

BILL #24-049 *

ORDINANCE#

24-048

BY: MRS. MEIER

Enacting Section 331.48 (Cruising Prohibited) of Chapter 331 (Operation Generally) of the Mansfield Codified Ordinances of 1997, which prohibits cruising within a defined designated area of the city (the Boundary includes W. Fourth Street and Park Ave West between Home Road and Trimble Road) and declaring an emergency.

**BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO:**

SECTION 1. That Section 331.48 of Chapter 331 (Operation Generally) of the Mansfield Codified Ordinances of 1997, be, and the same is hereby, amended to read as follows:

331.48 Cruising Prohibited

(a) **Definitions:**

(1) "Designated Area" means that area of the City bound by Home Road on the west, Trimble Road on the east, Park Avenue West on south, and West Forth Street on the north.

(2) "Designated Hours" means the time between 8:00 PM and 3:00 AM from Friday evening into Saturday morning and Saturday evening into Sunday morning.

(3) "Traffic Control Point" means a reference point on a street within the Designated area, within Designated hours selected by a police officer for the purpose of enforcing this section.

(4) "Cruising" means driving a motor vehicle on a street past a Traffic Control Point, within a Designated Area, within Designated Hours, by the Mansfield Division of Police, more than two times in any two-hour period. The passing of a designated control point a third time under the aforesaid conditions shall constitute unnecessary repetitive driving and therefor a violation of this section.

(b) Cruising Prohibited. No person shall engage in unnecessary repetitive driving, also known for the purpose of this section as cruising.

(c) For purposes of this prohibition, upon a determination that a vehicle is Cruising, the person having control and/or ownership of the Cruising motor vehicle shall be considered the person cruising, without regard as to whether that person was actually driving the motor vehicle each time it passed the traffic control point.

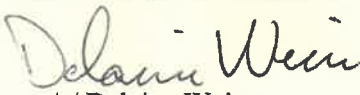
(d) "Control or Ownership of a motor vehicle" shall be either the owner of the vehicle as stated on the vehicle registration, if said owner is present in the vehicle at the time of the violation, or if the owner is not present in the vehicle, the person operating the vehicle at the time of the violation of this section.

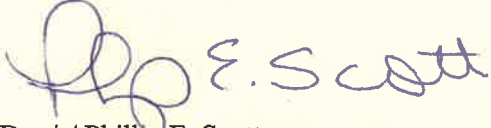
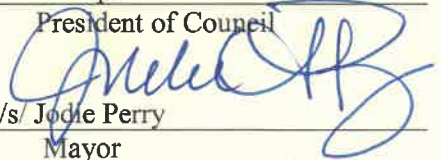
(c) Exclusions. This section shall not apply to any municipal, emergency, police, fire, ambulance or other governmental vehicle when such vehicle is being operated in an official capacity. In addition, this section shall not apply to any licensed public transportation vehicle, other business vehicles being driven for business or commercial purposes, or to residents of the designated area traveling to a specific destination.

(d) Penalty. Whoever violates any of the provisions 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.

SECTION 2. That in order to allow for the immediate enforcement of this provision, this measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety, and welfare of the City of Mansfield and its inhabitants providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus	<u>20 March 2024</u>
1 st Reading	<u>16 April 2024</u>
2 nd Reading	<u>7 May 2024</u>
PASSED	<u>7 May 2024</u>

ATTEST 
/s/ Delaine Weiner
Clerk of Council


SIGNED /s/ Phillip E. Scott
President of Council

APPROVED /s/ Jodie Perry
Mayor

APPROVED AS TO FORM: Roeliff E. Harper
Law Director
City of Mansfield, Ohio

*Publication Required.

BILL #24-073 *

ORDINANCE#

24-077

BY: MS. ZADER

Amending Section 513.03(c)(2) and Section 513.03(c)(3)B of Chapter 513 (Drug Abuse Control) of the City of the Mansfield Codified Ordinances of 1997 and declaring an emergency.

**BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO:**

SECTION 1. That Section 513.03 of the Mansfield Codified Ordinances of 1997, be, and the same is hereby, amended to read as follows:

513.03 DRUG ABUSE; CONTROLLED SUBSTANCE POSSESSION OR USE.

(a) No person shall knowingly obtain, possess or use a controlled substance or a controlled substance analog.

(b) (1) This section does not apply to the following:

A. Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731 and 4741.

B. If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration;

C. Any person who sells, offers for sale, prescribes, dispenses or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed or administered for that purpose in accordance with that Act;

D. Any person who obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs if the prescription was issued for a legitimate medical purpose and not altered, forged or obtained through deception or commission of a theft offense.

As used in subsection (b)(1)D. of this section, "deception" and "theft offense" have the same meanings as in Ohio R.C. 2913.01.

(2) A. As used in subsection (b)(2) of this section:

1. "Community addiction services provider" has the same meaning as in Ohio R.C. 5119.01.
2. "Community control sanction" and "drug treatment program" have the same meanings as in Ohio R.C. 2929.01.
3. "Health care facility" has the same meaning as in Ohio R.C. 2919.16.
4. "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree.
5. "Post-release control sanction" has the same meaning as in Ohio R.C. 2967.28.
6. "Peace officer" has the same meaning as in Ohio R.C. 2935.01.
7. "Public agency" has the same meaning as in Ohio R.C. 2930.01.
8. "Qualified individual" means a person who is acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in subsection (b)(2)B. of this section.
9. "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility.

B. Subject to subsection (b)(2)E. of this section, a qualified individual shall not be arrested, charged, prosecuted, convicted or penalized pursuant to this chapter for a minor drug possession offense or a violation of Ohio R.C. 2925.12, Ohio R.C. 2925.14(C)(1) or Ohio R.C. 2925.141 if all of the following apply:

1. The evidence of the obtaining, possession or use of the controlled substance or controlled substance analog, drug abuse instruments, or drug paraphernalia that would be the basis of the offense was obtained as a result of the qualified individual seeking the medical assistance or experiencing an overdose and needing medical assistance.
2. Subject to subsection (b)(2)F. of this section, within thirty days after seeking or obtaining the medical assistance, the qualified individual seeks and obtains a screening and receives a referral for treatment from a community addiction services provider or a properly credentialed addiction treatment professional.
3. Subject to subsection (b)(2)F. of this section, the qualified individual who obtains a screening and receives a referral for treatment under subsection (b)(2)B.2. of this section, upon

the request of any prosecuting attorney, submits documentation to the prosecuting attorney that verifies that the qualified individual satisfied the requirements of that subsection. The documentation shall be limited to the date and time of the screening obtained and referral received.

