B))

(j) "Owner", when applied to property, includes any part owner, joint owner or tenant in common of the whole or part of such property.

(k) "Person" includes an individual, corporation, business trust, estate, trust, partnership and association. (ORC 1.59(C))

(l) "Premises", as applied to property, includes land and buildings.

(m) "Property" means real and personal property. (ORC 1.59(E))
"Personal property" includes all property except real.
"Real property" includes lands, tenements and hereditaments.

(n) "Public authority" includes boards of education; the Municipal, County, State or Federal government, its officers or an agency thereof; or any duly authorized public official.

(o) "Public place" includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation or amusement.

(p) "Registered mail" includes certified mail and "certified mail" includes registered mail.
(ORC 1.02(G))

(q) "Rule" includes regulation. (ORC 1.59(F))

(r) "Sidewalk" means that portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.

(s) "This State" or "the State" means the State of Ohio.
(ORC 1.59(G))

(t) "Street" includes alleys, avenues, boulevards, lanes, roads, highways, viaducts and all other public thoroughfares within the Municipality.

(u) "Tenant" or "occupant", as applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others.

(v) "Whoever" includes all persons, natural and artificial; partners; principals, agents and employees; and all officials, public or private.
(ORC 1.02(A))

(w) "Written" or "in writing" includes any representation of words, letters, symbols or figures. This provision does not affect any law relating to signatures.
(ORC 1.59(J))

101.03 RULES OF CONSTRUCTION.

(a) Common and Technical Usage. Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.
(ORC 1.42)

(b) Singular and Plural; Gender; Tense. As used in the Codified Ordinances, unless the context otherwise requires:

(1) The singular includes the plural, and the plural includes the singular.
(2) Words of one gender include the other genders.
(3) Words in the present tense include the future.
(ORC 1.43)

(c) Calendar; Computation of Time.

(1) Definitions.
A. "Week" means seven consecutive days.
B. "Year" means twelve consecutive months.
(ORC 1.44)

(2) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.
(ORC 1.45)

(3) The time within which an act is required by law to be done shall be computed by excluding the first and including the last day, except that when the last day falls on Sunday or a legal holiday, then the act may be done on the next succeeding day which is not a Sunday or a legal holiday.

When a public office, in which an act required by law is to be performed, is closed to the public for the entire day which constitutes the last day for doing such act or before its usual closing time on such day, then such act may be performed on the next succeeding day which is not a Sunday or a legal holiday. If any legal holiday falls on Sunday, the next succeeding day is a legal holiday.
(ORC 1.14)

(4) When legislation is to take effect or become operative from and after a day named, no part of that day shall be included.
(ORC 1.15)

(5) In all cases where the law shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall mean such time only as may be necessary for the prompt performance of such duty or compliance with such notice.

(d) Authority. When the law requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

(e) Joint Authority. All words purporting to give joint authority to three or more municipal officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it shall be otherwise expressly declared in the law giving the authority or inconsistent with State statute or Charter provisions.

(f) Exceptions. The rules of construction shall not apply to any law which shall contain any express provision excluding such construction, or when the subject matter or context of such law may be repugnant thereto.

101.04 REVIVOR; EFFECT OF AMENDMENT OR REPEAL.

(a) The repeal of a repealing ordinance does not revive the ordinance originally repealed nor impair the effect of any saving clause therein.
(ORC 1.57)

(b) An ordinance which is re-enacted or amended is intended to be a continuation of the prior ordinance and not a new enactment, so far as it is the same as the prior ordinance.
(ORC 1.54)

(c) The re-enactment, amendment or repeal of an ordinance does not, except as provided in subsection (d) hereof:

(1) Affect the prior operation of the ordinance or any prior action taken thereunder;

(2) Affect any validation, cure, right, privilege, obligation or liability previously acquired, accrued, accorded or incurred thereunder;
(3) Affect any violation thereof or penalty, forfeiture or punishment incurred in respect thereto, prior to the amendment or repeal;
(4) Affect any investigation, proceeding or remedy in respect of any such privilege, obligation, liability, penalty, forfeiture or punishment; and the investigation, proceeding or remedy may be instituted, continued or enforced, and the penalty, forfeiture or punishment imposed, as if the ordinance had not been repealed or amended.

(d) If the penalty, forfeiture or punishment for any offense is reduced by a re-enactment or amendment of an ordinance, the penalty, forfeiture, or punishment, if not already imposed, shall be imposed according to the ordinance as amended.
(ORC 1.58)

101.05 CONSTRUCTION OF SECTION REFERENCES.

(a) A reference to any portion of the Codified Ordinances applies to all re-enactments or amendments thereof.
(ORC 1.55)

(b) If a section refers to a series of numbers or letters, the first and the last numbers or letters are included.
(ORC 1.56)

(c) Wherever in a penalty section reference is made to a violation of a series of sections or of subsections of a section, such reference shall be construed to mean a violation of any section or subsection included in such reference.

References in the Codified Ordinances to action taken or authorized under designated sections of the Codified Ordinances include, in every case, action taken or authorized under the applicable legislative provision which is superseded by the Codified Ordinances.
(ORC 1.23)

101.06 CONFLICTING PROVISIONS.

(a) If there is a conflict between figures and words in expressing a number, the words govern.
(ORC 1.46)

(b) If a general provision conflicts with a special or local provision, they shall be construed, if possible, so that effect is given to both. If the conflict between the provisions is irreconcilable, the special or local provision prevails as an exception to the general provision, unless the general provision is the later adoption and the manifest intent is that the general provision prevail.
(ORC 1.51)

(c) (1) If ordinances enacted at different meetings of Council are irreconcilable, the ordinance latest in date of enactment prevails.

(2) If amendments to the same ordinance are enacted at different meetings of Council, one amendment without reference to another, the amendments are to be harmonized, if possible, so that effect may be given to each. If the amendments are substantively irreconcilable, the latest in date of enactment prevails. The fact that a later amendment restates language deleted by an earlier amendment, or fails to include language inserted by an earlier amendment, does not of itself make the amendments irreconcilable. Amendments are irreconcilable only when changes made by each cannot reasonably be put into simultaneous operation.
(ORC 1.52)

101.07 DETERMINATION OF LEGISLATIVE INTENT.

(a) In enacting an ordinance, it is presumed that:

(1) Compliance with the constitutions of the State and of the United States is intended;

(2) The entire ordinance is intended to be effective;

(3) A just and reasonable result is intended;

(4) A result feasible of execution is intended.
(ORC 1.47)

(b) An ordinance is presumed to be prospective in its operation unless expressly made retrospective.
(ORC 1.48)

(c) If an ordinance is ambiguous, the court, in determining the intention of Council may consider among other matters:

(1) The object sought to be attained;

(2) The circumstances under which the ordinance was enacted;

(3) The legislative history;

(4) The common law or former legislative provisions, including laws upon the same or similar subjects;

(5) The consequences of a particular construction;

(6) The administrative construction of the ordinance.
(ORC 1.49)

101.08 SEVERABILITY.

If any provision of a section of the Codified Ordinances or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable.
(ORC 1.50)

101.99 GENERAL PENALTY.

Whenever, in the Codified Ordinances or in any ordinance of the Municipality, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whoever violates any such provision shall be punished by a fine not exceeding one hundred dollars ($100.00). A separate offense shall be deemed committed each day during or on which a violation continues or occurs.

CHAPTER 103
Official Standards

EDITOR'S NOTE: There are no sections in Chapter 103. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

State standard of time - see Ohio R.C. 1.04
State legal holidays - see Ohio R.C. 1.14, 5.20 et seq.
State flag - see Ohio R.C. 5.01

TITLE THREE - Legislative

Chap. 111. Council.
Chap. 113. Ordinances and Resolutions.

CHAPTER 111
Council

111.01 Rules, regulations and procedures.

CROSS REFERENCES

Composition - see Ohio R.C. 731.01, 731.06
President pro tempore - see Ohio R.C. 731.10 et seq., 733.25
Qualifications - see Ohio R.C. 731.02, 731.44
Vacancy - see Ohio R.C. 731.43
Meetings - see Ohio R.C. 731.44, 731.46
Rules and journal - see Ohio R.C. 731.45
Misconduct - see Ohio R.C. 733.72 et seq.
Contract interest - see GEN. OFF. 525.10
Open meetings - see Ohio R.C. 121.22

111.01 RULES, REGULATIONS AND PROCEDURES.

Whereas statutory laws provide for and grant authority for such Council Rules under Ohio R.C. 731.45, therefore be it ordained that the following rules shall be established for the Council of the Village of Roaming Shores.

(a) President. The Mayor shall be President of Council and shall preside at all regular and special meetings thereof but shall have no vote except in case of a tie. (ORC 733.24)

(b) President Pro Tem. At the first regular meeting in January of each year, Council shall immediately proceed to elect a President Pro Tem from its own number, who shall serve until the first meeting in January next after his election. When the Mayor is absent from the Village or is unable, for any cause to perform his duties, the President Pro Tem shall be the Acting Mayor, and shall have the same powers and perform the same duties as the Mayor. (ORC 731.10)

In the absence of both the President and President Pro Tem, the Council shall appoint a temporary chairman.

(c) Succession. In the case of death, resignation or removal of the Mayor, the President Pro Tem shall become Mayor and serve for the unexpired term. When the President Pro Tem becomes Mayor, the vacancy thus created shall be filled by election of another President Pro Tem.
(ORC 733.25 - 731.11 - 731.43)

(d) Vacancies. When the office of a member of Council becomes vacant, the vacancy shall be filled by election by Council for the unexpired term. If Council fails within thirty days to fill such vacancy, the Mayor shall fill it by appointment.
(ORC 731.43)

(e) Resignation. The resignation of a member of Council shall not take effect until the same has been accepted by a vote of the majority of the members of the person tendering the resignation.

(f) Administrative Responsibility. Under the general laws of Ohio applicable to non-charter villages, both legislative and administrative authority is vested in Council. This apparent over-lapping of authority warrants clarification as it applies to the Mayor as the executive head, and to the conduct of administrative work. Council is made responsible for general policies, plan approvals, financial control, and organization strength. In turn, the Mayor is responsible for execution of policy, plan accomplishment, financial integrity, and personnel management. When Council considers and approves/disapproves payment of bills, appointments to positions, zoning standards of a Planning Commission, budget, budget requests, and other forms of administration by the Mayor, staff, commissions and committees, it is acting in an administrative capacity in conformity with constituted Village government, and with specific laws. This relationship is basic to non-charter villages, and is not to be confused with the powers and distinctions of charter or city government.

Council uses standing and special committees to assist in expediting its work, see subsections (g) and (h) hereof. These committees are concerned with both legislative and administrative matters. It must be borne in mind by committees, individuals and the Mayor that any decision involving the exercise of judgment or discretion must be made by Council as a body. To foster this relationship by all concerned is to observe the spirit of the law.

(g) Standing, Special Committees. At the first regular meeting of Council after its organization, or at such later time as established by Council, Council shall appoint standing committees each consisting of two members of Council for the following named programs:

(1) Finance.
(2) Personnel.
(3) Safety.
(4) Civic/Community Development.
(5) Personnel.

The Council members on the various committees may select ad hoc members at their discretion. Ad Hoc members shall be voting members. Each committee shall elect a chairman at the first meeting of the committee.

Temporary special committees may be appointed by Council to undertake some special task. Council may at any time remove any member(s) of any committee and appoint a new member(s) of such committee to serve in place of such member so removed.

Members of committees may be removed only for due cause. The Mayor, President Pro Tem, or any Council member may request that a committee member be removed. The matter shall be referred to the Personnel Committee for review and recommendation. Council may remove committee member(s) by majority vote.

(h) Committee Responsibilities.

(1) Committee(s) shall:

A. Follow Council direction in matters referred to it.

B. Normally be expected to investigate or study a given problem or need, taking no decision action itself but to submit a report and recommendations.

C. Within its area of responsibility assume both short and long range study of plans and needs, work to establish desirable economic, budgetary and work standards, and to train others, and inspect for accomplishment.

D. Issue no orders in conflict with the executive officers of the Village, or the law; thereby acting in an advisory capacity, reporting to Council for action.

(2) A special committee shall be given direction by Council when appointed and will be discharged on receipt of its report.

(i) Meetings. As prescribed by ordinance, regular meetings shall be held in the location agreed to by Council at 7:30 EST or EDT as applicable, the 3rd Tuesday of each month.

When any regular meeting of Council falls on a legal holiday, or an election day, Council shall meet in regular session on the day following at the stated place and hour or as arranged at the regular meeting preceding the meeting in question.

Special meetings may be called by the President or any three members of Council, providing at least forty-eight hours notice to each member, served personally or left at their usual place of residence. Any member may waive, in writing, notice of any special meeting.

At the first regular meeting in January of each year, and at such other times as the Mayor deems expedient, he shall report to Council concerning the affairs of the Village and recommend such measures as seem proper to him.

All meetings shall be held in conformity with Ohio R.C. 121.22 and specifically as to subsection (f). Those persons requesting advance notice shall receive an agenda of all meetings as requested, both regular and special, by mailing a copy thereof in a self-addressed, properly stamped envelope provided by the person requesting such advance notice.

(j) Attendance. Attendance at Council meetings shall ordinarily include the Clerk-Treasurer and such other staff and department heads as may be requested.

Meetings of Council are open to the public.

(ORC 731.46)

(k) Record of Proceedings; Meeting Agenda. The Clerk-Treasurer shall keep the only record of the proceedings, and of all the rules, by-laws, resolutions and ordinances passed or adopted, which shall be subject to inspection of all person(s) interested. In case of the absence of the Clerk-Treasurer, Council shall appoint one of its members to perform the duties as Clerk-Treasurer of Council.

The Clerk-Treasurer shall prepare an agenda for every meeting, attend to all correspondence incidental to the office, and perform such other duties as may be assigned by a majority vote of Council, or as required by law.

The Clerk-Treasurer shall be notified by officers and committee chairmen of matters to be presented, including ordinances and resolutions in order that they may be listed on the meeting agenda.

Any Council member with the approval of two-thirds vote of Council members may add subjects to the agenda at a regularly scheduled Council meeting.

The agenda should be in a member's hands a minimum of three days prior to the scheduled meeting.

(l) Order of Business.

Prayer
Pledge of Allegiance
*Roll Call
Minutes of last meeting
Visitor's Comments (two-minute limit)
Mayor's Report
Standing Committee Reports
Special Committee Reports
Old Business
New Business
Introduction of Resolutions and Ordinances
Miscellaneous Business
Solicitor's Report
Visitor's Comments (two-minute limit)
Adjournment

* Roll call is to determine if a quorum is present. A quorum shall be four members of Council present to conduct business.

(m) Order and Decorum. The President of Council shall preserve order and decorum, and confine members in debate to the question. He or she may in common with any other member call any member to order who shall violate any of the rules, and shall, when in the chair, decide all questions or order, subject to an appeal to Council on the demand of two members. On such appeal, there shall be no debate, but the member making the appeal may briefly state their reasons for the same, and the presiding officer shall have the same right to a similar statement.

The presiding officer may actively participate in debate before Council.

(n) Delinquency. Council may punish or expel any member for disorderly conduct or a violation of its rules, and declare their seat vacant for absence without a valid excuse where such absence has continued for two months. No expulsion shall take place without the concurrence of two-thirds of all members elected, and until the delinquent member has been notified of the charge against him and has had an opportunity to be heard. (ORC 731.45)

(o) Voting. Every member shall vote by a yea, nay or abstain. Every member has the right to explain his vote and such reason shall be so recorded by the Clerk-Treasurer in the regular minutes.

(p) Reference to Committee. Any new business brought before Council may be referred to the proper committee, if such referral is deemed necessary or proper. If such referral is not needed, and the matter can be disposed of quickly, then such action should be taken at once. When communications are read, they may if necessary, be referred to committee immediately after being read by the Clerk-Treasurer. Prolonged argument, discussion and debate shall be avoided. If the matter under consideration requires investigation and study or if such nature that long discussion may be provoked, it shall be referred to committee promptly by the presiding officer.

If any matters referred by Council to any committee, or officer, are not reported upon by the next regular scheduled meeting, such matter shall be brought up by the Village Clerk-Treasurer to the attention of Council, which shall take such further action in the premises as it may deem best.

The report of any committees of Council, or a municipal officer, upon matters referred to by Council, shall be made in writing and shall be accompanied by the original papers upon which such report is based, unless otherwise ordered by Council.

Council may accept or reject any committee report in whole or part.

(q) Introductions. The Mayor or Council members may introduce ordinances and resolutions. Ordinances and resolutions as may be presented to Council upon written recommendation of some committee of Council.

(r) Legislation Referred to Committee or Solicitor. When ordinances and resolutions are to be prepared, Council shall by majority vote, request their preparation by the Solicitor. If the ordinance or resolution is referred to a committee, the committee will then report on the ordinance or resolution at the next Council meeting. The committee will also furnish a copy of the ordinance or resolution to the Clerk-Treasurer as well as Council for information and review in advance of the next Council meeting.

The Solicitor has the responsibility of preparing legislation in the manner prescribed by law. The committee will only determine whether the subject matter has been fully covered; the Solicitor will be responsible for the fulfillment of legal requirements.

It shall be the duty of the committee to which legislation has been referred to make comparisons with all existing ordinances, reporting thereon, and recommending any changes necessary.

(s) Voting on Legislation. Ordinances and resolutions shall be voted upon separately, even though the committee report urging approval of such legislation may be adopted unanimously. The voting of such legislation shall be entered in the minutes as "in favor of" and "opposed to" together with the name of the members of Council voting "in favor of" by words commonly used to express favor such as "yes", "aye" or "yea" or voting in opposition hereof by words of negation such as "no" or "nay" or abstaining from voting. (ORC 731.17)

(t) Majority Defined; Three-Fourths Defined. Whenever "majority" is used herein, unless otherwise expressly indicated, it shall be held to mean a majority of those elected to Council, likewise, whenever a two-thirds or three-fourths vote is indicated, it shall mean two-thirds or three-fourths of the members elected to Council. Thus, in a Council of six members, a majority shall be four, and three-fourths shall be five.

Council shall pass no ordinance without the concurrence of a majority vote of the members.

(u) Second Reading of Ordinances; Emergency Ordinances. When an ordinance is presented, it shall be read and if it is not an emergency ordinance, it should be set aside for second reading at the next meeting. If it is an emergency ordinance, requiring immediate action, the presiding officer should, after it is read, entertain a motion to suspend the rules and read the ordinance by its title only for the second and third readings. An emergency ordinance shall include the specifics for the reason for the emergency. If three-fourths of the members approve the motion, the ordinance shall be ready by its title only for the second and third readings. The ordinance is then ready for passage.

(ORC 731.30)

Upon passage of the ordinance, it shall be signed by the Clerk-Treasurer and the Mayor.

(v) Amending Resolution or Ordinance. It shall be in order to amend a resolution or ordinance at any time prior to passage, but if such ordinance or resolution is of a general or permanent nature, it shall be noted as amended upon subsequent readings.

(w) Limitations on Debate. No member of Council while Council is in session shall engage in debate or discussion with anyone save another member of Council or the President of Council or some person who has either been granted by Council the privilege to address Council or is present at a Council meeting on invitation of Council.

No member shall speak more than once upon any subject, until every member choosing to speak shall have had an opportunity to be heard.

(x) Acceptable Motions; Order of Precedence. When a question or proposition is before Council, or under debate, no motion shall be received except the following:

(1) To adjourn (non-debatable).
(2) To lay on the table (non-debatable).
(3) For the previous question (request that discussion end and the vote be taken) (non-debatable).
(4) To postpone to a certain day.
(5) To commit (to refer to standing or special committee).
(6) To amend the motion.
(7) To postpone indefinitely.

The several motions shall have precedence in the order in which they are herein arranged.

(y) Amendments. These rules may be amended or altered or new rules adopted by a vote of the majority of all the members elected at any meeting of Council.

(Ord. 307-05-99. Passed 6-1-99.)

CHAPTER 113
Ordinances and Resolutions

EDITOR'S NOTE: There are no sections in Chapter 113. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Newspaper publication - see Ohio R.C. 7.12, 701.04, 731.21 et seq.
Adoption and style - see Ohio R.C. 715.03, 731.17 et seq.
Subject and amendments - see Ohio R.C. 731.19
Authentication - see Ohio R.C. 731.20
Publication in book form - see Ohio R.C. 731.23
Adopting of technical codes - see Ohio R.C. 731.231
Certification as to publication - see Ohio R.C. 731.24 et seq.
Posting - see Ohio R.C. 731.25
Initiative and referendum - see Ohio R.C. 731.28 et seq.
Emergency measures - see Ohio R.C. 731.30
As evidence - see Ohio R.C. 731.42

TITLE FIVE - Administrative

Chap. 121. Mayor.
Chap. 125. Clerk-Treasurer.
Chap. 127. Solicitor.
Chap. 129. Village Administrator.
Chap. 133. Police Department.
Chap. 137. Records Commission.
Chap. 151. Personnel Rules and Regulations.

CHAPTER 121
Mayor

121.01 Spending authority.

CROSS REFERENCES

Removal from office - see Ohio R.C. 3.07 et seq.
Acting Mayor - see Ohio R.C. 731.10 et seq., 733.25
To appoint and remove auxiliary officers - see Ohio R.C. 737.161
Election, term, qualifications and powers - see Ohio R.C. 733.24
To be Council President - see Ohio R.C. 733.24
Vacancy - see Ohio R.C. 733.25
General duties - see Ohio R.C. 733.30 et seq.
Reports to Council - see Ohio R.C. 733.32, 733.41
Protest of excessive expenditures - see Ohio R.C. 733.33
Charges of delinquent officers - see Ohio R.C. 733.34 et seq.
Disposition of fines and other moneys - see Ohio R.C. 733.40
Salary - see Ohio R.C. 1905.21

121.01 SPENDING AUTHORITY.

The Mayor, with the approval of the Council President or Clerk-Treasurer, is empowered to pay regular and necessary expenses of the Village, not to exceed one hundred dollars ($100.00) in any given month, with the condition that said expenses be submitted to Council for approval at the next regular meeting.
(Ord. 14-9-80. Passed 11-25-80.)

CHAPTER 125
Clerk-Treasurer

125.01 Offices of Village Clerk and Treasurer combined.
125.02 Designee for elected officials.

CROSS REFERENCES
Loss of funds; release of liability - see Ohio R.C. 131.18 et seq.
Uniform bond law - see Ohio R.C. Ch. 133
Uniform Depository Act - see Ohio R.C. Ch. 135
Auditing accounts - see Ohio R.C. 733.12 et seq.
Election and term of Clerk - see Ohio R.C. 733.26
Merger of offices of Clerk and Treasurer - see Ohio R.C. 733.261
Powers and duties of Clerk - see Ohio R.C. 733.27 et seq.
Election and term of Treasurer - see Ohio R.C. 733.42
Books and accounts - see Ohio R.C. 733.28, 733.43, 733.45 et seq.
Powers and duties of Treasurer - see Ohio R.C. 733.44 et seq.
Annual report to Council - see Ohio R.C. 733.45
Appropriation and expenditure - see Ohio R.C. 5705.41

125.01 OFFICES OF VILLAGE CLERK AND TREASURER COMBINED.

Effective January 1, 1982, the offices of the Clerk and Treasurer of the Village, shall be combined into one office, to be known as the Clerk/Treasurer.
(Ord. 26-7-81. Passed 7-21-81.)

125.02 DESIGNEE FOR ELECTED OFFICIALS.

The Village Clerk-Treasurer is hereby named as the appropriate designee for all elected officials of the Village of Roaming Shores to successfully complete the training requirements established by the Ohio Attorney General under Ohio R.C. 149.43(E).
(Ord. 451-10-07. Passed 10-16-07.)

CHAPTER 127
Solicitor

EDITOR'S NOTE: There are no sections in Chapter 127. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Conflict of interest - see Ohio R.C. 120.39
Legal counsel - see Ohio R.C. 733.48
Preparation of bonds - see Ohio R.C. 733.70

CHAPTER 129
Village Administrator

129.01 Established; powers.

CROSS REFERENCES
Appointment, removal - see Ohio R.C. 735.271
Powers to contract - see Ohio R.C. 731.141
Board of Trustees of Public Affairs abolished - see Ohio R.C. 735.272
Powers and duties - see Ohio R.C. 735.271, 735.273

129.01 ESTABLISHED; POWERS.

There is hereby established the position of Village Administrator, which position shall have those powers and duties as provided by Ohio R.C. 735.273.
(Ord. 152-08-91. Passed 9-17-91.)

CHAPTER 133
Police Department

133.01 Auxiliary Police Unit.

CROSS REFERENCES

Peace officer training certificate required for permanent employment - see Ohio R.C. 109.77
Police protection contract - see Ohio R.C. 505.441, 737.04
Composition - see Ohio R.C. 715.05, 737.16
General powers and duties - see Ohio R.C. 737.11, 737.18
Auxiliary police unit - see Ohio R.C. 737.161
Probation period; final appointment - see Ohio R.C. 737.17
Removal and appeal - see Ohio R.C. 737.171

133.01 AUXILIARY POLICE UNIT.

(a) There is hereby established within the Village an auxiliary police unit within the Village Police Department to serve pursuant to the direction and control of the Village Police Chief and subject to general rules prescribed by the Village Council and Mayor.

(b) Members of the Auxiliary Police Unit of the Village Police Department are to serve as volunteers, unless assigned by the Chief of Police as a temporary replacement for regular police officers, in which event they shall be paid at such rate as provided by legislation of Council when so assigned by the Village Police Chief.
(Ord. 259-01-97. Passed 2-18-97.)

CHAPTER 137
Records Commission

137.01 Established.
137.02 Composition.
137.03 Meetings.
137.04 Adoption of records handbook.

CROSS REFERENCES
Photostat or microfilm recording - see Ohio R.C. 9.01
Authority to establish - see Ohio R.C. 149.39

137.01 ESTABLISHED.
There is hereby created a Records Commission in the Village in compliance with Ohio R.C. 149.39.

137.02 COMPOSITION.
The Records Commission shall be composed of the Mayor, who shall serve as Chairman, the Clerk-Treasurer, the Solicitor and a private citizen appointed by the Mayor.

137.03 MEETINGS.
The Commission shall meet at least once every six months, upon call from the Mayor, and shall follow the procedure established in Ohio R.C. 149.39 for the disposal of any records of the Village.

137.04 ADOPTION OF RECORDS HANDBOOK.
The Local Government Records Handbook published by the Ohio Historical Society in the 1990 Revised Edition, relative to the establishment of a local government records program, is hereby adopted by the Village as the framework, procedure and program for the maintenance and, where applicable, disposal of Village records.
(Ord. 401-01-04. Passed 3-23-04.)

CHAPTER 151
Personnel Rules and Regulations

151.01 Hiring and termination.
151.02 Equal Employment Opportunity.
151.03 Part-time employees.
151.04 Nepotism.
151.05 Probationary period.
151.06 Lay-offs.
151.07 Resignations.
151.08 General retirement.
151.09 Disability retirement.
151.10 Compensation and classification generally.
151.11 Life insurance.
151.12 Travel allowance.
151.13 Convention expenses, regulations and reimbursements.
151.14 Indemnification against lawsuits and claims.
151.15 Education expense reimbursement.
151.16 Payment to estate upon death.
151.17 Hospitalization.
151.18 Call-out time (non-police/ and police).
151.19 Overtime.
151.20 Compensatory time-off policy.
151.21 Sick leave.
151.22 Vacations.
151.23 Military leave.
151.24 Absence without leave.
151.25 Return to service after unpaid leave of absence.
151.26 Maternity leave.
151.27 Jury or witness duty.
151.28 On-duty injuries.
151.29 Holidays.
151.30 Funeral leave.
151.31 Political activity.
151.32 Outside employment.
151.33 Alcoholism and chemical dependency.
151.34 Possession of Municipal property.
151.35 Non-discrimination policy.
151.36 Drug-free workplace policy.
151.37 Performance standards; evaluations.
151.38 Use of performance evaluations.
151.39 Occupational injury and safety program.
151.40 Discipline and disciplinary discharge policy.
151.41 Grounds for disciplinary action.
151.42 Progressive discipline.
151.43 Documentation of progressive discipline.
151.44 Procedure for disciplinary action.
151.45 Review of disciplinary action.
151.46 Appeals.
151.47 Complaint handling procedure.
151.48 Handicapped grievance procedure.
151.49 Public records policy.
151.50 Cellular phone policy.

CROSS REFERENCES

Workers' Compensation - see Ohio Const., Art. II, Sec. 35; Ohio R.C. Ch. 4123
Public Employees Retirement System - see Ohio R.C. Ch. 145
Expenses for attendance at conference or convention - see Ohio R.C. 733.79
Vacation credit - see Ohio R.C. 9.44

151.01 RESIDENCY REQUIREMENTS.

(a) The residency requirements of the Village Administrator shall be governed by Ohio R.C. 735.271.

(b) The residency requirements of the Chief of Police shall be governed by Ohio R.C. 737.15.

(c) The residency requirements of the Mayor shall be governed by Ohio R.C. 733.24.

(d) The residency requirements of the Clerk-Treasurer shall be governed by Ohio R.C. 733.261. (Ord. 306-05-99. Passed 7-20-99.)

151.02 EQUAL EMPLOYMENT OPPORTUNITY.

(a) All job openings shall be posted on employee bulletin boards.

(b) All notices of job openings shall indicate that the employing office is an Equal Opportunity Employer.

(c) No advertisement or notice of a job opening shall in any way be composed or worded in such a manner as to limit an applicant because of his or her age, race, religion, color, sex, ancestry or national origin.

(d) Hiring shall be accomplished without regard to age, race, religion, color, sex, ancestry or national origin. Every reasonable attempt shall be made to place qualified blacks, women and other minorities into all phases of the Village's work force to ensure that the percentage and distribution of women and minorities in the Village labor force is fair and equitable. All job descriptions and/or basic criteria for employment in each job classification shall be made as explicit as possible and shall be accessible to all employees and applicants alike.

(e) All payments of wages and salaries, work assignments, work schedules, promotions, granting of leaves of absences, enforcement of discipline and other action affecting the conditions of employment with the Village shall be made without regard to age, race, religion, color, sex, ancestry or national origin. In all cases, the pay level must be determined on the basis of qualifications and/or job rank classification.

(f) An employee who feels that he or she has been discriminated against because of his or her age, race, religion, color, sex, ancestry or national origin shall have the right to seek a remedy through established grievance procedures. The terms, conditions and records of employment of an employee shall not be adversely affected in any manner because he or she made charges, testified or assisted in any manner in hearings or proceedings involving the Village in human rights cases before any council, governmental body or court of law. Grievances may be reported to the Village Clerk-Treasurer, who shall assist the aggrieved in taking the matter to the proper authority. Assistance in this matter will be provided by an independent agency as designated by Council.

(g) Copies of this section shall be distributed to all Village department heads and officers and shall be made available to all Village employees. All supervisory personnel shall be accountable for the implementation of equal opportunity action within their respective departments. (Ord. 306-05-99. Passed 7-20-99.)

151.03 PART-TIME EMPLOYEES.

Within the constraints of appropriations, pay scales and authorized positions contained in the compensation schedule established from time to time by Council, part-time employees shall have all income taxes withheld from their wages and shall either waive or enroll in the appropriate retirement system as dictated by State law. Part-time employees shall not be eligible for medical insurance, but after 2,080 hours of service shall be eligible for prorated holiday pay, vacation pay, expense reimbursement, uniform allowances, grievance leave, travel allowances.
(Ord. 306-05-99. Passed 7-20-99.)

151.04 NEPOTISM.

(a) Unless Council determines, by a two-thirds vote of its members, which vote shall be recorded as part of the official proceedings, that the best interests of the Village will be served by an applicant's employment or promotion, no applicant for employment or promotion shall be hired to a position that will cause him or her to be directly supervised by a member of his or her immediate family or will place him or her in a situation where a member of his or her immediately family can influence working conditions, hours or wages.

(b) A member of the immediate family of an incumbent Mayor, Council member or Department Head shall be ineligible for employment or consideration for selection for Village contracts.

(c) The policies set forth in this section apply to all Village positions, full or part-time, Village, State or Federally funded, or employment under contract where the terms of the contract may be influenced by the supervisor.
(Ord. 306-05-99. Passed 7-20-99.)

151.05 PROBATIONARY PERIOD.

(a) A new full-time employee of the Village shall work a six-month probationary period at a salary level to be set by Council at the time of hiring.

(b) The probationary period shall begin immediately upon appointment to a permanent position and shall continue for a period of six consecutive months of work, unless specifically stated otherwise in an applicable union contract. The Village shall retain the right to extend the probationary period for an additional six months, unless specifically stated otherwise in an applicable union contract, provided that written notice is given to the affected employee. The probationary period shall be regarded as an integral part of the examination process and shall provide an opportunity for the Village to determine whether the probationary employee has the ability, work habits and other attributes to qualify him or her for regular employment status. An employee shall be retained beyond the probationary period and granted non-probationary status only if the department head affirms that the services of the employee have been found to be satisfactory and recommends to the appointing authority that the employee be given non-probationary status. At any time during the probationary period, the department head may recommend to the appointing authority the dismissal of a probationary employee if, in his or her opinion, the employee is unable or unwilling to perform the duties of the position satisfactorily or his or her habits and dependability do not merit continuance in the Village service.

(c) When an employee is promoted or transferred to another job classification, he or she shall be on probation in the job classification for six months. During the probationary period, the employee may be removed therefrom at any time if the employee demonstrates that he or she is unable to satisfactorily perform the requirements of the job as determined by supervisory personnel. If the employee is not performing at an acceptable level, the department head may recommend removal to the appointing authority, with final approval resting with the Mayor and/or the Department Head. If removed from the new job classification, the employee may be returned to his or her former position or any open position in the job classification the employee occupied prior to his or her promotion or transfer. A final decision on such assignment shall be made by the Mayor and/or the Department Head.
(Ord. 306-05-99. Passed 7-20-99.)

151.06 LAY-OFFS.

(a) An employee may be laid off because of reorganization of a department, or for lack of work or funds. Whenever possible, an employee laid off from one Village department shall be transferred to a suitable position elsewhere. Whenever possible, at least a two weeks notice shall be given an employee prior to lay-off. Lay-off shall not be considered disciplinary actions.

(b) A person who has been laid off may be routinely recalled to work at any time within one year, provided the person remains qualified to perform the duties of the position.
(Ord. 306-05-99. Passed 7-20-99.)

151.07 RESIGNATIONS.

(a) Employees who plan to voluntarily resign shall notify their immediate supervisor at least two weeks in advance of the effective date of termination.

(b) Any employee who resigns is encouraged to give his or her reasons for resigning and discuss with his or her supervisor any working conditions which he or she feels are unsatisfactory.

(c) A formal letter of resignation shall be required by the Village.

(d) Failure to give proper notification shall result in ineligibility for reinstatement.

(e) A person who resigned in good standing may be reinstated, at the discretion of the appointing authority, in his or her former type of position, within one year following resignation, provided the person remains qualified to perform the duties of the position and provided such reinstatement would be in the interest of the Village.
(Ord. 306-05-99. Passed 7-20-99.)

151.08 GENERAL RETIREMENT.

Any employee of the Village who is eligible to retire under the applicable rules, regulations and statutes of the State shall be permitted to do so in accordance with the rules of the Public Employees Retirement System or the Police and Fire Pension System. For retirement to be effective, an employee subject to the direction of the Mayor and/or the Department Head must notify the Mayor and/or the Department Head at least two months prior to retirement. Any vacation earned by an employee and unused shall be paid to that employee at the time of retirement on the basis of one day's pay for each day of accumulated vacation. Should an employee have sick leave at the time of retirement, that employee will be compensated on the basis of one day's pay for each four days of sick leave.

Employees shall file with the Mayor and/or the Department Head, by the beginning of the year prior to effective retirement, a notice of their intent to retire. Although this notice should include a date certain regarding the retirement, it will not be a formal resignation. Employees who intend to retire should file a resignation with the Mayor and/or the Department Head at least two weeks prior to the actual effective date of the resignation. Employees who wish to continue their employment with the Village after the age of seventy shall submit to the Mayor and/or the Department Head an application for such continued employment. The Mayor and/or the Department Head will review the application and may, should he or she deem it necessary, order the employee to be examined by a physician. The decision of the Mayor and/or the Department Head shall be final. (Ord. 306-05-99. Passed 7-20-99.)

151.09 DISABILITY RETIREMENT.

(a) If a department head has reason to believe that an employee is no longer capable of performing his or her job, the department head may send a written request to the office of the Mayor and/or the Department Head asking for a review of the situation. The Mayor and/or the Department Head may appoint a committee to study the request and recommend whether or not an examination by a disinterested physician (selected and paid by the Village) should be conducted to determine the employee's fitness.

(b) If the physician finds the employee to be unfit to continue working, the Village will aid the employee in applying for disability retirement.

(c) If the employee refuses, the Village will apply upon the prescribed forms to the appropriate retirement board provided for in Ohio R.C. Chapter 145 or 742 for the disability retirement of the employee.

(d) The disability for which the retirement allowance is being requested must have existed to some degree, as evidenced by medical records, prior to the application for retirement.

(e) Such retirement board will have its physician determine whether or not the employee is mentally or physically incapacitated for the performance of duty by a disabling condition, either permanent or presumed to be permanent. Such disability must have occurred since the employee last became a member of the retirement system, or must have increased since such employee last became a member, to such extent as to make the disability permanent or presumed to be permanent.

(f) If the retirement board's physician determines that the employee qualifies for retirement by reason of disability, and the retirement board concurs with such determination, the employee shall be retired for disability and the action of the board shall be final.

(g) If the Village files a disability retirement application to retire an employee on disability retirement, and if the physician selected by the retirement board reports to the board that the employee is physically and mentally capable of performing service, then the employee shall retain his or her present position and shall be required to return to work and perform at a competent level. (Ord. 306-05-99. Passed 7-20-99.)

151.10 COMPENSATION AND CLASSIFICATION GENERALLY.

Employees shall be compensated as determined from time to time by Council. Before a salary is effective, an employee classification must be recommended by the Mayor and/or the department Head, in writing to Council and must be approved by Council.
(Ord. 306-05-99. Passed 7-20-99.)

151.11 LIFE INSURANCE.

All full-time Village employees are entitled to group life insurance coverage under such plan as is entered into by the Village. The premiums for such coverage shall be paid by the Village from the respective funds of the department in which the insured employee is employed.
(Ord. 306-05-99. Passed 7-20-99.)

151.12 TRAVEL ALLOWANCE.

(a) Reimbursement may be made for travel when an employee uses his or her own vehicle, subject to the following standards and conditions.

(1) "Travel" means trips required in the performance of official business.
(2) There is no official vehicle available or suitable at the time.
(3) Such travel is authorized in advance by the Mayor and/or the Department Head, for department heads and other officials and by department heads, for department employees.
(4) The authorized vehicle owner and operator assumes all costs of operation during such travel.
(5) Reimbursement shall be made at a rate per mile determined by Section 151.13(g). An accounting of all travel shall be submitted at the conclusion of the trip on an official form reporting the date, trip purpose, speedometer reading, make and license number of the vehicle and signature of the authorizing official.

(b) Travel under this section is contemplated only occasionally and only nominal funds are budgeted. Review of travel frequencies and fund balances should be made by authorized officials. (Ord. 306-05-99. Passed 7-20-99.)

151.13 CONVENTION EXPENSES, REGULATIONS AND REIMBURSEMENTS.

The following shall be the rules, regulations, rates and amounts of reimbursements to be paid to Village officers and employees for attendance at conventions and conferences and while on Village business.

(a) Prior to attending a meeting, conference or convention, individuals must present a request form for attending the same. An estimate of expenses and the account to which they are to be charged must first be approved by the Mayor and/or the Department Head or Council and presented to the Clerk-Treasurer for certification that funds are appropriated and available, legislative authority excluded.
(b) Receipts covering expenses should be obtained in all instances. These receipts should be presented with the expense account voucher to the Clerk-Treasurer when requesting payment of expenses.
(c) The Village will pay the actual costs of overnight lodging when it is necessary in the furtherance of Village business, upon the presentation of the receipt showing payment for such lodging. If an employee's spouse also attends, no reimbursement will be made for his or her added costs.

(d) Registration fees in connection with attending a meeting, conference or convention will be considered as part of the attendance expense and will be paid by the Village after proper documentation is presented to the Clerk-Treasurer.

(e) Any official trip on Municipal business in excess of 500 miles one way shall require Council approval before the individual shall be entitled to reimbursement of expenses by the Village.

(f) The Village will pay the actual cost of meals, when necessary in the furtherance of Village business, upon the presentation of receipts showing payment for such meals.

(g) Upon the submission of an expense account voucher, signed by a claimant, showing the necessary miles traveled on Village business, the Village shall pay the I.R.S. rate per mile car mileage allowance. Turnpike tolls and parking fees will be considered extra expenses, for which there will be reimbursement to the officer or employee.

(h) If Village officers or employees attend conventions or conferences or are otherwise on Village business outside the Village, such officers or employees may obtain, from the Clerk-Treasurer, an expense advance by making a written request for such advance in an amount not to exceed the estimate of expenses also submitted. Such advance, however, must be approved by the Mayor and/or the Department Head and the Clerk-Treasurer before it is issued. Such officers or employees shall within three days after their return from attendance at such convention, conference or other Village business, reconcile such advance with the Clerk-Treasurer by presenting the necessary receipts for expenses. If such an advance exceeded the actual expenses, the officer or employee shall return the excess to the Village.

(Ord. 306-05-99. Passed 7-20-99.)

151.14 INDEMNIFICATION AGAINST LAWSUITS AND CLAIMS.

(a) If there is no liability or other insurance in place that provides coverage against claims made against any elected official, appointed official or employee of the Village, the Village shall hold harmless and indemnify such elected official, appointed official or employee from any lawsuit or claim filed against him or her as a result of his or her conduct while acting in his or her official capacity as an official or employee of the Village, provided that the official or employee has acted in a manner known or that should have been known to him or her to be improper, illegal or violative of his or her duties and/or responsibilities to the Village.

(b) Nothing in this section shall obligate the Village to consult with or obtain the permission of any official or employee prior to settling or otherwise resolving any claim made against such official or employee.

(c) If any claim is made for which the Village has responsibility pursuant to subsection (a) hereof, the Village shall also pay and be responsible for the attorney's fees and expenses of suit, provided that the Village shall have the sole and exclusive right to choose the attorney who will represent the Village and the official or employee involved.

(Ord. 306-05-99. Passed 7-20-99.)

151.15 EDUCATION EXPENSE REIMBURSEMENT.

(a) Employees are encouraged to take classes and seminars of study through continuing education relative to their area of employment. Some of these classes and seminars may be suggested by a department director when offered by an area school or by other governmental jurisdictions or agencies. A written application for reimbursement for registration and tuition fees shall be made by the employee to his or her immediate supervisor, with an estimate of the costs. The supervisor shall present such application to the Mayor and/or the Department Head. The Mayor and/or the Department Head shall make a recommendation to Council for Council's approval.

(b) Reimbursement will be made upon presentation of paid invoices for reimbursable items and upon proof of successful completion of a class or seminar.

(c) No full-time employee who is serving within his or her probationary period is entitled to such education expense reimbursement.
(Ord. 306-05-99. Passed 7-20-99.)

151.16 PAYMENT TO ESTATE UPON DEATH.

When an employee has earned regular pay, holiday pay, vacation pay or sick pay, and dies before receiving payment for the same, his or her estate shall receive the pay which has accrued.
(Ord. 306-05-99. Passed 7-20-99.)

151.17 HOSPITALIZATION.

The Village shall pay the entire premium for Health Care Provider family hospitalization coverage for each full-time employee. For Blue Cross and Blue Shield individual hospitalization coverage, the Village shall pay the entire premium for each full-time employee.
(Ord. 306-05-99. Passed 7-20-99.)

151.18 CALL-OUT TIME (NON-POLICE/AND POLICE).

(a) Each non-police hourly or salary employee of the Village shall be entitled to one hour regular time plus his or her regular hourly rate, or overtime rate, if applicable, for time actually worked, for any call-out by his or her supervisor, the Mayor or the Department Head outside of regular working hours for that employee.

(b) Each police hourly or salary employee of the Village shall be entitled to two hours regular time plus his or her regular hourly rate, or overtime rate, if applicable, for time actually worked over two hours for all call outs.
(Ord. 306-05-99. Passed 7-20-99.)

151.19 OVERTIME.

Any employee of the Village who is employed for a work-week longer than forty hours shall be compensated for such employment in excess of forty hours worked at a rate of one and one-half his or his regular rate.
(Ord. 306-05-99. Passed 7-20-99.)

151.20 COMPENSATORY TIME OFF POLICY.

(a) General Policy. It is the policy of the Village of Roaming Shores that compensatory time off (comp time) be strictly limited to prevent incurring excessive debt to the Village. Comp time may be accumulated to a maximum of 24 hours. As soon as the 24 hour limit is reached, the Village Clerk-Treasurer shall automatically issue payment in the form of an overtime check. The accountability for this overtime shall be the same as Section 151.19.

Existing comp time must be taken in accordance with the following schedule:

Hours Balance	Months to Use Up
0 to 30	1
31 to 60	3
61 to 100	6 (1 week per quarter)
101 to 200	12 (1 week per quarter)

As an alternate, the employee may elect to receive compensation for his accumulated hours at 50% of his existing pay scale. At the start of this program, each employee may reach an agreement with his supervisor, to split the earned comp time between using a portion of the hours and taking compensation (at 50%) for the remainder.

The reason for this policy is that the accumulation of comp time is a major liability for the Village and makes scheduling of personnel very difficult.

(b) Required Meetings. Those employees who are periodically required to attend Council meetings and other meetings, must take hours off on the day of the meeting or the day after the meeting. For example, if an employee is required to attend a Council meeting, which is anticipated to take two and one-half hours, the employee should report to work at 10:30 a.m., instead of 8:00 a.m. on the day of the meeting or the day after. If this is not possible, then the time is lost to the employee. (Ord. 456-04-08. Passed 6-17-08.)

151.21 SICK LEAVE.

(a) Each employee of the Village shall be entitled, for each completed eighty hours of service, to sick leave of four and six-tenths hours with pay. Employees may use sick leave, upon approval of the responsible administrative officer of the Village, for absence due to personal illness, pregnancy, injury, exposure to contagious disease which could be communicated to other employees, and to illness, injury or death (ref. Section 151.30) in the employee's immediate family. When sick leave is used, it shall be deducted from the employee's credit on the basis of one hour for every one hour of absence from previously scheduled work. The previously accumulated sick leave of an employee who has been separated from the public service shall be placed to his or her credit upon his or her re-employment in the public service, provided that such re-employment takes place within ten years of the date on which the employee was last terminated from public service. An employee who transfers from one public agency to another shall be credited with the unused balance of his or her accumulated sick leave up to the maximum of the sick leave accumulation permitted in the public agency to which the employee transfers. If the sick leave exceeds three days, the Mayor and/or the Department Head shall require an employee to furnish a satisfactory written, signed statement to justify the use of sick leave. If the sick leave exceeds three days and if medical attention is required, a certificate stating the nature of the illness from a licensed physician shall be required to justify the use of sick leave. Falsification of either a written, signed statement or a physician's certificate shall be grounds for disciplinary action, including dismissal. This section does not interfere with existing unused sick leave credit in any agency of government where attendance records are

maintained and credit has been given employees for unused sick leave.

(b) Upon retirement, any employee of the Village who has accumulated sick time shall be compensated at a rate of one day's pay for each four days of sick leave.
(Ord. 306-05-99. Passed 7-20-99.)

151.22 VACATIONS.

(a) Each full-time employee in the Village after service of one year with the Village, shall have earned eighty hours of vacation and will be due upon the attainment of the first year of employment, and annually January 1 thereafter, eighty hours of vacation leave with full pay. A full-time Village employee with eight or more years of service with the Village shall have earned and is entitled to 120 hours of vacation leave with full pay. A full-time Village employee with fifteen or more years of service with the Village shall have earned and is entitled to 160 hours of vacation leave with full pay. A full-time Village employee with twenty-five years of service with the Village shall have earned and is entitled to 200 hours of vacation leave with full pay. Such vacation leave shall accrued to the employee at the rate of three and one-tenth hours each biweekly period for those entitled to eighty hours per year; four and six-tenths hours each biweekly period for those entitled to 120 hours per year; six and two-tenths hours each biweekly period for those entitled to 160 hours per year; and seven and seven-tenths hours each biweekly period for those entitled to 200 hours per year.

(b) A part-time Village employee shall be eligible for vacation leave with full pay upon the attainment of 2,080 hours of service. The ratio between the hours worked and the vacation hours awarded to a part-time employee shall be the same as the ratio between the hours worked and the vacation hours earned by a full-time employee as provided for in this section.

(c) Paid vacation is available to employees based on the number of hours worked per week, excluding employees on a floater or temporary status. Vacations are calculated on the basis of your length of service each January 1 and must be taken that calendar year, subject to your supervisor's approval. An employee is entitled to compensation, at his or her current rate of pay, for the prorated portion of any earned but unused vacation leave for the current year to his or her credit at the time of separation, and in addition shall be compensated for any unused vacation leave accrued to his or her credit.

(d) If you are a new employee and you were hired between: January 1 - June 30 and you have been with the Village: Less than six months paid vacation is none, more than six months end of calendar year paid vacation is one week. More than twelve months end of second calendar year paid vacation is two weeks.

(e) If you are a new employee and you were hired between: July 1 - December 31 and you have been with the Village: Less than six months paid vacation is none, more than six months paid vacation is one week, twelve months end of second calendar year paid vacation is one week.

(f) As used in this section:

(1) "Full-time employee" means an employee whose regular hours of service for the Village total forty hours per week.

(2) "Part-time employee" means an employee whose regular hours of service for the Village total less than forty hours per week.

(Ord. 306-05-99. Passed 7-20-99.)

151.23 MILITARY LEAVE.

(a) In accordance with state law, any employee who presents official orders requiring his or her attendance for a period of training or other active duty as a member of the United States Armed Forces shall be entitled to military leave. Such military leave shall be in addition to and may not be concurrent with authorized vacation leave. Any employee who enters extended military service with the Armed Forces shall be granted a leave of absence without pay to extend until ninety days beyond the termination of such military service. It is the intent of this subsection to effect exact compliance with the provisions of the Universal Military and Service Act, 50 United States Code 459, and the provisions of such Act, as amended, are hereby incorporated herein by reference.

(b) Nothing in subsection (a) hereof shall be construed to require the Village to hold a job for or grant any leave of absence to, any employee of the Village who voluntarily enlists in any branch of the United States Armed Forces.

(c) Employees who belong to military reserve units and who are required to spend two weeks per year in training shall notify their immediate supervisors of the dates scheduled for such training upon learning of them. An employee will be paid the difference between his or her regular salary and the total amount received for military reserve time.
(Ord. 306-05-99. Passed 7-20-99.)

151.24 ABSENCE WITHOUT LEAVE.

All unauthorized and unreported absences shall be considered absence without leave and a deduction of pay shall be made for the period of absence. Such absence may be made the grounds for disciplinary action. An unauthorized leave for three or more consecutive working days may be considered by the department head as an automatic resignation.
(Ord. 306-05-99. Passed 7-20-99.)

151.25 RETURN TO SERVICE AFTER UNPAID LEAVE OF ABSENCE.

An employee returning after a leave of absence without pay shall be reinstated in his or her former position. However, if the Mayor and/or the Department Head, during such absence, found it necessary to fill the position and notified the absent employee to this effect, and if, further, the latter refused, in writing, to curtail his or her leave and return to work, or failed to respond to his or her notification, then it is not required that such employee be reinstated in his or her former position. (Ord. 306-05-99. Passed 7-20-99.)

151.26 MATERNITY LEAVE.

(a) A maternity leave without pay may be granted to a full-time permanent employee without loss of seniority upon the recommendation of the Department Head, the Mayor and/or the Department Head. Such employee may continue to work so long as she is capable of carrying on her job duties. Such leave shall terminate when her physician determines that she is able to return to work, but shall not exceed three months after the date of delivery. If additional time off is desired due to medical reasons, such employee shall request a medical leave of absence.

(b) If employees who are given leaves of absence for pregnancy return to work within three months, they shall be assigned to the first opening in the job classification they permanently occupied at the time the leave of absence was granted.

(c) The employee forfeits all rights of returning to her former position if a leave in excess of one year is required. The Village reserves the right to assign an employee returning after one year from a maternity leave to any department where a vacancy exists and to reclassify the employee if there is no vacancy in her former classification.
(Ord. 306-05-99. Passed 7-20-99.)

151.27 JURY OR WITNESS DUTY.

(a) Each full-time employee who is called to and reports for jury or witness duty shall be compensated at his or her regular straight time rate, less any moneys received for such duty and/or travel expenses.

(b) If jury or witness service is for a period of time less than the employee's regularly scheduled work day, he or she shall be excused only for that portion of the day required for such service, plus reasonable time for travel and changing clothes. No overtime shall be granted to employees performing such duties.

(c) In reference to appearance at hearings before court, legislative committee or judicial or quasi-judicial body, such appearances shall be considered leave with full pay only if the appearance is the result of Village employment and approved by the Village.
(Ord. 306-05-99. Passed 7-20-99.)

151.28 ON-DUTY INJURIES.

(a) Permanent, full-time employees who are injured on the job may be paid to the extent of one working day (the day the injury is sustained) for each new and separate injury, in addition to and prior to the use of sick leave accumulation. Such injury leave shall be in accordance with the following rules:

(1) An on-duty injury of any nature shall be immediately reported to the Department Head who in turn shall immediately report the incident to the Village offices. The Accident Report Form shall include a brief description of the accident and injury in the "remarks" section and shall be sent to the Mayor and/or the Department Head. The length of injury leave shall be based on the written verification of the employee's standing physician; such verification shall be provided to the Mayor and/or the Department Head within forty-eight hours of the injury. To confirm the projected length of injury leave, the Village may require that the employee be examined by a physician designated and paid for by the Village. If there is a difference of opinion between the employee's physician and the Village's physician concerning the length of injury leave, the opinion of the Village's physician will take precedence.

(2) When an employee is unable to work as a result of an on-duty injury, the department director shall cause to be filed an application for Workers' Compensation for the employee.

(3) The employee may elect to use any sick leave or vacation time due him or her at the time of injury.

(4) Where disability caused by an on-duty injury continues for a period of twelve months after the use of all sick leave and vacation time accrued and due, the employee shall apply for disability retirement.

(5) As soon as it is determined by the employee's physician or the Village's designated physician that the injured employee is able to return to full duty, the Village may require the employee to report to work and terminate injury leave. The Village will require a written determination of the employee's ability to return to work by a physician at least at the beginning of each thirty-day interval and more often if warranted. Again, if there is a disagreement between the employee's physician and the Village's physician concerning the employee's ability to work, the opinion of the Village's physician takes precedence.

(b) The Village shall require the employee to furnish medical proof or submit to medical examination by the Village at the Village's expense to determine whether a subsequent injury is a new and separate injury or an aggravation of a former injury sustained while in Village service.

(c) Leave of absence without pay may be granted by the Department Head with the approval of the Mayor and/or the Department Head, for off-duty injuries, illness or temporary physical disability. (Ord. 306-05-99. Passed 7-20-99.)

151.29 HOLIDAYS.

Each full-time employee, with at least sixty days of service prior to the month in which such holiday occurs, shall be entitled to eight hours of holiday pay for the following days: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day, One-Half day Christmas Eve and One-Half Day New Year's Eve. If any of the foregoing holidays falls on a Saturday, the Friday immediately preceding shall be observed as the holiday. If any of the foregoing holidays falls on a Sunday, the Monday immediately succeeding shall be observed as the holiday. If an employee's work schedule is other than Monday through Saturday, he or she shall be entitled to holiday pay for holidays observed on his or her day off, regardless of the day of the week on which they are observed. Policemen on duty on the foregoing holidays shall have compensatory time off, which time must be taken within sixty days of each holiday. If scheduled employee must work the day before and after a holiday to receive holiday pay, unless approved by the Department Head. (Ord. 306-05-99. Passed 7-20-99.)

151.30 FUNERAL LEAVE.

Each employee shall receive three days off, with pay, after the death of a spouse, child, parent, brother or sister for the purpose of attending the funeral of the deceased.
(Ord. 306-05-99. Passed 7-20-99.)

151.31 POLITICAL ACTIVITY.

Political activity among Village employees and officers is governed by federal and state legislation. Generally, no Village officer or employee shall solicit any money, influence, service or other thing of value or otherwise aid or promote any political committee or the nomination or election of any person to public office while on the job or during working hours. However, nothing in this section is intended to restrict the right of a public employee to express his or her personal political views. (Ord. 306-05-99. Passed 7-20-99.)

151.32 OUTSIDE EMPLOYMENT.

(a) Under no circumstances shall a Village employee have other employment which conflicts with the policies, objectives and operations of his or her Village office. In addition, an employee shall not become indebted to a second employer whose interests might be in conflict with those of the Village office in which he or she is employed.

(b) As used in this section, the phrase "employment which conflicts" means that a second job impairs the employee's ability to perform the duties of his or her position with the Village.

(c) Full-time employment by the Village shall be considered the employee's primary occupation, taking precedence over all other occupations.

(d) Prior to accepting outside employment, an employee shall notify his or her appointing authority, in writing, of his or her intention to be employed in a secondary job. The appointing authority shall confer with the employee to determine whether the secondary job presents a conflict with Village policies, objectives, interests and/or operations.

(e) "Outside employment" or "moonlighting" shall be a concern to the appointing authority only if it adversely affects the job performance of the employee's Village job.

Two common employment conflicts which may arise are:

(1) A time conflict, which means that working hours required of a secondary job directly conflict with the scheduled working hours of an employee's job with the Village, or that the demands of a secondary job prohibit adequate rest, thereby adversely affecting the quality standard of the employee's job performance with the Village; and

(2) An interest conflict, which means that an employee engages in outside employment which tends to compromise his or her judgment, actions and/or job performance with the Village.

(f) Should an appointing authority feel that an employee's outside employment is adversely affecting the employee's job performance with the Village, the appointing authority may recommend, but may not demand, that the employee refrain from such activity. However, a conflict policy infraction or other specific offense, which is the direct or indirect result of an employee's participation in outside employment, shall be treated in such a manner that is consistent with the policy set forth in Sections 151.40 to 151.48.

(Ord. 306-05-99. Passed 7-20-99.)

151.33 ALCOHOLISM AND CHEMICAL DEPENDENCY.

(a) The Village recognizes that alcoholism and chemical dependency are diseases that are treatable. For the purpose of this section, alcoholism and chemical dependency exist when an employee's consumption of any alcoholic beverage or drug begins to interfere with job performance or when an employee's use of any drug or alcoholic beverage is in violation of any Village or state law.

(b) The Village has a definite concern and responsibility when an employee's alcoholism or chemical dependency begins to affect job performance. The Village expects that this policy will encourage self-referral of employees who suspect that they may have an alcohol or drug-related problem.

(c) The policy set forth in this section is intended to assure that no employee with an alcohol or drug-related problem will have his or her job security or promotional opportunities jeopardized by a request for voluntary treatment. The individual's rights to confidentiality and privacy are recognized. The pertinent information and records of employees with an alcohol or drug-related problem will be preserved in the same manner as all other medical records.

(d) Supervisors should not attempt to diagnose alcoholism or chemical dependency. In the case of a drinking problem, supervisor-initiated referral for testing, diagnosis and treatment should be based strictly on unsatisfactory or deteriorating job performance resulting from apparent medical or behavioral problems, whatever their nature. In the case of a drug problem, supervisor-initiated referral for diagnosis and treatment should be based on either unsatisfactory or deteriorating job performance resulting from apparent medical or behavioral problems, whatever their nature; upon a request for help by the employee; or upon a judgment by a court or other judicial authority that the employee has, in fact, violated a Village or state law relating to drugs.

(e) It will the responsibility of the employee to comply with the referral for testing or diagnosis and to cooperate with the prescribed treatment. An employee's refusal to accept diagnosis or treatment, or failure to respond to treatment, will be handled in the same manner as all other illnesses are handled when job performance continues to be adversely affected or when Village and/or state laws relating to drugs continue to be violated.
(Ord. 306-05-99. Passed 7-20-99.)

151.34 POSSESSION OF MUNICIPAL PROPERTY.

(a) No employee shall, without being authorized, have in his or her control or possession any equipment, tools, implements or other property belonging to the Village.

(b) Maintenance of Time Cards and Payroll Records.

(1) Department heads shall be responsible for maintaining the time cards of employees under their supervision in a secure area.

(2) Department heads shall be responsible for supervising the preparation of biweekly payroll records from employee time cards and shall sign the standard attendance form prior to submitting it to the Clerk-Treasurer.
(Ord. 306-05-99. Passed 7-20-99.)

151.35 NON-DISCRIMINATION POLICY.

Roaming Shores Village believes in equal employment opportunity for all applicants and employees. Discrimination or harassment based on sex, race, creed, color, national origin or ancestry, religion, age or disability is unacceptable in the workplace and in any other work-related setting. It is the responsibility of anyone who witnesses or believes they have been subjected to discrimination or harassment to report it immediately, to management.

SEXUAL HARASSMENT DEFINED

Roaming Shores Village will not tolerate sexual harassment by anyone. This policy applies on Roaming Shores Village premises or in any Village dealings involving employees, applicants, customers, suppliers, vendors or any other persons doing business with Roaming

Sexual harassment is a form of sex discrimination based on any unwelcome verbal or physical conduct of a sexual nature. Sexual harassment includes unwelcome sexual advances or requests for sexual favors, or any other conduct of a sexual nature that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale, or that interferes with an employee's work performance. It also includes any actions by officials, supervisors or others that imply, suggest or threaten that an applicant's or employee's refusal to submit to sexual advances or other conduct of a sexual nature will adversely affect his or her employment conditions or career development, or that an applicant's or employee's submission to sexual advances or other acts of a sexual nature may favorably affect his or her employment conditions or career development.

Sexual harassment may include, but is not limited to, offensive sexual flirtations, sexually degrading or vulgar words, unwelcome touching or physical contact, unwarranted sexual compliments, innuendoes, suggestions or jokes, the display of suggestive objects or pictures and the use of offensive gestures or body motions.

OTHER PROHIBITED FORMS OF HARASSMENT

Harassment on the basis of race, ethnicity, age, religion or any other legally protected characteristic whether in the form of offensive gestures or body motions, unwelcome physical contact or offensive or degrading words is a violation of this policy and will not be tolerated.

OTHER VIOLATIONS OF THE HARASSMENT POLICY

Along with prohibiting all forms of harassment, this Policy also prohibits:

(a) Retaliation against anyone who reports or complains of harassment or who cooperates in the investigation of a claim of harassment.

(b) Violation of confidentiality requirements associated with an investigation of reports of harassment.

(c) In the case of supervisors and management, failing to promptly report observed harassment of employee concerns about harassment.

REPORTING AND INVESTIGATION PROCEDURES

The Village requires the reporting of all conduct, which violates this Policy regardless of who the offender may be. An individual who has observed such conduct is also to report it, even if the person is not the target of the harassment or retaliation. The Village has designated the Chairman of the Personnel Committee as the Village's special contact person for receiving and investigating complaints of sexual harassment or retaliation. An employee may also contact any official or supervisor with whom he or she is comfortable discussing the matter. In order for the Village to take appropriate actions, the Village must be notified about the incident. The person who has been notified of a complaint shall immediately notify the Mayor and the Chairman of the Personnel Committee that a complaint alleging a violation of this policy has been received. The notification shall include a brief description of the issue. Every effort should be made to resolve all personnel issues at the lowest administration level possible, however, it shall be the responsibility of the Chairman of the Personnel Committee to monitor the status of the complaint to assure that timely processing is being accomplished.

The Chairman of the Personnel Committee shall promptly investigate a complaint of sexual harassment or other forms of discrimination or harassment, provided however, that the Chairman of the Personnel Committee is not the subject of or included within the immediate sexual harassment or other forms of harassment or discrimination complaint. Every effort will be made to handle all such complaints in a fair, impartial and efficient manner. In order to protect both the person making the complaint and the person or persons against whom the complaint is made, every reasonable effort will be made to handle all complaints in a confidential and discreet manner. If an employee is not satisfied with the way a complaint is handled, he or she should bring this to the attention of the Mayor, Chairman of the Personnel Committee (or their designee). In all cases, the employee will be advised of the conclusion of the investigation within sixty days of the filing of the complaint or the reporting of the incident.

All employees and officials are required to cooperate in the investigation of any complaint made pursuant to this Policy and must comply with any request for confidentiality. Confidentiality with regard to the parties involved and the information presented will be maintained to the greatest extent possible, consistent with the conduct of the investigation. Everyone contacted in an investigation – including complainants and witnesses – will be expected to maintain strict confidentiality throughout the investigation, both within and outside the workplace, and to respect the dignity and integrity of all involved.

The Village encourages all individuals to report suspected violations of this Policy as soon as possible after the alleged occurrence so that the Village can respond to the report in a prompt and appropriate manner. Regardless of when the alleged harassment occurs, the Village will investigate all reported violations of the Policy, and appropriate disciplinary action up to and including discharge will be taken against anyone found to have violated the Policy.

PROTECTION AGAINST RETALIATION

Retaliatory action or conduct of any kind against an individual who has reported or complained of harassment or who cooperates in the investigation of a claim of harassment is prohibited. A person who retaliates against another individual for reporting harassment is subject to disciplinary action. Retaliatory action shall be regarded as a separate and distinct violation of the Roaming Shores Village policies. Any employee or official who violates this section is subject to disciplinary action up to and including termination.

KNOWINGLY FALSE ACCUSATIONS

Knowingly making a false report of sexual harassment is also a violation of this policy. This is not meant to discourage individuals from making reports. The Village recognizes that it is not always possible to determine whether or not a complaint involves harassment. Employees should not be reluctant to report information because they are uncertain of who will be believed and whether the allegation can be proved. No employee shall willfully bring forth or threaten to bring forth a false accusation of sexual harassment or other forms or harassment or discrimination contemplated solely to damage, harm, “get even with”, or otherwise intimidate a co-worker, supervisor or official. False accusations will result in disciplinary action up to and including termination. In addition, failure to notify the Roaming Shores Village of a complaint of sexual harassment or other forms of harassment or discrimination, then subsequently bringing suit against the Roaming Shores Village, will result in disciplinary action up to and including termination.

(Ord. 333-08-00. Passed 8-15-00.)

151.36 DRUG-FREE WORKPLACE POLICY.

(a) Purpose; Goals. The Village recognizes illegal drug and alcohol usage as a threat to public safety and welfare and to the employees of the Village. The Village will take the necessary steps, including the testing of employees and applicants, in an attempt to prevent illegal drug and alcohol usage. The goals of this policy are to maintain a healthy and productive work environment, preserve the quality of services rendered to the public and uphold the integrity and reputation of the Village.

(b) Prohibited Conduct.

(1) The Village will not hire an individual who is using illegal drugs.

(2) Employees of the Village are hereby prohibited from the distribution, use, sale, possession, transfer or purchase of illegal drugs.

(3) Alcohol use, possession, transfer, sale or purchase is prohibited during work hours. Alcohol use is also prohibited during lunch and break periods.

(4) The use of legally obtained drugs by employees while at work or while on Department property is prohibited when such use may adversely affect the safety of the employee, co-workers or members of the public. An employee may be required to take a leave of absence or may apply for sick leave or comply with other appropriate action determined by the Village (See Sections 151.20 to 151.30). Each employee is required to notify the Village about the use of any prescription drug prescribed by a physician when the physician advises the employee that such use may alter the employee's physical ability or emotional state. Such information will be treated confidentially and will be documented in the employee's medical files.

(c) Definitions. As used in this section:

(1) "Drug" means a mood-altering drug or other controlled substance as, defined in the Ohio Revised Code. "Drugs" broadly refers to all forms of narcotics, depressants, stimulants, hallucinogens, cocaine, crack, amphetamines, marijuana or other drugs or preparations which alter a person's physical or emotional state.

(2) "Drug test" means a procedure conducted by an approved National Institute of Drug and Alcohol (NIDA) and Department of Health and Human Services (DHHS) certified laboratory to determine the presence of drugs or alcohol.

(3) "Employee" means any person employed by the Village full or part-time, intermittent, temporary or seasonal.

(4) "Illegal drug use" means the use of any mood altering drug or other controlled substance that has not been legally prescribed and/or dispensed, or the abusive use of legally prescribed drugs or alcohol.

(5) "Property" or "premises" means all locations in which work by the Village is conducted and all vehicles and machinery operated by and/or under control of the Village.

(6) "Substance abuse program" or "dependency program" means a qualified drug and alcohol rehabilitation program certified by the State of Ohio.

(d) Voluntary Participation. Employees who enroll in an in-patient substance abuse rehabilitation program will be required to use any accrued time such as sick leave, vacation or personal time. An employee experiencing problems resulting from drug or alcohol abuse or dependency is encouraged to seek counseling on a voluntary basis. The Village will cooperate by granting leaves of absences where operations permit. Counseling will be kept confidential and will have no influence upon performance appraisal. Job performance alone will be the basis of all performance appraisals.
(Ord. 306-05-99. Passed 7-20-99.)

151.37 PERFORMANCE STANDARDS; EVALUATIONS.

(a) Every employee must meet basic standards of performance in his or her work. At a minimum, he or she must fulfill the criteria established in the applicable job description. The employee will be judged on:

(1) How well he or she is fulfilling the job criteria;
(2) Quality and quantity of work;
(3) Dependability;
(4) Work habits;
(5) Initiative;
(6) Judgment; and
(7) Other factors as may be determined by the appointing authority and/or the department head.

(b) During the probationary period, the employee shall be evaluated continuously and informally by his or her immediate supervisor. A formal evaluation shall be completed at the conclusion of the employee's probationary period and yearly just prior to the employee's anniversary date thereafter.

(c) Employee evaluation sheets are confidential employee records. The Village Clerk/Treasurer shall maintain these forms as a part of the employee's permanent file for a period of not less than five years. Access to the forms and other materials in the employee's personnel file shall be denied to all but the employee's department head, the appointing authority, the Mayor, the Department Head and the employee.
(Ord. 306-05-99. Passed 7-20-99.)

151.38 USE OF PERFORMANCE EVALUATIONS.

The quality of performance rendered by the employee in the past shall receive due consideration in such personnel matters as promotions, transfers, demotions, terminations and salary adjustments. (Ord. 306-05-99. Passed 7-20-99.)

151.39 OCCUPATIONAL INJURY AND SAFETY PROGRAM.

(a) Municipal Safety Program.

(1) Goal. The goal of the Municipal Safety Program is to prevent accidents and injuries and reduce operating costs by following safe practices to prevent lost time, equipment and property damage and the expenditure of municipal funds for medical care, compensation and liability. To accomplish this goal, a sound accident prevention program must be integrated into the day-to-day activity of each employee.

(2) General safety rules. An accident is often a warning signal of a faulty condition and reveals the need for correction in design, procedure, training or equipment. Both as a safety goal and as an important obligation to the public in the form of greater efficiency, accident prevention needs the full cooperation of all municipal employees. Therefore, all employees are required to be familiar with safety regulations that are issued and to help in promoting a safe work environment. Any employee found in violation of any of the following rules or department safety rules may be subject to disciplinary action in accordance with Sections 151.40 to 151.48.

A. Practical jokes and horseplay have no place on the job.
B. Use of chemical intoxicants or alcoholic beverages on the job or during working hours is prohibited.
C. Jumping from any height, such as a table, bench or platform, may result in injury. Such action shall be avoided.
D. Employees shall not mount or dismount from a moving vehicle.
E. All tools and equipment should be inspected prior to use. Defective items must be reported to supervisors.
F. All hazardous areas and/or equipment must be clearly marked with appropriate signs or tags.
G. All hazard warning signs and tags must be obeyed.
H. Only properly authorized and trained personnel shall operate municipal equipment.
I. Safety guards installed in accordance with manufacturer's recommendation shall not be removed except for servicing.
J. Appropriate clothing must be suitable for the type of work performed. Loose clothing or personal equipment should not be worn near machinery or equipment with moving parts.
K. Jewelry such as rings, identification bracelets, etc., must be removed when work involves climbing, materials handling or operating mechanical equipment.
L. Protective equipment and/or clothing must be worn as required by rules to be developed and specified for each department.
M. All first-aid and fire equipment shall be properly maintained and accessible for emergency use.
N. Employees shall have in their possession a valid driver's or commercial driver's license when operating a municipal vehicle.
O. All employees operating municipal vehicles or road equipment shall strictly adhere to all traffic laws.
P. Employees shall not operate mechanical equipment or vehicles when taking medication that may affect their ability to function in a normal manner.
Q. Employees are required to keep their work areas in good order.
R. Accidents, no matter how minor, must be reported immediately to the employee's supervisor and safety representative.
S. Any injury, no matter how minor, must be reported immediately to the employee's supervisor and safety representative.

(3) Additional regulations. Since it is not possible to anticipate or cover in detail all hazardous situations that might arise on the job site, personnel are expected to use common sense and proper advance planning to eliminate hazardous situations. Safety regulations specific to a department will be issued by that department director and will take precedence over any general municipal safety rule.

(4) Emergency management coordination. The following general procedures are to be followed in dealing with emergencies, in addition to procedures established by individual departments and agencies:

A. Definition. An emergency is defined as any situation, condition or combination of circumstances (excluding those within the normal responsibility of police officers) which disrupts the operation of any municipal department, endangers, or can reasonably be expected to endanger, the health, safety and welfare of employees and/or residents, including property and equipment damage, and requires immediate action.

B. Chain-of-command. The chain-of-command shall be as follows: The department director, the Chief of Police and the Mayor and/or the Department Head.

C. Emergency Management Coordinator. The Mayor and/or the Department Head is hereby designated the Emergency Management Coordinator and shall be responsible for the coordination of all departments and agencies which are involved in a large scale emergency situation (excluding routine emergencies which are normally handled by department personnel). If the Mayor and/or the Department Head is unavailable, then one of the following persons shall assume the role of Acting Emergency Coordinator: the Chief of Police or the highest ranking police officer on duty.

D. Procedure. Department directors and volunteer fire companies, etc., are expected to handle routine emergencies normally applicable to their operation. If a situation develops which they feel cannot be handled by their personnel, they should contact other departments, agencies, etc. directly.

1. The Mayor and/or the Department Head should be contacted immediately after the initial call for assistance has been made to other departments, agencies, etc.
2. Each department director, volunteer fire company, agency, etc., will be responsible for its operation and the direction of its personnel, but will be directly responsible to the Emergency Management Coordinator or Acting Emergency Management Coordinator.
3. The Emergency Management Coordinator will direct all operations in accordance with the emergency operation plan pursuant to municipal, state and federal law.
4. The Emergency Management Coordinator or Acting Emergency Management Coordinator will be responsible for keeping the Mayor and/or the Department Head advised of the situation.

(b) Occupational Injury Regulations and Procedures.

(1) The department director shall review all reports of injury (or disability), to determine if an injury is work related, and complete a supervisor's report describing the accident, injury or disability in detail. Forms and other documents, if any, shall be submitted to the director for review prior to dissemination. If the director reviews an injury report and is unable to make a determination as to whether or not the injury is work related, the report will then be referred to the municipal Workers' Compensation carrier for final determination.

(2) An injury or disability shall be deemed work related only when an employee has engaged in, or is engaging in, an activity or task which is directly related to that employee's job responsibilities.

(3) Injuries or disabilities incurred while an employee is participating in sports, recreational or social activities, or similar activities, shall not be deemed work related unless such activity is or was sanctioned by the Municipality and expressly approved by the department director. Employees with pre-existing injuries or disabilities shall avoid activities which may aggravate such condition.

(4) Employees reporting back to duty after being off as a result of an occupational injury must provide the director with a doctor's certificate specifically stating that the employee is physically capable of resuming his or her normal job duties. The Municipality does not have a "light duty" program. The Municipality reserves the right to have any employee who has suffered an occupational injury examined by a physician or specialist, at the Municipality's expense, to ensure that the employee is physically capable of resuming his or her normal job duties.

(5) Employees are responsible for following the safety rules and regulations and related provisions established in the Municipal Safety Program.

(6) Unless otherwise required by law or the specific provisions of labor agreements, the Municipality shall discontinue health benefits for employees on occupational injury status in excess of twelve months.

(7) Absences due to injuries or disabilities that cannot be established as work related, or that are denied by the Workers' Compensation insurance carrier, shall be charged as sick leave and be subject to the Municipality's sick leave policy and regulations. If it is subsequently proven that the injury or disability is or was work related, the employee will be credited with any paid sick leave used under this provision, provided the employee reimburses the Municipality for such days by endorsing Workers' Compensation benefit checks and turning them over to the Municipality until the Municipality has recouped an amount equal to the paid sick days the employee used. (Ord. 306-05-99. Passed 7-20-99.)

151.40 DISCIPLINE AND DISCIPLINARY DISCHARGE POLICY.

In general, the Village prescribes that discipline and discharge be handled in a progressive manner. The Village prescribes that discipline and disciplinary discharge shall be done in a fair and equitable manner so that disciplinary actions are applied equally. However, there may be occasions when progressive discipline is not appropriate, such as in actions which substantially endanger public safety, which result or could result in damage to public persons or property or which constitute a serious breach of the public trust. Any disciplinary action appropriate to the offense shall be imposed. (Ord. 306-05-99. Passed 7-20-99.)

151.41 GROUNDS FOR DISCIPLINARY ACTION.

Grounds for disciplinary action should include, but not be limited to, incompetence; failure of good behavior; inefficiency; dishonesty; insubordination; discourteous treatment of the public; discourteous treatment of fellow employees; reporting for duty or work under the influence of alcohol or drugs; consuming alcohol or controlled substances while on duty; being intoxicated or under the influence of drugs while on Village property; being habitually tardy or absent; falsification of employment records; neglect of duty; illegal destruction or removal of private or Village property; failure to immediately report accidents, personal injury or incurring of an infectious disease; offering, soliciting or accepting an unlawful payment; conviction of a crime involving moral turpitude; failure to take proper care of, or misuse or abuse of Village property; and violation of departmental, divisional or Village administrative rules.
(Ord. 306-05-99. Passed 7-20-99.)

151.42 PROGRESSIVE DISCIPLINE.

If used, the steps of progressive discipline and discharge include:

(a) Oral reprimand;
(b) Written reprimand;
(c) Suspension without pay; and
(d) Discharge.

(Ord. 306-05-99. Passed 7-20-99.)

151.43 DOCUMENTATION OF PROGRESSIVE DISCIPLINE.

In all steps of progressive discipline, documentation shall be kept. Documentation includes copies of materials used in discipline, notes of discussions and pertinent dates. Improper documentation or lack of it may reverse disciplinary action.
(Ord. 306-05-99. Passed 7-20-99.)

151.44 PROCEDURE FOR DISCIPLINARY ACTION.

Disciplinary action which may include discharge shall be conducted in the following manner:

(a) The employee shall be notified that his or her supervisor is considering disciplinary action against him or her, which may include discharge.
(b) A predetermination hearing shall be set for the employee and the supervisor to discuss charges. The hearing is also for the purpose of allowing the employee to explain his or her side of the problem. At the predetermination hearing stage, no decision about which disciplinary action, shall be taken shall be made.
(c) After the hearing, the appropriate course of action shall be determined. If discharge is the decision, then the employee must be notified, in writing, of the date of termination and the just cause for such discipline.
(d) The employee shall be provided with the option of a post-termination hearing.

(Ord. 306-05-99. Passed 7-20-99.)

151.45 REVIEW OF DISCIPLINARY ACTION.

Any disciplinary action taken by a department head shall be reported to the Mayor and/or the Department Head. Upon delivery of an oral or written reprimand, the appropriate department head shall forward to the Mayor and/or the Department Head a copy of such discipline, including explanatory documents or memorandums. If a Department Head, the Mayor and/or the Department Head is considering suspension, discharge or another form of discipline, he or she shall first consult with Council. The purpose of this section is to ensure uniform administration of discipline through the Village.
(Ord. 306-05-99. Passed 7-20-99.)

151.46 APPEALS.

The employee may appeal any disciplinary action, including discharge, as provided in Ohio R.C. Chapter 2506. (Ord. 306-05-99. Passed 7-20-99.)

151.47 COMPLAINT HANDLING PROCEDURE.

(a) The purpose of this section is to set guidelines and principles by which a complaint procedure might improve employee relations within the Village. A complaint is defined as an allegation that a violation or conflict in the interpretation of Village policy or procedure has occurred.

(b) When an employee has a complaint, the following procedure is available to such employee as a means of attempting to resolve the problem.

(1) The employee shall present the complaint in writing to his or her immediate supervisor. The supervisor shall hear and reply to the complaint in writing.

(2) If the supervisor's reply does not resolve the complaint to the satisfaction of the employee, the complaint may be taken to the Mayor and/or the Department Head within five working days after receipt of such reply. The Mayor and/or the Department Head shall consult with the complainant to resolve the complaint. The Mayor and/or the Department Head shall hear and reply to the complaint in writing.

(3) If the reply of the Mayor and/or the Department Head does not resolve the matter to the satisfaction of the employee, the complaint may be submitted to the Grievance Board within five work days after receipt of such reply. The Board shall review the complaint and shall render an advisory opinion, in writing, to the Mayor and/or the Department Head, based on its findings, sending a copy of such opinion to the aggrieved employee. The Grievance Board shall consist of the Council of the Village.
(Ord. 306-05-99. Passed 7-20-99.)

151.48 HANDICAPPED GRIEVANCE PROCEDURE.

(a) An internal grievance procedure for the handling of complaints alleging any action prohibited by the Office of Revenue Sharing (ORS) regulations (31 C.F.R. 51.55(d)(2)), implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), is hereby adopted.

(b) Complaints should be addressed to the Department Head, 2500 Hayford Rd. Roaming Shores, Ohio 44084, who is hereby designated as Section 504 Coordinator. In his or her absence, the Mayor shall act as the Section 504 Coordinator.

(c) A complaint shall be filed in writing, shall contain the name and address of the person filing it, and shall briefly describe the alleged violation of the regulations.

(d) A complaint shall be filed within thirty days after the complainant becomes aware of the alleged violation. Processing of allegations of discrimination occurring before this grievance procedure was enacted will be considered on a case-by-case basis.

(e) An investigation, as may be appropriate, shall follow the filing of a complaint. The investigation will be conducted by the Section 504 Coordinator. This section contemplates informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. Under 31 C.F.R. 51.55(d)(2), the Village need not process complaints from applicants for employment.

(f) A written determination as to the validity of a complaint and a description of the resolution, if any, shall be issued by the Section 504 Coordinator and a copy shall be forwarded to the complainant not later than forty-five days after its filing.

(g) The Section 504 Coordinator shall maintain the files and records of the Village relating to complaints that are filed.

(h) A complainant can request a reconsideration of a case in instances where he or she is dissatisfied with the resolution. A request for reconsideration shall be made to the Mayor within fifteen days of receipt of such resolution.

(i) The right of a person to a prompt and equitable resolution of a complaint filed hereunder shall not be impaired by the person's pursuit of other remedies, such as the filing of a Section 504 complaint with the Office of Revenue Sharing, U.S. Department of the Treasury. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.

(j) This section shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the Village complies with Section 504 and the ORS regulations.
(Ord. 306-05-99. Passed 7-20-99.)

151.49 PUBLIC RECORDS POLICY.

(a) General Policy. It is the policy of the Village of Roaming Shores that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the Village to strictly adhere to the State's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

(b) Definition. This office, in accordance with the Ohio Revised Code, defines records as including the following: Any document--paper, electronic (including, but not limited to, e-mail), or other format--that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of the Village are public unless they are specifically exempt from disclosures under the Ohio Revised Code.

(c) Organization and Maintenance. It is the policy of the Village that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying. (See subsection (f) hereof for the e-mail record policy.) Record retention schedules are to be updated regularly and posted prominently.

(d) Records Requests. Each request for public records should be evaluated for a response using the following guidelines:

(1) Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requester for clarification, and should assist the requester by informing the requester of the manner in which the office keeps its records.

(2) The requester does not have to put a records request in writing and does not have to provide his or her identity or the intended use of the requested public records. It is the Village's general policy that this information not be requested.

(3) Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.

(4) Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both draft and final form), budgets, salary information, forms and applications, personnel rosters, etc. If fewer than 20 pages of copies are requested, or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows.

All requests for public records must either be satisfied (see above) or be acknowledged in writing by the Village within three business days following the office's receipt of the request. If a request is deemed significantly beyond "routine", such as seeking a voluminous number of copies, or requiring extensive research, the acknowledgment must include the following:

A. An estimated number of business days it will take to satisfy the request.

B. An estimated cost if copies are requested.

C. Any items within the request that may be exempt from disclosure.

(5) Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

(e) Costs for Public Records. Those seeking public records will be charged only the actual cost of making the copies.

(1) The charge for paper copies is five cents ($0.05) per page.