C. If a person who is serving a community control sanction or is under a sanction on post-release control acts pursuant to subsection (b)(2)B. of this section, then Ohio R.C. 2929.141(B), Ohio R.C. 2929.15(B)(2), Ohio R.C. 2929.25(D)(3) or Ohio R.C. 2967.28(F)(3) applies to the person with respect to any violation of the sanction or post-release control sanction based on a minor drug possession offense, as defined in Ohio R.C. 2925.11, or a violation of Ohio R.C. 2925.12, Ohio R.C. 2925.14(C)(1), or Ohio R.C. 2925.141.

D. Nothing in subsection (b)(2)B. of this section shall be construed to do any of the following:

1. Limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regards to a defendant who does not qualify for the protections of subsection (b)(2)B. of this section or with regards to any crime other than a minor drug possession offense or a violation of Ohio R.C. 2925.12, Ohio R.C. 2925.14(C)(1) or Ohio R.C. 2925.141 committed by a person who qualifies for protection pursuant to subsection (b)(2)B. of this section;

2. Limit any seizure of evidence or contraband otherwise permitted by law;

3. Limit or abridge the authority of a peace officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in that division;

4. Limit, modify or remove any immunity from liability available pursuant to law in effect prior to September 13, 2016, to any public agency or to an employee of any public agency.

E. Subsection (b)(2)B. of this section does not apply to any person who twice previously has been granted an immunity under subsection (b)(2)B. of this section. No person shall be granted an immunity under subsection (b)(2)B. of this section more than two times.

F. Nothing in this section shall compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the "Health Insurance Portability and Accountability Act of 1996", 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and regulations promulgated by the United States Department of Health and Human Services to implement the act or the requirements of 42 C.F.R. Part 2.

(c) Whoever violates subsection (a) hereof is guilty of one of the following:

(1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in Schedule III, IV, or V, whoever violates subsection (a) hereof is guilty of possession of drugs. Possession of drugs is a misdemeanor if the amount of the drug involved does not exceed the bulk amount. The penalty for the offense shall be determined as follows: possession of drugs is a misdemeanor of the first degree or, if the offender previously has been convicted of a drug abuse offense, a felony and shall be prosecuted under appropriate State law.

(2) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates subsection (a) hereof is guilty of possession of marihuana. Possession of marihuana is a **minor misdemeanor of the first degree** if the amount of the drug involved does not exceed 200 grams.

(3) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates subsection (a) hereof is guilty of possession of hashish. Possession of hashish is a misdemeanor if the amount of the drug involved does not exceed the maximum amount specified in subsection (c)(3)B. hereof. The penalty for the offense shall be determined as follows:

A. Except as otherwise provided in subsection (c)(3)B. hereof, possession of hashish is a minor misdemeanor.

B. If the amount of the drug involved equals or exceeds five grams but does not exceed ten grams of hashish in a solid form or equals or exceeds one gram but does not exceed two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a **minor misdemeanor of the fourth degree**.

(d) In addition to any other sanction that is imposed for an offense under this section, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.

(e) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness. (ORC 2925.11)

BILL #24-077

ORDINANCE # 24-078

BY: MRS. MEIER

Authorizing the Safety Service Director to accept and appropriate a grant in the amount of Twenty Thousand and 50/100 dollars (\$20,000.50) from the Ohio Office of Criminal Justice Services (OCJS) for the Project Safe Neighborhoods (PSN) Initiative to reduce gun violence in the City of Mansfield, and declaring an emergency.

WHEREAS, the Grant funds in the amount of Twenty Thousand and 50/100 dollars (\$20,000.50) are to be used for current expenses related to FY2024 Personnel Costs for the Project Safe Neighborhood program.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MANSFIELD, STATE OF OHIO:

SECTION 1. That this Council does hereby accept the Project Safe Neighborhood (PSN) Grant awarded by the Ohio Office of Criminal Justice Services (OCJS) to the City of Mansfield in the amount of Twenty Thousand and 50/100 dollars (\$20,000.50) and the Safety-Service Director and any other appropriate City official are hereby authorized to execute such grant agreement for the Project Safe Neighborhood initiative to reduce gun violence.

SECTION 2. That the sum of Twenty Thousand and 50/100 dollars (\$20,000.50) of the Grant funds accepted in Section 1 hereof be, and the same is hereby, appropriated from the unappropriated Grant Fund (#224) to the fund accounts and amounts shown in the following schedule:

<u>224.15.30 Police Department Grant</u>	
Personal Service	\$20,000.50

SECTION 3. That by reason of the immediate necessity for accepting said Grant and authorizing their approved use during FY2024, this measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety, and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all member elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus	<u>7 May 2024</u>
1 st Reading	<u>7 May 2024</u>
2 nd Reading	<u> </u>
PASSED	<u>7 May 2024</u>

Delaine Weiner
 ATTEST
 /s/ Delaine Weiner
 Clerk of Council

SIGNED
Phillip E. Scott
 /s/ Phillip E. Scott
 President of Council

APPROVED
Jodie Perry
 /s/ Jodie Perry
 Mayor

APPROVED AS TO FORM: Roeliff E. Harper
 Law Director
 City of Mansfield, Ohio

BILL #24-078

ORDINANCE # 24-079

BY: MRS. MEIER

Authorizing the Safety Service Director to accept and appropriate a grant in the amount of Fifty Thousand Three Hundred Ninety-Three and 54/100 dollars (\$50,393.54) from the Ohio Office of Criminal Justice Services (OCJS) for a Family Violence Liaison Officer in the City of Mansfield, and declaring an emergency.

WHEREAS, the Grant funds in the amount of Fifty Thousand Three Hundred Ninety-Three and 54/100 dollars (\$50,393.54) are to be used for current expenses related to FY2024 Personnel and Supplies Costs for a Family Violence Liaison Officer.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MANSFIELD, STATE OF OHIO:

SECTION 1. That this Council does hereby accept a Family Violence Grant awarded by the Ohio Office of Criminal Justice Services (OCJS) to the City of Mansfield in the amount of Fifty Thousand Three Hundred Ninety-Three and 54/100 dollars (\$50,393.54) and the Safety-Service Director and any other appropriate City official are hereby authorized to execute such grant agreement.