(2) The charge for downloaded computer files to a compact disc is one dollar ($1.00) per disc.

(3) There is no charge for documents e-mailed.

(4) Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

(f) E-Mail. Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

(1) Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of this office are instructed to retain their e-mails that relate to public business (see definition in subsection (b) hereof) and to copy them to their business e-mail accounts and/or to the office's records custodian.

(2) The records custodian is to treat the e-mails from private accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

(The purpose of this subsection is to clarify the ongoing debate over records in e-mail and other electronic formats. The key issue is not format, but contents. If an e-mail or other electronic record involves the business of the Village, it is a record of the office and subject to disclosure.)

(g) Failure to Respond to Public Records Request. The Village recognizes the legal and nonlegal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, the Village's failure to comply with a request may result in a court ordering the Village to comply with the law and to pay the requester attorney's fees and damages.
(Ord. 456-04-08. Passed 6-17-08.)

151.50 CELLULAR PHONE POLICY.

(a) General Policy. Village issued cellular phones are intended for official business use. While occasional personal use is permitted, it must be responsible, and it must be clearly incidental to business use. Employees must reimburse the Village for any costs associated with personal use of Village issued telephones.

(b) Cellular Assignment and Use. Cellular telephones shall be issued only to those employees with a demonstrated need for this type of communication. Cellular phones shall be requested only by authorized personnel within the departments. Employees who use a Village issued cellular telephone agree to the following rules of use:

(1) Employees must reimburse the Village for any costs associated with personal use. Personal use must be clearly incidental to business use. Personal use with associated charges must be reported to supervisors.

(2) Employees must safeguard any cellular telephone equipment in their possession.

(3) The loss of any cellular telephone shall be reported to the employee's supervisor immediately. If theft is suspected, the police should also be notified.

(4) When an employee no longer has a demonstrated need for the cellular telephone, or when the employee terminates employment with the Village, that employee shall return any cellular telephone and equipment to the Village.

(5) Any employee who exceeds their monthly allotted minutes and/or package dollar amount shall be subject to an immediate audit for the previous 12-month period. Costs that are associated with excessive and/or personal costs that are not reimbursed by the employee at the time of the audit may be considered theft and will result in appropriate corrective action.

(6) Repeated noncompliance with this policy and failure to remain within allotted minutes, costs, etc., shall result in progressive discipline and may result in loss of cellular telephone.

(c) Employee Statement. The following statement is provided as a form of acknowledgment by the Village employee regarding this Cellular Phone Policy.

I have read the above Policy regarding cellular telephones and hereby agree to adhere to these guidelines.

Signed: _____ Date: _____
_____ Employee

Witness: _____ Date: _____
Supervisor

(Ord. 456-04-08. Passed 6-17-08.)

TITLE SEVEN - Taxation
Chap. 183. License Taxes.

CHAPTER 183
License Taxes

183.01 Levy of tax on motor vehicles.

CROSS REFERENCES
Authority to levy - see Ohio R.C. Ch. 4506

183.01 LEVY OF TAX ON MOTOR VEHICLES.

(a) Levy of Annual Tax on Motor Vehicles. There is hereby levied an annual license tax upon the operation of motor vehicles on the public roads or highways pursuant to Ohio R.C. 4504.172, for the purposes of paying the costs and expenses of enforcing and administering the tax provided for in this section; and to provide additional revenue for the purposes set forth in Ohio R.C. 4504.06; and to supplement revenue already available for such purposes.

Such tax shall be at the rate of five dollars ($5.00) per motor vehicle on each and every motor vehicle the district of registration of which, as defined in Ohio R.C. 4503.10, is in the Village.

As used in this chapter, " motor vehicle" means any and all vehicles included within the definition of motor vehicle in Ohio R.C. 4501.01 and 4505.01.

(b) Duration of the Tax. The tax imposed by this chapter shall be in effect for the registration year commencing January 1, 1988 and shall continue in effect and application during each registration year thereafter.

(c) Payment of the Tax. The tax imposed by this chapter shall be paid to the Registrar of Motor Vehicles of the State of Ohio or to a Deputy Registrar at the time application for registration of a motor vehicle is made as provided in Ohio R.C. 4503.10.

(d) Disposition of Proceeds. All moneys derived from the tax hereinbefore levied shall be used by the Village for the purposes specified in this chapter.
(Ord. 91-08-87. Passed 9-15-87.)

CODIFIED ORDINANCES OF ROAMING SHORES

PART THREE - TRAFFIC CODE

Chap. 311. Speed Limits.

CODIFIED ORDINANCES OF ROAMING SHORES

PART THREE - TRAFFIC CODE

CHAPTER 311
Speed Limits

311.01 Speed limits designated.

CROSS REFERENCES
State law provisions - see Ohio R.C. 4511.21

311.01 SPEED LIMITS DESIGNATED.

(a) No person shall operate a motor vehicle on roadways within the Village at a speed greater than set forth below on the roads designated or at any lesser speed than is reasonable or proper, having due regard to traffic, weather and other conditions prevailing at the time of the operation:

(1) On Rome-Rock Creek Road: 35 miles per hour.

(2) On all other roadways within the Village: 25 miles per hour.

(b) Whoever violates any provision of this section is guilty of a minor misdemeanor punishable by a fine not in excess of one hundred fifty dollars ($150.00).

(Ord. 361-03-02. Passed 5-21-02.)

CODIFIED ORDINANCES OF ROAMING SHORES

PART FIVE - GENERAL OFFENSES CODE

Chap. 501. General Provisions and Penalty.

Chap. 505. Animals.

Chap. 509. Minors.

Chap. 513. Noise Control.

Chap. 517. Offenses Related to Property.

Chap. 521. Weapons Control.

CODIFIED ORDINANCES OF ROAMING SHORES

PART FIVE - GENERAL OFFENSES CODE

CHAPTER 501
General Provisions and Penalty

501.99 Penalties for misdemeanors.

501.99 PENALTIES FOR MISDEMEANORS.

(a) Financial Sanctions. In addition to imposing court costs pursuant to Ohio R.C. 2947.23, the court imposing a sentence upon an offender for a misdemeanor committed under the Codified Ordinances, including a minor misdemeanor, may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section. If the court in its discretion imposes one or more financial sanctions, the financial sanctions that may be imposed pursuant to this section include, but are not limited to, the following:

(1) Restitution. Unless the misdemeanor offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13, restitution by the offender to the victim of the offender's crime or any survivor of the victim, in an amount based on the victim's economic loss. The court may not impose restitution as a sanction pursuant to this section if the offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13. If the court requires restitution, the court shall order that the restitution be made to the victim in open court or to the adult probation department that serves the jurisdiction or the clerk of the court on behalf of the victim.

If the court imposes restitution, the court shall determine the amount of restitution to be paid by the offender. If the court imposes restitution, the court may base the amount of restitution it orders on an amount recommended by the victim, the offender, a presentence investigation report, estimates or receipts indicating the cost of repairing or replacing property, and other information, provided that the amount the court orders as restitution shall not exceed the amount of the economic loss suffered by the victim as a direct and proximate result of the commission of the offense. If the court decides to impose restitution, the court shall hold an evidentiary hearing on restitution if the offender, victim or survivor disputes the amount of restitution. If the court holds an evidentiary hearing, at the hearing the victim or survivor has the burden to prove by a preponderance of the evidence the amount of restitution sought from the offender.

All restitution payments shall be credited against any recovery of economic loss in a civil action brought by the victim or any survivor of the victim against the offender.

If the court imposes restitution, the court may order that the offender pay a surcharge, of not more than five per cent of the amount of the restitution otherwise ordered, to the entity responsible for collecting and processing restitution payments.

The victim or survivor may request that the prosecutor in the case file a motion, or the offender may file a motion, for modification of the payment terms of any restitution ordered. If the court grants the motion, it may modify the payment terms as it determines appropriate.

(2) Fines. A fine in the following amount:

A. For a misdemeanor of the first degree, not more than one thousand dollars ($1,000);

B. For a misdemeanor of the second degree, not more than seven hundred fifty dollars ($750.00);

C. For a misdemeanor of the third degree, not more than five hundred dollars ($500.00);

D. For a misdemeanor of the fourth degree, not more than two hundred fifty dollars ($250.00);

E. For a minor misdemeanor, not more than one hundred fifty dollars ($150.00).

(3) Reimbursement of costs of sanctions.

A. Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:

1. All or part of the costs of implementing any community control sanction, including a supervision fee under Ohio R.C. 2951.021;

2. All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined.

B. The amount of reimbursement ordered under subsection (a)(3)A. of this section shall not exceed the total amount of reimbursement the offender is able to pay and shall not exceed the actual cost of the sanctions. The court may collect any amount of reimbursement the offender is required to pay under that subsection. If the court does not order reimbursement under that subsection, confinement costs may be assessed pursuant to a repayment policy adopted under Ohio R.C. 2929.37. In addition, the offender may be required to pay the fees specified in Ohio R.C. 2929.38 in accordance with that section.
(ORC 2929.28)

(b) Jail Terms.

(1) Except as provided in Ohio R.C. 2929.22 or 2929.23 of the Revised Code, and unless another term is required or authorized pursuant to law, if the sentencing court imposing a sentence upon an offender for a misdemeanor elects or is required to impose a jail term on the offender pursuant to this General Offenses Code, the court shall impose a definite jail term that shall be one of the following:

A. For a misdemeanor of the first degree, not more than one hundred eighty days;

B. For a misdemeanor of the second degree, not more than ninety days;

C. For a misdemeanor of the third degree, not more than sixty days;

D. For a misdemeanor of the fourth degree, not more than thirty days.

(2) A court that sentences an offender to a jail term under this section may permit the offender to serve the sentence in intermittent confinement or may authorize a limited release of the offender as provided in division (B) of Ohio R.C. 2929.26.

(3) If a court sentences an offender to a jail term under this section and the court assigns the offender to a county jail that has established a county jail industry program pursuant to Ohio R.C. 5147.30, the court shall specify, as part of the sentence, whether the offender may be considered for participation in the program. During the offender's term in the county jail, the court retains jurisdiction to modify its specification regarding the offender's participation in the county jail industry program.

(4) If a person is sentenced to a jail term pursuant to this section, the court may impose as part of the sentence pursuant to Ohio R.C. 2929.28 a reimbursement sanction, and, if the local detention facility in which the term is to be served is covered by a policy adopted pursuant to Ohio R.C. 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 and Ohio R.C. 2929.37, both of the following apply:

A. The court shall specify both of the following as part of the sentence:

1. If the person is presented with an itemized bill pursuant to Ohio R.C. 2929.37 for payment of the costs of confinement, the person is required to pay the bill in accordance with that section.
2. If the person does not dispute the bill described in subsection (b)(4)A.1. of this section and does not pay the bill by the times specified in Ohio R.C. 2929.37, the clerk of the court may issue a certificate of judgment against the person as described in that section.

B. The sentence automatically includes any certificate of judgment issued as described in subsection (b)(4)A.2. of this section. (ORC 2929.24)

(c) Organizations. Regardless of the penalties provided in subsections (a) and (b) hereof, an organization convicted of an offense pursuant to Section 501.11 shall be fined, in accordance with this section. The court shall fix the fine as follows:

Type of Misdemeanor	Maximum Fine
First degree	$5000.00
Second degree	4000.00
Third degree	3000.00
Fourth degree	2000.00
Minor	1000.00
Misdemeanor not specifically classified	2000.00
Minor misdemeanor not specifically classified	1000.00

(1) When an organization is convicted of an offense that is not specifically classified, and the section defining the offense or penalty plainly indicates a purpose to impose the penalty provided for violation upon organizations, then the penalty so provided shall be imposed in lieu of the penalty provided in this subsection (c).

(2) When an organization is convicted of an offense that is not specifically classified, and the penalty provided includes a higher fine than the fine that is provided in this subsection (c), then the penalty imposed shall be pursuant to the penalty provided for the violation of the section defining the offense.

(3) This subsection (c) does not prevent the imposition of available civil sanctions against an organization convicted of an offense pursuant to Ohio R.C. 2901.23, either in addition to or in lieu of a fine imposed pursuant to this subsection (c). (ORC 2929.31)

CHAPTER 505
Animals

505.01 Dogs running at large.

505.02 Hunting and trapping prohibited; exception.

CROSS REFERENCES
Owner or keeper liable for damages - see Ohio R.C. 951.10
Dog registration - see Ohio R.C. 955.01
Excessive noise - see GEN. OFF. 513.01(c)

505.01 DOGS RUNNING AT LARGE.

(a) A person, firm or corporation which is the owner or has charge of a dog or dogs shall not permit said animal or animals to run at large upon the private and/or public roads, streets or highways or upon unenclosed land in the Village unless said dog or dogs is or are confined upon a leash properly attached to an immovable object or held by an individual, who is at least ten years of age.

(b) A violation of subsection (a) hereof shall be deemed to be a minor misdemeanor and subject to penalty as set forth in the Ohio Revised Code for minor misdemeanors.
(Ord. 3609.)

505.02 HUNTING AND TRAPPING PROHIBITED; EXCEPTION.

(a) No person shall engage in hunting or trapping within the limits of the Village, other than as specifically authorized by act of Council for purposes of game control.

(b) As used in this section, "hunting" shall mean pursuing, shooting, killing, following after or on the trail of, lying in wait for, shooting at, or wounding wild birds or wild quadrupeds while employing any device commonly used to kill or wound wild birds or wild quadrupeds, whether such acts result in such killing or wounding or not. It includes every attempt to kill or wound and every act of assistance to any other person in killing or wounding or attempting to kill or wound wild birds or wild quadrupeds.

(c) As used in this section, "trapping" shall mean securing or attempting to secure possession of a wild bird or wild quadruped by means of setting, placing, drawing or using any device that is designed to close upon, hold fast, confine, or otherwise capture a wild bird or wild quadruped whether such means result in such capturing or not. It includes every act of assistance to any other person in capturing wild birds or wild quadrupeds by such device whether such means result in such capturing or not.

(d) Exception: When written application to the Mayor of the Village; that a property owner's property is being damaged by wild quadrupeds, and upon surveying the damaged property, the Mayor may issue a permit to trap and/or hire a professional trapper. The permit would be in force for a period of thirty days. No permit shall be necessary, nor shall this section be construed to apply to elimination of pests or rodents within any dwelling or outbuilding.

(e) Whoever violates this section is guilty of a misdemeanor of the fourth degree. Whoever violates this section a second time is guilty of a misdemeanor of the third degree.
(Ord. 15-11-80. Passed 8-18-80.)

CHAPTER 509
Minors

509.01 Curfew.

CROSS REFERENCES
Endangering children - see Ohio R.C. 2919.22
Contributing to child delinquency - see Ohio R.C. 2919.24

509.01 CURFEW.

(a) No person having the control and custody of or being the parent or guardian of a minor shall knowingly permit such minor to, nor shall such minor, be outside the confines of his homesite or congregate, wander, travel through in an automobile, sit in an automobile, loiter or play upon the streets or other places within the Village, unsupervised on unenclosed lands, or other places of amusement or entertainment for the times hereinafter prohibited for the respective ages specified:

(1) Minors under thirteen years of age, between the hours of 9:00 p.m. and 6:00 a.m. of the following day during the months of May to September, inclusive, and between the hours of 7:30 p.m. and 6:00 a.m. of the following day during the months of October to April, inclusive;

(2) Minors thirteen or fourteen years of age, between the hours of 9:30 p.m. and 6:00 a.m. of the following day on Sunday through Thursday, inclusive, and between the hours of 10:30 p.m. and 6:00 a.m. of the following day on Friday and Saturday;

(3) Minors fifteen, sixteen or seventeen years of age, between the hours of 10:30 p.m. and 6:00 a.m. of the following day on Sunday through Thursday, inclusive, and between the hours of 12:01 a.m. and 6:00 a.m. of the following day on Friday and Saturday.

(b) The hours referred to herein mean the official Village time which is applicable throughout the Village, whether it is Eastern Standard Time or Eastern Daylight Savings Time.

(c) This section shall not apply to minors on an emergency errand or on legitimate business as directed by the parent, guardian or custodian, nor to minors, accompanied by the parent, guardian or custodian, or some other person over twenty-one years of age who has been given responsibility for such minor's control and custody by the person legally responsible for the discipline of the minor.

(d) Any school, church, lodge or other organization sponsoring functions wherein minors in attendance will be out at a later hour than provided for in this section shall obtain the approval of the Village Police or the Ashtabula County Sheriff Department to have the minors remain to the time when the entertainment will end. All minors attending such function shall be required to be within the confines of their respective homesites one-half hour after such function is ended.

(e) Any minor violating this section shall be charged as being an unruly child and dealt with in accordance with Juvenile Court law and procedure. Any parent or guardian who violates this section is guilty of a minor misdemeanor.
(Ord. 360-03-02. Passed 5-21-02.)

CHAPTER 513
Noise Control

513.01 Noise levels prohibited.

513.02 Noise from grading, excavation, landscaping and construction activity.

CROSS REFERENCES
Disorderly conduct - see Ohio R.C. 2917.11

513.01 NOISE LEVELS PROHIBITED.

(a) The following is hereby prohibited within the Village between the hours of 11:00 o'clock p.m. and 8:00 o'clock a.m.: music, speech and noise of any character which is amplified by any electronic means which is generated outdoors or from indoors and audible beyond the property line of the location from which said music, speech or noise of any character is generated.

(b) No person shall, after a request to desist, make, continue or cause to be made by the use of any horn, bell, radio or loud speaker, or by the operation of any instrument or device, any unreasonably loud, disturbing and unnecessary noises of such a character, intensity and duration as to disturb the peace and quiet of the community or to be detrimental to the life and health of any individual.

(c) No person shall keep or harbor any dog within the Village which, by frequent and habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the Village. Any person who shall allow any dog to remain, be lodged or fed within any dwelling, building, yard or enclosure, which he occupies or owns, shall be considered as harboring such dog.

(d) Whoever violates this section is guilty of a minor misdemeanor for a first offense. Whoever violates this section after having been previously convicted of a first offense is guilty of a fourth degree misdemeanor.
(Ord. 419-03-05. Passed 5-17-05.)

513.02 NOISE FROM GRADING, EXCAVATION, LANDSCAPING AND CONSTRUCTION ACTIVITY.

(a) The following is hereby prohibited within the Village between the hours of 8:00 o'clock p.m. and 8:00 o'clock a.m.: noise caused by the operation of grading and excavation equipment (including, but not limited to, bulldozers and backhoes), landscaping equipment (including, but not limited to, chain saws, mowers, chippers, shredders, blowers, and vacuums), and construction equipment (including, but not limited to, hammers, saws, compressors, and air-driven nailers) which is generated outdoors or from indoors and audible beyond the property line of the location from which said noise is generated.

(b) No person shall, after a request to desist, make, continue or cause to be made by the use of any grading, excavation, landscaping or construction machinery any unreasonably loud, disturbing and unnecessary noises of such a character, intensity, and duration as to disturb the peace and quiet of the community or to be detrimental to the life and health of any individual.

(c) Heavy grading and/or excavation machinery requiring a warm-up period, may be run at idle speed during the hour of 7:00 o'clock a.m. to 8:00 o'clock a.m. Actual operation of this machinery, to perform work, during this time period is not permitted.

(d) Whoever violates this section is guilty of a minor misdemeanor for a first offense. Whoever violates this section after having been previously convicted of a first offense is guilty of a fourth degree misdemeanor.
(Ord. 420-03-05. Passed 5-17-05.)

CHAPTER 517
Offenses Related to Property

517.01 Criminal damaging or endangering.
517.02 Criminal mischief.
517.03 Criminal trespass.
517.04 Tampering with fire hydrants and other utilities.
517.05 Prohibiting operation of a snowmobile, ice boat or all purpose vehicle upon the frozen waters of Lake Roaming Rock.
517.06 Prohibiting depositing snow on roads.

CROSS REFERENCES
Aggravated trespass - see Ohio R.C. 2911.211
Desecration - see Ohio R.C. 2927.11
Vehicular vandalism - see Ohio R.C. 2909.09

517.01 CRIMINAL DAMAGING OR ENDANGERING.

(a) No person shall cause, or create a substantial risk of physical harm to any property of another without the other person's consent:

(1) Knowingly, by any means;

(2) Recklessly, by means of fire, explosion, flood, poison gas, poison, radioactive material, caustic or corrosive material, or other inherently dangerous agency or substance.

(b) Whoever violates this section is guilty of criminal damaging or endangering, a misdemeanor of the second degree. If violation of this section creates a risk of physical harm to any person, criminal damaging or endangering is a misdemeanor of the first degree. If the property involved in a violation is an aircraft, an aircraft engine, propeller, appliance, spare part, or any other equipment or implement used or intended to be used in the operation of an aircraft and if the violation creates a risk of physical harm to any person or if the property involved in a violation is an occupied aircraft, criminal damaging or endangering is a felony and shall be prosecuted under appropriate State law. (ORC 2909.06)

517.02 CRIMINAL MISCHIEF.

(a) No person shall:

(1) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with the property of another;

(2) With purpose to interfere with the use or enjoyment of property of another employ a tear gas device, stink bomb, smoke generator or other device releasing a substance that is harmful or offensive to persons exposed, or that tends to cause public alarm;

(3) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with a bench mark, triangulation station, boundary marker or other survey station, monument or marker.

(4) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with any safety device, the property of another or the property of the offender when required or placed for the safety of others, so as to destroy or diminish its effectiveness or availability for its intended purpose;

(5) With purpose to interfere with the use or enjoyment of the property of another, set a fire on the land of another or place personal property that has been set on fire on the land of another, which fire or personal property is outside and apart from any building, other structure or personal property that is on that land.

(6) Without privilege to do so, and with intent to impair the functioning of any computer, computer system, computer network, computer software, or computer program, all as defined in Ohio R.C. 2909.01, knowingly do any of the following:

A. In any manner or by any means, including, but not limited to, computer hacking, alter, damage, destroy, or modify a computer, computer system, computer network, computer software, or computer program or data contained in a computer, computer system, computer network, computer software, or computer program;

B. Introduce a computer contaminant into a computer, computer system, computer network, computer software or computer program.

(b) As used in this section, "safety device" means any fire extinguisher, fire hose or fire axe, or any fire escape, emergency exit or emergency escape equipment, or any life line, life-saving ring, life preserver or life boat or raft, or any alarm, light, flare, signal, sign or notice intended to warn of danger, or emergency, or intended for other safety purposes, or any guard railing or safety barricade, or any traffic sign or signal, or any railroad grade crossing sign, signal or gate, or any first aid or survival equipment, or any other device, apparatus, or equipment intended for protecting or preserving the safety of persons or property.

(c) (1) Whoever violates this section is guilty of criminal mischief, and shall be punished as provided in subsection (c)(2) or (3) of this section.

(2) Except as otherwise provided in this subsection, criminal mischief committed in violation of subsection (a)(1), (2), (3), (4) or (5) of this section is a misdemeanor of the third degree. Except as otherwise provided in this subsection, if the violation of subsection (a)(1), (2), (3), (4) or (5) of this section creates a risk of physical harm to any person, criminal mischief committed in violation of subsection (a)(1), (2), (3), (4) or (5) of this section is a misdemeanor of the first degree. If the property involved in the violation of subsection (a)(1), (2), (3), (4) or (5) of this section is an aircraft, an aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid, any other equipment, implement, or material used or intended to be used in the operation of an aircraft, or any cargo carried or intended to be carried in an aircraft, criminal mischief committed in violation of subsection (a)(1), (2), (3), (4) or (5) of this section is a felony and shall be prosecuted under appropriate State law.

(3) Except as otherwise provided in this subsection, criminal mischief committed in violation of subsection (a)(6) of this section is a misdemeanor of the first degree. If the value of the computer, computer system, computer network, computer software, computer program or data involved in the violation of subsection (a)(6) of this section or the loss to the victim resulting from the violation is one thousand dollars or more, or if the computer, computer system, computer network, computer software, computer program or data involved in the violation of subsection (a)(6) of this section is used or intended to be used in the operation of an aircraft and the violation creates a risk of physical harm to any person, criminal mischief committed in violation of subsection (a)(6) of this section is a felony and shall be prosecuted under appropriate State law. (ORC 2909.07)

517.03 CRIMINAL TRESPASS.

(a) No person, without privilege to do so, shall do any of the following:

(1) Knowingly enter or remain on the land or premises of another;

(2) Knowingly enter or remain on the land or premises of another, the use of which is lawfully restricted to certain persons, purposes, modes or hours, when the offender knows the offender is in violation of any such restriction or is reckless in that regard;

(3) Recklessly enter or remain on the land or premises of another, as to which notice against unauthorized access or presence is given by actual communication to the offender, or in a manner prescribed by law, or by posting in a manner reasonably calculated to come to the attention of potential intruders, or by fencing or other enclosure manifestly designed to restrict access;

(4) Being on the land or premises of another, negligently fail or refuse to leave upon being notified by signage posted in a conspicuous place or otherwise being notified to do so by the owner or occupant, or the agent or servant of either.

(b) It is no defense to a charge under this section that the land or premises involved was owned, controlled or in custody of a public agency.

(c) It is no defense to a charge under this section that the offender was authorized to enter or remain on the land or premises involved when such authorization was secured by deception.

(d) Whoever violates this section is guilty of criminal trespass, a misdemeanor of the fourth degree.

(e) As used in this section, "land or premises" includes any land, building, structure or place belonging to, controlled by or in custody of another, and any separate enclosure or room, or portion thereof. (ORC 2911.21)

517.04 TAMPERING WITH FIRE HYDRANTS AND OTHER UTILITIES.

(a) No person shall, without lawful authority, consume, take or make use of any water from the Village Utilities water delivery system, nor turn water on or off at any curb stop or fire hydrant.

(b) No person shall maliciously open, close, adjust or interfere with a fire hydrant, valve, regulator, gauge, gate, disc, curb stop, stopcock, meter or other regulator, operating or measuring device, or appliance in or attached to the wells, tanks, reservoirs, conduits, pipes, mains, service pipes, house pipes, or other pipes or apparatus of the Village Utilities water delivery system with intent to cause the escape of water or to injure or destroy such property. No person shall tap, sever, open or make unauthorized connections with a main or pipe used or intended for the transmission of water. This section does not apply to any Village agent or employee for that purpose or to anything done by or under authority of the Fire Departments of Morgan or Rome Township or any other Fire Department acting in conjunction with said Townships pursuant to mutual aid contracts.

(c) No person shall in any manner tamper with any water hydrant, valve, pipe, meter or any other appliance or fixture of the Village Utilities water delivery system.

(d) Whoever violates any provision of this section is guilty of a misdemeanor of the fourth degree for a first offense. Whoever violates this section after having been previously convicted of a first offense is guilty of a third degree misdemeanor.
(Ord. 247-10-96. Passed 12-17-96.)

517.05 PROHIBITING OPERATION OF A SNOWMOBILE, ICE BOAT OR ALL PURPOSE VEHICLE UPON THE FROZEN WATERS OF LAKE ROAMING ROCK.

No person shall operate a snowmobile, ice boat, or sports/utility vehicle (SUV) upon the frozen surface of Lake Roaming Rock, within the Village of Roaming Shores.

Whoever violates any provision of this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.
(Ord. 460-04-08. Passed 6-17-08.)

517.06 PROHIBITING DEPOSITING SNOW ON ROADS.

(a) Discharging or depositing of snow by truck, plow, blower or other snow removal equipment onto any roadway is prohibited except for accumulations which are necessary residuals of roadway cleaning operations by the Village or Association authority.

(b) Any person being the operator or the owner or in charge of any vehicle or equipment from which such substance has fallen, sifted, been pushed or deposited upon the surface of any roadway within the Village of Roaming Shores, is in violation of this section and shall, at the direction of any member of the Police,``` or Village official, immediately remove such substance from the roadway.

(c) Any person, being the operator or the owner or in charge of any vehicle or equipment removing snow from private property, shall not deposit the snow upon any property except that from which the snow is removed.

(d) Whoever violates any provision of this section is guilty of a minor misdemeanor. (Ord. 464-11-08. Passed 11-18-08.)

CHAPTER 521
Weapons Control

521.01 Discharge of firearms prohibited.

CROSS REFERENCES
Carrying concealed weapons - see Ohio R.C. 2923.12
Improperly handling firearms in a motor vehicle - see Ohio R.C. 2923.16
Failure to secure dangerous ordinance - see Ohio R.C. 2923.19

521.01 DISCHARGE OF FIREARMS PROHIBITED.

(a) Live ammunition shall not be discharged from any firearm within the Village from the date of the enactment of this section.

(b) "Firearm" as referenced in this section means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant.

(c) This section does not apply to law enforcement officers of the State of Ohio or the United States.

(d) A violation of this section shall constitute a fourth degree misdemeanor as defined by Ohio R.C. 2929.21. (Ord. 126-07-90. Passed 9-18-90.)

CODIFIED ORDINANCES OF ROAMING SHORES

PART SEVEN - BUSINESS REGULATION CODE

Chap. 751. Peddlers, Solicitors and Canvassers.

CODIFIED ORDINANCES OF ROAMING SHORES

PART SEVEN - BUSINESS REGULATION CODE

CHAPTER 751
Peddlers, Solicitors and Canvassers

751.01 Definitions.
751.02 Sales of public property prohibited.
751.03 Sales on private property.
751.04 Organizational liability.
751.05 Display of license card.
751.99 Penalty.

CROSS REFERENCES
Power to inspect food products - see Ohio R.C. 715.46
Power to regulate peddlers - see Ohio R.C. 715.61 et seq.
Charitable solicitations - see Ohio R.C. Ch. 1716

751.01 DEFINITIONS.

(a) "Peddler" means any person who travels door to door either by foot, automobile, truck or any other type of conveyance and calls upon private residences, including any house, apartment or other dwelling within the Village, taking or attempting to take orders for profit for the sale of goods, wares, and merchandise or personal property of any nature whatsoever for immediate or future delivery or for services to be furnished or performed immediately or in the future.

(b) "Solicitor" means any person who seeks to obtain funds for any cause whatsoever by traveling door to door either by foot, automobile, truck or any type of conveyance and calling upon private residences including any house, apartment or other dwelling within the Village.

(c) "Canvasser" means any person who obtains or influences the opinion of the residents of the Village by traveling door to door either by foot, automobile, truck or other type of conveyance and calling upon private residences including any house, apartment or other dwelling in the Village, but does not seek to obtain funds for any cause whatsoever.

751.02 SALES ON PUBLIC PROPERTY PROHIBITED.

No person shall on any public street, alley, drive, lane, thoroughfare, right-of-way, court, highway, boulevard, or on the sidewalks thereof, solicit the sale of any merchandise, wares, goods, foods, periodicals or other articles of value for present or future delivery.

751.03 SALES ON PRIVATE PROPERTY.

(a) License or Registration Required. No peddler or solicitor shall peddle or solicit within the Village, unless he or she is the holder of a valid license issued pursuant to this chapter.

(b) Application; Fee; License; Registration.

(1) Any person seeking a license in conformity with this chapter shall obtain an application for same from the Chief of Police and shall submit the completed application, along with the appropriate fee, to such office, on a form supplied by the Chief which shall contain the following information:

A. Full name of the applicant;

B. Date of birth of the applicant;

C. Local address, if any;

D. Permanent home address;

E. A physical description of the applicant, setting forth age, height, weight, color of hair and eyes, and sex;

F. Social security number;

G. A description of the nature of the business and the goods, wares, merchandise, property and/or services to be sold;

H. Telephone number of the applicant;

I. Name and address of organization the peddler or solicitor represents;

J. Whether the applicant has ever been convicted of a crime and, if so, where and the nature of the offense and the punishment or penalty imposed therefor, if any;

K. Such other information as the Chief may require in order to protect the public health, safety and/or general welfare.

(2) All license applications shall be referred to the Chief who shall, within five (5) days after receipt of the completed application, issue a license unless he finds that:

A. The applicant has provided false, misleading or deceptive information in his application; and/or

B. The applicant or any solicitor or peddler named on the license application has been convicted of a felony violation or misdemeanor violating involving weapons, theft, moral turpitude or violence within the past five (5) years.

All licenses issued under this chapter shall be valid for not more than one hundred eighty (180) days. A separate license shall be required for each individual solicitor or peddler even though there may be a single employer.

(3) Each applicant shall pay a nonrefundable license application fee of fifteen dollars ($15.00), which fee shall be paid at the time the application is submitted.

(4) Once issued, a license may be used only in conformity with the laws of the Village and the State of Ohio; may not be assigned or transferred; must be carried by the licensee at all times; and may be revoked or suspended by the Chief of Police for any of the following causes:

A. The licensee or person preparing the application on behalf of the licensee provided false, misleading or deceptive information in the license application;

B. The licensee is convicted of a felony or of a misdemeanor involving fraud or moral turpitude; or

C. The licensee violates any provision of this chapter or peddles or solicits in an unlawful manner.

D. Upon written complaint being filed with the Police Department, that the licensee has made himself obnoxious to the public by the use of indecent, profane or insulating language or has made or perpetrated any misstatement, deception or fraud in connection with any solicitation or sale, and if said complaint is found to be true, the license of such solicitor or peddler shall be revoked.

(c) Individuals or corporations soliciting or peddling on behalf of an educational, religious, civic or charitable organization shall not be required to pay license fees.

(d) Restrictions; Hours; Conduct. Every person to whom a license to peddle or solicit is issued and every canvasser shall be governed by the following rules and regulations:

(1) No person subject to the provisions of this chapter shall peddle, solicit or canvass except between the hours of 9:00 a.m. and 8:00 p.m. or one-half hour after sunset whichever is later.

(2) No peddler, solicitor or canvasser shall enter or attempt to enter a residence, house, apartment or other dwelling in the Village without an express invitation from an adult occupant of the residence, house, apartment or other dwelling.

(3) No peddler or solicitor shall engage in any peddling or solicitation other than that specified in the license application.

(4) No peddler, solicitor or canvasser shall by any device make unlawful noises, nor shall any peddler, solicitor or canvasser remain at the residence, house, apartment or other dwelling in the Village without the consent of any adult occupant of the residence, house, apartment or other dwelling in the Village.

(e) Resident Prohibition by Notice. Notwithstanding any other provision of this chapter, no peddler, solicitor or canvasser, while peddling, soliciting or canvassing, shall call upon, knock at the door or ring the door bell of any residence, house, apartment or other dwelling in the Village upon which there is posted at the entrance a notice which reads "No Peddlers, Solicitors or Canvassers Allowed" or words of similar import, which clearly prohibit peddlers, solicitors and canvassers on the premises, unless such peddler, solicitor or canvasser has previously been invited upon the premises by the owner, lessee or an adult occupant thereof.

751.04 ORGANIZATIONAL LIABILITY.

The organization sponsoring or employing individuals violating any of the provisions of Chapter 751 may be prosecuted and held liable for the criminal penalties contained herein.

751.05 DISPLAY OF LICENSE CARD.

Any peddler or solicitor shall, at all times while soliciting or peddling, display said license or registration card on the outside of their person in such a manner as to be clearly visible to residents. Upon request by any resident, police officer or Village official, a solicitor, or peddler shall present said license or registration card for further inspection.

751.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor and, in addition, may have his license revoked by the Mayor or the Chief of Police.

CODIFIED ORDINANCES OF ROAMING SHORES

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

Chap. 905. Water and Sewer Charges.

Chap. 913. Sewer Regulations.

Chap. 919. Backflow Prevention.

CODIFIED ORDINANCES OF ROAMING SHORES

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

CHAPTER 905
Water and Sewer Charges

905.01 Definitions.
905.02 Rates and charges; effective date.
905.03 Levy of debt service and water and sewer user charges.
905.04 Payment; lien.
905.05 Right of appeal.
905.06 Sewer surcharges.
905.07 Facility impact fee.
905.08 Available for use charge; deferral; administration.
905.09 Annual review of charges.
905.10 Credit for contiguous lots.
905.11 Water leaks in buildings serviced by Village utility system.

CROSS REFERENCES

905.01 DEFINITIONS.

As used in this chapter, the following terms shall have the following meanings:

(a) "User charge" means the charge assessed users of the water and sewage system to recover the cost of OM&R of the water distribution, sewage collection and sewage treatment system, and the cost of rendering bills and collecting water and sewer service charges.

(b) "Operation and Maintenance Costs" means the cost incurred and the act of keeping all facilities for pumping, storing and treating of water and the collecting, pumping, treating and disposing of sewage in the good state of repair and functioning properly including the replacement of said facilities when necessary.

(c) "Replacement" means expenditures for obtaining and installing equipment, accessories, and appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

(d) "Debt service" means the funds used for the retirement of, and interest on, bonds and/or notes authorized and issued by the Village to construct sewage system facilities.

(e) "Water service charge" means the total charge levied against users of the water system for water services. The charge shall include user charges plus the cost of the debt service.

(f) "Sewer service charge" means the total charge levied against users of the sewage system for sewer services. The charge shall include user charges plus the cost of debt service.

(g) "Normal domestic sewage" means sewage which when analyzed shows by weight a daily average of not more than 250 parts per million (ppm) of suspended solids and not more than 200 ppm of biochemical oxygen demand (BOD).

(h) "Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

(i) "BOD" (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter, under standard laboratory procedure, in five days at twenty degrees Celsius (C), expressed in ppm by weight.

(j) "User classes" means the user charge system consists of the following user classes as defined below.

(1) "Water residential user" means a principal family residence or habitation classified as a single family dwelling that obtains water service from the Village.

(2) "Sewer residential user" means a principal family residence or habitation classified as a single family dwelling that discharges domestic sanitary wastewater having characteristics of 250 milligrams per liter biochemical oxygen demand and 200 milligrams per liter suspended solids into the public wastewater treatment system, works, and facility.

(3) "Commercial user" means retail or wholesale business establishments that obtain water services from a connection greater than one inch or discharge primarily normal strength wastewater into the public wastewater treatment system, works and facility.

(4) "Institutional/governmental user" means hospitals, nursing homes, schools, City, county, state or federal buildings or facilities that obtain water services from a connection greater than one inch or discharge wastewater into the public wastewater treatment system, works, and facility.

(5) "Industrial user" shall include users discharging waste resulting from manufacturing activities involving the mechanical or chemical transformation of materials or substance into other products. These activities occur in establishments usually described as plants, factories or mills and characteristically use power-driven machines and material handling equipment.

(Ord. 388-08-03. Passed 10-21-03.)

905.02 RATES AND CHARGES; EFFECTIVE DATE.

From and after the effective date of this section, rates and charges for use and availability of the Water System and Wastewater System are amended and shall be set forth in this chapter. (Ord. 473-02-09. Passed 4-21-09.)

905.03 LEVY OF DEBT SERVICE AND WATER AND SEWER USER CHARGES.

I. WATER SERVICE

A. PREMISES LOCATED WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF ROAMING SHORES:

1. Regular Meter Water Service (5/8" x 3/4" - 1" meters)

a.	Minimum charge (metered service only); zero to 2,000 gallons bi-monthly period	$22.00

WATER USAGE CHARGES B-C

b.	3,000 - 13,000 gallons per bi-monthly period (over 2,000 gallons per bi-monthly period)	Minimum charge (a) + $4.70 per 1,000 gallons
c.	14,000 - 52,000 gallons per bi-monthly period (over 13,000 gallons per bi-monthly period)	Minimum charge (a) + usage charge (b) + $4.20 per 1,000 gallons
d.	53,000 gallons and above per bi-monthly period (over 52,000 gallons per bi-monthly period)	Minimum charge (a) + usage charges (b)(c) + $3.00 per 1,000 gallons

WATER ASSOCIATED CHARGES

2.	OUTSIDE VILLAGE WATER FACILITY IMPACT FEE	$2,280.00 single family home
	Water meter installation fee	200.00
	(as needed) Road bore and permit fee	500.00
3.	WATER SERVICE TO FROST-FREE HYDRANTS OR NONRESIDENTIAL BUILDING	200.00
	Includes application and meter installation only. Must meet local and county approval	
4.	Available-for-use charge (non-metered lot)	$10.66 per bi-monthly billing
5.	Administrative fee - contiguous lots	3.00 per bi-monthly billing

B. PREMISES LOCATED OUTSIDE THE CORPORATE LIMITS OF THE VILLAGE OF ROAMING SHORES WATER USER CHARGES. (reflects a 40% surcharge)

1.	Minimum Debt Charge for the first 2,000 gallons (0-2,000)	$30.80
2.	Water User Charge from 3,000 - 13,000 gallons (3-13,000)	6.85 per 1,000 gallons
3.	Water User Charge from 14,000 - 52,000 gallons (14-52,000)	5.88 per 1,000 gallons
4.	Water User Charge over 53,000 gallons (53,000+)	4.20 per 1,000 gallons

The Minimum charge shall be as indicated per bi-monthly period or any part thereof.

II. SEWER SERVICE

A. PREMISES LOCATED WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF ROAMING SHORES:

1. SEWER SERVICE where water is metered

a.	Minimum charge per bi-monthly period (zero to 2,000 gallons per bimonthly period)	$45.00 per bi-monthly billing

USAGE CHARGES B-C

b.	3,000 - 13,000 gallons per bi-monthly period (over 2,000 gallons per bi-monthly billing)	Minimum charge (a) + $11.30 per 1,000 gallons
c.	14,000 gallons and above per bi-monthly period (over 13,000 gallons per bi-monthly billing)	Minimum charge (a) + usage charge (b) + $11.30 per 1,000 gallons

SEWER ASSOCIATED CHARGES

2.	Available-for-use charge (non-metered lot)	$16.00 per bi-monthly billing
3.	Administrative fee - contiguous lots	4.00 per bi-monthly billing

B. PREMISES LOCATED OUTSIDE THE CORPORATE LIMITS OF THE VILLAGE OF ROAMING SHORES WATER USER CHARGES (reflects a 40% surcharge).

1.	Minimum Debt charge for the first 2,000 gallons (0-2,000)	56.25
2.	Sewer User Charge - Each 1,000 gallons thereafter (2,000 +)	14.13

III. AVAILABLE FOR USE (AFU) CHARGES - DEFERRAL - ADMINISTRATION

A. This charge applies to all non-metered lots within the incorporated areas of the Village of Roaming Shores. This charge was set up to help with the original development of the complete Water Treatment, Water Distribution, Wastewater Treatment Plant and Wastewater Collection System. These charges are to be paid in accordance with Section IV of this section.

1. Sewer Available-for-use charge (non-metered lot) $16.00 per bi-monthly billing

2. Water Available-for-use charge (non-metered lot) 10.66 per bi-monthly billing

B. This deferment of AFU charges may apply to two (2) non-metered lots contiguous to a metered residence within the incorporated areas of the Village of Roaming Shores. This deferral may only be applied for when a lot has a metered residence and the lot(s) are filed with the Village as contiguous. This agreement allows a deferral of the available-for-use charges only.

IV. PAYMENT - LIEN

A. All water charges and sanitary rental charges shall be due immediately upon issuance. All water charges and sanitary sewer charges rendered by the Billing Clerk shall be paid within 21 days from billing date to the Billing Clerk. Any water charges or sanitary sewer charges not paid within 30 days from the billing date shall be considered delinquent and a charge of 1.5% each month shall be assessed against any outstanding delinquent water and sanitary sewer bill; however, no more than 1.5% delinquent charge shall be assessed each month against the given account when both water and sewer bills are delinquent and unpaid.

Should any sewer bill remain unpaid for a period of 35 days from the billing date, the water and sewer service are subjected to disconnection by means of shutting off the water supply, and an additional $10.00 ($5.00 water - $5.00 sewer) notice fee is charged to the account balance.

The water and sanitary sewer services shall be resumed only upon payment of the delinquent charges together with any delinquent fees, and a turn-off/turn-on charge of $50.00 during business hours or $80.00 during non-business hours. In no event shall more than $80.00 be charged for a turn-off/turn-on fee when both water and sewer charges are past due.

B. Each charge or rental levied by or pursuant to this section is hereby made a lien upon the corresponding building, lot or premises serviced by such connection, and if not paid within thirty (30) days, after written notice to the property owner requesting payment, then the delinquent amount due shall be certified to the Ashtabula County Auditor and collected in the same manner as Village taxes.

V. DISCONTINUANCE OF OCCUPANCY

In case of discontinuance of actual occupancy and use of the building or premises for any period of time during a bi-monthly period, the final bill shall be based on the measured service, except in no case shall the final bill be less than the minimum bi-monthly rate.
(Ord. 473-02-09. Passed 4-21-09.)

905.04 PAYMENT; LIEN.

(a) All water charges and sanitary sewer rental charges shall be due immediately upon issuance. All water charges and sanitary sewer charges rendered by the Billing Clerk shall be paid within twenty-one days from billing date to the Billing Clerk. Any water charges or sanitary sewer charges not paid within thirty days from the billing date shall be considered delinquent and a charge of one and one-half percent (1.5%) each month shall be assessed against any outstanding delinquent water and sanitary sewer bill; however, no more than one and one-half percent (1.5%) delinquent charge shall be assessed each month against the given account when both water and sewer bills are delinquent and unpaid.

Should any sewer bill remain unpaid for a period of thirty-five days from the billing date, the water and sewer services are subjected to disconnection by means of shutting off the water supply, and an additional ten dollar ($10.00) ($5.00 water - $5.00 sewer) notice fee is charged to the account balance.

The water and sanitary sewer services shall be resumed only upon payment of the delinquent charges together with any delinquent fees, and a turn off/turn on charge of fifty dollars ($50.00) during business hours or eighty dollars ($80.00) during non-business hours.

In no event shall more than eighty dollars ($80.00) be charged for a turn off/turn on fee when both water and sewer charges are past due.

(b) Each charge or rental levied by or pursuant to this chapter is hereby made a lien upon the corresponding building, lot or premises serviced by such connection, and if not paid within thirty days after written notice to the property owner requesting payment, then the delinquent amount due shall be certified to the Ashtabula County Auditor and collected in the same manner as Village taxes. (Ord. 388-08-03. Passed 10-21-03.)

905.05 RIGHT OF APPEAL.

All customers shall have the right to appeal a bill rendered for water and sewer service charges. In the event that a billing dispute cannot be resolved by the utility billing department that initially rendered the bill, it shall become the responsibility of the Village Administrator to resolve such dispute. If the customer is still unsatisfied, the Village Administrator will send a certified letter to the customer asking them to attend a hearing with the Utility Study Committee. The appeal letter must allow the customer to accept or deny a hearing; customer refusal to a hearing waives their right to settle their claim.
(Ord. 388-08-03. Passed 10-21-03.)

905.06 SEWER SURCHARGES.

(a) Sewage or industrial wastes that are above normal sewage strength, but acceptable for discharge into the wastewater collection system shall be subjected to a surcharge. The surcharge shall be determined on the basis of either or both constituents of water or wastes:

(1) Total suspended solids, and/or
(2) Five-day BOD at twenty degrees C. and as herein provided.

(b) When either or both the total suspended solids and the BOD of a water or waste accepted for admission to the system exceeds the values of their constituents for normal sewage, the excess concentration in either or both, as the case may be, shall be subject to a surcharge as follows:

(1) Pounds of excess suspended solids per day x .32/lb. = SS Surcharge.
(2) Pounds of excess BOD per day x .37/lb. = BOD Surcharge.

(c) In addition to the surcharge, the user will pay the use charges as defined in Section 905.03.

(d) The pounds of BOD per day and/or pounds of SS per day above the concentrations previously described for normal strength sewage that are discharged to the sewerage system, shall be determined by the Village or their authorized representative. In addition to a surcharge on BOD and SS, the Village shall have the right to surcharge any user for the discharge of any other pollutant into the sewage system.
(Ord. 388-08-03. Passed 10-21-03.)

905.07 FACILITY IMPACT FEE.

(a) Residential. This fee applies to each single-family dwelling and each residential unit of any multi-family development upon construction that directly or indirectly connects to the water and/or the sewage system. The fee will be assessed and collected at time of application for water and/or sewer service. These charges include only the cost of administration and inspection. The customer must have a valid building/zoning permit from the Village prior to the issue of the sewer permit. These fees apply to most lots within the incorporated limits of the Village served by the water distribution and sewage collection system.

(b) Water Impact Fees.

(1) Facility impact fee - $2,280 - Only outside the Village and/or original system service area.
(2) Water meter installation fee - $200.00 all customers up to a one-inch service line.
(3) Road bore and permit fee - $500.00 when required and non-refundable.

(c) Sewer - Wastewater Impact Fees.
(1) Facility impact fee - $3,300.00 - Inside Village.
(2) Facility impact fee - $4,125.00 - Outside Village (reflects 25% surcharge)

(d) Commercial - Industrial Facility Impact Fee.
(1) Inside Village limits - $3,300.00.
(2) Outside Village limits - $4,125.00.

(e) Commercial - Industrial - Flow Unit Impact Fee. This fee applies to all construction that directly or indirectly connects to the sewage system. This fee shall consist of the Impact Fee in subsection (b) hereof, plus a per unit charge for the appropriate classification of service as shown in Table A. These rates are set by guidelines published by the Ohio EPA for design flows for wastewater treatment plants. If your classification is not listed, we will make arrangements for a discussion of the charges based on EPA flow guidelines and our needs. Terms and conditions for approval are the same as residential.

TABLE A: SEWAGE FLOW GUIDE

Type of Facility/Classification	Cost/Unit Charge	Flow Unit Rating
Factories	$1.50/gpd	35 gallons/day/employee
Nursing Homes	$1.50/gpd	200 gallons/day/person
Office Buildings	$1.50/gpd	200 gallons/day/1000 sq. ft.
Restaurants	$1.50/gpd	35 gallons/day/seat

(Ord. 388-08-03. Passed 10-21-03.)

905.08 AVAILABLE FOR USE CHARGE; DEFERRAL; ADMINISTRATION.

(a) This charge applies to all non-metered lots within the incorporated areas of the Village. This charge was set up to help with the original development of the complete water treatment, water distribution, wastewater treatment plant and wastewater collection system. These charges are to be paid in accordance with Section 905.04.

(1) Sewer available-for-use charge (non-metered lot) $16.00 per bi-monthly billing
(2) Water available-for-use charge (non-metered lot) $10.66 per bi-monthly billing

(b) This deferment of AFU charges may apply to two non-metered lots contiguous to a metered residence within the incorporated areas of the Village. This deferral may only be applied for when a lot has a metered residence and the lot(s) are filed with the Village as contiguous. This agreement allows a deferral of the available for use charges only when bound by the terms of the Village's Codified Ordinances. These charges are to be paid in accordance with Section 905.04.

(1) Sewer available for use deferral ($16.00) "Contiguous lot administration fee" $4.00 per bi-monthly billing
(2) Water available for use deferral ($10.66) "contiguous lot administration fee" $3.00 per bi-monthly billing.

(Ord. 388-08-03. Passed 10-21-03.)

905.09 ANNUAL REVIEW OF CHARGES.

The water service charge and user charges and/or sewer service charge and user charges shall be reviewed annually by the Village, in order to determine whether or not they are sufficient to defray the fixed charges, amortization costs, and annual cost of OM&R of the water and sewerage system. If the difference between the total annual revenue derived and the total annual cost is sufficient to justify an increase or decrease in the water service charges or user charges and/or sewer service charge or user charges, the Village will adjust the rates as required. The purpose of the annual review is also to maintain a proportional user charge.

Each user to be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the sewer service charge, which is attributable to OM&R costs of wastewater treatment services.
(Ord. 388-08-03. Passed 10-21-03.)

905.10 CREDIT FOR CONTIGUOUS LOTS.

(a) A credit will be given for utilities services to metered customers on their combined metered and available for use charges for the amount of the available for use charges on any lot or lots owned by the customer contiguous to the metered premises, to a maximum of two such lots contiguous to the metered premises.

(b) Eligibility for said credit will be premised upon written agreement between the Village and the landowner seeking credit that the contiguous lot will remain undeveloped and titled in the said lot owner's name, with all credited charges back to the effective date of this section to be assessed to and paid by the said landowner in the event the undeveloped contiguous lot is sold separately from the metered lot or developed by placement therein of a residence; and

(c) Upon change of ownership of any metered residence receiving credits for a contiguous lot or lots as herein provided, credited charges are to be paid in full unless the subsequent owner agrees to be bound by the terms of the original credit agreement.
(Ord. 70-01-85. Passed 3-25-85.)

(d) An administrative charge of ten dollars ($10.00) per quarter per contiguous lot credit claimed shall be imposed and collected by the Village Utility in conjunction with billing and collection of regular utility service and available for use charges.

The aforesaid administrative charge, having been determined by this Council to reflect costs of administration of the contiguous lot credit program, shall not be refundable nor shall said charge serve as a credit upon repayment of contiguous lot credits in the event said contiguous lots are divided in the future. (Ord. 151-07-91. Passed 9-17-91.)

(e) Contiguous lot credits granted by subsection (a) hereof shall be rescinded to those metered customers failing to pay administrative charges established by subsection (d) hereof within twenty days of the billing date thereof.

The Village Clerk is directed to certify for collection to the County Auditor unpaid contiguous lot credits which become payable as a result of the failure to pay administrative charges as herein referenced. (Ord. 356-11-01. Passed 1-15-01.)

905.11 WATER LEAKS IN BUILDINGS SERVICED BY VILLAGE UTILITY SYSTEM.

Customers experience leaks due to defects in the condition of plumbing and water lines in buildings and other facilities serviced by the Village Utility System:

(a) Shall pay for all water usage pursuant to the established Village schedule of rates prevailing at the time of said water usage.

(b) Shall pay a reduced charge for sewer use in the amount of half of the prevailing sewer rate per thousand gallons for all sewer use associated with the system rate per thousand gallons from said leak, subject to the condition that the leak is of such extent that the customer's usage for a billing period is not less than double that of the customer's average billing period use.

(Ord. 198-07-94. Passed 9-20-94.)

CHAPTER 919
Backflow Prevention

919.01 Installation.
919.02 Connection to private, auxiliary or emergency water supply.
919.03 Surveys and investigations of properties served.
919.04 Right of entry.
919.05 Discontinuance of service.

CROSS REFERENCES

919.01 INSTALLATION.

If, in the judgment of the Village Administrator, an approved backflow prevention device is necessary for the safety of the public water system, they will give notice to the water consumer to install such an approved device immediately. The water consumer shall, at his own expense, install such an approved device at a location and in a manner approved by the Village Administrator and shall have inspections and tests made of such approved devices as required by the Village Administrator.
(Ord. 217-07-95. Passed 7-18-95.)

919.02 CONNECTION TO PRIVATE, AUXILIARY OR EMERGENCY WATER SUPPLY.

No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the Village may enter the supply or distributing system of said Village, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Village and by the Ohio Environmental Protection Agency.
(Ord. 217-07-95. Passed 7-18-95.)

919.03 SURVEYS AND INVESTIGATIONS OF PROPERTIES SERVED.

It shall be the duty of the Village Administrator to cause surveys and investigations to be made of industrial and other properties served by the public water supply where actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as the Village Administrator shall deem necessary. (Ord. 217-07-95. Passed 7-18-95.)

919.04 RIGHT OF ENTRY.

The Village Administrator or his duly authorized representative shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village for the purpose of inspecting the piping system or systems thereof. On demand the owner, lessees or occupants of any property so served shall furnish to the Village Administrator any information that he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Village Administrator, be deemed evidence of the presence of improper connections as provided in this chapter.
(Ord. 217-07-95. Passed 7-18-95.)

919.05 DISCONTINUANCE OF SERVICE.

The Village Administrator is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this chapter is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger or contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions shall have been eliminated or corrected in compliance with the provisions of this chapter. (Ord. 217-07-95. Passed 7-18-95.)

CODIFIED ORDINANCES OF ROAMING SHORES

PART ELEVEN - PLANNING AND ZONING CODE

TITLE ONE - Zoning Ordinance

Chap. 1105. Title, Interpretation and Enactment.
Chap. 1109. Definitions.
Chap. 1113. Nonconformities.
Chap. 1117. Appeals and Variances.
Chap. 1121. Conditional Use Permits; Substantially Similar Uses; Accessory Uses.
Chap. 1125. Amendments.
Chap. 1129. Establishment of Districts.
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Chap. 1141. Special Regulations.
Chap. 1143. Satellite Dish Antennas.
Chap. 1145. Amusement Arcades.
Chap. 1147. Adult Entertainment Businesses.
Chap. 1149. Television, Radio, and Microwave Tower and Telecommunications Equipment Siting.
Chap. 1151. Swimming Pools As Accessory Uses.
Chap. 1153. Long-Term Parking Facilities.
Chap. 1155. Home Occupations.
Chap. 1157. Group Residential Facilities.
Chap. 1159. Appearance and Design Standards for Single Family Housing.
Chap. 1161. Off-Street Parking and Loading Facilities.
Chap. 1163. Signs.
Chap. 1165. Administration.
Chap. 1167. Enforcement.
Chap. 1169. Planned Unit Developments.
Chap. 1171. Gas and Oil Wells.

TITLE THREE - Subdivision Regulations

Chap. 1177. General Provisions.
Chap. 1181. Definitions.
Chap. 1185. Procedures.
Chap. 1189. Improvements.

CODIFIED ORDINANCES OF ROAMING SHORES

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Chap. 1171. Gas and Oil Wells.

CHAPTER 1105
Title, Interpretation and Enactment

1105.01 Title.
1105.02 Land use policy statements.
1105.03 Purpose.
1105.04 Provisions of Ordinance declared to be minimum requirements.
1105.05 Separability clause.
1105.06 Repeal of conflicting ordinances.
1105.07 Effective date.

1105.01 TITLE.

This Ordinance shall be known and may be cited to as the "Zoning Ordinance of the Village of Roaming Shores" (hereinafter referred to as the "Village").
(Ord. 381-02-03. Passed 5-20-03.)

1105.02 LAND USE POLICY STATEMENTS.

OVERALL GOAL: To promote a community that is residential in character with a rural and historical identity balanced by a strong local economy that supports essential services.

I. SUBGOAL: To maintain residential character by:
   A. Promoting the safe and orderly continuation of residential development and recreational activity within Roaming Rock Shores Subdivision.
   B. Promoting an adequate supply of quality housing units for all families and individuals within an adequate range of geographic locations, price levels, and basic community services, facilities and amenities.
   C. Establishing distinct light commercial and light industrial zones that will not encroach physically or visually on the rural economic base, rural beauty, identity, and aesthetic qualities of the Village.

II. SUBGOAL: To preserve the natural character of the Village by:
   A. Discouraging premature; scattered development into agricultural areas.
   B. Encouraging innovation in neighborhood development which will result in an improved living environment, i.e. neighborhood parks, recreation and open space.
   C. Protecting unique natural areas from development, particularly where they have been identified by the Department of Natural Resources or other professional organizations.

III. SUBGOAL: To allow for residential and compatible non-residential uses outside Roaming Rock Shores Subdivision that may:
   A. Make the Village more "self sufficient" by providing light industrial employment and light commercial services in close proximity to residences.
   B. Foster more rapid growth and an increase in property values within the Village by this increased self sufficiency.
   C. Add to the tax base of the Village directly, by multiplier effects, stemming from the creation of jobs nearby.

IV. SUBGOAL: To allow only uses that are compatible with contiguous and nearby residential areas by:
   A. Providing for single family residential, recreational, marina, and restaurant uses within Roaming Rock Shores Subdivision.
   B. Providing for single family residential, multi family residential, agricultural, and light commercial and light industrial uses outside Roaming Rock Shores Subdivision but within the Village.
   C. Allowing only those types of light industrial uses that are as quiet, non-polluting, and innocuous as possible.
   D. Scrutinizing industrial land uses that may interfere with the residential/recreational character of Roaming Rock Shores Subdivision

and are not permitted.
(Ord. 381-02-03. Passed 5-20-03.)

1105.03 PURPOSE.

This Ordinance is enacted for the general purpose of promoting the public health, safety, and welfare of the residents of the Village; to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts; to facilitate the provision of public utilities and public services; to lessen congestion on public streets, roads, and highways; to provide for the administration and enforcement of this Ordinance, including the provision of penalties for its violation; and for any other purpose provided in this Ordinance, the Ohio Revised Code, or under common law rulings.
(Ord. 381-02-03. Passed 5-20-03.)

1105.04 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS.

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this Ordinance conflict with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards shall govern. Covenants and Restrictions of the Roaming Rock Shores Subdivision relating to zoning and/or land use, shall be sustained and enforced by the Village in those areas that are within the boundaries of both the Roaming Rock Shores Subdivision and the Village.
(Ord. 381-02-03. Passed 5-20-03.)

1105.05 SEPARABILITY CLAUSE.

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part of declared to be unconstitutional or invalid.
(Ord. 381-02-03. Passed 5-20-03.)

1105.06 REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict with this Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.
(Ord. 381-02-03. Passed 5-20-03.)

1105.07 EFFECTIVE DATE.

This Ordinance shall become effective from and after the date of its approval and adoption, as provided by law.
(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1109
Definitions

1109.01 Interpretation of terms or words.

1109.02 Definitions.

1109.01 INTERPRETATION OF TERMS OR WORDS.

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word "shall" is a mandatory requirement, and word "may" is a permissive requirement, and the word "should" is a preferred requirement.
4. The words “used” or "occupied" include the words "intended, designed, or arranged to be used or occupied".
5. The word "lot" includes the words "plot" or "parcel".

(Ord. 381-02-03. Passed 5-20-03.)

1109.02 DEFINITIONS.

ACCESSORY USE OR STRUCTURE: Accessory Use means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, "Accessory Use" includes anything of a subordinate nature attached to or disattached from a principal structure
or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, billboards, docks, dockboxes, sea walls, gazebos, pavilions, tennis courts, and boat houses. Except as otherwise required in this Ordinance, an accessory use shall be a permitted use.

ADULT BOOKSTORE: An establishment which utilizes 15 percent or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on adult materials as defined in this section.

ADULT ENTERTAINMENT BUSINESS: An adult book store, adult motion picture theater, adult drive-in motion picture theater, or an adult only entertainment establishment as further defined in this section.

ADULT MATERIAL: Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service capable of arousing interest through sight, sound, or touch, and:

A. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or

B. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human functions of elimination.

ADULT MOTION PICTURE THEATER. An enclosed motion picture theater which is regularly used or utilizes 15 percent or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.

ADULT MOTION PICTURE DRIVE-IN THEATER: An open air drive-in theater which is regularly used or utilizes 15 percent or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.

ADULT ONLY ENTERTAINMENT ESTABLISHMENT: An establishment where the patron directly or indirectly is charged a fee where the establishment features entertainment or services which constitute adult material as defined in this section, or which features exhibitions, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material.

AGRICULTURE: The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce, provided, however that:

1. The operation of any such accessory uses shall be secondary to that of normal agricultural activities; and
2. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within one hundred (100) feet of any residential zoning district.

Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feedyard.

AIRPORT: Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings, and open spaces.

ALLEY: See Thoroughfare.

ALTERATIONS, STRUCTURAL: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

AMUSEMENT ARCADE: A place of business within a building or any part of a building having more than five (5) mechanical or electronically operated amusement devices which are used for the purpose of public entertainment through the operation, use, or play of any table game or device commonly known as an electronic game which is operated by placing therein any coin, plate, disc, slug, key, or token of value by payment of a fee.

ANTENNA: A system of electrical conductors that emit or receive radio waves.

ASSEMBLY HALL: A public or quasi-public meeting place associated with a community center, church (temple) or school.

AUTOMOTIVE REPAIR: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

AUTOMOTIVE, MANUFACTURED HOME, RECREATIONAL VEHICLE AND FARM IMPLEMENT SALES: The sale or rental of new and used motor vehicles, manufactured homes, recreational vehicles, or farm implements, but not including repair work except incidental warranty repair of the same, to be displayed and sold on the premises.

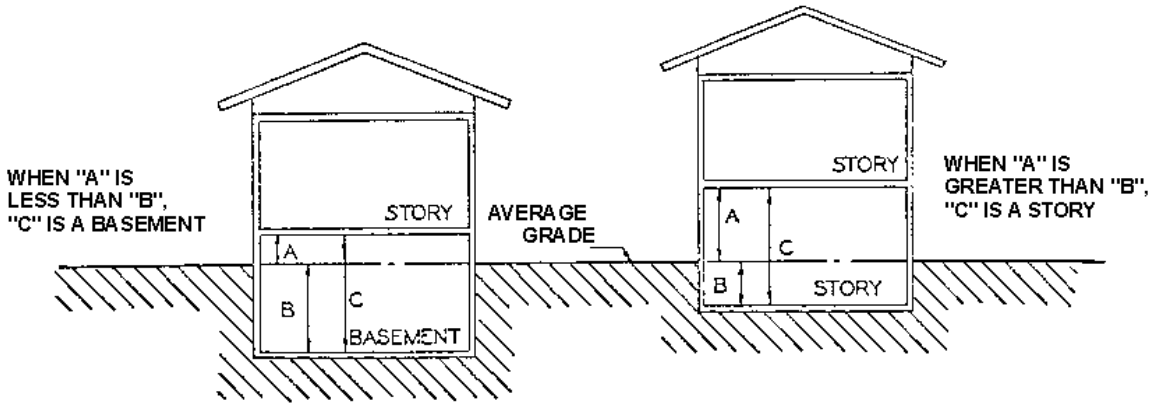
AUTOMOTIVE WRECKING: The dismantling or wrecking of used motor vehicles, manufactured homes, recreational vehicles, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

AUTOMOBILE GRAVEYARD: Means any establishment or place of business which is maintained, used or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

BANNER: Any sign of lightweight fabric or similar material that is mounted to a pole or building at one or more edges (Flags excluded).

BARN: A structure used for agricultural purposes that is exempt from local zoning as described in the Ohio Revised Code.

BASEMENT: A story all or partly underground but having at least one-half or its height below the average level of the adjoining ground.

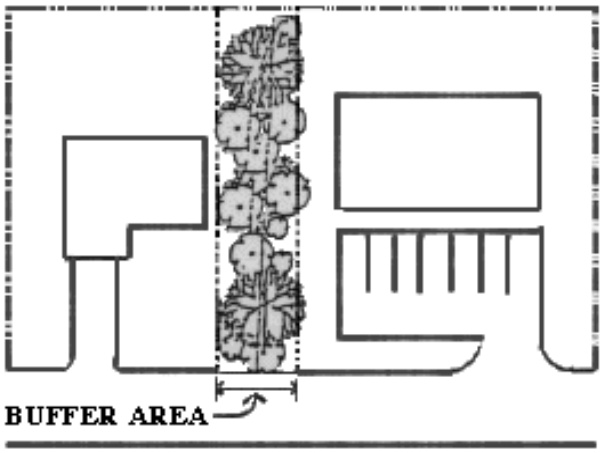


BASEMENT & STORY

BED AND BREAKFAST: A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the bed and breakfast shall live on the premises or in adjacent premises.

BOTTOMLESS: Less than full opaque covering of male or female genitals, pubic area or buttocks.

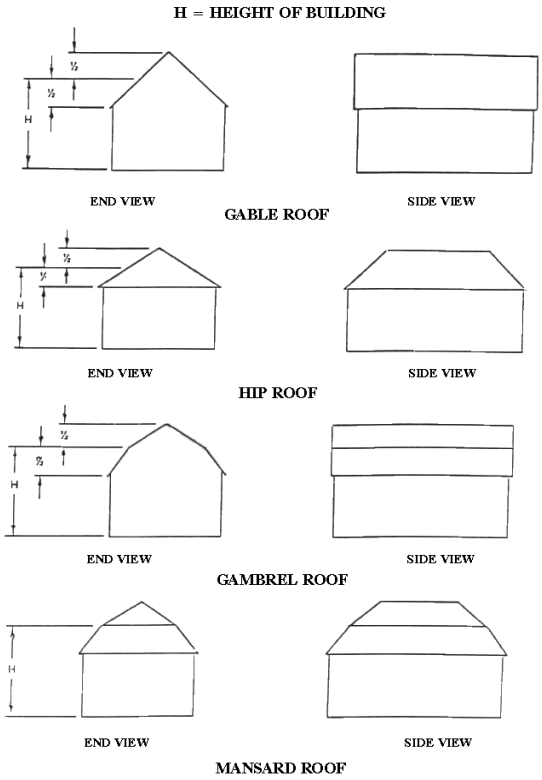
BUFFER AREA: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.



BUILDING: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

BUILDING, ACCESSORY: A building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

BUILDING, HEIGHT: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest points of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.



ROOF TYPES AND BUILDING HEIGHT

BUILDING LINE: See Setback Line.

BUILDING. PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is situated.

BUSINESS GENERAL: Commercial uses which generally require locations on or near arterial streets or other major thoroughfares and/or their intersections, and which tend in addition to serving day to day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture, department stores; and discount stores.

CAMPGROUND: See Recreation Camp.

CAPTIVE DISPOSAL FACILITY: A facility owned and operated by a specific party, accepting only waste(s) generated by that party. Waste(s) are restricted to a specific waste or set of waste authorized by the Ohio EPA as contained in the PTI (Permit-To-Install).

CELLAR: That portion of the building wholly below, or with less than half of its ceiling height above the average finished grade of the ground adjoining the building.

CEMETERY: Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

CHANNEL: A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

CHILD DAY-CARE: Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four hour day in a place or residence other than the child's own home. The following are child day-care facilities:

Child Day Care Center - Any place in which child day-care is provided, with or without compensation, for thirteen (13) or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for seven (7) to twelve (12) children at any one time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

Type A Family Day-Care Home: A permanent residence of the administrator in which child day-care is provided for four (4) to twelve (12) children at any one time, if four (4) or more children are under two (2) years of age. In counting children for the purposes of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

Type B Family Day-Care Home: A permanent residence of the provider in which child day-care or child day-care services are provided for one (1) to six (6) children at one time and in which no more than three (3) children may be under two (2) years of age at any one time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term "Type B family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

CHURCH (TEMPLE): A building designated as a place of worship by one or more religious denominations. The acreage involved may include one parsonage and/or a church school. All churches shall be located on a major highway.

CLINIC: A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board or room or kept overnight on the premises.

CLUB: A building or portion thereof or premises owned or operated by a person for social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

COMMERCIAL: See Business, General.

COMMERCIAL ENTERTAINMENT FACILITIES: Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

COMMUNITY CENTER (NEIGHBORHOOD): A structure in a neighborhood and designated
as a meeting place or adult recreation parlor. This structure can be part of a picnic area. The center shall be administered by a unit of local government or by a responsible home owners association for the neighborhood or subdivision in which it is located.

COMPREHENSIVE DEVELOPMENT PLAN: A plan, or any portion thereof, adopted by the Village showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfare, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the Village.

COMPREHENSIVE LAND USE DEVELOPMENT PLAN: A plan, or any portion thereof, adopted by the Village, showing the general location and extent of present and proposed physical facilities, including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives and policies of the community.

CONDITIONAL USE: A non-transferable use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the officia1 Schedule of Conditional Uses (see Chapter 1121).

CONDITIONAL USE PERMIT: A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

CONDOMINIUM: A building or group of buildings in which units are individually owned but the structure, common areas and facilities are owned on a proportional, undivided basis by all of the owners.

CONVENIENCE STORE: Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

CORNER LOT : See Lot Types.

CUL-DE-SAC: See Thoroughfare.

DEAD-END STREET: See Thoroughfare.

DENSITY: A unit of measurement expressing the number of dwelling units per acre of land.

1. Gross Density - the number of dwelling units per acre of the total land to be developed.
2. Net Density - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

DISABLED VEHICLE, RECREATIONAL VEHICLE, TRAILER, MOBILE HOME: Any type of motor vehicle, recreational vehicle, mobile home that meets any one (1) of the following criteria as observed by the Zoning Inspector:

1. Does not have a valid license and does not display a current license;
2. Is apparently mechanically inoperable;
3. Is extensively damaged (i.e. missing wheels, motor, tires or transmission);
4. Is in a dilapidated or broken down state.

DISTRICT: A part, zone, or geographic area within the Village within which certain zoning or development regulations apply.

DWELLING: Any building or structure (except a recreational vehicle or mobile home as defined by Ohio Revised Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

DWELLING UNIT: Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

DWELLING, SINGLE FAMILY: A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

DWELLING, TWO FAMILY: A dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

DWELLING, MULTI-FAMILY: A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.

DWELLING, INDUSTRIALIZED UNIT: An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit but not a manufactured home as defined by Ohio Revised Code 4501.01.

EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

ELDERLY HOUSEHOLD: Not more than three (3) persons, related or unrelated, who occupy a single dwelling unit, of whom one person is elderly.

ELDERLY HOUSING FACILITY: A building or buildings containing twelve (12) or more dwelling units where occupancy is restricted to elderly persons or households. Such facilities may include emergency first aid care, day care, therapy, personal care, nursing facilities, recreational facilities, and provide for independent or semi-independent living. For the purpose of this definition, "elderly housing facility" shall not include convalescent homes, nursing homes, group residential facilities, or homes for the aged.

ELDERLY PERSON: Any person who is sixty-two (62) years of age, or older, or any person under sixty-two (62) years of age who is handicapped such that his physical impairments are of a long-term duration and impede his ability to live independently without a suitable housing environment.

ELECTROMAGNETIC SPECTRUM: The range of all electromagnetic energy.

Ionizing Electromagnetic Energy (IER): The upper portion of the electromagnetic spectrum; includes cosmic, atomic, and X-rays; alters molecular structure of living tissue through which it passes.

Nonionizing Electromagnetic Radiation (NIER): The lower portion of the electromagnetic spectrum; includes household electrical current, radio, television, and microwave communication, radar, and visible light. It is insufficient to ionize living tissue; causes thermal effects; may cause nonthermal effects.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance, by public utilities or other government agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate services by such public utilities or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

EXHIBITOR: Any person owning and exhibiting or contracting or permitting any mechanical or electrically operated amusement device to be installed, used and exhibited in his own place of business, irrespective of the ownership of such device.

FAMILY: A person living alone, or two (2) or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel or hotel, dormitory, fraternity or sorority house, provided, however, that "family" shall not include more than four (4) persons unrelated to each other by blood, marriage or legal adoption, except for Class I Type B group residential facilities.

FARM VACATION ENTERPRISES (PROFIT OR NON-PROFIT): Farms adapted for the use as vacation farms, picnicking and sport areas, fishing waters, camping, scenery, and nature recreation areas; hunting areas; hunting preserves and watershed projects.

FEEDLOT: A relatively small, confined land area for fattening or temporarily holding cattle for shipment.

FENCE: A structure erected around or by the side of any open space to restrict passage in or out; especially a structure enclosing or separating yards, fields, etc.

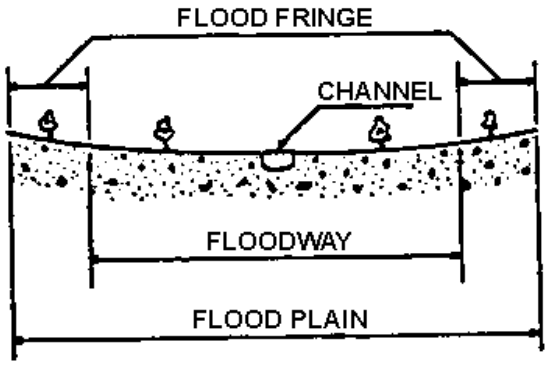
FENCE, BARRIER: A structure at least six (6) feet in height, constructed of non-transparent material, and maintained so as to obscure the junk from the ordinary view of persons passing upon roads covered by sections of the Ohio Revised Code.

FIREARM RANGES AND/OR TARGET SHOOTING BUILDINGS: A facility for the enjoyment of hand gun, rifle or shotgun shooting.

FLAG: Flags of the United States, the State, the Village, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than forty (40) feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be regulated as such.

FLOOD PLAIN: That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

FLOOD REGIONAL: Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year recurrence interval flood.



FLOOD PLAIN TERMS

FLOODWAY: That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

FLOODWAY FRINGE: That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

FLOOR AREA OF A RESIDENTIAL BUILDING: The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the area of enclosed roofed porches and enclosed roofed terraces. All dimensions shall be measured between interior faces of walls.

FLOOR AREA OF A NON-RESIDENTIAL BUILDING (TO BE USED IN CALCULATING PARKING REQUIREMENTS): The floor area of the specified use excluding stairs, wash rooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

FLOOR AREA. USABLE: Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

FOOD PROCESSING: The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

FREQUENCY: The number of cycles completed each second by a sound wave; measured in hertz (Hz). 1 Hz = 1 cycle per second; 1 kilohertz (kHz) = 1,000 Hz; and 1 megahertz (MHz) = 1,000 kHz or 1,000,000 Hz.

GARAGE, PRIVATE: A detached or attached accessory building or portion of a principal building for the parking or temporary storage of automobiles, recreational vehicles, and/or boats of the occupants of the premises.

GARAGE SALE: See Yard Sale.

GARAGE SERVICE STATION: Buildings and premises where gasoline, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed at retail, and where in addition, the following services may be rendered and sales made:

1. Sales and service of spark plugs, batteries and distributors parts;
2. Tire servicing and repair, but not recapping or regrooving;
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like;
4. Radiator cleaning and flushing;
5. Washing, polishing, and sale of washing and polishing materials;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, oil pumps, and lines;
8. Minor servicing and repair of carburetors;
9. Adjusting and repairing brakes;

10. Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
11. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations;
12. Provisions of road maps and other informational material to customers, provision of restroom facilities;
13. Warranty maintenance and safety inspections;
14. Major mechanical repairs.

GO CART TRACK: A black-topped area laid out for the riding of go-carts usually rented by the hour.

GOLF COURSE: An area designated as and arranged for the playing of golf. Conventional golf courses consist of a series of fairways and greens with holes numbering one (1) through nine (9) or multiples of nine (9). Par 3 and miniature golf (such as putt-putt) are considered golf courses.

GROUP RESIDENTIAL FACILITY: A group residential facility is a community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services. There are two classes of group residential facilities:

CLASS I: Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or development disabilities. A Class I Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or less residents, exclusive of staff.

CLASS II: Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; or place used as a home for residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class II Type B group residential facility contains five (5) or less residents, exclusive of staff.

HISTORIC AREA: A district or zone designated by a local authority, state or federal government within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history, or because of their unique architectural style and scale, including materials, proportion, form and architectural detail, or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes.

HOME OCCUPATION: Home Occupation means an accessory use which is an activity, profession, occupation, service, craft or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling and is without any significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring, babysitting, tax consulting and the like shall involve not more than three receivers of such services at any one time, with the exception of certified or uncertified Type B Family Day-Care Homes, which constitute a residential use and not an accessory use. Chapter 1155 shall apply.

HORSE RIDING CLUB: Persons joined together for the enjoyment of horses and horse riding. Horse riding clubs usually have a show ring, bleachers, and a parking area for contestants and on-lookers of scheduled horse shows.

HOTEL OR MOTEL AND APARTMENT HOTEL AND LODGE: A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

INDUSTRIAL, HEAVY: Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character require large sites, open storage and service areas; extensive service and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

INDUSTRIAL, LIGHT: Manufacturing, or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, glare, noise, odor, or dust, operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

INSTITUTION: Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.

JUNK: Old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, junked, dismantled or wrecked automobiles or parts thereof, iron, steel, and other old or scrap ferrous or non-ferrous materials.

JUNK BUILDINGS, JUNK SHOPS, JUNK YARDS: Any land, property, structure, building, or combination of the same, on which junk is stored or processed.

KENNEL: Any lot or premises on which four (4) or more dogs and/or cats more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.

LANDFILL: A system of trash and garbage disposal in which the waste is buried between layers of earth.

LOADING SPACE, OFF-STREET: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking spaces. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

LOCATION MAP: See Vicinity Map.

LOT: For the purposes of this Ordinance, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

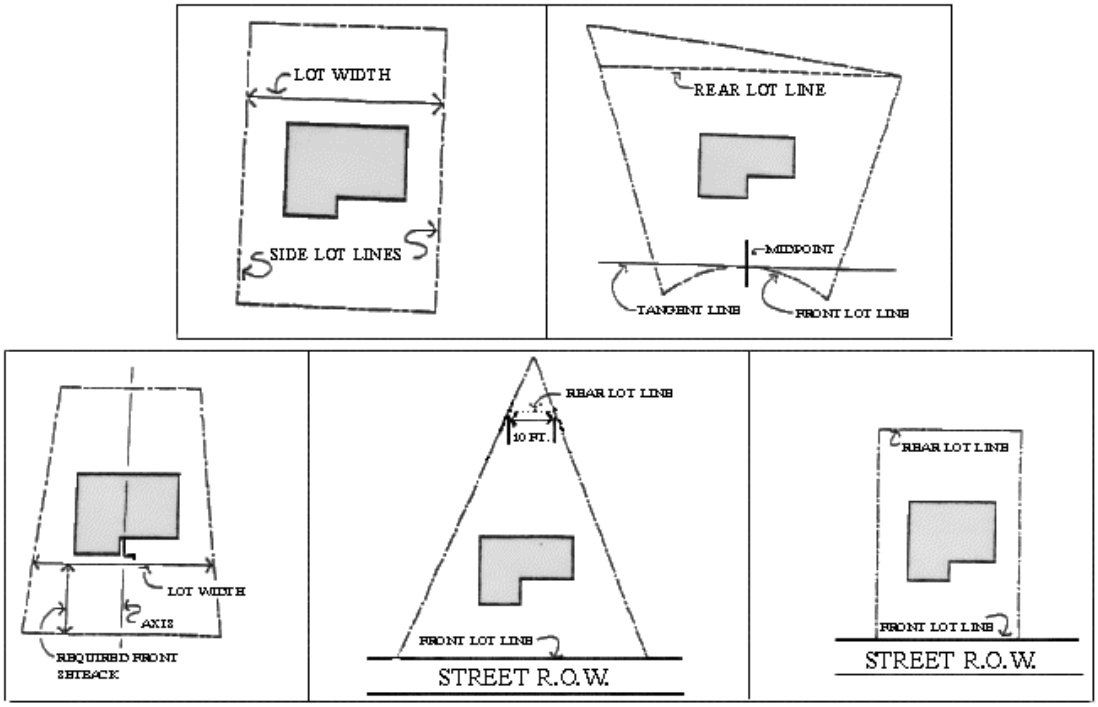
LOT COVERAGE: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yard" in this Section.

LOT, MINIMUM AREA OF: The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

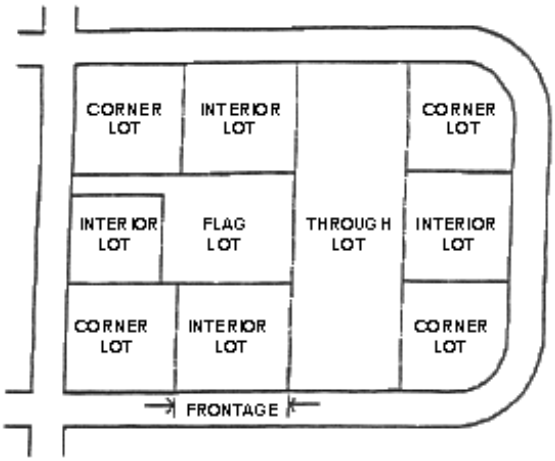
LOT MEASUREMENTS: A lot shall be measured as follows:

1. Depth: The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. Width: The distance between straight lines connecting from and rear lot lines at each side of the lot, measured at the building setback line.
3. On cul-de-sacs and curvilinear roads, the minimum frontage will be measured at the setback line.
4. Front



LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT TYPES: Terminology used in this Ordinance with reference to corner lots, interior lots and through lots is as follows:

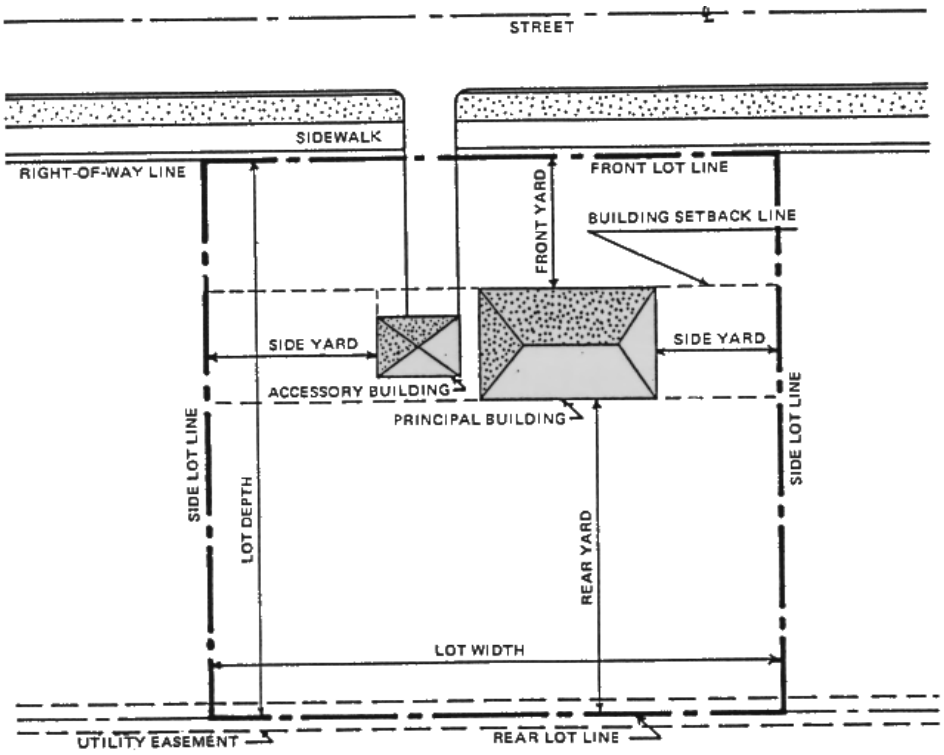


1. **Corner Lot**: A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
2. **Interior Lot**: A lot with frontage on only one (1) street.
3. **Through Lots**: A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two streets may be referred to as double frontage lots (see Subdivision Regulations).
4. **Reverse Frontage Lot**: A lot on which frontage is at right angles to the general pattern in the area. A reverse frontage lot may also be a corner lot.