SECTION 2. That the sum of Fifty Thousand Three Hundred Ninety-Three and 54/100 dollars (\$50,393.54) of the Grant funds accepted in Section 1 hereof be, and the same is hereby, appropriated from the unappropriated Grant Fund (#224) to the fund accounts and amounts shown in the following schedule:

<u>224.15.30 Police Department Grant</u>	
Personal Service	\$49,931.96
Supplies	<u>\$461.58</u>
Total	\$50,393.54

SECTION 3. That by reason of the immediate necessity for accepting said Grant and authorizing their approved use during FY2024, this measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety, and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all member elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus	<u>7 May 2024</u>
1 st Reading	<u>7 May 2024</u>
2 nd Reading	<u>7 May 2024</u>
PASSED	<u>7 May 2024</u>

Delaine Weiner
 ATTEST /s/ Delaine Weiner
 Clerk of Council

Phillip E. Scott
 SIGNED /s/ Phillip E. Scott
 President of Council

Jodie Perry
 APPROVED /s/ Jodie Perry
 Mayor

APPROVED AS TO FORM: Roeliff E. Harper
 Law Director
 City of Mansfield, Ohio

BILL #24-079

ORDINANCE # 24-080

BY: MS. MOUNT

Declaring the remains of a designated two-story dwelling (118 S. Main Street) to be insecure, unsafe, structurally defective, and dangerous to life and other property; directing the demolition thereof by City forces or contract labor, materials and equipment, and declaring an emergency.

WHEREAS, under authority of Section 3, Article XVIII of the Ohio Constitution and §§715.26, 715.261, 3737.14 and 3737.28 of the Ohio Revised Code, the City has enacted Chapter 1335 of the Mansfield Codified Ordinances, 1997, relating to the removal and repair of buildings and structures for the purpose of safeguarding life and property and for the promotion of the peace, health, safety and welfare of the City of Mansfield and its inhabitants, and

WHEREAS, the Bureau of Buildings, Inspections, Licenses, and Permits has, pursuant to Chapter 1335 of the Mansfield Codified Ordinances, 1997, made its inspection and issued its notice and order as pertains to the remains of the building and structure hereinafter described, and

WHEREAS the owner or occupant has failed to comply with the order issued by the Bureau and

WHEREAS, Council is fully advised in this matter by reason of the reports and proceedings of the Bureau.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO:**

SECTION 1. That it is hereby determined and declared that a two-story residential structure with no outbuildings, the structure is abandoned and dilapidated with condemned orders as a result of the August 14, 2023 inspection, follow-up inspection resulted in basement review of the dilapidated structure with severe structural, electrical, and mechanical concerns premises described in Section 2 hereinafter is insecure, unsafe, structurally defective and dangerous to life and other property by reason of its hazardous and unsound condition, unsound and unsafe walls, floors, foundation and ceilings, and by reason of want of repair, age, the dilapidation of the structure, and its severely deteriorated condition; and it is hereby further determined and declared that by reason thereof said building or structure is beyond repair and is a nuisance.

SECTION 2. The premises referred to in Section 1 hereof are described as follows:
Situating in the City of Mansfield, County of Richland, and the State of Ohio: The easterly 80 feet of Lot Number Four Hundred Thirty Four (434) of the consecutively numbered lots (formerly No. 2) as shown in Volume 2, No.1 Page 19 of Plats except the southerly 2 feet thereof, being 58 feet on the West side of South Main Street and extending 80 feet along the North side of Augustine Avenue.

Parcel Numbers: 027-01-004-07-000 Lot No. 434
Owner: ARGIVE LLC AN OHIO LIMITED LIABILITY COMPANY
Address: 118 S. Main Street

SECTION 3. That the Bureau of Buildings, Inspections, Licenses, and Permits is hereby authorized and directed to enter into a contract according to law with a competent and licensed contractor for the provision of labor, materials, and equipment for the demolition and removal of the building(s) or structure(s) hereinbefore described, including any fences, concrete stairs, retaining walls and all appurtenances thereto, together with the removal of all debris and leveling to grade, or to proceed by force account, in execution of its order under §§ 1335.09 of the Mansfield Codified Ordinances, 1997, and to otherwise comply with the provisions of said Chapter 1335.

SECTION 4. That the costs authorized in Section 3 above may be paid from Demolition Fund (#238), Community Development Operations (238.65.01), Contractual Services classification or a Richland County Land Reutilization Corporation funding source.

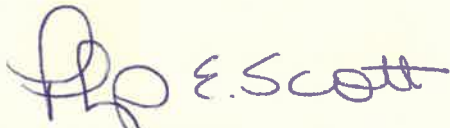
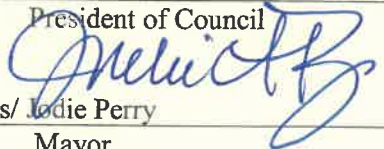
SECTION 5. The Bureau shall notify the owner or occupant to remove all chattels and personal property from the building(s) and/or lot not less than five (5) days prior to the commencement of demolition. The failure of the owner or occupant to remove such personal property and chattels shall be deemed an intentional abandonment thereof by such owner or occupant, and such property may be subject to the salvage rights of the demolition contractor.

SECTION 6. That the debris and all materials resulting from the demolition of the structure(s) or building(s) shall become the property of the contractor.

SECTION 7. That by reason of the immediate necessity of removing a nuisance which is insecure, unsafe, structurally defective, and dangerous to life and other property, this measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus	7 May 2024
1 st Reading	7 May 2024
2 nd Reading	
PASSED	7 May 2024

ATTEST 
/s/ Delaine Weiner
Clerk of Council


SIGNED /s/ Phillip E. Scott
President of Council

APPROVED /s/ Lodie Perry
Mayor

APPROVED AS TO FORM: Roeliff E. Harper
Law Director
City of Mansfield, Ohio

BY: MS. MOUNT

Declaring the remains of a designated dwelling and miscellaneous structures (119 Snyder Street) to be insecure, unsafe, structurally defective, and dangerous to life and other property; directing the demolition thereof by City forces or contract labor, materials and equipment, and declaring an emergency.