(Ord. 381-02-03. Passed 5-20-03.)

LOT TERMS:

Lot area = total horizontal area



Lot coverage = per cent of lot covered by buildings and impervious material (paving).
NOTE: This change now applies the same percent coverage for buildings and impervious material as was applied to only buildings in the previous definitions.

NOTE: The restrictions on percent lot coverage are an effort to limit storm water damage as an increasing percent of the Village land has houses and other buildings constructed on it.

(Ord. 381-02-03. Passed 3-20-03; Ord. 470-12-08. Passed 4-21-09.)

MAJOR THOROUGHFARE PLAN: The portion of the comprehensive plan adopted by the Village indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

MAINTENANCE AND STORAGE FACILITIES: Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment or material.

MANUFACTURED HOME: Any non-self-propelled vehicle transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Any such structure as defined in the preceding sentence shall be a Manufactured Home for purposes of this Ordinance whether or not such structure is subject to taxation under Section 4503.06 of the Ohio Revised Code or its successor provisions as a manufactured home, and whether or not such structure is permanently attached to a site and no longer has the potential for mobility, by reason of, but not limited to, lack or surrender of any manufactured home title, physical alteration such as removal of towing tongue, and/or situation on property owned by the owner of such structure. Calculations used to determine the number of square feet in a structure are based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. This dwelling unit shall bear a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards (see 24 CFR 3280 for legal definition).

MANUFACTURED HOME PARK: Any site, or tract or land under single ownership, upon which three or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of such park.

MANUFACTURING, HEAVY: See Industrial, Heavy.

MANUFACTURING, LIGHT: See Industrial, Light.

MANUFACTURING, EXTRACTIVE: Any mining, quarrying, excavating processing, storing, separating, cleaning, or marketing or any mineral natural resource.

MARQUEE: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MATERIAL RECOVERY FACILITY (WASTE REDUCTION): A centralized facility that receives, separates, processes, and markets recyclable materials. A Material Recovery Facility can be operated in conjunction with both drop off and curbside programs, and can be designed to process separated materials or co-mingled recyclables.

MECHANICAL OR ELECTRONICALLY OPERATED AMUSEMENT DEVICE: Any machine, device or instrument which, by the payment of a fee or other things of value, or by the insertion of a coin, plate, disc, slug, key or token, operates or may be operated as a game, contest or amusement, and which contains no automatic pay-off device for the return of money, coins, tokens, or merchandise or check redeemable in money or anything of value. Mechanical or electronically operated amusement device includes, but is not limited to, devices such as mechanical baseball, mechanical football, pinball machines, any table game or device commonly known as an electronic game, and other similar types of devices, provided, however, that this definition is not intended to, nor shall it be construed to, include merchandise vending machines or coin operated mechanical or electrical musical instruments or devices.

MICROWAVE: Electromagnetic radiation with frequencies higher than 1,000 MHz; highly directional when used for radio frequency transmissions; transmitted from point to point at relatively low power levels compared to other forms of transmission.

MOBILE HOME : See Manufactured Home.

MOBILE HOME PARK: See Manufactured Home Park.

MODULAR HOMES: Factory-built housing certified as meeting the Ohio Building Code as applicable to modular housing. Once certified by the Ashtabula County Department of Building Regulations, modular homes shall be subject to the same standards as site-built homes.

NONCONFORMITIES: Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Ordinance or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

NUDE OR NUDITY: The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full opaque covering of any portion thereof, or female breast(s) with less than a full opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

NURSERY, NURSING HOME: A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

NURSERY, PLANT MATERIALS: Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

OCCUPANCY PERMIT: When a building is being altered, enlarged, constructed, or reconstructed, its owner or agent shall apply to the Zoning Inspector for a Certificate of Occupancy before the intended occupant resumes use of or moves into the designated structure. If the structure has occupants while being altered or enlarged, only the new sections will be involved in the occupancy permit. A new certificate of occupancy shall be required if there are substantial variations from the operations referred to in the building permit or previous certificate of occupancy permitting such use.

OPEN SPACE: An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities that the Planning Commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

OVERLAY DISTRICT: A district described by the zoning map within which, through superimposition of a special designation, furthermore regulations and requirements apply in addition to those of the underlying districts to which such designation is added.

PARK TRAILER: A recreational vehicle that meets the following criteria:

1. Built on a single chassis mounted on wheels.
2. Primarily designed as temporary living quarters for seasonal or destination camping which may be connected to utilities necessary for operation of installed fixtures and appliances.
3. Having a gross trailer area not exceeding 400 square feet in the set-up mode.
4. Having a gross trailer area not less than 240 square feet and certified by the manufacturer as complying with ANSI A119.5.

PARKING SPACE, OFF-STREET: For the purpose of this Ordinance, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

PENNANT: Any lightweight plastic, fabric, or other material, not containing a message of any kind, suspended from a rope or wire, or string, always in series designed to move in the wind.

PERFORMANCE BOND OR SURETY BOND: An agreement by a subdivider or developer with the Village for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdividers agreement.

PERSONAL SERVICES: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

PICNIC GROUNDS: An area either public or private designated as a site for picnic table, pavilions, rest rooms and necessary accessories. Picnic grounds are sometimes associated with Play Grounds and/or Swimming Pool areas.

PLANNED UNIT DEVELOPMENT: An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

PREMISES: A lot together with all buildings and structures thereon.

PRINCIPAL USE: The main or primary use. There can be only one principal use per zone lot. See also Building, Principal.

PROFESSIONAL ACTIVITIES: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

PLAYGROUND, TOT LOT: An area either public or private designed as a site for swings, slides, and other playground facilities. Playgrounds are common accessory uses for a picnic ground or swimming pool area.

PUBLIC SERVICE FACILITY: The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by another governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

PUBLIC USES: Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

PUBLIC WAY: An alley, avenue, boulevard, bridge channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, bicycle path; or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

QUASIPUBLIC USE: Churches, Sunday Schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

RADIO: A generic term referring to communication of impulses, sounds, and pictures through space by means of an electromagnetic wave; specifically, refers to transmission of sound within short-wave, FM, AM, and land-mobile radio frequencies.

RECREATION CAMP: An area of land on which two or more recreational vehicles, tents, or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure, or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

RECREATION FACILITIES: Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

RECREATIONAL VEHICLE: A vehicular, portable structure built on or carried on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet and a length not exceeding thirty-five (35) feet. Representative of this type or unit is:

1. **Travel Trailer** (including Fifth Wheel Trailer): A nonself-propelled recreational vehicle not exceeding an overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling, and includes a tent type fold-out camping trailer as defined in division S of section 4517.01 of the Ohio Revised Code.
2. **Motor Home**: A self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food and for sleeping.
3. **Truck Camper**: A nonself-propelled recreational vehicle, without wheels for road use, and designed to be placed upon and attached to a motor vehicle. Truck camper does not include truck covers which consist of walls and roof but do not have floors and facilities for using same as a dwelling.
4. **Van Camper**: Converted school and commercial passenger buses are sometimes used as recreational vehicles but do not carry the seal of the RECREATIONAL VEHICLE organization. In some instances, a simple tent is also considered a Recreational Vehicle.
5. **Park Trailer**: A recreational vehicle that meets the following criteria:
   a. Built on a single chassis mounted on wheels.
   b. Primarily designed as temporary living quarters for seasonal or destination camping which may be connected to utilities necessary for operation of installed fixtures and appliances.
   c. Having a gross trailer area not exceeding 400 square feet in the set-up mode.
   d. Having a gross trailer area not less than 240 square feet and certified by the manufacturer as complying with ANSI A119.5.

RECYCLING: The process of collecting, sorting, cleansing, treating, and reconstituting waste or other discarded material for the purpose of recovering and reusing the materials.

RESEARCH ACTIVITIES: Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

RIGHT-OF-WAY: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities and may include special features (required by the topography or treatment) such as grade separation, landscape areas, viaducts, and bridges.

ROADSIDE STAND: A temporary structure designed or used for the display or sale of agricultural and related products.

ROMEROCK ASSOCIATION: The property owners' association established pursuant to the covenants and restrictions of the Roaming Rock Shores Subdivision.

SANITARY LANDFILL: Land waste disposal site that is located to minimize water pollution from runoff and leaching. Waste is spread in thin layers, compacted, and covered with a fresh layer of soil each day to minimize pest, aesthetic, disease, air pollution, and water pollution problems.

SATELLITE SIGNAL RECEIVER: A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. "Dish-type Satellite Signal-Receiving Antennas", "earth stations" or "ground stations", whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one, or a combination of two or more of the following:

1. A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.
2. A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer or transmit signals.
3. A coaxial cable whose purpose is to convey or transmit signals to a receiver.

SCRAP METAL PROCESSING FACILITY: An establishment having facilities for processing iron, steel, or non-ferrous scrap and whose principal product is scrap iron and steel or non-ferrous scrap for sale for remelting purposes.

SEAT: For the purpose of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

SETBACK LINE: A line established by this Ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said code.

SEWERS, CENTRAL OR GROUP: An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

SEWERS, ON-SITE: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

SEXUAL ACTIVITY: Sexual conduct or sexual contact, or both.

SEXUAL CONTACT: Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

SEXUAL EXCITEMENT: The condition of the human male or female genitals, when in a state of sexual stimulation or arousal.

SIDEWALK: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

SIGN: Any visual communication display, object, device, graphic, structure, or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, person, service, product, event, location, organization or the like, by means of letters, words, designs, colors, symbols, fixtures, images or illuminations.

1. **Sign, on-premises**: Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
2. **Sign, off-premises**: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located. All billboards shall be considered off-premise signs.
3. **Sign, Canopy**: Any sign that is part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
4. **Sign, Illuminated**: Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
5. **Sign, Incidental**: A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "Telephone", and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.
6. **Sign, Lighting Device**: Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
7. **Sign, Portable**: Any sign not permanently affixed to the ground or to a building, including any sign attached to or displayed on a vehicle that is used for the expressed purpose of advertising a business establishment, product, service, or entertainment, when that vehicle is so parked as to attract the attention of the motoring or pedestrian traffic.
8. **Sign, Projecting**: Any sign which projects from the exterior of a building.
9. **Sign, Residential**: Any sign located in a district zoned for residential uses that contains no commercial message.
10. **Sign, Roof**: Any sign placed on the roof of any building where the supporting structure is not screened so the sign appears to be a continuation of the face of the building.
11. **Sign, Temporary**: Any sign that is used only temporarily and is not permanently mounted.
12. **Sign, Wall**: Any sign attached parallel to, but within six inches of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.
13. **Sign, Window**. Any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business or commodity, event, sale, or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

SIGN TYPES:

SITE-BUILT HOMES: Dwelling unit constructed on the lot in accordance to the Ohio Building Code and inspected/approved by the Ashtabula County Department of Building Regulations.

SOLID WASTE: Unwanted residual solid or semisolid material as results from residential, industrial, commercial, agricultural, and community mining, or demolition operations, or other waste material of the type that would normally be included in demolition debris, nontoxic fly ash, spent nontoxic foundry sand, and slag and other substances that are not harmful or contrary to public health, and non-combustible material, street dirt, and debris. Solid Waste does not include any material that is an infectious waste or hazardous waste.

SOLID WASTE COMPOST FACILITY: A compost facility for the controlled degradation of municipal solid waste. Included in this process is the removal of non-compostible inorganic materials.

STABLE: A land use usually found in an agricultural area and consisting of breeding, training, housing, and rental of saddle horses.

STORY: That part of a building between the surface of a floor and the ceiling immediately above.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location in the ground, or attachment to something having a permanent location in the ground. Among other things, structures include buildings, manufactured homes, walls, fences, billboards, docks, dock boxes, seawalls, gazebos, and pavilions.

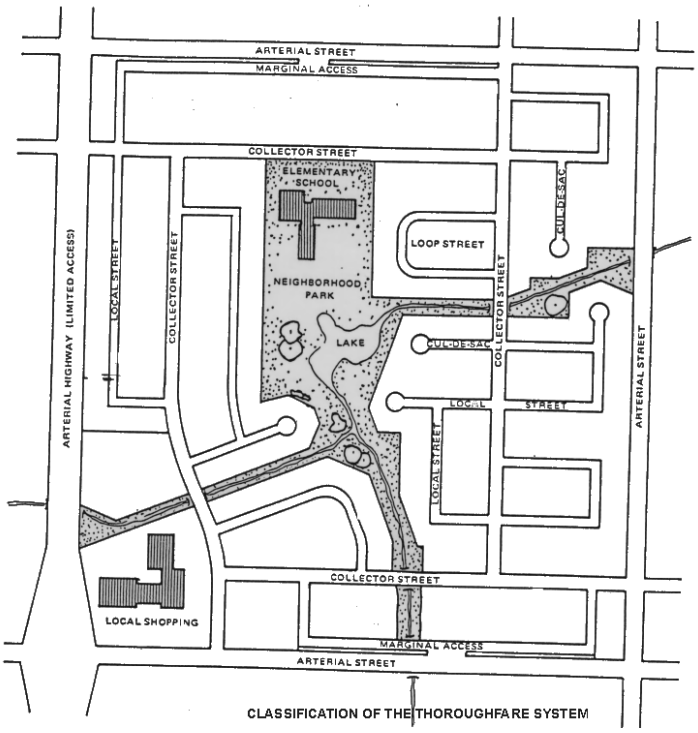
SUBDIVISION: The division of a lot, tract, or parcel into two or more lots, tracts, or parcels or other divisions of land for sale, development, or lease (see Ohio Revised Code 711.001).

SWIMMING POOL: A structure intended primarily for swimming or wading containing at least one and one-half (1-1/2) feet of water at any point and maintained by the owner or manager.

1. Private: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.
2. Community: Operated with a charge for admission; a primary use.

THOROUGHFARE, STREET OR ROAD: The full width between property lines bounding every public way of whatever nature, with a part thereof to be used or vehicular traffic and designated as follows:

1. **Alley**: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. **Arterial Street**: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
3. **Collector Street**: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
4. **Cul-de-Sac**: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. **Dead-End Street**: A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
6. **Local Street**: A street primarily for providing access to residential or other abutting property.
7. **Loop Street**: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1,000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
8. **Marginal Access Street**: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from



arterial or collector streets. (Also called Frontage Streets.)

THROUGH LOT: See Lot Types.

TIME SHARING: A land use concept which involves the transfer of ownership by deed of an undivided fee interest (share) in property to an individual or group of individuals for the use, occupancy, or possession of which circulates among owners according to a fixed or floating time basis.

TRAILER: Any vehicle without motive power designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type such as that commonly known as a trailer dolly, and a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed greater then twenty-five (25) miles per hour.
See also "Recreational Vehicle".

TRANSFER STATION: A facility where the solid waste from several relatively small vehicles is placed into one relatively large vehicle before being hauled to a disposal site.

TRANSMISSION TOWER: The structure on which transmitting and/or receiving antennas are located. An AM radio tower is its own transmitting antenna.

TRANSMITTER: Equipment that generates radio signals for transmission via antenna.

TRANSPORTATION, DIRECTOR OF: The Director of the Ohio Department of Transportation.

USE: The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

VARIANCE: A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

VETERINARY ANIMAL HOSPITAL OR CLINIC: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

VICINITY MAP: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

WALKWAY: A public way, not less that four (4) feet wide, either along a seawall or the side of the road for pedestrian use only.

WASTE RECYCLING CENTER: A center which accepts solid waste that is otherwise destined for disposal although not necessarily on that location. The materials are collected, reprocessed or remanufactured, and ultimately reused.

WATER SLIDE: A recreational land use which utilizes a number of downhill slides along with water to propel the slider down the course.

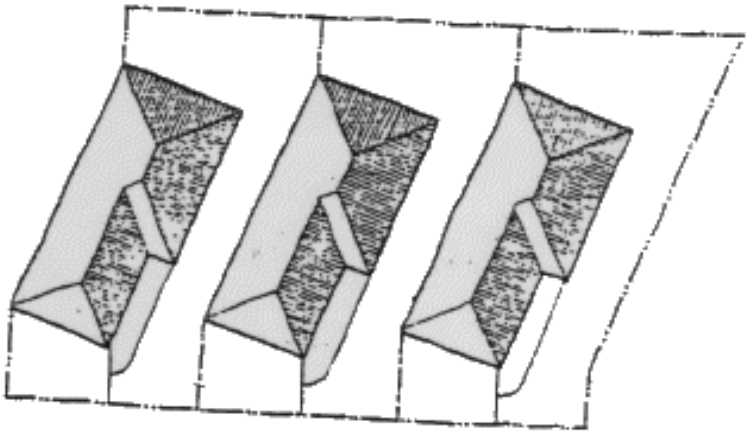
YARD: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

1. **Yard, Front**: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the princica1 building.
2. **Yard, Rear**: A yard extending between the side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
3. **Yard, Side**: A yard extending from the principal building to the side lot line on both sides of the principa1 building between the lines establishing the front and rear yards.

YARD SALE: Also known as Porch, Lawn, Basement, Barn, Garage, House, Flea Market, etc. (sales). The sale of varied used household items but not to include food or agricultural products. This sale is by and for the residents or family of a household or residential dwelling unit.

YARD WASTE COMPOST FACILITY: The controlled biological decomposition of leaves, grass clippings, prunings, and other natural organic solid waste under aerobic conditions.

ZERO LOT LINE DEVELOPMENT: An arrangement of housing on adjoining lots in which the required side yard is reduced on one (1) side and increased on the other so that the sum of the offsets on any lot is no less than the sum of the required offsets. No building or structure shall be closer to a lot line than five (5) feet unless it abuts the lot line and is provided with an access easement of five (5) feet on the adjoining lot or abuts a building or structure on the adjoining lot. The offset adjacent to property not included in the zero lot line development or a street shall not be less than that required in the zoning district.



ZERO LOT LINE

ZONE LOT: A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

ZONING INSPECTOR: The Zoning Inspector is the person designated by the Village to administer and enforce zoning regulations and related ordinances.

ZONING PERMIT: A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

ADDITIONAL DEFINITIONS

BOAT LIFT: A structure that raises a watercraft out of the water.

CHANNELING: To form a channel, groove or furrow for the purpose of guiding or directing water entering or exiting Lake Roaming Rock or Flame Lake in a particular course or direction.

DECK: A structure for outdoor usage that is built above grade and constructed of wood or other material.

DOCK: A structure used for mooring a watercraft(s) that extends into the lake beyond the seawall.

DOCK BOX: Any container placed on a dock for storage.

EROSION CONTROL DEVICE: A device installed to prevent soil from being washed into surrounding waterways.

GAZEBO: A roofed structure with open or lattice work sides that may be screened.

LANDSCAPE WALL: A decorative wall that outlines a landscaped area.

PATIO: A structure for outdoor usage that is on the ground and constructed of various materials.

RETAINING WALL: A wall built to hold back earth to control erosion.

RIP RAP: A stone or stone like material used to prevent waterline erosion.

UNDEVELOPED LOT: Any lot which does not contain a principal structure.

WET SLIP BOATHOUSE: A boathouse constructed by recessing into the landward side of a seawall.

WET SLIP DOCK: A boat dock constructed by recessing into the land ward side of a seawall. (Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1113
Nonconformities

1113.01 Purpose.
1113.02 Uses under conditional use provisions not nonconforming uses.
1113.03 Incompatibility of nonconformities.
1113.04 Avoidance of undue hardship.
1113.05 Certificates for nonconforming uses.
1113.06 Substitution of nonconforming uses.
1113.07 Single nonconforming lots of record.
1113.08 Nonconforming lots of record in combination.
1113.09 Nonconforming uses of land.
1113.10 Nonconforming structures.
1113.11 Nonconforming uses of structures or of structures and land in combination.
1113.12 Termination of use through discontinuance.
1113.13 Termination of use by damage or destruction.
1113.14 Repairs and maintenance.

1113.01 PURPOSE.

Within the districts established by this Ordinance, or by amendments thereto which may later be adopted, lots, uses of land, structures, and uses of structures and land in combination exist which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance. The legitimate interest of those who lawfully established these nonconformities is herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. Furthermore, nothing contained in this Ordinance shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure, or structure and land in combination, for which a zoning permit became effective prior to the effective date of this Ordinance, or any amendment thereto. Nevertheless, while it is the intent of this Ordinance that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, expanded, or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this Ordinance.
(Ord. 381-02-03. Passed 5-20-03.)

1113.02 USES UNDER CONDITIONAL USE PROVISIONS NOT NONCONFORMING USES.

Any use which is permitted as a conditional use in a district under the terms of this Ordinance shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.
(Ord. 381-02-03. Passed 5-20-03.)

1113.03 INCOMPATIBILITY OF NONCONFORMITIES.

Nonconformities are declared by this Ordinance to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.
(Ord. 381-02-03. Passed 5-20-03.)

1113.04 AVOIDANCE OF UNDUE HARDSHIP.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.
(Ord. 381-02-03. Passed 5-20-03.)

1113.05 CERTIFICATES FOR NONCONFORMING USES.

The Zoning Inspector may upon his own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure or use is a valid nonconforming use. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or structures that are or become nonconforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Inspector, who shall maintain as a public record a file of all such certificates.
(Ord. 381-02-03. Passed 5-20-03.)

1113.06 SUBSTITUTION OF NONCONFORMING USES.

So long as no structural alterations are made, except as required by enforcement of other codes or ordinances, any nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, or the Board shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this Ordinance. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.
(Ord. 381-02-03. Passed 5-20-03.)

1113.07 SINGLE NONCONFORMING LOTS OF RECORD.

In any district in which single-family dwellings are permitted, a single family dwelling and customary accessory building as may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, not withstanding limitations imposed by other provisions or this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Chapter 1133 other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Chapter 1117.
(Ord. 381-02-03. Passed 5-20-03.)

1113.08 NONCONFORMING LOTS OF RECORD IN COMBINATION.

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Ordinance.
(Ord. 381-02-03. Passed 5-20-03.)

1113.09 NONCONFORMING USES OF LAND.

Where, at the time of adoption of this Ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this Ordinance, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
2. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Ordinance;

3. If any such nonconforming uses of land are discontinued or abandoned for more than one (1) year (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located;
4. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.
(Ord. 381-02-03. Passed 5-20-03.)

1113.10 NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
2. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this Ordinance;
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. Recreational vehicles, mobile homes and trailers as defined by Chapter 1109 (excepting manufactured homes as defined by this Ordinance) are not structures, and Sections 1113.10 and 1113.11 do not apply.
(Ord. 381-02-03. Passed 5-20-03.)

1113.11 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION.

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any nonconforming use of a structure or structure and land in combination, may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Ordinance;

4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;
5. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than one (1) year (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;
6. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. (Ord. 381-02-03. Passed 5-20-03.)

1113.12 TERMINATION OF USE THROUGH DISCONTINUANCE.

When any nonconforming use is discontinued or abandoned for more than one (1) year, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.
(Ord. 381-02-03. Passed 5-20-03.)

1113.13 TERMINATION OF USE BY DAMAGE OR DESTRUCTION.

In the event that any nonconforming building or structure is destroyed by any means to the extent of more than fifty (50) percent of the cost of replacement of such structure, exclusive of foundation, it shall not be rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this Ordinance. When such a nonconforming structure is damaged or destroyed to the extent of fifty (50) percent or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Ordinance and the following conditions:

1. A Zoning Certificate pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and rebuilding shall be diligently pursued to completion.
2. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction. (Ord. 381-02-03. Passed 5-20-03.)

1113.14 REPAIRS AND MAINTENANCE.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.
(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1117
Appeals and Variances

1117.01 General.
1117.02 Appeals.
1117.03 Stay of proceedings.
1117.04 Variances.
1117.05 Application and standards for variances.
1117.06 Additional conditions and safeguards.
1117.07 Public hearing by the Board of Zoning Appeals.
1117.08 Notice of public hearing in newspaper.
1117.09 Notice to parties in interest.
1117.10 Action by Board of Zoning Appeals.
1117.11 Term of variance.
1117.12 Authorized variance.

1117.01 GENERAL.

Appeals and variances shall conform to the procedures and requirements of Sections 1117.02 to 1117.12 inclusive, of this Ordinance. As specified in Section 1165.09, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.
(Ord. 381-02-03. Passed 5-20-03.)

1117.02 APPEALS.

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Village affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed was taken.
(Ord. 381-02-03. Passed 5-20-03.)

1117.03 STAY OF PROCEEDINGS.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with the Zoning Inspector, that by reason of facts stated in the application, a stay would, in the Zoning Inspector's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.
(Ord. 381-02-03. Passed 5-20-03.)

1117.04 VARIANCES.

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Ordinance would result in unnecessary hardship.
(Ord. 381-02-03. Passed 5-20-03.)

1117.05 APPLICATION AND STANDARDS FOR VARIANCES.

Except as otherwise permitted in this Ordinance, no variance in the strict application of the provisions of this Ordinance shall be granted by the Board of Zoning Appeals unless the Board shall find that the written application for the requested variance contains all of the following requirements:

1. Name, address, and telephone number of applicant(s);
2. Legal description of property;
   a. Proof of ownership and, if property is located within the Roaming Rock Shores Subdivision, proof of membership in good standing in the RomeRock Association.
3. Description or nature of variance requested;
4. A fee as established by ordinance;
5. Narrative statements establishing and substantiating that the variance conforms to the following standards:
   a. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Ordinance on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.
   b. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.
   c. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or buildings. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.

d. There must be proof of hardship for a use variance request and proof of practical difficulty for an area variance request created by the strict application of this Ordinance. It is not sufficient proof of hardship/practical difficulty to show that greater profit would result if the variance were granted. Furthermore, the hardship/practical difficulty complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.

e. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.

f. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.

g. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

(Ord. 381-02-03. Passed 5-20-03.)

1117.06 ADDITIONAL CONDITIONS AND SAFEGUARDS.

The Board may further prescribe any conditions and safeguards that it deems necessary to insure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this Ordinance. (Ord. 381-02-03. Passed 5-20-03.)

1117.07 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS.

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.
(Ord. 381-02-03. Passed 5-20-03.)

1117.08 NOTICE OF PUBLIC HEARING IN NEWSPAPER.

Before conducting the public hearing required in Section 1117.07, notice of such hearing shall be given in one or more newspapers of general circulation in the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.
(Ord. 381-02-03. Passed 5-20-03.)

1117.09 NOTICE TO PARTIES IN INTEREST.

Before conducting the public hearing required in Section 1117.07, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1117.08. (Ord. 381-02-03. Passed 5-20-03.)

1117.10 ACTION BY BOARD OF ZONING APPEALS.

Within thirty (30) days after the public hearing required in Section 1117.07, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 1117.06, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. Appeals from Board decision shall be made in the manner specified in Section 1165.10.
(Ord. 381-02-03. Passed 5-20-03.)

1117.11 TERM OF VARIANCE.

No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such order unless the building permit or zoning approval is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period.
(Ord. 381-02-03. Passed 5-20-03.)

1117.12 AUTHORIZED VARIANCE.

Variances from the regulations of this Ordinance shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed in Section 1117.05, and Section 1117.06, if applicable, have been met by the applicant. Variances may be granted as guided by the following:

- To permit any yard or setback less than the yard or setback required by the applicable regulations.
- To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but generally the respective area and width of the lot or lots should not be less than eighty (80) percent of the required area and width.
- To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
- To reduce the applicable off-street parking or loading facilities required, but generally by not more than thirty (30) percent of the required facilities.
- To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance.
- To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than forty (40) percent.
- To increase the maximum allowable size or area of signs on a lot, but generally by not more than twenty-five (25) percent.
- To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally not more than twenty-five (25) percent.

(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1121
Conditional Use Permits; Substantially Similar Uses; Accessory Uses.

1121.01 Regulation of conditional uses.
1121.02 Purpose.
1121.03 Contents of conditional use permit application.
1121.04 General standards for all conditional uses.
1121.05 Specific criteria for conditional uses.
1121.06 Public hearing.
1121.07 Notice of public hearing.
1121.08 Notice to parties of interest.
1121.09 Action by the Board of Zoning Appeals.
1121.10 Supplementary conditions and safeguards.
1121.11 Expiration of conditional use permit.
1121.12 Procedure and requirements to determine that a use is substantially similar.
1121.13 Remedy by application for amendment.
1121.14 Standards for consideration of substantially similar uses.
1121.15 Effect of determination that a use is substantially similar.
1121.16 Record of substantially similar uses.
1121.17 Regulation of accessory uses.
1121.18 Purpose.
1121.19 Definition.
1121.20 General requirements.
1121.21 Seawalls as accessory uses.
1121.22 Dwellings as accessory uses.
1121.23 Accessory elderly dwelling unit.
1121.24 Retail sales and services as accessory uses.

1121.01 REGULATION OF CONDITIONAL USES.

The provisions of Sections 1121.01 to 1121.11 inclusive of this Ordinance apply to the location and maintenance of any and all conditional uses.
(Ord. 381-02-03. Passed 5-20-03.)

1121.02 PURPOSE.

In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends, it is recognized that this Ordinance should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, public facilities requirements, and traffic generation. Accordingly, conditional use permits shall conform to the procedures and requirements of Sections 1121.03 to 1121.11 of this Ordinance.
(Ord. 381-02-03. Passed 5-20-03.)

1121.03 CONTENTS OF CONDITIONAL USE PERMIT APPLICATION.

Any owner, or agent thereof, of property for which a conditional use is proposed shall make an application for a conditional use permit by filing it with the Zoning Inspector, who shall within seven days transmit it to the Board of Zoning Appeals. Such application at a minimum shall contain the following information:

1. Name, address and phone number of the applicant;
2. Legal description of the property, proof of ownership, and, if property is located within the Roaming Rock Shores Subdivision, proof of membership in good standing in the RomeRock Association;
3. Zoning district;
4. Description of existing use;
5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features, and such other information as the Board may require;
7. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the comprehensive plan and/or this Ordinance to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, and vibration;
8. A list containing the names and mailing addresses of all owners of property within five hundred (500) feet of the property in question;
9. A fee as established by ordinance;
10. A narrative addressing each of the applicable criteria contained in Section 1121.04.

(Ord. 381-02-03. Passed 5-20-03.)

1121.04 GENERAL STANDARDS FOR ALL CONDITIONAL USES.

In addition to the specific requirements for conditionally permitted uses as specified in Section 1121.05, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Chapter 1133 and appears on the Schedule of District Regulations adopted for the zoning district involved;

2. Will be in accordance with the general objectives, or with any specific objective, of the Comprehensive Plan and/or this Ordinance;
3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
4. Will not be hazardous or disturbing to existing or future neighboring uses; .
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, erosion, or contamination of water resources;
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance;
10. Loud speakers which cause a hazard or annoyance shall not be permitted;
11. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties;
12. All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or to the community in general;
13. Will provide parking spaces as required in this Ordinance, provided that the Board of Zoning Appeals may increase the number of required spaces on the basis of the nature of the establishment and on the basis of generally known parking conditions in the neighborhood;
14. Will have the design, location, and surface of the parking area subjected to approval of the Board of Zoning Appeals so as to reduce congestion, promote safety, and to reduce the impact on the surrounding neighborhood; .
15. Will have all permanent buildings constructed and designed so as to conform with the setback and building design of existing uses in the district.
(Ord. 381-02-03. Passed 5-20-03.)

1121.05 SPECIFIC CRITERIA FOR CONDITIONAL USES.

The following are specific conditional use criteria and requirements for those uses conditionally permitted in this Ordinance as provided for in the Conditional Uses Schedule of District Regulations. Nothing in this Section shall prohibit the Board of Zoning Appeals from prescribing supplementary conditions and safeguards in addition to these requirements in accordance with this chapter.

1. Day Care Center / (R-1, R-F, IND/C Districts).
   a. Outdoor playgrounds, tot lots, exercise areas, etc. shall be fully enclosed by a fence, the height and design which shall be approved by the Board of Zoning Appeals.
   b. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for children that will not impede other traffic.
2. Funeral Home / (IND/C Districts).
   a. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for visitors that will not impede other traffic.
3. Recreation and Community Center Building / (R-1, R-F, REC Districts).
   a. Screenings and plantings to buffer any structures other than buildings from adjacent residential uses are required.
   b. Outdoor playgrounds, tot lots, exercise areas, etc. shall be fully enclosed by a fence, the height and design which shall be approved by the Board of Zoning Appeals.
   c. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for persons that will not impede other traffic.
4. Amusement Enterprises (excluding theater / IND/C Districts).
   a. Structures shall have primary access to a major state, major local, or miner collector thoroughfare as defined by The County Major Thoroughfare Plan;
   b. Such structures should be located adjacent to parks and other non-residential uses such as schools and shopping facilities where use could be made of joint parking facilities;
   c. Truck parking areas, maneuvering lanes, and accessways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours;

d. The establishment shall not operate between the hours of midnight and 7:30 a.m.

5. Convalescent/Nursing Homes / (R-1, IND/C Districts).
   a. Screenings and plantings to buffer any structures other than buildings from adjacent residential uses are required;
   b. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for persons that will not impede other traffic.
6. Home Occupations / (R-1, R-A, R-B, R-C, R-M, R-F Districts). See Chapter 1155.
7. Barber/Beauty Shops / (IND/C Districts) See Chapter 1155.
8. Antique Sales / (IND/C Districts).
   a. See Section 1155.03.
   b. Truck parking areas, maneuvering lanes, and accessways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours.
9. Heliport / (IND/C Districts).
   a. Site locations should be preferred that offer natural or manmade barriers that would lessen the effect of intrusion into a residential area.
   b. Such uses shall not be conducted closer than five hundred (500) feet from any residential district, nor closer than two hundred (200) feet from any structure used for human occupancy in any other district.
10. Pet Shops, Bird Stores, Taxidermist / (IND/C District).
   a. Outdoor pens and exercise runs shall be kept in a clean and sanitary condition and shall be screened from public view. A screening plan shall be submitted to the Board of Zoning Appeals for approval.
   b. Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable on or off the lot considering various wind conditions.
   c. The applicant shall submit a written statement showing the measures and practices he will use to reduce the noise level in the design of the building and the management or rotation of animals in outdoor exercise runs.
   d. No dead animals shall be buried on the premises and incineration of dead animals shall not create odors or smoke.
   e. Screenings and plantings to buffer any structures other than buildings from adjacent residential uses are required.

11. Retail Stores Conducting Incidental Light Manufacturing or Processing of Goods Above the First Floor or in the Basement to be Sold Exclusively on the Premises and Employing Not More Than Ten (10) operatives / (IND/C District).
    a. Truck parking areas, maneuvering lanes, and accessways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours;
    b. The establishment shall not operate between the hours of midnight and 7:30 a.m.
12. Storage Warehouse and Yards / (IND/C Districts).
    a. Structures shall have primary access to a major state, major local, or minor collector thoroughfare as defined by the Major Thoroughfare Plan.
    b. Truck parking areas, maneuvering lanes, and accessways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours;
13. Residential Care Facilities (Group Homes) / (R-1, R-A, R-B, R-C, R-M, R-F Districts).
    a. See Chapter 1157.
14. Adult Entertainment / (IND/C District).
    a. See Chapter 1147.
    (Ord. 381-02-03. Passed 5-20-03.)

1121.06 PUBLIC HEARING.

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after it receives an application for a conditional use permit, submitted by an applicant through the Zoning Inspector. (Ord. 381-02-03. Passed 5-20-03.)

1121.07 NOTICE OF PUBLIC HEARING.

Before conducting the public hearing required in Section 1121.06, notice of such hearing shall be given in one or more newspapers of general circulation in the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the hearing, and shall provide a summary explanation of the conditional use proposed.
(Ord. 381-02-03. Passed 5-20-03.)

1121.08 NOTICE TO PARTIES OF INTEREST.

Prior to conducting the public hearing required in Section 1121.06, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the date of the hearing to all parties of interest, to include all property owners listed in the application. The notice shall contain the same information as required in Section 1121.07 for notices published in newspapers.
(Ord. 381-02-03. Passed 5-20-03.)

1121.09 ACTION BY THE BOARD OF ZONING APPEALS.

Within thirty (30) days after the date of the public hearing required in Section 1121.06, the Board shall take one or the following actions:

1. Approve issuance of the conditional use permit by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, that all conditions for approval of such use in such district have been met, and that such use will neither result in significant negative impacts upon nor conflict with surrounding uses. Such written finding may also prescribe supplementary conditions and safeguards as specified in Section 1121.10. Upon making an affirmative finding, the Board shall direct the Zoning Inspector to issue a conditional use permit for such use which shall list all conditions and safeguards specified by the Board for approval.
2. Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications which are deemed necessary.
3. Make a written finding that the application is denied, such finding specifying the reason(s) for disapproval. If an application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 1165.10. (Ord. 381-02-03. Passed 5-20-03.)

1121.10 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.

In granting approval for any conditional use, the Board may prescribe appropriate conditions and safeguards in conformance with this Ordinance. Any violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a punishable violation of this Ordinance.
(Ord. 381-02-03. Passed 5-20-03.)

1121.11 EXPIRATION OF CONDITIONAL USE PERMIT.

A conditional use permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within one (1) year of the date on which the permit was issued, or if for any reason such use shall cease for more than one (1) year. All permits are nontransferable from one owner to another.
(Ord. 381-02-03. Passed 5-20-03.)

1121.12 PROCEDURE AND REQUIREMENTS TO DETERMINE THAT A USE IS SUBSTANTIALLY SIMILAR.

Where a specific use is proposed that is not listed or provided for in this Ordinance, the Board of Zoning Appeals may make a determination, upon appeal, that the proposed use is substantially similar to a specific use that is listed or provided for in this Ordinance. If the Board finds that a use is substantially similar to a specific use listed in this Ordinance, the substantially similar use is deemed to be a substantially similar permitted use in those districts where the specific use is a permitted use, and a substantially similar conditional use in those districts where the specific use is a conditionally permitted use. In formulating a determination that a proposed use is a substantially similar use, the Board shall follow the procedures relating to appeals and

variances as specified in Chapter 1117. Upon making a determination that a proposed use is substantially similar, the Board shall notify the Council of its decision and shall include in its written findings the reasoning upon which the decision is based. Unless the decision is rejected within sixty (60) days of its receipt by the Council, such substantially similar use determination by the Board shall become effective.
(Ord. 381-02-03. Passed 5-20-03.)

1121.13 REMEDY BY APPLICATION FOR AMENDMENT.

If the Board determines that a proposed use is not substantially similar, such determination shall not be appealed to the Council, but remedy may be sought by the appellant through the submission of an application for amendment as prescribed in Chapter 1125.
(Ord. 381-02-03. Passed 5-20-03.)

1121.14 STANDARDS FOR CONSIDERATION OF SUBSTANTIALLY SIMILAR USES.

The following standards shall be considered by the Board when making a determination that a use is substantially similar to a permitted or a conditional use within a specific district:

1. The compatibility of the proposed use with the general use classification system as specified in this Ordinance.
2. The nature, predominant characteristics, and intensity of the proposed use in relation to those uses specified by this Ordinance as being permitted, or in the case of a conditional use, conditionally permitted, in that district.
3. The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this Ordinance.

(Ord. 381-02-03. Passed 5-20-03.)

1121.15 EFFECT OF DETERMINATION THAT A USE IS SUBSTANTIALLY SIMILAR.

Should a use be determined to be substantially similar to a specific permitted or conditionally permitted use provided for in this Ordinance, it shall then be permitted in the same manner and under the same conditions and procedures as the use is permitted to which it has been found to be substantially similar.
(Ord. 381-02-03. Passed 5-20-03.)

1121.16 RECORD OF SUBSTANTIALLY SIMILAR USES.

The Zoning Inspector shall maintain as a public record a listing of all uses which have been determined to be substantially similar. For each such use the record shall include the use as listed in the Ordinance, the use as listed in the Ordinance about which the determination of substantial
similarity was made, and the dates of any actions thereupon by the Board of Zoning Appeals or the Council. This record shall also contain the same information for all uses which have been determined not to be substantially similar. The Zoning Inspector shall consult this record in the process of issuing future permits.
(Ord. 381-02-03. Passed 5-20-03.)

1121.17 REGULATION OF ACCESSORY USES.

The provisions of Sections 1121.17 to 1121.22 inclusive of this Ordinance shall apply to the location and maintenance of accessory uses as herein defined.
(Ord. 381-02-03. Passed 5-20-03.)

1121.18 PURPOSE.

It is the purpose of Sections 1121.17 to 1121.22 inclusive of this Ordinance to regulate accessory uses in order to promote the public health, safety, and welfare. It is the intent of these Sections to permit such uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties.
(Ord. 381-02-03. Passed 5-20-03.)

1121.19 DEFINITION.

"Accessory Use" means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, "Accessory Use" includes anything of a subordinate nature attached to or disattached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, billboards, docks, seawalls, gazebos, pavilions, tennis courts, and boat houses. Except as otherwise required in this Ordinance, an accessory use shall be a permitted use.
(Ord. 381-02-03. Passed 5-20-03.)

1121.20 GENERAL REQUIREMENTS.

Except as otherwise provided in this Ordinance, an accessory use or structure shall be permitted in association with a principal use or structure provided that:

1. It shall be no greater than 900 square feet in all residential districts of the Roaming Shores Subdivision. In all other districts it shall be fifty (50) percent or less of the gross floor area of the principal use or structure, except where additional space is needed to comply with off-street parking requirements.
2. It shall not contain or be used as a dwelling unit.
3. It shall not exceed thirty-five (35) feet in height.
4. It shall meet all yard requirements of the principal use unless otherwise specified in this Ordinance. Docks, seawalls, and structures required for environmental or safety purposes shall be exempt from the yard requirements specified in this Ordinance. Uncovered decks shall be exempt from the rear yard requirements in this ordinance. Walkways extending from the seawall no greater than eight (8) feet are exempt from side yard set back requirements.
5. Flag poles and fences supported by pressure treated wood posts or similar type posts may be placed in the setback lines of residential properties (except rear setback lines of lake front property) without a variance. Permission in writing from the adjacent lot owner(s) is mandatory for fences and no known utilities can exist within the setback.
6. The only acceptable structure that is allowed in the roadside utility easement is a light pole.
7. Notification of all utilities is required before digging holes for any structure.
8. No permanent toilets are permitted to be constructed outside of the principal structure (house).
9. Docks or any other structure shall extend no farther than 20 feet into the lake from the existing seawall or 20 feet into the lake from the approved overhang.
10. No permanent driveway on RES (Residential) zoned property, allowing access for boats to be launched or retrieved, shall be constructed to the lake.
(Ord. 381-02-03. Passed 5-20-03.)

1121.21 SEAWALLS AS ACCESSORY USES.

Seawalls shall be installed on all lake front lots. They shall be installed prior to the erection of a principal structure or boathouse.
(Ord. 381-02-03. Passed 5-20-03.)

1121.22 DWELLINGS AS ACCESSORY USES.

Dwellings may be accessory uses in residential districts if located inside the principal home, only if used as a residence by relatives or household servants and no rent is charged. Mobile home trailers shall not be permitted as accessory uses in any district.
(Ord. 381-02-03. Passed 5-20-03.)

1121.23 ACCESSORY ELDERLY DWELLING UNIT.

Notwithstanding the provisions of Subsection 2 of Section 1137.02 of this Ordinance, an owner-occupied single-family dwelling unit may be converted to allow the incorporation of one additional dwelling unit for the exclusive occupancy of an elderly household, a member of which shall be an elderly person related to the owner of the single-family dwelling unit. Such accessory elderly dwelling unit shall be wholly contained within the existing principal building or shall be attached to it by a common wall, floor or ceiling. The application for the zoning permit for such
conversion shall be accompanied by an affidavit attesting to the owner's present occupancy of the dwelling unit and to the age and relationship of the elderly person.
(Ord. 381-02-03. Passed 5-20-03.)

1121.24 RETAIL SALES AND SERVICES AS ACCESSORY USES.

Retail sales and services are permitted as accessory uses when clearly incidental to the principal use. With the exception of restaurants in conjunction with a lodge, such uses shall be conducted wholly within the principal building, and without exterior advertising or display. These activities shall be conducted solely for the convenience of the employees, patients, patrons, students, or visitors and not for the general retail public. In hospitals and clinics these accessory uses may include drugstores, florists, gift and book shops, and cafeterias; in institutional settings, office buildings, hotels, country club houses; and in airports, such activities may include gift and book shops, restaurants, cafeterias and coffee shops, lounges, pro shops, and beauty and barber shops. (Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1125
Amendments

1125.01 Procedure for amendment or district changes.
1125.02 General.
1125.03 Initiation of zoning amendments.
1125.04 Contents of application for Zoning Map amendment.
1125.05 Contents of application for zoning text amendment.
1125.06 Transmittal to Planning Commission.
1125.07 Submission to Director of Transportation.
1125.08 Public hearing by Planning Commission.
1125.09 Notice of public hearing in newspaper.
1125.10 Notice to property owners by Planning Commission.
1125.11 Recommendation by Planning Commission.
1125.12 Public hearing by Council.
1125.13 Action by Council.
1125.14 Effective date and referendum.

1125.01 PROCEDURE FOR AMENDMENT OR DISTRICT CHANGES.

This Ordinance may be amended utilizing the procedures specified in Sections 1125.02 to 1125.14, inclusive, of this Ordinance.
(Ord. 381-02-03. Passed 5-20-03.)

1125.02 GENERAL.

Whenever the public necessity, convenience, general welfare, or good zoning practices require, Council may by ordinance, after receipt of recommendation thereon from the Planning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, boundaries, and/or classification of property.
(Ord. 381-02-03. Passed 5-20-03.)

1125.03 INITIATION OF ZONING AMENDMENTS.

Amendments to this Ordinance may be initiated in one of the following ways:

1. By the adoption of a motion by the Planning Commission;
2. By the introduction of an ordinance by the Council;
3. By the filing of an application by at least one (l) owner or lessee of property within the area proposed to be changed or affected by said amendment.
(Ord. 381-02-03. Passed 5-20-03.)

1125.04 CONTENTS OF APPLICATION FOR ZONING MAP AMENDMENT.

Applications for amendments to the Official Zoning Map adopted as part of this Ordinance by Chapter 1129 shall contain at least the following information:

1. The name, address, and telephone number of the applicant;
2. The proposed amending resolution, approved as to form by the County Prosecutor;
3. A statement of the reason(s) for the proposed amendment;
4. Present use;
5. Present zoning district;
6. Proposed use;
7. Proposed zoning district;
8. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require;
9. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
10. A statement on the ways in which the proposed amendment relates to the Comprehensive Plan;
11. A fee as established by ordinance;
12. Legal description of property, proof of ownership and, if property is located within the Roaming Rock Shores Subdivision, proof of membership in good standing in the RomeRock Association.

(Ord. 381-02-03. Passed 5-20-03.)

1125.05 CONTENTS OF APPLICATION FOR ZONING TEXT AMENDMENT.

Applications for amendments proposing to change, supplement, amend, or repeal and portion(s) of this Ordinance, other than the Official Zoning Map, shall contain at least the following information:

1. The name, address, and telephone number of the applicant;
2. The proposed amending Ordinance, approved as to form;
3. A statement of the reason(s) for the proposed amendment;
4. A statement explaining the ways in which the proposed amendment relates to the Comprehensive Plan;
5. A fee as established by ordinance.

(Ord. 381-02-03. Passed 5-20-03.)

1125.06 TRANSMITTAL TO PLANNING COMMISSION.

Upon the adoption of a motion by the Planning Commission or the filing of an application by at least one (1) owner or lessee of property, the Council shall cause to be prepared an ordinance outlining the proposed amendment. Immediately after the introduction of said ordinance before the Council, said ordinance shall be transmitted to the Planning Commission. (Ord. 381-02-03. Passed 5-20-03.)

1125.07 SUBMISSION TO DIRECTOR OF TRANSPORTATION.

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Planning Commission shall give notice, by registered or certified mail, to the Director of Transportation. The Planning Commission may proceed as required by law, however, the Council shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Council that he shall proceed to acquire the land needed, then the Council shall refuse to approve the rezoning. If the Director of Transportation notifies the Council that acquisition at this time is not in the public interest, or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Council shall proceed as required by law.
(Ord. 381-02-03. Passed 5-20-03.)

1125.08 PUBLIC HEARING BY PLANNING COMMISSION.

The Planning Commission shall schedule a public hearing after the transmittal of an ordinance from the Council. Said hearing shall be no less than twenty (20) or more than forty (40) days from the date of transmittal of such Ordinance.
(Ord. 381-02-03. Passed 5-20-03.)

1125.09 NOTICE OF PUBLIC HEARING IN NEWSPAPER.

Before holding the public hearing required in Section 1125.08, notice of such hearing shall be given by the Planning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in the Village at least thirty (30) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Council for further determination.
(Ord. 381-02-03. Passed 5-20-03.)

1125.10 NOTICE TO PROPERTY OWNERS BY PLANNING COMMISSION.

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Planning Commission, by first class mail, at least twenty (20) days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list or the County Treasurer's mailing list, and to such other list or lists that may be specified by the Council. The failure to deliver the notification as provided in this section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1125.09.
(Ord. 381-02-03. Passed 5-20-03.)

1125.11 RECOMMENDATION BY PLANNING COMMISSION.

Within thirty (30) days after the public hearing required by Section 1125.08, the Planning Commission shall recommend to the Council that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be not granted. The written decision of the Zoning Commission shall indicate the specific reason(s) upon which the recommendation is based, to include the basis for the determination that the proposed amendment is or is not consistent with the Comprehensive Plan.
(Ord. 381-02-03. Passed 5-20-03.)

1125.12 PUBLIC HEARING BY COUNCIL.

Within thirty (30) days from the receipt of the recommendation of the Planning Commission, the Council shall hold a public hearing. Notice of such public hearing in a newspaper of general circulation shall be given by the Council as specified in Section 1125.09.
(Ord. 381-02-03. Passed 5-20-03.)

1125.13 ACTION BY COUNCIL.

Within thirty (30) days after the public hearing required by Section 1125.12, the Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. In the event the Council denies or modifies the recommendation of the Planning Commission, five (5) votes of Council are required.
(Ord. 381-02-03. Passed 5-20-03.)

1125.14 EFFECTIVE DATE AND REFERENDUM.

Such amendment adopted by the Council shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Council a petition, signed by a number of qualified voters residing in the Village or part thereof included in the zoning plan equal to not less than eight percent (8%) of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Council to submit the zoning amendment to the electors of such area, for approval or rejection, at the next primary or general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.
(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1129
Establishment of Districts

1129.01 Purpose.
1129.02 Establishment of districts.
1129.03 Zoning District Map.
1129.04 Zoning Map legend.
1129.05 Identification of Official Zoning Map.
1129.06 Interpretation of district boundaries.
1129.07 District boundary descriptions.
1129.08 Zoning Map amendments.

1129.01 PURPOSE.

The purpose of this chapter is to establish zoning districts in order to realize the general purposes set forth in the preamble of this Ordinance, to provide for orderly growth and development, and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.
(Ord. 381-02-03. Passed 5-20-03.)

1129.02 ESTABLISHMENT OF DISTRICTS.

The following zoning districts are hereby established for the Village:

R-l	Single Family Residential
R-A	Single Family Residential
R-B	Single Family Residential
R-C	Single Family Residential
R-M	Multi-Family Residential
R-F	Single-Family Residential Farm
RST	Restaurant
MAR	Marina
IND/C	Light Industrial /Commercial
REC	Recreational
GOV	Governmental

Nothing in this chapter shall be construed to require the actual location of any district on the Official Zoning Map, as it is the intent of this Ordinance to provide the flexibility in its administration to allow future expansion and emendation.
(Ord. 381-02-03. Passed 5-20-03.)

1129.03 ZONING DISTRICT MAP.

The districts established in Section 1129.02, as shown on the officia1 Zoning Map, which, together with all data, references, explanatory material and notations thereon, are hereby officially adopted as part of this Ordinance and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.
(Ord. 381-02-03. Passed 5-20-03.)

1129.04 ZONING MAP LEGEND.

There shall be provided on the Official Zoning Map a legend which shall list the name of each zoning district and indicate the symbol for that district. A color, combination of colors, or black and white patterns may be used in place of symbols to identify the respective zoning districts in such legend. In addition to such legend, the Official Zoning Map shall provide sufficient space for compliance with Section 1129.08.
(Ord. 381-02-03. Passed 5-20-03.)

1129.05 IDENTIFICATION OF OFFICIAL ZONING MAP.

The Official Zoning Map shall be properly identified by the signature of the Mayor, as attested by the Clerk-Treasurer, and bearing the official seal. The Map shall be maintained by the Zoning Inspector, and shall remain on file in the office of the Clerk-Treasurer. The Official Zoning Map shall control whenever there is an apparent conflict between the district boundaries as shown on the Map and the description(s) as found in the text of this Ordinance or any other resolution. The official Zoning Map shall be a reproducible document, and copies shall be made available to the public upon request and upon payment of a fee as established by resolution. Not later than January 30 of each year, the Map shall be recertified by the Mayor and the Clerk-Treasurer. (Ord. 381-02-03. Passed 5-20-03.)

1129.06 INTERPRETATION OF DISTRICT BOUNDARIES.

The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically indicated on the official Zoning Map:

1. Where district boundaries are so indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be said boundaries;
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map.
   If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
5. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Village unless otherwise indicated;

6. Where district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits;
7. Whenever any street, alley, or other public way is vacated by official Council action, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such vacation, and all areas within that vacation shall thenceforth be subject to all regulations appropriate to the respective extended districts.

All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning Appeals.
(Ord. 381-02-03. Passed 5-20-03.)

1129.07 DISTRICT BOUNDARY DESCRIPTIONS.

The following descriptions shall define the boundaries of zoning districts within the Village:

1. The R-1 District (Single Family Residential) shall include the following tracts:
   a. Tract 1 - Beginning at a point in the south line of Hayford Road 2,394.74 feet N 89° 45' E from an angle in said road, at Forman Road, thence S 00° 15' E 370 feet to a point, thence N 89° 45' E 381.15 feet, thence N 00° 15' W 370 feet to a point in the south line of Hayford Road, thence S 89° 45' W along the south line of Hayford Road to the place of beginning;
   b. Tract 2 - Bounded on the north and west by Roaming Rock Shores Subdivision and Morning Star Drive, on the east by Knowlton Road (Crosby Cook Road) and extending southerly to the contiguous limit of the Village, but not including any areas within Roaming Rock Shores Subdivision;
   c. Tract 3 - Bounded on the north by 22.6 acres now or formerly owned by Alma Brockway, on the south by 83 acres now or formerly owned by Walter B. Summers, on the west by Roaming Rock Shores Subdivision (adjacent to Sublots 1780, 1781, and 1784 through 1790 inclusive) and on the east by the New Lyme Township line; and
   d. Tract 4 - Bounded on the north by Roaming Rock Shores Subdivision and lands now or formerly owned by Carl and Ruth Weston, on the south and west by Roaming Rock Shores Subdivision (adjacent to Sublots 1405, 1406, and part of 1404), and on the east by lands now or formerly owned by Walter and Lois Brzyscz.
2. The R-A District (Single Family Residential) shall include all "A" sublots within Roaming Rock Shores Subdivision.
3. The R-B District (Single Family Residential) shall include all “B” sublots within Roaming Rock Shores Subdivision.
4. The R-C District (Single Family Residential) shall include all "C" sublots within Roaming Rock Shores Subdivision, as well as all sublots within the Browning Subdivision.
5. The R-M District (Multi-family Residential) shall include the following tract: Bounded on the south by the north line of U S 6, on the north by Roaming Rock Shores Subdivision Plat XIX, on the west by Evening Star Drive and Roaming Rock Shores Subdivision, and on the east by Lake Roaming Rock.

6. The R-F District (Single Family Residential Farm) shall include the following tract: Beginning on the north by the 87 acres now or formerly owned by Walter B. Summers, on the south by Ketchum Road, on the west by Roaming Rock Shores Subdivision, and on the east by the Village corporation line.
7. The RST District (Restaurant) shall include the following tract: Being Sublots 414, 415, 416, and 417 of Roaming Rock Shores Subdivision Plat II.
8. The MAR District (Marina) shall include the following tract: Being Sublots 445, 446, 462, 463, 464, 465, 466, and RL 9 of Roaming Rock Shores Subdivision Plat III.
9. The IND/C District (Light Industrial/Commercial) shall include the following tract: Bounded on the north by Roaming Rock Shores Subdivision Plat XV and Rome- Rock Creek Road, on the south by a 50.5 acre parcel now or formerly owned by Dorothy Mazza, on the west by the Village corporation line (where coinciding with the now or
10. The REC District (Recreational) shall include all "RL" sublots within Roaming Rock Shores Subdivision except for Sublot RL 9 of Roaming Rock Shares Subdivision Plat III.

(Ord. 381-02-03. Passed 5-20-03.)

1129.08 ZONING MAP AMENDMENTS.

Within fifteen (15) days of the effective date of any change of a zoning district classification or boundary, the Zoning Inspector shall amend the Official Zoning Map to reflect such change, and shall note the effective date of such change, together with appropriate reference to the resolution authorizing such change. The officia1 Zoning Map shall then be signed by the Mayor and attested to by the Clerk-Treasurer.
(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1133
District Regulations

1133.01 Compliance with regulations.
1133.02 Official schedule of permitted uses and dimensional requirements.

1133.01 COMPLIANCE WITH REGULATIONS.

The regulations for each district set forth by this Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided: 1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located;

2. No building or other structure shall be erected or altered:
   a. To provide for greater height or bulk;
   b. To accommodate or house a greater number of families;
   c. To occupy a greater percentage of lot area;
   d. To have narrower or smaller rear yards, front yards, side yards, or other open space;

   than herein required, or in any other manner be contrary to the provisions of this Ordinance;
3. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements ser forth herein.
4. The purpose of the Official Schedule of Permitted Uses and Dimensional Requirements is to list different land uses and specify what districts within the community allow those uses. Any uses not listed in the Schedule are prohibited. (Ord. 381-02-03. Passed 5-20-03.)

1133.02 OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS.

District regulations shall be as set forth in the Official Schedule of Permitted Uses and Dimensional Requirements hereby adopted and declared to be a part of this Ordinance and in Chapters 1137 and 1141 of this Ordinance, “Supplementary District Regulations” and “Special Regulations”.

VILLAGE OF ROAMING SHORES

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: R-l

Purpose: The purpose of the R-l (Single Family District) is to permit development of rural and near rural areas which may not have public facilities in the near future. This district allows single family dwelling units which may be site built, modular, or manufactured housing conforming to Chapter 1159.

PUD's allowed as an overlay district.

Permitted Uses

1. Accessory uses and structures.
2. Church and other places of worship.
3. Custodial and diagnostic centers.
4. Dental laboratory.
5. Dwellings, detached single-family (Chap. 1159).
6. Golf courses.
7. Government buildings: Buildings used exclusively by the Federal, State, County, Township or Village government for public purposes except for garages, repair or storage yards, warehouses, and buildings used or intended to be used as correctional or penal institutions.
8. Group homes, Class I, Type B (Sec. 1157.01 - 1157.04).
9. Home occupation (Sec. 1155.02).
10. Hospitals and sanitariums located on a major street or secondary street.
11. Libraries.
12. Medical clinic/dental labs.
13. Museums and art galleries.
14. Parks.

Permitted Uses (Cont.)

15. Playground (principal use).
16. Playground (tot lot).
17. Satellite dish (Chap. 1143).
18. Schools, public and private.
19. Swimming pools, accessory use (priv. res. only, Sec. 1151.02).
20. Swimming pools, public or private as primary use (Sec. 1151.03).
21. Tennis courts, private.

Conditional Uses

1. Convalescent and nursing homes.
2. Day care center (Type A).
3. Grounds and facilities for recreational and community center buildings, country clubs, lakes, and other similar facilities operated on a non-profit basis.
4. Home occupation (Sec. 1155.03).

Principal Structure
Use
1 family
Minimum Lot Area
No Sewer
1 acre
W/Sewer
½ acre
Minimum Lot Width
No Sewer
200'
W/Sewer
100'

Min. Principal Bldg. Setbacks
Front: 40'
Each Side: 10'
Rear: 30'
Min. Accessory Bldg. Setbacks
Front: 40'
Each Side: 10'
Rear: 30'

Max. % Lot Coverage
No Sewer
12%
W/Sewer
30%
Max. Bldg. Ht.
Principal Bldg.
35'
Accessory Bldg.
35'
Minimum Floor Area Per D.U. Sq. Ft.
1,200'

D.U. = Dwelling Unit

VILLAGE OF ROAMING SHORES

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: R-A

Purpose: The purpose of the R-A (Single Family District) is to permit development of existing "A" sublots within the Roaming Rock Shores Subdivision, and to encourage development of compatible areas elsewhere in the Village. This district allows single family dwelling units which may be site built, modular or manufactured housing conforming to Chapter 1159.

PUD's allowed as an overlay district.

Permitted Uses

1. Accessory uses and structures.
2. Dwellings, detached single-family (Chap. 1159).
3. Group home, Class I, Type B (Sec. 1157.01 - 1157.04).
4. Home occupation (Sec. 1155.02).
5. Satellite dish (Chap. 1143).
6. Tennis courts, private.

Conditional Uses

1. Home occupation (Sec. 1155.03).

Principal Structure
Use
1 family
Minimum Lot Area
No Sewer
As platted
W/Sewer
As platted
Minimum Lot Width
No Sewer
As platted
W/Sewer
As platted

Min. Principal Bldg. Setbacks
Front: 25'
Each Side: 10'
Rear: 20'
Min. Accessory Bldg. Setbacks
Front: 25'
Each Side: 10'
Rear: 20'

Max. % Lot Coverage
No Sewer
12%
W/Sewer
30%
Max. Bldg. Ht.
Principal Bldg.
35'
Accessory Bldg.
20'
Minimum Floor Area
Per D.U. Sq. Ft.
880' grd. floor
1200' total

D.U. = Dwelling Unit

Unit

VILLAGE OF ROAMING SHORES

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: R-B

Purpose: The purpose of the R-B (Single Family District) is to permit development of existing "B" sublots within the Roaming Rock Shores Subdivision, and to encourage development of compatible areas elsewhere in the Village. This district allows single family dwelling units which may be site built, modular or manufactured housing conforming to Chapter 1159.

PUD's allowed as an overlay district.

Permitted Uses

1. Accessory uses and structures.
2. Dwellings, detached single-family (Chap. 1159).
3. Group home, Class I, Type B (Sec. 1157-01 - 1157.04).
4. Home occupation (Sec. 1155.02).
5. Satellite dish (Chap. 1143).
6. Tennis courts, private.

Conditional Uses

1. Home occupation (Sec. 1155.03).

Principal Structure
Use
1 family
Minimum Lot Area
No Sewer
As platted
W/Sewer
As platted
Minimum Lot Width
No Sewer
As platted
W/Sewer
As platted

Min. Principal Bldg. Setbacks
Front: 25'
Each Side: 10'
Rear: 20'
Min. Accessory Bldg. Setbacks
Front: 25'
Each Side: 10'
Rear: 20'

Max. % Lot Coverage
No Sewer
12%
W/Sewer
30%
Max. Bldg. Ht.
Principal Bldg.
35'
Accessory Bldg.
20'
Minimum Floor Area
Per D.U. Sq. Ft.
1040' grd. floor
1400' total

D.U. = Dwelling Unit

VILLAGE OF ROAMING SHORES

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: R-C

Purpose: The purpose of the R-C (Single Family District) is to permit development of existing "C" sublots within the Roaming Rock Shores Subdivision, and to encourage development of compatible areas elsewhere in the Village. This district allows single family dwelling units which may be site built, modular or manufactured housing conforming to Chapter 1159.

PUD's allowed as an overlay district.

Permitted Uses

1. Accessory uses and structures.
2. Boat House.
3. Boat Dock.
4. Dwellings, detached single-family (Chap. 1159).
5. Group home, Class I, Type B (Sec. 1157.01 - 1157.04).
6. Home occupation (Sec. 1155.02).
7. Satellite dish (Chap. 1143).
8. Tennis courts, private.

Conditional Uses

1. Home occupation (Sec. 1155.03).

Principal Structure Use
1 family

Minimum Lot Area
No Sewer
As platted
W/Sewer
As platted

Minimum Lot Width
No Sewer
As platted
W/Sewer
As platted

Min. Principal Bldg. Setbacks
Front: 25'
Each Side: 10'
Rear: 20'
(or 50' from lake)

Min. Accessory Bldg. Setbacks
Front: 25'
Each Side: 10'
Rear: 20'
(or 50' from lake)

Max. % Lot Coverage
No Sewer
12%
W/Sewer
30%

Max. Bldg. Ht.
Principal Bldg.
35'
Accessory Bldg.
20'

Minimum Floor Area Per D.U. Sq. Ft.
1200' grd. floor
1600' total

D.U. = Dwelling Unit

VILLAGE OF ROAMING SHORES

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: R-M

Purpose: The purpose of the R-M (Multi-Family District) is to permit development of two-family and multi-family residential uses on land within the Village. This district does not permit detached single family dwelling units.

PUD's allowed as an overlay district.

Permitted Uses

1. Accessory uses and structures.
2. Dwellings, attached single-family such as apartment buildings, row or town houses in groups of not less than three (3) nor more than twelve (12) units.
3. Dwellings, multi-family with not less than three (3) units.
4. Dwellings, two-family.
5. Group home, Class I, Type B (Sec. 1157.01 - 1157.04),
6. Home occupation (Sec. 1155.02).
7. Parks.
8. Playground (principal use).

Permitted Uses (Cont.)

9. Playground, tot-lot.
10. Satellite dish (Chap. 1143).
11. Swimming pools, public or private as primary use (Sec. 1151.03).
12. Tennis courts, private.

Conditional Uses

1. Group home, Class I, Type A (Sec. 1157.01 - 1157.04).
2. Group home, Class II, Type A (Sec. 1157.01 - 1157.04).
3. Group home, Class II, Type B (Sec. 1157.01 - 1157.04).
4. Home occupation (Sec. 1155.03).

Principal Structure
Use
2 family
Minimum Lot Area
No Sewer
2 acres
W/Sewer
1 acre
Minimum Lot Width
No Sewer
400'
W/Sewer
200'

Min. Principal Bldg. Setbacks
Front: 40'
Each Side: 10'
Rear: 30'
(or 50' from lake)
Min. Accessory Bldg. Setbacks
Front: 40'
Each Side: 10'
Rear: 30'

Max. % Lot Coverage
No Sewer
12%
W/Sewer
30%
Max. Bldg. Ht.
Principal Bldg.
35'
Accessory Bldg.
35'
Minimum Floor Area
Per D.U. Sq. Ft.
1200'

Principal Structure
Use
Multi-family
Max. Bldg. Density
8 units net acre
Minimum Lot Area
No Sewer
N/A
W/Sewer
1 acre
Minimum Lot Width
No Sewer
N/A
W/Sewer
200'

Min. Principal Bldg. Setbacks
Front: 30'
Each Side: 30'
Rear: 30'
(or 50' from lake)
Min. Accessory Bldg. Setbacks
Front: 30'
Each Side: 30'
Rear: 30'

Max. % Lot Coverage
No Sewer
N/A
W/Sewer
30%
Max. Bldg. Ht.
Principal Bldg.
35'
Accessory Bldg.
35'
Minimum Floor Area
Per D.U. Sq. Ft.
900' (3B)

VILLAGE OF ROAMING SHORES

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: R-F

Purpose: The purpose of the R-F (Single Family District) is to permit development of rural and near rural areas which may not have public facilities in the near future. This district allows single family dwelling units which may be site built, modular or manufactured housing conforming to Chapter 1159.

PUD's allowed as an overlay district.

Permitted Uses

1. Accessory uses and structures.
2. Church and other places of worship.
3. Dwellings, detached single-family (Chap. 1159).
4. Farm animals, domestic, keeping and raising.
5. Group home, Class I, Type B (Sec. 1157.01 - 1157.04).
6. Home occupation (Sec. 1155.02).
7. Parks.
8. Playground, tot-lot.
9. Satellite dish (Chap. 1143).
10. Swimming pools, accessory use (priv. res. only, Sec. 1151.02).
11. Tennis courts, private.

Conditional Uses

1. Day care center (Type A).
2. Grounds and facilities for recreational and community center buildings, country clubs, lakes, and other similar facilities operated on a non-profit basis.
3. Home occupation (Sec. 1155.03).

Principal Structure Use
1 family

Minimum Lot Area
No Sewer
1 acre
W/Sewer
½ acre

Minimum Lot Width
No Sewer
200'
W/Sewer
100'

Min. Principal Bldg. Setbacks
Front: 40'
Each Side: 10'
Rear: 30'

Min. Accessory Bldg. Setbacks
Front: 40'
Each Side: 10'
Rear: 30'

Max. % Lot Coverage
No Sewer
12%
W/Sewer
30%

Max. Bldg. Ht.
Principal Bldg.
35'
Accessory Bldg.
35'

Minimum Floor Area Per D.U. Sq. Ft.
1,200'

D.U. = Dwelling Unit

VILLAGE OF ROAMING SHORES

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: RST

Purpose: The purpose of the RST District (Restaurant) is to encourage the establishment and continued operation of restaurants and related uses on existing designated restaurant parcels within the Roaming Rock Shores Subdivision.

Permitted Uses

1. Alcoholic beverage packaged retail sales.
2. Candy products retail sales.
3. Catering establishments.
4. Alcoholic beverage package retail sales.
5. Eating and drinking establishments.
6. Restaurants, including places where meals can be bought and eaten on the premises.
7. Taverns, bars, and night clubs.

Principal Structure
Use
Restaurant
Minimum Lot Area
No Sewer
As platted
W/Sewer
As platted
Minimum Lot Width
No Sewer
As platted
W/Sewer
As platted

Min. Principal Bldg. Setbacks
Front: 25' (a)
Each Side: 25' (b)
Rear: 30' (b)
Min. Accessory Bldg.
Setbacks
Front: 25' (a)
Each Side: 25' (b)
Rear: 30' (b)

Max. % Lot Coverage
No Sewer
N/A
W/Sewer
50%
Max. Bldg. Ht.
Principal Bldg.
35'
Accessory Bldg.
35'
Minimum Floor Area
Per D.U., Prin.
Bldg. Sq. Ft.
1,200'

D.U. = Dwelling Unit
Prin. Bldg. = Principal Building

(a) No parking, loading or maneuvering area less than 15 feet from the road right-of-way line.
(b) No parking, loading or maneuvering area less than 5 feet from any lot line.

VILLAGE OF ROAMING SHORES

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: IND/C

Purpose: The purpose of the IND/C District (Light Industrial/Light Commercial) is to permit the controlled development of limited areas within the Village for limited light industrial and/or light commercial uses
.

Permitted Uses

1. Agencies and offices rendering specialized services in the professions, real estate and brokerage, including service agencies not involving on-premises retail trade nor wholesale trade on-premises, nor maintenance of a stock of goods for sale to the general public.
2. Alcoholic beverage packaged retail sales.
3. Antiques and gift retail sales.
4. Appliance distributors for wholesale.
5. Art supply retail sales.
6. Assembly halls, gymnasiums and similar structures.
7. Assembly of machines and appliances from previously prepared parts.
8. Automobile (new and used) and accessory sales.
9. Automobile repair shop mechanical.
10. Bakeries or baking plants.
11. Bakery shops and confectionaries operating both wholesale and retail business provided such operations are limited to one thousand five hundred (1,500) square feet of manufacturing area and to the use of non-smoke producing types of furnaces.
12. Banks.
13. Barber, beauty and other personal services.
14. Barber, beauty equipment sales and supply.
15. Bicycle sale and repair.
16. Blueprinting and photostatic establishments.
17. Boat storage commercial.
18. Bookbindery.
19. Book and stationery stores.
20. Camera sales, supplies, service.
21. Candy products manufacture.
22. Candy products retail.
23. Canvas and burlap products, sale and storage.
24. Catering establishments.
25. Clothing manufacture.
26. Clothing sales.
27. Cold storage plants, food.
28. Construction materials, enclosed storage and sales.
29. Cooperage works.
30. Cosmetics and perfume manufacture.
31. Crude oil storage (well site).
32. Custodial and diagnostic centers.
33. Dairy products processing, bottling, and distribution, cream manufacture, all on a wholesale basis.
34. Dairy bars for retail sale on the premises only.
35. Department and variety stores.
36. Dental laboratory.
37. Drug stores.
38. Dry cleaning, pressing plants operated in conjunction with retail service counter provided that not more than two thousand (2,000) square feet is devoted to these processes.
39. Eating and drinking establishments.
40. Electrical supplies, retail.
41. Electrical repair.
42. Electronic assembly plant.
43. Farm machinery assembly, repair and sales.
44. Fertilizer retail sales.
45. Finance and loan companies.
46. Florist, including warehousing for wholesale and related retail trade.
47. Food processing, including products for sale at retail on the premises, but excluding the killing of any flesh or fowl.
48. Food stores (retail only), including grocery, delicatessen, meat and fish but excluding the killing of any flesh or fowl.
49. Footware, retail.
50. Frozen food lockers.
51. Furniture retail sales and floor covering retail sales.
52. Furriers, retail sales.
53. Fur storage.
54. Gas extraction.

Permitted Uses (Cont.)

55. Gift shop, cards.
56. Government buildings, including buildings used exclusively by the Federal, State, County, Township, or Village government for public purposes except for garages, repair or storage yard, warehouses, and buildings used or intended to be used as correctional or penal institutions
57. Hardware, appliances, and electrical items, retail sale.
58. Hat cleaning and blocking.
59. Ice manufacture, storage and sales.
60. Jewelry and watch sale and repair.
61. Laboratories for research and testing.
62. Launderette service, including where individual, family-sized laundry equipment is rented for use by the customer.
63. Laundry pick-up stations.
64. Leather goods, manufacture.
65. Lock and gunsmiths.
66. Lodges, fraternal, and social organizations.
67. Lumber yards, building materials storage and sale.
68. Machine shops.
69. Machine tool manufacture.
70. Machinery manufacture.
71. Medical clinic/dental labs.
72. Motorcycle sales and repair.
73. Motor vehicle equipment manufacture.
74. Museums and art galleries.
75. Music stores.
76. Musical instrument store, sale of and instruction.
77. Office equipment and supplies, sales, and service.
78. Office and secretarial service establishments.
79. Oil extraction.
80. Oil storage and supply.
81. Optical and scientific instrument, jewelry, and clock, musical instrument manufacture.
82. Optical supplies sales.
83. Orphanages and/or rehabilitation centers.
84. Paint, retail sales.
85. Parks.
86. Pawn shops or second-hand stores.
87. Petroleum extracting.
88. Pharmaceutical products manufacture.
89. Photographic studios and camera supply stores.
90. Physica1 culture establishments.
91. Playground (principal use).
92. Playground, Tot-Lot.
93. Plumbing shop and yard.
94. Posta1 facilities privately or publicly owned.
95. Poultry dressing but only for sale at retail on the premises.
96. Prefabricating buildings and structural members.
97. Printing, publishing, and reproduction establishments.
98. Radio and television studios.
99. Repair and servicing of office and household equipment.

100. Repair and servicing of industrial equipment, machinery.
101. Retai1 stores similar to those otherwise named on this list.
102. Satellite Dish (Chap. 1143).
103. Schools, public and private.
104. Sheet metal shops.
105. Shoe repair.
106. Sign manufacture and painting.
107. Sign painting, exclusive of manufacture.
108. Sporting goods sales.
109. Stadiums, commercial.
110. Stonecutting, monument manufacture and sales.
111. Storage, under cover, of goods intended for retail sale on the premises but not including combustibles.
112. Swimming pools and bathing areas, public or private as primary uses (Sec. 1151.03).
113. Tailors, dressmakers, milliners.
114. Taverns, bars, and nightclubs.
115. Tennis courts.
116. Theaters, housed in a permanent indoor structure, exhibition halls and other similar structures.
117. Tractor or trailer sales or leasing areas.
118. Upholstery, paper hanging, and decorator shops.
119. Variety stores.
120. Wholesale and jobbing establishments, including incidental retail outlets for only such merchandise as is handled at wholesale.
121. Woodworking shops, mill work.

Conditional Uses

1. Adult Entertainment (Chap. 1147).
2. Amusement businesses, such as billiards, pool, bowling, skating rinks, dance halls, and similar activities when housed in a permanent structure but not including theater.
3. Hospitals/sanitariums; convalescent/nursing homes; convalescent and nursing homes.
4. Day care center (Type A).
5. Funeral homes, undertaking establishments, embalming.
6. Heliport.
7. Pet shops, bird stores, taxidermists, animal hospital.
8. Retail stores not otherwise listed, including those conducting incidental light manufacturing or processing of goods above the first floor or in the basement to be sold exclusively on the premises and employing not more than 10 operatives.
9. Storage warehouses.

Principal Structure
Use
Mixed LI/LC
Minimum Lot Area
No Sewer
1 acre
W/Sewer
½ acre
Minimum Lot Width
No Sewer
200'
W/Sewer
100'

Min. Principal Bldg. Setbacks
Front: 30' (a)
Each Side: 30' (b)
Rear: 60' (b), (c)
Min. Accessory Bldg.
Setbacks
Front: 30' (a)
Each Side: 30' (b)
Rear: 60' (b), (c)

Max. % Lot Coverage
No Sewer
N/A
W/Sewer
50%
Max. Bldg. Ht.
Principal Bldg.
35'
Accessory Bldg.
35'
Minimum Floor Area
Per D.U. Prin. Bldg.
Sq. Ft.
1,200'

D.U. = Dwelling Unit
Prin. Bldg. = Principal Building

(a) No parking, loading or maneuvering area less than 15 feet from the road right-of-way line.
(b) No parking, loading or maneuvering area less than 5 feet from any lot line.
(c) Where adjacent to residential area. Variance may be granted where adjacent to railroad right-of-way.

(Ord. 381-02-03. Passed 5-20-03.)

VILLAGE OF ROAMING SHORES

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: REC

Purpose: The purpose of the REC District (Recreational) is to encourage the establishment and continued operation of limited recreational uses on existing designated recreational parcels within the Roaming Rock Shores Subdivision.

Permitted Uses

1. Alcoholic beverage on-premise retail sales and consumption.
2. Boat dock.
3. Clubs.
4. Parks.
5. Playground (principal use).
6. Playground, tot lot.
7. Swimming pools and bathing areas, public or private as primary uses (Sec. 1151.03).
8. Tennis courts.
9. Basketball/volleyball courts, baseball fields and similar sports oriented uses.
10. Erosion and runoff controls, lake water quality controls. Note: A zoning permit is required for construction of erosion or runoff controls. In order to obtain a zoning permit from the Village of Roaming Shores, the RRA must demonstrate that they have fulfilled all other government requirements (ODNR, Army Corps of Engineers, etc.)

Conditional Uses

1. Grounds and facilities for recreational and community center buildings, country clubs, lakes, and other similar facilities operated on a non-profit basis.

Principal Structure
Use
Recreation
Minimum Lot Area
No Sewer
1 acre
W/Sewer
½ acre
Minimum Lot Width
No Sewer
200'
W/Sewer
100'

Min. Principal Bldg. Setbacks
Front: 30' (a)
Each Side: 30' (b)
Rear: 60' (b)
Min. Accessory Bldg. Setbacks
Front: 30' (a)
Each Side: 30' (b)
Rear: 60' (b)

Max. % Lot Coverage
No Sewer
N/A
W/Sewer
50%
Max. Bldg. Ht.
Principal Bldg.
35'
Accessory Bldg.
35'
Minimum Floor Area Per D.U. Prin. Bldg.
Sq. Ft.
N/A

D.U. = Dwelling Unit
Prin. Bldg. = Principal Building

(a) No parking, loading or maneuvering area less than 15 feet from the road right-of-way line.
(b) No parking, loading or maneuvering area less than 5 feet from any lot line.

(Ord. 381-02-03. Passed 5-20-03; Ord. 459-04-08. Passed 7-15-08.)

VILLAGE OF ROAMING SHORES

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: MAR

Purpose: : The purpose of the MAR District (Marina) is to encourage the establishment and continued operation of marinas and related uses on existing designated marina parcels within the Roaming Rock Shores Subdivision.

Permitted Uses

1. Boat dock.
2. Boat supplies and marine accessories, sales.
3. Boat storage, sales, and repair, commercial.
4. Candy products retail sales.
5. Canvas and burlap products, sale and storage.
6. Gasoline and fuel sales.

Conditional Uses

Principal Structure
Use
Marina
Minimum Lot Area
No Sewer
As platted
W/Sewer
As platted
Minimum Lot Width
No Sewer
As platted
W/Sewer
As platted

Min. Principal Bldg. Setbacks
Front: 30' (a)
Each Side: 30' (b)
Rear: 60' (b)
Min. Accessory Bldg.
Setbacks
Front: 30' (a)
Each Side: 30' (b)
Rear: 60' (b)

Max. % Lot Coverage
No Sewer
N/A
W/Sewer
50%
Max. Bldg. Ht.
Principal Bldg.
35'
Accessory Bldg.
35'
Minimum Floor Area
Per D.U. Prin. Bldg.
Sq. Ft.
N/A

D.U. = Dwelling Unit
Prin. Bldg. = Principal Building

(a) No parking, loading or maneuvering area less than 15 feet from the road right-of-way line.
(b) No parking, loading or maneuvering area less than 5 feet from any lot line.

VILLAGE OF ROAMING SHORES

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: GOV

Purpose: The purpose of the GOV District (Government) is to encourage and facilitate the continual operation of the Village of Roaming Shores and the Rome Rock Association.

Permitted Uses

1. Office buildings.
2. Buildings and structures to store equipment, materials, vehicles used for governmental purposes.
3. Buildings and structures for utility purposes.

Conditional Uses

1. None permitted.

Principal Structure
Use
GOV Bldgs./structures
Minimum Lot Area
No Sewer
1 acre
W/Sewer
½ acre
Minimum Lot Width
No Sewer
200'
W/Sewer
100'

Min. Principal Bldg. Setbacks
Front: 30' (a)
Each Side: 30' (b)
Rear: 60' (b)
Min. Accessory Bldg. Setbacks
Front: 30' (a)
Each Side: 30' (b)
Rear: 50' (b), (c)

Max. % Lot Coverage
No Sewer
N/A
W/Sewer
50%
Max. Bldg. Ht.
Principal Bldg.
35'
Accessory Bldg.
35'
Minimum Floor Area Per D.U. Prin. Bldg. Sq. Ft.
N/A

D.U. = Dwelling Unit
Prin. Bldg. = Principal Building

(a) No parking, loading or maneuvering area less than 15 feet from the road right-of-way line.
(b) No parking, loading or maneuvering area less than 5 feet from any lot line.
(c) Where adjacent to residential area 60 feet required. Variance may be granted where adjacent to railroad right of way.

(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1137
Supplementary District Regulations

1137.01 General.
1137.02 Conversions of dwellings to more than one unit.
1137.03 Principal building per lot.
1137.04 Reduction of area or space.
1137.05 Construction in easements.
1137.06 Parking and storage of vehicles and trailers.
1137.07 Required refuse collection areas.
1137.08 Junk.
1137.09 Outside storage and refuse collection.
1137.10 Supplemental yard and height regulations.
1137.11 Setback requirements for buildings on corner lots.
1137.12 Fence and wall.
1137.13 Yard requirements for multi-family dwellings.
1137.14 Side and rear yard requirements for nonresidential uses abutting residential districts.
1137.15 Exceptions to height regulations.
1137.16 Architectural projections.
1137.17 Visibility at intersections.
1137.18 Objectionable, noxious or dangerous uses, practices or conditions.
1137.19 Assurance requirements and plans.
1137.20 Enforcement provisions.
1137.21 Temporary uses.
1137.22 Screening.

1137.01 GENERAL.

The purpose of supplementary district regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur, in order to alleviate or preclude such problems, and to promote the harmonious exercise of property rights without conflict. (Ord. 381-02-03. Passed 5-20-03.)

1137.02 CONVERSIONS OF DWELLINGS TO MORE THAN ONE UNIT.

A residence may not be converted to accommodate an increased number of dwelling units unless all of the following conditions are met:

1. The conversion is in compliance with all other local codes and ordinances, and any applicable State or Federal regulations;
2. The district within which the residence is located is so regulated as to allow such an increase in dwelling units;

3. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district;
4. The lot area per family equals the lot area requirements for new structures in that district;
5. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district;
6. The conversion is in compliance with all other relevant codes and ordinances. (Ord. 381-02-03. Passed 5-20-03.)