WHEREAS, under authority of Section 3, Article XVIII of the Ohio Constitution and §§715.26, 715.261, 3737.14 and 3737.28 of the Ohio Revised Code, the City has enacted Chapter 1335 of the Mansfield Codified Ordinances, 1997, relating to the removal and repair of buildings and structures for the purpose of safeguarding life and property and for the promotion of the peace, health, safety and welfare of the City of Mansfield and its inhabitants, and

WHEREAS, the Bureau of Buildings, Inspections, Licenses, and Permits has, pursuant to Chapter 1335 of the Mansfield Codified Ordinances, 1997, made its inspection and issued its notice and order as pertains to the remains of the building and structure hereinafter described, and

WHEREAS the owner or occupant has failed to comply with the order issued by the Bureau and

WHEREAS, Council is fully advised in this matter by reason of the reports and proceedings of the Bureau.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO:**

SECTION 1. That it is hereby determined and declared that a single-story residential structure, wood siding with miscellaneous structures, the structure is dilapidated, abandoned and has no utilities; Abandoned house with delinquent taxes, structural concerns appear from the exterior. The premises described in Section 2 hereinafter is insecure, unsafe, structurally defective and dangerous to life and other property by reason of its hazardous and unsound condition, unsound and unsafe walls, floors, foundation and ceilings, and by reason of want of repair, age, the dilapidation of the structure, and its severely deteriorated condition; and it is hereby further determined and declared that by reason thereof said building or structure is beyond repair and is a nuisance.

SECTION 2. The premises referred to in Section 1 hereof are described as follows:
Situating in the City of Mansfield, County of Richland, and the State of Ohio: Being the East 78 feet of Lot Number Four Thousand Two Hundred Twenty-two (4222) as shown at Volume5, Page 21 of Plats.

Parcel Numbers: 027-05-046-11-000 Lot No. 4222

Owner: Judy Dysinger

Address: 119 Snyder Street

SECTION 3. That the Bureau of Buildings, Inspections, Licenses, and Permits is hereby authorized and directed to enter into a contract according to law with a competent and licensed

BY: MS. MOUNT

Declaring the remains of a designated dwelling and miscellaneous structures (353 Bowman Street) to be insecure, unsafe, structurally defective, and dangerous to life and other property; directing the demolition thereof by City forces or contract labor, materials, and equipment, and declaring an emergency.

WHEREAS, under authority of Section 3, Article XVIII of the Ohio Constitution and §§715.26, 715.261, 3737.14 and 3737.28 of the Ohio Revised Code, the City has enacted Chapter 1335 of the Mansfield Codified Ordinances, 1997, relating to the removal and repair of buildings and structures for the purpose of safeguarding life and property and for the promotion of the peace, health, safety and welfare of the City of Mansfield and its inhabitants, and

WHEREAS, the Bureau of Buildings, Inspections, Licenses, and Permits has, pursuant to Chapter 1335 of the Mansfield Codified Ordinances, 1997, made its inspection and issued its notice and order as pertains to the remains of the building and structure hereinafter described, and

WHEREAS the owner or occupant has failed to comply with the order issued by the Bureau and

WHEREAS, Council is fully advised in this matter by reason of the reports and proceedings of the Bureau.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO:**

SECTION 1. That it is hereby determined and declared that a two-story, aluminum siding residential structure with miscellaneous structures, the structure is dilapidated, abandoned and has no utilities; Severe structural damage from negligent maintenance. The premises described in Section 2 hereinafter is insecure, unsafe, structurally defective, and dangerous to life and other property by reason of its hazardous and unsound condition, unsound and unsafe walls, floors, foundation, and ceilings, and by reason of want of repair, age, the dilapidation of the structure, and its severely deteriorated condition; and it is hereby further determined and declared that by reason thereof said building or structure is beyond repair and is a nuisance.

SECTION 2. The premises referred to in Section 1 hereof are described as follows:
Situating in the City of Mansfield, County of Richland, and the State of Ohio: Being Lot Number Fourteen Hundred Fifty-Seven (#1457) of the consecutive numbers of lots in said City, as recorded in Plat Book 2 #3. Page 16 of Plats.

Parcel Numbers: 027-04-230-07-000; Lot No. 1457

Owner: Violet M. Best

Address: 353 Bowman Street

SECTION 3. That the Bureau of Buildings, Inspections, Licenses, and Permits is hereby authorized and directed to enter into a contract according to law with a competent and licensed contractor for the provision of labor, materials, and equipment for the demolition and removal of

BILL #24-082

ORDINANCE #

24-083

BY: MS. MOUNT

Declaring the remains of a designated dwelling and miscellaneous structures (1198 Dillon Road) to be insecure, unsafe, structurally defective, and dangerous to life and other property; directing the demolition thereof by City forces or contract labor, materials, and equipment, and declaring an emergency.

WHEREAS, under authority of Section 3, Article XVIII of the Ohio Constitution and §§715.26, 715.261, 3737.14, and 3737.28 of the Ohio Revised Code, the City has enacted Chapter 1335 of the Mansfield Codified Ordinances, 1997, relating to the removal and repair of buildings and structures for the purpose of safeguarding life and property and for the promotion of the peace, health, safety, and welfare of the City of Mansfield and its inhabitants, and

WHEREAS, the Bureau of Buildings, Inspections, Licenses, and Permits has, pursuant to Chapter 1335 of the Mansfield Codified Ordinances, 1997, made its inspection and issued its notice and order as pertains to the remains of the building and structure hereinafter described, and

WHEREAS the owner or occupant has failed to comply with the order issued by the Bureau and

WHEREAS, Council is fully advised in this matter by reason of the reports and proceedings of the Bureau.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO:**

SECTION 1. That it is hereby determined and declared that a single-story, aluminum-siding residential structure with no outbuildings, the structure is dilapidated, abandoned, and has no utilities. Severe structural damage from fire, completely destroyed, condemnation orders have been in place since August 10, 2023. The premises described in Section 2 hereinafter is insecure, unsafe, structurally defective, and dangerous to life and other property by reason of its hazardous and unsound condition, unsound and unsafe walls, floors, foundation, and ceilings, and by reason of want of repair, age, the dilapidation of the structure, and its severely deteriorated condition; and it is hereby further determined and declared that by reason thereof said building or structure is beyond repair and is a nuisance.

SECTION 2. The premises referred to in Section 1 hereof are described as follows:
Situating in the City of Mansfield, County of Richland, and the State of Ohio: Being known as Lot Numbers Eighteen Thousand Three Hundred Sixty-Nine (#18369) and Eighteen Thousand Three Hundred Seventy (#18370), Formerly known as Lot Numbers Five Hundred Ninety-Four (#594) and Five Hundred Ninety-Five (#595) in the Country Club NO. Three Allotment.

Parcel Numbers: 027-04-070-01-000 and 027-04-068-10-000 Lot No. 18369 and 18370
Owner: Denver R Wright II and Melissa S Wright
Address: 1198 Dillon Road

SECTION 3. That the Bureau of Buildings, Inspections, Licenses, and Permits is hereby authorized and directed to enter into a contract according to law with a competent and licensed contractor for the provision of labor, materials, and equipment for the demolition and removal of the building(s) or structure(s) hereinbefore described, including any fences, concrete stairs, retaining walls and all appurtenances thereto, together with the removal of all debris and leveling to grade, or to proceed by force account, in execution of its order under §§ 1335.09 of the Mansfield Codified Ordinances, 1997, and to otherwise comply with the provisions of said Chapter 1335.