1137.03 PRINCIPAL BUILDING PER LOT.

No more than one principal building or structure may be constructed upon any one lot for the purposes of this Ordinance. Rear dwellings shall be prohibited and shall be considered non-conforming uses subject to the requirements of Chapter 1113.
(Ord. 381-02-03. Passed 5-20-03.)

1137.04 REDUCTION OF AREA OR SPACE.

No lot, yard, parking area, or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, parking area, or other space less than the minimum required by this Ordinance. Furthermore, any lot, yard, parking area, or other space which is already less than the required minimum shall not be reduced further. However, nothing in this section shall be interpreted to limit the power of the Board of Zoning Appeals in the granting of variances under this Ordinance.
(Ord. 381-02-03. Passed 5-20-03.)

1137.05 CONSTRUCTION IN EASEMENTS.

Easements for installation, operation and maintenance of utilities and drainage facilities are reserved as shown on each plat when recorded or otherwise established. Within these easements, no permanent building or structure shall be placed or permitted which may damage or which may interfere with the installation, operation, and maintenance of such utilities or which may change the normal direction of flow of drainage channels within the easement. The easement area of each lot, and any improvements within it, shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or a utility is responsible.
(Ord. 381-02-03. Passed 5-20-03.)

1137.06 PARKING AND STORAGE OF VEHICLES AND TRAILERS.

1. The parking of a disabled vehicle as defined in Chapter 1109 for a period of more than two (2) weeks shall be prohibited in all districts, unless such a vehicle is stored in an enclosed garage or accessory building.

2. No commercial vehicles, to include commercial tractors, automobiles, vans, trucks, buses, house trailers, semi-trailers, shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building, except:
   a. Those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking;
   b. One (1) commercial vehicle with current license owned or used by a resident of said property not to exceed two (2) tons in capacity. (Ord. 381-02-03. Passed 5-20-03.)

1137.07 REQUIRED REFUSE COLLECTION AREAS.

The refuse collection areas provided by all commercial, industrial, governmental and multifamily residential uses for the collection of trash, garbage, and other refuse shall be enclosed on three sides by a solid wall or fence of at least four (4) feet in height, unless within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Inspector. In addition, the following requirements shall be met:

1. The storage of hazardous or toxic materials or wastes shall not be permitted without documented approval of the Ohio Environmental Protection Agency;
2. Materials or wastes which might cause fumes or dust or otherwise constitute a fire hazard, or which may attract rodents or insects, shall be stored only in closed containers constructed of impervious materials;
3. Storage areas in residential districts shall utilize such additional screening as required in this Ordinance.

(Ord. 381-02-03. Passed 5-20-03.)

1137.08 JUNK.

The accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other discarded objects or debris defined as junk in the Ohio Revised Code shall be prohibited, outside of an approved junk yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents, and to preserve property values.
(Ord. 381-02-03. Passed 5-20-03.)

1137.09 OUTSIDE STORAGE AND REFUSE COLLECTION.

1. MAR (Marina) and RES (Restaurant) Districts.
   a. The refuse collection areas provided by all non-residential uses in the MAR and RES Districts to temporarily store trash, garbage, scrap or other refuse shall be enclosed on three sides by a solid wall or fence of at least four (4) feet in height unless the storage area is within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Inspector.
   b. All inventory, materials, equipment and machinery must be kept within buildings with the exceptions, in MAR district only, of such machinery and equipment as are ancillary to and necessary for the day to day operation of the marina and consistent with the MAR zoning classification of the specific property.

2. IND/C (Light Industrial/Commercial) District; GOV (Governmental) District.
   a. The refuse collection areas provided by all uses in this zone to temporarily store trash, garbage, scrap or other refuse shall be enclosed on three sides by a solid wall or fence of at least four (4) feet in height unless the storage area is within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Inspector;

b. All permitted uses and accessory activities shall be confined within completely enclosed buildings with the exception of off-street parking spaces, off-street loading areas, accessory fuel storage, attached storage tanks, HVAC units and employee recreational facilities. In addition, the temporary outdoor storage of materials, equipment or vehicles in an orderly manner is permitted in any areas other than in required front, rear or side yards, provided such outdoor storage does not exceed 15 feet in height or occupy more than ten percent of the area of the lot, and is effectively screened from residential uses, as in the case of parking areas. (Ord. 381-02-03. Passed 5-20-03.)

1137.10 SUPPLEMENTAL YARD AND HEIGHT REGULATIONS.

In addition to the regulations specified in Chapter 1133 and in other chapters of this Ordinance, Sections 1137.11 through 1137.16 inclusive shall be used for clarification and interpretation.
(Ord. 381-02-03. Passed 5-20-03.)

1137.11 SETBACK REQUIREMENTS FOR BUILDINGS ON CORNER LOTS.

The principal building and its accessory structures located on any corner lot shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.
(Ord. 381-02-03. Passed 5-20-03.)

1137.12 FENCE AND WALL.

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of two and a half (2-1/2) feet. In any lakefront lot no fence or wall shall be permitted which materially impedes vision of Lake Roaming Rock or Flame Lake across such yard.
(Ord. 381-02-03. Passed 5-20-03.)

1137.13 YARD REQUIREMENTS FOR MULTI-FAMILY DWELLINGS.

Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.
(Ord. 381-02-03. Passed 5-20-03.)

1137.14 SIDE AND REAR YARD REQUIREMENTS FOR NONRESIDENTIAL USES ABUTTING RESIDENTIAL DISTRICTS.

Nonresidential buildings or uses shall not be located nor conducted closer than sixty (60) feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty (50) percent of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry wall or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense plantings of evergreen shrubs not less than four (4) feet in height at the time of planting. Neither type of screening shall obscure traffic visibility as required by Section 1137.17.

(Ord. 381-02-03. Passed 5-20-03.)

1137.15 EXCEPTIONS TO HEIGHT REGULATIONS.

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.
(Ord. 381-02-03. Passed 5-20-03.)

1137.16 ARCHITECTURAL PROJECTIONS.

Roofed or open structures such as porches, canopies, balconies, platforms, carports, covered patios, decks and similar architectural projections shall be considered part of the building to which attached and shall not project into the required minimum front, side, or rear yard setback requirements. Uncovered decks/patios attached to the building shall be exempt from the rear yard setback requirements. (Ref. Section 1121.20, #4)
(Ord. 381-02-03. Passed 5-20-03.)

1137.17 VISIBILITY AT INTERSECTIONS.

On a corner lot at the intersection of two streets in any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such manner as to impede vision materially between a height of two and one-half (2 ½) feet and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lot and a line joining points along said street lines fifty (50) feet from the point of intersection. On a corner lot at the intersection of two alleys, or at the intersection of an alley and a street within any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such manner as to impede vision materially between a height of two and one-half (2-1/2) feet and ten (10) feet above the center line grades of the intersecting alleys, or of the intersecting alley and street, in the area bounded by the right-of-way lines of such corner lot and a line joining points along said alley lines, or alley and street lines, twenty-five (25) feet from the point of intersection.
(Ord. 381-02-03. Passed 5-20-03.)

1137.18 OBJECTIONABLE, NOXIOUS, OR DANGEROUS USES, PRACTICES, OR CONDITIONS.

No land or building in any district shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which may otherwise adversely affect surrounding areas or adjoining premises, except that any use permitted by this Ordinance may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits, as established in this Section, are properly exercised. Specifically, the occupation or use of any land or building in any district shall be in violation of this Ordinance if one or more of the following conditions is found to exist at any time:

1. The use or storage of flammable or explosive materials is not adequately protected by fire-fighting and fire-protection equipment or by such safety devices as are normally required for such activities;
2. Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved;

3. Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency;
4. Hazardous wastes are present in violation of the regulations of the Ohio Environmental Protection Agency;
5. Objectionable noise as determined by the Zoning Inspector due to volume, frequency or beat is present;
6. Vibration discernible by the Zoning Inspector without instruments is present on an adjoining lot or property;
7. Direct or reflected glare is present which is visible from any street or from any property not within a manufacturing district;
8. Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot, property, or lake;
9. Water pollution or contamination is present in violation of the regulations of the Ohio Environmental Protection Agency;
10. Conditions or operations which result in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interfere unreasonably with the comfort of the public. If the odors start after operations, the activity shall be removed or modified to remove the odor;
11. Any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographic survey, personal pleasure or associated uses which do not conform with the current Federal Communications Commission's regulations;
12. Discharge at any point into any public or private sewage disposal system or stream, or into the ground, of any liquid or solid materials except in accordance with OEPA's, the local sewer authority's, and the County Health Department's regulations; and
13. Adverse influences, including but not limited to structural or other damage, to the dam is present in violation of the regulations of the Ohio Department of Natural Resources.
14. The installation and or use of outdoor furnaces utilizing as a fuel source wood, coal, oil, propane, LP, natural gas or other fuels is strictly prohibited.

(Ord. 381-02-03. Passed 5-20-03.)

1137.19 ASSURANCE REQUIREMENTS AND PLANS.

Prior to the issuance of a zoning permit, the Zoning Inspector may require the submission of written assurances and plans indicating the manner in which dangerous and objectionable aspects or elements of processes or operations entailed in certain uses or occupations are to be eliminated or reduced to acceptable limits and tolerances.
(Ord. 381-02-03. Passed 5-20-03.)

1137.20 ENFORCEMENT PROVISIONS.

Any occupancy, use, conditions, or circumstances existing in violation of Section 1137.18 and 1137.19 shall constitute a violation of this Ordinance and be subject to the enforcement procedures contained in Sections 1167.18 - 1167.20.
(Ord. 381-02-03. Passed 5-20-03.)

1137.21 TEMPORARY USES.

The following regulations are necessary to govern certain uses which are of a non-permanent nature. For such uses requiring temporary zoning permits, at least seven (7) days before the installation of such use an application for a zoning permit shall be made to the Zoning Inspector, which shall contain a graphic description of the property to be used, a description of the proposed use, and a site plan, with sufficient information to determine the yard, setback, parking, and sanitary facility requirements for the proposed temporary use.

The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits which follow, as well as the regulations of any district in which they are located:

1. Real estate sales offices, which shall contain no living accommodations, shall be permitted within any district for any new subdivision for a period of one year, except that two (2) six-month extensions may be granted if conditions warrant. Such offices shall be removed upon the completion of the sales of the lots therein, or upon the expiration of the zoning permit, whichever occurs first.
2. Temporary buildings, offices, and equipment and storage facilities required in conjunction with construction activities may be permitted within any district for a period of one year, except that six-month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction, or upon expiration of the zoning permit, whichever occurs first.
3. Temporary retail sales of plants, flowers, and other farm produce, on lots or parking lots, including any lot on which an existing business is operating or on which a business is vacated, may be permitted for any individuals or organizations in any commercial district. A zoning permit valid for a period not to exceed two (2) consecutive weeks shall only be issued three (3) separate times for any particular lot within any twelve-month period, and not more than one permit may be issued at the same time for any lot. This section shall not be interpreted to prohibit any such use in any case where a valid covenant or deed restriction specifically authorizes such use. In any case, the zoning permit shall be prominently displayed at the site. Temporary permits are not required for sales of agricultural produce on the zone lot on which said produce is grown.
4. Garage sales, which for the purpose of this section shall include yard sales, barn sales, and similar activities, may be permitted within any district in which dwellings are permitted. Any individual, organization or family may conduct, without a permit, one (1) such sale within any twelve-month period upon the property at which he or they reside for a period not to exceed three (3) consecutive days, so long as the provisions of this Ordinance pertaining to signs and parking are observed. (Ord. 381-02-03. Passed 5-20-03.)

1137.22 SCREENING.

Screening or buffering in compliance with the provisions of this Section shall be provided for any permitted or conditionally permitted nonresidential uses which abuts any residential district, in addition to setback and yard requirements provided elsewhere in this Ordinance. Applicants for a zoning permit may request a variance from yard or setback requirements in conjunction with a plan for screening, which the Board of Zoning Appeals may consider by weighing the relationship of the proposed screening plan and the requested dimensional variance with respect to their joint impact upon neighboring properties. Such requested variance for a conditionally permitted use shall be incorporated in the conditional use procedure specified in Chapter 1121. The following provisions shall apply with respect to screening.

1. Screening shall be provided for one or more of the following purposes:
   a. A visual barrier to partially or completely obstruct the view of structures or activities;
   b. An acoustic screen to aid in absorbing or deflecting noise;
   c. A physical barrier to contain debris and litter.
2. Screening may consist of one of the following, or a combination of two or more, as determined by the Zoning Inspector or Board of Zoning Appeals, in the event of an appeal, variance, or conditional use:
   a. A solid masonry wall;
   b. A solidly constructed decorative fence;
   c. A louvered fence;
   d. A dense vegetative plantings; and/or
   e. A landscaped mounding.
3. Height of screening shall be in accordance with the following:
   a. Visual screening walls, fences, plantings, or mounds shall be a minimum of five and one-half (5-1/2) feet high in order to accomplish the desired screening effect, except in required front yards where maximum height shall be not greater than two and one-half (2-1/2) feet. Plantings shall be a minimum of four (4) feet in height at the time of planting;
   b. A dense vegetative planting with a minimum height of four (4) feet at planting and a mature height of at least five and one-half (5-1/2) feet or greater, or a solidly constructed decorative fence, shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent land zoned for residential uses, except for the portion of such boundary located within a required front yard.
4. Screening for purposes of absorbing or deflecting noise shall have a depth of at least fifteen (15) feet of dense planting or a solid masonry wall in combination with decorative plantings. The height shall be adequate to absorb noise as determined by the Zoning Inspector in relation to the nature of the use.
5. Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bumper blocks, posts, or curbing to avoid damage by vehicles.
6. All screening shall be trimmed, maintained in good condition, and free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.

(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1141
Special Regulations

1141.01 General.

1141.01 GENERAL.

It is the purpose of these special regulations to promote the public health, safety, and welfare and to establish regulations affecting uses and practices which, were they to be established and maintained without any guidance or restriction or control, tend to result in dangerous situations threatening the safety of citizens, to contribute to circumstances undermining the morals of the youth of the community, or to generate conflicts in uses or practices upsetting the harmony of the community and impinging upon the property rights of others.

(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1143
Satellite Dish Antennas

1143.01 Purpose.
1143.02 Zoning permit required.
1143.03 Satellite dishes less than 40 inches.
1143.04 Satellite dishes over 40 inches.
1143.05 Variances on locational characteristics for dishes over 40 inches.

1143.01 PURPOSE.

It is the purpose of this chapter to regulate the location and construction of dish-type satellite signal-receiving antennas within the Village in order to protect the public health, safety, and welfare of the residents, particularly with respect to the maintenance of utility easements and fire safety accesses, the prevention of the accumulation of noxious weeds and debris, the safety considerations associated with windloads, and the reasonable accommodation of the aesthetic concerns of neighboring property owners.
(Ord. 381-02-03. Passed 5-20-03.)

1143.02 ZONING PERMIT REQUIRED.

No person, firm or corporation shall undertake the construction, erection or installation of any satellite dish without a zoning permit issued in accordance with the provisions of this Ordinance. In addition to the requirements of Chapter 1167, the application for such permit shall include the following:

1. A description of the type of earth station proposed;
2. A plot plan of the lot, premises, or parcel of land showing the location of the proposed earth station and all other buildings thereon;
3. Plans depicting the specifications and elevations of the proposed location, to include satisfactory screening and landscaping for ground-mounted structures;
4. Details of the method of assembly and construction of the proposed earth station;
5. A fee as required according to Section 1165.12 for the review of plans and specifications and the inspection of construction.

(Ord. 381-02-03. Passed 5-20-03.)

1143.03 SATELLITE DISHES LESS THAN 40 INCHES.

Satellite dishes less than 40 inches in diameter or diagonal measurement are permitted in all districts and do not require a permit unless the following applies;

1. Dishes where an acceptable signal can be received only within the setback requirements as established in each district in the Zoning Ordinance;
2. Dishes that have to be erected on a mast higher than twelve (12) feet above the roofline.

In the cases of installation of dishes in the above categories, the permit application will include the submission of proof that it is necessary to erect under these conditions in order to get the only acceptable signal on the property.

1. Safety regulation for all satellite dishes:
   a. The apparatus shall be constructed such that it will withstand wind forces of up to seventy-five (75) miles per hour;
   b. If ground mounted all wiring between the apparatus and any other structure shall be placed underground in approved, grounded, outdoor antenna cable;
   c. If ground mounted it shall not be placed within twelve and one-half (12-1/2) vertical feet of any power line over 240 volts, and five (5) vertical feet from power lines under 240 volts, or if the apparatus is higher than the power line it shall not be closer than seven and one-half (7-1/2) horizontal feet from the power line;
   d. If mounted on the house the apparatus shall not be closer than three and one-half (3-1/2) horizontal feet from the power line going into the house;
   e. No dish shall be placed within the front yard (street side) utility easement, the road right of way, or any side or rear yard utility easement known to have existing utility lines;
   f. All wiring and grounding of the apparatus shall be in accordance with BOCA.
2. Prioritized list of placement preferences:
   a. Roof or other parts of the house;
   b. Non-lake front homes:
      i. Back yards (not within the setback requirements);
      ii. Side yards (not within the setback requirements);
      iii. Front yards (not within the road right of way, utility easement and set back requirements);
   c. Lake front homes:
      i. Side yards (not within the setback requirements);
      ii. Front yards (not within the road right of way, utility easement and setback requirements);
      iii. Back yards (not within the set back requirements);
3. Screening. Screening of ground-mounted satellite dishes with shrubbery and/or flowers is recommended in order to maintain the esthetic beauty of the community.

(Ord. 381-02-03. Passed 5-20-03.)

1143.04 SATELLITE DISHES OVER 40 INCHES.

Satellite dishes more that 40 inches in diameter or diagonal measurement are considered as accessory structures and are permitted as accessory uses in all districts. In addition to the provisions of this Ordinance pertaining to accessory structures, the following provisions shall apply:

1. No satellite dish over 40 inches may be mounted on the house or roof;
2. The maximum height of any ground-mounted satellite dish shall not exceed twelve (12) feet;
3. The maximum height of any ground-mounted satellite dish shall not exceed fifteen (15) feet above the finished grade;
4. The dish portion of the apparatus shall have a surface of open mesh construction and shall be painted a color which complements its environment and shall bear no advertisement, lettering, picture, or visual image;
5. The apparatus shall not be located in a side yard or front yard (street side) on off lake lots and back yards (lake side) or side yards on lakefront lots;
6. The site of the apparatus shall be screened with shrubbery and/or flowers;
7. The apparatus shall be mounted upon a solid concrete slab or other suitable structure, and shall be constructed such that it will withstand wind forces of up to seventy-five (75) miles per hour;
8. Only metal supports of galvanized construction shall be used;
9. Any guy wires attached to a satellite dish apparatus shall be enclosed by an approved fence;
10. Any driving motor shall be limited to one hundred and ten (110) volt maximum power and shall be encased in a protective guard;
11. All wiring between the apparatus and any other structure shall be placed underground and in accordance with BOCA regulations;
12. The apparatus shall be bonded to an approved eight (8) foot grounding rod;
13. The apparatus shall not be placed within twelve and one-half (12-1/2) vertical feet from any power line over 240 volts and five (5) vertical feet from power line under 240 volts. (Ord. 381-02-03. Passed 5-20-03.)

1143.05 VARIANCES ON LOCATIONAL CHARACTERISTICS FOR DISHES OVER 40 INCHES.

An applicant may request a variance from the accessory building requirements and the required height restrictions in compliance with the procedures of Chapter 1117. In addition to all requirements of these sections, the applicant shall submit clear and convincing evidence that the requested variance is necessary in order for the satellite dish antenna to have a direct line of sight or unobstructed view to the satellite. In any case where this provision applies, the variance granted by the Board of Zoning Appeals shall be the minimum variance required to achieve the necessary direct line of sight to assure that the antenna can properly function.
(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1145
Amusement Arcades

1145.01 Purpose.
1145.02 Conditional use permit required.
1145.03 Zoning of amusement arcades.
1145.04 Maintenance of a nuisance prohibited.
1145.05 Restricted access to certain minors.
1145.06 Complaints regarding amusement arcades.
1145.07 Revocation of conditional use permit.
1145.08 Procedure for revocation.

1145.01 PURPOSE.

The purpose of this chapter is to promote the public health, safety, and welfare by regulating amusement arcades where mechanically or electronically operated amusement devices are kept, operated, or maintained.
(Ord. 381-02-03. Passed 5-20-03.)

1145.02 CONDITIONAL USE PERMIT REQUIRED.

No amusement arcade shall be established, operated or maintained in any place of business or on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of Chapter 1121. In addition to said provisions, amusement arcades shall comply with the following conditional use criteria:

1. Amusement arcades shall comply with the district regulations applicable to all properties in any zoning district in which they are located;
2. Amusement arcades shall have an adult who is eighteen (18) years of age or over on the premises and supervising the amusement arcade at all times during its hours of operation;
3. Amusement arcades shall have necessary security personnel as required by the appropriate law enforcement agency to police the interior and exterior of the premises;
4. The interior of the amusement arcades shall provide a minimum area per coin-operated amusement device equal to the size of the device plus two (2) feet of area on each side plus an area of four (4) feet in front of the device;

5. Prior to the issuance of a conditional use permit the applicant shall provide evidence that the structure meets the minimum requirements of the appropriate electrical and fire codes;
6. If the place of business or premises for which an amusement arcade is proposed is a free standing building, the application for the conditional use permit shall include an approvable exterior lighting plan;
7. In establishments which serve alcoholic beverages, any area containing amusement devices shall be visually separated from that portion or portions of the establishment wherein alcoholic beverages are served or sold for carrying out of the premises;
8. No amusement arcade may be established, operated or maintained in any place of business or on any premises which is within five hundred (500) feet of any adult entertainment business.
9. The application for the conditional use permit shall be accompanied by a copy of the applicant's license to operate and exhibit amusement devices, and a notarized statement that the applicant shall not permit any person fourteen (14) years of age or younger to operate any devices on the premises before 4:00 p.m. on days when school is in session.

(Ord. 381-02-03. Passed 5-20-03.)

1145.03 ZONING OF AMUSEMENT ARCADES.

Amusement arcades shall be conditionally permitted uses only in IND/C Districts.
(Ord. 381-02-03. Passed 5-20-03.)

1145.04 MAINTENANCE OF A NUISANCE PROHIBITED.

It shall be the obligation of the exhibitor of an amusement arcade to maintain peace and quiet and order in and about the premises. Failure to do so shall constitute a nuisance, which shall be a minor misdemeanor.
(Ord. 381-02-03. Passed 5-20-03.)

1145.05 RESTRICTED ACCESS TO CERTAIN MINORS.

No amusement arcade exhibitor shall permit, on days when school is in session, any person fourteen (14) years cf age or younger to operate any mechanical or electrically operated amusement device or to be or remain in an amusement arcade before 4:00 p.m. This provision does not apply to juke boxes, mechanical musical instruments, or other mechanical amusement devices designed to be ridden, such as mechanical horses, automobiles, and carrousels. Violation of this provision shall be a minor misdemeanor.
(Ord. 381-02-03. Passed 5-20-03.)

1145.06 COMPLAINTS REGARDING AMUSEMENT ARCADES.

Any resident of the Village may submit a written notice of complaint regarding the operation of any amusement arcade to the Zoning Inspector. The notice of complaint shall include the name and address of the complainant, the address of the location cf the amusement arcade, and the specific reasons why the individual is complaining.

If the Zoning Inspector determines, after interviewing both the complainant and the amusement arcade exhibitor, that the specific reasons in the complaint appear to be proper grounds for suspension or revocation cf the conditional use permit, the Zoning Inspector shall refer the matter to the Board of Zoning Appeals.
(Ord. 381-02-03. Passed 5-20-03.)

1145.07 REVOCATION OF CONDITIONAL USE PERMIT.

The Zoning Inspector shall revoke the conditional use permit for any amusement arcade in the event that the license to operate such amusement arcade is revoked. In addition, the Zoning Inspector shall revoke the conditional use permit for any amusement arcade if so determined pursuant to the action of the Board of Zoning Appeals, or to the final decision from appeal to the Council according to the provisions of Section 1145.08.
(Ord. 381-02-03. Passed 5-20-03.)

1145.08 PROCEDURE FOR REVOCATION.

The Zoning Inspector shall notify in writing the Board of Zoning Appeals whenever the Zoning Inspector has reason to believe that the operation of an amusement arcade has resulted in a violation of any provision of this Ordinance. Within ten (10) days from said notification the Board of Zoning Appeals shall hold a public hearing to determine whether the conditional use permit should be revoked. Notice of this hearing shall be served on the amusement arcade exhibitor and, if the Zoning Inspector referral to the Board of Zoning Appeals originated from a complaint by any resident, similar notice shall be served on the complainant at least five (5) days before the hearing. The Board of Zoning Appeals may also give such other notice as it deems appropriate, including notice to property owners and notice in a newspaper of general circulation. The Board of Zoning Appeals shall make a decision within five (5) days after the hearing and shall notify the amusement arcade exhibitor and, if applicable, the complainant. The decision of the Board of Zoning Appeals may be appealed to the Council within ten (10) days of its issuance of said decision. The Council shall hold a public hearing within twenty (20) days of its receipt of such appeal, after giving public notice of such hearing in a newspaper of general circulation at least five (5) days prior to the date of the hearing, and shall make a final determination on the revocation of the conditional use permit within a reasonable time.
(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1147
Adult Entertainment Businesses

1147.01 Purpose.
1147.02 Conditional use permit required.
1147.03 Zoning of adult entertainment businesses.
1147.04 Maintenance of a nuisance prohibited.
1147.05 Complaints regarding adult entertainment businesses.
1147.06 Revocation of conditional use permit.
1147.07 Procedure for revocation.

1147.01 PURPOSE.

The purpose of this chapter is to promote the public health, safety and welfare through the regulation of adult entertainment businesses. It is the intent of these sections to regulate entertainment businesses, as defined in Chapter 1109, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to existing adult entertainment businesses, residentially zoned areas, schools, churches, parks and playgrounds within the Village.
(Ord. 381-02-03. Passed 5-20-03.)

1147.02 CONDITIONAL USE PERMIT REQUIRED.

No building shall be erected, constructed, or developed, and no building or premises shall be reconstructed, remodeled, arranged for use or used for any adult entertainment business unless authorized by the issuance of a conditional use permit in accordance with the provisions of Chapter 1121. In addition to said provisions, an adult entertainment business shall comply with the following conditional use criteria:

1. Adult entertainment businesses shall comply with the district regulations applicable to all properties in any district in which they are located;
2. No adult entertainment business shall be permitted in a location which is within one thousand five hundred (1,500) feet of another adult entertainment business;
3. No adult entertainment business shall be permitted in a location which is within one thousand (1,000) feet of any church, any public or private school, any park, any playground, or any social services facility or neighborhood center;
4. No adult entertainment business shall be permitted in a location which is within five hundred (500) feet of any residence or boundary of any residential district;
5. No adult entertainment business shall be permitted in a location which is within two hundred (200) feet of any boundary of any residential district in a local unit of government abutting the Village.
(Ord. 381-02-03. Passed 5-20-03.)

1147.03 ZONING OF ADULT ENTERTAINMENT BUSINESSES.

Adult entertainment businesses shall be conditionally permitted in accordance with the following schedule:

Conditionally Permitted Use	Districts Wherein Permitted
Adult Book Store	INC/C
Adult Motion Picture Theater	INC/C
Adult Motion Picture Drive-In Theater	INC/C
Adult Only Entertainment Establishment	IND/C

(Ord. 381-02-03. Passed 5-20-03.)

1147.04 MAINTENANCE OF A NUISANCE PROHIBITED.

It shall be the obligation of the adult entertainment business to maintain peace and quiet and order in and about the premises. Failure to do so shall constitute a nuisance, which shall be a minor misdemeanor.
(Ord. 381-02-03. Passed 5-20-03.)

1147.05 COMPLAINTS REGARDING ADULT ENTERTAINMENT BUSINESSES.

Any resident of the Village may submit a written notice of complaint regarding the operation of any adult entertainment business to the Zoning Inspector. The notice of complaint shall include the name and address of the complainant, the address of the location of the adult entertainment business, and the specific reasons why the individual is complaining.

If the Zoning Inspector determines, after interviewing both the complainant and the adult entertainment business, that the specific reasons in the complaint appear to be proper grounds for suspension or revocation of the conditional use permit, the Zoning Inspector shall refer the matter to the Board of Zoning Appeals.
(Ord. 381-02-03. Passed 5-20-03.)

1147.06 REVOCATION OF CONDITIONAL USE PERMIT.

The Zoning Inspector shall revoke the conditional use permit for any adult entertainment business in the event that the license to operate such adult entertainment business is revoked. In addition, the Zoning Inspector shall revoke the conditional use permit for any adult entertainment business if so determined pursuant to the action of the Board of Zoning Appeals, or to the final decision from appeal to the Council according to the provisions of Section 1147.07.
(Ord. 381-02-03. Passed 5-20-03.)

1147.07 PROCEDURE FOR REVOCATION.

The Zoning Inspector shall notify in writing the Board of Zoning Appeals whenever the Zoning Inspector has reason to believe that the operation of an adult entertainment business has resulted in a violation of any provision of this Ordinance. Within ten (10) days from said notification the Board of Zoning Appeals shall hold a public hearing to determine whether the conditional use permit should be revoked. Notice of this hearing shall be served on the adult entertainment business and, if the Zoning Inspector referral to the Board of Zoning Appeals originated from a complaint by any resident, similar notice shall be served on the complainant at least five (5) days before the hearing. The Board of Zoning Appeals may also give such other notice as it deems appropriate, including notice to property owners and notice in a newspaper of general circulation. The Board of Zoning Appeals shall make a decision within five (5) days after the hearing and shall notify the adult entertainment business and, if applicable, the complainant. The decision of the Board of Zoning Appeals may be appealed to the Council within ten (10) days of its issuance of said decision. The Council shall hold a public hearing within twenty (20) days of its receipt of such appeal, after giving public notice of such hearing in a newspaper of general circulation at least five (5) days prior to the date of the hearing, and shall make a final determination on the revocation of the conditional use permit within a reasonable time.
(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1149
Television, Radio and Microwave Tower and Telecommunications Equipment Siting

1149.01 Purpose.
1149.02 Zoning permit required.
1149.03 Approval standards for a new transmission facility.
1149.04 Zoning permit required.
1149.05 Zoning permit not required.

1149.01 PURPOSE.

The purpose of this chapter is:

1. To minimize adverse visual effects of towers through careful design, siting, and vegetative screening;
2. To avoid potential damage to adjacent properties from tower failure and falling ice through engineering and careful siting of tower structures;
3. To lessen traffic impacts on surrounding residential areas;
4. To limit radiation emitted by telecommunications equipment so that it will not adversely affect human health; and
5. To maximize use of any new transmission tower to reduce the number of towers needed. (Ord. 381-02-03. Passed 5-20-03.)

1149.02 ZONING PERMIT REQUIRED.

No person, firm or corporation shall undertake the construction, erection or installation of the following without a permit:

1. VHF and UHF television towers and transmission facilities;
2. FM and AM radio towers and accessory facilities;
3. Two-way radio towers;
4. Common carriers;
5. Cellular telephone, and
6. Fixed-point microwave.

(Ord. 381-02-03. Passed 5-20-03.)

1149.03 APPROVAL STANDARDS FOR A NEW TRANSMISSION FACILITY.

All uses listed in Section 1149.02 must meet all of the following standards:

1. Existing or approved towers cannot accommodate the telecommunications equipment for the proposed tower.
2. The site of existing and approved towers cannot practicably accommodate the proposed tower.
3. Structures will be set back from abutting residential district parcels, public property, or road rights-of-way a sufficient distance to accomplish the following: a. Contain on-site substantially all ice-fall or debris from tower failure;
   b. Protect the general public from nonionizing electromagnetic radiation (NIER) at levels generally found to be dangerous;
   c. Preserve the privacy of adjoining residential property by assuring that accessory structures comply with the district regulations and that sufficient vegetative screening is planted (with earthen mounds if necessary) to screen structures to a height of eight (8) feet;
   d. Maintaining a setback of tower bases from abutting residential parcels, public property or road rights-of-way by a distance of twenty percent (20%) of the tower height or the distance between the tower base and guy wire anchors, whichever is greater;
   e. Maintain tower setbacks from abutting land in other districts by the rear and side yard setback required in that district, and
   f. Restrict placement of guy wire anchors to set back twenty five (25) feet from abutting residential district property lines, public property or road rights-of-way and the rear yard setback from abutting land in other districts.
4. The tower is set back from other on-and off-site towers and supporting structures far enough so one tower will not strike another tower or support structure if a tower or support structure fails.
5. At least two (2) off-street parking spaces must be provided.
6. Existing on-site vegetation shall be preserved to the maximum extent practicable.
7. Fencing necessary for safety or security shall be developed in conjunction with the landscaping and screening and shall be constructed to be unobtrusive in color and design.
8. Accessory facilities in a residential district may not include offices, long term vehicle storage, other outdoor storage, or broadcast studios, except for emergency purposes, or other uses that are not needed to send or receive transmissions, and in no event may exceed twenty-five percent (25%) of the floor area used for transmission equipment and functions.

(Ord. 381-02-03. Passed 5-20-03.)

1149.04 ZONING PERMIT REQUIRED.

An antenna, tower and supporting structure for the following uses are permitted in any district if accessory to a permitted use and if they comply with applicable regulations of the district in which situated:

1. Ham radio;
2. Citizens band radio;
3. A telecommunication device that only receives a Radio Frequency (RF) signal; and
4. A sole-source emitter with more than one kilowatt average output.

(Ord. 381-02-03. Passed 5-20-03.)

1149.05 ZONING PERMIT NOT REQUIRED.

The following uses are exempt from this Ordinance:

1. Portable, handheld, and vehicular transmissions; .
2. Industrial, scientific, and medical equipment operating at frequencies designated for that purpose by the FCC;
3. A source of nonionizing electromagnetic radiation with an effective radiated power of seven watts or less;
4. A sole-source emitter with an average output of one kilowatt or less if used for amateur purposes;
5. Marketed consumer products, such as microwave ovens, citizen band radios, and remote control toys; and
6. Goods in storage or shipment or on display for sale, provided the goods are not operated, except for occasional testing or demonstration.

(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1151
Swimming Pools as Accessory Uses

1151.01 Purpose.
1151.02 Private swimming pools.
1151.03 Community or club swimming pools.

1151.01 PURPOSE.

It is the purpose of Chapter 1151 to promote the public health, safety, and welfare through the regulation of swimming pool facilities which are constructed, operated or maintained as an accessory use.
(Ord. 381-02-03. Passed 5-20-03.)

1151.02 PRIVATE SWIMMING POOLS.

No private swimming pool, exclusive of portable swimming pools with a diameter of less than twelve (12) feet or with an area of less than one hundred (100) square feet, or of a farm pond, shall be allowed in any residential district or commercial district except as an accessory use, and shall comply with the following requirements:

1. The pool is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests;
2. The pool may be located anywhere on the premises except in required front yards, provided that it shall not be located closer than twelve (12) feet to any property line or easement;
3. The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. Such fence shall be four (4) feet in height and it shall be maintained in good condition with a four (4) foot gate and a lock.

(Ord. 381-02-03. Passed 5-20-03.)

1151.03 COMMUNITY OR CLUB SWIMMING POOLS.

A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club or association, for use and enjoyment by members and their families. Such swimming pools shall comply with the following requirements:

1. The pool is intended solely for and is used solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
2. The pool and accessory structures thereto, including the area used by the bathers, shall not be located closer than seventy-five (75) feet to any property line or easement;
3. The swimming pool, its accessory facilities, and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. Such fence shall be four (4) feet in height, and it shall be maintained in good condition with a gate and lock. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees and maintained in good condition;
4. Exterior lighting, if present, shall be so shaded or directed that it does not cast light directly upon adjacent properties.

(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1153
Long-Term Parking Facilities

1153.01 Purpose.
1153.02 Conditional use permit required.
1153.03 Permit requirements.

1153.01 PURPOSE.

It is the purpose of Chapter 1153 to regulate long-term parking facilities constructed, operated, or maintained in order to promote the public health, safety, and welfare.
(Ord. 381-02-03. Passed 5-20-03.)

1153.02 CONDITIONAL USE PERMIT REQUIRED.

No person shall establish, operate or maintain on any premises as a principal or an accessory use a parking facility where any vehicles, to include tractors, trailers, boats, campers, recreational vehicles, buses, trucks, or automobiles, are to be parked for a continuous period exceeding six (6) days without obtaining a conditional use permit for such use.
(Ord. 381-02-03. Passed 5-20-03.)

1153.03 PERMIT REQUIREMENTS.

In addition to complying with all other provisions of this Ordinance, particularly the requirements of Chapters 1121 and 1161, the applicant for the conditional use permit shall give evidence that the premises proposed for such use complies with the following conditions:

1. That no boundary of the proposed parking area is within fifty (50) feet of a residential district boundary;
2. That the proposed parking area will not prevent access to adjacent properties by fire safety equipment;
3. That the proposed parking area will be screened in such a manner that the vehicles thereon parked will not be visible from the ground level of any adjacent residential properties;
4. That fencing and lighting of the facility will be sufficient to provide for its reasonable security;
5. That no service work, maintenance work, repair work, painting work, or other vehicular work shall take place on the premises.
(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1155
Home Occupations

1155.01 Purpose.
1155.02 Home occupation as a permitted use.
1155.03 Home occupation as a conditionally permitted use.
1155.04 Invalidation of home occupation conditional use permit.

1155.01 PURPOSE.

It is the purpose of Chapter 1155 to promote the public health, safety, anc welfare through the regulation of home occupations. It is further the intent of this chapter to allow limited non-residential uses in residential structures which are compatible with the residential character of their surroundings.
(Ord. 381-02-03. Passed 5-20-03.)

1155.02 HOME OCCUPATION AS A PERMITTED USE.

A home occupation shall be a permitted use if it complies with the following requirements:

1. The external appearance of the structure in which the use is conducted shall not be altered, with no exterior signage permitted;
2. No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted;
3. There shall be no outside storage of any kind, including vehicles, related to the use, and only commodities produced on the premises may be sold on the premises; no display of products may be visible from the street;
4. Not more than twenty-five percent (25%) of the gross floor area of the dwelling shall be devoted to the use;
5. No equipment, process, materials or chemicals shall be used which create offensive noise, vibrations, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances;
6. No additional parking demand shall be created;
7. No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer.

(Ord. 381-02-03. Passed 5-20-03.)

1155.03 HOME OCCUPATION AS A CONDITIONALLY PERMITTED USE.

A person may apply for a conditional use permit for a home occupation which does not comply with the requirements of Section 1155.02. The criteria for the issuance of such a permit for a home occupation are as follows:

1. There shall be no more than two (2) non-residential employees or volunteers to be engaged in the proposed use;
2. Sales of commodities not produced on the premises may be permitted, provided that the commodities are specified in the application and are reasonably related to the home occupation;
3. The home occupation may be permitted to be conducted in a structure accessory to the residence, provided the application so specifies;
4. There shall be no outside storage of any kind related to the use;
5. Not more than thirty percent (30%) of the gross floor area of any residence shall be devoted to the proposed home occupation;
6. The external appearance of the structure in which the use is to be conducted shall not be altered, with no exterior signage permitted;
7. Minor or moderate alterations in accordance with Ashtabula County Building Department regulations may be permitted to accommodate the proposed use, but there shall be no substantial construction or reconstruction;
8. No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances;
9. No more than two (2) additional parking places may be proposed in conjunction with the home occupation, which shall not be located in a required front yard;
10. No traffic shall be generated by a home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Ordinance and shall not be located in a required front yard. (Ord. 381-02-03. Passed 5-20-03.)

1155.04 VALIDATION OF HOME OCCUPATION CONDITIONAL USE PERMIT.

For the purposes of this Ordinance, a conditional use permit issued for a home occupation shall cease to be valid at such time as the premises for which it was issued is no longer occupied by the holder of said permit. Such conditional use permit shall also be immediately invalidated upon the conduct of the home occupation in any manner not approved by the Board of Zoning Appeals. (Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1157
Group Residential Facilities

1157.01 Purpose.
1157.02 Conditional use permit required.
1157.03 Zoning of group residential facilities.
1157.04 Variance to distancing requirement.
1157.05 Uniformity with respect to granting of conditional use permits.

1157.01 PURPOSE.

It is the purpose of Chapter 1157 to regulate the location, operation, and maintenance of group residential facilities in order to promote the public health, safety, and welfare. It is the intent of this chapter to provide for the assimilation of these facilities in stable and suitable neighborhoods so that the living environments of their residents are conducive to their rehabilitation.
(Ord. 381-02-03. Passed 5-20-03.)

1157.02 CONDITIONAL USE PERMIT REQUIRED.

A Class I Type B group residential facility is permitted by right in any residential district. No other group residential facility shall be established, operated or maintained on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of Chapter 1121. In addition to said provisions, such group residential facilities shall comply with the following conditional use criteria:

1. Evidence is presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency;
2. Evidence is presented that the proposed facility meets local fire safety requirements for the proposed use and level of occupancy;
3. Evidence is presented that the proposed facility will not generate an unreasonable increase in traffic volume or require special off-street parking;
4. Such facilities shall comply with the district regulations applicable to other properties in the zoning district in which they are located;
5. No such facility may be located within six hundred (600) feet of another such facility;

6. The exterior of all such facilities shall not be altered in character but shall be compatible with other residential dwellings. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible;
7. Such facility shall be reasonably accessible, by virtue of its location or transportation provided by the applicant, to medical, recreational, and retail services required by its residents, and to employment opportunities, if applicable, and shall be in a relatively safe and stable neighborhood;
8. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, to include a structured procedure whereby their grievances may be filed and resolved;
9. The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.

(Ord. 381-02-03. Passed 5-20-03.)

1157.03 ZONING OF GROUP RESIDENTIAL FACILITIES.

A Class I Type B group residential facility is permitted by right in any residential district. Group residential facilities shall be conditionally permitted uses as follows:

Class I Type A	R-M
Class II Type A	R-M
Class II Type B	R-M

(Ord. 381-02-03. Passed 5-20-03.)

1157.04 VARIANCE TO DISTANCING REQUIREMENT.

The Board of Zoning Appeals may grant a variance with respect to the distancing requirement contained in Section 1157.02-5 if the applicant clearly demonstrates that the proposed location has unique advantages with respect to proximity to employment opportunities, social services, public transportation, or similar amenities.
(Ord. 381-02-03. Passed 5-20-03.)

1157.05 UNIFORMITY WITH RESPECT TO GRANTING OF CONDITIONAL USE PERMITS.

The granting of conditional use permits for the establishment of Group Residential Facilities shall be uniformly and equitably done, irrespective of considerations beyond the scope of these regulations.
(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1159
Appearance and Design Standards for Single Family Housing

1159.01 Purpose.
1159.02 Standards.
1159.03 Uniformity with respect to granting of variances.

1159.01 PURPOSE.

These standards are created to ensure the health, safety, and general welfare of the Village. They will further the equitable treatment of all housing construction types and provide affordable housing for a larger segment of the Village population. Additionally, these regulations will improve the overall appearance of the housing stock and ensure more durable and safer homes for all residents. (Ord. 381-02-03. Passed 5-20-03.)

1159.02 STANDARDS.

These regulations apply to all single family housing units in all districts including Manufactured Homes, Modular Homes and Site Built Homes.

1. The minimum floor area of the single family dwelling unit shall be as required in Chapter 1133. The garage portion of the structure is not included in the living area total calculation.
2. The minimum width of all single family dwelling units shall be at least twenty (20) feet.
3. All dwelling units shall have a minimum roof overhang of at least twelve (12) inches on the roof edge that would hold the gutters.
4. All dwelling units shall be double pitched and have a pitch of at least five (5) in twelve (12).
5. All dwelling units shall have roof material that is generally used in residential construction including: approved wood, clay, slate, asphalt composition shingles, and fiberglass compositions shingles. Materials excluded are corrugated aluminum, corrugated fiberglass and metal roof materials. The materials are applicable to all primary buildings, accessory buildings, garages and carports.

6. Exterior siding of all dwelling units cannot have a high-gloss finish (such as polished metal but not semi-gloss paint) and must be residential in appearance including but not limited to, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, shakes, or similar material, but excluding smooth, ribbed or corrugated metal or plastic panels.
7. The home must be placed on a permanent foundation that complies with the Ohio Residential Building Code and be inspected by the Ashtabula County Department of Building Regulations.
8. The hitch, axles and wheels of any manufactured home must be removed.
9. The dwelling unit must be oriented on the lot so that its long axis is parallel with the road right-of-way. A perpendicular or diagonal placement may be permitted if there is a building addition or substantial landscaping so that the narrow dimension of the unit, as so modified and facing the street, is no less than fifty percent (50%) of the unit's long dimension.
10. The lot must be landscaped to ensure compatibility with the surrounding properties.
11. Open foundations shall not be permitted.
12. All principal structures within the Roaming Shores Subdivision are required to be connected to the Village utilities (water and sewer).

(Ord. 381-02-03. Passed 5-20-03.)

1159.03 UNIFORMITY WITH RESPECT TO GRANTING OF VARIANCES.

The granting of variances from the requirements of this Ordinance with respect to the siting of single-family housing, their design or appearance, shall be uniformly and equitably done, irrespective of the fact that the structure proposed for such siting is a site-built structure, modular or manufactured home, and shall be guided by the provisions of Chapter 1117.
(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1161
Off-Street Parking and Loading Facilities

1161.01 General parking requirements.
1161.02 Off-street parking design standards.
1161.03 Determination of required spaces.
1161.04 Joint or collective parking facilities.
1161.05 Off-street storage areas for drive-in services.
1161.06 Parking of disabled vehicles.
1161.07 Parking in the road right of way.
1161.08 Parking space requirements.
1161.09 Handicapped parking.
1161.10 Off-street loading space requirements.
1161.11 Off-street loading design standards.

1161.01 GENERAL PARKING REQUIREMENTS.

In all districts, at any time any building, structure or use of land is erected, enlarged, increased in capacity, or used, there shall be provided for every use off-street parking spaces for automobiles in accordance with the provisions of Sections 1161.01 to 1161.11 of this chapter. A parking plan shall be required for all uses except for single or two-family residential uses. The parking plan shall be submitted to the Zoning Inspector as a part of the application for a zoning permit. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, and boundary walls, fences and a screening plan, as appropriate.

Whenever a building or use constructed or established after the effective date of this Ordinance is changed in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, such building or use shall then and thereafter comply with the parking requirements set forth herein. (Ord. 381-02-03. Passed 5-20-03.)

1161.02 OFF-STREET PARKING DESIGN STANDARDS.

All off-street parking facilities including entrances, exits, maneuvering areas, and parking spaces shall be in accordance with the following standards and specifications:

1. Parking Space Dimensions.
   a. Each off-street parking space shall have an area of no less than one hundred sixty-two (162) square feet exclusive of access drives or aisles, and shall be of usable shape and condition.
   b. Parking spaces shall not be located closer than five (5) feet to any lot line.
2. Access. There shall be adequate provision for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access, as follows:
   a. For one single or two-family residential dwelling, the access drive shall be a minimum of nine (9) feet in width.
   b. For all other residential uses and all other uses, the access drive shall be a minimum of ten (10) feet in width for one way traffic and sixteen (16) feet wide for two way traffic. For drives that will accommodate tractor trailers, the drive width minimum shall be twelve (12) feet for one way traffic and twenty (20) feet for two way traffic.
   c. All parking spaces, except those required for single family and two family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.
3. Setbacks. The location of off-street parking facilities for more than five (5) vehicles may be located in required yards as specified elsewhere in this Ordinance notwithstanding the requirements specified in the officia1 and Supplementary Schedules of District Regulations and Dimensional Requirements. In no case, however, shall the parking area be located closer than three (3) feet to any street or alley.
4. Screening. In addition to the setback requirements specified in this Ordinance for off-street parking facilities for more than five (5) vehicles, screening shall be provided on each side of a parking area that abuts any Residential District. Screening shall comply with the requirements of Section 1137.22.
5. Paving. All required parking spaces, together with driveways, and other circulation areas, shall be improved with such material to provide a durable and dust free surface.
6. Drainage. All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.
7. Barriers. Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.

8. Visibility. Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley.
9. Marking. All parking areas for twenty (20) or more spaces shall be marked with paint lines, curb stones, or in some other manner approved by the Zoning Inspector, and shall be maintained in a clearly visible condition.
10. Maintenance. Any owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash, or other debris.
11. Signs. Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked in compliance with Chapter 1163.
12. Lighting. Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property in any residential district.

(Ord. 381-02-03. Passed 5-20-03.)

1161.03 DETERMINATION OF REQUIRED SPACES.

In computing the number of parking spaces required by this Ordinance, the following rules shall apply:

1. Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all the floors of a non-residential building measured from the faces of the exterior walls, excluding only stairs, washrooms, elevator shafts, and similar nonusable areas.
2. Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated or each twenty-four (24) lineal inches of benches, or pews, except where occupancy standards are set by the Fire Marshal.
3. Fractional numbers shall be increased to the next whole number.

(Ord. 381-02-03. Passed 5-20-03.)

1161.04 JOINT OR COLLECTIVE PARKING FACILITIES.

The joint or collective provision of required off-street parking areas, where permitted, shall comply with the following standards and requirements:

1. All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not farther than five hundred (500) feet from the building served.
2. Not more than fifty percent (50%) of the parking spaces required for theaters, bowling alleys, dance halls, night clubs, taverns and similar uses, and up to one hundred percent (100%) of the parking spaces required for churches, schools, auditoriums and similar uses may be provided and jointly used by banks, offices, retail stores, repair shops, service establishments and similar uses that are not normally open, used, or operated during the same hours as the uses with which such spaces are jointly or collectively used.

3. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel, and filed with the application for a zoning permit. (Ord. 381-02-03. Passed 5-20-03.)

1161.05 OFF-STREET STORAGE AREAS FOR DRIVE-IN SERVICES.

Establishments which by their nature create lines of customers waiting to be served within automobiles shall provide off-street storage areas in accordance with the following requirements:

1. Photo pickups, restaurants, drive-thru beverage docks, and other similar commercial establishments that can normally serve customers in three (3) minutes or less shall provide no less than five (5) storage spaces per window. Drive-in restaurants and other similar use which require an additional stopping point for ordering shall provide a minimum of three (3) additional storage spaces for each such stopping point.
2. Other commercial establishments such as banks, savings and loan offices, or other similar facilities with service or money windows shall provide no less than four (4) storage spaces per window.
3. Self-serve automobile washing facilities shall provide no less than three (3) storage spaces per stall. All other automobiles washing facilities shall provide a minimum of six (6) storage spaces per entrance.
4. Motor vehicle service stations shall provide no less than two (2) storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line. (Ord. 381-02-03. Passed 5-20-03.)

1161.06 PARKING OF DISABLED VEHICLES.

The parking of a disabled vehicle as defined in Chapter 1109 for a period of more than two (2) weeks shall be prohibited in all districts, except that such vehicle may be stored in an enclosed garage or other accessory building, provided that no business shall be conducted in connection therewith while such vehicle is parked or stored.
(Ord. 381-02-03. Passed 5-20-03.)

1161.07 PARKING IN THE ROAD RIGHT OF WAY.

The parking of any vehicle in the road right of way is not permitted if determined to be a safety hazard by the Village police and/or a Village officer.
(Ord. 381-02-03. Passed 5-20-03.)

1161.08 PARKING SPACE REQUIREMENTS.

For the purposes of this Ordinance the following parking space requirements shall apply:

1. Residential Uses.
   a. Single family or two family dwellings -- Two (2) for each unit.
   b. Apartments, Townhouses or multi-family dwellings -- Two (2) for each unit.

2. Business Related Uses.
   a. Animal hospitals and kennels -- one (1) for each four hundred (400) square feet of floor area and one (1) for each two (2) employees.
   b. Motor Vehicle repair station -- one (1) for each four hundred (400) square feet of floor area and one (1) for each employee.
   c. Motor Vehicle salesroom -- one (1) for each four hundred (400) square feet of floor area and one (1) for each employee.
   d. Motor Vehicle service stations -- two (2) for each service bay and one (1) for every two (2) gasoline pumps.
   e. Car washing facilities -- one (1) for each employee.
   f. Banks, financial institutions, post offices, and similar uses -- one (1) for each two hundred fifty (250) square feet of floor area and one (1) for each employee.
   g. Barber and Beauty shops -- three (3) for each barber or beauty operator.
   h. Carry-out restaurants -- one (1) for each two hundred (200) square feet of floor area and one (1) for each two (2) employees.
   i. Drive-in restaurants -- one (1) for each one hundred (100) square feet of floor area and one (1) per each two (2) employees.
   j. Hotels, motels -- one (1) for each sleeping room plus one (1) space for each two (2) employees.
   k. Bed/Breakfast Home -- one (1) for each sleeping room.
   l. Furniture, appliance, hardware, machinery or equipment sales and service, and wholesale establishments -- Two (2) plus one (1) additional space for each two hundred (200) square feet of floor area over one thousand (1,000) square feet.
   m. Consumer and trade service uses not otherwise specified -- one (1) for each employee.
   n. Funeral homes, mortuaries and similar type uses -- one (1) for each fifty (50) square feet of floor area in slumber rooms, parlors, or service rooms.
   o. Laundromats -- one (1) for every two (2) washing machines.
   p. Administrative business and professional office uses -- one (1) for each two hundred (200) square feet of floor area.
   q. Sit-down restaurants, tavern, night clubs, and similar uses -- one (1) for each three (3) persons of capacity.
   r. Retail stores -- one (1) for each one hundred fifty (150) square feet of floor area.
   s. Marinas -- one (1) for each one hundred (100) square feet of display area and one (1) for each two (2) employees.
   t. All other types of business or commercial uses permitted in any business district -- One (1) for each one hundred fifty (150) square feet of floor area.
3. Recreational and Entertainment Uses.
   a. Bowling alleys -- four (4) for each alley or lane; one (1) for each three (3) persons of capacity of the area used for restaurant, cocktail lounge, or similar use; and one (1) for each three (3) employees.
   b. Dance halls, skating rinks -- one (1) for each one hundred (100) square feet of floor area used for the activity; one (1) for each three (3) persons of capacity in a restaurant, snack bar, or cocktail lounge; and one (1) for each three (3) employees.

c. Outdoor swimming pools: public, community or club -- one (1) for each ten (10) persons of capacity, and one (1) for each three (3) persons of capacity for a restaurant.
d. Auditoriums, sport arenas, theaters, and similar uses -- one (1) for each four (4) seats.
e. Miniature golf courses -- two (2) for each hole and one (1) for each employee.
f. Private clubs and lodges -- one (1) for each ten (10) members.
g. Tennis facilities, racquetball facilities or similar uses -- two (2) for each playing area; one (1) for each employee; and one (1) for each one hundred (100) square feet of other activity area.

4. Institutional Uses.
a. Churches and other places of religious assembly -- one (l) for each eight (8) seats in main assembly room, or one (1) for each classroom, whichever is greater.
b. Hospitals -- one (1) for each three (3) beds.
c. Sanitariums, homes for the aged, nursing homes, rest homes, similar uses -- one (1) for each three (3) beds.
d. Medical and dental clinics -- one (1) for every one hundred (100) square feet floor area.
e. Libraries, museums, and art galleries -- ten (10), and one (1) for each three hundred (300) square feet floor area in excess of two thousand (2,000) square feet.

5. Educational Institution (Public, Parochial, or Private) Uses.
a. Elementary schools, and kindergartens -- four (4) for each classroom; one (1) for every four (4) seats in auditoriums or assembly halls; and one (1) for each additional non-teaching employee.
b. High schools and middle schools -- one (1) for every ten (10) students, or one (1) for each teacher and employee, or one (1) for every four (4) seats in auditoriums, assembly areas or sports fields, whichever is greater.
c. Business, technical and trade schools -- one (1) for each two (2) students.
d. Child care centers, nursery schools, and similar uses -- four (4) for each classroom.

6. Manufacturing Uses.
a. All types of manufacturing, storage, and wholesale uses permitted in any manufacturing district -- one (l) for every employee (on the largest shift for which the building is designed), and one (1) for each motor vehicle used in the business.
b. Cartage, express, parcel delivery, and freight terminals -- one and one half (1-l/2) for every one (1) employee (on the largest shift for which the building is designed) and one (1) for each motor vehicle maintained on the premises. (Ord. 381-02-03. Passed 5-20-03.)

1161.09 HANDICAPPED PARKING.

Parking facilities serving buildings and facilities required to be accessible to the physical handicapped shall have conveniently located designated spaces provided as follows:

Total spaces in Lot/Structure	Number of Designated Accessible Spaces
Up to 100	One space per 25 parking spaces
101 to 200	4 spaces, plus one per 50 spaces over 100
201 to 500	6 spaces, plus one per 75 spaces over 200
Over 500	10 spaces, plus one per 100 spaces over 500.

(Ord. 381-02-03. Passed 5-20-03.)

1161.10 OFF-STREET LOADING SPACE REQUIREMENTS.

In any district, every building or part thereof hereafter erected and having a gross floor area of three thousand (3,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with the building, at least one (1) off-street loading space, and one (1) additional loading space for each ten thousand (10,000) square feet or fraction thereof of gross floor area so used in excess of three thousand (3,000) square feet.
(Ord. 381-02-03. Passed 5-20-03.)

1161.11 OFF-STREET LOADING DESIGN STANDARDS.

All off-street loading spaces shall be in accordance with the following standards and specifications:

1. Loading Space Dimensions. Each loading space shall have minimum dimensions not less than twelve (12) feet in width, sixty-five (65) feet in length, and a vertical clearance of not less than fourteen (14) feet.
2. Setbacks. Notwithstanding other provisions of this regulation and the officia1 and Supplementary Schedules of Permitted Uses and Dimensional Requirements, off-street loading spaces may be located in the required rear or side yard of any RST, MAR, IND/C, or REC district provided that not more than ninety percent (90%) of the required rear or side yard is occupied, and no part of any 1oading space shall be permitted closer than fifty (50) feet to any Residential District nor closer than five (5) feet from any street, alley or lot line.
3. Screening. In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any Residential District. Screening shall comply with the requirements of Section 1137.22.
4. Access. All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.
5. Paving: All required off-street loading spaces, together with driveways, aisles, and other circulation areas, shall be improved with such material to provide a durable and dust free surface.
6. Drainage. All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto the public streets. Arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.
7. Lighting. Any lights used to illuminate a loading area shall be so arranged as to

reflect the light away from adjoining property.
(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1163
Signs

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1163.19 Abandoned signs and advertising structures prohibited.
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1163.01 GENERAL.

The purpose of this chapter is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more visually attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising clutter, distraction, and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment. It is further intended to enhance community development by permitting signs which are compatible with their surroundings, and by providing for the uniform and eventual elimination of all signs not in conformance with this Ordinance or a variance thereof.
(Ord. 381-02-03. Passed 5-20-03.)

1163.02 GOVERNMENTAL SIGNS EXCLUDED.

For the purpose of this Ordinance, "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation.
(Ord. 381-02-03. Passed 5-20-03.)

1163.03 GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS.

The regulations contained in this section shall apply to all signs and all use districts.

1. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance;
2. No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. Subsections (1) and (2) of this section shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations or similar services;
3. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, if any;
4. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel, or motel marquee;
5. No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building;
6. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 1163.12;
7. No sign or part thereof shall contain or consist of banners, posters, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign;
8. No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than twenty percent (20%) of the window surface;
9. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape;
10. All signs hung and erected shall be plainly marked with the name and telephone number of the person, firm, or corporation responsible for maintaining the sign;
11. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign;

12. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs.
Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property;
13. All signs shall be so designed and supported as to carry the weight of the sign, and shall comply with the local building code in effect;
14. All signs shall be secured in such a manner as to prevent significant movement due to wind;
15. No advertising signs shall be attached to or supported by a fence, tree, utility pole, trash receptacle, bench, vending machine, or public shelter;
16. No sign shall contain words, images, or graphic illustrations of an obscene or indecent nature;
17 . No sign shall be attached in such manner that it may interfere with any required ventilation openings;
18. No sign shall be located on a vacant lot except for the purpose of notification of present danger or the prohibition of trespassing; or the temporary placement of political or real estate signs. (#323-03-00; 5-16-00)
19. No sign shall be located nearer than eight (8) feet vertically or four (4) feet horizontally from any overhead electrical wires, conductors, or guy wires;
20. No vehicle or trailer may be parked on a business premises or a lot for the purpose of advertising a business, product, service, event, object, location, organization, or the like;
21. From any public or private driveway exiting onto a dedicated road, no sign shall be placed as to materially impede vision across such driveway or road between the height of two and one-half (2-1/2) and ten (10) feet.
(Ord. 381-02-03. Passed 5-20-03.)

1163.04 MEASUREMENT OF SIGN AREA AND SIGN HEIGHT.
(Flags as defined in Article 2 excepted).

1. Computation of Area of Individual Signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets Zoning Ordinance regulations and is clearly incidental to the display itself.

2. Computation of Area of Multifaced Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces.

3. Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

a. Existing grade prior to construction or,

b. The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.
(Ord. 381-02-03. Passed 5-20-03.)

1163.05 PERMIT REQUIRED.

1. No person shall locate or maintain any sign, or cause a sign to be located or maintained, unless all provisions of this chapter have been met. To assure compliance with these regulations, a sign permit issued pursuant to this Ordinance shall be required for each sign unless specifically exempted in this chapter.

2. A sign initially approved for which a permit has been issued shall not be modified, altered or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered or replaced if any such design element constituted a basis for approval of such sign unless a new or amended permit is obtained consistent with these regulations.

3. The repainting, changing of parts and preventive maintenance of signs shall not be deemed alterations requiring a sign permit.
(Ord. 381-02-03. Passed 5-20-03.)

1163.06 SIGNS PERMITTED IN ALL DISTRICTS NOT REQUIRING A PERMIT.

1. Signs advertising the sale, lease or rental of the premises upon which the sign is located, numbering not more than one (1) sign per lot per street, plus one (1) lakefront sign per lot for lakefront lots. Such signs shall not exceed thirty-two (32) square feet in area, except in Residential Districts where the sign shall not exceed six (6) square feet;

2. Signs denoting the name and address of the occupants of the premises, not to exceed four (4) square feet in area;

3. Commemorative plaques placed by historical agencies recognized by the Village, County of Ashtabula, or State of Ohio not to exceed two (2) square feet in area;

4. Membership signs for agencies recognized by the Village, County of Ashtabula, or State of Ohio including but not limited to Farm Bureau, 4-H Club, Soil and Water Conservation District, not to exceed two (2) square feet in area;

5. Incidental signs as defined in Chapter 1109, freestanding signs not to exceed eight (8) square feet in area and wall signs not to exceed four (4) square feet in area;

6. One (1) wall sign on one (1) barn (as defined in Chapter 1109) per zone lot not to exceed sixty four (64) square feet in area.

7. Flags as defined in Chapter 1109;

8. Political Signs, Section 1163.13 to apply;

9. Off-site directional signs to an event not longer than three (3) days in duration, to be removed within twenty-four (24) hours after conclusion of event.
(Ord. 381-02-03. Passed 5-20-03.)

1163.07 SIGNS PERMITTED IN ANY DISTRICT REQUIRING A PERMIT.

1. Public, quasi-public service signs and notice boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed twelve (12) square feet in area and which shall be located on the premises of such institution.

2. Signs advertising a commercial enterprise, including real estate developers, or subdividers, in a district zoned residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business activity conducted on the premises where such sign is located.
(Ord. 381-02-03. Passed 5-20-03.)

1163.08 SIGNS PERMITTED IN THE R-1, R-A, R-B, R-C, R-F AND GOV DISTRICTS.

1. No on-premise sign shall exceed ten (10) feet in height. No off-premise sign shall exceed ten (10) feet in height.

2. Signs not requiring a permit:
One (1) freestanding Residential Sign as defined in Chapter 1109 not to exceed six (6) square feet in area;

3. Signs requiring a permit:
One (1) freestanding sign not to exceed thirty-two (32) square feet in area per exclusive entrance to a subdivision or tract, such signs restricted to the subdivision or tract name.
(Ord. 381-02-03. Passed 5-20-03.)

1163.09 SIGNS PERMITTED IN THE R-M DISTRICT.

1. No sign shall exceed twenty-five (25) feet in height.

2. Signs not requiring a permit:
One freestanding Residential Sign not to exceed six (6) square feet in area;

3. Signs requiring a permit:
One (1) freestanding sign not to exceed thirty-two (32) square feet in area per exclusive entrance to a subdivision, tract, or multi-family housing complex, such signs restricted to the subdivision, tract, or complex name.
(Ord. 381-02-03. Passed 5-20-03.)

1163.10 SIGNS PERMITTED IN THE RST, MAR, AND REC DISTRICTS.

1. No sign shall exceed twenty-five (25) feet in height.

2. Signs requiring a permit:
   a. One (1) freestanding on-premise sign not over sixty-four (64) square feet;
   b. Temporary signs according to Section 1163.12;
   c. Banner according to Section 1163.12;
   d. One (1) wall sign not to exceed thirty-two (32) square feet.
   (Ord. 381-02-03. Passed 5-20-03.)

1163.11 SIGNS PERMITTED IN THE IND/C DISTRICT.

1. No on-premises sign shall exceed twenty-five (25) feet in height. No off-premise sign shall exceed thirty-five (35) feet in height.

2. The total square footage of all wall and window signs shall not exceed one hundred (100) square feet.

3. Signs not requiring a permit:
   a. One (1) Wall Residential Sign not to exceed four (4) square feet;
   b. Pennants not less than ten (10) feet from road right-of-way;
   c. Window signs (included in total square footage, see this section, number 2).

4. Signs requiring a permit:
   a. One (1) freestanding on-premise sign not to exceed one hundred (100) square feet. There shall be only one (1) freestanding on-premises sign per zone lot regardless of the number of businesses conducted on said zone lot;
   b. Two (2) off-premise signs not to exceed fifty (50) square feet each in a single location, Sections 1163.14 - 1163.17 to apply;
   c. Temporary sign, Section 1163.12 to apply;
   d. Banner, Section 1163.12 to apply;
   e. One (1) wall sign for each business not to exceed an area equivalent to one and one-half (1-1/2) square feet of sign area for each lineal foot of building width, or part of building, occupied by said business but shall not exceed a maximum area of fifty (50) square feet
   (Ord. 381-02-03. Passed 5-20-03.)

1163.12 TEMPORARY SIGNS AND BANNERS.

1. All temporary signs shall conform to the general requirements listed in Section 1163.03, the setback requirements in Sections 1163.14 - 1163.16, and in addition such other standards deemed necessary to accomplish the intent of this chapter as stated in Section 1163.01.

2. Signs permitted in any district not requiring a permit:
   a. Temporary signs not exceeding fifty (50) square feet in area announcing the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period.
   b. Temporary off-premise signs not exceeding six (6) feet in area advertising services rendered in residential districts may be posted thirty (30) days prior to the beginning of the service and remain in place thirty days after the completion of the service. They shall not be posted more than a total of sixty (60) days. They must follow setback requirements described in Section 1163.15. (Ord. 381-02-03. Passed 5-20-03.)

1163.13 POLITICAL SIGNS.

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall exceed four (4) square feet in area. No political sign shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole. (Ord. 381-02-03. Passed 5-20-03.)

1163.14 SIGN SETBACK REQUIREMENTS.

Except as modified in Sections 1163.15 and 1163.16, on-premise signs where permitted shall be set back from the established right-of-way line of any thoroughfare. No off-premises sign shall be erected in the established front setback line of the appropriate zoning district.
(Ord. 381-02-03. Passed 5-20-03.)

1163.15 SETBACKS FOR PUBLIC, QUASIPUBLIC AND TEMPORARY OFF-PREMISE SIGNS.

Real estate signs, off-premise temporary signs/banners and bulletin boards for a church, school, or any other public, religious or educational institution may be erected not less than five (5) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections or driveways.
(Ord. 381-02-03. Passed 5-20-03.)

1163.16 SPECIAL YARD PROVISIONS.

1. On-premise signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on premise signs shall not be erected or placed within twelve (12) feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than twelve (12) feet, the latter shall apply.

2. Off-premise signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, off premise signs shall not be erected or placed within twenty (20) feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than twenty (20) feet, the latter shall apply.
(Ord. 381-02-03. Passed 5-20-03.)

1163.17 LIMITATION.

For the purpose of this chapter, outdoor advertising off-premises signs shall be classified as a business use and be conditionally permitted in all districts zoned for manufacturing or business or lands used for agricultural purposes. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of the Ohio Revised Code Chapter 5516 and the regulations adopted pursuant thereto.
(Ord. 381-02-03. Passed 5-20-03.)

1163.18 MAINTENANCE.

1. All signs shall be maintained in safe and sound structural condition at all times and shall be presentable.

2. No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign, or, if the owner of the sign cannot reasonably be determined or located, by the owner of the premises.

3. The Zoning Inspector shall remove any off-premise advertising sign or structure found to be unsafe or structurally unsound within thirty (30) days of issuing a written notification to the owner of the sign or the property owner.

4. The Zoning Inspector shall remove any on-premise sign which is determined to be unsafe or structurally unsound within ten (10) days of issuance of written notification to the property owner.
(Ord. 381-02-03. Passed 5-20-03.)

1163.19 ABANDONED SIGNS AND ADVERTISING STRUCTURES PROHIBITED.

An abandoned sign is declared to be a nuisance, is prohibited, and shall be removed by the owner of the sign, or, if the owner of the sign cannot be reasonably determined, by the owner of the property.

1. Any on-premise sign which is located on property which becomes vacant or unoccupied for a period of one (1) year or more, or any on-premise sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to be abandoned. On-premise signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more.
2. Any off-premise sign which pertains to a time, event, or purpose which no longer applies; or which no longer and for a period of one (1) year advertises goods, products, services, or facilities available to the public; or which directs persons to a different location where such goods, products, services, or facilities are not for a period of one (1) year available; shall be deemed to be abandoned.
(Ord. 381-02-03. Passed 5-20-03.)

1163.20 NONCONFORMING SIGNS AND STRUCTURES.

Advertising signs and structures in existence prior to the effective date of this Ordinance and for which a permit or variance has been granted which violate or are otherwise not in conformance with the provisions of this chapter shall be deemed nonconforming. All such legal nonconforming signs and structures shall be maintained in accordance with this chapter. The burden of establishing the legal nonconforming status of any advertising sign or structure shall be upon the owner of the sign or structure.
(Ord. 381-02-03. Passed 5-20-03.)

1163.21 LOSS OF LEGAL NONCONFORMING STATUS.

A legal non-conforming sign shall immediately lose its legal nonconforming status, and therefore must be brought into compliance with this chapter or removed if it meets any one of the following criteria:

1. It is altered in copy (except changeable copy signs);
2. It is altered in structure;
3. It is enlarged;
4. It is relocated or replaced;
5. It is structurally damaged to an extent greater than one-half (½) of its estimated replacement value;
6. It is abandoned as defined in Section 1163.19;
7. It is in violation of Section 1163.03.

(Ord. 381-02-03. Passed 5-20-03.)

1163.22 VIOLATIONS.

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Ordinance, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Ordinance. Failure to comply with any of the provisions of this chapter shall be deemed a violation and shall be punishable under Chapter 1167. Political signs posted in violation of Section 1163.13 are subject to removal by the Zoning Inspector, Village Administrator and sworn members of the Village Police Department five (5) days after written notice of violations of Section 1163.13 has been given.

Off premise and real estate signs posted in violation of this ordinance are subject to removal without written notification by the Zoning Inspector, Village Administrator and sworn members of the Village Police Department. Off premise signs in violation of this Ordinance are subject to a violation fee as established by Council. (Ref. Section 1165.13 -Zoning Fees)
(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1165
Administration

1165.01 Purpose.
1165.02 General provisions.
1165.03 Zoning Inspector.
1165.04 Responsibilities of Zoning Inspector.
1165.05 Proceedings of Planning Commission.
1165.06 Duties of Planning Commission.
1165.07 Board of Zoning Appeals.
1165.08 Proceedings of the Board of Zoning Appeals.
1165.09 Duties of the Board of Zoning Appeals.
1165.10 Duties of Zoning Inspector, Board of Zoning Appeals, legislative authority and courts on matters of appeal.
1165.11 Council.
1165.12 Schedule of fees.
1165.13 Zoning fees.

1165.01 PURPOSE.

This chapter sets forth the powers and duties of the Planning Commission, the Board of Zoning Appeals, the Council, and the Zoning Inspector with respect to the administration of the provisions of this Ordinance.
(Ord. 381-02-03. Passed 5-20-03.)

1165.02 GENERAL PROVISIONS.

The formulation, administration and enforcement of this Ordinance is hereby vested in the following offices and bodies within the local government:

1. Zoning Inspector;
2. Planning Commission;
3. Board of Zoning Appeals;
4. Council;
5. Solicitor.

(Ord. 381-02-03. Passed 5-20-03.)

1165.03 ZONING INSPECTOR.

A Zoning Inspector designated by the Mayor and approved by the Council shall administer and enforce this Ordinance. The Zoning Inspector shall report to and be accountable to the Mayor. The Zoning Inspector may be provided with the assistance of such other persons as the Mayor may direct.
(Ord. 381-02-03. Passed 5-20-03.)

1165.04 RESPONSIBILITIES OF ZONING INSPECTOR.

For the purpose of this Ordinance, the Zoning Inspector shall have the following duties:

1. Enforce the provisions of this Ordinance and interpret the meaning and application of its provisions.
2. Respond to questions concerning applications for amendments to this Ordinance and the Official Zoning District Map.
3. Issue zoning permits and certificates of occupancy as provided by this Ordinance, and keep a record of same with a notification of any special conditions involved.
4. Act on all applications upon which the Zoning Inspector is authorized to act by the provisions of this Ordinance within the specified time or notify the applicant in writing of the refusal or disapproval of such application and the reasons therefor. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit such application to the Board of Zoning Appeals.
5. Conduct inspections of buildings and uses of land to determine compliance with this Ordinance, and, in case of any violation, notify in writing the person(s) responsible, specifying the nature of the violation and specific regulation being violated and ordering corrective action.
6. Maintain in current status the Official Zoning District Map, which shall be kept on permanent display in Municipal offices.
7. Maintain permanent and current records required by this Ordinance, including but not limited to zoning permits, zoning certificates, inspection documents, violations, and records of all variances, amendments, and special uses.
8. Make such records available for the use of the Council, the Planning Commission, the Board of Zoning Appeals, and the public.
9. Review and approve site plans pursuant to this Ordinance.
10. Determine the existence of any violations of this Ordinance, and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.
11. Prepare and submit an annual report to the Council and Planning Commission on the administration of this Ordinance, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Ordinance. Such report shall include recommendations concerning the schedule of fees.
(Ord. 381-02-03. Passed 5-20-03.)

1165.05 PROCEEDINGS OF PLANNING COMMISSION.

The Planning Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance. An annual organizational meeting shall be held each year in the month of January. Planning Commission meetings shall be held at the call of the chair and at such other times as the Planning Commission may determine. All meetings shall be open to the public. The Planning Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Planning Commission and Council.
(Ord. 381-02-03. Passed 5-20-03.)

1165.06 DUTIES OF PLANNING COMMISSION.

For the purpose of this Ordinance, the Planning Commission shall have the following duties:

1. Recommend the proposed Zoning Ordinance and the official Zoning District Map to the Council for formal adoption.
2. Initiate advisable Official Zoning District Map changes or changes in the text of this Ordinance, where same will promote the best interest of the public in general through recommendation to the Council.
3. Review all proposed amendments to this Ordinance and the official Zoning District Map and make recommendations to the Council as specified in Chapter 1125.
4. Review all Planned Unit Development and Subdivision Applications and make recommendations to the Council as provided in this Ordinance.
5. Carry on a continuous review of the effectiveness and appropriateness of this Ordinance and recommend such changes or amendments as it feels would be appropriate. (Ord. 381-02-03. Passed 5-20-03.)

1165.07 BOARD OF ZONING APPEALS.

A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Mayor and approved by the Council each for a term of five (5) years, except that the initial appointments shall be one (1) member each for one (1), two (2), three (3), four (4) and five (5) year terms. Each member shall be a resident of the Municipality. Members of the Board of Zoning Appeals may be removed from office by the Council for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Council for the unexpired term of the member affected.
(Ord. 381-02-03. Passed 5-20-03.)

1165.08 PROCEEDINGS OF THE BOARD OF ZONING APPEALS.

The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance. An annual organizational meeting will be held each year in the month of January. Meetings shall be held at the call of the chair and at such times as the Board of Zoning Appeals may determine. The chair, or in the chair's absence the acting chair, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board of Zoning Appeals and Council.
(Ord. 381-02-03. Passed 5-20-03.)

1165.09 DUTIES OF THE BOARD OF ZONING APPEALS.

For the purpose of this Ordinance, the Board of Zoning Appeals shall have the following duties:

1. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Inspector;
2. Authorize, upon appeal, in specific cases, such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done;
3. Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates for specific uses are provided for in this Ordinance;
4. Revoke an authorized variance or conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated.

The Board of Zoning Appeals shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under item 4 of this section and of the right to a hearing before the Board of Zoning Appeals, within thirty (30) days of the mailing of the notice, if the holder of such variance or certificate so requests. If the holder of such variance or certificate requests a hearing, the Board of Zoning Appeals shall set a time and place for the hearing, and notify the holder of such variance or certificate. At the hearing, the holder of such variance or certificate may appear in person, by attorney, or may submit position(s) in writing. The holder of such variance or certificate may present evidence and examine witnesses appearing for or against the holder of such variance or certificate. If no hearing is requested, the Board of Zoning Appeals may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

In exercising the abovementioned powers, such Board of Zoning Appeals may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken.

(Ord. 381-02-03. Passed 5-20-03.)

1165.10 DUTIES OF ZONING INSPECTOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL.

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law. It is further the intent of this Ordinance that the duties of the Council in connection with this Ordinance shall not include hearing and deciding questions if interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Ordinance. Under this Ordinance the Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law, and of establishing a schedule of fees and charges as stated in Section 1165.12. Nothing in this Ordinance shall be interpreted to prevent any official of the Municipality from appealing a decision of the Board of Zoning Appeals to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the written decision of the Board of Zoning Appeals.

(Ord. 381-02-03. Passed 5-20-03.)

1165.11 COUNCIL.

For the purpose of this Ordinance, the Council shall have the following duties:

1. Approve the Mayor's appointment of a Zoning Inspector.
2. Approve the Mayor's appointments of members to the Planning Commission.
3. Approve the Mayor's appointments of members to the Board of Zoning Appeals.
4. Initiate or act upon suggested amendments to this Ordinance or the Official Zoning District Map. Final action upon a suggested zoning amendment shall be undertaken at a public hearing.
5. Override a written recommendation of the Planning Commission on a text or map amendment, provided that such legislative action is passed by a three-fourths (3/4) vote of the Council.

(Ord. 381-02-03. Passed 5-20-03.)

1165.12 SCHEDULE OF FEES.

The Council shall by ordinance establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Ordinance, after considering the recommendations of the Zoning Inspector with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Inspector and may be altered or amended only by the Council. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.
(Ord. 381-02-03. Passed 5-20-03.)

1165.13 ZONING FEES.

Single Family Dwelling/Garage	$350.00
House Additions	$ 0.25 per sq ft. (not exceed $350.)
Accessory Structure	$ 0.25 per sq ft. (not to exceed $175.)
Seawalls (not RipRap)	$ 25.00
Roof over existing deck/patio	$ 0.15 per sq ft. (not to exceed $350.)
Roofed deck/patio	$ 0.15 per sq ft. (not to exceed $350.)
All weather enclosure on existing roofed deck/patio	$ 0.15 per sq. ft. (not to exceed $350.)
All weather enclosure on existing deck/patio	$ 0.25 per sq. ft. (not to exceed $350.)
Wet and Dry Slip Boat House	$175.00
Other residential structures not listed	$ 5.00
Light Industrial/Commercial Building	$500.00 + .045/sq. ft.
Light Industrial/Commercial Addition	$200.00 + .045/sq. ft.
Sign Permit	$10.00
Zoning Text Amendment (Map or Text)	$150.00
Conditional Use Permit	$150.00
Variance Request	$150.00
Satellite Dish Variance Request	$50.00
Temporary Off-Premise Sign Violation Fee	$25.00

No fee required for culverts

(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1167
Enforcement

1167.01 General.
1167.02 Zoning permits required.
1167.03 Contents of application for zoning permit.
1167.04 Approval of zoning permit.
1167.05 Submission to Director of Transportation.
1167.06 Expiration of zoning permit.
1167.07 Site improvement plans survey methods.
1167.08 Certificate of occupancy.
1167.09 Temporary certificate of occupancy.
1167.10 Record of zoning permits and certificates of occupancy.
1167.11 Notification requirements.
1167.12 Failure to obtain a zoning permit or certificate of occupancy.
1167.13 Construction and use to be as provided in applications, plans, permits and certificates.
1167.14 Complaints regarding violations.
1167.15 Entry and inspection of property.
1167.16 Stop work order.
1167.17 Zoning permit revocation.
1167.18 Notice of violation.
1167.19 Penalties and fines.
1167.20 Additional remedies.

1167.01 GENERAL.

This chapter stipulates the procedures to be followed in obtaining permits, certifications, and other legal or administrative approvals under this Ordinance.
(Ord. 381-02-03. Passed 5-20-03.)

1167.02 ZONING PERMITS REQUIRED.

No building or other structure shall be erected, moved, or changed in size or shape, nor shall any building, structure, or land be established or changed in use without a permit therefor, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provision of this Ordinance, unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance, or from Council approving a Planned Unit Development District, as provided by this Ordinance.
(Ord. 381-02-03. Passed 5-20-03.)

1167.03 CONTENTS OF APPLICATION FOR ZONING PERMIT.

The application for zoning permit shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one (1) year or has not been substantially completed within two (2) years. At a minimum, the application shall contain the following information and be accompanied by all required fees:

1. Name, address, and telephone number of applicant;
2. Address and legal description of property, zoning district and proof of ownership;
3. Existing structure(s) and proposed structure(s);
4. All site improvement plans must be in duplicate and include:
   a. Actual dimensions and shape of lot;
   b. Exact size and location of existing buildings on the lot;
   c. Location(s) and dimension(s) of proposed build(s), alteration(s) or structure(s). The outline must show all breaks in foundation walls and measurements of each break;
   d. The distance from each setback line to structure projection closest to the setback line on all sides of the structure;
   e. Typical wall section;
   f. Roof pitch and extent of roof overhang(s);
   g. Foundation construction; and
   h. Height(s) of structure(s) or building(s);
5. Number of off-street parking spaces or loading berths, and their layout;
6. Location and design of access drives;
7. Number of dwelling units;
8. If applicable, application for a sign permit or a conditional special, or temporary use permit, unless previously submitted; and
9. Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of, this Ordinance.

(Ord. 381-02-03. Passed 5-20-03.)

1167.04 APPROVAL OF ZONING PERMIT.

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Ordinance. All zoning permits shall, however, be conditional upon the commencement of work within one (1) year. Two (2) copies of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by the Zoning Inspector's signature on such copy. One (1) copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provisions of this Ordinance.
(Ord. 381-02-03. Passed 5-20-03.)

1167.05 SUBMISSION TO DIRECTOR OF TRANSPORTATION.

Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail, to the Director of Transportation that the Zoning Inspector shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that Director of Transportation shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or upon the expiration of the one hundred twenty (120) day period or of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Ordinance, issue the zoning permit.
(Ord. 381-02-03. Passed 5-20-03.)

1167.06 EXPIRATION OF ZONING PERMIT.

If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been completed within two (2) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or an extension granted.
(Ord. 381-02-03. Passed 5-20-03.)

1167.07 SITE IMPROVEMENT PLANS SURVEY METHODS.

1. Site Improvement Plan Using Survey Method #1. A site improvement plan for all structures not listed under Survey Method #2 does not require being drawn by a certified surveyor. They are to be drawn to a scale of 1" = 20' or 1/4" = 1'. Lot lines and the structure must be staked on the property and a cord strung from the official survey pins prior to the permit being issued. A certified surveyor must survey any lot line not identified by the official survey pins. All applicable information in Section 1167.03 must be included.

2. Site Improvement Plan Using Survey Method #2. A site improvement plan for the principal use (house), boat house and unattached garage shall be drawn by a certified surveyor to a minimum scale of 1" = 50'. Exceptions to this would be for an unattached garage, addition to an existing principal structure or an addition to an existing accessory structure if a certified survey has been previously done. This can be submitted in lieu of a new survey being done if the proposed structure(s) (unattached garage, addition to an existing structure) is drawn to the exact scale of the existing survey and includes all the applicable information required in Section 1167.03.
(Ord. 381-02-03. Passed 5-20-03.)