SECTION 4. That the costs authorized in Section 3 above may be paid from Demolition Fund (#238), Community Development Operations (238.65.01), Contractual Services classification or a Richland County Land Reutilization Corporation funding source.

SECTION 5. The Bureau shall notify the owner or occupant to remove all chattels and personal property from the building(s) and/or lot not less than five (5) days prior to the commencement of demolition. The failure of the owner or occupant to remove such personal property and chattels shall be deemed an intentional abandonment thereof by such owner or occupant, and such property may be subject to the salvage rights of the demolition contractor.

SECTION 6. That the debris and all materials resulting from the demolition of the structure(s) or building(s) shall become the property of the contractor.

SECTION 7. That by reason of the immediate necessity of removing a nuisance which is insecure, unsafe, structurally defective, and dangerous to life and other property, this measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus	<u>7 May 2024</u>
1 st Reading	<u>7 May 2024</u>
2 nd Reading	<u>7 May 2024</u>
PASSED	<u>7 May 2024</u>

ATTEST Delaine Weiner
/s/ Delaine Weiner
Clerk of Council

SIGNED Phillip E. Scott
/s/ Phillip E. Scott
President of Council

APPROVED Jodie Perry
/s/ Jodie Perry
Mayor

APPROVED AS TO FORM: Roeliff E. Harper
Law Director
City of Mansfield, Ohio

BY: MS. MOUNT

Amending Chapter 1359 (Flood Damage Reduction) of the Mansfield Codified Ordinances of 1997 and declaring an emergency.

WHEREAS, the Ohio Department of Natural Resources, Division of Water Resources Floodplain Management Program, has prepared model flood damage reduction regulations which meet the minimum National Flood Insurance Program (NFIP) standards, and the City must adopt and enforce compliant regulations.

**BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO:**

SECTION 1. That of the Mansfield Codified Ordinances of 1997, as amended, be and the same are hereby, amending Chapter 1359, which shall read as follows:

1359.01 GENERAL PROVISIONS.

(a) **Statutory Authorization.** Article XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens.

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

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

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

(11) Prevent floodplain uses that are either hazardous or environmentally incompatible; and

(12) Meet community participation requirements of the National Flood Insurance Program.

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

(1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,

(5) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(e) **Lands to Which These Regulations Apply.** These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Mansfield as identified in Section 1359.01(f), including any additional areas of special flood hazard annexed by the City of Mansfield.

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

(1) Flood Insurance Study Richland County, Ohio and Incorporated Areas and Flood Insurance Rate Map Richland County, Ohio and Incorporated Areas both effective April 4, 2011.

Maps No. 39139C0135E, effective April 4, 2011

39139C0140E, effective April 4, 2011

39139C0141E, effective April 4, 2011

39139C0142E, effective April 4, 2011

39139C0143E, effective April 4, 2011

39139C0144E, effective April 4, 2011

39139C0163E, effective April 4, 2011

39139C0175E, effective April 4, 2011

39139C0204E, effective April 4, 2011

39139C0210E, effective April 4, 2011

39139C0226E, effective April 4, 2011

39139C0227E, effective April 4, 2011.

(2) Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard, include: none.

(3) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Mansfield as required by Section 1359.04(c), Subdivisions and ~~Large~~ **Other New** Developments.

Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the City of Mansfield Engineering Department, 30 N. Diamond Street, 6th Floor, Mansfield, Ohio 44902.

(g) **Abrogation and Greater Restrictions.** These regulations are not intended to repeal any existing ordinances ~~(resolutions)~~ including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance ~~(resolutions)~~, the more restrictive shall be followed. These regulations ~~shall are not impair any~~ **intended to repeal, abrogate or impair any existing easement, covenants or deed restrictions, covenant or easement but the land subject to such interests shall also be governed by the regulations. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.**

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

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

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

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

1359.02 DEFINITIONS.

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

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

(2) **Appeal.** A request for review of the Floodplain Administrator's interpretation of any provision of these regulations or a request for a variance.

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

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

(5) **Basement.** Any area of the building having its floor sub grade (below ground level) on all sides.

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

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

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

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

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

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

- A. The overflow of inland or tidal waters, and/or
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

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

(13) **Flood Insurance Rate Map (FIRM).** An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

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

A. Zone A:

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

B. Zones A1-30 and Zone AE:

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

C. Zone AO:

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

D. Zone AH:

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

E. Zone A99:

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

F. Zone B and Zone X (shaded):

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

G. Zone C and Zone X (unshaded):

Areas determined to be outside the 500-year floodplain.

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

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

(17) **Floodproofing**. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(17) (18) **Floodway**. A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.

The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

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

(19) (20) **Historic structure**. Any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or

C. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.

D. Individually listed on the inventory of historic places maintained by **The City's of Mansfield's** historic preservation program, which program is certified by the Ohio Historic Preservation Office.

~~(20)~~ **(21) Hydrologic and hydraulic engineering analysis.** An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

~~(21)~~ **(22) Letter of Map Change (LOMC).** A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

A. Letter of Map Amendment (LOMA)

A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

B. Letter of Map Revision (LOMR)

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

C. Conditional Letter of Map Revision (CLOMR)

A ~~formal review and~~ comment by FEMA ~~as to whether~~ regarding a proposed project ~~that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations or a special flood hazard area.~~ A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

~~(22)~~ **(23) Lowest floor.** The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor," which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

~~(23)~~ **(24) Manufactured home.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter ~~3733~~ **4781** of the Ohio Revised Code.

~~(24)~~ **(25) Manufactured home park.** As specified in the Ohio ~~Adm. Administrative Code 3701-27-01,~~ **4781-12-01(K)**, a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. ~~Manufactured home park does not include any tract of land used solely for the storage or display for sale of manufactured homes.~~

~~(26)~~ **Mean Sea Level.** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced,

~~(25)~~ **(27) National Flood Insurance Program (NFIP).** The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the

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

~~(26)~~ **(28) New construction.** Structures for which the "start of construction" commenced on or after the initial effective date of a floodplain regulation adopted by the City of Mansfield and includes any subsequent improvements to such structures. Flood Insurance Rate Map, January 3, 1986, and includes any subsequent improvements to such structures.

For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM (DATE) or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

~~(27)~~ **(29) Person.** Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15(A)(2) as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

~~(28)~~ **(30) Recreational vehicle.** A vehicle which is:

- A. Built on a single chassis,
- B. 400 square feet or less when measured at the largest horizontal projection,
- C. Designed to be self-propelled or permanently towable by a light duty truck, and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

~~(29)~~ **(31) Registered Professional Architect.** A person registered to engage in the practice of architecture under the provisions pursuant to Ohio Rev. Code of Ohio R.C. 4703.01 to and 4703.19.

~~(30)~~ **(32) Registered Professional Engineer.** A person registered as a professional engineer under pursuant to Ohio Rev. Code Chapter 4733. of the Ohio Revised Code.

~~(31)~~ **(33) Registered Professional Surveyor.** A person registered as a professional surveyor under pursuant to Ohio Rev. Code Chapter 4733. of the Ohio Revised Code.

~~(32)~~ **(34) Special Flood Hazard Area.** Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps, and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and or A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal, state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

~~(33)~~ **(35) Start of construction.** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the

installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

~~(34)~~ **(36) Structure.** A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

~~(35)~~ **(37) Substantial Damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to ~~it's the~~ "before damaged" condition would equal or exceed ~~fifty~~ **50** percent ~~(50%)~~ of the market value of the structure before the damage occurred.

~~(36)~~ **(38) Substantial Improvement.** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds ~~fifty~~ **50** percent ~~(50%)~~ of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

~~A. Any improvement to a structure that is considered "new construction."~~

~~B. A.~~ Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

~~C. B.~~ Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

~~(37)~~ **(39) Variance.** A grant of relief from the standards of these regulations. ~~consistent with the variance conditions herein.~~

~~(38)~~ **(40) Violation.** The failure of a structure or other development to be fully compliant with these regulations.

1359.03 ADMINISTRATION.

(a) **Designation of the Floodplain Administrator.** The ~~Manager~~ **Director** of the ~~Bureau of Buildings, Inspections, Licenses and Permits~~ **Department of Public Works of the City of Mansfield, Ohio or their assign,** is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

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

- (1) Evaluate applications for permits to develop in special flood hazard areas.
- (2) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- (3) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- (4) Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- (5) Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain

development permits, elevation certificates, **floodproofing certificates**, variances, and records of enforcement actions taken for violations of these regulations.

- (6) Enforce the provisions of these regulations.
- (7) Provide information, testimony, or other evidence as needed during variance hearings.
- (8) Coordinate map maintenance activities and FEMA follow-up.

(9) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

(c) **Floodplain Development Permits.** It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1359.01(f), until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

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

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

(2) Elevation of the existing, natural ground where structures are proposed.

(3) Elevation of the lowest floor, including basement, of all proposed structures.

(4) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.

(5) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:

A. Floodproofing certification for non-residential floodproofed structure as required in Section 1359.04(e).

B. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1359.04(d)(5) are designed to automatically equalize hydrostatic flood forces.

C. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1359.04(i)(3).

D. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 1359.04(i)(2).

E. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1359.04(i)(1).

F. Generation of base flood elevation(s) for subdivision and ~~large-scale~~ **other new** developments as required by Section 1359.04(c).

(6) Flood Plain Development Permit application Fee shall be in the amount of fifty dollars (\$50.00) or one percent (1%) of the construction cost estimate for improvements other than those covered by the building permit fees, whichever is greater. Said fees shall be paid to the City for costs incurred by the City for the administration, plan review and field inspections to assure compliance with the provisions of this chapter. **set by the Schedule of Fees adopted by the City of Mansfield as set forth in the Mansfield Codified Ordinances Section 1359.03(d)(6).**

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

(1) Review.

A. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 1359.03(d) has been received by the Floodplain Administrator.

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

(2) Approval. Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. **If an application is approved, the Floodplain Administrator is satisfied that the development proposed in the floodplain development application conforms to the requirements of the ordinance, the Floodplain Administrator shall issue the permit.** All floodplain development permits shall be conditional upon the commencement of work within ~~one (1) year~~ **180 days**. A floodplain development permit shall expire ~~one (1) year~~ **180 days** after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

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

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

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

(2) For all development activities subject to the standards of Section 1359.03(j)(1), a Letter of Map Revision.

(3) For new or substantially improved nonresidential structures that have been floodproofed in lieu of elevation, where allowed, the applicant shall supply a completed Floodproofing Certificate for Non-Residential Structures completed by a registered professional engineer or architect, together with associated documentation.

(h) **Revoking a Floodplain Development Permit.** A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board (**Variance Board for Counties**) in accordance with Section 1359.05 of these regulations.

(i) **Exemption from Filing a Development Permit.** An application for a floodplain development permit shall not be required for **maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$2500.**

~~—(1) Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than five thousand dollars (\$5,000)~~

(j) State and Federal Development.

(1) Development that is funded, financed, undertaken, or preempted by state agencies shall comply with minimum NFIP criteria.

(2) Before awarding funding or financing or granting a license, permit, or other authorization for a development that is or is to be located within a 100-year floodplain, a state agency shall require the applicant to demonstrate to the satisfaction of the agency that the development will comply with minimum NFIP criteria and any applicable local floodplain management resolution or ordinance as required by Ohio Revised Code Section 1521.13. This includes, but is not limited to:

~~—(2) a.~~ **Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of ~~Health~~ **Commerce** and subject to the flood damage reduction provisions of the Ohio Administrative Code Section ~~3701~~ **4781-12.****

~~—(3) b.~~ **Major utility facilities permitted by the Ohio Power Siting Board under ~~Chapter~~ **Section** 4906 of the Ohio Revised Code.**

~~—(4) c.~~ **Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under ~~Chapter~~ **Section** 3734 of the Ohio Revised Code.**

~~—(5) d.~~ **Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 - Floodplain Management.**

1. Each federal agency has a responsibility to evaluate the effects of any actions it may take in a floodplain, ensure that its planning programs and budget requests reflect consideration of flood hazards and floodplain management, and prescribe procedures to implement the policies and requirements of EO 11988.

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

(k) Map Maintenance Activities. To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that ~~the~~ **the** City of Mansfield flood maps, studies and other data identified in Section 1359.01(f) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

(1) Requirement to submit new technical data.

A. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
2. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
4. Subdivision or ~~large-scale~~ **other new** development proposals requiring the establishment of base flood elevations in accordance with Section 1359.04(c).