1167.08 CERTIFICATE OF OCCUPANCY.

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, until a certificate of occupancy shall have been issued therefor by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Ordinance. The issuance of a use certificate in no way relieves the recipient from compliance with all the requirements of this Ordinance and other regulations.
(Ord. 381-02-03. Passed 5-20-03.)

1167.09 TEMPORARY CERTIFICATE OF OCCUPANCY.

A temporary certificate of occupancy may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion. (Ord. 381-02-03. Passed 5-20-03.)

1167.10 RECORD OF ZONING PERMITS AND CERTIFICATES OF OCCUPANCY.

The Zoning Inspector shall maintain a record of all zoning permits and certificates of occupancy, and copies shall be furnished, upon request and upon payment of the established fee, to any person.
(Ord. 381-02-03. Passed 5-20-03.)

1167.11 NOTIFICATION REQUIREMENTS.

In all districts where a certified survey has been submitted, a foundation as-built survey, submitted by a registered surveyor, shall be required and forwarded to the Village zoning office at the time the footers are placed certifying that the footers comply with the permitted site improvement plan. In all other cases the homeowner/contractor must notify the Zoning Inspector when the footers are poured so an inspection can be made. Non-compliance regarding the timely submission of the foundation as-built survey or notification of the Zoning Inspector shall cause the issuance of a stop work order. Work shall not progress until compliance is achieved.
(Ord. 381-02-03. Passed 5-20-03.)

1167.12 FAILURE TO OBTAIN A ZONING PERMIT OR CERTIFICATE OF OCCUPANCY.

Failure to obtain a zoning permit or certificate of occupancy shall be a punishable violation of this Ordinance. (Ord. 381-02-03. Passed 5-20-03.)

1167.13 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES.

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and any other use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Ordinance.
(Ord. 381-02-03. Passed 5-20-03.)

1167.14 COMPLAINTS REGARDING VIOLATIONS.

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate it, and take action thereon as provided by this Ordinance.
(Ord. 381-02-03. Passed 5-20-03.)

1167.15 ENTRY AND INSPECTION OF PROPERTY.

The Zoning Inspector is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Ordinance. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Inspector shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the Solicitor in securing a valid search warrant prior to entry.
(Ord. 381-02-03. Passed 5-20-03.)

1167.16 STOP WORK ORDER.

Subsequent to the Zoning Inspector's determination that work is being done contrary to this Ordinance, the Zoning Inspector shall write a stop work order and post it on the premises involved. Continuing to work after a stop work order is posted or removal of a stop work order, except by order of the Zoning Inspector, shall constitute a punishable violation of this Ordinance.
(Ord. 381-02-03. Passed 5-20-03.)

1167.17 ZONING PERMIT REVOCATION.

The Zoning Inspector may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Ordinance or based upon false information or misrepresentation in the application.
(Ord. 381-02-03. Passed 5-20-03.)

1167.18 NOTICE OF VIOLATION.

Whenever the Zoning Inspector or his agent determines that there is a violation of any provision of this Ordinance, a warning tag shall be issued and shall serve as a notice of violation. Such order shall:

1. Be in writing;
2. Identify the violation;
3. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Ordinance being violated; and
4. State the time by which the violation shall be corrected.

Service of notice of violation shall be as follows:

1. By personal delivery to the person(s) responsible, or by leaving the notice at the usual place of residence by the owner with a person of suitable age and discretion; or
2. By certified mail deposited in the United States Post Office addressed to the person(s) responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
3. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

(Ord. 381-02-03. Passed 5-20-03.)

1167.19 PENALTIES AND FINES.

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain, or structurally alter any building, structure or land in violation of any provision of this Ordinance or any amendment thereto. Any person, firm, or corporation who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred dollars ($100.00) and, in addition, shall pay all costs and expenses involved in the case. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs after the expiration of the time period detailed in the notice of violation. If the offender previously has been convicted of a violation of any of the provisions of this Ordinance, a violation of or failure to comply with any of the provisions of this ordinance is a 4th degree misdemeanor punishable by imprisonment for not more than 30 days and/or a fine of not more than two hundred fifty dollars ($250.00) and all costs and expenses involved in the case. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
(Ord. 381-02-03. Passed 5-20-03.)

1167.20 ADDITIONAL REMEDIES.

Nothing in this Ordinance shall be deemed to abolish, impair, or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Ordinance, or in the case of an imminent threat of such a violation, the Zoning Inspector, the Solicitor, or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourses provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation. (Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1169
Planned Unit Developments

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1169.01 PURPOSE.

It is the response of this chapter to promote the public health, safety, and welfare by providing for the regulation of Planned Unit Developments. It is the intent of these regulations to provide maximum opportunity for orderly large-scale developments, which benefit the community as a whole by offering a greater choice of living environments, a wider range of development plans featuring more complementary blending of land uses to include community facilities and open space, and a more unified approach with respect to the mixture of uses and their adaptation to topographical and geological features, recreational opportunities, and transportation needs.
(Ord. 381-02-03. Passed 5-20-03.)

1169.02 INTERPRETATION.

Whenever the requirements of this chapter appear to be in conflict with other Sections of this Ordinance or with those of other existing codes, the provisions of this chapter shall prevail. (Ord. 381-02-03. Passed 5-20-03.)

1169.03 PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION.

Subsequent to the approval of the Planning Commission and the Council, the designation "Planned Unit Development District" may be applied to any district. Upon approval of the final development plan, the Official Zoning Map shall be so annotated for the land area affected, and the district name shall be appropriately amended.
(Ord. 381-02-03. Passed 5-20-03.)

1169.04 USES PERMITTED IN A PLANNED UNIT DEVELOPMENT DISTRICT.

Residential, Commercial, Public, and Industrial uses may be combined in Planned Unit Development Districts, provided that the proposed location of the commercial uses will not adversely impact upon adjacent property or the public health, safety, and general welfare, and that the locations of such uses are specified in the final development plan. Lot area and other yard requirements of the district shall apply except as modified in Section 1169.08. The amount of land devoted to non-residential use in a residential/non-residential development shall be determined by the Planning Commission and approved by the Council.
(Ord. 381-02-03. Passed 5-20-03.)

1169.05 MINIMUM PROJECT AREA REQUIREMENTS.

The gross area of a tract of land proposed to be developed in a Planned Unit Development district shall be a minimum of twenty (20) acres provided, however, that smaller parcels may be considered on the basis of their potential to satisfy the intent of these regulations. In any case wherein the Planned Unit Development proposed contains a mixture of residential uses with nonresidential uses, the Planning Commission may limit the development of not more than fifteen (15) percent of the tract to residential uses. A minimum of twenty (20) percent of the land developed in any Planned Unit Development project shall be reserved for common open space and recreational facilities. The open space shall be disposed of as required in Section 1169.06.
(Ord. 381-02-03. Passed 5-20-03.)

1169.06 DISPOSITION OF OPEN SPACE.

The required amount of common space land reserved under a Planned Unit Development shall either be held in corporate ownership by owners of the project area, for the use of each owner who buys property within the development, or be dedicated to a homeowners' association who shall have title to the land which shall be retained as common open space for parks, recreation, and related uses. The legal articles relating the organization of the homeowners' association are subject to review and approval by the Planning Commission and shall include adequate provisions for the perpetual care and maintenance of all common areas. Public utility and similar easements and rights-of-way for watercourses and other similar channels are not acceptable for common open space dedication, unless such land or right-of-way is usable as a trail or similar purpose and has been approved by the Planning Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.
(Ord. 381-02-03. Passed 5-20-03.)

1169.07 UTILITY REQUIREMENTS.

Underground utilities, including telephone, cable television, and electrical systems, are required within the limits of all Planned Unit Developments. Appurtenances to these systems which can be effectively screened may be exempted from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed Planned Unit Development.
(Ord. 381-02-03. Passed 5-20-03.)

1169.08 SPECIAL LOT REQUIREMENTS.

The lot requirements for Planned Unit Developments approved by the Planning Commission may vary from requirements previously prevailing for the district as follows:

1. Lot width, setback, and yard requirements may be varied to accommodate a variety of structural patterns, clustering designs, and housing types;
2. Lot area per dwelling unit requirements may be reduced by not more than twenty percent (20%); and
3. Each property in the Planned Unit Development should abut common open space or similar areas, provided, that any property not abutting such uses shall have well designed access to, and shall be no more than five hundred (500) feet from, such uses. (Ord. 381-02-03. Passed 5-20-03.)

1169.09 ARRANGEMENT OF NONRESIDENTIAL USES.

When Planned Unit Development districts include nonresidential uses, nonresidential buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points, in order to reduce the number of potential accident locations at intersections with streets. Planting screens or fences shall be provided on the perimeter of the non-residential areas abutting residential areas. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding areas. All areas designed for future expansion or not intended for immediate improvements or development shall be landscaped or otherwise maintained in a neat and orderly manner by the developer as specified by the Planning Commission.
(Ord. 381-02-03. Passed 5-20-03.)

1169.10 PROCEDURES FOR APPROVAL OF PLANNED UNIT DEVELOPMENT DISTRICTS.

Planned Unit Development Districts shall be approved in accordance with the procedure in Sections 1169.10 to 1169.25. It is the intent of these sections to incorporate the review and approval of development plans with the amendment process to remove the necessity, in many instances, to proceed under Chapter 1125 prior to the commencement of the Planned Unit Development plan review and approval process.
(Ord. 381-02-03. Passed 5-20-03.)

1169.11 PRE-APPLICATION MEETING.

The developer shall meet with the Zoning Inspector and Planning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Ordinance and the criteria and standards contained herein, and to familiarize the developer with zoning and other applicable regulations.
(Ord. 381-02-03. Passed 5-20-03.)

1169.12 PRELIMINARY DEVELOPMENT PLAN APPLICATION REQUIREMENTS.

An application for preliminary Planned Unit Development approval shall be filed with the Zoning Inspector by at least one (1) owner of property for which the Planned Unit Development is proposed. At a minimum, the application shall contain the following information filed in triplicate:

1. Name, address, and phone number of applicant;
2. Name, address, and phone number of registered surveyor, registered engineer, and/or urban planner assisting in the preparation of the preliminary development;
3. Legal description of property;
4. Present use(s);
5. Present and proposed zoning district;
6. Proposed amending ordinance;
7. A vicinity map at a scale approved by the Zoning Inspector showing the property lines, streets, existing and the proposed zoning, and such other items as the Zoning Inspector may require;
8. A preliminary development plan at a scale approved by the Zoning Inspector showing topography at ten (10) foot intervals; location, and type of residential and non-residential land uses; layout; dimensions, and names of existing and proposed streets; rights-of- way, utility easements, parks, and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone, and natural gas; and such other characteristics as the Planning Commission may deem necessary;
9. Proposed schedule for the development of the site;
10. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within two (2) years;
11. A fee as established by ordinance;
12. A list containing the names and mailing addresses of all owners of property within five hundred (500) feet of the property in question; and
13. Verification by at least one (1) owner of property that all information in the application is true and correct to the best of that person's knowledge.

The application for preliminary Planned Unit Development approval shall be accompanied by a written statement by the developer setting forth the reasons why, in the developer's opinion, the Planned Unit Development would be in the public interest and would be consistent with the stated intent of these Planned Unit Development requirements.
(Ord. 381-02-03. Passed 5-20-03.)

1169.13 PLANNING COMMISSION PUBLIC HEARING.

The Planning Commission shall schedule a public hearing on the application for approval of the preliminary development plan not less than twenty (20) or more than forty (40) days from the date of filing such an application.
(Ord. 381-02-03. Passed 5-20-03.)

1169.14 NOTICE OF PUBLIC HEARING.

Before holding the public hearing, notice of such Planning Commission hearing shall be given in one (1) or more newspapers of general circulation at least fifteen (15) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, a general description of the Planned Unit Development, and a statement that, after the public hearing and submission of a final development plan, the matter will be referred to the Council for further determination. Also before holding the public hearing, written notice of such hearing shall be sent by the Planning Commission by first class mail, at least twenty (20) days before the hearing, to all owners of property within five hundred (500) feet of the property in question and to such others as the Planning Commission determines should receive notice. Notices to individual property owners shall contain the same information as required of notices published in the newspaper.
(Ord. 381-02-03. Passed 5-20-03.)

1169.15 PUBLIC ACCESS TO PROPOSED PUD DOCUMENTS.

For a period of at least twenty (20) days prior to the public hearing by the Planning Commission, all papers relating to the Planned Unit Development shall be available for public inspection in the office the Zoning Inspector.
(Ord. 381-02-03. Passed 5-20-03.)

1169.16 APPROVAL IN PRINCIPLE OF PRELIMINARY DEVELOPMENT PLAN.

Within sixty (60) days after the public hearing, the Planning Commission shall review the preliminary development plan to determine if it is consistent with the intent of this Ordinance; whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations. The Planning Commission's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a final development plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility.
(Ord. 381-02-03. Passed 5-20-03.)

1169.17 SUBMISSION OF FINAL DEVELOPMENT PLAN.

After approval in principle of the preliminary development plan, the developer shall submit a final development plan to the Zoning Inspector. The final development plan shall be in general conformance with the preliminary development plan approved in principle. For the purpose of this Ordinance, the submission of the final development plan is a formal request for rezoning of the property in question. Five (5) copies of the final development plan shall be submitted and may be endorsed by a qualified professional team, which should include an urban planner, licensed architect, registered landscape architect, or landscape horticulturist.
(Ord. 381-02-03. Passed 5-20-03.)

1169.18 FINAL DEVELOPMENT PLAN APPLICATION CONTENTS.

An application for approval of the final development plan shall be filed with the Zoning Inspector by at least one (1) owner of property for which the Planned Unit Development is proposed. Each application shall be signed by the owner, attesting to the truth and exactness of all information supplied on the application for the final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval. At a minimum, the application shall contain the following information:

1. A survey of the proposed development site, showing the dimensions and bearings of the property lines; area in acres; topography; and existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses;
2. All the information required on the preliminary development plan; the location and sizes of lots, location and proposed density of dwelling units; non-residential building intensity; and land uses considered suitable for adjacent properties;
3. A schedule for the development of units to be constructed in progression, and a description of the design principles for buildings and streetscapes; a tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated nonresidential population; anticipated construction timing for each unit; and standards for height, open space, building density, parking areas, population density, and public improvements, whenever the applicant proposes any exception from standard zoning districts requirements or other ordinances governing development;
4. Engineering feasibility studies and plans showing as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements; and the nature and extent of earthwork required for site preparation and development;
5. Site plan, showing building(s), various functional use areas, circulation, and their relationship;
6. Preliminary building plans;
7. Landscaping plans;
8. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development, and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained; and
9. A fee as established by ordinance.

(Ord. 381-02-03. Passed 5-20-03.)

1169.19 PUBLIC HEARING BY PLANNING COMMISSION.

Within thirty (30) days after submission of the final development plan, the Planning Commission shall hold a public hearing. Notice and public inspection of the application shall be as specified in Sections 1169.14 and 1169.15.

(Ord. 381-02-03. Passed 5-20-03.)

1169.20 RECOMMENDATION BY PLANNING COMMISSION.

Within sixty (60) days after receipt of the final development plan, the Planning Commission shall recommend that the final development plan be approved as presented, approved with supplementary conditions, or disapproved, and shall transmit all papers constituting the record and the recommendations to the Council.
(Ord. 381-02-03. Passed 5-20-03.)

1169.21 CRITERIA FOR PLANNING COMMISSION RECOMMENDATION.

Before making its recommendation, the Planning Commission shall find that the facts submitted with application and presented at the public hearing establish that:

1. The proposed development can be initiated within two (2) years of the date of approval;
2. The streets proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the Planned Unit Development;
3. Any proposed non-residential development can be justified at the location proposed;
4. Any exception from standard district requirements is warranted by design and other amenities incorporated in the final development plan, in accordance with these Planned Unit Development requirements and the need to provide a variety of housing opportunities with regard to type and price;
5. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
6. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed;
7. The proposed development will incorporate erosion control measures meeting the approval of the Village; and
8. The proposed development will incorporate measures necessary to cause no pollution of lake water as determined by the Village.
(Ord. 381-02-03. Passed 5-20-03.)

1169.22 PUBLIC HEARING BY COUNCIL.

After receiving the recommendation from the Planning Commission, the Council shall hold a public hearing on the Planned Unit Development final development plan within a reasonable time. (Ord. 381-02-03. Passed 5-20-03.)

1169.23 NOTICE OF PUBLIC HEARING BY COUNCIL.

Before holding its public hearing, notice of such hearing shall be given by at least one publication in one (1) or more newspapers of general circulation at least thirty (30) days before the hearing. The notice shall set forth the time and place of the public hearing, the nature and a general description and summary of the Planned Unit Development, and a statement that all papers relating to the Planned Unit Development are on file with the Clerk-Treasurer and open for public inspection. Also, written notice of the hearing on the Planned Unit Development shall be mailed by the Clerk-Treasurer by first class mail, at least twenty (20) days before the date of the public hearing, to all owners of property within five hundred (500) feet of the proposed Planned Unit Development and to such others as may be determined should receive such notice. Notices to individual property owners should contain the same information as required of notices published in the newspaper. (Ord. 381-02-03. Passed 5-20-03.)

1169.24 ACTION BY COUNCIL.

After the public hearing, the Council shall either approve, approve with supplementary conditions, or disapprove the application as submitted. If the application is approved as submitted or approved with conditions, the Council shall direct the Zoning Inspector to issue zoning permits in accordance with the approved plan and any conditions thereto attached. The final development plan shall further be considered as an integral part of the rezoning amendment, and no change from or substantive alteration in such Planned Unit Development shall be permitted without repetition of the procedures in this chapter. In the event that the Council denies or substantially modifies the final development plan as recommended by the Planning Commission, any resulting final development plan for said Planned Unit Development shall not be effective unless passed or approved by a three-fourths (3/4) votes of the Council.
(Ord. 381-02-03. Passed 5-20-03.)

1169.25 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.

In approving any Planned Unit Development application, both the Planning Commission and the Council may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Any violation of such conditions or safeguards, which have been made a part of the terms under which the final development plan has been approved, shall constitute a violation of this Ordinance and be punishable as such.
(Ord. 381-02-03. Passed 5-20-03.)

1169.26 EXPIRATION AND EXTENSION OF APPROVAL PERIOD.

The approval of a final development plan for a Planned Unit Development district shall be for a period not to exceed five (5) years to allow for preparation and recording of the required subdivision plat and development of the project. If no construction has begun within two (2) years after approval is granted, the approved final development plan shall be voided, and the land shall revert to the district regulations of the district in which it is located. An extension of the time limit or modification of the approved final development plan may be approved if the Board of Zoning Appeals finds that such extension is not in conflict with the public interest. No zoning amendment passed during the time plan shall in any way affect the terms under which approval of the Planned Unit Development was granted.
(Ord. 381-02-03. Passed 5-20-03.)

CHAPTER 1171
Gas and Oil Wells

1171.01 Purpose.
1171.02 Requirement for zoning certificate.
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1171.04 Health and safety standards.
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1171.06 Distance of wells from dwellings and public buildings.
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1171.08 Diking.
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1171.10 Fencing.
1171.11 Identification.
1171.12 Maintenance.
1171.13 Access drives and culverts.
1171.14 Drilling, production and waste removal.
1171.15 Equipment transport; security bond for road damage remediation.

1171.01 PURPOSE.

This chapter sets forth the requirements to ensure that any operation incidental to and including the exploration, production, or storage of gas and oil takes place in a manner not endangering public health, safety, and welfare. In event of conflict between these regulations and state law, adopted pursuant to the Ohio Revised Code Chapter 1509, The Ohio Administrative Code, and applicable regulations, the most stringent regulations shall apply.
(Ord. 381-02-03. Passed 5-20-03.)

1171.02 REQUIREMENT FOR ZONING CERTIFICATE.

A zoning certificate shall be required by this Ordinance for the drilling, operation, production, plugging, or abandonment of any oil, gas, or disposal well. The Zoning Inspector may inspect oil, gas, and disposal wells and storage facilities at any time to insure compliance with local regulations. (Ord. 381-02-03. Passed 5-20-03.)

1171.03 EXEMPTION FROM ACREAGE AND DISTANCE REQUIREMENTS.

No minimum acreage requirements for drilling units, and minimum distances from which a new well may be drilled or an existing well deepened, plugged back, or reopened to a source of supply different from the existing pool from boundaries of tracts, drilling units, other wells and from streets, roads, highways, railroad tracks, or the restoration or plugging of an oil and gas well, shall be required by this Ordinance.
(Ord. 381-02-03. Passed 5-20-03.)

1171.04 HEALTH AND SAFETY STANDARDS.

The health and safety standards for the exploration, drilling, production, and abandonment of oil, gas, and disposal wells as provided under Chapter 1509 of The Ohio Revised Code and Chapter 1501 of The Administrative Code (Rules of Division of Oil and Gas of the Ohio Department of Natural Resources) are hereby incorporated into and made part of this Ordinance
and shall be enforced by the Zoning Inspector.
(Ord. 381-02-03. Passed 5-20-03.)

1171.05 NOTIFICATION OF COMMENCEMENT OF OPERATION.

At least seven (7) days prior to the commencement of any operation to drill a new well, drill an existing well deeper, re-open a plugged well, convert a well to any use other than its original purpose, or plug back a well to a different source of supply, the owner shall provide a copy of the information required by Section 1509.06 of The Ohio Revised Code to the Zoning Inspector. The driller or operator shall file with the Zoning Inspector the following:

1. A plat, drawn to scale showing:
   a. Ingress and egress points;
   b. The well location;
   c. The location of all known gas and oil wells, storage tanks, and separators within one thousand five hundred (1,500) feet;
   d. Proposed transmission lines, power shut-offs, oil and gas flow shut-offs;
   e. Access roads;
   f. Proposed storage tanks and separators;
   g. All dikes and swales for erosion control and spill prevention; and
   h. Proposed temporary pits.
2. The owner shall also provide the Zoning Inspector with the name(s) and telephone number(s) of such person(s) authorized to act on behalf of the owner in the event of an emergency, including but not limited to fire, oil, or brine spills, and damage to persons or property;
3. A copy of the State Permits;
4. A copy of the brine and waste disposal plat (to include handling of brine, frac water, sludge, and other oil field wastes);
5. A statement schedule of the coverage for all operation related to drilling; and
6. A statement of liability coverage for all operations related to drilling, production, storage, and transmission of all products and wastes.

Copies of the information required by this Section shall be distributed by the Zoning Inspector to the Council and to the Chiefs of all fire departments serving the Municipality.
(Ord. 381-02-03. Passed 5-20-03.)

1171.06 DISTANCE OF WELLS FROM DWELLINGS AND PUBLIC BUILDINGS.

The following distances from oil, gas, and disposal wells shall apply:

1. No oil, gas, or disposal well shall be drilled nearer than two hundred (200) feet to any building;
2. No dwelling shall be erected nearer than two hundred (200) feet to any active well;
3. No well shall be drilled nearer than two hundred (200) feet to any building or structure which may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public; and
4. No building or structure which may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public shall be erected nearer than two hundred (200) feet to any active well. (Ord. 381-02-03. Passed 5-20-03.)

1171.07 DISTANCE OF STORAGE TANKS FROM DWELLINGS AND PUBLIC BUILDINGS AND ROADS.

The following distance requirements for storage tanks shall apply:

1. No permanent storage tanks or separator units shall be located nearer than two hundred fifty (250) feet to any dwelling;
2. No dwelling shall be erected nearer than two hundred fifty (250) feet to any permanent storage tanks or separator units;
3. No permanent storage tanks or separator units to any building or structure which may used as a place of resort, assembly, education, entertainment, lodging, trade, manufacturing, repair, storage, traffic, or occupancy by the public;
4. No building or structure which may used as a place of resort, assembly, education, entertainment, lodging, trade, manufacturing, repair, storage, traffic, or occupancy by the public shall be located nearer than two hundred fifty (250) feet to any permanent storage tanks or separator units; and
5. No permanent storage tanks or separator units shall be located nearer than eighty (80) feet to the centerline of any public or private road.
(Ord. 381-02-03. Passed 5-20-03.)

1171.08 DIKING.

Prior to production, any vessel, including tanks utilized for the accumulation or storage of oil or waste products at the well site, production, or storage areas shall be surrounded by an earthen dike with a capacity of two (2) times that of the storage container. The dike shall be constructed and compacted in such a manner as to contain any spillage. The Zoning Inspector shall require two (2) layers of lining, with the second layer being lain in opposite direction to the first. The lining shall have a minimum thickness of six (6) mils and both layers shall be backed by sufficient earthen aggregate material to withstand one and one half (1-1/2) times the pressure of the liquids within the dike. To ensure vessel integrity and prevent leakage, the Zoning Inspector shall require the creating of ditches or swales to divert or control storm water runoff. (Ord. 381-02-03. Passed 5-20-03.)

1171.09 OIL AND GAS LINES.

All gas and oil lines located outside of fenced-in areas shall be buried and at a minimum depth of thirty-six (36) inches. All shut-off valves shall be painted a conspicuous color for ease of identification in emergencies. The owner and/or operator of all transmission lines shall provide the Zoning Inspector with a plat drawn to scale of all transmission lines within one thousand (1,000) feet of the well. All transmission lines shall be marked with permanent markers at each side of any right-of-way.
(Ord. 381-02-03. Passed 5-20-03.)

1171.10 FENCING.

Prior to the initiation of production, all permanent production and storage facilities shall be entirely enclosed by a chain link fence not less than six (6) feet in height. All gates shall be padlocked at all times. All storage tank manholes, discharge valves, fill valves and shutoff valves shall be included within the fenced area.
(Ord. 381-02-03. Passed 5-20-03.)

1171.11 IDENTIFICATION.

At all times, a sign shall be posted on storage tanks in no less than three (3) inch letters showing:

1. Owner;
2. Well Permit;
3. Permit Number; and
4. Emergency Phone Number.

(Ord. 381-02-03. Passed 5-20-03.)

1171.12 MAINTENANCE.

All production sites and equipment shall be painted and kept in a clean, neat, and orderly condition. The name and telephone number of the waste hauler, the method and location of disposal and statement of liability from the hauler shall be provided to the Zoning Inspector.
(Ord. 381-02-03. Passed 5-20-03.)

1171.13 ACCESS DRIVES AND CULVERTS.

The minimum width of all entrances to access drives to any well or permit or permanent production and storage facilities shall be forty (40) feet and require a culvert of sixty (60) feet minimum length and a minimum inside diameter of twelve (12) inches. Such access drives shall be properly graded and constructed with a gravel base and shall be maintained so as to be dust free and passable in all seasons and weather conditions. All truck loading and parking areas shall be located outside of any road right-of-way. Any mud, debris, or trash tracked or deposited on public roads or property shall be immediately removed and properly disposed of by the well owner or operator. (Ord. 381-02-03. Passed 5-20-03.)

1171.14 DRILLING, PRODUCTION, AND WASTE REMOVAL.

No person shall conduct any well drilling, production, or transmission operation that contaminates or pollutes the land or any surface or ground water. All waste substances shall be held in completely enclosed, aboveground steel, fiberglass re-enforced plastic, or below ground concrete holding tanks. All temporary pits are to used only during drilling operations and shall be filled and leveled prior to well production and/or sixty (60) days after drilling operations have ceased. No saltwater, brine, sludge, frac water, or other oil field wastes shall be deposited or discharged in the Municipality for any purpose, except into an authorized injection well in accordance with Chapter 1509 of The Ohio Revised Code and Chapter 1501 of The Ohio Administrative Code (Rules of the Division of Oil and Gas of the Ohio Department of Natural Resources). (Ord. 381-02-03. Passed 5-20-03.)

1171.15 EQUIPMENT TRANSPORT; SECURITY BOND FOR ROAD DAMAGE REMEDIATION.

Any individual, company or other entity seeking to transport machinery and equipment within the Village for oil and gas well drilling or production shall file an application for such operations with the Village Zoning Inspector prior to the commencement of operations, which application shall be accompanied by cash or a corporate surety bond in the amount of not less than $20,000, as an indemnity for remediation of road damages which may occur as a consequence of said drilling or production, which bond shall remain in full force and effect until the conclusion of all drilling and production activities. (Ord. 447-07-07. Passed 7-17-07.)

TITLE THREE - Subdivision Regulations

Chap. 1177. General Provisions.
Chap. 1181. Definitions.
Chap. 1185. Procedures.
Chap. 1189. Improvements.

CHAPTER 1177
General Provisions

1177.01 General.
1177.02 Limitations.
1177.03 Interpretation.
1177.04 Variances.
1177.05 Enforcement.

1177.01 GENERAL.

(a) Title. The official title of these regulations shall be General Rules and Regulations for Plats and Subdivisions in the Village of Roaming Shores, Ohio, and shall be referred to herein as these "Regulations", or "Subdivision Regulations".

(b) Policy. The following are hereby adopted as policies of the Village with regard to administration, interpretation, and enforcement of these Regulations:

(1) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril for fire, flood, or other menace, and land shall be subdivided at such time as adequate public facilities and improvements exist and are available to said land, and proper provision has been made for storm water management, supply of water, treatment of sewerage, and other public improvements and services such as but not limited to schools, parks, recreation facilities, and transportation facilities;

(2) The subdivision of land in the Village and the subsequent development of said subdivided land shall be subject to the control of the Village pursuant to these Regulations to ensure the orderly, planned, efficient, and economical development of the Village; and

(3) Existing and proposed public improvements intended to serve land proposed to be subdivided shall conform to the provisions of the Comprehensive Plan and any other plan(s) adopted by the Village, and it is intended that these Regulations shall facilitate the implementation of both the goals and objectives contained in those plans, as well the standards and provisions contained in building and housing codes and zoning resolutions, where applicable.

(c) Purpose. These Regulations are adopted to secure and provide for the Village the following objectives:

(1) To protect and provide for the public health, safety, and general welfare of the Village;
(2) To guide the future growth and development of the Village, in accordance with the Comprehensive Plan and any other plan(s) adopted by the Village;
(3) To provide for adequate light, air, and privacy in the Village;
(4) To promote the security and safety of the Village from fire, flood, and other dangers;
(5) To prevent overcrowding of the land and undue congestion of population in the Village;
(6) To protect the character and the social and economic stability of the Village;
(7) To encourage orderly and beneficial development of the Village;
(8) To protect, conserve and enhance the value of land in the Village and the value of buildings and other improvements upon land in the Village;
(9) To minimize conflicts among uses of land and buildings in the Village;
(10) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation and other public improvements and services;
(11) To provide a relationship between uses of land and buildings and circulation of traffic in the Village, including avoidance of congestion in streets and highways;
(12) To establish reasonable standards of design and procedures for the subdivision of land in the Village that further the orderly layout and use of land;
(13) To require accurate surveying, legal descriptions, preparation and recording of plats, monumentation of and engineering design and construction of improvements on land in the Village proposed to be subdivided;
(14) To ensure that appropriate public facilities are available and will have sufficient capacity to serve land in the Village proposed to be subdivided;
(15) To prevent the pollution of air, streams, ponds, lakes, and other watercourses in the Village;
(16) To assure the adequacy of stormwater management facilities in the Village;
(17) To promote safety of the water table in the Village;
(18) To encourage the wise use and management of cultural, historical and/or natural resources in the Village;
(19) To preserve the integrity, stability, beauty and value of the land;
(20) To preserve the topography and other natural features of the Village; and
(21) To provide for significant areas and/or open space through an efficient design and layout of land in the Village.

(d) Authority. By authority of ordinance of the Village Council of Roaming Shores, adopted pursuant to powers and jurisdictions vested through Chapters 711 and 713 of the Ohio Revised Code and other applicable laws, statutes, resolutions, and regulations of the State of Ohio, as now existing or hereafter amended, the Planning and Zoning Commission does hereby exercise the power and authority within the Village to review, approve and disapprove plats for subdivision of land, which show lots, blocks and/or sites with or without new streets or highways, or which are otherwise defined as a subdivision in the Ohio Revised Code, as now existing or hereafter amended.

(e) Adoption. In order that land may be subdivided and developed in accordance with the purpose and policies enumerated in these Regulations, these Regulations are hereby adopted.

(f) Amendments and Supplements. For the purpose of providing for the public health, safety, and general welfare, the Planning and Zoning Commission may from time to time recommend, and the Village Council may from time to time adopt, amendments and supplements to these Regulations. Public hearing on any proposed amendments and supplements shall be held by the Planning and Zoning Commission and the Village Council in the appropriate manner as prescribed by law. (Ord. 384-04-03. Passed 6-17-03.)

1177.02 LIMITATIONS.

(a) Applicability. These Regulations shall apply to all residential, commercial, and industrial subdivisions of land, and other development projects as defined in these Regulations, located within the Village of Roaming Shores.

(b) Sale and Lease. No land shall be subdivided, developed or offered for sale in the Village, nor shall any building or other structure or land be leased or offered for lease in the Village if the lease provides for multiple tenants to have rights of access to common open spaces for parking or roads, and/or easements for the extension and maintenance of public or private improvements or facilities, until such time as the subdivider has fulfilled all of the following conditions:

(1) The subdivider shall obtain approval of the Planning and Zoning Commission for the preliminary plan and final plat, and site plan where applicable, of the proposed subdivision or development, including, where applicable, any condition(s) attached by the Planning and Zoning Commission to its approval and pertaining to design, dedication, improvement and/or land use;

(2) The subdivider shall, prior to construction of any public or private improvements, obtain approval of an Engineer, designated by Council, for construction plans of the proposed subdivision or development;

(3) The subdivider shall, prior to construction of any public or private improvements, obtain approval of the County Soil and Water Conservation District (SWCD) for an erosion and sediment control plan of the proposed subdivision or development; and

(4) The subdivider shall present to the County Auditor and the County Recorder the approved final plat, and site plan where applicable, of the proposed subdivision or development.

(c) Permits. No zoning certificate, building permit, or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of these Regulations, and no excavation of land or construction of any public or private improvements or facilities shall take place or be commenced except in accordance with these Regulations.

(d) Transfer and Recording. The Planning and Zoning Commission hereby recognizes the authority of the County Auditor to refuse to transfer, and the authority of the County Recorder to refuse to record property, deeds, agreements, contracts, leases, covenants or restriction, easements, or other instruments which would subdivide and/or convey, wholly or partially, property contrary to the provisions of these Regulations.
(Ord. 384-04-03. Passed 6-17-03.)

1177.03 INTERPRETATION.

(a) Application. These Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare in the Village.

(b) Conditions. Regulation of subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State to this Village. The subdivider shall have the duty of compliance with reasonable conditions laid down by the Planning and Zoning Commission for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the Village and to the safety and general welfare of the future property owners in a subdivision and of the community at large.

(c) Conflict with Public Provisions. These Regulations are not intended to interfere with, abrogate, or annul any other resolution, rule, regulation, statute, or other provision of law. Where any provision of these Regulations imposes restrictions different from those imposed by any other provision of these Regulations or any other resolution, rule, regulation, statute or other provision of law, whichever provision is more restrictive or imposes higher standards shall govern.

(d) Conflict with Private Provisions. These Regulations are not intended to interfere with, abrogate, or annul any easement, covenant, agreement, or other restriction, provided that where any provision of these Regulations is more restrictive or imposes higher standards or regulations than such a private provision, these Regulations shall govern. Where a private provision imposes higher standards than any provision of these Regulations, and such private provision is not inconsistent with these Regulations, then such private provision shall be operative and supplemental to these Regulations, but only to the extent that such private provision is enforced by those who are party to such private provision.

(e) Severability. If any part or provision of these Regulations, or any application thereof to any person(s) or circumstances, is adjudged invalid by any court of competent jurisdiction, such judgement shall be confined in its operation to the part, provision, or application of these Regulations directly involved in all controversy in which such judgement shall have been rendered, and shall not affect or impair the validity of the remainder of these Regulations or the application thereof to other person(s) or circumstance(s). The Village Council and the Planning and Zoning Commission hereby declares that it would have enacted the remainder of these Regulations even without any such part, provision, or application.

(f) Saving Provision. These Regulations shall not be construed as abating any action now pending under or as discontinuing, abating, modifying, or altering any penalty accrued, accruing, or about to accrue, or as affecting the liability of any person or other entity, or as waiving any right of the Village under any section or provision existing at the time of adoption of these Regulations, or as vacating or annulling any rights obtained by any person or other entity by lawful action, except as provided for these Regulations.
(Ord. 384-04-03. Passed 6-17-03.)

1177.04 VARIANCES.

(a) General. Where the Planning and Zoning Commission concludes upon the merits of a petition for a variance, or variances, from these Regulations that practical difficulty or hardship may result from strict compliance with any provision(s) of these Regulations, and that policies and/or purposes of these Regulations can be better served by an alternative proposal, it may approve a variance from these regulations so that both substantial justice may be done and the public interest may be secured, provided that such variance shall not hove the effect of nullifying the policies or intent of these Regulations. Based upon evidence presented to the Planning and Zoning Commission by the subdivider in each specific case, the Planning and Zoning Commission shall consider the applicability of all of the following to a proposed variance, shall incorporate such consideration into its decision to approve or disapprove such proposed variance, and shall render such decision upon the merits of the proposed variance, or variances, not less than thirty (30) days after such evidence is presented to the Planning and Zoning Commission by the subdivider:

(1) The variance will or will not allow for a better solution than would be achieved by strict compliance with these Regulations;
(2) The variance will or will not be detrimental to the public health, safety, or general welfare, or injurious to other land located in the general area;
(3) The conditions upon which the variance request is based are or are not unique to the land for which the variance is sought and are or are not generally applicable to other land in the Village;
(4) Because of the particular physical surroundings, shape, and/or topographical conditions of the specific land for which the variance is sought, practical difficulty to the subdivider would or would not result from strict compliance with these Regulations;
(5) The essential character of the neighborhood would or would not be substantially altered, or adjoining properties would or would not suffer a substantial detriment, as a result of the variance;
(6) The subdivider's predicament can or can not feasibly be resolved through some method other than a variance;
(7) The spirit and intent behind the requirement would or would not be observed by granting the variance; and
(8) The variance is or is not the minimum which will afford relief to the subdivider.

(b) Conditions. In approving a proposed variance, the Planning and Zoning Commission may require such conditions of the subdivider as will, in its judgement, serve to secure substantially the policies and intent of these Regulations.

(c) Procedures. A petition for a variance, or variances, shall be submitted in writing by the subdivider or his or her authorized agent, not later than the established submission deadline of each regular Planning and Zoning Commission meeting. The request shall state fully the grounds for the variance and all of the facts relied upon by the subdivider.
(Ord. 384-04-03. Passed 6-17-03.)

1177.05 ENFORCEMENT.

(a) General. The Planning and Zoning Commission shall refer to the Village Solicitor any alleged violation of or lack of compliance with any provision of these Regulations.

(b) Violation and Penalty. Whoever willfully violates any provision of these Regulations or fails to comply with any order issued pursuant thereto, shall forfeit and pay to the Village a penalty of not less than one hundred dollars ($100.00) and not more than five hundred dollars ($500.00) for each such violation. Each day a violation occurs or continues shall be treated as a separate violation. Such sum may be recovered with costs in civil action brought in the Western County Court of Ashtabula County, with such action being brought by the Village Solicitor and in the name of the Village, and with such sum and costs being for the use of the Village.

(c) Civil Enforcement. Appropriate actions and proceedings may be taken by law or in equity by the Village to prevent a violation of these Regulations, to restrain or abate a violation of these Regulations, to prevent unlawful construction or occupancy of a building or other structure or land associated with violation of these Regulations, and/or to recover damages incurred by the Village as a result of a violation of these Regulations. These remedies shall be in addition to the specific penalties described above.
(Ord. 384-04-03. Passed 6-17-03.)

CHAPTER 1181
Definitions

1181.01 Intent.
1181.02 General terms.
1181.03 Specific terms.

1181.01 INTENT.

Except where otherwise provided for in these Regulations, the following terms shall, throughout these Regulations, have the meaning indicated herein.
(Ord. 384-04-03. Passed 6-17-03.)

1181.02 GENERAL TERMS.

For the purpose of these Regulations, certain general terms used herein shall be interpreted as follows:

(a) Words used in the present tense shall include the future tense;
(b) Words used in the singular shall include the plural, and words used in the plural shall include the singular;
(c) The word "lot" may include the words "sublot", "permanent parcel", "zoning lot", "parcel", or "lot of record", and specifically, a "permanent parcel" and a "lot of record" shall be considered one in the same type of lot;
(d) The word "person" shall include a firm, association, organization, partnership, trust, company, or corporation as well as an individual;
(e) The word "shall" shall be a mandatory requirement, the word "may" shall be a permissive requirement, and the word "should", or the phrase “strongly advised” shall be a preferred admonition; and
(f) The words "used" or "occupied" shall include the words "intended, designed, or arranged to be used or occupied".
(Ord. 384-04-03. Passed 6-17-03.)

1181.03 SPECIFIC TERMS.

For the purpose of these Regulations, certain specific terms used herein shall be interpreted as follows:

Acceptance (of Public Roads): Acceptance by the Village of Roaming Shores, upon certification by the Village Engineer, that a roadway is dedicated as a public thoroughfare, and that responsibility for maintenance and preserving the public health, safety, and welfare are assigned to the Village of Roaming Shores having jurisdiction over such roadway.

Acreage, Gross: The total area of a subdivision, including rights-of-way, significant areas and/or common open spaces, and that portion of land that may be deemed unsuitable for building due to physical or regulatory restrictions.

Acreage, Net: The area of a subdivision devoted exclusively to building sites, excluding rights-of-way, significant areas and/or common open spaces, and that portion of land that may be deemed
unsuitable for building due to physical or regulatory restrictions.

Adequate Public Facilities: Facilities determined to be capable of supporting and servicing the physical area and designated intensity of a proposed subdivision as determined by applicable regulatory authorities based upon specific levels of service.

Applicant: A person, corporation, or other legal entity submitting an application for legislative or administrative review and approval, involving any plan, document, or submission requiring an action by Planning and Zoning Commission pursuant to its authority under these Regulations. An applicant shall have legal interest in the property for which action is being sought, pursuant to the authority vested in Planning and Zoning Commission, the Zoning Inspector, or other duly authorized representative of the Village as set forth in these Regulations. Further pursuant to these Regulations, the term "applicant" shall be synonymous with developer, subdivider, allotter, property owner, homeowner or any similar name as is commonly used in the field of land development.

Block: A piece or parcel of land entirely surrounded by highways, streets, railroad rights-of-way, streams, lakes, or bodies of water, or a combination of aforesaid bounds.

Building: Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, and/or personal property.

Building Line: A line established by these Regulations or zoning requirements, where applicable,
generally parallel to and measured from the lot line for side and rear yards and the right-of-way line for front yards, defining the limits of an area in which no building or other structure may be located above ground, except as otherwise provided for in these Regulations or zoning requirements, where applicable. The building line is considered equivalent to the "setback", or "yard line".

Comprehensive Plan: A plan, or any portion thereof, adopted by the Village of Roaming Shores,
which shows the general location and extent of present and proposed physical facilities, including but not limited to land uses, major thoroughfares, parks, schools, and other community facilities, and which establishes the goals, objectives, and policies of the Village.

Condominium Property: Property which is ultimately to be jointly owned, partially or wholly, under the provision(s) of a condominium declaration, recorded pursuant to Chapter 5311 of the Ohio Revised Code, as now existing or herein after amended.

Conservation of Land: The preservation of land, including but not limited to land maintained or left in a natural condition.

Construction Plans: A drawing or set of drawings and specifications, prepared by an Engineer as defined in these Regulations, describing in detail the location and design of all improvements proposed to serve a proposed major subdivision, as presented to the Village Engineer for approval, and which meets all the requirements of these Regulations.

Conveyance Standards: The Minimum Requirements for All Instruments of Conveyance in Ashtabula County, Ohio, adopted and agreed to by the County Auditor and the County Engineer pursuant to Sections 319.203 and 315.251 of the Ohio Revised Code, as now existing or hereinafter amended.

County: The County of Ashtabula, Ohio.

County Auditor: The Auditor of the County of Ashtabula.

County Board of Health: The Board of Health of the Ashtabula County General Health District.

County Department of Environmental Services: The Department of Environmental Services of the County of Ashtabula.

County Department of Environmental Services Inspector: An employee of the County Department of Environmental Services.

County Department of Planning and Community Services: The Department of Planning and Community Services of the County of Ashtabula. As used in these Regulations, the Department of Planning and Community Services is equivalent to the Director of Planning and Community Services, or the Staff. This County department is not the Planning and Zoning Commission, however, it is responsible for the processing of applications for Planning and Zoning Commission review and approval as authorized under these Regulations.

County Engineer: The Engineer of the County of Ashtabula.

County Engineer's Instructor: An employee of the County Engineer.

County Prosecutor: The Prosecuting Attorney of the County of Ashtabula.

County Recorder: The Recorder of the County of Ashtabula.

Covenant: A written promise or pledge.

Culvert: A transverse drain that channels water under a bridge, street, or driveway.

Dedication (of Public Rights-of-Way): The transference of ownership of land devoted to right-of- ways from private to public ownership to the Village for public use through platting, or other procedures as required by law.

Density: A measurement of the number of dwelling units, including public housing and industrialized units, per acre of land.

Density, Gross: The density as measured over the total land to be developed.

Density, Net: The density as measured over only the land devoted to residential uses.

Density, Residential: Gross density, measured in dwelling units per acre, and classified as follows:

(a) "Low Residential Density" is gross density not exceeding two (2) dwelling units per acre;
(b) "Medium-Low Residential Density" is gross density greater than two (2) and not exceeding four (4) dwelling units per acre which, for the purposes, of street design requirements, shall be considered as medium residential density:
(c) "Medium Residential Density" is gross density greater than four (4) and not exceeding eight (8) dwelling units per acre;
(d) “Medium-High Residential Density” is gross density greater than eight (8) and not exceeding sixteen (16) dwelling units per acre which, for the purposes of street design requirements, shall be considered as high residential density; and
(e) “High Residential Density” is gross density greater than thirty-two (32) dwelling units per acre.

Drainage Wax: The land required for construction of storm water sewers or drainage ditches, or required along a natural stream or watercourse.

Dwelling Unit: Space, within a building, comprising living, dining, and/or sleeping rooms, as well as space and equipment for cooking, bathing, and toilet facilities, all used by not more than one (1) family, as defined by zoning requirements, where applicable, and its household employees.

Easement : Authorization by a property owner for use by another, and for a specified purpose, of one (1) or more basic property rights.

Engineer: Any person registered to practice professional engineering by the State Board of Registration pursuant to Section 4733-9-01 of the Ohio Administrative Code, as now existing or hereafter amended.

Erosion: The wearing away of land by wind or water.

Erosion and Sediment Control Plan: A drawing or set of drawings and specifications describing in detail appropriate conservation practices, including a schedule of installation and location, proposed to minimize soil erosion and off-site sediment yield, to be employed during and after
construction of a subdivision, as presented to the Soil and Water Conservation District for approval, and which meets all the requirements of these Regulations.

Final Plat : A drawing or set of drawings, prepared by a Surveyor and Engineer as defined in these Regulations, describing in detail the final plan and layout of a proposed major subdivision, as presented to the Planning and Zoning Commission for approval and subsequent recording by the County Recorder, and which meets all the requirements of these Regulations.

Floodplain: Lowland area that borders a stream or other watercourse and is subject to flooding, as identified by the United States Department of Housing and Urban Development, Federal Insurance Administration, on Flood Insurance Rate Maps (FIRM) as part of the National Flood Insurance Program, as now existing or hereafter amended.

Highway Director: The Director of the Ohio Department of Transportation.

Improvements: Street pavement or surfacing, grading, curbs, gutters, ditches, sanitary and storm
sewers, water mains, sidewalks, street lights, street signs, utility lines, landscaping, parks, monuments, and other appurtenances required to render land suitable for the use(s) proposed.

Lot: A parcel of land of sufficient size to meet current zoning requirements, where applicable, for use, coverage, and/or area, to provide such yards and other open spaces as are required, and which shall consist of one (1) or more of the following:

(a) A single lot of record, also known as a permanent parcel as such parcel is recorded and as appears on the current tax roll as maintained by the County Auditor;
(b) A portion of a lot of record: and/or
(c) A combination of complete lots of record, of complete and portions of lots of record, or of portions of lots of record.

Lot of Record: A parcel of kind also known as a permanent parcel, or if within a platted and recorded subdivision recorded in the office of the County Recorder, also known as a sublot, or a parcel not within a platted and recorded subdivision (sometimes known as “open land”) which is described by metes and bounds, the description of which has been recorded in the office of the County Recorder.

Lot Terms: Lot terms are defined as follows:

(a) "Lot Area" is the area of a lot exclusive of the area of any portion of any abutting road right-of-way;
(b) "Lot Depth" is the average distance between front and rear lot lines;
(c) "Lot Frontage" is that portion of a lot or lots which abuts a public right-of-way, whether constructed and improved to any extent, or totally unconstructed. As measured for zoning consistency or buildable lot purposes, frontage shall be measured in a continuous, unbroken line. For a corner lot, all sides of the lot abutting a public right-of-way shall be considered lot frontage for determining setback requirements at the building line.
(d) "Lot Lines" are the boundaries of a lot exclusive of the area of any portion of any abutting road right-of-way, regardless of whether ownership includes any portion of any abutting road right-of-way; and
(e) "Lot Width" is the mean horizontal distance between the side lot property lines of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front lot property line and the rear lot property line; or at the rear property line of the required front yard (also known as the "building line"), especially on irregularly shaped lots.

Lot Types: Lot types are defined as follows:

(a) "Corner Lot" is a lot located at the point of intersection of and with frontage on two (2) or more intersecting streets;

(b) "Double Frontage Lot" also known as a "through lot" is a lot, other than a corner lot, with frontage on two (2) or more streets:

(c) "Interior Lot" is a lot with frontage on only one (1) street; and

(d) "Reverse Frontage Lot" is a lot, which may be a corner lot, with frontage contrary to the general pattern in the area.

Maintenance Guarantee (Agreement): A cash deposit, surety bond without expiration date, irrevocable letter of credit, or other surety instrument acceptable to the Village Solicitor, to guarantee the maintenance of all satisfactorily installed improvements as approved by the Village Engineer in the Construction Plans for a subdivision, extending for a period of no more than one year after release of a performance guarantee for that subdivision. (See Section 1189.08(f)).

Monument: A permanent, material object placed on or near a boundary line to preserve and identify the location of the boundary line on the ground. Where it is impractical to establish the location of the boundary line, the position of the boundary line on the ground may be preserved by reference markers, as set forth and regulated in Section 1189.06(c).

Navigable Waters: Pursuant to the Rivers and Harbors act of 1899 (33 U.S.C. 403), as now existing or hereafter amended, the waters that were used in the past, are used now, or could be used in the future, to transport interstate, intrastate, and/or foreign commerce, with Lake Erie qualifying as navigable waters in the Buffalo District of the United States Army Corps of Engineers.

Neighborhood: An area containing buildings or other structures and/or uses which have similar physical or other characteristics and which is bounded by recognized natural or man-made features.

Official Filing: The acceptance by the Staff of an application, which meets all the requirements of these Regulations, for a proposed minor subdivision, or a preliminary plan or final plat, or site plan where applicable, of a proposed major subdivision.

Original Tract: A contiguous quantity of land held in common ownership, which has not been previously subdivided.

Outlot: Land within a subdivision outside of the boundaries of land to be developed, and which is to be excluded from development.

Owner: An individual, firm, association, syndicate, partnership, corporation, trust, or other legal
entity having sufficient proprietary interest in land proposed to be subdivided to commence and carry out proceedings to subdivide said land pursuant to these Regulations.

Park Land: Land used for passive leisure activity including but not limited to picnicking, walking, and resting.

Parking Space, Off-Street: An area adequate for parking one (1) automobile, with room for opening doors on both sides; together with related maneuvering room and access to a public street
or alley, and which shall be located totally outside of any street or alley right-of-way.

Pedestrian Way: A dedicated public right-of-way limited to pedestrian traffic.

Performance Guarantee (Agreement): A cash deposit, surety bond without expiration date, irrevocable letter of credit, or other surety instrument acceptable to the Village Solicitor, to guarantee and warrant that the satisfactory installation of improvements as built according to the Construction Plans approved by the Village Engineer are fit for their particular purposes. The cash deposit or other surety instrument shall be held by the Village as a guarantee that the developer shall replace or repair, within a reasonable period of time and upon written notification from the Village, any defective improvements or portions thereof, which may occur during a period not to exceed one year following the date of approval of the final plat.

Planned Unit Development: An area of land, in which these Regulations or zoning requirements,
where applicable, permit a variety of residential, commercial, and/or industrial facilities and/or uses in an environment planned using standards including but not limited to lot area, width, and/or
yard requirements, which are more flexible than those restrictions that would normally apply under these Regulations or zoning requirements, where applicable.

Planning and Zoning Commission: The Planning and Zoning Commission of the Village of Roaming Shores, a legally constituted body established by the Village Council on May 27, 1980, pursuant to Chapter 713 of the Ohio Revised Code.

Preliminary Plan: A drawing or set of drawings, prepared by a Surveyor as defined in these Regulations, describing in detail the plan and layout of a proposed major subdivision for the purpose of study, as presented to the Planning and Zoning Commission for approval and, if approved, authorization to proceed with preparation of construction plans and a final plat, and which meets all the requirements of these Regulations.

Public Utility: Any individual, firm, association, syndicate, partnership, corporation, trust, or other legal entity having a permit from the Public Utilities Commission of Ohio (PUCO) or other applicable regulatory body to furnish to the public electricity, gas, sanitary sewer, water, telephone, and/or other similar public services.

Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other way in which the general public or a public entity has a right, or which are dedicated, whether improved or not.

Recreation Land: Land used for active leisure activity including but not limited to ball playing, tennis, and other games.

Right-of-Way: A strip of land taken or dedicated for use as a public way, which, in addition to roadway surface, normally incorporates curbs, lawn strips, sidewalks, lighting, water and sewer lines, drainage facilities, and other appurtenances, and which may include special features required
by topography or other conditions such as grade separation, landscaped areas, viaducts, and bridges.

Sale or Exchange of Parcels Between Adjoining Landowners: The division or partition of land
not involving any new streets or easements of access, referred to as "additions to property", where
such sale or exchange does not create additional building sites. See "Subdivision".

Sedimentation: The process of accumulating and/or depositing sediment, or earth material moved
or deposited by water or wind.

Setback: The required horizontal distance as measured from a right-of-way line which shall determine the minimum placement of houses, buildings of any type, and other structures permanently affixed to real property.

Sewage Collection System Central (Central Sewer System): A wastewater disposal system which provides a collection network, disposal system, and central wastewater treatment facility for a single development, community, or region, and subject to approval of the Ohio Environmental Protection Agency (OEPA).

Sewage Disposal System, Commercial (Commercial Septic System): A sewage disposal or treatment system or part thereof for other than a one-family, two-family, or three-family structure not connected to a central sewage collection system and subject to approval of the Ohio Environmental Protection Agency (OEPA).

Sewage Disposal System, Household (Household Septic System): A sewage disposal or treatment system or part thereof for a one-family, two-family, or three-family structure not connected to a central sewage collection system and subject to the approval of the County Board of Health and/or the Ohio Environmental Protection Agency pursuant to Chapter 3701-29 of the Ohio Administrative Code, as now existing or hereafter amended.

Significant areas: The portion of land within a subdivision devoted and dedicated to public recreation facilities and/or uses deemed significant in terms of attractive, valuable, and unique natural features to be preserved and remain undeveloped for the general welfare of the public and the Village; this area will be calculated exclusive of parking areas, streets, and not more than twenty (20) percent of the land which is covered by water.

Sidewalks: A portion of right-of-way outside the roadway surface, which is improved for the use of pedestrian traffic.

Site Plan: A diagram of a plan, drawn to scale, which explains by lines, words, and other symbols, the relationships between the existing site and those changes which are proposed. The plan shall show both natural and man-made elements of the site. It may be supplemented by sketches, text, maps, drawings, photographs, or other items for the purpose of representing and explaining the overall objectives and features of the plan.

Soil and Water Conservation District: The Soil and Water Conservation District of the County.

Staff: The Village Zoning Inspector, or a designee(s) of the Zoning Inspector.

Storm Sewer: A system of pipes, tiles, tubes, mains, underground conduit, and/or other passages, and all appurtenances thereto, constructed for the purpose of removal, diversion, collection, and dispersal of excess surface water runoff.

Stormwater Management: The control and regulation of the rate of dispersal of surface water runoff from a subdivision, to minimize erosion and flooding of a site, as well as of upstream and downstream properties.

Subdivider: Any individual, developer, allotter, firm, association, syndicate, partnership, corporation, trust, or other legal entity authorized to commence and carry out proceedings to subdivide land pursuant to these Regulations, whether an owner or a duly authorized agent thereof, of the land proposed to be subdivided (see "Applicant").

Subdivision: Pursuant to Section 711.001 of the Ohio Revised Code, as now existing or hereafter
amended, the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots, any one (1) of which is less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five (5) acres, gross acreage, not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted as provided in these Regulations; or the improvement of one (1) or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets except private streets serving industrial structures; or the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities. See "Sale or Exchange of Parcels Between Adjoining Land Owners".

Subdivision, Major: A subdivision that does not meet the requirements of a minor subdivision.

Subdivision, Minor (Lot Split): Pursuant to Section 711.131 of the Ohio Revised Code, as now
existing or hereafter amended, a division of a parcel of land along an existing public street or road,
not involving the opening, widening, or extension of any street or road, and involving not more than five (5) lots, any one (1) of which is less than five (5) acres, gross acreage, after the original tract has been completely subdivided. Also accurately and legally known as lot split.

Submission Requirements: The detailed list of documents, drawings, written correspondence, surveys, maps, photographs, application forms, and other technical and non-technical specifications, compiled and maintained by the Zoning Department, in consultation with the Village and/or County Engineer, County Auditor, and any other authorized Village and/or County representatives, within their respective areas of expertise. Submission requirements contain those requirements listed under specific chapters of these Regulations, and shall be supplied by the applicant in order to make such application for subdivision or other approvals set forth in these Regulations.

Survey: A drawing or set of drawings describing information necessary or incidental to the transfer of one (1) or more existing or proposed lots, prepared by a Surveyor, as defined in these Regulations, in accordance with Minimum Standards for Boundary Surveys in the State of Ohio, pursuant to Chapter 4733-37 of the Ohio Administrative Code, as now existing or hereafter amended, conforming to Section 1189.06(c). In addition to the definition herein defined and applicability to these Regulations, surveys may also be of various types, including, but not limited to aerial, boundary, construction, engineering, exploratory, geodetic, hydrographic, photogrammetric, soil, topographic, and wetland surveys.

Surveyor: Any person registered to practice professional surveying by the State Board of Registration for Professional Engineers and Surveyors, pursuant to Section 4733-37 of the Ohio Administrative Code, as now existing or hereafter amended.

Terrain Classification: A method of describing the topography patterns of land for street design
purposes, and classified as follows:

(a) "Level" land shall have a cross slope range not exceeding four percent (4%);
(b) "Rolling" land shall have a cross slope range not less than four percent (4%) and not exceeding eight percent (8%);
(c) "Hilly" land shall have a cross slope range not less than eight percent (8%) and not exceeding fifteen percent (15%) ; and
(d) "Hillside" land shall have a cross slope range not less than fifteen percent (15%).

Thoroughfare (Street or Road): The full width between lot lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic, and classified as follows:

(a) "Alley" is a thoroughfare used primarily for vehicular service access to the back or side of one (1) or more lots abutting another street;
(b) "Arterial Street" is a thoroughfare used to bring traffic to and from limited access highways and other arterial streets, and to serve major movements of traffic through the Village/County not served by limited access highways, to interconnect the principal traffic generators and high traffic volume corridors within the Village/County, and to connect rural areas for long and/or through trips;
(c) "Collector Street" is a thoroughfare used to serve the internal traffic movement within a specific area of the Village and to bring traffic between such area and proximate arterial streets, but which is not used to handle long and/or through trips and which are not, by necessity, continuous for any great length;
(d) "Cul-de-Sac Street" is a thoroughfare with one (1) end open to traffic and the other end terminating in a vehicular turnaround;
(e) "Dead End Street" is a thoroughfare temporarily having only one (1) outlet for vehicular traffic, but intended to be extended or continued in the future and provided with a fully improved vehicular turnaround on a temporary easement;
(f) “Limited Access Highway” is a thoroughfare devoted to movement of traffic and not providing access to abutting properties.
(g) "Local Street" is a thoroughfare whose sole function is to provide access to land immediately adjacent;
(h) "Loop Street" is a type of local street, each end of which terminates at an intersection with the same arterial or collector street;
(i) "Marginal Access Street" is a thoroughfare that is parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets; and
(j) "Parkway" is a thoroughfare that runs through a strip of public park land, to which access may or may not be permitted.

Tree Lawn: The portion of a right-of-way between a curb or pavement edge and a public sidewalk
or lot line.

Unusable Land: Land with a cross slope range exceeding sixty percent (60%), and/or having characteristics such as rockiness, swampiness, or other features which can lead to difficulties for construction, active recreation, or other uses.

Variance: A modification of a provision of these Regulations, as determined by the Planning and Zoning Commission pursuant to these Regulations.

Vicinity Map: A drawing located on a preliminary plan and/or final plat, and/or site plan where applicable, which sets forth the relationship of a proposed subdivision to other nearby developments, landmarks, and other community facilities and services in the Village, so as to orient and locate more easily the subdivision in question.

Village Solicitor: The legal representative for the Village.

Walkway: A dedicated public way, not less than four (4) feet in width, for pedestrian use only, which may or may not be located in a right-of-way or along the side of a road.

Waters of the State: All streams, lakes, ponds, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, wetlands, and all other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, which are situated wholly or partly within, or border upon, this State, or are within its jurisdiction, except those private waters which do not combine or affect a junction with natural surface or underground waters.

Watershed: The drainage area in which a subdivision drains, as well as that land whose drainage is affected by a subdivision.

Wetland: Pursuant to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, as now existing or hereafter amended, areas inundated or saturated by surface or ground water at a frequency or duration sufficient under normal circumstances to support a prevalence of vegetation adapted for life in saturated soil conditions.

Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion thereof from a point three (3) feet above average finished grade upward, provided accessories, ornaments, and furniture shall be permitted in any yard, subject to zoning and other requirements affecting height and visibility, where applicable.

Yard Types: Yard types are defined as follows:

(a) "Front Yard" is a yard extending between side lot lines across the front of a lot and from the front property line to the front setback line;

(b) "Rear Yard" is a yard extending between side lot lines across the rear of a lot and from the rear property line to the rear setback line for principal and/or accessory buildings; and

(c) "Side Yard" is a yard extending from the side yard setback line to the side lot line on both sides of the principal building and between the lines establishing the front and rear yards per setback requirements.

Zoning Inspector: The person, designated by the Village, to administer and enforce zoning and other related regulations where applicable.
(Ord. 384-04-03. Passed 6-17-03.)

CHAPTER 1185
Procedures

1185.01 Sale or exchange of parcels between adjoining land owners.
1185.02 Minor subdivisions (lot splits).
1185.03 Major subdivisions; preliminary plan.
1185.04 Major subdivisions; final plat.
1185.05 Major subdivisions; replat.

1185.01 SALE OR EXCHANGE OF PARCELS BETWEEN ADJOINING LAND OWNERS.

(a) Meeting. To expedite a determination whether a proposed sale or exchange of parcels between adjoining land owners (also known as "additions to property") is exempt from these Subdivision Regulations, and verify if the proposal is so exempt by virtue of the proposed land conveyance being not a subdivision by definition, pursuant to Section 711.001(B)(1) of the Ohio Revised Code, the applicant shall meet with the Staff prior to submission of documents. The purpose of such meeting is to familiarize the applicant with these Regulations, provide the applicant with submission requirements to enable Staff to make a valid determination hereunder, advise the applicant concerning the Village Comprehensive Plan, and inform the applicant of other relevant and applicable rules and regulations, if any. The applicant is strongly advised to consult with the Village/County Engineer, the Soil and Water Conservation District, the County Auditor, and the County Recorder, as well as, where applicable, the County Board of Health, the County Department of Environmental Services, and the Village Zoning Inspector. Review of documents shall constitute neither a determination nor acceptance for official filing of a proposed sale or exchange of parcels between adjoining land owners.

(b) Submission Requirements. The applicant for a proposed sale or exchange of parcels between adjoining land owners shall submit to the Staff the following documents, the submission of which shall constitute neither a determination nor acceptance for official filing of a proposed sale or exchange of parcels between adjoining land owners.

(1) Application. A completed application for a sale or exchange of parcels between adjoining land owners, in a form as provided by the Staff, and signed and dated by the applicant;

(2) Fee. No fee shall be required for application for a sale or exchange of parcels between adjoining land owners;

(3) Deeds. Instruments of conveyance (deeds), as noted below, containing accurate and current legal descriptions, with separate paragraphs for each course in the descriptions, running clockwise from places of beginning, noting all monuments, and with written certification that any legal descriptions have been reviewed within the last one hundred eighty (180) days by the Village Engineer, as follows:

For each proposed addition to real property of a parcel between adjoining land owners where such sale or exchange does not create an additional building site, one (1) deed for the parcel to be sold or exchanged, and one (1) deed for the total combined area of contiguous parcels to be owned by the purchaser, grantee, or transferee as a result of the proposed sale or exchange.

(c) Survey. A survey map and legal descriptions derived from the survey of lands of a proposed sale or exchange of parcels between adjoining land owners, conforming to any and all applicable regulations governing its representation, as now existing or hereafter amended.

(d) Recommendations. The Staff is hereby authorized under these Regulations and may require the applicant for a proposed sale or exchange of parcels between adjoining land owners to obtain a Sewage Certification and a Zoning Permit, where applicable, which may provide additional information regarding the proposed sale or exchange of parcels between adjoining land owners.

(e) Official Filing. Within ten (10) working days of the date of submission, the Staff shall review the documents submitted for a proposed sale or exchange of parcels between adjoining landowners. A proposed sale or exchange of parcels between adjoining land owners shall be accepted as being officially filed if and only if the Staff determines that the documents submitted meet all the requirements of these Regulations for a sale or exchange of parcels between adjoining land owners. If the Staff determines that a proposed sale or exchange of parcels between adjoining land owners does not meet all the requirements of these Regulations, the proposed sale or exchange of parcels between adjoining land owners shall not be accepted as being officially filed, and the Staff shall notify the applicant of the specific requirement(s) not met. Acceptance of any documents by the Staff as being officially filed shall not constitute a determination as to whether the proposed sale or exchange of parcels between adjoining land owners is transferable or recordable under law.

(f) Determination. Within ten (10) working days of the date of official filing, the Staff shall render a determination as to whether the proposed sale or exchange of parcels between adjoining land owners is exempt or not exempt from filing as a subdivision under these Regulations or other applicable law, as follows:

(1) Not exempt. If the proposed sale or exchange of parcels between adjoining land owners is determined to not be exempt, the Staff shall notify the applicant in writing of said determination and the specific reason(s) for the determination, and the applicant may make the necessary correction(s) and resubmit the proposed sale or exchange of parcels between adjoining land owners for another determination by the Staff, or submit a proposed minor or major subdivision application for approval, as advised by the Staff; or

(2) Exempt. If the proposed sale or exchange of parcels between adjoining land owners is determined to be exempt, the Staff shall stamp the deeds with accompanying officially authorized signature and date, and the Staff shall notify the applicant of said determination and shall return the deeds to the applicant; or

(3) No determination. If no determination is rendered within twelve (12) working days of the date of official filing, or within a time extension mutually agreed upon between the applicant and the Staff, the proposed sale or exchange of parcels between adjoining land owners shall be deemed to have been determined to be exempt.

(g) Expiration. A determination that a proposed sale or exchange of parcels between adjoining land owners is exempt shall automatically expire one (1) year from the date of the determination, unless the deeds associated therewith are recorded in the office of the County Recorder during said period. It shall be the applicant's responsibility for recording these associated and required deeds.
(Ord. 384-04-03. Passed 6-17-03.)

1185.02 MINOR SUBDIVISIONS (LOT SPLITS).

(a) Meeting. To expedite the formal approval procedure for a proposed minor subdivision (also known as lot split), the applicant shall meet with the Staff prior to submission of documents. The purpose of such meeting is to familiarize the applicant with these Regulations, provide the applicant with submission requirements, advise the applicant concerning the Village Comprehensive Plan, and with other relevant and applicable rules and regulations. The applicant is strongly advised to consult with the County Engineer, the Soil and Water Conservation District, the County Auditor, and the County Recorder, as well as, where applicable, the County Board of Health, the County Department of Environmental Services, and the Village Zoning Inspector. Review of documents by the Staff, or any County or other agency shall constitute neither approval, disapproval, nor acceptance for official filing of a proposed minor subdivision.

(b) Submission Requirements. The applicant seeking review of a proposed minor subdivision shall submit the items specified in the submission requirements, as maintained by the Staff, and including the items listed in 1 through 6 inclusive.

(1) Application. A completed application for a minor subdivision, in a form as provided by the Staff, signed and dated by the subdivider;

(2) Fee. The fee required for application for a minor subdivision, as may be determined from time to time by the Village Council;

(3) Deeds. Instruments of conveyance (deeds) containing accurate and current legal descriptions, with separate paragraphs for each course in the descriptions, running clockwise from places of beginning, noting all monuments, and with written certification that any legal descriptions have been reviewed within the last one hundred eighty (180) days by the County Engineer, of each proposed new parcel created by, or as a result of the proposed minor subdivision;

(4) Survey. One (1) clean, clear copy of a survey, as defined in these Regulations, which has not been reduced or enlarged, of each proposed new and remaining parcel less than exactly five (5.0) acres created by or as a result of the proposed minor subdivision, as well as estimated frontage and estimated area of each proposed new and remaining parcel more than exactly five (5.0) acres, gross acreage, created by or as a result of the proposed minor subdivision, on a sheet not greater than eighteen (18) inches by twenty-four (24) inches in size, and at a scale not less than one (1) inch equals one hundred (100) feet, with broken lines permitted, or at another scale to fully utilize the survey map sheet.

(5) Sewage certification. Certification that each proposed new and remaining parcel created by or as a result of the proposed minor subdivision conforms to current requirements for suitable disposal of sanitary waste by the County Health Department, County Department of Environmental Services, and/or the Ohio Environmental Protection Agency, where applicable; and

(6) Zoning certification. Certification that each proposed new and remaining parcel created by or as a result of the proposed minor subdivision conforms to current Village zoning requirements, where applicable.

(c) Official Filing. Within twelve (12) working days of the date of submission, the Staff shall review the documents submitted for a proposed minor subdivision. A proposed minor subdivision shall be accepted as being officially filed if and only if the Staff determines that the documents submitted meet all submission requirements of these Regulations for a minor subdivision. If the Staff determines that a proposed minor subdivision does not meet all submission requirements of these Regulations for a minor subdivision, the proposed minor subdivision shall not be accepted as being officially filed, and the Staff shall notify the subdivider of the specific submission requirement(s) not met. Acceptance of any documents by the Staff as being officially filed shall constitute neither approval nor disapproval of a proposed minor subdivision.

(d) Action. Within twelve (12) working days of the date of official filing, the Staff shall approve or disapprove the proposed minor subdivision as follows:

(1) Disapproval. If the proposed minor subdivision is disapproved, the Staff shall notify the subdivider in writing of said action and the specific reasons for disapproval, and the subdivider may make the necessary correction(s) and resubmit the proposed minor subdivision for approval or submit a proposed major subdivision for approval, as advised by the Staff; or

(2) Approval. If the proposed minor subdivision is approved, the Staff shall stamp the approved and required deeds with accompanying officially authorized signature and date, and the Staff shall notify the subdivider of said action and shall return the deeds to the subdivider; or

(3) No action. If no action is taken within twelve (12) working days of the date of official filing, or within a time extension mutually agreed upon between the subdivider and the Staff, the proposed minor subdivision shall be deemed approved.

(e) Expiration. Approval of a proposed minor subdivision shall automatically expire six (6) months from the date of approval, unless the deeds associated therewith are recorded in the office of the County Recorder during said period.
(Ord. 384-04-03. Passed 6-17-03.)

1185.03 MAJOR SUBDIVISIONS; PRELIMINARY PLAN.

(a) Preliminary Plan; Meeting. To expedite the formal approval procedure for a preliminary plan of a proposed major subdivision, the applicant shall meet with the Staff prior to submission of documents. The purpose of such meeting is to familiarize the applicant with these Regulations, provide the applicant with submission requirements, advise the applicant concerning the Village Comprehensive Plan, and with other relevant and applicable rules and regulations. The applicant is strongly advised to consult with the County Engineer, the Soil and Water Conservation District, the County Board of Health, the County Department of Environmental Services; and the Village Zoning Inspector, where applicable. Review of documents by the Staff or any County or other agency shall constitute neither approval, disapproval, nor acceptance for official filing of a preliminary plan of a proposed major subdivision.

(b) Submission Requirements. The subdivider of a proposed major subdivision shall submit to the Staff the following documents, the submission of which shall constitute neither approval, disapproval, nor acceptance for official filing of a preliminary plan of a proposed major subdivision:

(1) Application. A completed application for a preliminary plan of a major subdivision, in a form as provided by the Staff, and signed and dated by the subdivider;

(2) Fee. The fee required for application for a preliminary plan of a major subdivision, as may be determined from time to time by the Village Council;

(3) Preliminary plan. The applicant shall submit to the Staff fourteen (14) clean, clear copies of a survey, as defined in these Regulations and in a form as provided by the Staff, of all contiguous parcels to be included in the proposed major subdivision, on one (1) or more sheets at least twenty-four (24) inches by thirty six (36) inches in size and at a scale not less than one (1) inch equals one hundred (100) feet, with broken lines permitted, and specifying the following information:

A. Name. proposed major subdivision name, which shall not duplicate or closely approximate the name of any other subdivision in the county, as well as other information including but not limited to township(s), section(s), and original lot(s);

B. Vicinity Map. A vicinity map, as defined in these Regulations, of the proposed major subdivision at scale not less than one (1) inch equals four thousand (4,000) feet;

C. Existing Conditions. Identification by name, location, and size, of existing streets, railroad rights-of-way, bridges, culverts, storm sewer lines, sanitary sewer lines, water lines, power transmission and other pole and underground lines, oil and natural gas transmission and sales or service lines, active and plugged or capped well heads, tank batteries, easements, parks, corporation lines, and any other public improvements, including highways and other major improvements planned by public authorities for future construction, in the proposed major subdivision, including estimated similar information within two hundred (200) feet of the proposed major subdivision, and any change(s) thereto and/or relocation(s) thereof;

D. Land, Soils, Wetlands, Floodplain. and Coastal Zone. Identification by location and characteristics of existing rocky outcroppings, wooded areas, other significant environmental features, existing soils, potential wetlands, potential floodplain areas, existing buildings and other structures including but not limited to sewage disposal systems, topography at intervals not exceeding two (2) feet, and any change(s) thereto, relocation(s) thereof, and/or proposed method(s) of conservation and/or preservation thereof, in the proposed major subdivision, including estimated similar information within two hundred (200) feet of the proposed major subdivision, as well as demonstration of conformance to the requirements of Section 1189.01;

E. Lots and Blocks. Identification by layout, number, dimensions, and area in acres, of proposed lots and blocks in the proposed major subdivision, and demonstration of conformance to the requirements of Section 1189.02(a) and (b);

F. Significant Areas. Identification by proposed use, location, dimensions, and area in acres of parcels of land to be reserved for public use or to be reserved for use by residents of the proposed major subdivision, and demonstration of conformance to the requirements of Section 1189.02(c);

G. Restrictions. Covenant(s), condition(s), or other restriction(s) to be placed upon the proposed major subdivision, and demonstration of conformance to the requirements of Section 1189.02(d);

H. Traffic. Demonstration of conformance to the requirements of Section 1189.03(a);

I. Streets. Identification by name, location, size, and preliminary proposals for design, of proposed streets in the proposed major subdivision, including connections to existing streets in the proposed major subdivision, including estimated similar information within two hundred (200) feet of the proposed major subdivision, and any change(s) thereto and/or relocation(s) thereof, and demonstration of conformance to the requirements of Section 1189.03(b);

J. Lighting. Demonstration of conformance to the requirements of Section 1189.03(c);

K. Trees. Demonstration of conformance to the requirements of Section 1189.03(d);

L. Stormwater Management. Identification of preliminary proposals for management of storm water and drainage, during and after construction, in the proposed major subdivision, including estimated similar information within two hundred (200) feet of the proposed major subdivision, and demonstration of conformance to the requirements of Section 1189.04(a);

M. Erosion and Sediment Control. Identification of preliminary proposals for control of erosion and sediment, during and after construction, in the proposed major subdivision, including estimated similar information within two hundred (200) feet of the proposed major subdivision, and demonstration of conformance to the requirement of Section 1189.04(b);

N. Water Supply. A statement as to the availability and type of water supply system proposed to serve each lot as shown on the preliminary plan of the proposed major subdivision, including approximate locations of proposed lines or other equipment, where applicable, and demonstration of conformance to the requirements of Section 1189.05(a);

O. Sanitary Waste. A statement as to the availability and type of sewage disposal system proposed to serve each lot as shown on the preliminary plan of the proposed major subdivision, including approximate locations of proposed lines or other equipment, where applicable, and demonstration of conformance to the requirements of Section 1189.05(b);

P. Other Utilities. Identification by name and location of all other utilities and other public services to serve the proposed major subdivision, and demonstration of conformance to the requirements of Section 1189.05(c);

Q. Zoning Certification that each lot as shown on the preliminary plan of the proposed major subdivision conforms to current Village zoning requirements, where applicable, and demonstration of conformance to the requirements of Section 1189.06(a);

R. Easements. Identification by name, location, and size, of easement(s) required in the proposed major subdivision, and demonstration of conformance to the requirements of Section 1189.06(b);

S. Surveying and Monumentation. Demonstration of conformance to the requirements of Section 1189.06(c);

T. Existing Streets. Boundaries, Off-Site Conditions and Over-Sizing. Demonstration of conformance to the requirements of Section 1189.07; and,

U. Summary Table. Identification of total site acreage, total right-of way acreage, total right-of-way mileage, total Significant Areas and other public use acreage, total lot acreage, and typical lot acreage, in the proposed major subdivision; and

(4) Other. Such additional information as deemed necessary by the Staff.

(c) Preliminary Plan; Official Filing. Within twelve (12) working days of the date of submission, the Staff shall review the documents submitted for a preliminary plan of a proposed major subdivision. A preliminary plan of a proposed major subdivision shall be accepted as being officially filed if and only if the Staff determines that the documents submitted meet all the requirements of these Regulations for a preliminary plan of a major subdivision. If the Staff determines that a preliminary plan of a proposed major subdivision does not meet all the requirements of these Regulations for a preliminary plan of a proposed major subdivision, the preliminary plan of the proposed major subdivision shall not be accepted as being officially filed, and the Staff shall notify the subdivider of the specific requirement(s) not met. Acceptance of any documents required for a preliminary plan of a proposed major subdivision by the Staff as being officially filed shall take place not less than fifteen (15) days prior to the next regularly scheduled Planning and Zoning Commission meeting. Items for which documents have not been accepted by the Staff as being officially filed by such date shall not be acted upon by the Planning and Zoning Commission at the next regularly scheduled Planning and Zoning Commission meeting. Acceptance of any documents by the Staff as being officially filed shall constitute neither approval nor conditional approval nor disapproval of a preliminary plan of a proposed major subdivision.

(d) Preliminary Plan; Transmission. Within seven (7) working days of the date of official filing, the Staff shall transmit at least one (1) copy of the preliminary plan of the proposed major subdivision to each of the following officials and agencies for review and recommendation, with said reviews and recommendations to be received by the Staff not less than twelve (12) working days prior to the next regularly scheduled Planning and Zoning Commission meeting, with Planning and Zoning Commission to assume no relevant comment if no response is received by such time.

(1) County Engineer and Village Engineer;
(2) Soil and Water Conservation District;
(3) Nearest water provider or other applicable authority;
(4) County Department of Environmental Services;
(5) County Board of Health;
(6) Local office of the Ohio Environmental Protection Agency;
(7) Local office of the U S. Army Corps of Engineers;
(8) Township Trustees;
(9) Township Zoning Inspector, where applicable;
(10) Planning Commission of the political subdivision(s) adjacent to the proposed major subdivision, where applicable; and
(11) Such other officials, agencies, and/or consultants as deemed necessary by the Staff, including but not limited to school districts, fire districts, ambulance districts, and utility companies, as well as traffic, environmental, and other planning consultants, with the cost of any such review(s) to be borne by the subdivider.

(e) Preliminary Plan; Action. Within thirty (30) days of the date of official filing, upon review of all documents accepted as being officially filed, as well as all official and agency comments received in response to requests solicited above, the Planning and Zoning Commission shall approve, conditionally approve, or disapprove the preliminary plan of the proposed major subdivision as follows:

(1) Disapproval. If the preliminary plan of the proposed major subdivision is disapproved, the Staff shall notify the subdivider in writing of said action and the specific reason(s) for disapproval, and the subdivider may make the necessary correction(s) and resubmit the preliminary plan for approval; or

(2) Conditional approval. If the preliminary plan of the proposed major subdivision is conditionally approved, the Staff shall notify the subdivider in writing of said action and the specific condition(s) required; or

(3) Approval. If the preliminary plan of the proposed major subdivision is approved, the Staff shall stamp the preliminary plan, shall affix accompanying officially authorized signature and date, and shall notify the subdivider in writing of said action. If all conditions required as part of conditional approval of the preliminary plan of the proposed major subdivision have been satisfied as determined by the Staff, the Staff shall stamp the preliminary plan, shall affix accompanying officially authorized signature and date, and shall notify the subdivider and the Planning and Zoning Commission in writing of said action; or

(4) No action. If no action is taken within forty-five (45) days of the date of official filing, or within a time extension mutually agreed upon between the subdivider and the Planning and Zoning Commission, the preliminary plan of the proposed major subdivision shall be deemed approved.

(f) Preliminary Plan; Expiration. Approval and conditional approval of a preliminary plan of a proposed major subdivision shall expire as follows:

(1) Approval. Following Staff notification to the subdivider and the Planning and Zoning Commission, approval of a preliminary plan of a proposed major subdivision shall automatically expire two (2) years from the date of approval, or on the date on which all conditions required as part of a conditional approval of the preliminary plan of the proposed major subdivision have been satisfied as determined by the Staff, unless a final plat conforming to the approved preliminary plan is approved by the Planning Commission during said period; and

(2) Conditional approval. Following Staff notification to the subdivider and the Planning and Zoning Commission, conditional approval of a preliminary plan of a proposed major subdivision shall automatically expire six (6) months from the date of conditional approval, unless all conditions required as part of conditional approval have been satisfied as determined by the Staff during said period.

(Ord. 384-04-03. Passed 6-17-03.)

1185.04 MAJOR SUBDIVISIONS; FINAL PLAT.

(a) Final Plat; Meeting. To expedite the formal approval procedure for a final plat of a proposed major subdivision, the applicant shall meet with the Staff prior to submission of documents. The purpose of such meeting is to ensure that the applicant understands all applicable rules and regulations and is progressing toward preparation of all necessary documents, provide the applicant with submission requirements, and advise the applicant of the Village Comprehensive Plan. The applicant is strongly advised to consult with the Village/County Engineer, the Soil and Water Conservation District, the County Board of Health, the County Department of Environmental Services, and the Township Zoning Inspector, where applicable. Review of documents by the Staff or any County or other agency shall constitute neither approval, disapproval, nor acceptance for official filing of a final plat of a proposed major subdivision.

(b) Submission Requirements. The subdivider of a proposed major subdivision shall submit to the Staff the following documents, the submission of which shall constitute neither approval, disapproval, nor acceptance for official filing of a final plat of a proposed major subdivision. Those items listed below under subsection (b)(3)A. - Y. shall be addressed by the applicant prior to approval of a final plat. Those submission requirements listed in this section which are appropriately and commonly addressed by indication on the final plat shall be so indicated thereon. Those submission requirements listed in this section which are appropriately and adequately addressed by some other documentation, as determined by the Staff, shall be so documented.

(1) Application. A completed application for a final plat of a major subdivision, in a form as provided by the Staff, and signed and dated by the subdivider;

(2) Fee. The fee required for application for a final plat of a major subdivision, as may be determined from time to time by the Village Council;

(3) Final plat. The applicant shall submit the original drawing and fourteen (14) clean, clear copies of a survey, as defined in these Regulations and in a form as provided by the Staff, of all contiguous parcels to be included in and created by or as a result of the proposed major subdivision, on one (1) or more sheets not greater than twenty-four (24) inches by thirty-six (36) inches in size and at a scale not less than one (1) inch equals fifty (50) feet, unless if a sheet of a different size and/or scale is superior for production and compilation of the final plat shall be approved by the Staff, with broken lines permitted, and specifying the following information:

A. Name. Proposed major subdivision name, per the approved preliminary plan;

B. Vicinity Map. A vicinity map, per the approved preliminary plan;

C. Existing Conditions. Identification by graphic notation of all existing conditions, per the approved preliminary plan;

D. Land, Soils, Wetlands, Floodplain, and Coastal Zone. Demonstration of conformance to the requirements of Section 1189.01, per the approved preliminary plan;

E. Lots and Blocks. Demonstration of conformance to the requirements of Section 1189.02(a) and (b), per the approved preliminary plan;

F. Significant Areas. Demonstration of conformance to the requirements of Section 1189.02(c), per the approved preliminary plan;

G. Restrictions. Demonstration of conformance to the requirements of Section 1189.02(d), per the approved preliminary plan;

H. Traffic. Demonstration of conformance to the requirements of Section 1189.03(a), per the approved preliminary plan;

I. Streets. Demonstration of conformance to the requirements of Section 1189.03(b), per the approved preliminary plan;
J. Lighting. Demonstration of conformance to the requirements of Section 1189.03(c), per the approved preliminary plan;
K. Trees. Demonstration of conformance to the requirements of Section 1189.03(d), per the approved preliminary plan;
L. Storm Water Management. Demonstration of conformance to the requirements of Section 1189.04(a), per the approved preliminary plan;
M. Erosion and Sediment Control. Demonstration of conformance to the requirements of Section 1189.04(b), per the approved preliminary plan;
N. Water Supply. Demonstration of conformance to the requirements of Section 1189.05(a), per the approved preliminary plan;
O. Sanitary Waste. Demonstration of conformance to the requirements of Section 1189.05(b), per the approved preliminary plan;
P. Other Utilities. Demonstration of conformance to the requirements of Section 1189.05(c), per the approved preliminary plan;
Q. Zoning. Demonstration of conformance to the requirements of Section 1189.06(a), per the approved preliminary plan;
R. Easements. Demonstration of conformance to the requirements of Section 1189.06(b), per the approved preliminary plan;
S. Surveying and Monumentation. Demonstration of conformance to the requirements of Section 1189.06(c), per the approved preliminary plan;
T. Existing Streets, Boundaries, Off-Site Conditions and Over-Sizing. Demonstration of conformance to the requirements of Section 1189.07, per the approved preliminary plan;
U. Plan Approval, Cost Estimate and Performance Guarantee. Demonstration of conformance to the requirements of Section 1189.08(a) to (c);
V. Title Insurance. Title insurance in a form meeting the approval of the Village Solicitor, covering the lands to be dedicated and showing the title to such dedicated streets or other land good in the name of the Village;

W. Liability Insurance. A Certificate of Insurance, listing the Village as a certificate holder, with coverage limits not less than one million dollars ($1,000,000) general aggregate limit, one million dollars ($1,000,000) products and completed operations aggregate limit, five hundred thousand dollars ($500,000) personal and advertising limit per person or organization, and five hundred thousand dollars ($500,000) each occurrence limit, which shall indemnify and save harmless the Village from any and all liability which may arise or grow out of the construction or installation of public improvements when undertaken, and which shall expire not earlier than the effective period of the Subdivision Maintenance Agreement;

X. Dedication Language. Dedication language in a form as provided by the Staff; and

Y. Summary Table. Identification of total site acreage, total right-of-way acreage, total right-of-way mileage, total Significant Areas and other public use acreage, total lot acreage, and typical lot acreage, in the proposed major subdivision, per the approved preliminary plan; and

(4) Such additional information as deemed necessary by the Staff.

(c) Final Plat; Official Filing. Within twelve (12) working days of the date of submission, the Staff shall review the documents submitted for a final plat of a proposed major subdivision. A final plat of a proposed major subdivision shall be accepted as being officially filed if and only if the Staff determines that the documents submitted meet all the requirements of these Regulations for a final plat of a major subdivision. If the Staff determines that a final plat of a proposed major subdivision does not meet all the requirements of these Regulations for a final plat of a major subdivision, the final plat of the proposed major subdivision shall not be accepted as being officially filed, and the Staff shall notify the subdivider of the specific requirement(s) not met. Acceptance of any documents required for a final plat of a proposed major subdivision by the Staff as being officially filed shall take place not less than fifteen (15) days prior to the next regularly scheduled Planning and Zoning Commission meeting. Items for which documents have not been accepted by the Staff as being officially filed by such date shall not be acted upon by the Planning and Zoning Commission at the next regularly scheduled Planning and Zoning Commission meeting. Acceptance of any documents by the Staff as being officially filed shall constitute neither approval nor conditional approval nor disapproval of a final plat of a proposed major subdivision.

(d) Final Plat; Transmission. Within seven (7) working days of the date of official filing, the Staff shall transmit at least one (1) copy of the final plat of the proposed major subdivision to each of the following officials and agencies for review and recommendation, with said reviews and recommendations to be received by the Staff not less than seven (7) working days
prior to the next regularly scheduled Planning and Zoning Commission meeting, with the Planning and Zoning Commission to assume no relevant comment if no response is received by such time. (1) Village/County Engineer;

(2) Soil and Water Conservation District;

(3) Nearest water provider or other applicable authority;

(4) County Department of Environmental Services;

(5) County Health Department;
(6) Local office of the Ohio Environmental Protection Agency;
(7) Local office of the U. S. Army Corps of Engineers;
(8) Township Trustees;
(9) Village Zoning Inspector;
(10) Planning Commission of the political subdivision(s) adjacent to the proposed major subdivision, where applicable; and
(11) Such other officials, agencies, and/or consultants as deemed necessary by the Staff, including but not limited to school districts, fire districts, ambulance districts, and utility companies, as well as traffic, environmental, and other planning consultants, with the cost of any such review(s) to be borne by the subdivider.

(e) Final Plat; Action. Within thirty (30) days of the date of official filing, upon review of all documents accepted as being officially filed, as well as all official and agency comments received in response to requests solicited above, the Planning and Zoning Commission shall approve, conditionally approve, or disapprove the final plat of the proposed major subdivision as follows:

(1) Disapproval. If the final plat of the proposed major subdivision is disapproved, the Staff shall notify the subdivider in writing of said action and the specific reason(s) for disapproval, and the subdivider may make the necessary correction(s) and resubmit the final plat for approval: or
(2) Conditional approval. If the final plat of the proposed major subdivision is conditionally approved, the Staff shall notify the subdivider in writing of said action and the specific condition(s) required; or
(3) Approval. If the final plat of the proposed major subdivision is approved, the Staff shall stamp the final plat, shall acquire all necessary officially authorized signatures and dates, except for the County Auditor and County Recorder, and shall notify the subdivider in writing of said action, and the subdivider shall submit the final plat to the County Auditor and County Recorder for transfer and recording, respectively. If all conditions required as part of conditional approval of the final plat of the proposed major subdivision have been satisfied as determined by the Staff, the Staff shall stamp the final plat, shall acquire all necessary officially authorized signatures and dates, except for the County Auditor and County Recorder, and shall notify the subdivider and the Planning and Zoning Commission in writing of said action, and the subdivider shall submit the final plat to the County Auditor and County Recorder for transfer and recording, respectively; or
(4) No action. If no action is taken within thirty (30) working days of the date of official filing, or within a time extension mutually agreed upon between the subdivider and the Planning and Zoning Commission, the final plat of the proposed major subdivision shall be deemed approved.

(f) Final Plat; Expiration. Approval and conditional approval of a final plat of a proposed major subdivision shall expire as follows:

(1) Approval. Following Staff notification to the subdivider and the Planning Commission, approval of a final plat of a proposed major subdivision shall automatically expire one (1) year from the date of approval, or of the date on which all conditions required as part of a conditional approval of the final plat of the proposed major subdivision have been satisfied as determined by the Staff, unless the approved final plat is recorded in the office of the County Recorder and the recorded original (mylar) is submitted to the office of the County Engineer during said period; and

(2) Conditional approval. Following Staff notification to the subdivider and the Planning Commission, conditional approval of a final plat of a proposed major subdivision shall automatically expire four (4) months from the date of conditional approval, unless all conditions required as part of conditional approval have been satisfied as determined by the Staff during said period.

(Ord. 384-04-03. Passed 6-17-03.)

1185.05 MAJOR SUBDIVISIONS; REPLAT.

(a) Replat; Meeting. To expedite the formal approval procedure for a proposed re-subdivision or other alteration to an existing major subdivision or any portion(s) thereof, hereafter referred to as "re-plat", the applicant shall meet with the Staff prior to submission of documents. The purpose of such a meeting is to ensure that the applicant understands all applicable rules and regulations and is progressing toward preparation of all necessary documents. The applicant is strongly advised to consult with the County Engineer, the Soil and Water Conservation District, the County Board of Health, the County Department of Environmental Services, and the Village Zoning Inspector, where applicable. Review of documents by the Staff or any Village, County or other agency shall constitute neither approval, disapproval, nor acceptance for official filing of a proposed re-plat.

(b) Submission Requirements. The subdivider of a proposed re-plat shall submit to the Staff the following documents, the submission of which shall constitute neither approval, disapproval, nor acceptance for official filing of a proposed re-plat:

(1) Application. A completed application for a proposed re-plat, in a form as provided by the Staff, and/or scale is superior for production and compilation of the replat document shall be approved and signed and dated by the subdivider;

(2) Fee. The fee required for application for a proposed replat, as may be determined from time to time by the Village Council;

(3) Replat. Original and fourteen (14) clean, clear copies of a survey, as defined in these Regulations, of all contiguous parcels to be included in and created by, or as a result of the proposed re-plat, on one (1) or more sheets not greater than twenty-four (24) inches by thirty-six (36) inches in size, and at a scale not less than one (1) inch equals fifty (50) feet, unless if a sheet of a different size and/or scale is superior for production and compilation of the replat document shall be approved by the Staff, with broken lines permitted, and specifying all information that would otherwise be required for a final plat of a proposed major subdivision, as defined in Section 1185.04; and,

(4) Other. Such additional information as deemed necessary by the Staff.

(c) Replat; Official Filing. Within seven (7) working days of the date of submission, the Staff shall review the documents submitted for a proposed replat. A proposed replat shall be accepted as being officially filed if and only if the Staff determines that the documents submitted meet all the requirements of these Regulations for a replat. If the Staff determines that a proposed replat does not meet all the requirements of these Regulations for a replat, the proposed replat shall not be accepted as being officially filed, and the Staff shall notify the subdivider of the specific requirement(s) not met. Acceptance of any documents required for a proposed replat by the Staff as being officially filed shall take place not less than ten (10) working days prior to the next regularly scheduled Planning and Zoning Commission meeting. Items for which documents have not been accepted by the Staff as being officially filed by such date shall not be acted upon by the Planning and Zoning Commission at the next regularly scheduled Planning and Zoning Commission meeting. Acceptance of any documents by the Staff as being officially filed shall constitute neither approval nor conditional approval nor disapproval of a proposed replat.

(d) Replat; Transmission. Within three (3) working days of the date of official filing, the Staff shall transmit at least one (1) copy of the proposed replat to each of the following officials and agencies for review and recommendation, with said reviews and recommendations to be received by the Staff not less than seven (7) working days prior to the next regularly scheduled Planning Commission meeting, and with the Planning Commission to assume an official or agency recommends approval if no response is received by such date:

(1) County Engineer;
(2) Soil and Water Conservation District;
(3) Nearest water provider or other applicable authority;
(4) County Department of Environmental Services;
(5) County Health Department;
(6) Local office of the Ohio Environmental Protection Agency;
(7) Local office of the U. S. Army Corps of Engineers;
(8) Township Trustees;
(9) Township Zoning Inspector, where applicable;
(10) Planning Commission of the political subdivision(s) adjacent to or affected by the proposed re-plat, where applicable; and
(11) Such other officials, agencies, and/or consultants as deemed necessary by the Staff, including but not limited to school districts, fire districts, ambulance districts, and utility companies, as well as traffic, environmental, and other planning consultants, with the cost of any such review(s) to be borne by the subdivider.

(e) Replat; Action. Within thirty (30) days of the date of official filing, upon review of all documents accepted as being officially filed, as well as all official and agency comments received in response to requests solicited above, the Planning and Zoning Commission shall approve, conditionally approve, or disapprove the proposed re-plat as follows:

(1) Disapproval. If the proposed replat is disapproved, the Staff shall notify the subdivider in writing of said action and the specific reason(s) for disapproval, and the subdivider may make the necessary correction(s) and resubmit the replat for approval; or
(2) Conditional approval. If the proposed replat is conditionally approved, the Staff shall notify the subdivider in writing of said action and the specific condition(s) required; or

(3) Approval. If the proposed replat is approved, the Staff shall sign the replat, shall acquire all necessary officially authorized signatures and dates, except for the County Auditor and County Recorder, and shall notify the subdivider in writing of said action, and the subdivider shall submit the replat to the County Auditor and County Recorder for transfer and recording, respectively. If all conditions required as part of conditional approval of the proposed replat have been satisfied as determined by the Staff, the Staff shall sign the replat, shall acquire all necessary officially authorized signatures and dates, except for the County Auditor and County Recorder, and shall notify the subdivider and the Planning and Zoning Commission in writing of said action, and the subdivider shall submit the replat to the County Auditor and County Recorder for transfer and recording, respectively; or

(4) No action. If no action is taken within thirty (30) working days of the date of official filing, or within a time extension mutually agreed upon between the subdivider and the Planning and Zoning Commission, the proposed replat shall be deemed approved.

(f) Replat; Expiration. Approval and conditional approval of a proposed replat shall expire as follows:

(1) Approval. Following Staff notification to the subdivider and the Planning and Zoning Commission, approval of a proposed replat shall automatically expire six (6) months from the date of approval, or on the date on which all conditions required as part of a conditional approval of the proposed replat have been satisfied as determined by the Staff, unless the approved replat is recorded in the office of the County Recorder and the recorded original (mylar) is submitted to the office of the County Engineer during said period; and

(2) Conditional approval. Following Staff notification to the subdivider and the Planning and Zoning Commission, conditional approval of a proposed replat shall automatically expire two (2) months from the date of conditional approval, unless all conditions required as part of conditional approval have been satisfied as determined by the Staff during said period. (Ord. 384-04-03. Passed 6-17-03.)

CHAPTER 1189
Improvements

1189.01 Environmental and site design features.
1189.02 Subdivision design features.
1189.03 Rights-of-way.
1189.04 Site management.
1189.05 Public services.
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1189.01 ENVIRONMENTAL AND SITE DESIGN FEATURES.

(a) Land. Review of general subdivision and site design falls under the jurisdiction of the Planning and Zoning Commission. The purpose of good subdivision and site design is to protect the public health, safety and general welfare of the Village and to create a functional and attractive development, to minimize adverse impacts, and to ensure that a project will be an asset to the Village. To promote this purpose, these Regulations shall set forth requirements for the manner in which streets, lots, and other elements of a proposed subdivision shall be arranged on the land. Improvements required by these Regulations shall help to facilitate convenient and safe streets and usable lots, and shall help to reserve adequate space for public utilities, as well as recreational, institutional, and other public uses. The planning of attractive and functional neighborhoods shall be promoted, minimizing the undesirable features of unplanned and haphazard growth.

(1) Natural features. A proposed subdivision shall be planned to take advantage of the topography of the land, to economize on the construction of drainage facilities, to reduce the amount of grading, and to minimize the destruction of trees and topsoil. In sloping terrain, proposed streets shall generally run parallel to the contour of the land or preferably cross at a slight angle therewith, so as to avoid steep street grades, heavy concentrations of storm water building elevations on opposite sides of proposed streets, and excessive grading operations. Consideration shall be given to encourage the preservation of existing views, wooded areas, runoff, abnormal differential in creeks, and other attractive natural features of a proposed subdivision.

(2) Suitability. If the Planning and Zoning Commission finds that land proposed to be subdivided is unsuitable for development due to flooding, poor drainage, topography, inadequate water supply, transportation facilities, and/or other such conditions which may endanger the health, life, or property; and if from investigations conducted by the public agencies concerned, it is determined that in the best interest of the public the land should not be developed for the purpose proposed, the Planning and Zoning Commission shall not approve the proposed subdivision unless adequate methods, as determined by the applicable regulatory authority, are advanced by the subdivider to solve the problems that may be created by development of the land.

(3) Conformity. A proposed subdivision shall conform to any and all adopted and effective plans and regulations applicable to the land where the proposed subdivision is to be located, as follows:

A. County Major Thoroughfare Plan. The arrangement, character, width, and location of all arterial and collector thoroughfares or extensions thereof in a proposed subdivision shall conform to the County Major Thoroughfare Plan. Thoroughfares in a proposed subdivision not mentioned in the County Major Thoroughfare Plan shall conform to recommendation(s) of the Planning and Zoning Commission based upon the requirements set forth in these Regulations. Proposed thoroughfares and other public access to adjacent undeveloped land shall be designed so that a proposed subdivision and the County can be served by a coordinated thoroughfare system;

B. Village Comprehensive Plan. The general use of land, overall layout of lots and streets, and the reservation of space for public utilities, as well as recreational, institutional, and other public uses in a proposed subdivision shall conform to the Village Comprehensive Plan;

C. Village Zoning Ordinance. The general use of land and configuration of lots and blocks in a proposed subdivision shall, where applicable, conform to the Village Zoning ordinance; and

D. Other. Other aspects of a proposed subdivision shall conform to any other plan(s) and/or regulation(s) adopted by the County, Township, Village or other applicable regulatory authority.

(b) Soils. Review of soils falls under the jurisdiction of the Soil and Water Conservation District. The Planning and Zoning Commission shall consider but not be limited to consideration of the recommendation of the Soil and Water Conservation District on matters pertaining to soils. Any fees charged for reviews of a proposed subdivision by the Soil and Water Conservation District shall be borne by the subdivider.

(1) Information. A subdivider may call upon the Soil and Water Conservation District to provide information pertaining to general soil conditions in a proposed subdivision.

(2) Study. The Planning and Zoning Commission may require a subdivider to submit a soils study for a proposed subdivision where, as determined by the Soil and Water Conservation District, existing soil conditions in a proposed subdivision are below average and may require adjustments in design to compensate for existing conditions. Such study shall be conducted as follows:

A. Qualifications. Study shall be performed by a person qualified, as determined by the Soil and Water Conservation District, to gather such information;

B. Sampling. Study shall be based upon actual soil samples taken from the proposed subdivision not more than six (6) months prior to submission of the study;

C. Identification. Study shall identify existing soil types at various points in the proposed subdivision, as determined by the Soil and Water Conservation District; and

D. Corrective Measures. Study shall recommend corrective measures necessary to compensate for existing conditions in the proposed subdivision.

(c) Wetlands. Review of wetlands falls under the jurisdiction of the applicable district (Buffalo, NY, or Pittsburgh, PA) of the U. S. Army Corps of Engineers and/or the Ohio Environmental Protection Agency. The Planning and Zoning Commission shall consider but not be limited to consideration of the recommendation of the U. S. Army Corps of Engineers and/or the Ohio Environmental Protection Agency on matters pertaining to wetlands. Any fees charged for reviews of a proposed subdivision by the U. S. Army Corps of Engineers and/or the Ohio Environmental Protection Agency shall be borne by the subdivider.

(1) Information. A subdivider may call upon the U. S. Army Corps of Engineers and/or the Ohio Environmental Protection Agency to provide information pertaining to possible wetland areas in a proposed subdivision;

(2) Study. The Planning and Zoning Commission may require a subdivider to submit a wetlands study for a proposed subdivision where, as determined by the U. S. Army Corps of Engineers and/or the Ohio Environmental Protection Agency, existing conditions in a proposed subdivision suggest the likely presence of wetlands and may require adjustments in design to compensate for existing conditions. Such study shall be conducted as follows:

A. Qualifications. Study shall be performed by a person qualified, as determined by the U. S. Army Corps of Engineers and/or the Ohio Environmental Protection Agency, to gather such information;

B. Sampling. Study shall be based upon actual soil and vegetative samples taken from the proposed subdivision not more than six (6) months prior to submission of the study;

C. Identification. Study shall identify wetland areas in the proposed subdivision and shall utilize study techniques as required by the U.S. Army Corps of Engineers and/or the Ohio Environmental Protection Agency; and

D. Permits. Study shall identify any areas where permits or other approvals of activity will be sought from the U.S. Army Corps of Engineers and/or the Ohio Environmental Protection Agency, shall provide evidence of issuance of said permits or other approvals prior to approval of improvement plans by the County Engineer, and shall identify any such areas on the final plat by both graphic notation and inclusion of permit or other approval number(s).

(d) Floodplain. Review of floodplain areas falls under the jurisdiction of the Federal Emergency Management Agency and/or the County Floodplain Administrator. The Planning and Zoning Commission shall consider but not be limited to consideration of the recommendation of the Federal Emergency Management Agency and/or the County Floodplain Administrator on matters pertaining to floodplain areas. Any fees charged for reviews of a proposed subdivision by the Federal Emergency Management Agency and/or the County Floodplain Administrator shall be borne by the subdivider.

(1) Information. A subdivider may call upon the Federal Emergency Management Agency and/or the County Floodplain Administrator to provide information pertaining to possible floodplain areas in a proposed subdivision.

(2) Determination. The Planning and Zoning Commission may require a subdivider to obtain a Standard Flood Hazard Determination from the Federal Emergency Management Agency and/or the County Floodplain Administrator, if existing conditions in a proposed subdivision suggest the likely presence of floodplain areas and may require adjustments in design to compensate for existing conditions. Such determination shall be provided as follows:

A. Identification. Determination shall identify floodplain areas in the proposed subdivision, based upon data obtained from the Federal Emergency Management Agency and/or the County Floodplain Administrator; and

B. Permits. Determination shall identify any areas where permits or other approvals of activity will be sought from the Federal Emergency Management Agency and/or the County Floodplain Administrator, shall provide evidence of issuance of said permits or other approvals prior to approval of improvement plans by the Village Engineer (or designee) and shall identify any such areas on the final plat by both graphic notation and inclusion of permit or other approval number(s).

(e) Coastal Zone. Review of coastal zone areas falls under the jurisdiction of the Ohio Department of Natural Resources. The Planning and Zoning Commission shall consider but not be limited to consideration of the recommendation of the Ohio Department of Natural Resources on matters pertaining to coastal zone areas. Any fees charged for reviews of a proposed subdivision by the Ohio Department of Natural Resources shall be borne by the subdivider.

(1) Information. A subdivider may call upon the Ohio Department of Natural Resources to provide information pertaining to possible coastal zone areas in a proposed subdivision.

(2) Study. The Planning and Zoning Commission may require a subdivider to submit a coastal zone management study for a proposed subdivision where, as determined by the Ohio Department of Natural Resources, existing conditions may require adjustments in design to accommodate the proposed subdivision. Such study shall be conducted as follows:

A. Qualifications. Study shall be performed by a person qualified, as determined by the Ohio Department of Natural Resources, to gather such information;

B. Survey. Study shall be based upon actual survey, utilizing data taken from the proposed subdivision not more than six (6) months prior to submission of the study;

C. Identification. Study shall identify coastal zone areas in the proposed subdivision and shall utilize study techniques as required by the Ohio Department of Natural Resources; and

D. Permits. Study shall identify any areas where permits or other approvals of activity will be sought from the Ohio Department of Natural Resources, shall provide evidence of issuance of said permits or other approvals prior to approval of improvement plans by the Village Engineer (or designee), and shall identify any such areas on the final plat by both graphic notation and inclusion of permit or other approval number(s).

(Ord. 384-04-03. Passed 6-17-03.)

1189.02 SUBDIVISION DESIGN FEATURES.

(a) Lots. Review of lot design and layout falls under the jurisdiction of the Planning and Zoning Commission.

(1) Layout. The layout of lots in a proposed subdivision shall conform to the design requirements set forth in these Regulations, and shall be arranged to accommodate building sites of the size and character required for the district as set forth in Village zoning requirements and/or these Regulations, where applicable, and shall be arranged to provide for required significant areas and/or open space.

(2) Shape. A lot shall conform to minimum lot area, width, and yard requirements as defined in Village zoning requirements and these Regulations, where applicable. A lot fronting on a newly dedicated right-of- way shall not include any of the right-of-way within its legal description acreage. A corner lot shall normally be wider than an interior lot, to permit appropriate building setback from both rights-of-way.

(3) Double frontage lots. Double frontage lots (also known as "through lots") shall be prohibited, except where extreme conditions in elevation prevent access to the lot from one (1) of the rights-of-way, and/or where it is necessary to separate residential lots from one (1) or more major arterial thoroughfares. Where a double frontage lot is created adjacent to a collector or arterial street, the subdivider shall dedicate to the Village and note on the final plat a reservation strip, at least five (5) feet in depth, along the collector or arterial street, as approved by the Planning and Zoning Commission. The final plat shall state that there shall be no right of access to the collector or arterial street across such reservation strip.

(4) Access. A lot shall provide sufficient access for emergency vehicles, as well as for those needing access to the lot for its intended use.

(5) Frontage. A lot shall have not less than two hundred (200) feet of uninterrupted, continuous frontage, or other minimum width of frontage where so required under Village zoning regulations, wherever a lot adjoins a thoroughfare on a dedicated public right-of-way, except that a proposed lot fronting on a permanent cul-de-sac may have not less than fifty (50) feet of uninterrupted, continuous frontage on a dedicated public right-of-way, unless zoning requirements require a greater amount in either case, where applicable. A residential lot shall front on a local street, not on a collector or arterial street.

(6) Depth. A lot shall have an average depth not greater than four (4) times its average width and shall have a depth not less than one hundred forty (140) feet, except that a lot fronting on an exterior curved portion of a right-of- way, the centerline radius of which is one hundred (100) feet or less, may have a lot depth not less than one hundred twenty (120) feet.

(7) Side lot lines. Lot lines shall be at right angles or radial to street lines. All side lot lines shall be at right angles to right-of-way lines and radial to curved right-of-way lines. A lot fronting on a right-of-way, on which the majority of lots within sixteen hundred (1,600) feet of the proposed lot have side lot lines with some other uniform or established orientation, may have side lot lines conforming to said other uniform or established orientation, or except where natural or physical features suggest another suitable or appropriate orientation.

(8) Other lot lines. Lot lines shall follow State, County, municipal corporation, township, and taxing district boundary lines rather than cross them. If the Planning and Zoning Commission permits a variance from this Section pursuant to these Regulations, the following language shall be included on the final plat of a major subdivision, and on the deed or other instrument of conveyance of a minor subdivision:
"Although the land described herein shall be considered as two (2) or more separate and distinct tracts for taxation purposes, be it because taxing district, township, municipal corporation, County, and/or State lines run through the land, all land described herein shall be considered as one (1) parcel for subdivision purposes, and no part thereof shall be sold or transferred separately without approval of the Village of Roaming Shores or its successor, pursuant to the applicable Subdivision Regulations in effect at the time of the proposed sale or transfer."

(9) Non-residential uses. The depth and width of lots laid out or reserved for nonresidential purposes shall be adequate to provide for off-street parking and service facilities required by the type of use and development contemplated.

(10) Buffers. The Planning and Zoning Commission may require a subdivider to provide for and note on the final plat permanent reservation of suitable buffer and/or easement areas, which should usually have an average depth not less than one hundred (100) feet between the proposed non-residential uses and adjacent existing and/or proposed residential uses.

(11) Setback. All setbacks shall be measured from the right-of-way, including corner lots where applicable.

(b) Blocks. Review of block design and layout falls under the jurisdiction of the Planning and Zoning Commission.

(1) Layout. The layout of blocks in a proposed subdivision shall be such as to conform to the design requirements set forth in these Regulations, and shall be arranged to accommodate lots and building sites of the size and character required for the district as set forth in these Regulation and zoning requirements, where applicable, and to provide for required significant areas and/or open space.

(2) Shape. The Planning and Zoning Commission may consider for approval irregularly shaped blocks, blocks intended for cul-de-sacs or loop streets, and blocks containing interior parks or playgrounds, if properly designed and located, if ownership is not vested with the Village, or any other public entity for right-of-way purposes, and if maintenance is the responsibility of a person or entity established pursuant to subsection (d) hereof.

(3) Length. A block shall be not longer than one thousand five hundred (1,500) feet between non-cul-de-sac cross streets, and not longer than one thousand (1,000) feet between a non-cul-de-sac cross street and a dead end, whether a permanent or temporary cul-de-sac, loop, or other terminus.

(4) Width. A block width shall be wide enough to accommodate two (2) tiers of lots, except where unusual topography or other exceptional physical circumstances exist.

(5) Crosswalks. Blocks exceeding nine hundred (900) feet in length, shall provide for and note on the final plat, and shall clear and construct a crosswalk easement not less than ten (10) feet in width at or near the halfway point, to provide proper access within the proposed subdivision to schools, recreational areas, shopping centers, and other facilities. The Planning and Zoning Commission may require similar easements elsewhere in a proposed subdivision as it deems necessary and appropriate.

(6) Nonresidential uses. The depth and width of blocks laid out or reserved for nonresidential purposes shall be adequate to provide for off-street parking and service facilities required by the type of use and development contemplated.

(7) Buffers. The Planning and Zoning Commission may require a subdivider to provide for and note on the final plat permanent reservation of suitable buffer and/or easement areas, which should usually have an average depth not less than one hundred (100) feet between the proposed nonresidential uses and adjacent existing and/or proposed residential uses.

(c) Significant Areas. Review of significant areas design and layout falls under the jurisdiction of the Planning and Zoning Commission. For the purposes of these Regulations, significant areas can be considered to be an attractive and valuable feature in a proposed subdivision as well as a benefit to the general welfare of the public and the Village. In general, significant areas shall not be further subdivided in the future, shall be maintained for said use by the public in perpetuity, and shall not be turned into a commercial enterprise admitting the general public, at a fee.

(1) Land dedication. At the time of preliminary plan approval, a subdivider shall, as a condition of final plat approval, contribute and dedicate land suitable for significant areas as defined in these Regulations to public use. Such land shall be of direct or indirect benefit to the general area in which the proposed subdivision is located, and shall be in an amount not less than five percent (5%) of the total area of the proposed subdivision, exclusive of streets or alleys, sidewalks, and easements, all as determined by the Planning and Zoning Commission at the time of preliminary plan approval.

(2) Payment-in-lieu. When deemed appropriate by the Village Council at the time of preliminary plan approval, in lieu of meeting the requirements of subsection (c)(1) hereof (Land Dedication) of these Regulations, a subdivider shall, as a condition of final plat approval, deposit with the Village an amount representing five percent (5%) of the fair market value of the land being subdivided, such value to be determined as of the date of filing of the preliminary plan for the proposed subdivision with the Planning and Zoning Commission. The subdivider shall deposit the amount in accordance with a specified payment schedule, as determined by the Planning and Zoning Commission. This money shall be accounted for separately by the Village, and shall be reserved and used only for acquisition of areas for the purposes set forth herein, including, but not limited to, the development of the same. Such future acquisition(s) shall be of direct or indirect benefit to the general area in which the proposed subdivision is located.

(3) Ownership. The type of ownership of the area dedicated for significant areas' purposes shall be proposed by the subdivider and shall be subject to the approval of the Planning and Zoning Commission. Types of ownership include but are not limited to the following:

A. Village. The Village, subject to approval by the Village Council; and/or

B. Other Public. Another public jurisdiction or agency, subject to acceptance by the entity's governing body.

(4) Maintenance. The entity identified in subsection (c)(3) hereof (ownership) of these Regulations as having the right of ownership or control over significant areas as part of a proposed subdivision shall be responsible for continued upkeep and proper maintenance of said significant area.

(5) Eligible areas. The following specific areas shall, at a minimum, be considered for preservation as significant areas, to the extent consistent with the reasonable utilization of land, and in accordance with applicable Federal, State, County and/or Village regulations:

A. Wetlands. Wetlands, as defined in these Regulations;

B. Wildlife Habitat. Habitats of wildlife, including but not limited to endangered species, as defined and regulated by Federal and State authorities;

C. Historically Significant Areas. Historically significant structures and/or sites, including, but not limited to, those defined and regulated by Federal, state, and local authorities;

D. Trees. Significant trees or stands of trees, including but not limited to, species or groupings of trees that are rare to the area or that are of particular horticultural and/or landscape value;

E. Floodplain Areas. Floodplain areas as defined in these Regulations;

F. River Banks. Land areas within fifty (50) feet of the high bank, where applicable, of Lake Erie, any perennial or intermittent streams, and adjacent ravines deemed highly erosive; and,

G. Recreation. Lands for active or passive recreation activities.

(6) Appraisal. The Planning and Zoning Commission may require a subdivider to submit an appraisal relative to the value of the land to be subdivided as of the date of filing of the preliminary plan for the proposed subdivision with the Planning and Zoning Commission. Such appraisal shall be conducted by an independent, professional certified appraiser, who shall be selected and retained by the subdivider and whose certification and qualifications shall be verified by the Village Council or assignee. The appraisal shall be based upon comparable land values utilizing the most logical method to arrive at a fair value for the land involved. The prevailing market price method may be used for this purpose.

(7) Planned unit developments. If a subdivider proposes to establish a planned unit development pursuant to local zoning requirements, where applicable, the significant areas and/or open space provisions of the local zoning requirements shall supersede and replace the provisions of subsection (c)(1) and (2) hereof.

(d) Restrictions. Review of covenants, conditions, and restrictions falls under the jurisdiction of the Planning and Zoning Commission.

(1) Information. A subdivider may call upon private legal counsel to provide information pertaining to covenants, conditions, and restrictions in a proposed subdivision.

(2) Declaration required. If streets, utilities, and/or other improvements in a proposed subdivision are to be maintained in perpetuity by the subdivider, a Homeowners' Association, a Lot Owners' Association, or other private person or entity, the subdivider shall submit, for approval by the Village Solicitor (or assignee), and for recording by the County Recorder, a declaration of all proposed covenants, conditions, and restrictions, if any, that shall establish and govern such person or entity. In addition to general requirements of the Village Solicitor, the entity established by a declaration shall, at a minimum, meet the following requirements:

A. Timing. Recording of declaration shall precede sale or lease of sublots;

B. Membership. Membership shall be mandatory for each lot owner and any successive owner;

C. Duration. Restrictions may be permanent or for a period of years;

D. Responsibility. Entity established by declaration shall be responsible for liability insurance, local taxes, and maintenance of recreational and other facilities;

E. Recovery. Failure by entity to meet its responsibilities shall authorize recovery, by entity and/or other parties, of entity's debts directly from lot owner via assessments, liens, and/or other means available: and

F. Flexibility. The entity shall be able to adjust the assessment to meet changed needs.

(Ord. 384-04-03. Passed 6-17-03.)

1189.03 RIGHTS-OF-WAY.

(a) Traffic. Review of traffic layout and design falls under the jurisdiction of the Ohio Department of Transportation and/or the Village Engineer (or assignee). The Planning and Zoning Commission shall consider but not be limited to consideration of the recommendation of the Ohio Department of Transportation and/or the Village Engineer (or assignee), where applicable, on matters pertaining to traffic. For the purposes of these Regulations, the term "reasonable distance" shall be as determined by the Planning and Zoning Commission. In making its determination, the Planning and Zoning Commission shall consider factors including but not limited to development density, development size, existing on-site traffic needs, proximity to major thoroughfare(s), and/or cooperation of adjacent property owner(s). Any fees charged for reviews of a proposed subdivision by the Ohio Department of Transportation and/or the Village Engineer (or assignee) shall be borne by the subdivider.

(1) Information. A subdivider may call upon the Ohio Department of Transportation and/or the Village Engineer to provide information pertaining to traffic in a proposed subdivision.

(2) Traffic study. It is the intent of these Regulations to mitigate the detrimental effects of increased traffic due to construction activity and development. In all cases, the subdivider shall provide for a traffic circulation system in a proposed subdivision to ensure that the impacts of post-development traffic are minimized as much as possible. In all cases, the subdivider shall provide general information regarding the traffic circulation system proposed within and adjacent to a proposed subdivision. Such general information shall include but not be limited to current traffic information regarding existing rights-of-way and intersections thereof, as well as estimated impact thereupon by the proposed subdivision. In cases where estimated impact is deemed likely to be not insignificant, as determined by the Staff, the subdivider shall prepare and submit a Traffic Study to the Village Engineer (or assignee) for review and approval. The Staff determination shall be based upon current traffic counts, levels of service, load limits, and anticipated impact of the proposed subdivision thereon. The Traffic Study shall, at a minimum, address the impact of the proposed subdivision on traffic in the area studied and shall recommend improvements necessary to mitigate the impacts of post-development traffic. The area studied shall generally include the area within the proposed subdivision, as well as any and all major rights-of-way and intersections within a reasonable distance of the proposed subdivision. Any such improvements shall be included in the improvement plans for the proposed subdivision. In general, traffic improvements shall include but not be limited to placement of traffic signals and other intersection improvements,

through lanes, acceleration lanes, deceleration lanes, stacking lanes, turning lanes, marginal or limited access rights-of-way, and driveway access restrictions, as necessary to manage the amount and timing of traffic entering, exiting, and passing by the proposed subdivision. The Traffic Study shall conform to any and all requirements put forth by the Village Engineer (or assignee) and shall, at a minimum, meet the following requirements:

A. Qualifications. Study shall be prepared by a person qualified, as determined by the Village Engineer, to gather such information;

B. Identification. Study shall identify the limit lines of area(s) of proposed subdivision affected by construction and post-construction traffic; information regarding existing traffic counts, taken not longer than six (6) months prior to the date the Study is submitted, on all major rights-of-way and at all intersections within a reasonable distance of the proposed subdivision; nature and type of uses to occupy the proposed subdivision and estimates of how said uses will affect traffic levels.

C. Improvements. Study shall recommend improvements to control traffic associated with proposed uses and shall address such issues as amount and timing of traffic entering, exiting, and passing by the proposed subdivision. Improvements shall be required to enable traffic on new rights-of-way to function at Level of Service "A", and to enable traffic on existing rights-of-way and at existing intersections to function at the pre-development Level of Service, thus mitigating the impact of the proposed subdivision.

D. Maintenance. The subdivider shall be responsible for the initial design, approval, construction, and installation of traffic control devices. Thereafter, maintenance of such devices shall be the responsibility of the Village.

(3) Cost/Benefit Analysis. The Planning and Zoning Commission may require a subdivider to submit a cost/benefit analysis relative to improvements recommended to mitigate the traffic impact of a proposed subdivision where the subdivider disagrees with the determination of the Planning and Zoning Commission as to the term “reasonable distance”. Such analysis shall be conducted as follows:

A. Qualifications. Analysis shall be performed by a person qualified, as determined by the Village Engineer, to gather such information; and

B. Basis. Analysis shall be based upon factors including but not limited to the cost of improvements recommended to mitigate the traffic impact of the proposed subdivision, costs shared by other off-site parties that may benefit from said improvements, and the difference, with and without improvements, in expected sales prices of proposed sublots at market value.

(b) Streets. Review of street design and layout falls under the jurisdiction of the Ohio Department of Transportation and/or the Village Engineer (or assignee). The Planning and Zoning Commission shall consider but not be limited to consideration of the recommendation of the Ohio Department of Transportation and/or the Village Engineer, where applicable, on matters pertaining to streets. Any fees charged for reviews of a proposed subdivision by the Ohio Department of Transportation and/or the Village Engineer shall be borne by the subdivider.

(1) Information. A subdivider may call upon the Ohio Department of Transportation and/or the Village Engineer to provide information pertaining to streets in a proposed subdivision.

(2) Street design plans. A subdivider shall retain an engineer as defined in these Regulations, to prepare and submit Street Design Plans to the Village Engineer for review and approval. Street Design Plans shall be included in the improvement plans for a proposed subdivision. Street Design Plans shall conform to any and all requirements put forth by the Village Engineer and shall, at a minimum, meet the requirements listed in this subsection (b) (Streets).

(3) Layout. The arrangement, character, extent, width, grade, construction, and location of all streets shall conform to the design requirements set forth in these Regulations, and shall conform to the Major Thoroughfare Plan in relation to existing and planned streets, topographical conditions, and public convenience and safety; and in relation to proposed uses of land to be served by such streets. The street pattern in a proposed subdivision shall provide, within the boundaries of the proposed subdivision, necessary right-of-way for widening, continuance, or alignment of such streets in conformity with the Major Thoroughfare Plan.

(4) General design. General design of streets in a proposed subdivision shall conform to any and all requirements of the Village Engineer and shall, at a minimum, meet the following requirements:

A. Dead End Streets. A permanent dead end street which contains central water service and fire hydrants for its full length, may serve up to twenty-five (25) lots; otherwise a permanent dead end street shall be not longer than one thousand (l,000) feet;

B. Half Streets. Dedication of new half streets shall not be permitted. Where platted half street exists adjacent to a proposed subdivision, the subdivider shall dedicate the other half as part of the proposed subdivision;

C. Marginal Access Streets. Where a proposed subdivision adjoins an arterial street, the Planning and Zoning Commission may require a subdivider to design and install a marginal access street if the proposed subdivision design is such that sublots would require direct vehicular access onto the arterial street. Points of access to arterial streets shall be located not closer together than one thousand (1,000) feet. A buffer strip having a minimum width of twenty (20) feet shall be provided between the pavement of the arterial street and the pavement of the marginal access street. The minimum width of a marginal access street right-of-way shall be sixty (60) feet;

D. Alleys may be required in subdivisions if other provisions cannot be made for adequate service access to the proposed sublots. Minimum widths for alleys shall be twenty (20) feet for right-of-way and eighteen (18) feet for pavement; and

E. Intersections. Streets serving non-residential subdivisions and accessory parking areas shall be planned to connect with arterial streets, so as not to generate traffic on local streets. The intersections of driveways from parking areas with arterial and/or collector streets shall be located so as to cause the least possible interference with traffic movement on streets, and shall be located not closer than one hundred (100) feet to the intersection of an arterial or collector street with any other street, and shall be located not closer than two hundred (200) feet to each other.

(5) Street names. Street names in a proposed subdivision shall not duplicate any street names in the Village and applicable service areas and shall, at a minimum, meet the following requirements:

A. Suffixes. For the purpose of street naming, the following suffixes shall apply:

1. "Avenue" for streets that run in a generally north-south direction;
2. "Boulevard" or "Drive" for a meandering loop type street;
3. "Circle" or "Court" for cul-de-sac type streets that run in a generally east-west direction;
4. "Lane" or "Place" for cul-de-sac type streets that run in a generally north-direction:
5. "Road" for streets that run in a generally northwest-southeast or northeast southwest direction; and
6. "Street" for streets that run in a generally east-west direction.

B. Prohibited Names. The words "north", "south", "east", and "west" shall be prohibited as part of a street name;

C. Continuing Names. Whenever a new street is constructed along the approximate alignment or extension of an existing street, its name shall be the same as that of the existing one;

D. Changed Alignment. Whenever a street alignment changes direction more than seventy-five (75) degrees without a return to the original alignment within a distance of five hundred (500) feet, then the name of the street may be changed at the point of curvature;

E. Small Cul-de-Sacs. Whenever a cul-de-sac street serves not more than three (3) lots, the name of the intersecting street should apply to the cul-de-sac street; and

F. Approval Required. Street names in a proposed subdivision shall be approved by the Planning and Zoning Commission prior to such names being assigned or used.

(6) Plans and profiles. Plan information shall be determined by the Village Engineer and shall include but not be limited to centerline stations, names, sublot lines, right-of-way lines, pavement, curbs, gutters, storm and sanitary sewers and similar structures, bridges, culverts, underground utilities, guardrails, trees and other obstructions within the rights-of-way, points of curve, points of tangent, and points of intersection, curve data, and construction notes. Profile information shall be determined by the Village Engineer and shall include but not be limited to centerline stations, bench marks with descriptions and elevations, original ground profile on centerline and setback lines, proposed profile grade, vertical curve data, sight distance of not less than three hundred (300) feet from a height of four and one-half (4-1/2) feet, storm and sanitary sewers and structures, bridges, culverts, and construction notes.

(7) Sections. Sections shall be determined by the Village Engineer, shall be submitted with plan and profile information, and shall conform to one (1) of the typical sections shown in these regulations. Cross sections shall show cut and fill computations.

(8) Geometric design. Geometric design shall conform to the following requirements:

A. Right-of-Way Width. Right-of-way width shall be not less than sixty (60) feet for local residential light traffic rights-of-way. For all other road classifications, right-of-way width shall be as determined by the Village Engineer;

B. Pavement Width. Pavement width shall conform to Exhibit " A " of these Regulations;

C. Intersections. Not more than four (4) legs shall be permitted at any intersection. Intersections shall be at ninety (90) degrees where practical, but in no case less than seventy-five (75) degrees. Each intersecting right-of-way shall have a tangent distance of not less than eighty (80) feet for local roads and not less than one hundred thirty (130) feet for collector and marginal access roads as measured from the centerline intersections. A right-of-way intersecting another right-of-way shall have an offset of not less than one hundred twenty-five (125) feet. Rights-of-way intersecting an arterial roads from the same side shall be located not closer than one thousand (1000) feet to each other, as measured between centerlines;

D. Corner Radii. Property lines at intersections shall be rounded with radii of not less than thirteen (13) feet for residential intersections and not less than twenty-five (25) feet for non-residential and/or major intersections, and curbs or pavement edges shall be rounded with radii of not less than twenty-five (25) feet for residential intersections and fifty-two (52) feet for non-residential and for major intersections;

E. Alignment.
   1. Horizontal alignment. Between reverse curves there shall be a tangent distance not less than one hundred (100) feet; and
   2. Vertical alignment. Grades shall be not less than one-half (½) percent as measured over a one hundred (100) foot interval, not greater than six (6) percent as measured over a one hundred (100) foot interval for major streets nor ten (10) percent measured over a one hundred (100) foot interval for minor streets; and

F. Turn-arounds.
   1. Permanent turn-arounds. A cul-de-sac street shall terminate in a permanent circular turn-around having an unobstructed right-of-way radius of sixty-five (65) feet, a pavement radius of fifty (50) feet, and a pavement width of not less than sixteen (16) feet. Islands or other ornamental construction proposed to be located within a permanent turn-around shall be located on outlots to be owned by an entity capable of maintaining the outlot in perpetuity, rather than within the right-of-way, shall be indicated on the improvement plans and final plat, and shall necessitate larger right-of-way radius, pavement radius, and pavement width, all as determined by the Village Engineer; and
   2. Temporary turn-arounds. A temporary turn-around shall be designed and constructed to the same standards as allowed on all other portions of rights-of-way and shall be designed and constructed so as not to impede drainage. If a turn- around is of a temporary nature and a future extension into adjacent land is anticipated, then said turn-around beyond the normal right-of-way width shall be in the nature of an easement. Such easement shall be automatically vacated to adjacent property owners when the right-of-way is legally extended into adjacent land. If such right-of-way extends only the depth of the corner lot past a street intersection, no turn-around shall be required. A subdivider shall be required to provide a two (2) foot reservation strip in the name of the Village at the end of all temporary turn-around. This strip shall become public highway only upon extension of the right-of-way. The subdivider extending the street shall be responsible for removing the temporary portions of the cul-de-sac, regrading, and seeding, etc. No islands or other ornamental construction shall be permitted within a temporary turn-around.

(9) Sidewalks. The Planning and Zoning Commission, upon consultation with the Village Engineer, may require that the subdivider construct sidewalks on one (1) or both sides of streets, where deemed essential to pedestrian movement and safety, and/or where adjacent to other subdivisions or other areas with existing sidewalks. Where proposed or required, sidewalks shall be constructed one (1) foot inside the right-of-way, shall be not less than four (4) feet in width, shall be not less than four (4) inches in thickness, and, where crossing driveways, shall be not less than six (6) inches in thickness.

(10) Existing streets. Where widening, improving, and/or abandoning of existing streets is deemed necessary by the Village Engineer to accommodate the proposed subdivision, the subdivider shall design and construct such work as is necessary at his or her own expense.

(11) Ornamental construction. Islands or other ornamental construction proposed to be located within a proposed subdivision shall be located on outlots rather than within the right-of-way, shall be so indicated on the improvement plans and final plat and shall require review and approval by the Planning and Zoning Commission.

(12) Visibility.

A. Vertical Visibility. Minimum vertical visibility, as measured between a height of four and one-half (4-1/2) feet [eye level] and a height of eighteen (18) inches [taillight] shall be as follows:

1. Arterial streets. Arterial streets shall have a minimum vertical visibility of five hundred (500) feet;
2. Collector streets. Collector streets shall have a minimum vertical visibility of three hundred (300) feet;
3. Local streets. Local streets shall have a minimum vertical visibility of two hundred (200) feet; and
4. Cul-de-sac streets. Cul-de-sac streets shall have a minimum vertical visibility of one hundred (100) feet; and

B. Horizontal Visibility. Minimum horizontal visibility, as measured on centerlines, shall be as follows:

1. Arterial streets. Arterial streets shall have a minimum horizontal visibility of three hundred (300) feet;
2. Collector streets. Collector streets shall have a minimum horizontal visibility of two hundred (200) feet;
3. Local streets. Local streets shall have a minimum horizontal visibility of one hundred (100) feet; and
4. Cul-de-sac streets. Cul-de-sac streets shall have a minimum horizontal visibility of one hundred (100) feet.

(13) Street signs. Street signs of a type used throughout the Village shall be erected by the subdivider. The subdivider shall place on deposit or arrange as part of the performance guarantee, sufficient funds as determined by the Village to cover the cost of purchase, delivery, and installation of all required street signs. Such signs shall conform to any and all requirements of the Village.

(14) Construction design. Construction design shall conform to the following requirements:

A. Subgrade. The subgrade shall be graded and shaped as shown on the typical sections shown in these Regulations. Soft areas shall be removed and replaced with material suitable for compaction. Backfill over sewers, culverts, and underground utilities shall be compacted by vibratory tamping in layers of six (6) inches. When indicated by the Village Engineer, french drains shall be installed and led to side ditches or connected into storm sewers;

B. Pavement. Pavement material and thickness shall conform to Exhibit "A" of these Regulations;

C. Surface Course. Upon expiration of an agreed maintenance period for the base course, a surface course shall be constructed and shall conform to Exhibit "A" of these Regulations;

D. Curbs. Where required, curbs, inlet basins, and storm sewers shall conform to any and all requirements of the Village Engineer;

E. Shoulders. Shoulders shall have a width of not less than six (6) feet and shall conform to one (1) of the typical sections shown in these Regulations. Where curbs are used, shoulders shall be seeded and mulched. On local and cul-de-sac streets without curbs, shoulders shall be either seeded and mulched or stabilized with gravel, slag, or limestone as shown on typical sections shown in these Regulations. On arterial, collector, marginal access, and non- residential roads without curbs, shoulders shall be stabilized with limestone as shown on typical sections shown in these Regulations;

F. Ditches and Slopes. Ditches and slopes shall be shaped as shown on typical sections shown in these Regulations, except that the depth of ditches shall be increased where necessary, as determined by the Village Engineer, to obtain a minimum grade for drainage. All ditches and slopes shall be seeded and mulched as shown on typical sections shown in these Regulations. Grades shall be not less than one-half percent (.50%) as measured over a one hundred (100) foot interval;

G. Driveway Culverts. Driveway culverts shall be constructed of approved material, as determined by the Village Engineer, and shall measure not less than twelve (12) inches in diameter and not less than twenty (20) feet in length. The subdivider shall be responsible for all driveway culverts in the proposed subdivision to be in good condition for final acceptance of the improvements, even if one (1) or more driveway culverts were installed by sublot owners;

H. Driveweys. All driveways sloping toward a right-of-way shall be constructed so that surface water drains into ditches and not onto the traveled portion of the right-of-way;

I. Dams, Bridges, and Special Structures. Dams, bridges and special structures shall be constructed in accordance with improvement plans approved by the Village Engineer; and

J. Guardrail. Guardrail shall be required where the Village Engineer deems the height of roadway or slopes, or physical obstructions make the use a necessity. Guardrail shall be deep beam type. The subdivider shall submit details to the Village Engineer for approval. Bridge guardrail may be deep beam type guardrail built integral with the bridge.

(c) Lighting. Review of lighting falls under the jurisdiction of the Village and/or the local electric utility. The Planning and Zoning Commission shall consider but not be limited to consideration of the recommendation of the Village and/or the local electric utility, where applicable, on matters pertaining to lighting. Any fees charged for reviews of a proposed subdivision by the Village and/or the local electric utility shall be borne by the subdivider.

(1) Information. A subdivider may call upon the Village and/or the local electric utility to provide information pertaining to street lighting in a proposed subdivision.

(2) Street lighting district. The Planning and Zoning Commission may require the subdivider to cooperate with the Village and/or the local electric utility regarding establishment of a street lighting district. The street lighting district may include street lighting throughout the proposed subdivision and/or at selected points in the proposed subdivision as determined by the Planning and Zoning Commission.

(d) Trees. Review of trees falls under the jurisdiction of the Village. The Planning and Zoning Commission shall consider but not be limited to consideration of the recommendation of the Village on matters pertaining to trees. Any fees charged for reviews of a proposed subdivision by the Village shall be borne by the subdivider.

(1) Information. A subdivider may call upon the Village, a landscape architect, certified arborist, or other person with appropriate knowledge to provide information pertaining to street trees in a proposed subdivision.

(2) Tree planting plan. The Planning and Zoning Commission shall require the subdivider to cooperate with the Village regarding the installation of street trees in the proposed subdivision. If required by the Planning and Zoning Commission, the subdivider shall prepare and submit to the Village a Tree Planting Plan, which may include street trees throughout the proposed subdivision and/or at selected points in the proposed subdivision as determined by the Planning and Zoning Commission. Street trees shall, except where otherwise permitted by the Village Engineer, be located outside rights-of-way and easements.

(Ord. 384-04-03. Passed 6-17-03.)

1189.04 SITE MANAGEMENT.

(a) Storm Water Management. Review of storm water management falls under the jurisdiction of the Village Engineer (or assignee). The Planning and Zoning Commission shall consider but not be limited to consideration of the recommendation of the Village Engineer (or assignee) on matters pertaining to storm water management. For the purposes of these Regulations, the term "reasonable distance" shall be as determined by the Planning and Zoning Commission. In making its determination, the Planning and Zoning Commission shall consider factors including but not limited to system capacity, development density, development size, existing on-site storm water management needs, proximity to major thoroughfare(s), and/or cooperation of service provider(s). Any fees charged for reviews of a proposed subdivision by the Village Engineer shall be borne by the subdivider.

(1) Information. A subdivider may call upon the Village Engineer to provide information pertaining to storm water management in a proposed subdivision.

(2) Storm water management plan. It is the intent of these Regulations to mitigate the detrimental effects of accelerated storm water runoff due to construction activity and development. In all cases, the subdivider shall provide for a storm water management system in a proposed subdivision to ensure that post-development storm water runoff rates do not exceed pre- development storm water runoff rates. Where a proposed subdivision involves the removal or disturbance of natural topsoil, trees, and/or other vegetation, or where a proposed subdivision involves a change in the natural surface contour of land in the proposed subdivision, the subdivider shall prepare and submit a Storm Water Management Plan to the Village Engineer for review and approval. The Storm Water Management Plan shall be included in the improvement plans for the proposed subdivision. In general, storm water management practices shall include but not be limited to retention ponds, detention basins, underground storage tanks, rooftop storage areas, parking lot storage areas, infiltration/recharge ditches, swales, and buffer strips, as necessary to control the amount and timing of storm water released to land within and adjacent to the proposed subdivision. The Storm Water Management Plan shall conform to any and all requirements put forth by the Village Engineer and shall, at a minimum, meet the following requirements:

A. Qualifications. Plans shall be prepared by a person qualified, as determined by the Village Engineer, to gather such information;

B. Identification. Plan shall identify the limit lines of area(s) of proposed subdivision affected by construction and post-construction activity; information regarding existing soils; surface water locations including springs, wetlands, streams, lakes, etc. on and within two hundred (200) feet of area(s) affected by construction and post-construction activity; name and location of nearest receiving stream(s) and subsequent named receiving stream(s) of surface water; nature and type of construction and post-construction activity proposed; schedule of major construction and post-construction operations related to storm water management; existing and planned locations of buildings and other structures which may affect storm water management; and potential sources of pollution which may affect quality of storm water discharges associated with construction and post-construction activity;

C. Controls. Plan shall describe practices that are used to control storm water runoff associated with construction activities, including both road runoff and off-road runoff, and shall address such issues as volume, timing, and rate of runoff. In no case shall storm water runoff be permitted to be released into a central sanitary sewage collection system;

D. Maintenance. Plan shall provide a description of maintenance procedures needed to assure continued performance of control practices, and shall be designed to minimize maintenance requirements. All control practices, whether temporary or permanent, shall be maintained and repaired, during construction and the maintenance guarantee period, by the subdivider, as determined to be necessary by the Village Engineer, to assure continued performance of their intended function; and

E. Inspection. Plan shall provide that all storm water management controls on the site are inspected at least once every seven (7) calendar days and within twenty-four (24) hours after any storm event with greater than one-half (½) inch of rain in a twenty-four (24) hour period. The subdivider shall maintain and keep on site an inspection log, which shall note name of inspector, date and time of inspection, area(s) and control(s) inspected, description of area(s) requiring maintenance, description of actual maintenance performed, and date and time actual maintenance was performed.

(3) Central storm water collection system. Where a central storm water collection system exists within a reasonable distance of a proposed subdivision, the subdivider shall design and construct a system of mains, inlets, and other appurtenances as determined to be necessary by the Village Engineer to tie into said central storm water collection system, including a lateral connection for each proposed sublot or building site.

(4) Interim ground storm water management facility. Where a central storm water collection system does not exist within a reasonable distance of a proposed subdivision, but where the proposed subdivision is located within a storm water management district established pursuant to applicable provisions of the Ohio Revised Code, the Planning and Zoning Commission may do one (1) of the following:

A. Refuse to permit the area to be developed if it finds a proposed use to be detrimental to the public health, safety and/or welfare of the surrounding area, based upon receipt and consideration of a recommendation from the Village Engineer; or

B. Require the subdivider to design and construct a system of inlets, and other appurtenances as determined to be necessary by the Village Engineer to tie into a central storm water collection system in the future, including a lateral connection for each proposed sublot or building site, and require the subdivider to design, construct, and provide for the operation and maintenance of an interim group storm water management facility to serve the proposed subdivision until it is tied into a central storm water collection system. The Village Council may consider accepting such facility for operation and maintenance, provided the Planning and Zoning Commission finds that all of the following are true:

1. Facility, and the land on which it is located, is or is to be owned by the Village;
2. Said facility has been designed and constructed according to specifications of the Village Engineer, and
3. Said facility has been approved by the Village Engineer.

(5) Individual storm water management systems. Where a central storm water collection system does not exist within a reasonable distance of a proposed subdivision, and where the proposed subdivision is not located within a storm water management district, the subdivider may propose individual storm water management systems to serve the proposed subdivision and/or each proposed sublot. Such systems shall conform to the requirements of the Village Engineer.

(6) Cost/benefit analysis. The Planning and Zoning Commission may require a subdivider to submit a cost/benefit analysis relative to the extension of the nearest central storm water collection system to a proposed subdivision where the subdivider disagrees with the determination of the Planning and Zoning Commission as to the term "reasonable distance". Such analysis shall be conducted as follows:

A. Qualifications. Analysis shall be performed by a person qualified, as determined by the Village Engineer, to gather such information; and

B. Basis. Analysis shall be based upon factors including but not limited to the cost of extending the nearest central storm water collection system to and through the proposed subdivision, costs shared by other off-site parties that may benefit from said extension, and the difference, with and without central storm water collection, in expected sales prices of proposed sublots to market value.

(7) Ownership. The improvement plans and final plat for a proposed subdivision shall clearly delineate what entity shall own and maintain in perpetuity all storm water management improvements within and/or required for the proposed subdivision, with Village ownership and/or maintenance responsibility, subject to approval of the Village Engineer.

(8) Assessment. The Planning and Zoning Commission may require that a proposed subdivision, or any portion thereof, benefitting from storm water management facilities required to be constructed pursuant to these Regulations be subject to assessment for maintenance purposes by the Village Engineer pursuant to Section 6131.63 of the Ohio Revised Code, as now existing or hereafter amended.

(b) Erosion and Sediment. Review of erosion and sediment control falls under the jurisdiction of the Soil and Water Conservation District. The Planning and Zoning Commission shall consider but not be limited to consideration of the recommendation of the Soil and Water Conservation District, where applicable, on matters pertaining to erosion and sediment control. Any fees charged for reviews of a proposed subdivision by the Soil and Water Conservation District shall be borne by the subdivider.

(1) Information. A subdivider may call upon the Soil and Water Conservation District and/or the Ohio Environmental Protection Agency to provide information pertaining to erosion and sediment control in a proposed subdivision.

(2) Erosion and sediment control plan. Where a proposed subdivision involves the removal or disturbance of natural topsoil, trees, and/or other vegetation, or where a proposed subdivision involves a change in the natural surface contour of land in the proposed subdivision, the subdivider shall prepare and submit an Erosion and Sediment Control Plan to the Soil and Water Conservation District and the Ohio Environmental Protection Agency for review and approval. The Erosion and Sediment Control Plan shall be included in the improvement plans for the proposed subdivision and shall be amended whenever deemed necessary by the Soil and Water Conservation District or the Ohio Environmental Protection Agency. In general, erosion and sediment control practices shall include both vegetative and structural practices, as necessary to control potential sources of pollution which may affect quality of storm water discharges associated with construction activity. The Erosion and Sediment Control Plan shall conform to any and all requirements put forth by the Soil and Water Conservation District and the Ohio Environmental Protection Agency and shall, at a minimum, meet the following requirements:

A. Qualifications. Plan shall be prepared by a person qualified, as determined by the Soil and Water Conservation District and/or the Ohio Environmental Protection Agency, to gather such information;

B. Identification. Plan shall identify the limit lines of area(s) of proposed subdivision affected by construction activity; information regarding existing soils; surface water locations including springs, wetlands, streams, lakes, etc. on and within two hundred (200) feet of area(s) affected by construction activity; name and location of nearest receiving stream(s) and subsequent named receiving stream(s) of surface water; nature and type of construction activity proposed; schedule of major construction operations related to erosion and sediment control and storm water management; existing and planned locations of buildings and other structures which may affect erosion and sediment control to Waters of the State; and potential sources of pollution which may affect quality of storm water discharges associated with construction activity;

C. Controls. Plan shall describe practices which are used to control and reduce the pollutants in storm water discharges associated with construction activities, including both vegetative and structural practices;

D. Maintenance. Plan shall provide a description of maintenance procedures needed to assure continued performance of control practices, and shall be designed to minimize maintenance requirements. All control practices, whether temporary or permanent, shall be maintained and repaired by the subdivider, as determined to be necessary by the Soil and Water Conservation District and/or the Ohio Environmental Protection Agency, to assure continued performance of their intended function; and

E. Inspection. Plan shall provide that all erosion and sediment controls on the site are inspected at least once every seven (7) calendar days and within twenty-four (24) hours after any storm event with greater than one-half (½) inch of rain in a twenty-four (24) hour period. The subdivider shall maintain and keep on site an inspection log, which shall note name of inspector, date and time of inspection, area(s) and control(s) inspected, description of area(s) requiring maintenance, description of actual maintenance performed, and date and time actual maintenance was performed. (Ord. 384-04-03. Passed 6-17-03.)

1189.05 PUBLIC SERVICES.

(a) Water Supply. Review of water supply falls under the jurisdiction of the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health. The Planning and Zoning Commission shall consider but not be limited to consideration of the recommendation of the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health, where applicable, on matters pertaining to water supply. For the purposes of these Regulations, the term "reasonable distance" shall be as determined by the Planning and Zoning Commission. In making its determination, the Planning and Zoning Commission shall consider factors including but not limited to system capacity, pressure, and flow, development density, development size, existing on-site water supply needs, proximity to major thoroughfare(s), and/or cooperation of service provider(s). Any fees charged for reviews of a proposed subdivision by the County Department of Environmental Services, Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health shall be borne by the subdivider.

(1) Information. A subdivider may call upon the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health, to provide information pertaining to water supply in a proposed subdivision.

(2) Central water supply system. Where a central water supply system exists within a reasonable distance of a proposed subdivision, the subdivider shall design and construct a system of mains, hydrants as defined in subsection (a)(5) hereof, and other appurtenances as determined to be necessary by the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health to tie into said central water supply system, including a lateral connection for each proposed sublot or building site.

(3) Interim group water supply facility. Where a central water supply system does not exist within a reasonable distance of a proposed subdivision, but where the proposed subdivision is located within a water district established pursuant to applicable provisions of the Ohio Revised Code, the Planning and Zoning Commission may do one (1) of the following

A. Refuse to permit the area to be developed if it finds a proposed use to be detrimental to the public health, safety, and/or welfare of the surrounding area, based upon receipt and consideration of recommendations from the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health; or

B. Require the subdivider to design and construct a system of mains, hydrants as defined in subsection (a)(5) hereof, and other appurtenances as determined to be necessary by the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health to tie into a central water supply system in the future, including a lateral connection for each proposed sublot or building site, and require the subdivider to design and construct, and provide for the operation and maintenance of an interim group water supply facility to serve the proposed subdivision until it is tied into a central water supply system. Such facility may be accepted for operation and maintenance by the Village, provided the Planning and Zoning Commission finds that all of the following are true:

1. Said facility, and the land on which it is located, is owned by the Village;
2. Said facility has been designed and constructed according to specifications of the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health: and
3. Said facility has been approved by the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health.

(4) Individual water wells. Where a central water supply system does not exist within a reasonable distance of a proposed subdivision, and where the proposed subdivision is not located within a water district, the subdivider may propose individual water wells to serve each proposed sublot, or hydrants as defined in subsection (a)(5) hereof. Such wells shall conform to the requirements of the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health, and shall, at a minimum, meet the following requirements:

A. The Planning and Zoning Commission may refuse to permit the area to be developed if it finds a proposed use to be detrimental to the public health, safety, and/or welfare of the surrounding area, based upon receipt and consideration of recommendations from the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health;

B. The subdivider shall drill one (1) test well in the proposed subdivision for each ten (10) sublots being proposed or ten (10) acres to be subdivided, whichever is less. Logs of existing wells in or within five hundred (500) feet of the proposed subdivision taken not more than six (6) months prior to submission may be submitted in lieu of drilling test wells. In any case, data shall be taken from a depth not less than twenty-five (25) feet;

C. Well logs submitted shall indicate safe and potable drinking water with flow and pressure adequate for domestic use as determined by the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health, as well as suburban and rural fire fighting use as determined by the Local Fire Department; and

D. Wells shall be located not less than ten (10) feet from central sanitary sewage collection system lines, not less than twenty-five (25) feet from sublot lines, not less than thirty (30) feet from septic tanks, not less than thirty (30) feet from vitrified sewer tile lines, approximately one hundred (100) feet from tile disposal fields and other sewage disposal facilities, and outside any flood plain area.

(5) Hydrants. Hydrants are deemed to be a beneficial improvement for fire suppression purposes, and to protect the public health, safety, and welfare. Where a proposed subdivision is to be tied into a central water supply system as defined in subsection (a)(2) hereof or served by a interim group water supply system as defined in subsection (a)(3) hereof, the subdivider shall design and construct hydrants as part of the improvements in the proposed subdivision. Where a proposed subdivision is to be served by individual water wells as defined in subsection (a)(4) hereof, unless the subdivider demonstrates that the soils within the proposed subdivision will not support a water source, the subdivider shall design and construct one (1) or more dry hydrants meeting the approval of the local Fire Department as part of the improvements in the proposed subdivision. All hydrants shall conform to the requirements of the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health, and shall, at a minimum, meet the following requirements:

A. Each proposed sublot shall be located not farther than one thousand (1,000) feet from a hydrant if a proposed subdivision is to be tied into a central water supply system or served by an interim group water supply system, or shall be in at least one (1) location within a proposed subdivision if served by individual wells and in an area requiring dry hydrants;

B. Hydrants shall be spaced and located to accommodate necessary fire flow as determined by the local Fire Department; and

C. Hydrants shall be located at all other points as determined by the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health.

(6) Cost/benefit analysis. The Planning and Zoning Commission may require a subdivider to submit a cost/benefit analysis relative to the extension of the nearest central water supply system to a proposed subdivision where the subdivider disagrees with the determination of the Planning and Zoning Commission as to the term “reasonable distance”. Such analysis shall be conducted as follows:

A. Qualifications. Analysis shall be performed by a person qualified, as determined by the County Department of Environmental Services, to gather such information; and

B. Basis. Analysis shall be based upon factors including but not limited to the cost of extending the nearest central water supply system to and through the proposed subdivision, costs shared by other off-site parties that may benefit from said extension, and the difference, with and without central water supply, in expected sales prices of proposed sublots at market value.

(b) Sanitary Waste. Review of disposal of sanitary waste falls under the jurisdiction of the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health. The Planning Commission shall consider but not be limited to consideration of the recommendation of the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health and/or the County Board of Health, where applicable, on matters pertaining to disposal of sanitary waste. For the purposes of these Regulations, the term "reasonable distance" shall be as determined by the Planning and Zoning Commission. In making its determination, the Planning and Zoning Commission shall consider factors including but not limited to system capacity, development density, development, size, existing on-site sanitary waste disposal needs, proximity to major thoroughfare(s), and/or cooperation of service provider(s). Any fees charged for reviews of a proposed subdivision by the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health shall be borne by the subdivider.

(1) Information. A subdivider may call upon the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health, to provide information pertaining to the disposal of sanitary waste in a proposed subdivision.

(2) Central sewage collection system. Where a central sewage collection system exists within a reasonable distance of a proposed subdivision, the subdivider shall design and construct a system of mains, manholes, and other appurtenances as determined to be necessary by the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health to tie into said central sewer collection system, including a lateral connection for each proposed sub lot or building site.

(3) Interim group sewage disposal facility. Where a central sewage collection system does not exist within a reasonable distance of a proposed subdivision, but where the proposed subdivision is located within a sanitary sewer district established pursuant to applicable provisions of the Ohio Revised Code, the Planning and Zoning Commission may do one (1) of the following:

A. Refuse to permit the area to be developed if it finds a proposed use to be detrimental to the public health, safety, and/or welfare of the surrounding area, based upon receipt and consideration of recommendations from County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health; or

B. Require the subdivider to design and construct a system of mains, manholes, and other appurtenances as determined to be necessary by the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health to tie into a central sewage collection system in the future, including a lateral connection for each proposed sublot or building site, and require the subdivider to design and construct, and provide for the operation and maintenance of an interim group sewage disposal facility to serve the proposed subdivision until it is tied into a central sewage collection system. The Village may consider accepting such facility for operation and maintenance, provided the Planning and Zoning Commission finds that all of the following am true:

1. Said facility, and the land on which it is located, is or is to be owned by the Village;
2. Said facility has been designed and constructed according to specifications of the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health; and
3. Said facility has been approved by the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health.

(4) Individual sewage disposal systems. Where a central sewage collection system does not exist within a reasonable distance of a proposed subdivision, and where the proposed subdivision is not located within a sanitary sewer district, the subdivider may propose individual septic systems to serve each proposed sublot. Such systems shall conform to the requirements of the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health. The Planning and Zoning Commission may refuse to permit the area to be developed if it finds a proposed use to be detrimental to the public health, safety, and/or welfare of the surrounding area, based upon receipt and consideration of recommendations from the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health.

(5) Cost/benefit analysis. The Planning and Zoning Commission may require a subdivider to submit a cost/benefit analysis relative to the extension of the nearest central sewage collection system to a proposed subdivision where the subdivider disagrees with the determination of the Planning and Zoning Commission as to the term reasonable distance. Such analysis shall be conducted as follows:

A. Qualifications. Analysis shall be performed by a person qualified, as determined by the County Department of Environmental Services, the Ohio Environmental Protection Agency, the Ohio Board of Health, and/or the County Board of Health, to gather such information; and,

B. Basis. Analysis shall be based upon factors including but not limited to the cost of extending the nearest central sewage collection system to and through the proposed subdivision, costs shared by other off-site parties that may benefit from said extension, and the difference, with and without central sanitary sewers, in expected sales prices of proposed sublots at market value.

(c) Other Utilities. Review of other utilities falls under the jurisdiction of local utility providers. The Planning and Zoning Commission shall consider but not be limited to consideration of the recommendation of local utility providers on matters pertaining to other utilities. For the purpose of these Regulations, other utilities shall include but not be limited to cable television, electric, street lighting, natural gas, and telephone wires, conduits, cables, and other lines. Any fees charged for reviews of a proposed subdivision by local utility providers shall be borne by the subdivider.

(1) Underground utilities required. All utilities shall be installed underground.

(2) Improvement plans to show all utilities. All utilities shall be identified on the improvement plans. The subdivider shall provide a draft copy of the improvement plans to each applicable utility, so that each may incorporate its design information into the improvement plans.

(3) Construction specifications. All utilities shall conform to the most recent Ohio Department of Transportation Construction and Material Specifications, the current regulations of the Public Utilities Commission of Ohio, and the requirements of the utilities themselves.
(Ord. 384-04-03. Passed 6-17-03.)

1189.06 LAND USE.

(a) Relationship of Land Use to Zoning. Zoning authority falls under the jurisdiction of the Village. Land use planning relates directly to zoning. Because subdivision regulations and zoning provisions are by necessity interrelated, it is necessary that these subdivision regulations support zoning. Any fees charged for reviews of a proposed subdivision by the Village shall be borne by the subdivider.

(1) Information. A subdivider may call upon the Village to provide information pertaining to the applicable zoning requirements in a proposed subdivision.

(2) Zoning consistency required. Approval of plans regulated under these Regulations shall not be approved by Planning and Zoning Commission if any element of the proposed development provides for development inconsistent or incompatible with such zoning regulations, unless a variance or other relief as regulated under these Regulations is approved by Planning and Zoning Commission as set forth herein.

(b) Easements. Review of easements falls under the jurisdiction of the Planning and Zoning Commission. The Planning and Zoning Commission shall seek the expertise of the Department of Planning and Community Services, County Engineer, or other County department or agency, concerning easements as related to these Regulations. Any fees charged for reviews of a proposed subdivision by the County Engineer and/or the County Department of Environmental Services shall be borne by the subdivider.

(1) Information. A subdivider may call upon the County Engineer and/or the County Department of Environmental Services, where applicable, to provide information pertaining to easements to be required in a proposed subdivision.

(2) Utilities. Easements to the Village, not less than ten (10) feet in width along all front lot lines and any other lot lines adjoining a public right of way in a proposed subdivision, shall be provided for water supply, sanitary sewer, and/or other public or private utility purposes.

(3) Stormwater management. Easements to the Village, not less than twenty (20) feet in width along every water course, storm sewer, drain channel, or stream in a proposed subdivision, shall be provided for stormwater management purposes.

(4) Easements used in place of access prohibited. Easements proposed to be used as physical access to a lot or site, in lieu of, or instead of, a publicly dedicated right-of-way to substitute for legal frontage, as required under Village zoning, Ashtabula County Health regulations, or under these Subdivision Regulations, shall be strictly prohibited.

(c) Surveying and Monumentation. Review of surveying and monumentation, in general, falls under the jurisdiction of the County Engineer and County Auditor. Review of surveying and monumentation for minor subdivision falls under the jurisdiction of the Planning and Zoning Commission, in consultation with the County Engineer and County Auditor, in order to facilitate transferability and recordation of deeds and other plans. Any fees charged for reviews of a proposed subdivision by the County Auditor and/or the County Engineer shall be borne by the subdivider.

(1) Information. A subdivider may call upon the County Auditor and/or the County Engineer, and may consult the Minimum Standards for Boundary Surveys in the State of Ohio, as defined in Section 4733-37 of the Ohio Administrative Code, and the County Conveyance Standards, to provide information pertaining to surveying and monumentation requirements in a proposed subdivision.

(2) Submission requirements. To process an application for review of plans as regulated under these Subdivision Regulations, the applicant shall submit those items listed in the submission requirements for the respective application types, as provided for and maintained by the Planning and Zoning Commission. The minimum survey and monumentation requirements shall include the following:

A. Roadway Points. Roadway points, also known as monuments, consisting of iron pins or pipes, as set forth in Section 4733-37-03 (C) of the OAC, shall be set in the proposed subdivision at street intersections, at points of change in alignment, and at the ends of streets. The top of the monument shall be set so that the top will be about ten (10) inches below the established grade of the street and covered with a cast iron "Monument Box", so marked, with removable cover, flush with pavement grade. In lieu of the placement of centerline monuments, the surveyor may monument the street lines along the right-of-way at all intersections and changes in alignment in the right-of-way;

B. Boundary Points. Boundary points, also known as monuments, shall also be established (either found or set) at all outside boundary lines of a proposed subdivision, and shall also be set at all sublot corners within the proposed subdivision as set forth in Section 4733-37 of the OAC;

C. Reference Points. All subdivisions shall be referenced to an established point of beginning. The following may be used as reference points: centerline intersections of streets or roads; established corners of recorded permanent parcels; original township sections or Great Lots, which are monumented and tied into road intersections; township boundary lines; and, corners or boundary lines of the original Connecticut Western Reserve. Reference points shall be monumented and tied to road stationing as filed in the Ashtabula County Engineer's Road Records. The point of beginning shall enable a surveyor to reconstruct the survey.

D. Obstructions. In the event that a permanent obstruction, incapable of being removed because of physical, legal, or property rights reasons, prevents a monument or marker from being set at the exact intersection of a boundary line of a proposed subdivision, whether on an outside or interior boundary line, the monument may be set as near to the exact intersection as is physically possible, or alternative monumentation may be placed in accordance with Section 4733-37-03 (D)) of the OAC, and such discrepancy shall be noted on the survey in an appropriate manner necessary to convey such information;

E. Dimensions. The survey shall call out area dimensions in acres, carried to four (4) decimal places, and linear dimensions called out in feet shall be carried to two (2) decimal places. Angles, bearings, or azimuths shall be expressed in degrees, minutes, and seconds;

F. Existing Structures. The surveyor shall identify, by location and distance from all existing and proposed lot lines, all existing buildings and other significant structures, on parcels being surveyed. The footprint of such structures may be approximated from survey or observation, or a site plan of the parcel being surveyed may be submitted showing existing structures and other information as required per the submission requirements on a separate drawing or map. Such supplemental information, whether shown on the survey or on a supplemental drawing, may be approximated by extrapolation or other method of approximation from aerial photographs, tax maps, and/or, other appropriate documentation;

G. Identification. The surveyor shall identify by name(s) of owner(s) of parcels being surveyed, and of all land abutting the parcels being surveyed, further indicated by deed or official record number and page number, except when abutting a recorded major subdivision, in which case the sublot number and the volume and page number shall be indicated;

H. Easements for Survey Monumentation. A perpetual easement for survey monuments shall be provided at each lot corner, at all points of curvature, and at all locations where a survey monument is established as found or set. The easement shall be one (1) foot radial about each such location, and shall terminate at the outer boundaries of the subdivision. Such easements are to protect the monument and ensure their permanence. No utility lines or other appurtenances, or fixtures to real property shall be located within such easements. Such easements shall extend from the surface into the ground for an indefinite depth. Right of entry over, across, and through such areas of the subdivision subject to easements for this purpose shall be reserved for access to monuments by surveyors, property owners, and relevant utility providers; and,

I. Certification. Monuments shall be set where shown on the approved survey map or final plat. The surveyor shall certify on the survey map or final plat that all required monumentation is in place or will be in place prior to release of the performance guarantee. It shall be the responsibility of the land owner to have any required monumentation or iron pins which were or will be moved during construction, replaced by a surveyor at the surveyed land.

(Ord. 384-04-03. Passed 6-17-03.)

1189.07 IMPROVEMENTS.

(a) Existing Streets. Review of existing streets falls under the jurisdiction of the Planning and Zoning Commission and Village Engineer or assignee.

(1) Information. A subdivider may consult the County Major Thoroughfare Plan and/or other elements of the Village Comprehensive Plan, as now existing or hereafter amended, to provide information pertaining to the intended relationships between existing streets and a proposed subdivision.

(2) Coordination required. A proposed subdivision shall provide for the continuation, connection, or projection of existing and proposed streets from and into surrounding areas, to provide for a coordinated thoroughfare system, and/or to conform to any plan for the surrounding area as may be adopted from time to time by the Planning and Zoning Commission, the Village and the Board of County Commissioners.

(3) Constructed and improved and unconstructed streets. Existing streets shall mean platted, but unimproved streets to any extent, or dedicated and accepted unimproved streets to any extent, or dedicated and accepted and fully constructed streets.

(b) Boundaries. Review of boundaries falls under the jurisdiction of the Planning and Zoning Commission.

(1) Information. A subdivider may consult the County Major Thoroughfare Plan and/or other elements of the Village Comprehensive Plan, as now existing or hereafter amended, to provide information pertaining to the potential development along the boundaries of a proposed subdivision.

(2) Extension required. A proposed subdivision shall provide for construction and installation of thoroughfares, utilities, and all other improvements to the boundaries of the proposed subdivision, to serve adjacent or nearby land, and/or to conform to any plan for the surrounding area as may be adopted from time to time by the Planning and Zoning Commission and the Village Council.

(c) Off-Site Conditions. Review of off-site conditions falls under the jurisdiction of the County Engineer and the County Department of Environmental Services. The Planning and Zoning Commission shall consider but not be limited to consideration of the recommendation of the County Engineer and/or the County Department of Environmental Services, where applicable, on matters pertaining to off-site conditions. Any fees charged for reviews of a proposed subdivision by the County Engineer and/or the County Department of Environmental Services shall be borne by the subdivider.

(1) Information. A subdivider may consult the County Major Thoroughfare Plan and/or other elements of the Village Comprehensive Plan, as now existing or hereafter amended, to provide information pertaining to the intended relationships between existing streets and a proposed subdivision.

(2) Extension required. If streets, utilities, and/or other improvements are not available at the boundary of a proposed subdivision, and the Planning and Zoning Commission finds extension across undeveloped areas would not warrant special assessment to intervening properties or public expense, a subdivider shall, prior to approval of the final plat, obtain necessary easements or rights-of-way and include such extensions among the proposed subdivision's required improvements. Such improvements shall be available for connections by subdividers of nearby land and with sharing of costs as determined by the Planning and Zoning Commission.

(3) Cost allocation analysis. The Planning and Zoning Commission may require a subdivider to submit a cost allocation analysis relative to the extension of off-site improvements to a proposed subdivision where the subdivider disagrees with the determination of the Planning and Zoning Commission as to whether or not such extensions warrant special assessment to intervening properties or public expense. Such analysis shall be conducted as follows:

A. Qualifications. Analysis shall be performed by a person qualified, as determined by the Village Engineer and/or the County Department of Environmental Services, where applicable, to gather such information; and

B. Basis. Analysis shall be based upon factors including but not limited to the cost of extending improvements to and through the proposed subdivision, costs shared by other off-site parties that may benefit from said extension, and the difference, with and without improvements, in expected sales prices of proposed sublots at market value.

(d) Over-Sizing. Review of over-sizing falls under the jurisdiction of the County Engineer and the County Department of Environmental Services. The Planning and Zoning Commission shall consider but not be limited to consideration of the recommendation of the County Engineer and the County Department of Environmental Services, where applicable, on matters pertaining to over-sizing. Any fees charged for reviews of a proposed subdivision by the County Engineer and/or the County Department of Environmental Services shall be borne by the subdivider.

(1) Information. A subdivider may consult the County Major Thoroughfare Plan and/or other elements of the Village Comprehensive Plan, as now existing or hereafter amended, as well as any master plan for improvements that may be adopted from time to time by the Village Council to provide information pertaining to the over-sizing of improvements in a proposed subdivision.

(2) Over-sizing required. If streets, utilities, and/or other improvements in a proposed subdivision are or will be required to serve adjacent or nearby land, and the Planning and Zoning Commission finds over-sizing of improvements in the proposed subdivision to serve undeveloped areas would not warrant special assessment to intervening properties or public expense, a subdivider shall, prior to approval of the final plat, obtain specifications for said over-sized improvements from the County Engineer and/or the County Department of Environmental Services, where applicable, and include such over-sized improvements among the proposed subdivision's required improvements. Such over-sized improvements shall be available for connections by subdividers of nearby land and with sharing of costs as determined by the Planning and Zoning Commission.

(3) Cost allocation analysis. The Planning and Zoning Commission may require a subdivider to submit a cost allocation analysis relative to the over- sizing of improvements in a proposed subdivision where the subdivider disagrees with the determination of the Planning and Zoning Commission as to whether or not such over-sized improvements warrant special assessment to intervening properties or public expense. Such analysis shall be conducted as follows.