B. It is the responsibility of the applicant to have technical data, required in accordance with Section 1359.03(j)(1), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

C. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

1. Proposed floodway encroachments that increase the base flood elevation; and
2. Proposed development which increases the base flood elevation by more than one foot in **riverine** areas where FEMA has provided base flood elevations but no floodway.

D. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 1359.03(j)(1)A.

(2) Right to submit new technical data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the City of Mansfield, and may be submitted at any time.

(3) Annexation/Detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Mansfield have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City's **of Mansfield** Flood Insurance Rate Map accurately represent the City of Mansfield boundaries, include within such notification a copy of a map of the City of Mansfield suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Mansfield has assumed or relinquished floodplain management regulatory authority.

~~(k)~~ **(i) Data Use and Flood Map Interpretation.** The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

(1) In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.

(2) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.

~~(3) When Preliminary Flood Insurance Rate Maps and/or Flood Insurance Study have been provided by FEMA:~~

~~A. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.~~

~~B. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.~~

(4) ~~(3)~~ The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1359.05, Appeals and Variances.

~~(5) Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.~~

~~(4) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.~~

~~(m) Use of Preliminary Flood Insurance Rate Map and/or Flood Insurance Study Data.~~

~~(1) Zone A:~~

- ~~a. Within Zone A areas designated on an effective FIRM, data from the preliminary FIRM and/or FIS shall be reasonably utilized as best available data.~~
- ~~b. When all appeals have been resolved, and a notice of final flood elevation determination has been provided in a Letter of Final Determination (LFD), BFE and floodway data from the preliminary FIRM and/or FIS shall be used for regulating development.~~

~~(2) Zones AE, A1-30, AH, and AO:~~

- ~~a. BFE and floodway data from a preliminary FIS or FIRM restudy are not required to be used in lieu of BFE and floodway data contained in an existing effective FIS and FIRM. However,~~

- ~~1. Where BFEs increase in a restudied area, communities have the responsibility to ensure that new or substantially improved structures are protected. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data in instances where BFEs increase and floodways are revised to ensure that the health, safety, and property of their citizens are protected.~~
- ~~2. Where BFEs decrease, preliminary FIS or FIRM data should not be used to regulate floodplain development until the LFD has been issued or until all appeals have been resolved.~~

b. If a preliminary FIRM or FIS has designated floodways where none had previously existed, communities should reasonably utilize this data in lieu of applying the encroachment performance standard of Section 4.9(B) since the data in the draft or preliminary FIS represents the best data available.

(3) Zones B, C, and X:

a. Use of BFE and floodway data from a preliminary FIRM or FIS are not required for areas designated as Zone B, C, or X on the effective FIRM which are being revised to Zone AE, A1-30, AH, or AO. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data to ensure that the health

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

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

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

1359.04 USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION.

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1359.01(f) or 1359.03(k)(1):

(a) **Use Regulations.**

(1) Permitted uses. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by **The** City of Mansfield are allowed provided they meet the provisions of these regulations.

~~(2) Prohibited uses.~~

~~A. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Section 3701 of the Ohio Revised Code.~~

~~B. Infectious waste treatment facilities in all special flood hazard areas, permitted under Chapter 3734 of the Ohio Revised Code.~~

(b) **Water and Wastewater Systems.** The following standards apply to all water supply, sanitary sewerage and waste disposal systems ~~not otherwise regulated by~~ **in the absence of any more restrictive standard provided under** the Ohio Revised Code:

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;

(2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

(3) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

(c) **Subdivisions and Large Other New Developments.**

(1) All subdivision proposals and all other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;

(2) All subdivision proposals and all other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;

(3) All subdivision proposals and all other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and

(4) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.

(5) The applicant shall meet the requirement to submit technical data to FEMA in Section 1359.03(j)(1)A.4. when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1359.04(c)(4).

(d) **Residential Structures.** The requirements of Section 1359.04(d) apply to new construction of residential structures and to substantial improvements of residential structures in zones A, AI-30, AE, AO, and AH when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1359.03(m)

(1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (1359.04(d)(1)) and construction materials resistant to flood damage (1359.04(d)(2)) are satisfied.

(2) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.

(3) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. In Zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

(5) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters

The automatic equalization of hydrostatic pressure may have an enclosure below the lowest floor provided the enclosure meets the following standards:

- A. Be used only for the parking of vehicles, building access, or storage; and
- B. Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
- C. Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(6) Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

(7) Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 1359.04(d).

(8) In AO, **and AH** Zones, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

(e) Nonresidential Structures. **The requirements of Section 1359.04(e) apply to new construction and to substantial improvements of nonresidential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1359.03(m).**

(1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1359.04(d) (1)- (3) and (5) -(7).

(2) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:

A. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;

B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

C. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 1359.04(e)(2)A and B.

(3) In Zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

(f) Accessory Structures. **Relief to the Structures that are 600 square feet or less which are used for parking and storage only are exempt from elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet.** within zones A, A1-30, AE, AO, and AH designated on the community's FIRM. Such structures must meet the following standards:

- (1) They shall not be used for human habitation;

- (2) They shall be constructed of flood resistant materials;
- (3) They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- (4) They shall be firmly anchored to prevent flotation;
- (5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
- (6) They shall meet the opening requirements of Section 1359.04(d)(5)C.

(g) **Recreational Vehicles.** Recreational vehicles on sites within zones **A, AI-30, AE, AO, or AH** must meet at least one of the following standards:

- (1) They shall not be located on sites in special flood hazard areas for more than 180 days, or
- (2) They must be fully licensed and ready for highway use, or
- (3) They must meet all standards of Section 1359.04(d).

(h) **Above-Ground Gas or Liquid Storage Tanks.** **All Within zone A, AI-30, AE, AO, or AH, new or substantially improved** above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

(i) **Assurance of Flood Carrying Capacity.** Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

- (1) Development in floodways.

A. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or

B. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:

1. Meet the requirements to submit technical data in Section 1359.03(j)(1);
2. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
3. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
4. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
5. Concurrence of the Mayor of **The** City of Mansfield and the Chief Executive Officer of any other communities impacted by the proposed actions.

- (2) Development in riverine areas with base flood elevations but no floodways.

A. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,

B. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:

1. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;

2. Section 1359.04(i)(1)B, items 1 and 3-5.

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

A. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.

B. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.

C. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with The City of Mansfield specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.

D. The applicant shall meet the requirements to submit technical data in Section 1359.03(j)(1)A.3 when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

1359.05 APPEALS AND VARIANCES.

(a) Appeals Board Established.