A. Qualifications. Analysis shall be performed by a person qualified, as determined by the County Engineer and/or the County Department of Environmental Services, where applicable, to gather such information; and

B. Basis. Analysis shall be based upon factors including but not limited to the cost of over-sizing improvements in the proposed subdivision, costs shared by other off-site parties that may benefit from said over-sized improvements, and the difference, with and without over-sized improvements, in expected sales prices of proposed sublots at market value.

(Ord. 384-04-03. Passed 6-17-03.)

1189.08 IMPROVEMENT PLAN PROCEDURES.

(a) Plan Review and Approval.

(1) Subdivider's responsibility. A subdivider shall prepare and submit to the Village Engineer (or assignee) and, if needed, state and county engineers for review and approval, all plans, specifications, cost estimates, and other essential documents necessary for the construction and installation of all required improvements in a proposed subdivision. All plans, specifications, cost estimates, and other essential documents necessary for the construction and installation of all required improvements in a proposed subdivision shall be prepared by an licensed engineer as defined in these Regulations.

(2) Review. The Village Engineer shall act as agent for the Planning and Zoning Commission and shall certify to the Planning and Zoning Commission any action taken with respect to review of improvement plans for a proposed subdivision.

(3) Approval. All necessary improvement plans for proposed roads, storm sewers, and storm water management facilities shall be approved by the Village Engineer. All improvement plans for erosion and sediment control facilities shall be approved by the Soil and Water Conservation District prior to approval of the improvement plans by the Village Engineer. All improvement plans for sanitary sewer systems shall be approved by the Village Engineer, the Ohio Environmental Protection Agency and any other authority having jurisdiction. All water lines and water supply system shall be approved by the Village Engineer, the Ohio Environmental Protection Agency and any other authority having jurisdiction. All water and sewer projects will also be reviewed and approved by the Village Utility Study Commission.

(4) Fees. Any fees charged for reviews of a proposed subdivision by any outside agencies shall be borne by the subdivider.

(b) Cost Estimate.

(1) Subdivider's responsibility. Upon certification to the Planning and Zoning Commission of approval by the Village Engineer of the improvement plans, and prior to commencement of construction and installation of any required improvements in a proposed subdivision, the subdivider shall prepare and submit to the Village Engineer an independent estimate of construction costs by item for surveying, engineering, roads, storm and sanitary sewers, sanitary treatment plants, pumping stations and water supply systems, drainage structures, erosion and sediment control facilities, restoration of land and site clean-up, and other related items. The total estimated costs of all required improvements shall include the cost of preparing the estimate, and the estimate shall be stamped and signed by a professional civil engineer, retained and paid for by the subdivider.

(2) Approval. The Village Engineer may add to the developer's estimate an amount to cover contingencies, including inspection costs, to arrive at the total estimated cost and shall certify said cost to the Planning and Zoning Commission.

(c) Performance Guarantee.

(1) Subdivider's responsibility. A subdivider shall be responsible for completing construction and installation of all required improvements in a proposed subdivision within one (1) year, unless not more than one (1) extension of one (1) additional year has been approved by the Planning and Zoning Commission, after approval of the final plot by the Planning and Zoning Commission.

(2) Agreement required. Prior to commencement of construction and installation of required improvements for a proposed subdivision, a subdivider shall submit and enter into a Subdivision Construction Agreement, in a form as provided by the Staff, with the Village Council and a local lending institution acceptable to the Village Council, and shall submit a performance guarantee of a cash deposit, surety bond, letter of credit, or other instrument acceptable to the Village Solicitor, in an amount not less than one hundred ten percent (110%) of the cost, as determined by the Village Engineer, of construction and installation of all required improvements in the proposed subdivision, to guarantee completion of all such improvements, for a period of one (1) year after approval by the Planning and Zoning Commission of the final plat of the proposed subdivision. If at any time the Planning and Zoning Commission approves a completion of construction extension, the subdivider shall supplement the performance guarantee, and all parties shall amend the Subdivision Construction Agreement as already executed, incorporating additional costs as determined by the Village Engineer.

(3) Improvement authorization. When the Village Engineer has approved the improvement plans and certified the estimate of total construction costs, he or she shall submit written certification of such approval to the Planning and Zoning Commission within ten (10) days. Upon receipt of such certification from the Village Engineer, the Planning and Zoning Commission shall notify the subdivider in writing within five (5) days that the improvement plans and the estimate of required construction costs have been so approved and certified, and the subdivider may upon receipt of said notification commence construction and installation of any and all required improvements.

(4) Release of funds. A performance guarantee shall remain in effect until released by the Village Council. A subdivider's engineer shall verify all invoices and statements of expenditures and submit them to the Village Engineer for review and approval. The Village Engineer shall notify the Planning and Zoning Commission upon approval. Release of funds from a performance guarantee shall not exceed ninety percent (90%) of the total estimated costs until the entire performance guarantee is released and a maintenance guarantee is in effect. The Village Engineer may recommend release of a portion of a performance guarantee and acceptance of a maintenance guarantee prior to the completion of the improvements, should weather, time of year, and/or other conditions prevent immediate completion. In this case a performance guarantee shall be retained to cover the cost and guarantee the construction and installation of improvements not yet completed.

(5) Failure to perform. If a subdivider fails to proceed with construction and installation of required improvements within one (1) year of the date of commencement of a Subdivision Construction Agreement, unless the Planning and Zoning Commission at any time approves a completion of construction extension, the Village Engineer shall notify the Planning and Zoning Commission that the subdivider has failed to perform. The Planning and Zoning Commission shall notify the subdivider and the local lending institution in writing of such failure and of its intention to vacate the subdivision or complete the improvements within a specified period of time.

(d) Pre- Construction Meeting.

Subdivider's responsibility. Upon execution of a Subdivision Construction Agreement, and prior to commencement of construction and installation of required improvements in a proposed subdivision, a subdivider shall notify the Staff to arrange for a preconstruction meeting to be held, at which the owner, subdivider, subdivider's engineer, subdivider's contractor, Village Engineer, County Department of Environmental Services, where applicable, County Health Department, where applicable, Planning and Zoning Commission, Staff, and other agencies as required shall be in attendance. At this time, the proposed subdivision shall be discussed with regard to procedure, construction methods, plans, materials, inspections, stormwater management, erosion and sedimentation control, etc. Also at this time, the subdivider shall submit a construction schedule to the Village Engineer for approval. The construction schedule shall show commencement and completion dates for each phase of construction work, including dates for completion of all required improvements in the proposed subdivision.

(e) Construction Inspection and Approval.

(1) Subdivider's responsibility. A subdivider, and all agents thereof, shall have available at the proposed subdivision site at all times one (1) approved copy of the approved improvement plans. A subdivider, and all agents thereof, shall cooperate with the Village Engineer's Inspector and with other parties in every way possible. The subdivider, and all agents thereof, shall at all times have a competent representative acting as his or her agent available to be contacted by the Village Engineer at any time while construction and installation of improvements is occurring on the proposed subdivision site. The representative shall be capable of reading and thoroughly understanding the improvement plans and promptly supplying such materials, tools, plat equipment, and labor as may be required. A representative shall be furnished regardless of the amount of work sublet.

(2) Inspection. The Village Engineer shall act as agent for the Planning and Zoning Commission and shall certify to the Planning and Zoning Commission and, if applicable, the Department of Planning and Community Services any action taken with respect to inspection of construction and installation of required improvements in a proposed subdivision. The Village Engineer shall have the right to inspect, at any time, any and all required improvements in a proposed subdivision, and shall have the authority to require field changes to approved plans as deemed to be necessary. Improvements to be inspected include but are not limited to preliminary grading, back filling of all trenches and excavations in the rights-of-way, preparation of subgrade, setting forms, paving (rigid and flexible), inlet construction, curing of rigid pavement, removal of forms and berm compaction, sidewalk construction, sealing joints, storm sewer construction, any construction of utilities within rights-of-way, and any construction of structures within rights-of-way. Any of the above-listed construction operations that may be performed without advance notice to the Village Engineer may result in scoring of the pavement, subgrade boring, and/or non-acceptance of the improvement if it does not meet the specifications of the Village Engineer.

(3) Approval. Construction and installation of all required improvements for proposed roads, storm sewers, and storm water management facilities shall be approved by the Village Engineer. Construction and installation of required improvements for erosion and sedimentation control facilities shall be approved by the Soil and Water Conservation District prior to approval of all required improvements by the Village Engineer. Construction and installation of required improvements for sanitary sewer systems shall be approved by a Village Engineer, the Ohio Environmental Protection Agency and any other authority having jurisdiction in the subdivision construction area. All water lines and water supply systems shall be approved by the Village Engineer, the Ohio Environmental Protection Agency and any other authority having jurisdiction. All water and sewer projects will also be reviewed and approved by the Village Utility Study Commission.

(4) Acceptance (of public roads). After the Village Engineer has approved the improvement plans and certified that all improvements as required in the improvement plans have been satisfactorily constructed and installed, if the Village Engineer is satisfied that the roadway(s) have been satisfactorily constructed and installed to serve the public health, safety, and welfare, he or she stroll notify the Village Council in writing of such finding, certifying that the roadway(s) should be accepted by the Village as a dedicated public thoroughfare, and that the responsibility for maintenance of such roadway(s) should be assigned to the Village.

(5) Fees. Any fees charged for reviews of a proposed subdivision by any outside agencies shall be borne by the subdivider.

(f) Maintenance Guarantee.

(1) Subdivider's responsibility. Until such time as the Village has accepted the constructed roadway as herein defined, the subdivider shall be responsible for maintaining all required improvements in a proposed subdivision within one (1) year, unless not more than one (1) extension of one (1) additional year has been approved by the Planning and Zoning Commission, after completion of construction and installation of all required improvements in a proposed subdivision.

(2) Agreement required. Prior to acceptance of required improvements in a proposed subdivision, a subdivider shall submit and enter into a Subdivision Maintenance Agreement, in a form as provided by the Staff, with the Village Council and a local lending institution acceptable to the Village, and shall submit a maintenance guarantee of a cash deposit, surety bond without expiration date, irrevocable letter of credit, or other surety instrument acceptable to the Village Solicitor, to guarantee and warrant that the satisfactorily installed improvements as approved by the Village Engineer are fit for their particular purposes. The surety shall be in an amount not less than fifteen percent (15%) of the total cost, as determined by the Village Engineer, of construction and installation of all required improvements in the proposed subdivision, to guarantee maintenance of all such improvements, for a period of one (1) year after completion of construction and installation of required improvements in the proposed subdivision. If at any time the Planning and Zoning Commission approves a maintenance of construction extension, the subdivider shall supplement the maintenance guarantee, and all parties shall amend the Subdivision Maintenance Agreement as already executed, incorporating additional costs a determined by the Village Engineer.

(3) Release of funds. A maintenance guarantee shall remain in effect until released by Village Council, which upon the advisement of the Village Engineer, may be for a period of less than one (1) year, as is typical.

(4) Failure to perform. If a subdivider fails to proceed with maintenance of required improvements within one (1) year of the date of commencement of a Subdivision Maintenance Agreement, unless the Planning and Zoning Commission at any time approves a maintenance of construction extension, the Village Engineer shall notify the Planning and Zoning Commission and, if applicable, the Department of Planning and Community Services that the subdivider has failed to perform. The Planning and Zoning Commission shall notify the subdivider and the local lending institution in writing of such failure and of its intention to vacate the subdivision or maintain the improvements within a specified period of time.

(5) Snow and ice removal. Prior to release of the maintenance guarantee, the Village shall have maintenance responsibility for snow and ice removal on Village roads. The County Engineer shall have maintenance responsibility for snow and ice removal on County roads. The Board of Township Trustees shall have maintenance responsibility for snow and ice removal on township roads.

(g) Acceptance.

(1) Subdivider's responsibility. Upon completion of a Subdivision Maintenance Agreement, a subdivider shall request the Village Engineer conduct an inspection to ascertain whether the required roadways as constructed according to the approved improvement plans are satisfactorily installed as determined by the Village Engineer to warrant acceptance, as defined as set forth in Section 1181.03 - "Acceptance" of these Subdivision Regulations.

(2) Acceptance. After all required improvements as approved in the improvement plans have been satisfactorily constructed and installed as certified by the Village Engineer, the Village Engineer shall recommend in writing to the Village Council that all roads and related storm drainage systems and other appurtenances thereof be accepted into the public roadway system of the respective political subdivision for maintenance and public health, safety, and welfare where that improved subdivision is located.

(3) Punch list. After the inspection, for which the Village Engineer may call upon the Village Administrator for assistance and consultation, the Village Engineer shall do one of the following:

A. Notification to the Village Council. Issue a letter to the Village Council, with a copy to the subdivider, recommending acceptance of the improvements as defined and regulated as set forth in these Subdivision Regulations; or

B. Punch list. In the event of non-acceptance, the Village Engineer shall issue a letter to the subdivider, with a copy to the Village Council, listing items of work necessary to be accomplished before acceptance is authorized and certified to the Village.

(4) Notification to Planning and Zoning Commission and staff. The Village Engineer shall notify the Planning and Zoning Commission and, if applicable, Department of Planning and Community Services of acceptance.

(5) Action by Village Council. Upon receiving a recommendation from the Village Engineer for acceptance of required improvements in a proposed subdivision, the Village Council shall accept the required improvements in a proposed subdivision, at which time the Village shall commence maintenance of any and all roads in the proposed subdivision.
(Ord. 384-04-03. Passed 6-17-03.)

NOTE: These are minimum standards. The County Engineer may prescribe different standards where conditions warrant.									
ROAD CLASS *	Pavement Width		Minimum Base and Pavement Thickness **						
			Plain Portland Cement Concrete		Asphalt Concrete Aggregate Base			Deep Asphalt	
	Curbs	No Curbs	Agg.	P.C.C.	304 Agg.	301 or 402 Base	404 Surface	301 or 402 Base	404 Surface
1. Collector Road	28'	24'	5"	7"	6"	4"	2"	6"	2-1/2"
2. Marginal Access Rd.	28'	24'	5"	7"	6"	4"	2"	6"	2-1/2"
3. Local Road a. Residential: Light Traffic	22'	20'	4"	6"	6"	2-1/2"	1-1/2"	4-1/2"	1-1/2"
Medium Traffic	24'	20'	4"	7"	6"	4-1/2"	1-1/2"	7"	1-1/2"
b. Commercial and Industrial Park	28'	24'	6"	9"	6"	7"	2"	8"	3"

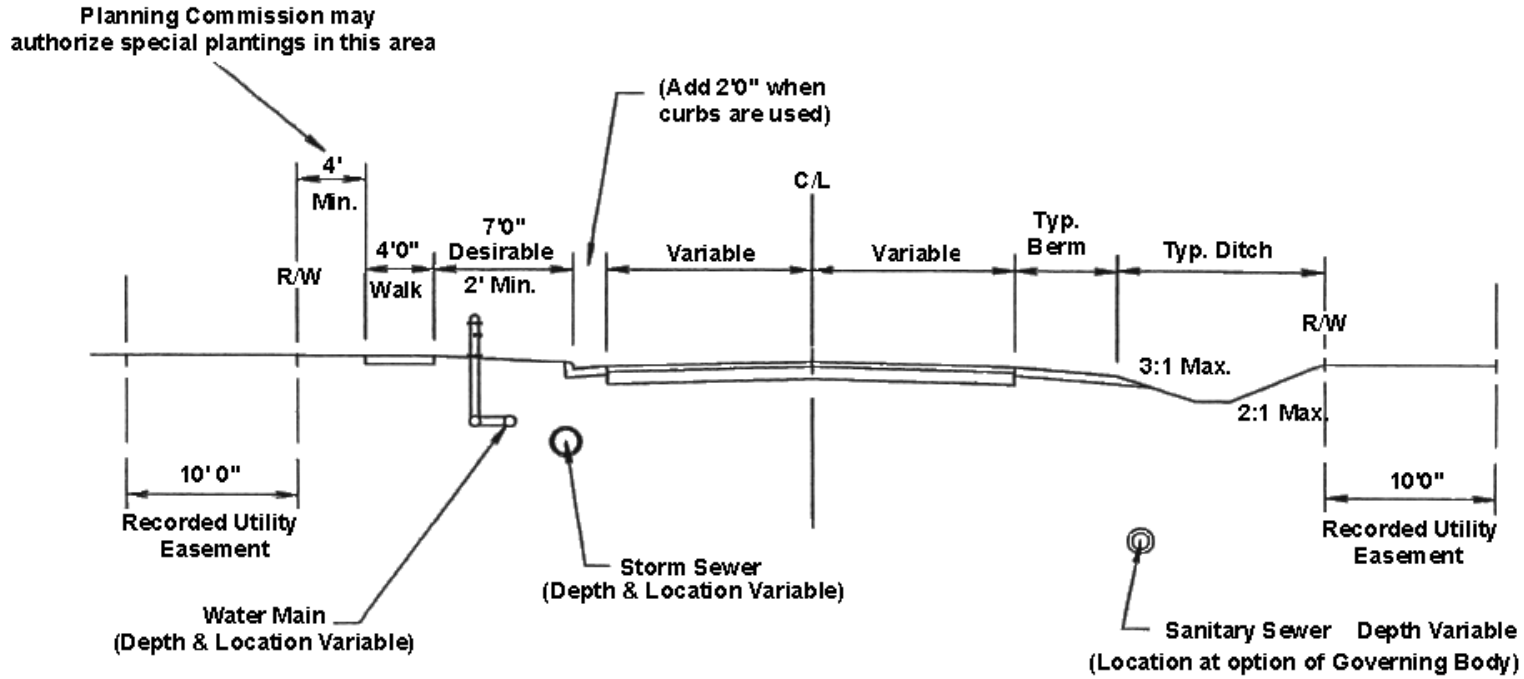
Collector Road - Connects local road and arterial roads.
Marginal Access Road - Is parallel to a freeway or arterial road and provides access to local roads.
Residential:
Light Traffic Road - A dead end road less than 3/4 mile in length including side streets.
Medium Traffic Road - A dead end road greater than 3/4 mile in length including side streets, or a road passing through a residential area but out of the line of through traffic.
Commercial and Industrial Park - Roads in subdivisions having commercial and/or industrial enterprises served by trucks.

* In case of question, the County Engineer shall decide the class for construction purposes.
** The developer's design engineer shall provide base and pavement calculations as per O.D.O.T. L & D Manual Vol. #1. Based on these calculations, base and pavement thicknesses may exceed the values shown on the above chart.

EXHIBIT A

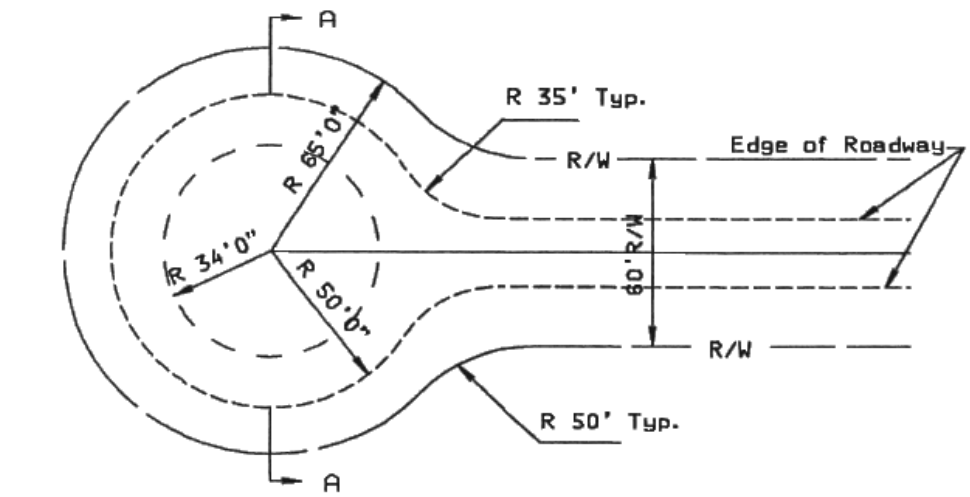
Ashtabula County Engineering
Department
John W. Smolen - County Engineer

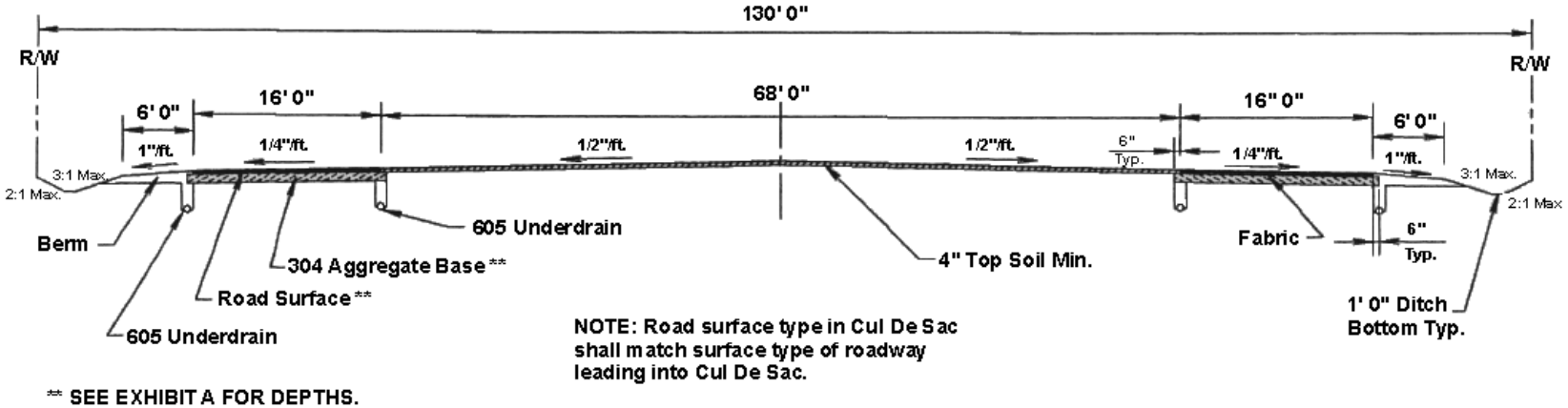
Date: June 98
Drawn: d.w.m.



NOTE: Gas, Electric, Telephone, Cable TV, Ect. Shall Be Installed Within The Utility Easements Provided. Depth and Location Will Be Determined From Current Standards and Regulations

2/7	ASHTABULA COUNTY ENGINEER DEPARTMENT JOHN W. SMOLEN-COUNTY ENGINEER	TYPICAL STREET OCCUPATION	SCALE:	DRAWN: d.w.m.
			DATE: JUNE 98	REVISION:

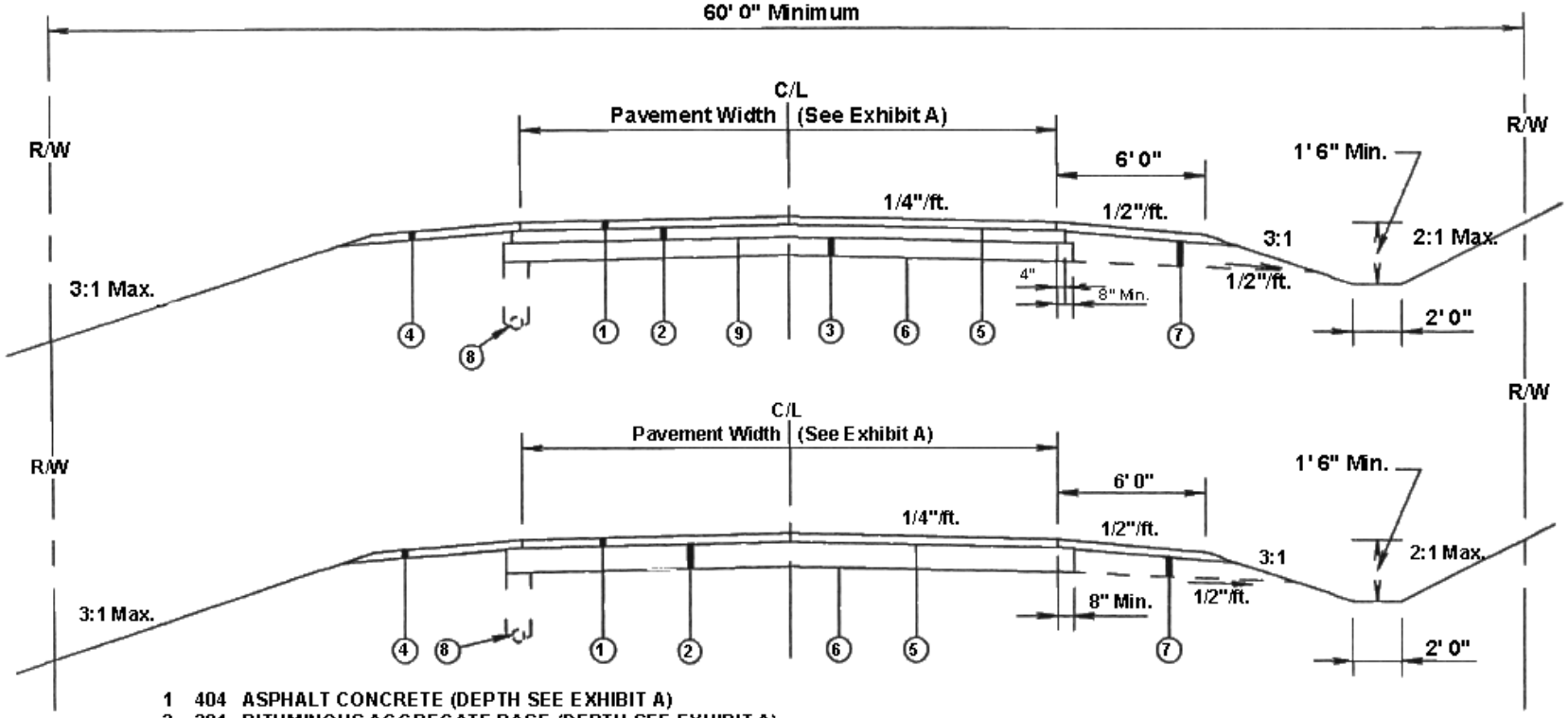




NOTE: Road surface type in Cul De Sac shall match surface type of roadway leading into Cul De Sac.

** SEE EXHIBIT A FOR DEPTHS.

7/7	ASHTABULA COUNTY ENGINEER DEPARTMENT JOHN W. SMOLEN-COUNTY ENGINEER	TYPICAL "Cul De Sac" DETAILS	SCALE: DATE: JUNE 98	DRAWN: d.w.m. REVISION:

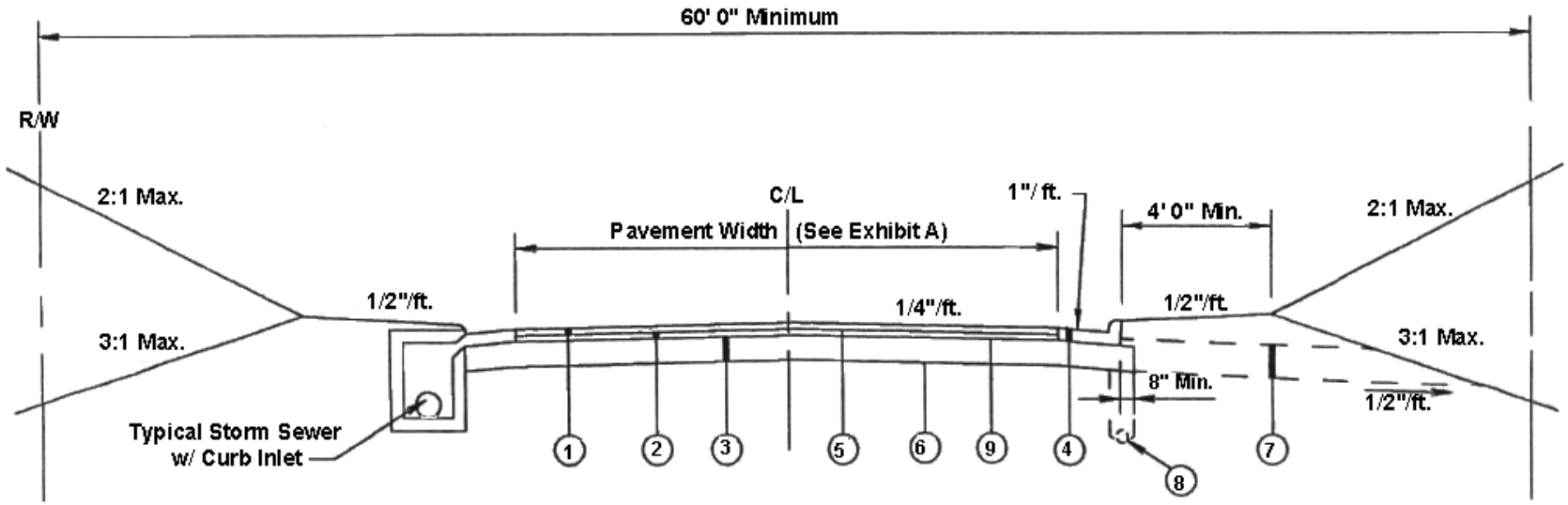


1 404 ASPHALT CONCRETE (DEPTH SEE EXHIBIT A)
2 301 BITUMINOUS AGGREGATE BASE (DEPTH SEE EXHIBIT A)
3 304 6" AGGREGATE BASE
4 617 4" COMPACTED AGGREGATE SHOULDER
5 407 TACK COAT
6 712 FILTER FABRIC
7 605 * AGGREGATE DRAINS (8")
8 605 4" SHALLOW PIPE UNDERDRAINS (30" depth max.)
9 408 PRIME COAT
* WHEN DIRECTED BY THE ENGINEER

ADDITIONAL R/W MAY BE NECESSARY TO MAINTAIN MAXIMUM SLOPES.

WHERE DIRECTED BY THE ENGINEER CURRENT O.D.O.T. L&D REQUIREMENTS WILL PREVAIL

3/7	ASHTABULA COUNTY ENGINEER DEPARTMENT JOHN W. SMOLEN-COUNTY ENGINEER	**TYPICAL SECTION** (Flexible Pvmt. Aggregate Base/Deep Asphalt)	SCALE: DATE: JUNE 98	DRAWN: d.w.m. REVISION:



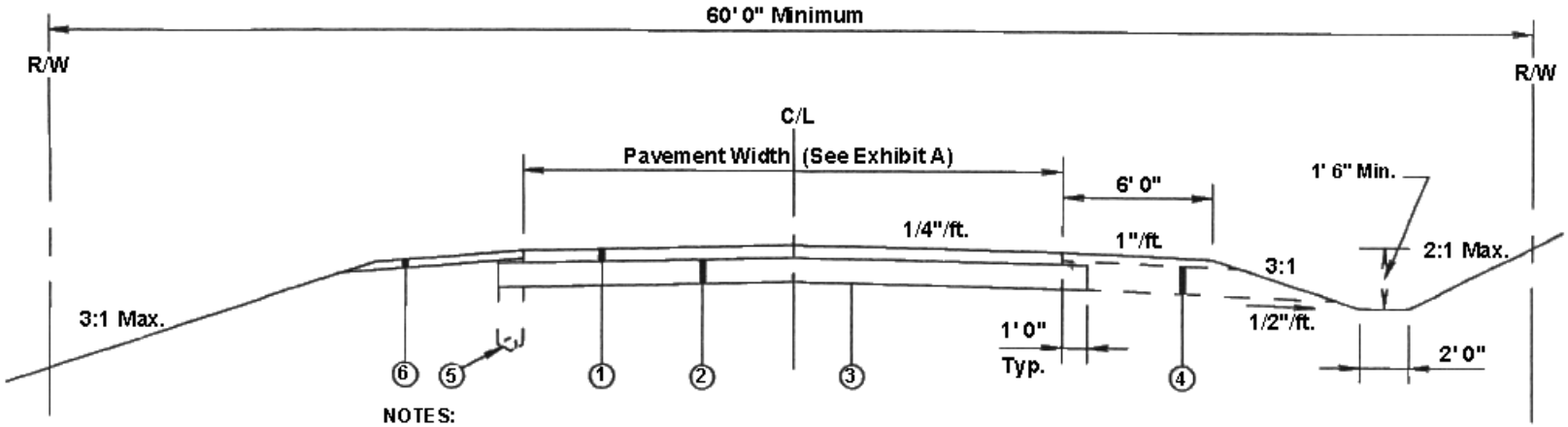
1 404 ASPHALT CONCRETE (DEPTH SEE EXHIBIT A)
2 301 BITUMINOUS AGGREGATE BASE (DEPTH SEE EXHIBIT A)
3 304 AGGREGATE BASE (6")
4 609 COMBINATION CURB AND GUTTER OR APPROVED
5 407 TACK COAT
6 712 FILTER FABRIC
7 605 * AGGREGATE DRAINS (8")
8 605 4" SHALLOW PIPE UNDERDRAIN (DEPTH 30")
9 408 PRIME COAT

CURBS AND CURB & GUTTER MAY BE USED WITH DEEP ASPHALT ALSO

WHERE DIRECTED BY THE ENGINEER CURRENT O.D.O.T. L&D REQUIREMENTS WILL PREVAIL

COMBINATION CURB & GUTTER SHALL BE USED IN COJUNCTION WITH STORM SEWERS AND CURB AND/OR PAVEMENT INLETS AS DIRECTED BY ENGINEER.

5/7	ASHTABULA COUNTY ENGINEER DEPARTMENT JOHN W. SMOLEN-COUNTY ENGINEER	TYPICAL SECTION FLEXIBLE PAVEMENT CURBED (Asphalt Base & Deep Asphalt)	SCALE: DATE: JUNE 98	DRAWN: d.w.m. REVISION:



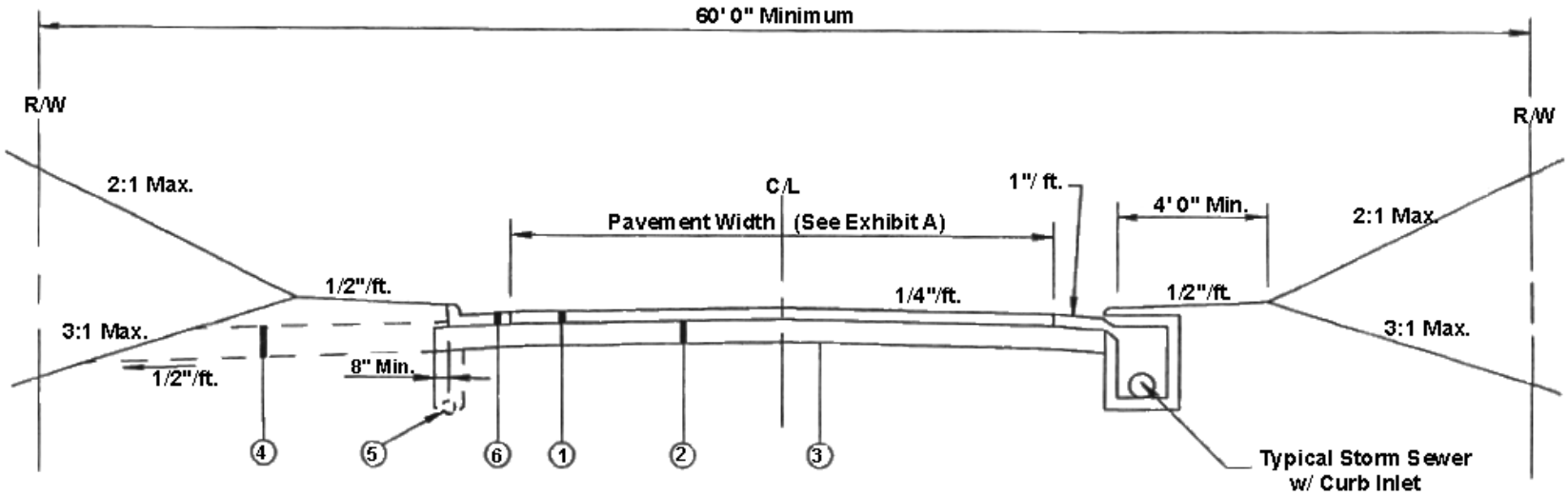
NOTES:

1) Construction joints shall be built at the end of each work day or when work is suspended for more than 30 minutes, but no closer than 10 feet to a parallel joint.
2) Cut and Fill sections are interchangeable.
3) Additional r/w may be required to maintain maximum slopes.
4) For longitudinal & transverse joint detail & specifications see County Engineer.

1 452 PLAIN PORTLAND CEMENT CONCRETE (DEPTH SEE EXHIBIT A)
2 ** AGGREGATE BASE (DEPTH SEE EXHIBIT A)
3 712 FILTER FABRIC
4 605 * AGGREGATE DRAINS (8")
5 605 4" SHALLOW PIPE UNDERDRAINS (30" depth max.)
6 617 4" COMPACTED AGGREGATE SHOULDER
* WHERE DIRECTED BY THE ENGINEER
** ENGINEER SHALL PROVIDE SPECIFICATIONS & APPROVAL FOR BASE MATERIAL

WHERE DIRECTED BY THE ENGINEER CURRENT O.D.O.T. L&D REQUIREMENTS WILL PREVAIL

4/7	ASHTABULA COUNTY ENGINEER DEPARTMENT JOHN W. SMOLEN-COUNTY ENGINEER	**TYPICAL SECTION** (Nonreinforced Concrete Pavement)	SCALE: DATE: JUNE 98	DRAWN: d.w.m. REVISION:



1 452 PLAIN PORTLAND CEMENT CONCRETE (DEPTH SEE EXHIBIT A)
2 ** AGGREGATE BASE (DEPTH SEE EXHIBIT A)
3 712 FILTER FABRIC
4 605 * AGGREGATE DRAINS (8")
5 605 4" SHALLOW PIPE UNDERDRAINS (30" depth max.)
6 609 COMBINATION CURB AND GUTTER OR APPROVED

* WHERE DIRECTED BY ENGINEER
** ENGINEER SHALL PROVIDE SPECIFICATIONS AND APPROVAL OF BASE MATERIAL.
SEE NONREINFORCED CONCRETE SECTION FOR NOTES.

WHERE DIRECTED BY THE ENGINEER CURRENT O.D.O.T. L&D REQUIREMENTS WILL PREVAIL

COMBINATION CURB & GUTTER SHALL BE USED IN CONJUNCTION WITH STORM SEWERS AND CURB AND/OR PAVEMENT INLETS AS DIRECTED BY ENGINEER.

6/7	ASHTABULA COUNTY ENGINEER DEPARTMENT JOHN W. SMOLEN-COUNTY ENGINEER	**TYPICAL SECTION** (Nonreinforced Concrete Pvmt. With Curbs)	SCALE:	DRAWN: d.w.m.
			DATE: JUNE 98	REVISION:

CODIFIED ORDINANCES OF ROAMING SHORES

PART THIRTEEN - BUILDING CODE

TITLE ONE - Roaming Shores Building Code
Chap. 1307. Title, Purpose and Interpretation.
Chap. 1309. Standard Requirements.
Chap. 1311. Administration.
Chap. 1313. Enforcement.
Chap. 1315. Appeals and Variances.
Chap. 1317. Amendments.
Chap. 1319. General Requirements.
Chap. 1321. Structure Location Requirements.
Chap. 1323. Erosion Control, Seawalls and Docks.
Appendices

TITLE THREE - Other Building Standards
Chap. 1335. Registration of Contractors.
Chap. 1337. Flood Damage Prevention.
Chap. 1343. Public Right-of-Way.
Chap. 1347. Road Limitations and Bonds.
Chap. 1351. Property Maintenance.
Chap. 1355. Building Numbering.
Chap. 1359. Foreclosure of Residential Properties.

CODIFIED ORDINANCES OF ROAMING SHORES

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Chap. 1317. Amendments.
Chap. 1319. General Requirements.
Chap. 1321. Structure Location Requirements.
Chap. 1323. Erosion Control, Seawalls and Docks.
Appendices

CHAPTER 1307
Title, Purpose and Interpretation

1307.01 Title.
1307.02 Purpose.
1307.03 Provisions of chapter declared to be minimum requirements.

CROSS REFERENCES
Construction and interpretation - see ADM. 101.02

1307.01 TITLE.

This Ordinance shall be known and may be cited to as the "Building Ordinance of the Village of Roaming Shores" which is codified as Title One of the Building Code.
(Ord. 398-12-03. Passed 12-16-03.)

1307.02 PURPOSE.

This Ordinance is enacted for the general purpose of promoting the public health, safety, and welfare of the residents of the Village; to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts; to facilitate the provision of public utilities and public services; to provide for the administration and enforcement of this Ordinance, including the provision of penalties for its violation; and for any other purpose provided in this Ordinance, the Ohio Revised Code, or under common law rulings.
(Ord. 398-12-03. Passed 12-16-03.)

1307.03 PROVISIONS OF CHAPTER DECLARED TO BE MINIMUM REQUIREMENTS.

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this Ordinance conflict with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards shall govern. Covenants and Restrictions of the Roaming Rock Shores Subdivision relating to building(s)/structure(s) shall be sustained and enforced by the Village in those areas that are within the boundaries of both the Roaming Rock Shores Subdivision and the Village.
(Ord. 398-12-03. Passed 12-16-03.)

CHAPTER 1309
Standard Requirements

1309.01 Standard Codes applicable.
1309.02 Building permit required.
1309.03 Display of permits.
1309.04 Display of lot numbers.

CROSS REFERENCES
Ohio Building Code - see OAC Ch. 4101:1-1 et seq.
Ohio Residential Code - see OAC Ch. 4101:8-1 et seq.

1309.01 STANDARD CODES APPLICABLE.

The following codes, as adopted by Ashtabula County, apply to this Ordinance in their entirety.

(a) Ohio Building Code.
(b) Ohio Plumbing Code.
(c) Ohio Residential Code.
(d) National Electrical Code.
(Ord. 398-12-03. Passed 12-16-03.)

1309.02 BUILDING PERMIT REQUIRED.

A building permit is required for all new construction, reconstruction, or alteration that changes the dimensions of any/all structure(s), for the clearing of lots or substantially disturbing the soil (see 1321.01.1.), and for paving for any purpose, including but not limited to driveways, sidewalks, patios and tennis courts. A permit for any paving or for clearing a lot shall cost $25.00. (Ord. 470-12-08. Passed 4-21-09.)

1309.03 DISPLAY OF PERMITS.

Permits shall be displayed at the building site in a prominent place visible from the road. (Ord. 398-12-03. Passed 12-16-03.)

1309.04 DISPLAY OF LOT NUMBERS.

Lot numbers shall be displayed in a prominent place visible from the road prior to the layout inspection by the building committee.
(Ord. 398-12-03. Passed 12-16-03.)

CHAPTER 1311
Administration

1311.01 Purpose.
1311.02 General provisions.
1311.03 Building Inspector designated; responsibilities.
1311.04 Building Committee.
1311.05 Duties of Building Inspector, Building Committee or legislative authority on matters of appeal.
1311.06 Council's duties.

CROSS REFERENCES
Zoning administration - see P. & Z. Ch. 1165

1311.01 PURPOSE.

This chapter sets forth the powers and duties of the Planning Commission, the Board of Zoning Appeals, the Council, and the Building Inspector with respect to the administration of the provisions of this Ordinance.
(Ord. 398-12-03. Passed 12-16-03.)

1311.02 GENERAL PROVISIONS.

The formulation, administration and enforcement of this Ordinance is hereby vested in the following offices and bodies within the local government:

(a) Building Inspector.
(b) Building Committee.
(c) Council.
(d) Solicitor.
(Ord. 398-12-03. Passed 12-16-03.)

1311.03 BUILDING INSPECTOR DESIGNATED; RESPONSIBILITIES.

(a) Designation. A Building Inspector designated by the Mayor and approved by the Council shall administer and enforce this Ordinance. The Building Inspector shall report to and be accountable to the Mayor. The Building Inspector may be provided with the assistance of such other persons as the Mayor may direct.

(b) Responsibilities. For the purpose of this Ordinance, the Building Inspector shall have the following duties:

(1) Enforce the provisions of this Ordinance and interpret the meaning and application of its provisions.

(2) Respond to questions concerning applications for amendments to this Ordinance.
(3) Issue Building Permits and Village Certificates of Occupancy as provided by this Ordinance, and keep a record of same with a notification of any special conditions involved.
(4) Act on all applications upon which the Building Inspector is authorized to act by the provisions of this Ordinance within the specified time or notify the applicant in writing of the refusal or disapproval of such application and the reasons therefor. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit such application to the Building Inspector.
(5) Conduct inspections of buildings to determine compliance with this Ordinance, and, in case of any violation, notify in writing the person(s) responsible, specifying the nature of the violation and specific regulation being violated and ordering corrective action.
(6) Maintain permanent and current records required by this Ordinance, including but not limited to building permits, inspection documents, violations, and records of all variances, amendments, and special uses.
(7) Make such records available for the use of the Council, the Building Committee, and the public.
(8) Review and approve building(s) plans pursuant to this Ordinance.
(9) Determine the existence of any violations of this Ordinance, and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.
(10) Prepare and submit an annual report to the Council and Building Committee on the administration of this Ordinance, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Ordinance. Such report shall include recommendations concerning the schedule of fees.
(Ord. 398-12-03. Passed 12-16-03.)

1311.04 BUILDING COMMITTEE.

A committee of five members designated by the Mayor and approved by the Village Council. (Ord. 398-12-03. Passed 12-16-03.)

1311.05 DUTIES OF BUILDING INSPECTOR, BUILDING COMMITTEE OR LEGISLATIVE AUTHORITY ON MATTERS OF APPEAL.

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Building Inspector, and that such questions shall be presented to the Building Committee only on appeal from the decision of the Building Inspector. It is further the intent of this Ordinance that the duties of the Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Ordinance. Under this Ordinance the Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law, and of establishing a schedule of fees and charges.
(Ord. 398-12-03. Passed 12-16-03.)

1311.06 COUNCIL'S DUTIES.

For the purpose of this Ordinance, the Council shall have the following duties:

(a) Approve the Mayor's appointment of a Building Inspector.

(b) Approve the Mayor's appointments of members to the Building Committee.

(c) Initiate or act upon suggested amendments to this Ordinance. Final action upon a suggested Building amendment shall be undertaken at a public meeting.

(d) Override a written recommendation of the Building Committee on a text amendment.

(Ord. 398-12-03. Passed 12-16-03.)

CHAPTER 1313
Enforcement

1313.01 General provisions.
1313.02 Building permits required.
1313.03 No construction starts permitted between February 15 and April 15.
1313.04 Contents of application for building permit.
1313.05 Approval of building permit.
1313.06 Expiration of building permit.
1313.07 Certificate of occupancy.
1313.08 Temporary certificate of occupancy.
1313.09 Record of building permits and certificates of occupancy.
1313.10 "As built" survey.
1313.11 Failure to obtain a building permit or certificate of occupancy.
1313.12 Construction as provided in applications, plans and certificates.
1313.13 Complaints regarding violations.
1313.14 Entry and inspection of property.
1313.15 Stop work order.
1313.16 Building permit revocation.
1313.17 Notice of violation.
1313.18 Penalties and fines.
1313.19 Additional remedies.

CROSS REFERENCES
Enforcement of OBC - see Ohio R.C. 3781.03 et seq.
Grading, excavation and construction noise - see GEN. OFF. 513.02
Zoning enforcement - see P. & Z. Ch. 1167

1313.01 GENERAL PROVISIONS.

This chapter stipulates the procedures to be followed in obtaining permits, certifications, and other legal or administrative approvals under this Ordinance.
(Ord. 398-12-03. Passed 12-16-03.)

1313.02 BUILDING PERMITS REQUIRED.

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building or structure be established without a permit therefor, issued by the Building Inspector. Building Permits shall be issued only in conformity with the provisions of this Ordinance. (Ord. 398-12-03. Passed 12-16-03.)

1313.03 NO CONSTRUCTION STARTS PERMITTED BETWEEN FEBRUARY 15 AND APRIL 15.

(EDITOR'S NOTE: Seasonal limitations on construction starts is now codified in Section 1347.01 of this Building Code.)

1313.04 CONTENTS OF APPLICATION FOR BUILDING PERMIT.

The application for Building Permit shall be made in writing and be signed by the property owner attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within six months or has not been completed within two years.

(a) At a minimum, the application shall contain the following information and be accompanied by all required fees:

(1) Name, address, and telephone number of applicant;
(2) Legal description of property, proof of ownership;
(3) Existing structure;
(4) Proposed structure;
(5) Plans in triplicate drawn to scale (Min. ¼ inch equals one foot), showing the actual dimensions of the proposed building(s) or alteration(s). As a minimum these plans shall include the following:
  A. Name of property owner, lot number, plot plan.
  B. Front, rear, left and right elevations.
  C. Typical wall sections.
  D. Foundation.
  E. Roof pitch.
  F. Extent of roof overhang(s).
(6) Building height(s);
(7) If applicable, application for variance request(s) shall accompany the building permit application;
(8) Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of, this Ordinance.

(b) These requirements duplicate the requirements of the Zoning Permit request and if they are complete as a Zoning Permit request shall fulfill the requirements of this Ordinance. (Ord. 398-12-03. Passed 12-16-03.)

1313.05 APPROVAL OF BUILDING PERMIT.

(a) General Provisions. Within five working days after the receipt of an application, the Building Inspector shall either approve or disapprove the application in conformance with the provisions of this Ordinance. Two copies of the plans shall be returned to the applicant by the Building Inspector, after the Building Inspector shall have marked such copy either as approved or disapproved and attested to same by the Building Inspector's signature on such copy. One copy of plans, similarly marked, shall be retained by the Building Inspector. The Building Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provisions of this Ordinance.

(b) Plan Changes After Permit Approval. All changes made after first plan submission, or during construction, shall be submitted to the Building Inspector for review and approval prior to those changes being made.
(Ord. 398-12-03. Passed 12-16-03.)

1313.06 EXPIRATION OF BUILDING PERMIT.

If the work described in any Building Permit has not begun within six months from the date of issuance thereof, said permit shall expire; it shall be revoked by the Building Inspector; and written notice thereof shall be given to the persons affected. If the work described in any Building Permit has not been completed within two years of the date of issuance thereof, said permit shall expire and be revoked by the Building Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new Building Permit has been obtained or an extension granted.
(Ord. 398-12-03. Passed 12-16-03.)

1313.07 CERTIFICATE OF OCCUPANCY.

(a) It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged, until a certificate of occupancy from both the Ashtabula County Building Department as well as the Village shall have been issued therefor stating that the proposed use of the building conforms to the requirements of this Ordinance. The issuance of a Certificate of Occupancy in no way relieves the recipient from compliance with all the requirements of this Ordinance and other regulations.

(b) Failure to comply with the provisions of Section 1313.07 shall result in denial of service by Village Utilities.
(Ord. 398-12-03. Passed 12-16-03.)

1313.08 TEMPORARY CERTIFICATE OF OCCUPANCY.

A temporary certificate of occupancy may be issued by the Building Inspector for a period not exceeding six months during alterations or partial occupancy of a building pending its completion. (Ord. 398-12-03. Passed 12-16-03.)

1313.09 RECORD OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY.

The Building Inspector shall maintain a record of all Building Permits and certificates of occupancy. (Ord. 398-12-03. Passed 12-16-03.)

1313.10 "AS BUILT" SURVEY.

After completion of construction an "as built" survey shall be required prior to the issuance of a Certificate of Occupancy. It shall be the responsibility of the permit holder to request the "as built" survey. See Appendix A.
(Ord. 398-12-03. Passed 12-16-03.)

1313.11 FAILURE TO OBTAIN A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY.

Failure to obtain a Building Permit or Certificates of Occupancy shall be a punishable violation of this Ordinance.
(Ord. 398-12-03. Passed 12-16-03.)

1313.12 CONSTRUCTION AS PROVIDED IN APPLICATIONS, PLANS AND CERTIFICATES.

Building Permits or certificates of occupancy issued on the basis of plans and applications approved by the Building Inspector authorize only the construction set forth in such approved plans and applications or amendments thereto, or construction contrary to that authorized shall be deemed a punishable violation of this Ordinance.
(Ord. 398-12-03. Passed 12-16-03.)

1313.13 COMPLAINTS REGARDING VIOLATIONS.

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such written complaint stating fully the causes and basis thereof, name of complainant, date, and signature shall be filed with the Building Inspector. The Building Inspector shall record properly such complaint, investigate it, and take action thereon as provided by this Ordinance.
(Ord. 398-12-03. Passed 12-16-03.)

1313.14 ENTRY AND INSPECTION OF PROPERTY.

The Building Inspector is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Ordinance. Prior to seeking entry to any property or structure for such examination or survey, the Building Inspector shall attempt to obtain the permission of the owner or occupant to inspect. Owners, occupant(s) or their agent shall cooperate to facilitate to promptly permit such inspections. If such permission is denied or cannot be obtained, the Building Inspector shall issue a stop work order stating that access is not reasonably available or request the assistance of the Solicitor in securing a valid search warrant prior to entry.
(Ord. 398-12-03. Passed 12-16-03.)

1313.15 STOP WORK ORDER.

Subsequent to the Building Inspector's determination that work is being done contrary to this Ordinance, the Building Inspector shall write a stop work order and post it on the premises involved. Continuing work after the posting of a stop order and/or removal of a stop work order, except by the order of the Building Inspector, shall constitute a punishable violation of this Ordinance. (Ord. 398-12-03. Passed 12-16-03.)

1313.16 BUILDING PERMIT REVOCATION.

The Building Inspector may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Ordinance or based upon false information or misrepresentation in the application.
(Ord. 398-12-03. Passed 12-16-03.)

1313.17 NOTICE OF VIOLATION.

(a) Whenever the Building Inspector or their agent determines that there is a violation of any provision of this Ordinance, a warning tag shall be issued and shall serve as a notice of violation. Such order shall:

(1) Be in writing;
(2) Identify the violation;
(3) Include a statement of the reason or reasons why it is being issued and refer to the sections of this Ordinance being violated; and
(4) State the time by which the violation shall be corrected.

(b) Service of notice of violation shall be as follows:

(1) By personal delivery to the person(s) responsible, or by leaving the notice at the usual place of residence by the owner with a person of suitable age and discretion; or
(2) By certified mail deposited in the United States Post Office addressed to the person(s) responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Building Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
(3) By posting a copy of the notice form in a conspicuous place on the premises found in violation.

(Ord. 398-12-03. Passed 12-16-03.)

1313.18 PENALTIES AND FINES.

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain, or structurally alter any building or structure in violation of any provision of this Ordinance or any amendment thereto. Any person, firm, or corporation who violates this Ordinance or fails to comply with any of its requirements shall, be fined not more than one hundred dollars ($100.00) and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. (Ord. 398-12-03. Passed 12-16-03.)

1313.19 ADDITIONAL REMEDIES.

Nothing in this Ordinance shall be deemed to abolish, impair, or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Ordinance, or in the case of an imminent threat of such a violation, the Building Inspector or the Solicitor may, in addition to other recourses provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation. (Ord. 398-12-03. Passed 12-16-03.)

CHAPTER 1315
Appeals and Variances

1315.01 General provisions.
1315.02 Appeals.
1315.03 Stay of proceedings.
1315.04 Variances.
1315.05 Application and standards for variances.
1315.06 Additional conditions and safeguards.
1315.07 Action by Building Committee.
1315.08 Term of variance.
1315.09 Authorized variance.

CROSS REFERENCES
Zoning appeals and variances - see P. & Z. Ch. 1117

1315.01 GENERAL PROVISIONS.

Appeals and variances shall conform to the procedures and requirements of Sections 1315.02 to 1315.05 inclusive.
(Ord. 398-12-03. Passed 12-16-03.)

1315.02 APPEALS.

Appeals to the Building Committee concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Village affected by any decision of the Building Inspector. Such appeal shall be taken within twenty days after the decision by filing, with the Building Inspector and with the Building Committee, a notice of appeal specifying the grounds upon which the appeal is being taken. The Building Inspector shall transmit to the Building Committee all the papers constituting the record upon which the action appealed was taken.
(Ord. 398-12-03. Passed 12-16-03.)

1315.03 STAY OF PROCEEDINGS.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector from whom the appeal is taken certifies to the Building Committee after the notice of appeal is filed with the Building Inspector, that by reason of facts stated in the application, a stay would, in the Building Inspector's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Building Committee on notice to the Building Inspector from whom the appeal is taken on due cause shown.
(Ord. 398-12-03. Passed 12-16-03.)

1315.04 VARIANCES.

The Building Committee may authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. No structures, or buildings in the same district, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Ordinance would result in unnecessary hardship.
(Ord. 398-12-03. Passed 12-16-03.)

1315.05 APPLICATION AND STANDARDS FOR VARIANCES.

Except as otherwise permitted in this Ordinance, no variance in the strict application of the provisions of this Ordinance shall be granted by the Building Committee. The written application for the requested variance shall contain all of the following requirements:

(a) Name, address, and telephone number of applicant(s);
(b) Legal description of property;
(c) Description or nature of variance requested;
(d) Narrative statements establishing and substantiating that the variance conforms to the following standards:
  (1) The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Ordinance on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.
  (2) There must exist special circumstances or conditions, fully described in the findings, applicable to the buildings for which the variance is sought, which are peculiar to such buildings and do not apply generally to buildings in the area, and which are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such building(s)/structure(s). Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of building/structure.
  (3) There must be proof of hardship created by the strict application of this Ordinance. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.
  (4) The granting of the variance is necessary for the reasonable use of the building, and the variance as granted is the minimum variance that will accomplish this purpose.
  (5) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other structures, or buildings in the same district.

(Ord. 398-12-03. Passed 12-16-03.)

1315.06 ADDITIONAL CONDITIONS AND SAFEGUARDS.

The Building Committee may further prescribe any conditions and safeguards that it deems necessary to insure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this Ordinance.
(Ord. 398-12-03. Passed 12-16-03.)

1315.07 ACTION BY BUILDING COMMITTEE.

Within five working days the Building Committee shall either approve, approve with supplementary conditions as specified in Section 1315.06, or disapprove the request for appeal or variance. The Building Committee shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the building or structure.
(Ord. 398-12-03. Passed 12-16-03.)

1315.08 TERM OF VARIANCE.

No order of the Building Committee granting a variance shall be valid for a period longer than twelve months from the date of such order unless the building permit is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period. (Ord. 398-12-03. Passed 12-16-03.)

1315.09 AUTHORIZED VARIANCE.

Variances from the regulations of this Ordinance shall not be granted unless the Building Committee makes specific findings of fact, based directly on the particular evidence presented to it. (Ord. 398-12-03. Passed 12-16-03.)

CHAPTER 1317
Amendments

1317.01 Procedure.
1317.02 General provisions.
1317.03 Initiation of building regulation amendments.
1317.04 Transmittal to Building Committee.
1317.05 Action by Council.

CROSS REFERENCES
Zoning amendments - see P. & Z. Ch. 1125

1317.01 PROCEDURE.
This Ordinance may be amended utilizing the procedures specified in Sections 1317.02 to 1317.05 inclusive. (Ord. 398-12-03. Passed 12-16-03.)

1317.02 GENERAL PROVISIONS.
Whenever the public necessity, convenience, general welfare, or good building practices require, Council may by ordinance, after receipt of recommendation thereon from the Building Committee, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, boundaries.
(Ord. 398-12-03. Passed 12-16-03.)

1317.03 INITIATION OF BUILDING REGULATION AMENDMENTS.
Amendments to this Ordinance may be initiated in one of the following ways:
(a) By the adoption of a motion by the Building Committee;
(b) By the introduction of an ordinance by the Council.
(Ord. 398-12-03. Passed 12-16-03.)

1317.04 TRANSMITTAL TO BUILDING COMMITTEE.
Immediately after the introduction of an ordinance before the Council, said ordinance shall be transmitted to the Building Committee for its review before final passage by Council. Recommendations of the Building Committee need not be returned to said Committee.
(Ord. 398-12-03. Passed 12-16-03.)

1317.05 ACTION BY COUNCIL.
Within thirty days the Council shall either adopt or deny the recommendation of the Building Committee or adopt some modification thereof.
(Ord. 398-12-03. Passed 12-16-03.)

CHAPTER 1319
General Requirements

1319.01	**Purpose.**	**1319.06**	**Construction driveways and culverts.**
1319.02	**Point system.**	**1319.07**	**Roadside culverts.**
1319.03	**Assignment of point values.**	**1319.08**	**Frontal requirement.**
1319.04	**Houses, accessory structures and gutter downspouts.**	**1319.09**	**Plumbing fixtures below first floor level.**
1319.05	**Fences.**		

CROSS REFERENCES

Fences and walls - see P. & Z. 1137.12

Area, height and yard requirements - see P. & Z. Ch. 1137

1319.01 PURPOSE.

The Building Committee shall regulate the external design, appearance and location in all new home construction in a manner as to promote those aesthetic qualities, which maintain the value of the properties foster attractiveness of the community as a place to live.

More specifically:

(a) To enhance property values, to protect the property rights of all property owners, to provide economic stability, and to increase the economic and financial benefits to the Village and its property owners.

(b) To promote and protect the welfare and convenience of the community by regulating the exterior design of buildings and structures.

(c) To prevent the harmful effects of inappropriate exterior designs of buildings and structures in relation to that prevailing in the Village.

(d) To encourage the development of vacant and incompatibility developed properties in accordance with the character of the area .

(e) To create greater desirability of the immediate surrounding area for residential development purposes.

(f) To maintain a proper relationship between the value of real property and the cost of services provided to the property owners of the Village.

(Ord. 398-12-03. Passed 12-16-03.)

1319.02 POINT SYSTEM.

Point System worksheet (See Appendix B) must accompany all Building Permit applications. The example book, available in the Village Office, may be used as an aid in assigning point values.

(a) The following shall be included in full detail on all plans required in Section 1313.04.
  (1) Driveway(s).
  (2) Siding material.
  (3) Roofing material.
  (4) Any other item for which points are given.

(b) No partial points will be considered.

(c) The Building Inspector will review all worksheets and plans for compliance. Any newly constructed dwelling must total at least sixty five points of value from the point list in Section 1319.03. Any worksheet not accepted by the Building Inspector will be returned to the applicant with a full explanation for non-acceptance and a Building Permit will not be issued.
(Ord. 398-12-03. Passed 12-16-03.)

1319.03 ASSIGNMENT OF POINT VALUES.

	ITEM	REQUIREMENT	POINTS Each	POINTS Max.
(a)	Driveways	Paved from garage to street.	10	10
(b)	Garage	Attached, minimum of 300 sq. ft. and minimum 10 ft. wide w/overhead door	15	15
(c)	Roof pitch	Six/twelve (6/12) or steeper	10	10
(d)	Roofing	Wood shingles, tile, slate, copper, or upgraded dimensional shingles	10	10
(e)	Rooflines	Break or breaks in roofline - Maximum of three breaks	5	15
(f)	Front (street side) of dwelling	Upgraded home fronts which may include windows, doors, stone or brick	15	15
(g)	Living area	At least 300 sq. ft. above the minimum required living area on the ground floor	10	10
(h)	Floor levels	A second level above the foundation exceeding 400 sq. ft. of living space	10	10

The Building Inspector has the right to reject any plan that does not conform to the point system listed above. (Ord. 398-12-03. Passed 12-16-03.)

1319.04 HOUSES, ACCESSORY STRUCTURES AND GUTTER DOWNSPOUTS.

(a) Houses.

(1) Similar exterior design of a dwelling unit shall not be constructed within five adjoining lots, and/or abutting lots.

(2) The roof pitch on all one-story homes shall be not less than five/twelve (5/12) and a minimum overhang of not less than twelve (12) inches around the entire perimeter.

(3) All homes must meet the requirements of Section 1319.03.

(b) Accessory Structures.

(1) Accessory buildings over 160 square feet (up to 900 square feet)will have only gable roofs with a pitch not greater than five/twelve (5/12).

(2) Accessory buildings shall be only one-story structures with a maximum vertical distance of ten feet to the eaves.

(3) No living facilities, including plumbing, sleeping quarters or other habitable use shall be permitted.

(4) The completed foundation must be checked and approved by the Building Committee for compliance with site plan prior to erection or placement of the structure.

(c) Gazebos and Pavilion Type Accessory Structures.

(1) The structure shall be an open or screened, square or multisided structure, not used for seasonal or other storage.

(2) Approval of the design, location, method of construction and type of materials used shall be approved by the Building Committee.

(d) Gutters and Downspouts.

(1) All structures, 400 sq. ft. or larger, in area shall have gutters and downspouts.

(2) All gutter downspouts shall be connected to Schedule 40 PVC drainpipe or solid Poly Drain flexible tubing and run under ground.

A. Off-lake lots shall empty into roadside ditches or connect to roadside culvert.

B. Lakefront lots shall empty into the lake, roadside ditch or connect to roadside culvert.

(e) Model/Spec Homes.

(1) Require written permission of the Building Committee.

(2) A model home may not be on the same street for more than one year.

(Ord. 398-12-03. Passed 12-16-03.)

1319.05 FENCES.

(a) Definitions.

(1) "Privacy fence" means a fence to inhibit public view and to provide seclusion and having twenty percent (20%) of its vertical plane (the area within a rectangular outline enclosing all parts of the fence in its vertical plane) open to light and air. Materials may be wood or plastic which simulates wood. Permitted privacy fences are:

A. Permitted: Shadow box fence - constructed with vertical slats alternating on either side of horizontal rails. This definition shall include that fence commonly known as a "board on board" fence or a dog-ear board fence.

B. Not Permitted: Solid fences, lattice fences, combination of solid and lattice fences, basket weave fences, and stockade fences.

(2) "Open ornamental fence" means a fence, usually made of wood or plastic simulating wood, construction for its beauty or decorative effect and having not less than twenty-five percent (25%) of the area of its vertical plane (the area within a rectangular outline enclosing all parts of the fence in its vertical plane) open to light and air. Permitted open ornamental fences are:

A. Rail or split rail fence: A fence constructed of narrow, whole or split, wooden timbers placed horizontally between upright supporting posts. Split rail fences may be backed on the side facing the owner with black or green vinyl covered wire fencing with no mesh smaller than one and one-half inch (1-1/2") by one and one-half inch (1-1/2") and no higher than the top rail.

B. Picket fence. An open fence made of upright poles or slats.

(3) "Chain link fence" means a fence, usually made of metal, consisting of loops of wire interconnected in a series of joined links. Chain link fences must be coated with green or black epoxy.

(4) "Temporary snow fence" means a fence, made from narrow vertical wood strips fastened with horizontal bands of twisted wire, or from extruded plastic sheet, which is normally used in winter to control the drifting of snow.

(b) Permitted Fences. Fences shall be permitted as follows:

(1) Open ornamental fences. Open ornamental fences shall be permitted as follows:

A. Front yards (A, B and C Lots). Open ornamental fences may be erected in front yards parallel to the building line to a height not exceeding three feet; provided however that rail or split rail fences may be erected parallel to and * six inches from the common property line (side yard) and three feet from the street right of way line. The "good" side of the fence shall face outward, toward the street or the common property line. (See fig. 1 & fig. 2).

B. Rear and side yards (A, B & off-lake C lots). Open ornamental fences may be erected in rear yards and in side yards where there is an exit door from the house or garage, parallel to and * six inches from the common property line (side or rear yard) to a height of not more than four feet. The "good" side of the fence shall face outward, toward the common property line. (See fig. 1.)

C. Rear and side yards (on-lake C lots). Open ornamental fences may be erected in rear yards and in side yards where there is an exit door from the house or garage, parallel to and * six inches from the common property line (side yard) to a height of not more than four feet. Open ornamental fences may be erected parallel to the rear lot line, but not within the (50 foot) rear yard setback, to a height of not more than four feet. The "good" side of the fence shall face outward, toward the common property line. (See fig. 2.)

D. * All Roaming Shores lots have utility easements extending ten feet from the side and rear lot lines. If an ornamental fence is erected in this easement, and utility repairs or maintenance require its removal and re-installation, the cost of the removal and re-installation shall be borne by the property owner.

(2) Privacy fences.

A. Privacy fences (A, B & off-lake C lots). Privacy fences, not more than six feet in height, shall be permitted only in rear yards, or in side yards behind the front line of the house, where there is an exit from the house or garage but not in both side and rear yards. A privacy fence shall be permitted no farther than twenty feet from the house and no farther than the required rear setback (20 feet) or the required side yard setback (10 feet). The "good" side of the fence shall face outward, toward the common property line. (See fig. 3)

B. Privacy fences (on-lake C lots). Privacy fences, not more than six feet in height, shall be permitted only in rear yards, or in side yards behind the front line of the house, where there is an exit from the house or garage. A privacy fence shall be permitted no farther than twenty feet from the house and no farther than the required rear setback (50 feet) or the required side yard setback (10 feet). The "good" side of the fence shall face outward, toward the common property line. (See fig. 4) Prior to the issuance of a permit for a rear yard privacy fence on a lake front lot, the Building Inspector shall make an on-site review to assure that the view of the lake is not obstructed, for adjacent properties.

(3) Chain link fences.

A. Chain link fences (A, B & off-lake C lots). Chain link fences shall be permitted only in rear yards, or side yards where there is an exit door from the house or garage, but not in both side and rear yards. In side yards such fences shall be erected within the footprint of the house and not closer than 10 feet from the common property line. In rear yards, such fences shall be erected within the footprint of the house and not closer than the required rear yard setback (20 feet). The height may not exceed five feet except where swimming pool requirements shall be applicable. The "good" side of the fence shall face outward, toward the common property line. (See fig. 5) Chain link fences in the side yard shall be screened by suitable shrubbery.

B. Chain link fences (on-lake C lots). Chain link fences shall be permitted only in rear yards, or side yards where there is an exit door from the house or garage, but not in both side and rear yards. In side yards, such fences shall be erected within the footprint of the house and not closer than 10 feet from the common property line. In rear yards, such fences shall be erected within the footprint of the house and not closer than the required rear yard setback (50 feet). The height may not exceed five feet except where swimming pool requirements shall be applicable. The "good" side of the fence shall face outward, toward the common property line. (See fig. 6) Chain link fences in the side yard shall be screened by suitable shrubbery.

(4) Temporary snow fences. A temporary snow fence is permitted during the months of November through March. No snow fences shall be erected or installed closer than 20 feet from a driveway from an abutting property. A snow fence shall not exceed four feet in height and shall not be located so as to impair vision of motorists from a road or street into a driveway.

(c) Similar Fences. The Building Inspector or Building Committee (Board of Appeals) may permit other fences which are similar in character and design to one or more of the above permitted fences.

(d) Prohibited Fences. Barbed wire and electrified fences are hereby prohibited.
(Ord. 436-07-06. Passed 10-17-06.)

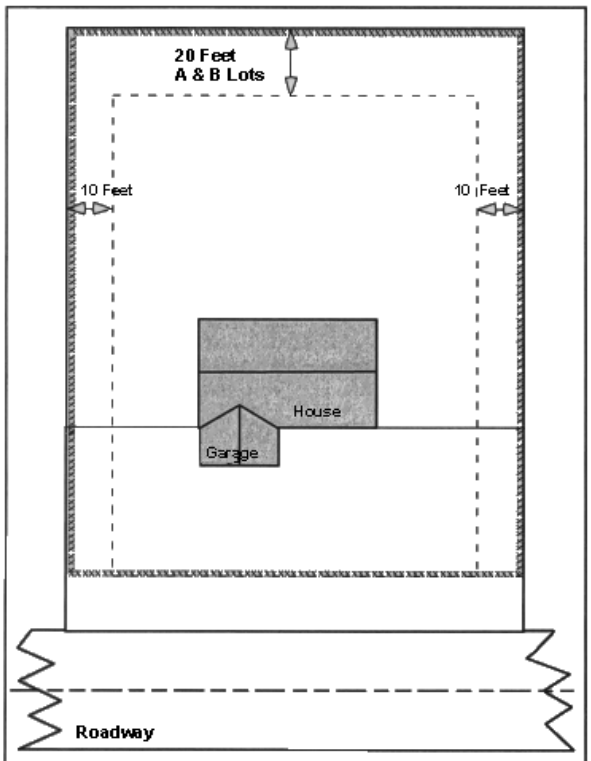


Fig.1 - A&B Lots - Areas where Ornamental & Split Rail Fences are permitted.

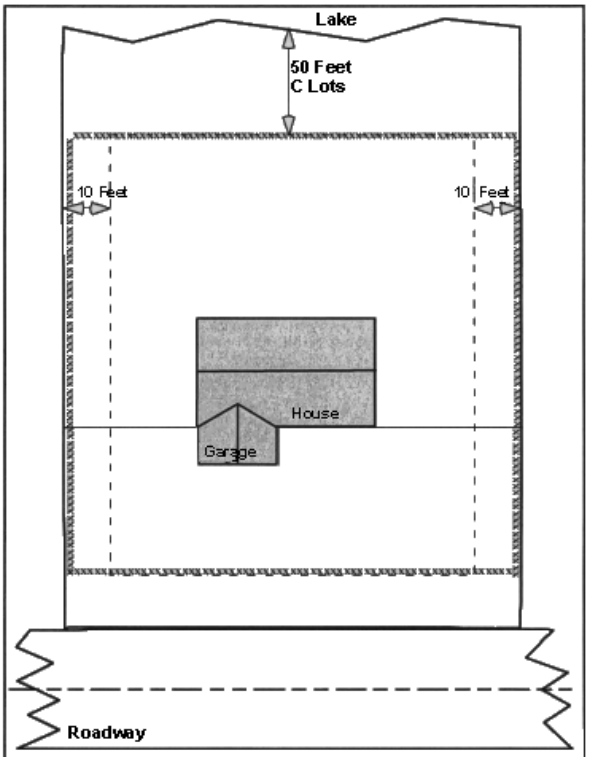


Fig.2 - C Lots - Areas where Ornamental & Split Rail Fences are permitted.

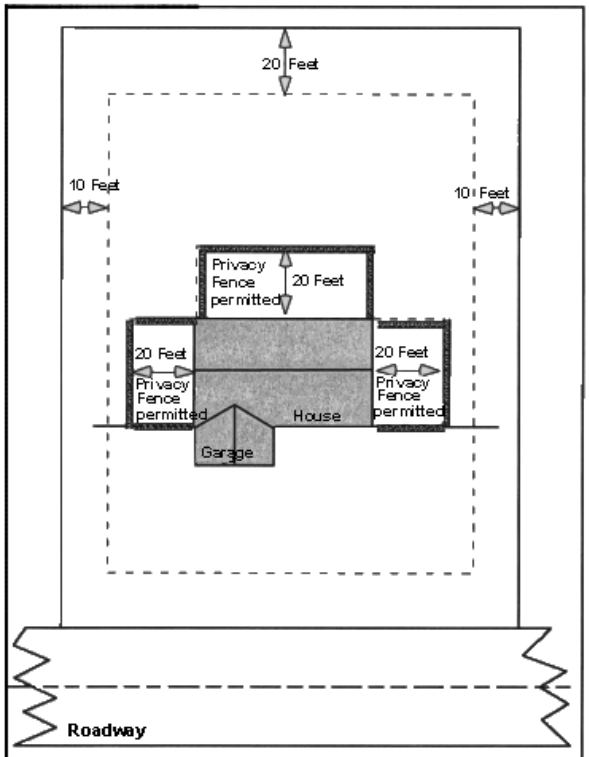


Figure 3 - A&B Lots - Areas where Privacy Fences are permitted.

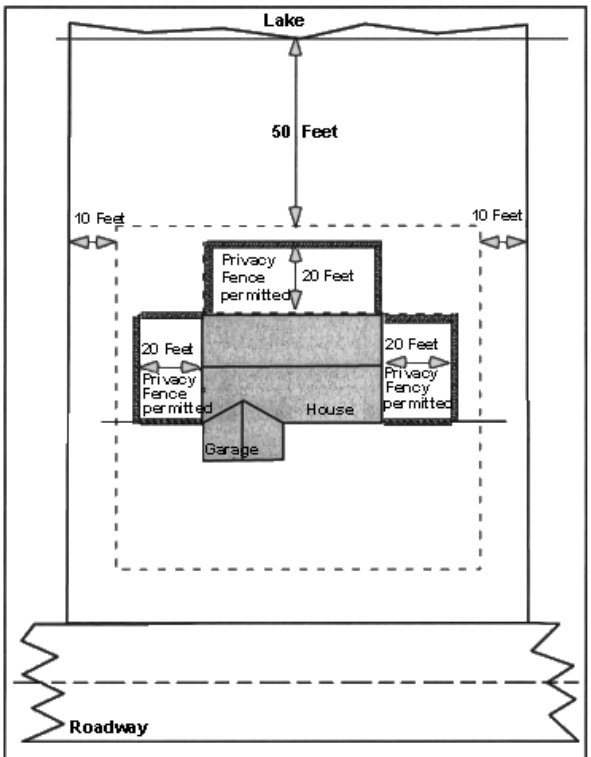


Figure 4 - C Lots - Area where Privacy Fences are permitted.

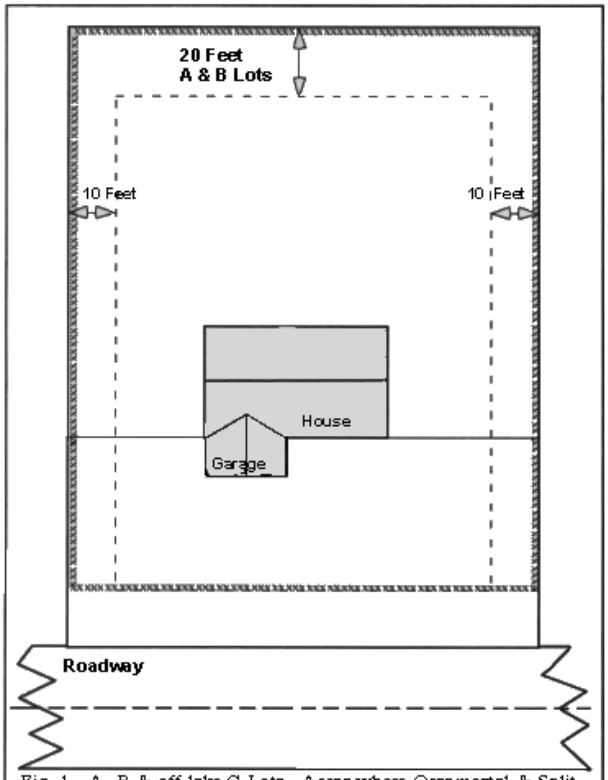


Fig. 1 - A, B & off-lake C Lots - Areas where Ornamental & Split Rail Fences are permitted.

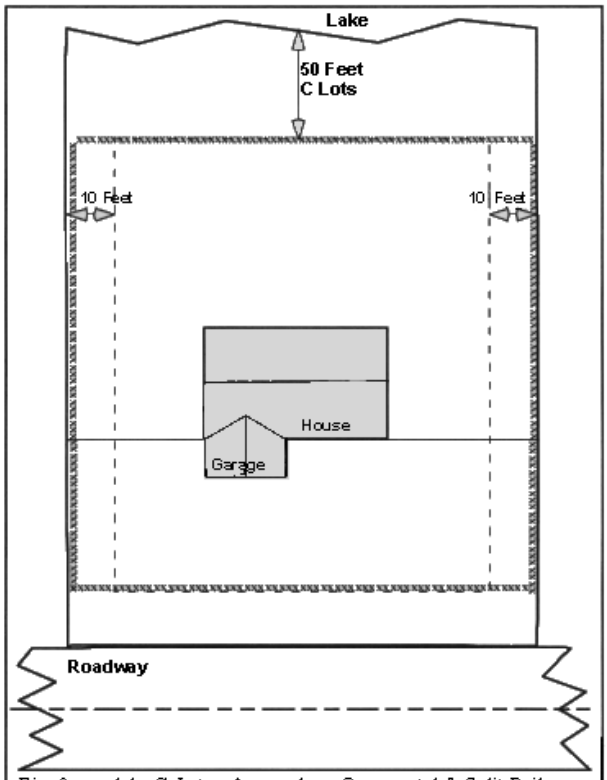


Fig. 2 - on-lake C Lots - Areas where Ornamental & Split Rail Fences are permitted.

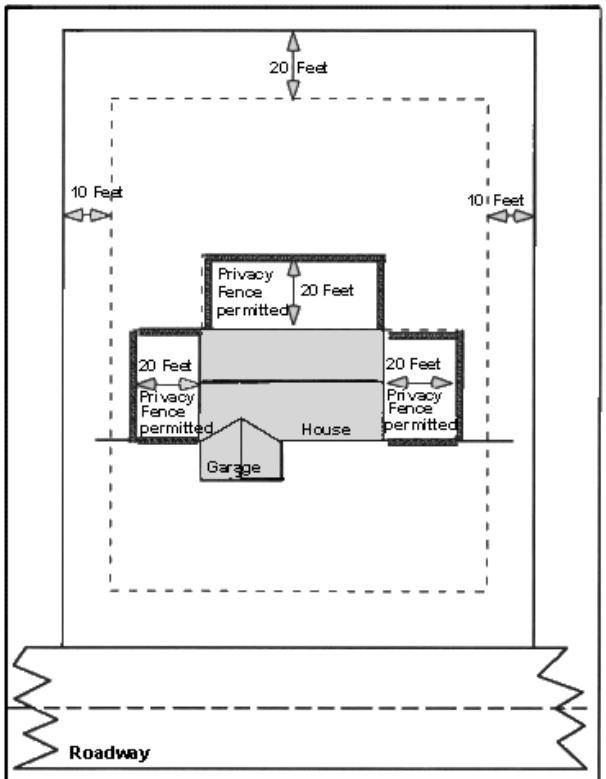


Figure 3 - A, B & off-lake C Lots - Areas where Privacy Fences are permitted.

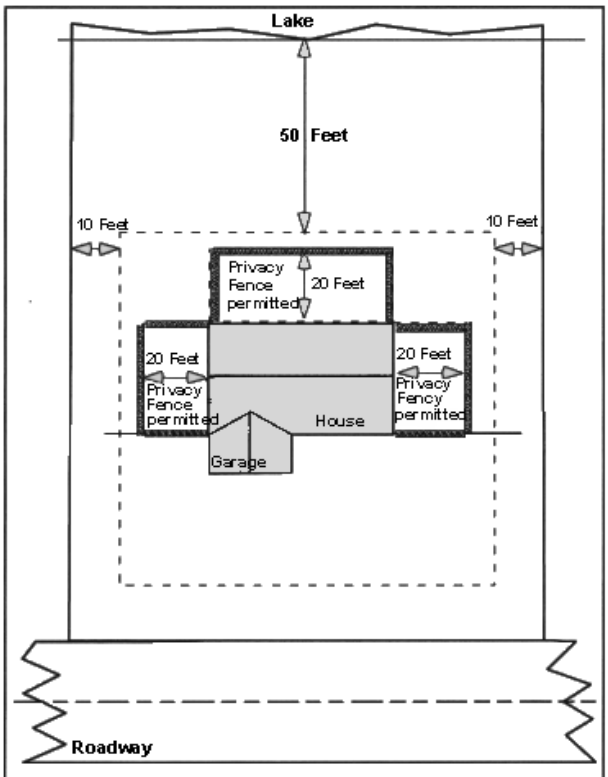


Figure 4 - on-lake C Lots - Areas where Privacy Fences are permitted.

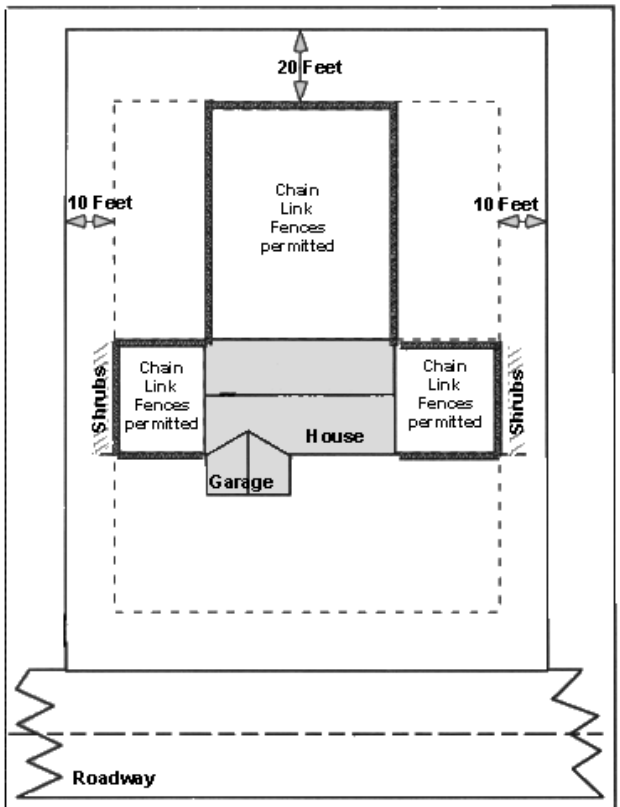


Figure 5-A,B & off-lake C Lots-Areas where Chain Link Fences are permitted.

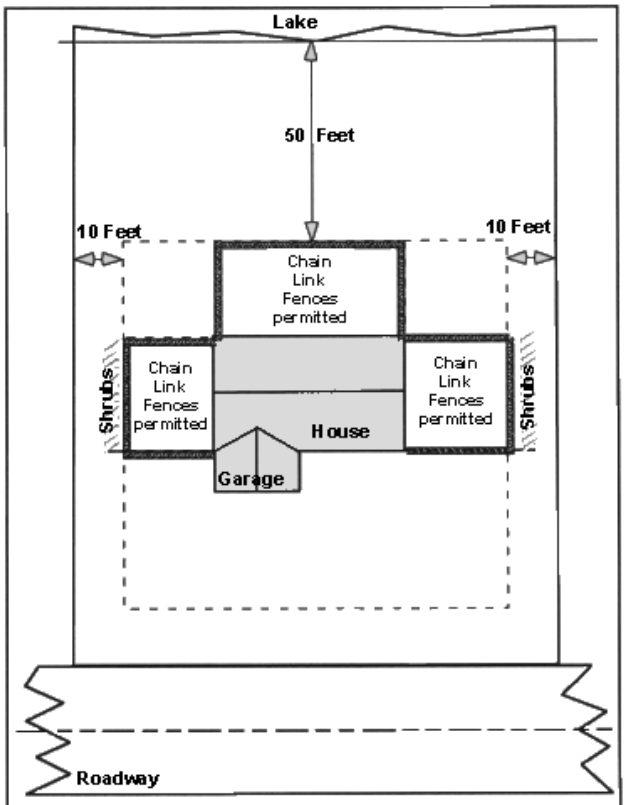


Figure 6 - on-lake C Lots - Areas where Chain Link Fences are permitted.

1319.06 CONSTRUCTION DRIVEWAYS AND CULVERTS.

(a) Construction driveways, according to subsection (b) hereof, shall be completed before a Building Permit will be issued.

(b) A construction driveway of a minimum of twenty-five feet in length and a minimum of ten feet in width shall be completed prior to any construction. The driveway cut shall be made to allow a minimum base of 8 inches of # 1 or #2 or larger limestone covered with a topping of one inch of #304 granular.

(c) All driveway culverts shall be installed under the supervision of the Village Administrator before submission of building plans. The cost of installation to be born by the property owner.

(d) Driveway culverts shall be a minimum of twelve inches by thirty feet long, of N-12 smooth interior PVC.

(e) Driveway culverts must be covered with the same materials as the driveway.
(Ord. 398-12-03. Passed 12-16-03.)

1319.07 ROADSIDE CULVERTS.

(a) All roadside culverts shall be installed under the supervision of the Village Administrator and shall require a permit. The cost of installation shall be borne by the property owner.

(b) Roadside culverts shall be a minimum twelve inch diameter N-12 smooth interior PVC.

(c) Roadside culverts shall have one or more clean out(s) and grate(s) per lot not greater than eighty feet apart and must accommodate road drainage.
(Ord. 398-12-03. Passed 12-16-03.)

1319.08 FRONTAL REQUIREMENT.

One story residential structures shall be placed upon the building site so that not less than forty feet of the structure is parallel to the road.
(Ord. 225-11-95. Passed 1-16-95.)

1319.09 PLUMBING FIXTURES BELOW FIRST FLOOR LEVEL.

There is hereby adopted the following standards for installation of plumbing fixtures and drains below first floor or grade level:

(a) No person or entity shall construct a structure and install therein plumbing fixtures and drains in any basement or living area built below grade unless accompanied by equipment referenced in subsection (b) below.

(b) Any structure in which there is to be installed a plumbing fixture or drain below grade shall be installed only in conjunction with a lift station of approved size and quality adequate to discharge sanitary waste from the structure to a gravity discharge installed not less than two feet below grade.

The Village Administrator may, based upon particular topographical features, grant variances from the requirements of this section.
(Ord. 262-02-97. Passed 2-18-97.)

CHAPTER 1321
Structure Location Requirements

1321.01 General requirements. **1321.02 Survey methods.**

1321.01 GENERAL REQUIREMENTS.

Survey method #2 is required for the principal building, boathouse or any structures deemed necessary by the Building Inspector.
(Ord. 398-12-03. Passed 12-16-03.)

1321.02 SURVEY METHODS.

(a) Method #1:

(1) Lot lines and structure must be staked out and strung from survey pins prior to permit application.

(2) Site improvement plans must be drawn to a scale of one inch per twenty feet. Location of the subject structure may be drawn on a reduced copy of the site plan providing the dimensions are clear and accurate.

(b) Method #2:

(1) A site improvement plan prepared and certified by a registered surveyor, drawn to a scale of at least one inch equals fifty feet and showing the following:

A. All lot lines with dimensions.

B. All required building setbacks must be indicated with dashed lines.

C. An outline of proposed structure indicating its proposed location on the lot. The outline must show all breaks in the foundation walls and the measurements of each break.

D. The distance from each setback line to the structure projection closest to the setback line on every side of the structure.

(2) The surveyor must certify from county records and indicate on the site plan whether the lot is an "A", "B", or "C" lot.

(3) The surveyor shall return to the building site at the time the footers are in place, and certify that the footers and/or walls comply with the site plan as approved by the Building Inspector. Any non-compliance with this provision shall cause an immediate stoppage of the job progress until compliance is achieved.

(4) The surveyor shall forward correspondence certifying that structure placement is as indicated on the site improvement plan to the Village office.

(Ord. 398-12-03. Passed 12-16-03.)

CHAPTER 1323
Erosion Control, Seawalls and Docks

1323.01 Erosion control.
1323.01.1 Clearing of lots.
1323.01.2 Lawns required at completion of construction.
1323.02 Seawalls.
1323.03 Stairs.
1323.04 Docks.
1323.05 Removal of material from the lake bottom.

CROSS REFERENCES
New subdivisions - see P. & Z. Ch. 1189

1323.01 EROSION CONTROL.

(a) Erosion Control Devices Required. Erosion control devices shall be in place on all lakefront lots prior to disturbing the soil for any purpose. Erosion control devices shall be in place on all other lots prior to the site layout inspection.

(1) Lakefront lots. The device shall be placed:

A. On the lakefront side so as to successfully stop soil from moving into the lake.

B. On the roadside so as to stop soil from being introduced into the roadside ditches and/or drainpipes and culverts.

C. On the left and/or right hand side where drainage conditions could cause soil to be introduced into the lake in a direct or indirect manner.

(2) Off-lake lots. The device shall be placed:

A. On the roadside so as to stop soil from being introduced into the roadside ditches and/or drainpipes and culverts.

B. On the left and/or right hand side where drainage conditions, at the site, could cause soil to be introduced into the lake in a direct or indirect manner.

C. Where the Building Inspector determines a problem exists with drainage or topographical features.

(b) No materials that may pollute the lake, such as railroad ties, shall be used for the construction of any structure coming in contact with the water.

(c) Upon layout inspection, if it is the opinion of the Building Inspector that the device is not placed in a manner to comply sufficiently with the above, the Building Inspector has the authority to require installation of additional erosion control prior to granting the permit.

(d) The device shall remain in place until all soil in the area is stabilized, i.e. grass, landscaping, retaining walls, etc.

(e) Geotextile silt fence shall be installed according to Appendix E.
(Ord. 398-12-03. Passed 12-16-03.)

1323.01.1 CLEARING OF LOTS.

A (building) permit shall be required for the clearing of a lot prior to building, or for substantially disturbing the soil for any other purpose.

A site plan, following the same requirements as Chapter 1321 shall be submitted with the permit application.

Complete erosion control (See Section 1323.01 and Appendix E) shall be required during clearing.

When construction is not planned within two weeks, temporary grass or ground cover shall be installed within two weeks of clearing. The erosion control shall remain in place until the temporary grass or ground cover is well established.

No clearing is permitted during the period from February 15 through April 15.

Failure to comply with Section 1323.01.1 shall be a minor misdemeanor.
(Ord. 458-04-08. Passed 6-17-08.)

1323.01.2 LAWNS REQUIRED AT COMPLETION OF CONSTRUCTION.

For any construction where the soil is substantially disturbed, a lawn shall be installed within 2 weeks of the completion of construction. All erosion control devices shall remain in place until the lawn is well established.

If it is impossible to install a lawn due to weather or other conditions, a conditional occupancy permit may be issued, and all erosion control devices must remain in place until the lawn is installed.

An unconditional occupancy permit shall not be issued until the lawn is installed.
(Ord. 458-04-08. Passed 6-17-08.)

1323.02 SEAWALLS.

1323.02.1 Definition of Seawall. A wall constructed along the shoreline of a lake front property for the purpose of preventing erosion of the shoreline.

1323.02.2 Requirements.

(a) Seawalls shall be installed on all lakefront lots. Construction of an entire seawall, from property line to property line, shall be completed prior to commencing construction of any structure being erected on the lot.

(b) Materials used must be effective and compatible in a residential recreational area.

(See 1323.02.3.) No refuse materials are permitted.

1323.02.3 Permitted Seawalls.

(a) All Wood Construction. When a seawall is constructed entirely of wood, "dead-man" timbers must be placed, at a minimum, every 10 feet.

(b) Steel Piles with Wooden Wall. Piles must be placed a maximum of 10 feet apart and driven a minimum of 2 feet into the lake bed.

(c) Re-enforced, Poured Concrete Construction. Wire mesh and rebar re-enforcement shall be used.

(d) Interlocking metal, plastic or fiberglass pilings.

(e) Built Up Concrete Shapes or Flagstone. Interlocking concrete moldings designed for underwater walls or flagstones a minimum of 14 inches by 14 inches by 3 inches thick may be stacked to form a seawall.

1323.02.4 Fill Behind Seawalls.

For subsection 1323.02.3(a) to (e) hereof, fill consisting of a minimum of #3 or #4 limestone shall be placed within geofabric containment from 3 feet behind the seawall to the seawall and to a depth equal to the height of the seawall.

1323.02.5 Rip-Rap as a Substitute for Seawalls.

Only on slopes of 20 degrees or less as the shore enters the water, Rip-Rap may be substituted for the types of seawall shown above (subsection 1323.02.3(a) to (e)). Specially designed concrete shapes or a minimum of #1 or #2 limestone shall be used.

1323.02.6 No permanent roof structure, extending beyond the seawall, shall be built out over the lake. (Ord. 468-12-08. Passed 4-21-09.)

1323.03 STAIRS.

(a) Wooden stairs shall be constructed of pressure treated lumber.

(b) Landings incorporated in these stairs shall be a maximum size of six feet by six feet.

(c) Stairs, constructed on grade, in the fifty foot setback are acceptable. (Ord. 398-12-03. Passed 12-16-03.)

1323.04 DOCKS.

WET SLIP DOCK/BOATHOUSE

(a) Wet Slip Dock.

(1) A wet slip dock may be constructed prior to the erection of the principal building.
(2) Size shall not be greater than fifteen feet in width and twenty-eight feet in length measured from the seawall.
(3) Excavation shall not be deeper than the original lake bottom. See Section 1323.05.
(4) A retaining wall is required along the excavated perimeter.

(b) Wet Slip Boathouse.

(1) A wet slip boathouse may be constructed prior to the erection of the principal building.

(2) The maximum size shall be twenty feet wide and thirty feet long with a maximum fifteen foot by twenty-eight foot water berth area.

(3) Height shall not exceed eight feet from the waterfront docking area to the eaves.

(4) Roof may be flat or gabled with a maximum pitch of five/twelve (5/12).

(5) No windows or doors, other than a service door, not to exceed three feet in width, and an overhead door for boat access from the water, shall be permitted.

(6) No living facilities including plumbing, sleeping quarters or other habitable uses shall be permitted.

(7) No uses other than those related to lake activities shall be permitted.

(c) Docks and Walkways.

(1) All floating docks shall be securely attached to the site and be no further than twenty feet beyond the seawall.

(2) A dock shall extend no further into the lake than twenty feet beyond the seawall and shall be no wider than eight feet.

(3) Permanent docks of wood construction shall have pilings driven to a depth to withstand heaving by ice. Standard construction methods shall be used for all wood construction. Another approved material is aluminum.

(4) Alternative materials require approval by the Building Inspector.

(5) Floating docks shall be wood or metal with flotation devices other than ferrous metal type. These flotation devices shall have specifications indicating material, strength, and durability.

(6) Walkways parallel with the seawall may extend inland from the seawall and at the same level as the seawall a distance not greater than eight feet. Walkways, with an extension greater than eight feet shall be considered decks.

(7) Walkways may extend over the seawall a distance not greater than two feet to provide parallel docking. Walkways extending more than two feet shall be considered docks.

(8) All free-floating platforms will be securely anchored and shall not extend beyond twenty feet from the seawall at its furthest edge.

(9) Not more than two docks may be installed on any single lot.
(Ord. 398-12-03. Passed 12-16-03.)

(10) Docks may not be built within the 10 foot side yard setback.
(Ord. 469-12-08. Passed 4-21-09.)

(d) Dock Boxes. Maximum size not to exceed three feet wide, three feet high and eight feet long. (Ord. 398-12-03. Passed 12-16-03.)

1323.05 REMOVAL OF MATERIAL FROM THE LAKE BOTTOM.

(a) An application, available at the Association office, must be submitted and approval obtained before any work is started. This application must include a detailed sketch of the area where work is planned, details of how and where spoils will be deposited and the planned depth of removal.

(b) Material may be removed only down to the original lake bottom.

(c) Removal may be performed in an area up to twenty feet into the lake from property owner's shoreline, within the side property lines.

(d) The material removed must be disposed of in such a manner that it does not reenter the lake. No material shall be placed on Rome Rock Association property without written permission of the General Manager and/or Board of Directors.

(e) No material shall be introduced into or allowed to reenter the lake including slurry or water contained in the substance being removed from the lake.
(Ord. 398-12-03. Passed 12-16-03.)

APPENDIX A

AS BUILT SURVEY

Lot Number _____ Permit Date ___/___/___ Date ___/___/___

Name _____

Description _____

	YES	NO
Surveyors Certification	___	___
Erosion control in place	___	___
Seawall installed	___	___
Roads associated with property	___	___
Driveway	___	___
Driveway culvert	___	___
Downspouts installed and connected properly	___	___
Property cleared of debris and building litter	___	___
Satisfactorily rough graded	___	___
Structure exterior complete	___	___
Structure completed according to approved building plans	___	___
All items of approved 65 point plan completed	___	___

Inspected By:

_____ _____

_____ _____

_____

(Ord. 398-12-03. Passed 12-16-03.)

APPENDIX B

ROAMING SHORES POINT SYSTEM WORKSHEET

The 65 point requirement total shall be selected from the following items:

ITEM	REQUIREMENT	POINTS	TALLY
Driveways	Paved from the garage to street	10	_____
Garage	Attached, min of 300 Sq. Ft. with a min. 10 Ft. overhead door.	15	_____
Roof Pitch	6 X 12 or steeper	10	_____
Roofing	Wood shingles, tile, slate, copper, or upgraded shingles.	10	_____
Roof lines	Break or breaks in roof line. 5 points per break with a max. of three (3) breaks.	5	_____
Front of dwelling	Upgraded home fronts. This may include: Other styles not considered usual and customary; Bay windows; Doors with etched glass; Leaded glass; Side lights; Double doors; Brass accents; Use of stone, wood or brick; Design of the dwelling; Porches, with or without railings; The end result which will provide an architecturally pleasing result. (Examples are available at the Village Office.)	15	_____
Living area	At least three hundred (300) Sq. Ft. above the minimum required living area on the ground floor.	10	_____
Floor levels	The addition of a second level above the foundation exceeding four hundred (400) Sq. Ft. of living area.	10	_____

TOTAL POINT VALUE

_____

(Ord. 398-12-03. Passed 12-16-03.)

APPENDIX C

ZONING/BUILDING PERMIT CHECK LIST

			Yes	No
1.	Application submitted?		____	____
2.	Is the approved seawall installed?	____		____
3.	Is the approved erosion control installed?	____		____
4.	Are the culvert(s) and construction driveway installed?		____	____
5.	3 sets of plans submitted?	____		____
6.	Site plan submitted(if not included on plans)?	____		____
7.	Point System Worksheet submitted?		____	____
8.	Final Inspection performed?		____	____

(Ord. 398-12-03. Passed 12-16-03.)

APPENDIX D

VILLAGE OF ROAMING SHORES, OHIO.
APPLICATION FOR BUILDING/ZONING PERMIT

Permit Number _____ Date __/__/__

Location – Lot Number & Street_____

Description of Construction: _____
_____

Owner _____
Address _____
_____
Phone (___) ____-_____
(___) ____-_____

Builder _____
Address _____
_____
Phone (___) ____-_____
(___) ____-_____

Survey Method: #1 _____ (See Building Regulations Section 8)
#2 _____

AFFIDAVIT

Applicant, _____ , being first duly sworn according to law, deposes and says:

(1) That he/she is the owner of real estate within the Village of Roaming Shores and has applied for a Building and or Zoning permit(s) to effect changes upon said real estate.

(2) That he/she has reviewed the Deed and other evidence of title to the said real estate and affirms to the Village that the permit sought from the Village is in compliance with all covenants and restrictions associated with said real estate and, by his/her signature hereupon, authorizes representatives of the Village to confirm and verify such compliance with any regulatory authority associated with such covenants and restrictions.

_____

APPLICANT

STATE OF OHIO)

) SS:
COUNTY OF ASHTABULA)

SUBSCRIBED TO AND SWORN TO before me on this_____day of _____,200__

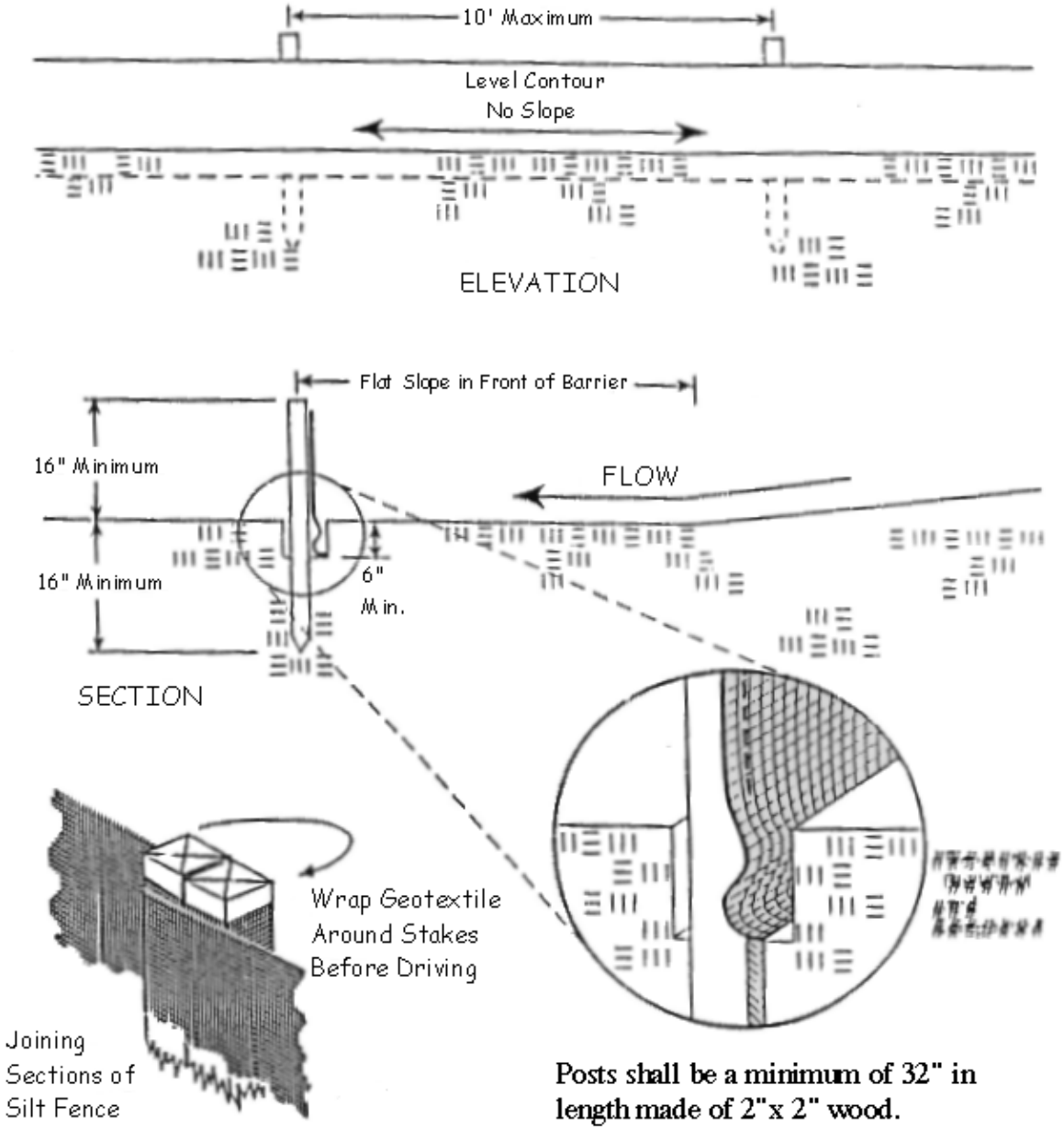
_____

Notary Public

(Ord. 398-12-03. Passed 12-16-03.)
43

APPENDIX E

Attachment A



Posts shall be a minimum of 32" in length made of 2"x 2" wood.

8" of cloth must be imbedded under at least 6" of sod or soil.

(Ord. 398-12-03. Passed 12-16-03.)

TITLE THREE - Other Building Standards

Chap. 1335. Registration of Contractors.
Chap. 1337. Flood Damage Prevention.
Chap. 1343. Public Right-of-Way.
Chap. 1347. Road Limitations and Bonds.
Chap. 1351. Property Maintenance.
Chap. 1355. Building Numbering.
Chap. 1359. Foreclosure of Residential Properties.

CHAPTER 1335
Registration of Contractors

1335.01 Contractor registration required.
1335.02 Owner-occupant exemption.
1335.03 Public utilities exemption.
1335.04 Qualification of applicants.
1335.05 Application and letters of reference.
1335.06 Evidence of insurance required.
1335.07 Expiration and renewal of registration.
1335.08 Contractor registration nontransferable.
1335.09 Contractor registration issuance.
1335.10 Contractor registration suspension by Building Inspector.
1335.11 Suspension hearing; enforcement and appeal.
1335.12 Contractor registration revocation by Board of Zoning Appeals.
1335.13 Revocation hearing; enforcement and appeal.
1335.99 Penalty.

1335.01 CONTRACTOR REGISTRATION REQUIRED.

(a) No person shall engage in, advertise for, submit bids on, contract for or represent himself as being in the general building, electrical, heating, ventilating, air conditioning,

plumbing, landscaping, or fire equipment business or trade within the Village of Roaming Shores without first obtaining a contractor registration herein.

(General building shall include, but not be limited to, concrete, masonry, excavator, lot clearing, trenching, carpentry, drywall, roofing, sewer and water excavation, siding and landscaping contractor registration.)

(b) No person shall commence, complete or substantially complete, the erection, construction, alteration or repair of a building or structure without first obtaining a contractor registration.

(c) Any contract made or bid submitted by any person not licensed as required herein shall be null and void, and no action may be maintained, and no compensation or other consideration shall be paid thereon.

(d) No person shall engage in the business or trade of servicing any fire protective equipment or other equipment pertaining to life or fire safety without first obtaining a contractor registration. "Other equipment" includes cooking exhaust systems.

(e) Fees shall be established to be $25.00 initial and $10.00 renewal for general contractors and $75.00 initial and $50.00 renewal for fire safety. Contractor registrations shall expire on December 31st of the year issued and shall be renewed in the following year.
(Ord. 457-04-08. Passed 6-17-08.)

1335.02 OWNER-OCCUPANT EXEMPTION.

(a) No license shall be required for a bona fide owner and occupant of a single-family dwelling who personally or with casual assistance performs work upon the premises occupied or to be occupied by the owner.

(b) The owner shall furnish a signed affidavit stating he is the owner and occupant of the single-family dwelling and shall personally perform the work upon the premises for which a permit is required.

(c) "Casual assistance", as used herein, means any work, aid or direction that is not of a technical nature.

(d) All work performed by an owner shall be done in compliance with the provisions of the Roaming Shores Building Code and the laws of the State of Ohio.

(e) All work performed by an owner shall be pursuant to a permit issued by the Village. (Ord. 457-04-08. Passed 6-17-08.)

1335.03 PUBLIC UTILITIES EXEMPTION.

(a) No license shall be required for a public utilities company or its employees performing work on the installation, construction or repair of utility property within the right of way of any public street or alley or any right of way granted by lease, easement, license or permissive use.

(b) No license shall be required for a public utilities company or its employees installing conductors and equipment from the utility supply system to the service entrance

conductors of premises served, provided such installations are outside the structure served or terminate immediately inside a building wall.

(c) "Public utility", as used herein, has the same meaning as defined in Ohio R.C. 4905.02. (Ord. 457-04-08. Passed 6-17-08.)

1335.04 QUALIFICATION OF APPLICANTS.

(a) Contractor registrations shall be provided only to applicants at least eighteen years of age.

(b) Applicants who wish to register as electrical, heating, ventilating and air conditioning and plumbing contractors shall submit a copy of a Certificate as issued by the State of Ohio, Department of Industrial Relations, Construction Industry Examining Board to perform work as an electrical, heating, ventilating and air conditioning and plumbing contractor. Applicants who wish to register as a fire suppression system or fire detection system contractor shall submit a copy of the Certificate as issued by the State of Ohio, Department of Commerce, Division of State Fire Marshal, to perform work as a fire suppression system or fire detection system contractor. If the following contractors are used as subcontractors, a list must be provided to the Village. No bond will be required if they are working for a registered and bonded general contractor or a registered home improvement contractor and provide the Village with proof of employment. If they are working for a homeowner, they shall comply with the following:

(1) Concrete footing contractor.
(2) Foundation excavation contractor.
(3) Masonry contractors.
(4) Framing contractor.
(5) Siding contractor.
(6) Roofing contractor.
(7) Insulation contractor.

(c) Applicants who wish to be registered as a general building contractor performing general building work shall submit a copy of a license from a City or County issuing such licenses.

(d) Applicants shall be of good moral character. Factors to be considered in determining good moral character are the history of compliance or violation of this or other building codes, criminal convictions, and dishonest practices in the conduct of a business, trade or profession. (Ord. 457-04-08. Passed 6-17-08.)

1335.05 APPLICATION AND LETTERS OF REFERENCE.

The Building Department shall prepare and furnish to an applicant forms on which the application shall be made. The application shall be accompanied by at least three letters of reference from persons who are acquainted with the applicant's experience or training in the business or trade in which he seeks to be registered. The letters shall be from contractors registered in the trade in which the application is being made, inspectors in the trade in which the application is being made or from registered architects or engineers in that field. All letters shall be on original letterhead. (Ord. 457-04-08. Passed 6-17-08.)

1335.06 EVIDENCE OF INSURANCE REQUIRED.

Each applicant for a contractor registration shall furnish a Certificate of Insurance for bodily injury in the amount of one hundred thousand dollars ($100,000), three hundred thousand ($300,000) and for property damage in the amount of fifty thousand dollars ($50,000). The Village of Roaming Shores shall be listed as an additionally Insured on the Certificate.
(Ord. 457-04-08. Passed 6-17-08.)

1335.07 EXPIRATION AND RENEWAL OF REGISTRATION.

All contractor registrations shall expire at 12:00 midnight, December 31 of each year, and no permits shall be granted until the license has been secured for the ensuing year. Renewals may be made for the ensuing year upon payment of a fee and completion of application and submission of Certificate of Insurance if not renewed on or before December 31 of each year.
(Ord. 457-04-08. Passed 6-17-08.)

1335.08 CONTRACTOR REGISTRATION NONTRANSFERABLE.

Contractor registrations are not transferable and may not be altered, erased, defaced or reproduced. (Ord. 457-04-08. Passed 6-17-08.)

1335.09 CONTRACTOR REGISTRATION ISSUANCE.

Contractor registrations shall be issued by the Building Inspector upon approval of the application and payment of all fees.
(Ord. 457-04-08. Passed 6-17-08.)

1335.10 CONTRACTOR REGISTRATION SUSPENSION BY BUILDING INSPECTOR.

The Building Inspector may suspend, for a specified period of time not to exceed six months, any license or the renewal of any license for good cause including, but not limited to, the following:

(a) Misrepresentation of a material fact in obtaining a license or the renewal thereof.
(b) Use of license in obtaining a permit for another.
(c) Failure to secure the permits or approval required by this Building Code.
(d) Workmanship or work not in conformity with the permit issued thereof.
(e) Conviction of a felony by the licensee, provided suspension is deemed necessary in the public interest.
(f) Violation of any provision of this Building Code.
(g) Dishonest or unfair practices in the conduct of a business or practice of a trade.
(h) Consumer fraud violations.

(Ord. 457-04-08. Passed 6-17-08.)

1335.11 SUSPENSION HEARING; ENFORCEMENT AND APPEAL.

(a) No license shall be suspended without notice and opportunity for a hearing by the registrant. The Building Inspector shall conduct the hearing.

(b) Whenever a license is suspended, the Building Inspector shall enforce suspension by notification by certified mail sent to the registrant who shall surrender the license to the Building Inspector for the duration of the suspension period.

(c) Whenever a license is suspended, no work shall be performed by the registrant authorized by the license except work necessary to correct a violation of the Building Code specified in the notice of suspension. Corrections shall be made within three working days of

the effective date of suspension. Any suspension may be continued until all corrections have been made. (Ord. 457-04-08. Passed 6-17-08.)

1335.12 CONTRACTOR REGISTRATION REVOCATION BY BOARD OF ZONING APPEALS.

The Board of Zoning Appeals may revoke a license for good cause including but not limited to the following:

(a) Misrepresentation of a material fact in obtaining a license or the renewal thereof.
(b) Use of a license in obtaining a permit for another.
(c) Failure to secure the permits, inspections or approvals required by this Building Code.
(d) Workmanship or work not in conformity with the permit issued therefor.
(e) Conviction of a felony by licensee, provided revocation is deemed necessary in the public interest.
(f) Suspension of a license three times within a five-year period.
(g) Dishonest or unfair practices in the conduct of a business or practice of a trade.
(h) Consumer fraud violations.

(Ord. 457-04-08. Passed 6-17-08.)

1335.13 REVOCATION HEARING; ENFORCEMENT AND APPEAL.

(a) No contractor registration shall be revoked without notice and public hearing before the Board of Zoning Appeals. The licensee may appear with or without counsel. The Board of Zoning Appeals may revoke only for good cause upon a preponderance of the evidence.

(b) Whenever a contractor registration is revoked, the Building Inspector shall enforce the revocation by certified mail to the licensee who shall surrender the license to the Building Inspector immediately. Any person whose license has been revoked may not reapply for a contractor registration until one year for the first offense and three years for the second offense after the date of revocation.

(Ord. 457-04-08. Passed 6-17-08.)

1335.99 PENALTY.

Whoever violates any provision of the chapter is guilty of a misdemeanor of the first degree. Each day a violation continues or occurs shall constitute a separate offense.

(Ord. 457-04-08. Passed 6-17-08.)

CHAPTER 1337
Flood Damage Prevention

1337.01 Statutory authorization, findings of fact, purpose and objectives.
1337.02 Definitions.
1337.03 General provisions.
1337.04 Administration.
1337.05 Provisions for flood hazard reduction.

CROSS REFERENCES

County flood control aid to governmental units - see Ohio R.C. 307.77
Basis of zoning districts - see Ohio R.C. 713.10
Construction permits and prohibitions for dams, dikes or levees - see Ohio R.C. 1521.06
Flood hazards; marking flood areas - see Ohio R.C. 1521.14
Review of flood plain ordinances - see Ohio R.C. 1521.18

1337.01 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

(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 Village of Roaming Shores, State of Ohio does ordain as follows:

(b) Findings of Fact.

(1) The flood hazard areas of Roaming Shore Village, Ohio are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions tn areas of special flood hazards which increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

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

(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 minimize future flood blight areas;
(7) Ensure that potential buyers are aware that property is in an area of special flood hazard; and,
(8) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(d) Methods of Reducing Flood Losses. In order to accomplish its purposes, this chapter includes methods and provisions for:

(1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
(3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers which help accommodate or channel flood waters;
(4) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
(5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. 101-06-88. Passed 8-16-88.)

1337.02 DEFINITIONS.

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

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

(b) "Appeal" means a request for a review of the Mayor's interpretation of any provision of this chapter or a request for a variance.

(c) "Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

(d) "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one-hundred (100) year flood.

(e) "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 located within the area of special flood hazard.

(f) “Federal Emergency Management Agency” (FEMA) means the agency with the overall responsibility for administering the National Flood Insurance Program.

(g) "Flood" or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters, and/or

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

(h) "Flood Hazard Boundary Map (FHBM)" means the same as "Flood Insurance Rate Map." See below.

(i) "Flood Insurance Rate Map (FIRM)" means an official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazard.

(j) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor.

(k) "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. It includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

(l) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Ohio Revised Code, over which the Public Health Council has exclusive rule making power.

(m) "New construction" means structures for which the "start of construction" commenced on or after the effective date of this section.

(n) "Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, 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.

(o) "Structure" means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

(p) "Substantial Improvement" means:

(1) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

A. Before the improvement or repair is started, or

B. If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

(2) The term does not, however, include either

A. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

B. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(q) "Variance" is a grant of relief to a person from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited this chapter. (Ord. 101-06-88. Passed 8-16-88.)

1337.03 GENERAL PROVISIONS.

(a) Lands to Which this Chapter Applies. This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Village of Roaming Shores.

(b) Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard have been identified by the Federal Emergency Management Agency in its Flood Insurance Rate Map (or Flood Hazard Boundary Map), FIRM #390885 0001 A, dated September 16, 1988, and any revision thereto is adopted by reference and declared to be part of this chapter.

(c) Compliance. Unless specifically exempted from filing for a development permit as stated in Section 1337.04(b), no structure or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this chapter and all other applicable regulations which apply to uses within the jurisdiction of this chapter.

(d) Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(e) Interpretation. In the interpretation and application of this chapter, 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 this chapter may be in conflict with a State law, such State law shall take precedence over the chapter.

(f) Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Roaming Shores Village any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(g) Violations and Penalties. Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor of the 4th degree. Any person who violates this chapter or fails to comply with any of its requirements (including violations of conditions of and safeguards established in connection with conditions) shall upon conviction thereof be fined or imprisoned as provided by the laws of the Village of Roaming Shores . Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village of Roaming Shores from taking such other lawful action as is necessary to prevent or remedy any violations.
(Ord. 101-06-88. Passed 8-16-88.)

1337.04 ADMINISTRATION.

(a) Establishment of Development Permit. A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 1337.03(b), Basis for Establishing the Areas of Special Flood Hazard. Application for a Development Permit shall be made on forms furnished by the Mayor and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing; and, a description of the extent to which any watercourse will be altered or relocated as a result of proposed development. If base flood elevation data are available, the following information is also required:

(1) Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures;
(2) Elevation in relation to mean sea level to which any proposed structure will be floodproofed; and,
(3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 1337.05(b)(2).

(b) Exemption from Filing a Development Permit. An application for a Development Permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small development activities (except for filling and grading) valued at less than $1,000.

(c) Designation of the Flood Damage Prevention Ordinance Administrator. The Mayor is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

(d) Duties and Responsibilities of the Mayor shall include but are not limited to:

(1) Permit review.

A. Review all development permits to determine that the permit requirements of this chapter have been satisfied.

B. Review all development permits to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required.

C. Review all development permits to determine if the proposed development is located within a designated floodway. Floodways may be delineated in other sources of flood information. If the proposed development is located within a designated floodway, assure that the encroachment provision of Section 1337.05(c)(1) is met.

(2) Use of other base flood elevation and floodway data. Areas of special flood hazard where base flood elevation data have not been provided by the Federal Emergency Management Agency are designated as Zone A on the community's Flood Insurance Rate Map (or Flood Hazard Boundary Map). Within these areas, the Mayor shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source in order to administer Section 1337.05(b)(1), Specific Standards, Residential Construction; 1337.05(b)(2), Specific Standards, Nonresidential Construction; and 1337.05(c), Floodways.

(3) Information to be obtained and maintained. Where base flood elevation data are utilized within areas of special flood hazard on a community's Flood Hazard Boundary Map or Flood Insurance Rate Map, regardless of the source of such data, the following provisions apply:

A. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and whether or not such structures contain a basement.

B. For all new or substantially-improved floodproofed structures:

1. Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and,

2. Maintain the floodproofing certifications required in subsection (a)(3) hereof.

C. Maintain for public inspection all records pertaining to the provisions of this chapter.

(4) Alteration of watercourses.

A. Notify adjacent communities and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation

of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

B. Require that necessary maintenance will be provided for by the applicant for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished.

(5) Interpretation of flood boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection (e) hereof.

(e) Variance Procedure.

(1) Appeal Board.

A. The Village Council as established by Village of Roaming Shores shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The Village Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Mayor in the enforcement or administration of this chapter.

C. Those aggrieved by the decision of the Village Council or any taxpayer, may appeal such decision to the Ashtabula Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.

D. In passing upon such applications, the Village Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
6. The necessity to the facility of a waterfront location, where applicable;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and

sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site and,

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

E. Upon consideration of the factors of subsection (e)(1)D. hereof and the purposes of this chapter, the Village Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

F. The Mayor shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(2) Conditions for variances.

A. 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 1. to 11. in subsection (e)(1)D. hereof have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,

3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this chapter, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection (e)(1)D. hereof, or conflict with existing local laws or ordinances.

F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(Ord. 101-06-88. Passed 8-16-88.)

1337.05 PROVISIONS FOR FLOOD HAZARD REDUCTION.

(a) General Standards. In all areas of special flood hazards the following standards are required:

(1) Anchoring

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

B. All manufactured homes not otherwise regulated by the Ohio Revised Code pertaining to manufactured home parks shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors.

(2) Construction materials and methods.

A. All new construction and substantial improvements shall be constructed with materials resistant to flood damage.

B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(3) Utilities.

A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;

B. 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,

C. Individual waste water treatment systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) Subdivision proposals.

A. All subdivision proposals, including manufactured home subdivisions, shall be consistent with the need to minimize flood damage;

B. All subdivision proposals, including manufactured home subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

C. All subdivision proposals, including manufactured home

subdivisions, shall have adequate drainage provided to reduce exposure to flood damage; and,

D. Base flood elevation data shall be provided for subdivision proposals, including manufactured home subdivisions, and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

(b) Specific Standards. In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 1337.04(d)(2), Use of Other Base Flood Elevation and Floodway Data, the following provisions are required:

(1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.

(2) Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:

A. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

C. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this subsection. Such certification shall be provided to the official as set forth in Section 1337.04(a)(3).

(3) Accessory structures. An exemption to the elevation or dry floodproofing standards may be granted for accessory structures (e.g., sheds, detached garages) containing 576 square feet or less in gross floor area. Such structures must meet the encroachment provisions of subsection (c)(1) hereof and the following additional standards:

A. They shall not be used for human habitation;

B. They shall be designed to have low flood damage potential;

C. They shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;

D. They shall be firmly anchored to prevent flotation; and,

E. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

(4) Manufactured homes. The following standards shall apply to all new and substantially improved manufactured homes not subject to the manufactured home requirements of Section 3733.01, Ohio Revised Code.

A. Manufactured homes shall be anchored in accordance with subsection (a)(1)B. hereof.

B. Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation.

(5) Enclosures below base flood elevation. The following provisions apply to all new and substantially improved residential and nonresidential structures which are elevated to or above base flood elevation using pilings, columns, or posts or which contain a crawl space. These structures may enclose the area below the base flood elevation provided the following conditions are met:

A. Fully enclosed areas below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must:

1. Be certified by a registered professional engineer or architect; or,
2. Must meet or exceed the following criteria:
   a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area shall be provided;
   b. The bottom of all openings shall be no higher than one foot above grade; and,
   c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

B. Any enclosure which meets these criteria shall be considered as having met the requirements of subsection (a)(1), Anchoring.

(c) Floodways. A floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential. The Flood Insurance Rate Map (or Flood Hazard Boundary Map) does not designate a floodway. However, floodways may be delineated in other available sources of flood information as specified ln Section 1337.04(d)(2). The following provisions apply within all delineated floodway areas:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) If subsection (c)(1) hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 1337.05, Provisions for Flood Hazard Reduction.

(Ord. 101-06-88. Passed 8-16-88.)

CHAPTER 1343
Public Right-of-Way

1343.01 Line marker height restrictions.

1343.01 LINE MARKER HEIGHT RESTRICTIONS.

(a) There is hereby adopted the following line marker height restrictions governing all line markers located within rights-of-way owned and regulated by the Village.

(1) In developed residential areas: not more than eighteen inches from ground level to the top of the line marker;

(2) In undeveloped residential areas: not more than forty-eight inches from ground level to the top of the line marker.

(b) Notice of this section is to be provided to all utilities, persons, governmental agencies, companies and/or other entities using or planning to use line markers within rights-of-way owned and regulated by the Village.

(Ord. 289-04-98. Passed 4-24-98.)

CHAPTER 1347
Road Limitations and Bonds

1347.01 Seasonal road limitations on general building activities.
1347.02 Road bonds.
1347.99 Penalty.

1347.01 SEASONAL ROAD LIMITATIONS ON GENERAL BUILDING ACTIVITIES.

During the period from February 15 through April 15 of each year, construction shall be limited to those activities that do not require heavy trucks or trailers on the Village roads. No delivery of material or equipment that requires trucks in excess of TRAA Class 2 shall be permitted. The vehicle classes permitted include: passenger vehicles, light trucks, minivans, full-sized pickups, sports utility and full size vans, having a GVW of 10,000 lbs. or less and trailers (class II hitch) having no more than two tires and a GVW of 3500 lbs. or less. No delivery, by trailer, of bulldozers, track hoes, or other heavy machinery shall be permitted. No concrete trucks shall be permitted.

General building activities, including carpentry, drywall, plumbing, electrical, roofing, siding and landscaping are permitted so long as they can be supported with materials and equipment already existing on site, or which can be delivered by a truck not exceeding TRAA Class 2.

It shall be the responsibility of the general contractor to prevent deliveries requiring heavy trucks during this time period. The penalties (see Section 1347.99) shall be assessed to the violating truck as well as the general contractor.

Rescinding of road limitations if weather permits. If weather and road conditions permit, the Village Administrator may, at his sole discretion, rescind the road limitations, notifying the (active) contractors of this action.

(Ord. 440-12-06. Passed 1-16-07.)

1347.02 ROAD BONDS.

(a) Prior to obtaining a building/zoning permit, and before proceeding with new construction within the Village a contractor, the owner of the property or his agent shall deposit with the Clerk-Treasurer of the Village, the sum of two thousand dollars ($2,000) for the construction of a house, structure or accessory building; the sum of five hundred dollars ($500.00) for the construction of an addition to a house; or the sum of three thousand dollars ($3,000) for the construction of a commercial building. The deposits shall serve as a guarantee that roadways within the Village will not be damaged during the course of work or construction and that all rubbish and material associated with said work or construction shall be removed.

(b) Should the Village Zoning/Building Inspector deem that damage did occur to the street, and/or rubbish and other material was allowed to remain on the site, he shall give written notice to the Village Administrator of such damage to the street, and/or the need to remove any rubbish or other material. The Village Administrator shall have the necessary repairs and/or cleanup made and direct the Village Clerk-Treasurer to pay the cost and expense thereof out of the deposited funds, and in the event the sum deposited shall not be sufficient to pay such costs and expense, the owner shall be liable to the Village of Roaming Shores for any balance.

(c) In the event that, in the course of such construction, mud, dirt, waste materials, rubbish or other debris are deposited on any dedicated or undedicated street or other public property and are not removed therefrom, within two hours after written notice to remove the same has been given by the Village Police Department to the permit holder, his contractor, agent or employee, then the Village may cause such substances to be removed, and the costs of such removal shall be deducted from the deposited funds.

(d) In the event that during the course of construction, the deductions made by the Village from the cash deposit, by reason of repairing any damage or removal of any substance, bring the amount of cash or deposit to less than the original deposit amount, then the Zoning/Building Inspector may demand that the permit holder replenish the deficiency in the amount of the cash deposit so that it shall again be in the original amount. Upon failure of the permit holder to replenish the funds within two days after such demand in writing by the Zoning/Building Inspector, the latter may revoke the permit and may stop construction until such time as the permit holder has complied with the demand.

(e) After completion of construction, an "as built" survey shall be requested by the owner or his agent. This "as built" survey will be performed by the Zoning/Building Inspector and is required prior to the issuance of a Certificate of Occupancy. After a Certificate of Occupancy has been issued, the Zoning/Building Inspector shall request that the Clerk-Treasurer refund the bond monies, less any proper deductions for any deficiencies upon written report or request of the Zoning/Building Inspector.
(Ord. 417-01-05. Passed 2-1-05.)

1347.99 PENALTY.

Whoever violates any provisions of this chapter shall be guilty of a minor misdemeanor and fined not more than one hundred and fifty dollars ($150.00). Each day a violation continues or occurs shall constitute a separate offense.
(Ord. 417-01-05. Passed 2-1-05.)

CHAPTER 1351
Property Maintenance

1351.01 Requirements and owner/ occupant responsibility for structures.
1351.02 Requirements and owner/ occupant responsibility for exterior property areas.
1351.03 Requirements and owner/ occupant responsibility for lawns, trees, weeds and other vegetation.
1351.04 Authority of Village officials.
1351.05 Compliance with official notices.
1351.99 Penalty.

CROSS REFERENCES
Removal of unsafe structures - see Ohio R.C. 715.261 et seq.
Refuse accumulation - see P. & Z. 1137.07 et seq.

1351.01 REQUIREMENTS AND OWNER/OCCUPANT RESPONSIBILITY FOR STRUCTURES.

Every owner, occupant or other person having charge of real estate within the Village shall be responsible for the safe, clean and orderly maintenance of all parts of any dwelling, building, structure and/or exterior premises located within the limits of the Village, which responsibility shall include the following minimum standards:

(a) All dilapidated structures or structures in serious disrepair shall be removed, repaired or rehabilitated.

(b) All building surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, peeling paint or other conditions reflective of deterioration or inadequate maintenance, to the end that the property may be preserved safely, fire hazards eliminated and adjoining properties and neighborhoods protected from blighting influences.

(c) Fences, docks, seawalls, exterior stairways and retaining walls or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner, and maintained in the same manner so that such fences, docks, seawalls, exterior stairways and retaining walls or similar structures shall

always be in a state of good structural repair, or in the alternative, such fences, docks, seawalls, exterior stairways and retaining walls or similar structures shall be removed or replaced. All fences and exterior stairways shall be treated periodically with chemicals or paint so as to retard deterioration, unless such deteriorating is superficial deterioration designed to enhance appearance.
(Ord. 406-05-04. Passed 7-20-04.)

1351.02 REQUIREMENTS AND OWNER/OCCUPANT RESPONSIBILITY FOR EXTERIOR PROPERTY AREAS.

No owner, occupant or other person having charge of real estate within the Village shall maintain or permit to be maintained at or on the exterior property areas of such real estate any condition which deteriorates or adversely alters the appearance of the neighborhood, reduces property values in the neighborhood, creates a fire, safety or health hazard or which is a public nuisance. Such conditions include but are not limited to the following:

(a) Storage or maintaining of out-of-use or nonusable appliances and dilapidated automobiles or automobile parts.

(b) Storage or maintaining of broken, dilapidated or unusable furniture, mattresses or other household furniture, plastic materials, paints, miscellaneous coverings, and/or any other unsightly materials placed at or on the premises in such a manner as to be unsightly or offensive.

(c) Permitting or failing to control conditions which unreasonably or offensively cause, promote or encourage the growth, proliferation or harboring of insects, rodents or other pests.

(d) Failure to keep the occupied area and premises and all plumbing equipment and facilities in a clean, safe and sanitary condition and in conformity with the terms of this chapter at all times.

(e) Failure to properly store and dispose of rubbish or garbage in a neat and sanitary manner.

(f) Storage, maintaining or parking of motor vehicles, utility trailers, motor homes, campers, boats lacking current state registration, on undeveloped lots. Undeveloped lots as herein referenced shall be defined to include any lot which does not contain a permitted residence and driveway.

(Ord. 406-05-04. Passed 7-20-04.)

1351.03 REQUIREMENTS AND OWNER/OCCUPANT RESPONSIBILITY FOR LAWNS, TREES, WEEDS AND OTHER VEGETATION.

Every owner, occupant or other person having charge of developed real estate within the Village shall be responsible for the clean and orderly maintenance of all exterior property areas of such real estate. "Developed real estate" as herein referenced, shall refer to all real estate upon which a dwelling or other building has been constructed, including lots contiguous thereto owned by the owner or occupant of such dwelling or other building. Such responsibility shall include the avoidance of all conditions which deteriorate or adversely affect the appearance of surrounding properties, reduces property values or creates a safety or health hazard. Such conditions include but are not limited to, the following minimum standards:

(a) All exterior premises shall be appropriately maintained, and lawns, hedges, bushes, trees, weeds, vines, grasses and other vegetation shall be kept trimmed and from becoming overgrown and unsightly, with cuttings properly disposed of, where exposed to public view or where such vegetation may constitute a blighting influence on adjoining properties. However, this provision shall not preclude the maintenance of undeveloped or underdeveloped land in its natural state. Lawns,

hedges, bushes, trees, weeds, vines, grasses and other vegetation, as herein referenced, includes, but is not limited to, lawn, ragweed, grasses, daisies, goldenrod, burdock, yellow dock, dandelions, thistle, wild carrot, and any other vegetative growth, or other weed, vine or grass from which there may be carried by the wind any injurious, offensive, or annoying pollen, dust, down, seed or particles, or any vegetative growth which may emit said particles or conceal any filthy, noxious or prohibited deposits of any material whatsoever.

(b) All lawn, weeds, vines, grasses or other vegetative growth growing upon real property within the Village shall be periodically cut and properly disposed of so as to insure no weeds, vines, grasses or other vegetative growth exceeds eight inches. This section shall not apply to trees, shrubs, cultivated plants or growing crops.

(c) If any owner or occupant of any real property located within the corporate limits of the Village fails to cut lawn or cut and properly dispose of all weeds, vines, grasses or vegetation as defined herein between the 1st day of May and through the 1st day of November of each calendar year, the Village Mayor may cause such lawn, weeds, vines, grasses or vegetation to be cut and properly disposed of. Thereafter, the owner of the real property upon which the lawn, weeds, vines, grasses or vegetation were cut shall be indebted to the Village, in the amount of not less than one hundred dollars ($100.00) or for any actual expenses in excess thereof incurred by the Village, in cutting and disposing of the lawns, weeds, vines, grasses or vegetation.

(d) In the event the owner or occupant of any real property located within the corporate limits of the Village fails to reimburse the Village the cost of cutting and disposing of lawn, weeds, vines, grasses or vegetation, under the terms hereof, the Village Clerk Treasurer shall certify such costs along with a penalty of five percent (5%) to the Ashtabula County, Ohio, Auditor with a request that said amount should be assessed against the subject real property and entered upon the real property's tax duplicate for collection by the County Auditor. The amount so entered shall be a lien upon the subject real property and/or any premises located thereon from the date the same was entered; shall be collected as other real property taxes; and shall, upon collection by Ashtabula County, be returned to the Village for deposit into the General Fund of the Village.
(Ord. 406-05-04. Passed 7-20-04.)

1351.04 AUTHORITY OF VILLAGE OFFICIALS.

The Village Zoning Inspector shall have the authority to investigate suspected violations of this chapter in accordance herewith. The Village Zoning Inspector, upon reviewing any suspected violations of this chapter, shall, if a violation is discovered, serve written notice of such violation upon the property owner, occupant or other person having charge of the real estate, by directing handing such notice to such person, mailing a notice to such person or by posting such notice upon any entrance to any structure upon the real estate.
(Ord. 406-05-04. Passed 7-20-04.)

1351.05 COMPLIANCE WITH OFFICIAL NOTICES.

No person shall fail to comply with the directions set forth by the aforenamed Village officials in any written notice of violation.
(Ord. 406-05-04. Passed 7-20-04.)

1351.99 PENALTY.

In addition to any other remedy, charges or fees herein provided, whoever violates or fails

to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred and fifty dollars ($150.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs after the expiration of the time period detailed in the notice of violation. If the offender previously has been convicted of a violation of any of the provisions of this chapter, a violation of or failure to comply with any of the provisions of this chapter is a fourth degree misdemeanor punishable by imprisonment for not more than thirty days and/or a fine of not more than two hundred fifty dollars ($250.00). (Ord. 406-05-04. Passed 7-20-04.)

CHAPTER 1355
Building Numbering

1355.01 Display of address. **1355.02 Specifications.**

CROSS REFERENCES
Building numbering - see Ohio R.C. 715.26
Lot numbers required - see BLDG. 1309.04

1355.01 DISPLAY OF ADDRESS.

Each building within the Village must display its assigned address number in a location visible from the street from which each such building has access to and from.
(Ord. 423-09-05. Passed 11-15-05.)

1355.02 SPECIFICATIONS.

The following specifications should apply to such address number displays:

(a) Definition. As used in this chapter, the following definition shall apply: "Building" means any dwelling, apartment or business building fronting upon any street or other roadway.

(b) Placement of Numbers on Buildings. In general, numbers shall be placed upon the street-side postal mailbox and/or at the center of the riser of the top step leading to a primary building entrance and facing the street. Where this is impracticable, the location shall be determined by the Village Building and Zoning Inspector.

(c) Assignment of Numbers. Numbers shall be a minimum of three inches high. Numbers shall be assigned to each building by the subdivision real estate plats, by the U.S. Post Office or by the Village Building and Zoning Inspector at the time a building permit therefor is issued. It shall be the duty of the owner of the building to place the numbers thereon in accordance with the provisions of this chapter as soon as the building is ready for occupancy.

(d) Unlawful Acts. No owner or agent of any building shall permit or allow the same to remain unnumbered more than thirty days after its completion. No person shall take down or deface any number put up in accordance with the provisions of this chapter. No person shall retain any other number on their buildings than that

assigned by the subdivision real estate plats, by the U.S. Post Office, or by the Village Building and Zoning Inspector. No owner, occupant or agent of property shall refuse to have his or her property numbered, or in any way obstruct or interfere with the employee charged with carrying out the foregoing provisions of this chapter in the performance of his duty.

(e) Penalty. The violation of this chapter shall constitute a minor misdemeanor for which a fine up to a maximum one hundred fifty dollars ($150.00) may be imposed. (Ord. 423-09-05. Passed 11-15-05.)

CHAPTER 1359
Foreclosure of Residential Properties

1359.01 Plaintiff to register; fee; notice.

1359.01 PLAINTIFF TO REGISTER; FEE; NOTICE.

(a) Plaintiffs undertaking foreclosure actions of properties within the Village shall register with the Village, pay a fee of $100.00 and provide written notice of each of the following:

(1) Foreclosure filings in the Ashtabula County Court of Common Pleas at the time of filing.

(2) Results of inspections of said properties at any time after the filing of said foreclosure action upon receipt of the result of said inspections.

(3) Any communications from any source indicating that such property is abandoned or uninhabited.

(4) Name, address and telephone information of a representative of the Plaintiff.

(b) Said Plaintiffs shall either perform or secure performance of maintenance of landscaping and building conditions consistent with all Village ordinances.

(c) Violations of any of the provisions of this section shall be considered minor misdemeanors punishable by fines of not more than $150.00.

(Ord. 466-12-08. Passed 4-21-09.)

INSTRUCTIONS FOR INSERTING
CORRECTED PAGES
FOR THE
BUILDING CODE OF ROAMING SHORES

Please discard old pages and insert these corrected pages immediately as directed in the following table.

Discard Old Pages	Insert New Pages
PART THIRTEEN - BUILDING CODE	
7, 8	7, 8
11 through 15	11 through 15
23, 24	23, 24
27 through 30	27 through 30
33 through 38	33 through 38

CODIFIED ORDINANCES OF ROAMING SHORES

PART FIFTEEN - FIRE PREVENTION CODE

Chap. 1501. Ohio Fire Code.

Chap. 1511. Open Burning.

Chap. 1519. Fireworks.

CODIFIED ORDINANCES OF ROAMING SHORES

PART FIFTEEN - FIRE PREVENTION CODE

CHAPTER 1501
Ohio Fire Code

1501.01 Adoption.
1501.02 Purpose.
1501.03 Application.
1501.04 Enforcement.
1501.05 Compliance.
1501.06 Posting arson laws.
1501.07 Setting fires which spread.
1501.08 Unfriendly fires in buildings; alarm duties.
1501.09 Disclosure of true Fire Safety Inspector status.
1501.10 Fire equipment sale or use; certification of installers.
1501.11 Copies.
1501.12 Conflict.
1501.99 Penalty.

CROSS REFERENCES

See sectional histories for similar State law
Appeals of orders - see Ohio R.C. 119.12
State certification of firefighters - see Ohio R.C. 737.08, 737.22, 3737.33
State certification of Fire Safety Inspectors - see Ohio R.C. 3737.01(D), 3737.34
Fire investigation - see Ohio R.C. 737.27, 3737.24 et seq.
Entry and Inspection - see Ohio R.C. 3737.14, 3737.41, 3737.42
Common Pleas Court jurisdiction - see Ohio R.C. 3737.44(A), 3737.51(H)
Ohio Fire Code - see Ohio R.C. 3737.82 et seq.; OAC Ch. 1301:7-1 et seq.
Fire extinguishing and alarm systems in rest and nursing homes - see Ohio R.C. 3721.071
Self-service filling stations - see Ohio R.C. 3741.14
Fireworks exhibitions - see Ohio R.C. 3743.50 et seq.

1501.01 ADOPTION.

There is hereby adopted by the Municipality, the 2005 Ohio Fire Code (OFC) as adopted by the Ohio Division of State Fire Marshal, Department of Commerce, effective September 1, 2005, and as published in Division 1301:7 of the Ohio Administrative Code (OAC).

1501.02 PURPOSE.

The purpose of this Code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to fire fighters and emergency responders during emergency operations.

1501.03 APPLICATION.

The Ohio Fire Code as adopted herein applies to the use of all lands and properties within the Municipality and such other lands or properties owned by the Municipality which are situated outside the corporate limits thereof.

1501.04 ENFORCEMENT.

(a) No person shall serve as Municipal Fire Safety Inspector unless he has received a certificate issued by the Ohio Superintendent of Public Instruction under former Ohio R.C. 3303.07 or 4765.55 evidencing his satisfactory completion of a fire safety inspection training program.
(ORC 3737.34)

(b) For Municipal criminal proceedings, the complaint, warrant or summons, or the issuance of a citation in minor misdemeanor cases shall be, as is prescribed in the Ohio Rules of Criminal Procedure, by referencing the numerical designation of the applicable Municipal ordinance, including the specific provision of the Ohio Fire Code, or any order issued pursuant thereto, provided such order fixes a reasonable time for abatement of the violation. State enforcement proceedings for violation of Ohio R.C. Chapter 3737 or the Ohio Fire Code shall be as is prescribed in Ohio R.C. 3737.41 to 3737.46.

(c) A copy of such complaint or citation shall be prominently posted at or near each place a violation referred to occurs.

(d) Upon request of the Municipal Fire Safety Inspector, the Municipal Legal Officer shall institute and prosecute any necessary action or proceeding to enforce this chapter or Ohio R.C. Chapter 3737.

1501.05 COMPLIANCE.

(a) No person shall knowingly violate any provision of the Ohio Fire Code as adopted herein or any order issued pursuant thereto.
(ORC 3737.51(A))

(b) No person shall fail to comply with the fire prevention measures or fire protection activities as prescribed in the Ohio Fire Code, or fail to obtain a permit or license for the various uses or activities as required by such Code, or fail to comply with the Municipal application and plan submission and processing requirements including payment of the fees designated therefor.

1501.06 POSTING ARSON LAWS.

The owner, operator or lessee of any transient residential building shall post the provisions of Ohio R.C. 2909.02 and 2909.03 in a conspicuous place in each room occupied by guests in such building. The owner, operator or lessee of any nontransient residential building, institution, school or place of assembly shall post the provisions of such sections in conspicuous places upon such premises. No person shall fail to comply with this section.
(ORC 3737.61)

1501.07 SETTING FIRES WHICH SPREAD.

No person shall set, kindle or cause to be set or kindled any fire, which through his negligence, spreads beyond its immediate confines to any structure, field or wood lot.
(ORC 3737.62)

1501.08 UNFRIENDLY FIRES IN BUILDING; ALARM DUTIES.

(a) The owner, operator or lessee, an employee of any owner, operator or lessee, an occupant, and any person in direct control of any building regulated under the Ohio Basic Building Code, upon the discovery of an unfriendly fire, or upon receiving information that there is an unfriendly fire on the premises, shall immediately, and with all reasonable dispatch and diligence, call or otherwise notify the Fire Department concerning the fire, and shall spread an alarm immediately to all occupants of the building.

(b) For the purposes of this section, "unfriendly fire" means a fire of a destructive nature as distinguished from a controlled fire intended for a beneficial purpose.

(c) No person shall fail to comply with this section.
(ORC 3737.63)

1501.09 DISCLOSURE OF TRUE FIRE SAFETY INSPECTOR STATUS.

No person who is not a certified Fire Safety Inspector shall act as such or hold himself out to be such, unless prior to commencing any inspection function, he discloses the purpose for which he is making such inspection and the fact that he is not employed by any state or local fire service or agency, and that he is not acting in an official capacity for any governmental subdivision or agency.
(ORC 3737.64)

1501.10 FIRE EQUIPMENT SALE OR USE; CERTIFICATION OF INSTALLERS.

(a) No person shall sell, offer for sale, or use any fire protection or fire fighting equipment that does not meet the minimum standards established by the Ohio Fire Marshal in the Ohio Fire Code.

(b) Except for public and private mobile fire trucks, no person shall service, test, repair or install for profit any fire protection or fire fighting equipment without a certificate or a provisional certificate issued by the Ohio Fire Marshal. (ORC 3737.65)

1501.11 COPIES.

Copies of Codes as adopted in this chapter are on file with the Council Clerk for inspection by the public, and also on file in the County Law Library, and the Clerk has copies available for distribution to the public at cost.

1501.12 CONFLICT.

(a) The provisions of the Ohio Fire Code shall not be deemed to nullify any provisions of state or federal law. Municipal corporations, under Ohio R.C. 3781.01, may make further and additional regulations, not in conflict with Ohio R.C. Chapters 3781 and 3791 or with the rules of the Ohio Board of Building Standards. However, under Ohio R.C. 3781.12, approval by the Board of Building Standards of any fixture, device, material, system, assembly or product of a manufacturing process, or method or manner of construction or installation shall constitute approval for their use anywhere in Ohio.

As provided in Ohio R.C. 3781.11(b), the rules of the Board of Building Standards shall supersede and govern any order, standard, or rule of the Division of Fire Marshal or Industrial Compliance in the Department of Commerce, and the Department of Health and of counties and townships, in all cases where such orders, standards or rules are in conflict with the rules of the Board of Building Standards, except that rules adopted and orders issued by the Fire Marshal pursuant to Ohio R.C. Chapter 3743 prevail in the event of a conflict.

The rules of the Board of Building Standards adopted pursuant to Ohio R.C. 3781.10 and known as the "Ohio Building Code" (OBC) shall govern any rule or standards adopted by the Board pursuant to Ohio R.C. 4104.02 and 4105.011.
(OAC 4101:1-1(102.2))

(b) In all other cases of conflict between the Ohio Fire Code and any other Municipal ordinance or technical code adopted thereby, the more restrictive provision shall govern.

1501.99 PENALTY.

(a) Criminal Penalties.

(1) Except as otherwise provided in Ohio R.C. Section 3737.99(B), whoever violates Section 1501.05(a) is guilty of a misdemeanor of the first degree. (ORC 3737.99(B))

(2) Whoever violates Sections 1501.05(b) or 1501.06 is guilty of a minor misdemeanor. (ORC 3737.99(C))

(3) Whoever violates Sections 1501.07 or 1501.09 is guilty of a misdemeanor of the fourth degree. (ORC 3737.99(D))

(4) Whoever violates Sections 1501.08 or 1501.10 is guilty of a misdemeanor of the third degree. (ORC 3737.99(E))

(b) Civil Penalties.

(1) Any person who has received a citation for a serious violation of the Ohio Fire Code or any order issued pursuant to it, shall be assessed a civil penalty of not more than one thousand dollars ($1,000) for each such violation.

(2) Any person who has received a citation for a violation of the Ohio Fire Code or any order issued pursuant to it, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of not more than one thousand dollars ($1,000) for each such violation.

(3) Any person who fails to correct a violation for which a citation has been issued within a period permitted for its correction, may be assessed a civil penalty of not more than one thousand dollars ($1,000) for each day during which such failure or violation continues.

(4) Any person who violates any of the posting requirements, as prescribed by Section 1501.04(c), shall be assessed a civil penalty of not more than one thousand dollars ($1,000) for each violation.

(5) Due consideration to the appropriateness of the penalty with respect to the gravity of the violation, the good faith of the person being charged, and the history of the previous violations shall be given whenever a penalty is assessed under this chapter.

(6) For purposes of this section, a serious violation shall be considered to exist if there is a substantial probability that an occurrence causing death or serious physical harm to persons could result from a condition which exists, or from one or more practices, means, methods, operations or processes which have been adopted or are in use, unless the person did not and could not with the exercise of reasonable diligence, know of the presence of the violation.

(7) Civil penalties imposed by this chapter shall be paid to the Municipal Chief Fiscal Officer for deposit into the General Revenue Fund. Such penalties may be recovered in a civil action in the name of the Municipality brought in the Court of Common Pleas.

(ORC 3737.51(B) to (H))

CHAPTER 1511
Open Burning

1511.01 Definitions.
1511.02 Relations to other prohibitions.
1511.03 Open burning in restricted areas.
1511.04 Permission and notice to open burn.
1511.05 Bonfires.
1511.99 Penalty.

CROSS REFERENCES
See sectional histories for similar State law
Air pollution control - see Ohio R.C. Ch. 3704
Permit to burn construction debris - see Ohio R.C. 3704.11(C)
Spreading fire through negligence - see Ohio R.C. 3737.62
Open burning - see OAC Ch. 3745

1511.01 DEFINITIONS.

As used in Chapter 3745-19 of the Ohio Administrative Code and this chapter:

(a) "Agricultural waste" means any matter generated by crop, horticultural, or livestock production practices, and includes such items as woody debris and plant matter from stream flooding, bags, cartons, structural materials, and landscape wastes that are generated in agricultural activities, but does not include land clearing waste; buildings; garbage; dead animals; motor vehicles and parts thereof; nor economic poisons and containers thereof, unless the manufacturer has identified open burning as a safe disposal procedure.

(b) "Economic poisons" include but are not restricted to pesticides such as insecticides, fungicides, rodenticides, miticides, nematocides and fumigants; herbicides; seed disinfectants; and defoliants.

(c) "Garbage" means any matter resulting from the handling, processing, preparation, cooking and consumption of food or food products.

(d) "Landscape waste" means any plant matter, except garbage, including trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings and crop residues.

(e) "Land clearing waste" means plant matter which is removed from land, including plant matter removed from stream banks during projects involving more than one property owner, for the purpose of rendering the land useful for residential, commercial or industrial development.

(f) "Ohio EPA" means the Ohio Environmental Protection Agency Director or agencies delegated authority by such Director pursuant to Ohio R.C. 3704.03 or the Chief of any Ohio Environmental Protection Agency district office.

(g) "Open burning" means the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney. Open burning includes the burning of any refuse or salvageable material in any device not subject to or designed specifically to comply with the requirements of Ohio Administrative Code 3745-17-09 or 3745-17-10.

(h) "Residential waste" means any matter, including landscape wastes, generated on a one-, two- or three-family residence as a result of residential activities, but not including garbage.

(i) "Restricted area" means the area within the boundary of any municipal corporation established in accordance with the provisions of Title 7 of the Ohio Revised Code, plus a zone extending 1,000 feet beyond the boundaries of any such municipal corporation having a population of 1,000 to 10,000 persons and a zone extending one mile beyond any such municipal corporation having a population of 10,000 persons or more according to the latest federal census.

(j) "Unrestricted area" means all areas outside the boundaries of a restricted area as defined in subsection (i) hereof.

(OAC 3745-19-01)

(k) Bonfire means an outdoor fire utilized for ceremonial purposes.

(OAC 1301:7-7-04)

1511.02 RELATIONS TO OTHER PROHIBITIONS.

(a) Notwithstanding any provision in Ohio Administrative Code Chapter 3745-19, no open burning shall be conducted in an area where an air alert, warning or emergency under Ohio Administrative Code Chapter 3745-25 is in effect.

(b) No provisions of Ohio Administrative Code Chapter 3745-19, permitting open burning, and no permission to open burn granted by the Ohio EPA, shall exempt any person from compliance with any section of the Ohio Revised Code, or any regulation of any State department, or any local ordinance or regulation dealing with open burning.
(OAC 3745-19-02)

1511.03 OPEN BURNING IN RESTRICTED AREAS.

(a) No person or property owner shall cause or allow open burning in a restricted area except as provided in subsections (b) to (d) hereof or in Ohio R.C. 3704.11.

(b) Open burning shall be allowed for the following purposes without notification to or permission from the Ohio EPA:

(1) Cooking for human consumption;

(2) Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of outdoor workers and strikers, smudge pots and similar occupational needs.

Fires allowed by subsections (b)(1) and (b)(2) hereof shall not be used for waste disposal purposes and shall be of minimum size sufficient for their intended purpose; the fuel shall be chosen to minimize the generation and emission of air contaminants.

(c) Open burning shall be allowed for the following purposes with prior notification to the Ohio EPA in accordance with Section 1511.04(b):

(1) Prevention or control of disease or pests, with written or verbal verification to the Ohio EPA from the local health department, cooperative extension service, Ohio Department of Agriculture, or U.S. Department of Agriculture, that open burning is the only appropriate disposal method.

(2) Ceremonial fires provided the following conditions are met:

A. The ceremonial fires shall be less than five feet by five feet in dimension and shall burn no longer than three hours;

B. The ceremonial fires shall not be used for waste disposal purposes; and

C. The fuel shall be chosen so as to minimize the generation and emission of air contaminants.

(3) Disposal of agricultural waste generated on the premises if the following conditions are observed:

A. The fire is set only when atmospheric conditions will readily dissipate contaminants;

B. The fire does not create a visibility hazard on the roadways, railroad tracks, or air fields;

C. The fire is located at a point on the premises no less than one thousand feet from any inhabited building not located on said premises;

D. The wastes are stacked and dried to provide the best practicable condition for efficient burning; and

E. No materials are burned which contain rubber, grease, asphalt or liquid petroleum products.

(d) Open burning shall be allowed for the following purposes upon receipt of written permission from the Ohio EPA in accordance with Section 1511.04(a) provided that any conditions specified in the permission are followed:

(1) Disposal of ignitable or explosive materials where the Ohio EPA determines that there is no practical alternate method of disposal;

(2) Instruction in methods of fire fighting or for research in the control of fires;

(3) In emergency or other extraordinary circumstances for any purpose determined to be necessary by the Ohio EPA; and

(4) Recognized horticultural, silvicultural, range or wildlife management practices.

(5) Fires and/or pyrotechnic effects, for purposes other than waste disposal, set as part of commercial film-making or video production activities for motion pictures and television.

(OAC 3745-19-03)

1511.04 PERMISSION AND NOTICE TO OPEN BURN.

(a) Permission.

(1) An application for permission to open burn shall be submitted in writing at least ten days before the fire is to be set. It shall be in such form and contain such information as required by the Ohio EPA.

(2) Except as provided in subsection (a)(6) hereof, such applications shall contain, as a minimum, information regarding:

A. The purpose of the proposed burning;

B. The nature of quantities of material to be burned;

C. The date or dates when such burning will take place;

D. The location of the burning site, including a map showing distances to residences, populated areas, roadways, air fields, and other pertinent landmarks; and

E. The methods or actions which will be taken to reduce the emissions of air contaminants.

(3) Permission to open burn shall not be granted unless the applicant demonstrates to the satisfaction of the Ohio EPA that open burning is necessary to the public interest; will be conducted in a time, place, and manner as to minimize the emission of air contaminants; and will have no serious detrimental effect upon adjacent properties or the occupants thereof. The Ohio EPA may impose such conditions as may be necessary to accomplish the purpose of Chapter 3745-19 of the Administrative Code.

(4) Except as provided in subsection (a)(6) hereof, permission to open burn must be obtained for each specific project. In emergencies where public health or environmental quality will be seriously threatened by delay while written permission is sought, the fire may be set with oral permission of the Ohio EPA.

(5) Violations of any of the conditions set forth by the Ohio EPA in granting permission to open burn shall be grounds for revocation of such permission and refusal to grant future permission, as well as for the imposition of other sanctions provided by law.

(6) The Ohio Department of Commerce, Division of State Fire Marshal, may request permission to open burn on an annual basis for the purpose of training firefighters on pre-flashover conditions using the Ohio fire academy's mobile training laboratory at either the academy or at other training sites in Ohio. The annual application required pursuant to subsection (a)(1) hereof shall contain information as required in subsection (a)(2) hereof, except the information required in subsections (a)(2)C. and (a)(2)D. hereof need not be provided unless it is available at the time of submittal of the application. The academy shall contact the appropriate Ohio EPA district office or local air agency at least five days before each training session of the date or dates when the training session will take place and its location.

(b) Notification.

(1) Notification shall be submitted in writing at least ten days before the fire is to be set. It shall be in such form and contain such information as shall be required by the Ohio EPA.

(2) Such notification shall inform the Ohio EPA regarding:

A. The purpose of the proposed burning;

B. The nature and quantities of materials to be burned;

C. The date or dates when such burning will take place; and

D. The location of the burning site.

(3) The Ohio EPA, after receiving notification, may determine that the open burning is not allowed under Chapter 3745-19 of the Administrative Code and the Ohio EPA shall notify the applicant to this effect.
(OAC 3745-19-05)

1511.05 BONFIRES.

(a) Approval Required. A bonfire shall be allowed after obtaining approval from the Fire Official.

An application for a bonfire shall be submitted in writing at least ten days before the fire is set and shall be in such form and contain such information as required by the Fire Official. All permits shall be requested by and issued to the owner of the land upon which the bonfire is to be kindled.

(b) Prohibition. The Fire Official shall prohibit a bonfire that will be offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous. The Fire Official shall order the extinguishment, by the permit holder or the Fire Department, of any bonfire that creates or adds to a hazardous or objectionable situation.

(c) Location. The location for any bonfire shall not be less than 50 feet (15240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15240 mm) of any structure. Fires in approved containers shall be permitted, provided that such fires are not less than 15 feet (4572 mm) from any structure.

(d) Attendance. Any bonfire shall be constantly attended until the fire is extinguished. At least one portable fire extinguisher with a minimum 4-A rating, two portable fire extinguishers with a minimum 2-A rating each, or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose, or water truck, shall be available for immediate utilization.

(e) Bonfire Size and Duration. A bonfire shall not be more than 5 feet (1524 mm) by 5 feet (1524 mm) by 5 feet (1524 mm) in dimension and shall not burn longer than 3 hours. The maximum size and duration of a bonfire shall not be increased by the Fire Official unless it is determined that fire safety requirements of the situation and the desirable duration of burn warrant the increase.

(f) Material. Fuel for a bonfire shall consist only of seasoned dry firewood and shall be ignited with a small quantity of paper. The fire shall not be utilized for waste disposal purposes, and the fuel shall be chosen to minimize the generation of air contaminants.
(OAC 1301:7-7-04)

1511.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars ($500.00) or imprisoned not more than sixty days, or both.

CHAPTER 1519
Fireworks

1519.01 Definitions.
1519.02 Public exhibition permit required; fee; bond; records.
1519.03 Unlawful conduct by exhibitor.
1519.04 Possession, sale or discharge prohibited; exceptions.
1519.05 Application.
1519.99 Penalty.

CROSS REFERENCES
Manufacturers to comply with building and zoning ordinances - see Ohio R.C. 3743.06(F)
Wholesalers to comply with building and zoning ordinances - see Ohio R.C. 3743.19(G)
Arrests, seizure of fireworks by certified fire safety inspector - see Ohio R.C. 3743.68
Conflict of Fire Marshal's rules with rules of Ohio Board of Building Standards - see Ohio R.C. 3781.11(D)

1519.01 DEFINITIONS.

As used in this chapter:

(a) "Beer" and "intoxicating liquor" have the same meanings as in Ohio R.C. 4301.01.

(b) "Booby trap" means a small tube that has a string protruding from both ends, that has a friction-sensitive composition and that is ignited by pulling the ends of the string.

(c) "Cigarette load" means a small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.

(d) (1) “1.3 G fireworks” means display fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation “Division 1.3" in Title 49, Code of Federal Regulations.

(2) “1.4 G fireworks” means consumer fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation “Division 1.4" in Title 49, Code of Federal Regulations.

(e) "Controlled substance" has the same meaning as in Ohio R.C. 3719.01.

(f) "Fireworks" means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation, except ordinary matches and except as provided in Section 1519.05.

(g) "Licensed exhibitor of fireworks" or "licensed exhibitor" means a person licensed pursuant to Ohio R.C. 3743.50 to 3743.55.

(h) "Licensed manufacturer of fireworks" or "licensed manufacturer" means a person licensed pursuant to Ohio R.C. 3743.02 to 3743.08.

(i) "Licensed wholesaler of fireworks" or "licensed wholesaler" means a person licensed pursuant to Ohio R.C. 3743.15 to 3743.21.

(j) "Novelties and trick noisemakers" include the following items:

(1) Devices that produce a small report intended to surprise the user, including, but not limited to, booby traps, cigarette loads, party poppers and snappers;

(2) Snakes or glow worms;

(3) Smoke devices;

(4) Trick matches.

(k) "Party popper" means a small plastic or paper item that contains not more than sixteen milligrams of friction-sensitive explosive composition, that is ignited by pulling string protruding from the item, and from which paper streamers are expelled when the item is ignited.

(l) "Railroad" means any railway or railroad that carries freight or passengers for hire, but does not include auxiliary tracks, spurs and sidings installed and primarily used in serving a mine, quarry or plant.

(m) "Smoke device" means a tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

(n) "Snake or glow worm" means a device that consists of a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning, which ash expands in length as the pellet burns.

(o) "Snapper" means a small, paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand, and that, when dropped, implodes.

(p) "Trick match" means a kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.

(q) “Wire sparkler” means a sparkler consisting of a wire or stick coated with a non-explosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than one hundred grams of this mixture.

(ORC 3743.01)

1519.02 PUBLIC EXHIBITION PERMIT REQUIRED; FEE; BOND; RECORDS.

(a) A licensed exhibitor of fireworks who wishes to conduct a public fireworks exhibition within the Municipality shall apply for approval to conduct the exhibition to the Fire Chief and from the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

The required approval shall be evidenced by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer, signing a permit for the exhibition, the form for which shall be prescribed by the State Fire Marshal. Any exhibitor of fireworks who wishes to conduct a public fireworks exhibition may obtain a copy of the form from the Fire Marshal or, if it is available, from the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

(b) Before a permit is signed and issued to a licensed exhibitor of fireworks, the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall inspect the premises on which the exhibition will take place and shall determine that, in fact, the applicant for the permit is a licensed exhibitor of fireworks. Each applicant shall show the applicant's license as an exhibitor of fireworks to the Fire Chief or Fire Prevention Officer.

The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall give approval to conduct a public fireworks exhibition only if satisfied, based on the inspection, that the premises on which the exhibition will be conducted allow the exhibitor to comply with the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) and that the applicant is, in fact, a licensed exhibitor of fireworks. The Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, may inspect the premises immediately prior to the exhibition to determine if the exhibitor has complied with the rules, and may revoke the permit for noncompliance with the rules.

(c) The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the applicant pays a permit fee of twenty-five dollars ($25.00) plus any necessary costs of investigation of the applicant and of inspecting the premises on which the exhibition will be conducted.

Each exhibitor shall provide an indemnity bond in the amount of at least one million dollars ($1,000,000), with surety satisfactory to the Fire Chief or Fire Prevention Officer and to Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, conditioned for the payment of all final judgments that may be rendered against the exhibitor on account of injury, death or loss to persons or property emanating from the fireworks exhibition, or proof of insurance coverage of at least one million dollars ($1,000,000) for liability arising from injury, death or loss to persons or property emanating from the fireworks exhibition. The Legislative Authority may require the exhibitor to provide an indemnity bond or proof of insurance coverage in amounts greater than those required by this subsection. The Fire Chief or Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the exhibitor provides the bond or proof of the insurance coverage required by this subsection.

(d) (1) Each permit for a fireworks exhibition issued by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall contain a distinct number, designate the Municipality, and identify the certified Fire Safety Inspector, Fire Chief or Fire Prevention Officer who will be present before, during, and after the exhibition, where appropriate. A copy of each permit issued shall be forwarded by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, issuing it to the Fire Marshal, who shall keep a record of the permits received. A permit is not transferable or assignable.

(2) The Fire Chief, Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall keep a record of issued permits for fireworks exhibitions. In this list, the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall list the name of the exhibitor, the exhibitor's license number, the premises on which the exhibition will be conducted, the date and time of the exhibition and the number of the permit issued to the exhibitor for the exhibition.

(e) The governing authority having jurisdiction in the location where an exhibition is to take place shall require that a certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer be present before, during, and after the exhibition, and shall require the certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer to inspect the premises where the exhibition is to take place and determine whether the exhibition is in compliance with this chapter and Ohio R.C. Chapter 3743. (ORC 3743.54)

1519.03 UNLAWFUL CONDUCT BY EXHIBITOR.

(a) No licensed exhibitor of fireworks shall fail to comply with the applicable requirements of the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) or to comply with Divisions (C) and (D) of that section.

(b) No licensed exhibitor of fireworks shall conduct a fireworks exhibition unless a permit has been secured for the exhibition pursuant to Section 1519.02 or if a permit so secured is revoked by the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement official or a designee of such Police Chief or other similar law enforcement official pursuant to that section.

(c) No licensed exhibitor of fireworks shall acquire fireworks for use at a fireworks exhibition other than in accordance with Ohio R.C. 3743.54 and 3743.55.

(d) No licensed exhibitor of fireworks or other person associated with the conduct of a fireworks exhibition shall have possession or control of, or be under the influence of, any intoxicating liquor, beer or controlled substance while on the premises on which the exhibition is being conducted.

(e) No licensed exhibitor of fireworks shall permit an employee to assist the licensed exhibitor in conducting fireworks exhibitions unless the employee is registered with the Fire Marshal under Ohio R.C. 3743.56. (ORC 3743.64)

1519.04 POSSESSION, SALE OR DISCHARGE PROHIBITED; EXCEPTIONS.

(a) No person shall possess fireworks in this Municipality or shall possess for sale or sell fireworks in this Municipality, except a licensed manufacturer of fireworks as authorized by Ohio R.C. 3743.02 to 3743.08, a licensed wholesaler of fireworks as authorized by Ohio R.C. 3743.15 to 3743.21, a shipping permit holder as authorized by Ohio R.C. 3743.40, an out-of-state resident as authorized by Ohio R.C. 3743.44, a resident of this State as authorized by Ohio R.C. 3743.45, or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 to 3743.55 and Section 1519.02 and except as provided in Section 1519.05.

(b) Except as provided in Section 1519.05 and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55 and Section 1519.02, no person shall discharge, ignite or explode any fireworks in this Municipality.

(c) No person shall use in a theater or public hall, what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.

(d) No person shall sell fireworks of any kind to a person under eighteen years of age.

(e) No person shall advertise 1.4 G fireworks for sale. A sign located on a seller's premises identifying the seller as a seller of fireworks is not the advertising of fireworks for sale.

(f) No person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks.
(ORC 3743.65)

1519.05 APPLICATION.

This chapter does not prohibit or apply to the following:

(a) The manufacture, sale, possession, transportation, storage or use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation or highway use;

(b) The manufacture, sale, possession, transportation, storage or use of fusees, torpedoes or other signals necessary for the safe operation of railroads;

(c) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals or for ceremonial purposes;

(d) The manufacture for, the transportation, storage, possession or use by, or sale to the Armed Forces of the United States and the militia of this State of pyrotechnic devices;

(e) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage or use of those caps;

(f) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms or model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models;

(g) The manufacture, sale, possession, transportation, storage or use of wire sparklers.

(h) The conduct of radio-controlled special effect exhibitions that use an explosive black powder charge of not more than one-quarter pound per charge, and that are not connected in any manner to propellant charges, provided that the exhibition complies with all of following:

(1) No explosive aerial display is conducted in the exhibition;

(2) The exhibition is separated from spectators by not less than two hundred feet;

(3) The person conducting the exhibition complies with regulations of the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury and the United States Department of Transportation with respect to the storage and transport of the explosive black powder used in the exhibition.

(ORC 3743.80)

1519.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree for a first offense and shall be fined not more than one thousand dollars ($1,000) or imprisoned not more than six months or both. (ORC 3743.99(C))