(1) ~~The Mayor of the City of Mansfield, Ohio, hereby appoints the City Planning Commission established pursuant to Mansfield Municipal Code Chapter 1159, to serve in addition to its other duties, is hereby designated as the Appeals Board to hear and decide appeals and requests for variances from the requirements of this chapter.~~

(2) ~~The A Chairperson shall be elected by the members of the Appeals Board. Meetings of the Appeals Board shall be organized and conduct its proceedings in accordance with Sections 1159.01 and 1159.02, held as needed and shall be held at the call of the Chairperson or in his absence, the Acting Chairperson. All meetings of the Appeals Board shall be open to the public except that the Board may deliberate in executive sessions as part of quasi-judicial hearings in accordance with law. The Appeals Board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of all official actions. Records of the Appeals Board shall be kept and filed in the Bureau of Buildings, Inspections, Licenses and Permits, by The City of Mansfield, 30 N. Diamond Street, Mansfield, Ohio 44902.~~

(b) Powers and Duties.

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

(2) Authorize variances in accordance with Section 1359.05(d) of these regulations.

(c) **Appeals.** Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board, provided that such person shall file, within ten (10) days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

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

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

(1) Application for a variance.

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

B. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.

C. All A such application for a variance shall be accompanied by a variance application fee in the amount of fifty dollars (\$50.00) ~~subject to payment of Fees as set forth in Mansfield Codified Ordinances Section 1359.03(d)(6).~~

(2) Notice for public hearing. The Appeals Board shall schedule and hold a public hearing within thirty (30) days after the receipt of an application for a variance from the Floodplain Administrator. Prior to the hearing, a notice of such hearing shall be given in one (1) or more newspapers of general circulation in the community at least ten (10) days before the date of the hearing.

(3) Public hearing.

A. At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

1. The danger that materials may be swept onto other lands to the injury of others.
2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
4. The importance of the services provided by the proposed facility to the community.

5. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
6. The necessity to the facility of a waterfront location, where applicable.
7. The compatibility of the proposed use with existing and anticipated development.
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

B. Variances shall only be issued upon:

1. A showing of good and sufficient cause.
2. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
4. A determination that the structure or other development is protected by methods to minimize flood damages.
5. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

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

(4) Other conditions for variances.

A. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

B. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 1359.05(d)(3)A.1. to 11. have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

C. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(e) Procedure at Hearings.

- (1) All testimony shall be given under oath.

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

(3) The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.

(4) The Administrator may present evidence or testimony in opposition to the appeal or variance.

(5) All witnesses shall be subject to cross-examination by the adverse party or their counsel.

(6) Evidence that is not admitted may be proffered and shall become part of the record for appeal.

(7) The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.

(8) The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

(f) Appeal to the Court. Those aggrieved by the decision of the Appeals Board may appeal such decision to the Richland County Court of Common Pleas, ~~as provided in~~ pursuant to **Ohio Rev. Code** Chapter 2506 of the Ohio Revised Code.

1359.06 ENFORCEMENT.

(a) Compliance Required.

(1) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 1359.03(i).

(2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 1359.06(c).

(3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 1359.06(c).

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

(1) Be put in writing on an appropriate form;

(2) Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of these regulations;

(3) Specify a reasonable time for performance;

(4) Advise the owner, operator, or occupant of the right to appeal;

(5) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

BILL #24-084

ORDINANCE #

24-085

BY: MRS. BURNS

Authorizing the Public Works Director to accept and appropriate a donation from the Remy-McCollough Family Trust of the Richland County Foundation in the amount of five hundred and 00/100 dollars (\$500.00) to be used for The Sterkel Park Project Program and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MANSFIELD, STATE OF OHIO:

SECTION 1. That the Public Works Director be, and he is hereby, authorized to accept and appropriate the following funds in the amount of five hundred and 00/100 dollars (\$500.00) to be used for The Sterkel Park Project Program, for which the City expresses its sincere appreciation to the Remy-McCollough family trust, for its generous donation.

SECTION 2. That the sum of five hundred and 00/100 dollars (\$500.00) as accepted in Section 1 hereof be, and the same is hereby appropriated from the unappropriated Parks & Recreation Fund (#236) to fund accounts and amounts shown in the following schedule:

<u>236.18.01 Parks & Recreation Operations</u>	
Capital Outlay	\$500.00

SECTION 3. That being an appropriation necessary for current expenses, this Ordinance shall take effect and be in full force immediately upon its passage and approval by the Mayor.

Caucus	<u>7 May 2024</u>
1 st Reading	<u>7 May 2024</u>
2 nd Reading	<u>7 May 2024</u>
PASSED	<u>7 May 2024</u>

ATTEST Delaine Weiner
/s/ Delaine Weiner
Clerk of Council

SIGNED Phillip E. Scott
/s/ Phillip E. Scott
President of Council

APPROVED Jodie Perry
/s/ Jodie Perry
Mayor

APPROVED AS TO FORM: Roeliff E. Harper
Law Director
City of Mansfield, Ohio

BILL #24-085

ORDINANCE # 24-088

BY: MRS. MEIER

Authorizing the Safety-Service Director to accept and appropriate a donation from the Remy-McCollough Family Trust of the Richland County Foundation in the amount of five hundred and 00/100 dollars (\$500.00) to be used for The Safety Town Program and declaring an emergency.

**BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO:**

SECTION 1. That the Safety-Service Director be, and he is hereby, authorized to accept and appropriate the following funds in the amount of five hundred and 00/100 dollars (\$500.00) to be used for Safety Town, for which the City expresses its sincere appreciation to the Remy-McCollough family trust, for its generous donation.

SECTION 2. That the sum of five hundred and 00/100 dollars (\$500.00) as accepted in Section 1 hereof be, and the same is hereby, appropriated from the unappropriated Safety Town Fund (#708) to fund accounts and amounts shown in the following schedule:

<u>708.15.01 Safety Town -Police Operations</u>	
Supplies	\$500.00

SECTION 3. That being an appropriation necessary for current expenses, this Ordinance shall take effect and be in full force immediately upon its passage and approval by the Mayor.

Caucus	<u>7 May 2024</u>
1 st Reading	<u>7 May 2024</u>
2 nd Reading	<u>7 May 2024</u>
PASSED	<u>7 May 2024</u>

ATTEST Delaine Weiner
/s/ Delaine Weiner
Clerk of Council

Phillip E. Scott
SIGNED /s/ Phillip E. Scott
President of Council

Jodie Perry
APPROVED /s/ Jodie Perry
Mayor

APPROVED AS TO FORM: Roeliff E. Harper
Law Director
City of Mansfield, Ohio